THE SOUTHERN UTE
AND UTE MOUNTAIN UTE TRIBES
IN THE TWENTIETH CENTURY
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ABSTRACT

The Ute Indians are the oldest continuous inhabitants of Colorado, yet at the opening of the twentieth century only three of the seven Ute bands--the Mouache, Capote, and Weeminuche--remained in the state. Until 1895, these three bands comprised a single, loosely confederated tribe known as the Southern Utes, but in that year two of the bands accepted land allotment under the Hunter Act, while the third rejected this new policy. Thus the tribe split into two separate bands--the allotted Southern Utes, and the unallotted Weeminuche Utes who came to be known as the Ute Mountain Utes. The two newly constituted tribes quickly embarked upon totally divergent courses as they attempted to survive the twentieth-century onslaught of American society and U.S. Government policies. Throughout this century the Ute Mountain Utes have been consistently more isolationist and resistant to outside influences than their Southern Ute neighbors.

The pace of change on both reservations began to accelerate dramatically with the implementation of the Indian Reorganization Act of 1934. The political reorganization inaugurated by this legislation, combined with subsequent developments such as the receipt by both tribes of large land claims awards and substantial oil and gas revenues, initiated a radical restructuring of tribal life. Some changes during the ensuing sixty-year period--rising standards of living and increasing political independence, for example--were positive. Others were negative: high rates of crime,
unemployment, and substance abuse; persistence of poverty; waning of traditional culture; etc. The Southern Utes and the Ute Mountain Utes both experienced these traumatic changes, but the conservatism of the latter tribe made its adjustment to the modern world all the more painful. At the same time, however, the Ute Mountain people have managed to retain more of their traditional culture than the Southern Utes.

This thesis draws from a wide range of primary sources—government documents, tribal documents, newspaper accounts, interviews with tribal members, etc.—in an effort to present a comprehensive comparative study of the history of these two tribes during the twentieth century.

This abstract accurately represents the content of the candidate's thesis. I recommend its publication.

Signed

Thomas J. Noel
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CHAPTER 1
INTRODUCTION

One hundred five members of the Southern Ute Tribe gathered in their Council Hall on the banks of the Los Pinos River about a mile north of the town of Ignacio, Colorado. They had come to this General Council meeting on September 28, 1951, to consider a plan, formulated by tribal officials, delineating how the tribe would expend a large sum of money currently being held by the U.S. Government—money for which the tribe had waged a prolonged legal battle. The struggle had not ended during the previous year when the U.S. Court of Claims awarded nearly $7 million to the Southern Utes. For these funds, part of a $31,761,206 land claims judgment in favor of the Confederated Ute Bands, were to remain in the U.S. Treasury until such time as the tribe developed—and Congress approved—a long-range plan specifying how the money would be spent. The question before the Southern Ute people on September 28th was whether or not to approve the rehabilitation plan devised to satisfy this requirement.

One of the prime architects of the proposed plan was 33-year-old tribal member John E. Baker. Raised on a farm located downriver from Ignacio, Baker was one of five sons born to Julian Baker, who combined farming with periods of service on the Tribal Council and as Tribal Judge. The elder Baker grew wheat and oats on his allotted land in the fertile Los Pinos River Valley, and he also raised sheep, goats, and cattle. Julian Baker put a premium on education, and as a result all five of his sons graduated from high school, his son John graduating from Sherman Indian School in California in 1938. After serving as an Army medical corpsman in England from
1942 to 1945, John Baker returned to the reservation at the end of the war and eventually headed for Chicago to study architecture and building construction at Chicago Technical College.\(^2\) Having already participated in the creation of one tribal rehabilitation plan, a document which was subsequently rejected by the Bureau of Indian Affairs (BIA), Baker was back at school in Chicago in early 1951 when one day he received a letter from former tribal chairman Sam Burch requesting his assistance in the formulation of a new plan. Baker responded immediately, sending off a letter of withdrawal to the college, packing his belongings, and catching a bus out of Chicago that same afternoon.\(^3\)

Now on September 28th, after laboring for several months as Chairman of the Planning Committee, John Baker stood before an assembly of tribal members to read the rehabilitation plan produced by his committee. Already endorsed by the elected Tribal Council, the plan had been referred to the General Council for approval by the people. Baker had read through most of the lengthy document with no response at all from the audience when, with 14 pages to go, a tribal member questioned how the land claims money would be distributed. Then, as if a dam had burst, the crowd unleashed a flood of angry invective upon John Baker and the Tribal Council. The people were angry that only a portion of the judgment money was to be distributed directly to the membership, angry that their use of this money would be subject to restrictions, and angry that the Tribal Council had kept them in the dark about all of this until after the plan had been completed. The discussion grew increasingly heated. Personal attacks were leveled at Baker and comments such as "Well, that plan stinks!" echoed throughout the Council Hall. At one point a group of tribal members rose to propose an alternative plan. After continued acrimonious debate, one supporter of the second
plan called for a show of hands by all who favored this alternative. As many of the assembled Indians raised their hands in an untallied vote, the tumultuous meeting was finally adjourned.4

The Southern Ute Tribe of 1951 stood uneasily on the brink of fundamental political, economic, and social change, and the prospect was unsettling to many members of the tribe. The debate over the rehabilitation plan—and over the future direction of the tribe—was breeding confusion, disagreement, and anger among the people. Yet the tribe was able to overcome these internal divisions and apprehensions to ultimately unite behind the rehabilitation plan that had provoked such furor at the September meeting. As tempers cooled and the people began to comprehend the plan more clearly, tribal opposition to the committee’s plan waned. On December 27, 1951, the General Council was reconvened, and after extensive discussion—at times quite animated, but not so heated as three months earlier—tribal members approved the proposed plan by an overwhelming 74 - 6 vote.5

Although Congressional approval of the Southern Ute Rehabilitation Plan was still more than two years off, the job for which John Baker had been called back from Chicago was now largely completed. But Baker, the aspiring engineer, did not return to his studies. What had initially been described by Sam Burch as a six-month job ended up becoming a lifetime assignment for the strong-willed and outspoken young World War II veteran.6 With only a few brief interruptions, John E. Baker, Sr. would continue to serve his tribe, first as Rehabilitation Director, then as Tribal Chairman and as a member of the Tribal Council and a host of other tribal entities, until his retirement from the Council in 1982.
The Ute Mountain Utes

Several years later and roughly 85 miles to the west, the governors of four southwestern states were seeking to bring change—in the form of a modern highway—to the vast open stretches of the Ute Mountain Ute Reservation. The governors of Colorado, Utah, Arizona, and New Mexico had assembled in the town of Cortez, just to the north of the reservation, in May of 1958. They hoped to obtain approval of the highway proposal from the chief of the tribe. Chief Jack House, however, proved to be less than accommodating. The aging Ute patriarch of some 68 years—he did not know his date of birth but estimated it to have been around 1891—refused to meet with the governors either in Cortez or at his own home in the reservation town of Towaoc.

Jack House had lived his entire life amidst the arid isolation of the Ute Mountain Ute Reservation. Born in the canyon of the Mancos River in the final decade of the nineteenth century, he had spent most of his years raising livestock in these same rugged canyons that cut deeply into Mesa Verde and the surrounding upland. Like most people of the Weeminuche band—the Ute band which comprised the Ute Mountain Ute Tribe—he raised sheep and horses, and later cattle, in this desert land of canyon and mesa. The House family lived a semi-nomadic existence, moving seasonally with their animals up and down Mancos Canyon. For several years they lived in an earthen hogan, but more often they resided in tents, free to move whenever and wherever they pleased. Jack House never went to school, and like most Utes of his generation he spoke little English.

Jack House had always played an active role in the affairs of his people, serving as a member of the Ute Mountain Council as early as 1921. The Weeminuche did not have a hereditary chieftainship; rather, the chief was chosen for his personal
character and abilities, often by his predecessor. John Miller had been chief since the death of Chief Ignacio in 1913, and Jack House served under Miller as a sub-chief. Shortly before his death in 1936, Chief Miller tapped House as his successor. Throughout the ensuing 35-year period of his chieftainship, House would be much more than just a symbolic leader of his tribe; Chief House wielded substantial power in the conduct of tribal affairs until the time of his death. In addition to occupying the traditional leadership position of tribal chief, House continued to serve without interruption on the elected Tribal Council until the mid-1960s. Although he was never again chairman of this body after 1939, he continued to play a predominant role. Thus it was not from Chairman Albert Wing or the other members of the Tribal Council that the four governors needed to win approval of their highway proposal, it was from Chief Jack House.

Despite the rebuff from House, Colorado Governor Steven L.R. McNichols drove from Cortez to Towaoc, the secluded reservation town on the dusty and gently sloping valley floor above Navajo Wash and at the foot of Sleeping Ute Mountain, to call upon the chief at his home. Chief House was not swayed by the governor's visit. McNichols and the other governors wanted a road across the southwestern section of the reservation for access to the rich oil fields around Aneth, Utah, but tribal opinion was against the highway. As a result, House was holding firm in his position. He argued that the highway would split the reservation and that it would damage too much of the tribe's grazing land. A year-and-a-half later the chief changed his mind and assented to construction of the new road; however, he did so only after the tribe had been awarded $500,000 from the Colorado State Highway Department for the
purchase of the right-of-way for this extension of U.S. Highway 160 from Chimney Rock, on U.S. Highway 666 south of Cortez, to the Four Corners.15

The "old man" with the gray, braided hair continued to play an important advisory role in tribal affairs even after he retired from the Tribal Council. Tribal officials continued to seek the aging chief's blessing for major decisions.16 Chief Jack House, the last chief of the Ute Mountain Utes, died on August 19, 1971.

Common Heritage; Different Paths

John E. Baker, Sr. and Chief Jack House both helped to chart the courses which their respective tribes would follow through a sea of changes—a sea which was often quite stormy. Both men sought to navigate through wave after wave of change, be it the prospect of new wealth—and the government-mandated strings which came attached—or plans for a new highway across the reservation, or any one of an endless array of developments which modern America might place in the path of a Native American people in the mid-twentieth century.

Both John Baker and Jack House were strong leaders, and both were Utes; but there the resemblance stops. The stark contrast between these two individuals and the lives each led is representative of the larger dichotomy between the two neighboring Ute tribes. Up until the late-nineteenth century the Southern Utes and Ute Mountain Utes, as they would later come to be called, shared for the most part a common past and a common culture. As white settlers intruded upon their land and the U.S. Government forced the Utes to yield most of their traditional territory, they were even pushed onto a common reservation. But as the nineteenth century drew to a close, events pulled the Ute bands of southwestern Colorado apart and led them to embark
upon two strikingly divergent paths. The result was the establishment of two separate reservations—the Southern Ute Reservation in the east and the Ute Mountain Ute Reservation to the west. Although the two newly created reservations shared a common border, the starkly different lives led by their respective inhabitants gave the appearance that the two reserves were worlds apart. This immense gulf between the two tribes would still be discernible a full century after its initial appearance in the 1890s.

This study will trace the divergent paths followed by the Southern Utes and the Ute Mountain Utes during the twentieth century, with particular emphasis placed upon the experiences of the two tribes since the early-1930s. This 60-year period witnessed a fundamental transformation in these two groups—and in many other American Indian nations as well. The forces which unleashed this transformation were largely set in motion by the passage of the Indian Reorganization Act (IRA), or Wheeler-Howard Act, in 1934. This thesis will chronicle the often contrasting responses of the two Ute tribes of Colorado to the IRA and to subsequent developments.

Southern Ute and Ute Mountain Ute Historiography

One reason for focusing on the Ute experience of the middle- and late-twentieth-century, aside from the revolutionary transformation which took place during this period, is the scant historiographical attention which has been paid to this subject. The literature pertaining to the history of Colorado's Ute Indians is far from extensive. Historians have lavished much more attention upon the Utes' neighbors to the south—tribes such as the Navajo, Hopi, and the Pueblo peoples—and also to their rivals to the east on the Great Plains—the Cheyenne, Arapaho, Comanche, Pawnee and Sioux.
Why have the Utes, who once roamed throughout a vast mountain and desert domain stretching over parts of present-day Colorado, Utah, and New Mexico, not stimulated a similar level of interest? A number of factors might be responsible: the relatively small population of the Utes; their cultural ambiguity—nineteenth-century Ute culture combined elements from the peoples of the Great Basin, Southwest, and Great Plains;\(^{17}\) the Utes' lack of significant contact with Anglo-Americans until relatively late in the scheme of Western settlement; and their generally peaceful relations with the United States.

Neither the two Colorado Ute tribes nor the Ute people as a whole ever represented a large Native American population in comparison with other Indian nations. The total population of all Great Basin Indians—including such peoples as the Shoshone, Paiute, and Washoe, in addition to the Utes—amounted to roughly eight percent of the nationwide Indian population in 1890. This figure decreased to about five percent by 1910 and to a mere two percent in 1980.\(^{18}\) The Ute people in turn constituted approximately 28 percent of the total Great Basin Indian population in 1873, but for most of this century their share of the regional population has hovered around only 18 percent.\(^{19}\) More recently, the combined population of all three modern Ute tribes comprised 3,815 members in 1974, in comparison with tribal populations of 96,743 for the Navajo nation, 47,825 for the Sioux, and 6,872 for the Cheyenne.\(^{20}\)

Since the Southern Ute and Ute Mountain Ute Tribes together consist of only three out of a total of seven Ute bands, the relatively small size of these two tribes becomes clear. Consider, for example, the beginning of the 1930s, when Southern Ute and Ute Mountain Ute tribal populations numbered only 369 and 444 respectively.\(^{21}\) Yet the twentieth-century experience of the two Colorado Ute tribes is nonetheless quite
revealing and worthy of study. Their relatively small numbers do not diminish the fact that these two tribes were subjected to the same fundamental internal and external forces afflicting all Native American peoples during the modern period. The same assimilationist pressures were felt; the same issues of cultural change were confronted; and United States Indian policies--allotment of Indian land at the turn of the century, tribal reorganization during the 1930s, the formulation of tribal rehabilitation plans during the 1950s--were implemented with as much vigor and determination on small reservations such as those of the Colorado Ute tribes as they were on large jurisdictions such as the immense Navajo Reservation. The small size of the Ute Mountain Ute and Southern Ute tribes did not preclude their becoming the objects of constant scrutiny by a host of federal officials, from the local superintendent on up to the Commissioner of Indian Affairs.

The dearth of scholarly literature pertaining to the Ute experience invites additional study of the history of this people. This is particularly true with respect to the modern period: Ute historiography, while generally thin, is especially sparse with regard to the twentieth-century experience of the Ute Indians. In the study of Native American history this state of affairs is not unique. In a 1983 assessment of the state of American Indian historiography, historian Robert C. Carriker observed that "most tribal histories trail off at 1880, [and] that there are few reservation histories from the 1880s forward."22 This study endeavors to begin filling this historiographical void with respect to the two Ute tribes of Colorado. We shall begin with a brief survey of the literature pertaining to Southern Ute and Ute Mountain Ute history since 1895--the year a schism among the Ute bands resulted in the formation of the two separate tribes.
Professional historians have not done justice to the subject of modern Ute history. Among the earliest academic works on the Utes are Augusta Baker's "The Ute Indians" and Lawrence Wilson Mills' "A Study of the Ute Indians." Both of these theses, dating from the 1920s, are clearly products of their time; they approach their subject from an ethnocentric perspective and the result is scholarship that unequivocally identifies with government Indian policies. James Warren Covington's 1949 Ph.D. thesis, "Relations Between the Ute Indians and the United States Government, 1848-1900," represents a slight improvement over the two preceding works, but its identification with government policies again results in a disappointing lack of objectivity. This study focuses primarily on the period prior to 1880; hence it does not shed much light upon the formative developments occurring toward the close of the century.

Not until the 1970s did professional historians such as Robert W. Delaney, Gregory C. Thompson, and J. Donald Hughes seriously address the Ute experience in Colorado. Thompson's 1972 paper, Southern Ute Lands, 1848-1899: The Creation of a Reservation, represents a considerable advance in the historiographical treatment of the Utes and is much more revealing than Covington's earlier piece on largely the same subject. Thompson presents an objective and detailed account of the establishment of the present Southern Ute and Ute Mountain Ute reservations. He incisively interprets the events of 1895--the division of the reservation into eastern and western halves, and the allotment of the eastern section--as a major turning point in Ute history.

Robert W. Delaney of Fort Lewis College has devoted more attention than any other academic historian to the two Ute tribes of southwestern Colorado. In 1972 he contributed to the Southern Ute Tribe's production of its own history--The Southern
Utes: A Tribal History---and in 1974 he was the sole author of The Southern Ute People, which includes much material from the preceding volume.26 In the earlier book, Delaney's contribution, written in collaboration with Gregory Thompson, is a brief but very competent survey of the tribe's history up to 1900. In the 1974 book, Dr. Delaney continues the tribe's story up to the early-1970s. The broad scope of this book is refreshing, but it offers only an abbreviated survey of the tribe's twentieth-century experience; little light is shed upon the social and cultural dimensions of modern Southern Ute life, and events of the early years of the century are barely addressed. Delaney's The Ute Mountain Utes (1989) represents the only comprehensive history of this isolated tribe and thus is a long-overdue addition to the literature in this field.27 With only 30 pages covering the entire twentieth century, however, this brief work does not fill the void that characterizes modern Ute Mountain Ute historiography.

Another academic history worthy of note is J. Donald Hughes' American Indians in Colorado.28 This overview of the Indians who have occupied the territory comprising the present-day state of Colorado includes a look at the twentieth-century Southern Utes and Ute Mountain Utes. This book's chapter on "Reservation Life" provides a more revealing examination of twentieth-century Ute society than is found in most books dealing solely with the Utes. Hughes briefly considers most important aspects of the modern Ute experience in Colorado: education, culture, religion, politics, etc.

Unique amidst the body of Ute literature is the aforementioned The Southern Utes: A Tribal History, for this is the only published work to be written in part by a tribal member.29 James Jefferson, who was responsible for half of this 1972 book,
contributes a Ute perspective to the story of his people, presented in the form of separate chapters on a variety of cultural, social, economic, and political topics. Most of Jefferson's undocumented section, however, pertains to pre-twentieth-century Ute life.

In many respects, the work of anthropologists has been more revealing to the student of modern Ute history than have the writings of historians. The two anthropologists whose contributions on this subject have been most significant are Marvin K. Opler and Omer C. Stewart. Both men spent considerable time among the Southern Utes and Ute Mountain Utes and produced a number of articles in the 1940s and 1950s analyzing the cultural changes being experienced by these two groups. Most informative are two broad-based works--Opler's "The Southern Ute of Colorado" (1940) and Stewart's "Southern Ute Adjustment to Modern Living" (1952).30 Both men also did studies on a specific instance of cultural change among the Utes--the rise of the peyote cult.31 The ethnohistorical work of these two anthropologists represents a major innovation in the field of Indian historiography. Donald Parman and Catherine Price acknowledged the importance of this new approach in 1989:

The major methodological breakthrough in the treatment of Indians in American history came in the 1950s with the development of ethnohistory. This approach suggested new interpretations by applying anthropological perspectives to historical documentation.32

Opler and Stewart redirected Ute historiography by replacing ethnocentrism with objectivity and cultural relativism and by shifting the focus of inquiry to the culture of reservation life.

Stewart, a professor of anthropology at the University of Colorado, was responsible for more scholarly writings on the Colorado Utes than any other individual.
He co-directed the Tri-Ethnic Research Project (TERP) which accumulated a vast body of data on the three ethnic groups--Southern Ute Indians, Hispanics, and Anglos--that lived in and around the reservation town of Ignacio. Conducted intermittently between 1948 and 1975, and particularly active from 1959 to 1964, this project yielded a number of articles and theses on the Southern Ute community by TERP anthropologists. One of these, Frances Swadesh's 1962 thesis, "The Southern Utes and their Neighbors 1877-1926: An Ethnohistorical Study of Multiple Interaction in Contact-Induced Culture Change," provides by far the most comprehensive history of the tribe for the years 1900-1926. Her detailed narrative history chronicles the corruption of many Southern Ute Agency officials and the futility of most of their efforts to carry out the Indian Office's assimilationist policies. Also of immense interest to the historian of this tribe is Charles Clark Johnson's 1963 Ph.D. thesis, "A Study of Modern Southwestern Indian Leadership," which presents an incisive narrative history analyzing Southern Ute tribal politics during the 1950s as well as a revealing anthropological portrait of Ignacio society in the early-1960s. A 1964 article by another TERP researcher, James A. Clifton, represents formal social science analysis rather than ethnohistorical study as practiced by Swadesh and Johnson. Clifton eschews a historical perspective in "The Southern Ute Tribe as a Fixed-Membership Group," instead concentrating on applying anthropological and sociological models to an analysis of the tribe as a functioning social institution in the early-1960s. The same can be said for a 1974 thesis by Neal Tyzzer III which is based upon TERP data. "An Investigation of the Demographic and Genetic Structure of a Southwestern American Indian Population: The Southern Ute Tribe of Colorado" offers some demographic insights into the Southern Ute population that might be of use to the
student of modern Ute history, but it is primarily an exercise in the application of sociological models, full of social science jargon and statistical analysis. Thus it makes less of a contribution to Southern Ute historiography than does the work of the other anthropologists considered in this survey.36

Anthropologist Richard Clemmer offers a unique perspective on modern Southern Ute history by engaging in a comparative analysis of three tribes in his 1986 article, "Hopis, Western Shoshones, and Southern Utes: Three Different Responses to the Indian Reorganization Act of 1934."37 By utilizing historical case studies in this comparative manner, Clemmer sheds considerable light on an otherwise ignored chapter in Southern Ute history—the implementation of the Indian Reorganization Act.

Anthropologists and historians are not the only ones to have researched conditions on the two Ute reservations in Colorado. In 1945 geographer Harold Hoffmeister brought a different perspective to the study of the Utes with his article, "The Consolidated Ute Reservation."38 Not surprisingly, Hoffmeister's emphasis is not upon culture or politics but upon the land and its utilization by the two Ute tribes. Yet another discipline is represented in the work of educator James Guinn Fitzgerald in his 1982 Ph.D. thesis, "An Ethnographic Description of the Relations Between the Communities and Schools of Ignacio, Colorado, from 1900 until 1982."39 Fitzgerald used historical records, TERP data, and ethnographic methods such as the participant-observer approach in analyzing the politics of education in this multi-ethnic community.

The literature of modern Ute history in Colorado also includes several works by amateur historians, beginning with Wilson Rockwell's 1956 book, The Utes: A Forgotten People.40 Like most works of this genre, Rockwell's book emphasizes the dramatic and romantic moments of the Utes' more distant past; little attention is paid to
the seemingly less-colorful events of the twentieth century. *People of the Shining Mountains* (1982), by Charles S. Marsh, is similarly preoccupied with the distant past and the culture of that time.41 Nothing is said about the Ute way of life during the reservation period. Jan Pettit’s 1990 book, *Utes: The Mountain People*, once again stresses dramatic and sentimental episodes from early Ute history.42 The use of oral history introduces some issues from the modern period, but little is said about the Ute experience in this century.

Another piece of amateur history, Nancy Wood’s *When the Buffalo Free the Mountains* (1980), has proven to be highly controversial.43 Based upon her own experiences on the two reservations and her interviews with members of each tribe, Wood has pieced together a scathingly critical portrait of Southern Ute and Ute Mountain Ute life in the late-1970s. The book has been strongly denounced by scholars and tribal members alike for its factual inaccuracies and methodological flaws. Providing no documentation whatsoever, Wood quickly jumps to conclusions and eagerly pronounces judgment on both tribes, deriding the Ute Mountain Utes as backward, lazy, poor, and corrupt, while castigating their apparently more successful Southern Ute neighbors for selling out to white society and the world of business.

From this brief survey of the literature it is clear that much still remains to be done in the field of Southern Ute and Ute Mountain Ute historiography. On the whole, treatment of the modern period has been spotty and incomplete. Anthropological studies have done much to reveal the character of modern reservation life, but they have typically been fairly narrow in scope. Professional historians have on occasion painted pictures of the twentieth-century Ute experience in Colorado with a broader brush, but for the most part they have failed to cover the entire canvas, neglecting to consider
significant aspects of the story. The amateur historians, for their part, have contributed little to our understanding of the Ute Indians of the past one hundred years.

Also evident from the above discussion is the extreme paucity of historical research on the modern Ute Mountain Ute Tribe. Most of the literature to date has focused primarily on their neighbors to the east, the Southern Utes, while some works have dealt with both tribes; and only one work, Robert Delaney's 1989 book, is solely concerned with the Ute Mountain Utes. This preference for investigating the Ignacio Utes is not surprising given the relative amounts of data available. With the vast collection of data accumulated by the Tri-Ethnic Project and with a large assortment of tribal and BIA documents assembled since the early 1970s in the tribe's own archives, the researcher of Southern Ute history has access to a large volume of primary source material. No similar treasure trove exists in Towaoc. The more isolated and closed nature of Ute Mountain Ute society and of the tribal government in Towaoc has made it exceedingly difficult for historians to research the history of this people. In the course of my own research I found it much easier to obtain material regarding the Southern Utes than that pertaining to the Ute Mountain Utes. Whereas the former tribe granted me access to their archival collection, I was unable to obtain similar permission from tribal officials in Towaoc to look through any tribal records they might have. (Individually, all of the tribal members I dealt with were friendly and helpful, but I continually ran into an official stone wall.) As a result I was unable to obtain Ute Mountain Ute tribal documents which would have provided a valuable window to the tribe's recent past. In their place I have drawn upon a number of other primary sources: tribal council resolutions (obtained from the BIA, not the tribe); minutes of tribal council meetings in both Towaoc and Ignacio from the 1940s and 1950s (from
This thesis presents a broad perspective on the history of these two tribes. Chapter Two provides the background to the story of the modern Ute Indians of Colorado. It spans several centuries of Ute history, ranging from the pre-European period to the early decades of the twentieth century. Chapter Three then presents a portrait of life on both the Southern Ute and Ute Mountain Ute reservations during the 1930s, and Chapter Four chronicles the onset of fundamental political and economic change as both tribes took initial steps toward self-determination under the Indian Reorganization Act. The accelerated pace of change during the 1950s as a result of newly-acquired tribal wealth is explored in Chapter Five. Each of the next three chapters addresses a different aspect of the Southern Ute and Ute Mountain Ute experience since 1960: tribal economics, tribal politics, and tribal society and culture. Chapter Nine closes this study with some concluding thoughts.

The bulk of the primary research conducted for this paper applies to the post-1930 period, which is the main focus of this study. Before embarking upon an examination of the past 60 years of Southern Ute and Ute Mountain Ute history, however, a brief consideration of the history of these two tribes prior to this time is in order. Chapter Two draws largely upon secondary sources in reviewing the historical background of these Native American peoples.

2. Ibid.

3. Ibid.

4. Minutes of Southern Ute General Council meeting, September 28, 1951, 3-7, microfilm roll NA XII, box 4, Tri-Ethnic Project Files (series VII) of the Omer C. Stewart Collection, Western History Collections, Norlin Library, Boulder, Colorado. (Hereafter Tri-Ethnic Project Files.)

5. Minutes of Southern Ute General Council meeting, December 27, 1951, 5, microfilm roll NA XII, box 4, Tri-Ethnic Project Files.

6. John E. Baker, Sr., interview.

7. "Two Ute Leaders in Denver for Yearly Visit to the Bank," The Denver Post, January 18, 1963. In this article, Jack House is reported to have estimated his age as of this date as being 71 or 72. Ernest House, Sr., the chief's grandson, believes that Jack House was 80 or 81 years of age at the time of his death in August, 1971 (Ernest House, Sr., interview by author, July 15, 1993, tape recording of telephone conversation).


11. Ira S. Freeman, A History of Montezuma County, Colorado (Boulder, Colorado: Johnson Publishing Company, 1958), 21. Ernest House, Sr. (interview, June 11, 1993) also explains his grandfather's position as being one filled according to individual qualifications as opposed to heredity. Several books and newspaper articles erroneously refer to Jack House as a "hereditary chief."


15. "$500,000 Awarded for Ute Road Rights," The Denver Post, November 18, 1959.

16. It was not until Jack House finally gave his approval--after years of refusing it--that the tribe proceeded with plans to open a tribal park showcasing the Anasazi ruins that dot Mancos Canyon and other nearby canyons. (Ernest House, Sr., interview, June 11, 1993.)


19. Ibid., 610.


29. This innovation in Ute historiography is typical of a trend within the larger field of Native American historical studies. As Robert C. Carriker points out in his 1983 piece, during the 1970s, "More and more Indians wanted to write, and were capable of writing, for themselves" (page 192).


32. Donald L. Parman and Catherine Price, "A 'Work in Progress': The Emergence of Indian History as a Professional Field," *The Western Historical Quarterly* (May 1989): 186.


CHAPTER 2

THE SOUTHERN UTES AND UTE MOUNTAIN UTES
PRIOR TO 1930

The Ute people are an off-shoot of Shoshonean-speaking peoples to the north and west, their closest relatives being the Paiute and Shoshone peoples of the Great Basin, as well as the Hopi and some California tribes. At the time of earliest European contact, the Utes, the oldest continuous residents of the state of Colorado, occupied a vast domain of mountain, mesa, desert, and high plains that stretched from the Great Basin across the Rocky Mountains to the western fringes of the Great Plains. The Utes, or Yutas as they were called by the Spanish, regularly ranged over most of present-day Colorado as well as parts of Utah, Arizona, and New Mexico. While their territorial range was immense, the Utes have never been very large in terms of population. When the Spanish first came on the scene in the early 1600s, the Utes numbered only perhaps 4,000 people.

Although some cultural differences did emerge—following contact with Europeans—between the Utes of Colorado and those living west of the Green and Colorado Rivers in Utah, all of the Utes spoke the same language and shared an essentially common culture. The Utes, who refer to themselves as Nuche, meaning "the People," have also been distinguished by physical similarities: they are characterized by a short and stocky build, and their dark complexion led other tribes such as the Cheyenne to refer to them as the "Black People."

The Utes have never been a unified tribe. Instead their existence prior to the reservation period revolved around seven loosely constituted bands, defined largely by
geographical range: the Uintah band, which occupied the Uintah Basin of Utah; the Yampa band, later known as the White River band, which lived in the vicinity of the Yampa River in northwestern Colorado; the Grand River--or Parianuc--band, living along the Colorado River (formerly called the Grand River) in Colorado and Utah; the Tabeguache--or Uncompahgre--band, which inhabited the valleys of the Gunnison and Uncompahgre Rivers in western Colorado; the Weeminuche band, living in the San Juan River drainage in the Four Corners area; the Capote band, which occupied the San Luis Valley and the surrounding San Juan and Sangre de Cristo ranges; and the Mouache band, which ranged across southern Colorado and northern New Mexico from the Sangre de Cristo Mountains east out onto the plains.\textsuperscript{4}

These bands have often been regarded as comprising two larger groups within the overall Ute confederation. The term "Northern Utes"--which today is applied to the Utes residing on the Uintah-Ouray Reservation in Utah--originally referred to those bands living north of the Gunnison River, whereas those living south of this river--the Weeminuche, Capote, and Mouache--were considered to be "Southern Utes." No special cultural bond united the latter three bands; rather, they were bound merely by geography and by occasional intermarriage. Even in the pre-European period, however, geography exerted a differential impact on the three Southern Ute bands: the two eastern groups, the Mouache and Capote, lived in closer proximity and thus tended toward greater inter-band unity than was experienced between either band and their more isolated Weeminuche cousins to the west.\textsuperscript{5} Nevertheless, events often reinforced the conception of their common existence as Southern Utes, and up until 1895 the three bands were jointly identified by this name. It was only then that one of
the three bands would come to be known as "Ute Mountain Utes" while the other two retained the appellation of "Southern Ute."

**The Pre-European Period**

With no single "Ute Tribe" in existence, the largest organized unit in the Ute world prior to European contact was the band, and these groups existed in only the loosest sense. It was the extended family that held the most social and political significance in the lives of the Ute people. The Weeminuche, Capote, and Mouache lived a nomadic existence, with family groups spending summers scattered throughout the mountains, where food was abundant and the prospect of attack by Plains Indians least likely. In autumn they emerged from the peaks and valleys, moving south to the plateau country where they hunted antelope and other game throughout the winter. These hunter-gatherers engaged in virtually no agricultural pursuits, although they did on occasion trade with neighboring tribes for corn, beans, or squash. Families tended to follow an established migrational circuit, returning to the same hunting camps in the mountains each summer. They rarely came into contact with others of their band, and it was only in the spring when Utes congregated for the annual Bear Dance that social contact outside the family group took place. This was often the only opportunity for dancing, courtship, and other social interactions given the difficult struggle for existence that normally kept the Utes on the move. Life was fraught with uncertainty: summers brought the danger of enemy raids, and winters were characterized by a desperate search for food.6
Spanish Contact and the Horse

Life became much less harsh and uncertain after the arrival of Spaniards in New Mexico. Spanish contact was to influence the Ute people in many ways, but one Spanish contribution in particular stands out in terms of its impact on Ute life. The Utes were probably one of the first tribes north of Mexico to acquire the horse, although no one is certain as to the date when the Ute people first obtained these animals from the Spaniards. Estimates range from as early as 1600 to 1680 and later, but in any case the Utes had clearly become equestrians by the close of the seventeenth century. The introduction of the horse spurred a dramatic transformation of Ute culture. The band, which had previously played only a minor role in Ute life, began to assume much greater functional importance. With increased mobility and the ability to transport food over greater distances, previously dispersed family groups began to concentrate in large band camps. Hunters ventured far out onto the plains and hunted buffalo much more frequently than in the past; food became more plentiful and hunger less of a concern. The Utes became much more warlike than they had been in their pre-equestrian days as mounted Utes proved to be a formidable fighting force in encounters with neighboring peoples. Accordingly, a new type of leadership arose in the band camps. While family elders retained much of their traditional authority, the camps increasingly came to be dominated by powerful war leaders.

During the seventeenth century the previously peaceful Utes often waged war on their neighbors. They fought at times with the Spanish, but more often their foes were other Indians, the Comanche in particular. The mountain warriors even began to win the grudging respect of their enemies that roamed the plains. "The Utes are the Switzers of America," Colonel Richard Irving Dodge of the U.S. Army reported in the
1880s, "and though the whole force of mountain bands numbers but little over four hundred men, all the powerful Plains tribes, though holding them in utter contempt on the Plains have an absolute terror of them in the mountains." Newly mobile following their acquisition of horses, the Ute bands began to venture outside of their mountain strongholds with greater frequency, often sending hunting or raiding parties out onto the plains. As a result, these bands increasingly came to adopt cultural elements from the Plains tribes: tepees replaced traditional brush shelters, buffalo hunts became the primary source of food, and raiding became more commonplace. Yet, despite this material evidence of a transformation to the lifestyle of the Plains peoples, in spirit the Utes remained primarily a Shoshonean people with many cultural ties to the Great Basin. Ute warfare, for example, was notably distinct from that of the Plains Indians. Whereas the latter group was in large part motivated by the desire to count coup and win praise for feats of bravery, Ute raiders aimed only to obtain loot and safely bring it home.

The eighteenth century was the apogee of Ute power. They had expanded their territorial domain and were enjoying a new material prosperity and enhanced security against enemy intrusions. They had occasionally felt pressure from the Spaniards to the south, but the Utes had not been forced to yield much territory. They had, however, felt the impact of the Spanish presence—beyond the changes resulting from the acquisition of Spanish horses. Zebulon Pike noted the effect of Spanish contact when he encountered the Utes on his 1805-1807 expedition. He observed that the Utes "are armed in the same manner and pursue the same game as the Kyoways. They are, however, a little more civilized, from having more connections with the Spanish." Trade with their Spanish neighbors exerted a great influence upon the Southern Utes.
This was more true of the Capote and the Mouache, however, since geographical isolation acted to blunt the impact of the Spanish presence on the Weeminuche.14

The glory days of the Southern Utes and their northern kin did not last long. While the Spanish—and later, Mexican—presence had been only minimally disruptive, a far more dangerous force was approaching from the east. Zebulon Pike and his men were but a puny vanguard of the immense Anglo-American invasion that would soon explode across the land. The Utes would find this influx much more destructive of their established way of life than had been the earlier intrusion from the south. From their eighteenth-century pinnacle, the Southern Utes were about to descend into a century of defeat and decline.

**Treaties and Reservations**

Soon after the Ute domain became United States territory with the signing of the Treaty of Guadalupe-Hidalgo in 1848, the U.S. Government negotiated the first of its many treaties with the Ute Indians. The Calhoun Treaty, signed by Ute leaders in 1849 and ratified by the U.S. Senate the following year, recognized U.S. jurisdiction over the Ute lands and permitted the Federal Government to establish military posts and Indian agencies on these lands.15 Five years later, in the first instance of warfare between the tribe and its new overlords, a brief war broke out when the Mouache responded to the intrusions of white settlers by conducting raids on various ranches and settlements. A treaty signed on September 1, 1855 ended the fighting but was never ratified by the U.S. Senate.

A more controversial treaty was negotiated in 1863 at the Ute agency in Conejos, and it was signed by President Abraham Lincoln in late-1864. Many Utes
were angered by this treaty because, while it relinquished claim to one quarter of the Ute lands—land occupied by several bands—only one band, the Tabeguache, had signed the agreement. The Capote and Mouache representatives refused to sign; the Weeminuche declined to even send a representative to the conference.\(^{16}\) An important actor at these negotiations was Ouray, a chief of the Tabeguache band. Son of an Apache father and a Tabeguache mother, Ouray had followed the normal custom of becoming a member of his mother’s people, whom he joined in 1850 after spending his early years as a sheepherder in New Mexico.\(^{17}\) At the 1863 talks the government began to recognize the cooperative and influential Ouray as head chief of all the Utes when in fact he held no such position. The Tabeguache leader had never been selected by his fellow Utes to play such a preeminent role—nor was he considered by most Utes to be a particularly powerful chief—and, furthermore, the various Ute bands had never before acknowledged the existence of a head chief over all the bands. Many of the Southern Utes, led by Chief Ignacio, did not support Ouray’s leadership.\(^{18}\)

Given the lack of tribal support for the 1864 treaty, a new treaty was negotiated in 1868. A Ute delegation, including Ouray as the government-recognized chief spokesman for the tribe, went to Washington where they proceeded to sign away one third of the tribe’s land base—all of its territory in Colorado except for the Western Slope. The treaty also provided for the establishment of two agencies on the Ute reservation to serve the Indians’ needs—one in the north along the White River, the other in the south on the Los Pinos River.\(^{19}\) But the Southern Ute bands, who were supposed to be served by the Los Pinos Agency, refused to leave their current domain, which lay mostly in northern New Mexico. Thus began the long battle between the Southern Utes, the U.S. Government, and a variety of interested residents and
officials--hailing from several Western territories and states--over what should be done with the Southern Ute Indians.

The initial fight was over the government's plan to move the remaining Mouache, Capote, and Weeminuche Indians in New Mexico out of that territory and into Colorado, where their reservation was actually located. Both the 1868 treaty and the Brunot Agreement of 1874 called for the establishment of a "Southern Ute Agency" to be located on the southern part of the large Ute reservation; the three Southern Ute bands were then to be relocated to this site. But the Indians were reluctant to move, and the new agency failed to materialize. In the meantime, these bands continued to be issued supplies at temporary agencies at Abiquiu and Cimarron in New Mexico. This was not an ideal situation, as the agents in charge regularly reported. S.A. Russell lamented the state of affairs at Abiquiu in his 1876 report regarding the Utes in his charge: "Their moral condition is worse than a year ago, and will continue to grow worse as long as the agency is continued at this place, where they can easily obtain, through the Mexicans, all the whiskey they want." And once again the location of the Weeminuche domain had placed the members of this band largely beyond the reach of outside influence: Agent Russell stated in 1877 that while the Capote Utes typically stayed close to the agency, the Weeminuche, who lived 50 to 150 miles away, seldom appeared at all.

Finally, the impasse ended after Congress passed an Indian appropriation bill in 1877 which provided for the establishment of the new agency. On June 7, 1878, Agent Francis Weaver stood along the banks of the Rio de Los Pinos--the Pine River--at a central location in the southern portion of the Ute reservation. Here, in a fertile valley that stretched south from the foothills of the San Juan Mountains and was
surrounded by dry mesas dotted with sage, pinon, and juniper, he began the construction of facilities for the long-sought agency. The battle over the fate of the Southern Utes was far from over, however. The Indians themselves were not happy with the site. When Weaver encountered the Weeminuche leader Ignacio en route to the Los Pinos River site, the chief demanded that the agency be established to the east on the Navajo River. The same complaint was voiced by Utes still in New Mexico who felt that they were being pushed too far to the west and forced to surrender more land.24

After the New Mexico agencies were closed and a troop escort provided, the reluctant Indians finally headed north, and they began to filter into the Los Pinos River agency, site of the future town of Ignacio, late in 1878. The issue was still far from settled, however, for at the same time that Agent Weaver was having temporary buildings constructed at the new agency, Congress was considering a bill for the removal of the Utes from Colorado. Soon after the buildings were completed, the agent received a letter from the Commissioner of Indian Affairs directing him to suspend further construction.25 Thus the battle over what to do with the Southern Utes began anew. Many land-hungry Coloradans—including William N. Byers, who had acquired land at Hot Sulpher Springs and whose *Rocky Mountain News* editorialized that "The Utes Must Go!"—wanted all of the state's Utes removed to Indian Territory.26 Others sought to consolidate the Utes at the White River Agency, and a bill to this effect passed Congress in 1878. The Southern Utes rejected this arrangement as they did not want to leave their traditional home in the south, nor were they interested in living with the Northern Utes at White River. They did agree to relinquish their present reservation in exchange for a new one to the east, but Congress
refused to accept this alternative.\textsuperscript{27} Having just completed one relocation, the Southern Utes were not particularly eager to move again, but many of them saw the proposed reservation to the east, located as it was on mountainous terrain, as a means of thwarting the government’s plans for making farmers of them. In fact, as the Ute removal struggle lingered on through the following decade, many Southern Utes continued to express support for relocation proposals not because they wanted to leave the Los Pinos River area but because they hoped to avoid the prospect of being forced to till the soil and of having their land allotted in severalty.\textsuperscript{28}

\textbf{An Uncertain Future}

The Meeker incident of 1879, in which Northern Utes fought a battle with U.S. Army troops, killed Agent Nathan Meeker and other agency personnel, and took women and children as hostages, sparked increasingly strident demands from many white Coloradans that all of the Utes be removed. In the aftermath of this incident, Southern Ute leaders Ignacio, Buckskin Charlie, Severo, and Ojo Blanco traveled to Washington where they agreed to the relocation of their bands. Approval by three quarters of the adult male Southern Utes was required for the agreement to go into effect, and in this endeavor the government was counting on Ouray’s assistance. The chief died, however, while on a visit to the Southern Ute Agency, before all of the necessary signatures could be obtained. Shortly before his death, Ouray selected Buckskin Charlie, a Capote chief, to be chief of the Southern Utes. When Ouray died, Charlie and several other Utes buried the chief’s body in a rock crevice not far from the agency, where it would remain hidden until 1925.\textsuperscript{29}
Despite initial protests by the Southern Ute people, especially among the Weeminuche, tribal members eventually approved the relocation agreement. However, as with most agreements concluded between these Indians and the U.S. Government, the terms were not carried out as planned. By the end of 1882 the Northern Utes had been removed to the Ute reservation in Utah as called for in the agreement, but plans to locate the Southern Utes on allotments along the La Plata River were derailed by the discovery that the dusty land there was incapable of supporting the farming activities of 1200 Indians. Thus the Southern Utes were not relocated. They continued to live on their southwestern Colorado reservation, but their future was still uncertain, for efforts to relocate the three remaining Ute bands of Colorado would persist for the next 12 years before the issue was finally resolved.

Frustrated by increasing encroachment on their reservation by railroads and ranchers, and not enthusiastic about the prospect of becoming farmers, the Ute people began in the mid-1880s to favor of a move to southeastern Utah. Buckskin Charlie and Ignacio both testified before a U.S. Senate committee in 1886 in support of this proposal. Their testimony identified many of the problems posed by their current situation in southwestern Colorado. Buckskin Charlie stated through an interpreter that he wanted to move "because of the encroachments of white men." He further explained, "We come here to see if we cannot exchange our reservation for another ... We want to go west of the present reservation ... We want to go west and get grass land and raise stock. Where we are we do not live comfortably ..." When asked about his interest in having a boarding school on the new reservation, Charlie responded affirmatively--with one stipulation: "We are willing to send our children to school; but
not away from home, because when they go away they die, and we cannot account for it.\textsuperscript{31}

Ignacio’s testimony, again through an interpreter, is similarly revealing as to the nature of life on the reservation in the 1880s:

Q. Do you agree with Chief Charlie in what he has said?
A. Yes, that is all right. Whatever Charlie has said is straight.

Q. Have you got any stock?
A. I have got some sheep.

Q. How many sheep?
A. Very few.

Q. How many?
A. About a hundred.

Q. What do you do with the wool?
A. I sell it.

Q. What do you do with the money when you get it?
A. I have got a mouth. I buy things to eat.

Q. What do you do in the summer?
A. I worked all summer in a ditch, but the water did not run through it.

Q. Have you got any children?
A. No, they died last summer.

Q. Do all of the Indians of your tribe want to move west?
A. Yes.\textsuperscript{32}

Ignacio’s child had been one of 12 Southern Ute children to fall victim to disease at the Albuquerque Indian School between 1883 and 1885. Thus nearly half of the 27 Ute children sent to the school during this time had died.\textsuperscript{33} Given this disastrous experience, Buckskin Charlie’s objection to off-reservation boarding schools is hardly surprising. Further, Ignacio’s experience with the waterless ditch is indicative of the problems plaguing early agricultural efforts on the Southern Ute Reservation.

Congress passed a Ute removal bill in 1888, and the requisite three quarters of adult male tribal members subsequently approved the tribe’s relocation to a new reservation in southeastern Utah, but follow-up legislation died in the House, and the move never took place.\textsuperscript{34} The political squabble over where to put the Southern Utes
continued. Coloradans, eager to seize Ute land for their own use, called loudly for their removal to Utah; meanwhile, residents of the latter territory, along with Eastern reformers who felt that the arid isolation of Utah would not be conducive to civilizing the Utes, actively opposed any such move and were able to quash numerous removal bills in Congress. Agents at the Southern Ute Agency often joined the fray on one side or the other depending upon how their personal financial interests would be affected by removal of the Indians in their charge.35

The stalemate over Ute removal was finally broken with the introduction of an alternative solution: the Southern Utes would remain on their present reservation, but the Indians would be placed on individual allotments of 160 acres each. The Hunter Bill, passed by Congress early in 1895, applied the concept of allotment in severalty of tribal lands—something which had been called for in the initial Ute removal bill of 1880 and which was subsequently made official U.S. policy with the passage of the Dawes Severalty Act in 1887—to the Southern Ute Reservation. Allotment in severalty involved subdividing commonly-held tribal land into 160-acre plots for assignment to individual tribal members. Indians would have full use of their allotments for the duration of a twenty-five-year period in which the land was to be held in trust by the U.S. Government. At the conclusion of this period, allottees would gain full title to their land. To Colorado residents disappointed by the fact that their Indian neighbors would not be leaving after all, the Hunter Bill offered at least some consolation: after the allotment process was completed, the remainder of the reservation would be opened to white settlement. The Hunter Bill also provided another option to the members of the three bands: those who elected not to accept allotments could continue to live on tribal land "in the West forty miles of the present reservation."36
Not only did passage of the Hunter Bill end a long period of uncertainty and frustration for the Weeminuche, Capote, and Mouache bands, it also presented them with a stark choice of lifestyle. While none of the Southern Ute bands had ever shared the Indian Service's enthusiasm for farming, by 1895 differences were beginning to emerge between the bands with respect to the perceived desirability of pursuing agricultural life. Thus while most of the Mouache and Capote Utes agreed to accept individual allotments, the Weeminuche, perhaps as a result of their relatively infrequent contact with Europeans—be they Spanish or Anglo-American—almost unanimously rejected severalty and the accompanying expectations of an agricultural mode of living.

A key factor in these divergent responses to the Hunter Bill was the role of tribal leaders. Forty-five-year-old Buckskin Charlie, son of a Ute father and an Apache mother, had been the principal chief of the Mouache band since around 1870. The chief exerted considerable influence over both the Mouache and Capote peoples at a time when the Ute way of life was increasingly coming under assault. With hunting becoming less productive due to diminishing game populations and with the tribe's land base about to be reduced once again, Charlie saw that the traditional hunting-gathering economy was no longer a viable option. The Mouache chief was one of the first Southern Utes to settle down and begin farming. Largely through his example and influence, the Mouache and Capote people became interested in education and farming. The Weeminuche chief, Ignacio, exhibited a rather different response to the Southern Ute predicament in the 1890s. Ignacio was by no means totally opposed to accommodation with Anglo-American ways. While not always supportive of Indian boarding schools, he did not reject the idea of education; he had, after all, sent his own children to boarding schools—with fatal results. He lived for a time in an adobe house.
provided to him by the government, and he had also served as Captain of the Indian Police on the reservation. But Ignacio was not eager to take up his own piece of land and till the soil, nor did he want to endure any longer the encroachments of white neighbors. Following passage of the Utah removal bill, Ignacio and his Weeminuche people had eagerly headed west toward the new reservation. When that plan was abandoned by the government, Ignacio and his frustrated Weeminuche followers had remained in the barren western portion of the existing reservation, where they established a camp far from the agency. Unlike Buckskin Charlie, who reacted to the changed environment by opting to pursue agricultural endeavors, Ignacio's resentment of U.S. Government control and of white ways, and his bitterness over the impending shrinkage of tribal lands, prompted him to lead his band to the isolated west end of the reservation where they would suffer less outside interference.

By April 14, 1896, 371 Mouache and Capote Utes had accepted allotments—typically 160-acre plots for each family head and 80 acres apiece for minors—covering a total of 72,811.15 acres. Most of these allotments were located along the Los Pinos River with a few along the Animas and La Plata Rivers. Allotments along the Los Pinos were contiguous in order to keep out whites—particularly potential "bootleggers." Meanwhile, the Weeminuche settled on land in common in the west. To meet their needs, the Navajo Springs Sub-Agency, located in the shadow of Sleeping Ute Mountain along Navajo Wash, was established in 1896. On May 4, 1899, many neighboring non-Indians finally got their wish when the remaining unallotted portions of the reservation were opened to settlement.

The Southern Ute Tribe, which had never truly existed as a unified entity, had split. The allotted Mouache and Capote Utes living on the eastern section of the old
reservation would continue to be known as the Southern Utes, whereas the unallotted Weeminuche band, living on land in common in the relatively isolated western end of the old reservation, would come to be known as the Ute Mountain Utes. They were now two distinct peoples, living on separate reservations; and they would pursue starkly divergent paths in their respective homelands.

"The Allotted Utes"

The Mouache and Capote people were not ready to embark upon successful farming careers as they took up their allotments in 1896. For 17 years the Southern Ute Agency had existed on a year-to-year basis, its future fate far from certain. As a result little had been done to prepare for agricultural development of the reservation. And the Utes were anything but enthusiastic—at least initially—about adopting this way of life. Indian Service personnel regularly commented on the Utes' disdain for labor. Agent Henry Page's 1879 report indicated these Indians were a far cry from becoming the civilized farmers of Indian Office dreams: "The Southern Ute Indians are wholly uncivilized ... and as a class they are opposed to labor in any form, considering the same degrading, and only to be performed by whites and 'squaws.'" The situation looked no brighter the following year; the Indians still lived in tents and brush shelters, moving frequently across the reservation. None spoke English, none had attempted any farming, and they still preferred their traditional medicine men to non-Indian physicians.

Slowly the Indians, particularly those of the Mouache and Capote bands who would subsequently accept allotment, began to adjust to the new reality of life on their reservation, and the government's assimilation policies started to yield some minor
successes. While the Utes still spoke virtually no English in 1885 and continued to "tenaciously adhere to their blankets" rather than adopting the desired "citizen's garb," as government officials referred to the clothing worn by white Americans, the Southern Ute agent did note that many Indians were herding sheep and that several industrious individuals were engaged in farming. The people may have been spurred to take such actions by the meager quantity of supplies issued to them by the agency, with rations being described as "not enough to keep them from starving."\textsuperscript{46} By the opening of the new century the allotted Utes had begun to make significant strides toward acculturation. While the superintendent penned a less-than-encouraging report as to the condition of the unallotted Weeminuche in 1900, he expressed optimism with regard to developments in the eastern section of the reservation. The Indians there were said to be rapidly developing their allotments into "fine farms" which yielded revenue to their owners. Further, nearly two thirds of the total population was at this time wearing at least some element of "citizen's dress," with most of the Indians so-attired belonging to the ranks of the allotted Utes.\textsuperscript{47}

One problem resulting from the long battle over relocation was that no schools had been established in the eastern section of the reservation. Fort Lewis near Hesperus was converted from a military post to a boarding school in 1891, but this was located far from the Los Pinos River Valley, and enrollment was meager.\textsuperscript{48} Only 25 Utes attended school there in 1900, and of this number one died and several others ran away.\textsuperscript{49} It was not until 1902, with the establishment of the Southern Ute Boarding School adjacent to the agency, that a school opened in the Los Pinos area that was home to most of the Mouache and Capote. From this date forward attendance increased steadily both at this school and at the Allen Day School, which opened further up the
the valley in 1909. Tribal members apparently accepted having their children attend these schools as agency superintendents often complained during this period that they lacked sufficient capacity to accommodate all the pupils. In 1920 the boarding school was closed and Ute children began to be enrolled in local public schools.50

Despite such advances in Ute adjustment to Anglo-American society, problems persisted on the reservation. Many pertained to the allotments. The existence of multiple-heirs to individual allotments, the presence of tribal members born since allotment, and the practice of allotments being sold through arrangements made by agency superintendents all combined to create a growing class of landless Southern Utes. In addition, many of those who did own allotments lacked the water needed to irrigate their land. The biggest problem of all—at least in the eyes of Indian Service officials—was the failure of these Indians to become self-supporting. The Utes continued to rely for their subsistence upon rations and annual cash payments which they had been promised in their various treaties with the U.S. Government. Government officials, however, regarded this "dole" as being counterproductive to their efforts to ensure that all Indians were engaged in productive work.

The Indian Service periodically instituted new policies on the Southern Ute Reservation intended to push all tribal members to support themselves. These efforts accelerated in the first two decades of the new century. In 1913, for example, a new policy of requiring labor in exchange for receiving rations was implemented, as was the new "reimbursable system," which required individual Indians to reimburse the Indian Service for farm supplies purchased by the agency with tribal funds, with the tribal fund then being replenished by the proceeds of repayment by the Indians. The new policies were a total failure: the Utes balked at having to work for rations which they
insisted were owed to them by the government in exchange for past land cessions, and since their farm supplies were purchased with tribal funds, they saw the reimbursable system as an attempt to charge them twice for needed supplies. They were also bitter over a recent curtailment of cash annuity payments. Such policies did little to promote self-support, but they did severely impact the Utes of the Los Pinos River Valley. Superintendent Walter Runke bleakly described the typical Southern Ute of 1914 as "A disgruntled, half-starved Ute with a few decrepit head of horses or ponies to help in his farm work ... discouraged because his thin winter diet has sapped the foundation of any ambition ..."51

By the mid-1920s, government efforts to assimilate the allotted Utes had produced mixed results. These Indians, sometimes referred to as the "Ignacio Utes" following the founding of the town of Ignacio one mile south of their agency in 1909,52 had adopted many of the trappings of modern Anglo-American life; they lived in houses, sent their children to school, spoke some English, and engaged in some farming. Beneath the surface, however, they remained, in the words of agency personnel, "irritatingly, stubbornly and obnoxiously Ute."53

"The Unallotted Utes"

"We, the Weeminuche, balked, and refused to accept allotments. We did not want to become farmers, and left the fertile valley and established our own holdings in the shadow of our beloved mountain, the Sleeping Ute. We face barren hills and frowning cliffs--and love every inch of our home."54 Thus did the Ute Mountain Tribal Council recall in 1970 the circumstances by which their ancestors had come to settle in the forbidding landscape of the Ute Mountain Reservation. Despite its bleak
aspect, the Weeminuche of both 1895 and 1970 were strongly endeared to their small corner of Colorado—and particularly to its most prominent landmark, the Sleeping Ute. Long ago this mountain gave rise to a legend among the Ute people. It was said that once a Great Warrior God had come to fight against Evil Ones who were causing much trouble, and a tremendous battle ensued. After being wounded in this battle, the Great Warrior God lay down to rest and soon fell asleep. The blood flowing from his wound turned into water for all living creatures to drink. The Utes believed that when clouds gather around the peak—as they often do—the Warrior God is pleased with his people and is letting rain clouds slip from his pockets to provide them with water. They also believed the Great Warrior God would one day rise again to help the Ute people fight their enemies. From various vantage points in the Montezuma Valley to the east of Sleeping Ute Mountain the long series of peaks does indeed resemble the figure of a reclining warrior. His head lies at the northern end of the mountain and his feet to the south; his arms are crossed over his chest, forming the highest point, Ute Peak, at an elevation of 9977 feet. The town of Towaoc sits a couple miles to the east of the sleeping warrior’s “East Toe.” The Sleeping Ute towers over the reservation and is visible from far beyond its boundaries.

"The lands are very good, but we have no water. Washington said we would have water." Thus did Chief Ignacio describe the lands to which he and his people had moved in 1895. Their land was ruggedly beautiful, including—in addition to Sleeping Ute Mountain—the juniper-and-pinon-covered mesas and deeply etched canyons of Mesa Verde, the long serpentine chasm of Mancos Canyon, and vast stretches of open range which were broken only by occasional dry washes. It was magnificent country—but most of it was bone-dry, and without the water which the government had
promised to provide back in 1895 it was largely worthless. By 1899, Ignacio had tired of the steady stream of unfulfilled promises and bureaucratic obstacles emanating from "Washitone," as he called the nation's capital: "Washitone--Washitone--Washitone--talk--talk--talk. No bueno ... Washitone--all time Washitone--no bueno. Papers--more papers--manyana--manyana."56

Here the Weeminuche lived in a manner radically different from that of their allotted cousins to the east. Here there were no individual allotments or houses or farms. Here the unallotted Utes perpetuated an existence that more closely resembled that of pre-reservation Ute life: they roamed at will up and down the canyons and across the high desert of their communal reserve. There were some notable departures from the past, of course: while tepees were still to be seen--especially in the vicinity of the Navajo Springs Sub-Agency--the people increasingly adopted Army-style tents which were more easily transported; and while hunting and gathering continued much as in the past, the seasonal wanderings of the Weeminuche were now dictated largely by the need to find grazing for their livestock--mostly sheep, some cattle, and also horses.57 Many members of the band engaged in stock raising.

The contrast between Southern Ute and Ute Mountain Ute modes of existence may be at least partially explained by their respective histories up to 1895. As mentioned above, the Weeminuche had been less exposed, by virtue of their relative geographical isolation, to contact with Spanish and Anglo-American neighbors. As a result, while all three bands shared a common cultural heritage, differences were apparent by the early years of the reservation period. An agent made the observation in 1885, for example, that the Weeminuche were "the least civilized and most warlike of the entire Ute nation."58 Such differences as then existed between this band and the
other two Southern Ute bands were magnified tremendously in the aftermath of the events of 1895. In addition to the impact of leaders such as Ignacio, the key factor after division of the reservation into allotted and unallotted halves was the nature of the land in each section. While the allotted Utes settled on fertile land with at least some capacity for irrigation, the Weeminuche took refuge in some of the least productive land in the state of Colorado. Here, in relative isolation and without the water they had been promised, their hostility toward outsiders and white ways could only grow.59

In the early years of this century most of the unallotted Utes gathered twice each month at Navajo Springs to receive their rations. Approximately 12-15 head of cattle were turned over to the Indians at the beginning of the month. The Utes butchered and distributed the meat along with flour, baking powder, sugar, salt, and soap. On the mid-month ration-day, salt-pork and beans were substituted for the beef. The Indians regularly supplemented their rations through hunting and through gathering of berries, and also by purchasing canned fruit and vegetables, coffee, and other items from reservation trading posts. After rations were issued, the people usually lingered for feasting and entertainment in the form of horse racing and gambling. They ran their races--two riders at a time--on a straight three-quarter-mile race track located just south of the agency.60 Like the two allotted Ute bands, the Weeminuche were avid equestrians and inveterate gamblers.

For their first ten years after moving west, the unallotted Indians had no school near their agency, being served only by the Fort Lewis boarding school, located some 65 miles distant. Given the Utes' stated aversion to boarding schools located outside the immediate vicinity of their homes, this meant that few Weeminuche children received any schooling before 1906. In that year a day school was opened at Navajo
Springs, and 22 children from the tribe were enrolled. Attendance was irregular, however, due to the opposition of a tribal faction led by chiefs Mariano and Redrock. At this time the Navajo Springs Sub-Agency was administered by the superintendent of the Fort Lewis School, and the only Indian Service official at Navajo Springs was a financial clerk. Both the administrative and educational arrangements at Navajo Springs soon changed, however. First the site was granted its own superintendency, then in the late 1910s the entire agency was relocated a few miles to the northwest, closer to the base of Sleeping Ute Mountain, and finally a new and much larger school, the Ute Mountain Boarding School, was opened there in 1919. A hospital was also constructed near the new agency at this site, which was called Towaoc, a Ute word meaning "all right." In 1923 the administrative situation changed once again when the Ute Mountain Agency in Towaoc was placed under the jurisdiction of the Consolidated Ute Agency, which replaced the former Southern Ute Agency outside the town of Ignacio.

Another group of Indians, residing outside the reservation in southeastern Utah, was also to be provided with rations and other government services first by the agency at Navajo Springs and then by the new agency in Towaoc. This was a small group, composed of both Paiutes and Weeminuche Utes, that had been living for some time in the vicinity of Allen Canyon, located on the southern flank of the Abajo Mountains just west of the town of Blanding. Many of these Indians were related to families living on the Ute Mountain Reservation. Nevertheless, they expressed some fear of the latter band and resisted government entreaties to relocate on the reservation.

The Indian Service encountered much greater obstacles in its efforts to promote the acculturation of the Mountain Utes than it faced in its dealings with their neighbors.
to the east. Despite the opening of a large new school at their own agency, only 41 Ute children were attending the Ute Mountain Boarding School, which had a capacity of 150 students, in 1921.68 The nomadic ways of the unallotted Utes made school attendance problematic and continued to stymie the agency's attempts to influence tribal members in the direction of assimilation. Traditional superstitions continued to hold sway, and English was not spoken by tribal members. Combined with the harsh arid environment, the Utes' failure to learn and follow efficient grazing practices often derailed the government's attempts to expand stock raising on the reservation. Early in the 1910s, for example, 4,000 head of hereford cattle had been bought with tribal funds and distributed by the agency. Overgrazing of particular ranges caused the death by starvation of more than half of these animals. The bulk of the surviving cattle were taken by the superintendent and sold to prevent them from suffering a similar fate; only those Indians who kept their cattle where feed was available were permitted to retain their stock.69

Health, Medicine, and Medicine Men

In the fifty years following the establishment of the Southern Ute Agency, the Weeminuche, Mouache, and Capote Utes suffered a dramatic decline in population. Not only was the adjustment to a new way of life on the reservation an exasperating experience for the members of the three bands, but it was also an often fatal one. The tribe's early encounters with boarding schools are a case in point: an 1894 report by the Southern Ute agent revealed that not only did half of the Ute students who had gone to Albuquerque die at the boarding school there, but also one fourth of the Ute children sent to the Fort Lewis School had contracted a disease which left them blind.70
Throughout their first half-century on the reservation, the combination of a radical change in lifestyle and diet, poor housing and sanitation, and unsafe drinking water left the Southern Utes and Ute Mountain Utes ravaged by disease. Tuberculosis was endemic, and the Indians were also struck down by venereal diseases and flu epidemics. Many were blinded by trachoma, which afflicted hundreds of tribal members in almost any given year.

In 1880 the Southern Ute agent counted 1,330 members of the three bands at the agency on the Los Pinos River. By 1900 the combined Southern Ute and Ute Mountain Ute population had declined to 995, and it continued to fall precipitously over the next twenty-five years with the total for both groups numbering only 781 in 1923. The worldwide flu epidemic of 1918, occurring before the completion of the Towaoc hospital, was particularly devastating. The two Ute tribes did not pull out of this downward population trend at the same time. The Southern Utes rebounded first, hitting a low of 334 people in 1920 and then beginning a slow increase in numbers that has continued ever since; the Ute Mountain Utes, by comparison, continued to shrink in number until 1930, when their population fell to 444.

The longer duration of the downward spiral at Ute Mountain was probably the result of their isolation and nomadic lifestyle. Cultural attitudes also played a major role. These Indians were much slower to accept modern medical care than were the allotted Utes in Ignacio. Ever since the establishment of the Southern Ute Agency in 1878, agents had reported the existence of an ongoing battle between agency physicians and traditional medicine men for the confidence of sick Indians. While members of all three bands were initially quite dubious of the value of modern medicine, physicians won converts much more quickly among the Mouache and Capote than among the
Weeminuche. The latter group continued to prefer the assistance of traditional healers. While the Ute Mountain band was the first to be served by its own hospital, this did not lead to an appreciable improvement in their health as they seldom took advantage of its services. They—more so than the Ignacio Utes—held fast to the traditional Ute aversion to places where people had died, and Ute Mountain men continued to observe the prohibition regarding contact with women who were menstruating or giving birth.75

In addition to the practices of medicine men, or shamans, other aspects of Ute culture—some old, some new—persisted through the first quarter of the twentieth century. The Sun Dance, a ceremony originating among the Plains Indians and introduced to the Colorado Utes through the Shoshone, was initiated on both reservations around the turn of the century.76 It quickly became accepted among the Ute people as an important focal point of tribal religious life. Another spiritual innovation borrowed from the Plains peoples was the peyote ritual, first introduced to the Ignacio Utes in 1917 by a Sioux Indian who brought with him peyote buttons from Oklahoma. Soon the Native American Church, a pan-Indian religious movement integrating Christian beliefs with Indian rituals—including the consumption of peyote as a sacrament—was gaining adherents among both tribes.77 Utes combined their traditional spiritual beliefs and practices with elements of Christianity picked up from Catholic and Presbyterian missionaries.78 Reverend James Russell of the Presbyterian mission in Towaoc commented on the spiritual eclecticism of the Utes in 1929, observing that "it does not seem to occur to the Utes that there is any incompatibility between ... the Great Spirit and the Christian God. Those who participate in the Sun Dance also attend the mission services."79
Tribal Politics

The first half-century of reservation life often proved to be an exercise in exasperation for the Ute people. Forced to radically change their pattern of living, they were confronted by paternalistic restrictions on their freedom to act either as individuals or as a tribe, by assimilationist policies emanating from Washington, and by an endless procession of agency officials who were frequently incompetent, hostile, corrupt, or some combination of the above. Frustrated Utes often attempted to assert some control over their lives through the actions of their leaders and their tribal councils.

Beginning with their dealings with Ouray, the U.S. Government had frequently engaged in "kingmaking" with respect to the Utes. In order to simplify their relationship with the tribe, the government would usually select one of several band chiefs to be elevated to the preeminent position of "chief." Thus, among the Southern Utes, Ignacio of the Weeminuche, Bucksin Charlie of the Mouache, and Severo of the Capote were so recognized as principal chiefs of their respective bands.80 Sometimes the government later came to regret its selection when a chief proved to be less than accommodating to U.S. interests. Ignacio, for example, was frequently a source of irritation to agency officials. The agency superintendent in 1894 saw the Weeminuche chief as an obstacle to civilizing the Utes: "Chief Ignacio is a potent foe of education, and he is not without influence, particularly in the Weeminuche tribe. He is stubborn, practically unsusceptible to reason, and an unyielding stickler for the habits, customs, and methods of his early days." Twelve years later, however, an official at Navajo Springs regarded Ignacio in a much more positive light, seeing him as being relatively progressive in comparison to a conservative Weeminuche faction led by sub-chiefs Mariano and Redrock. It was the latter group—not the chief—which fought against
allowing Ute children to attend the new day school at Navajo Springs. Ignacio, whom Mariano accused of talking "like a white man," was reportedly unable to hold together the two factions which existed in his band. Nevertheless, Ignacio remained chief of the Ute Mountain Utes until his death in 1913, when he was succeeded by John Miller.

Most influential among the Southern Utes to the east was Buckskin Charlie, who had been selected both by Ouray and by the government to represent the Mouache and Capote bands. While Charlie advocated farming and education, his actions as chief did not always serve the interests of the Indian Service. Nor was his influence over his people always as extensive as the government might have wished. An official noted in 1917 that while the chief still commanded the allegiance of older tribal members, "younger men and women do not give him the same consideration."82

The "tribal council" increasingly became an important forum for addressing developments on the reservation and at the agencies. Begun before the reservation era as bodies for negotiating agreements with the U.S. Government, the councils continued to function periodically on the reservation, and participation on these once exclusive bodies became more inclusive as time went on. A council convened in 1896 was particularly significant as it represented the first assertion of tribal interests in opposition to the government.83 The land claims case initiated at this meeting culminated in a $3,408,611.40 judgment by the U.S. Court of Claims in 1910 in favor of the Confederated Bands of the Utes. This award was based on Ute land claims pertaining to the 1880 Ute removal agreement.84 Several years later, tribal councils were reported to be held regularly in 1911, but a later superintendent, Edward E. McKean, who saw councils as a hindrance, banned such meetings at Ignacio.85 They continued at Towaoc, much to the annoyance of Superintendent McKean, who decried
the Ute Mountain Tribal Council for its unprogressive opposition to "whatever the
Government or any outside white man wishes them to do ..."86

Upset by what they perceived as a long succession of abuses at the hands of
agency officials and the Indian Office in Washington, the Utes sent two delegations--
the first of the two was not recognized by the government as an official delegation--to
Washington in 1925 and 1926. Through their testimony in Washington and through
letters written on their behalf by a Mexican-American resident of Ignacio who described
himself as "a friend of the Utes," the joint Southern Ute-Ute Mountain Ute delegations
enumerated a long list of tribal grievances. They complained of corruption at the
agency, referring to Superintendent McKean as "the worst enemy of the Utes ... a man
who is seeking the ruination of the Utes for his own financial benefit."87 A ten-point
letter of March 24, 1926, summarized the tribe's complaints, which included the
following: the Commissioner of Indian Affairs had made mathematical errors that
resulted in understating the amount of tribal funds remaining on deposit in Washington,
and, further, these funds were being used to pay for Indian Office services which the
tribe regarded as being "more injurious than beneficial to us"; the reimbursable system
was unfair; the superintendent had forced tribal members to sign over their allotments,
leaving them landless; and tribal members were not permitted to buy, sell, or trade their
own personal property without making arrangements through the superintendent,
"which transactions always turn out to our disadvantage." The letter closed by stating,
"We have concluded to place our lives in our own hands, hoping that the domestic
Bureaucratic Tyranny be forever vanished, and to remain with us only as a hideous
dream."88
The superintendent denied all of it, and the commissioner responded with a letter refuting each of the tribe's charges. No changes in government policy resulted from this episode, but the two Ute tribes of Colorado were beginning to learn how to speak out on their own behalf. No longer would they accept without question government policies affecting their lives.


   Spelling of band names varies: Weeminuche is spelled in some sources "Weminuc" or "Weminuche," Capote is sometimes written "Kapota" or "Kapoti," and Mouache is variously spelled "Mowatsi" or "Munache."

5. Opler, 126-127.

6. Ibid., 122-128.


8. Opler, 156-157; Stewart, 1; Roe, 79. Opler speculates that the Utes probably first possessed horses around 1640, and he reports that they were already equestrians by the time they signed their first treaty with the Spanish in 1675. Stewart contends that horses first fell into Ute hands as a result of the 1680 Pueblo Revolt. Roe concludes that these Indians apparently had horses by about 1700 but further mentions the possibility that this might have been the case as early as 1600.

10. Ibid., 154.
11. Ibid., 122.
15. Ibid., 3.
16. Ibid., 4.
18. Ibid., 65, 72.
19. Jefferson, 21; Thompson, 5; Smith, 72.

20. In the Brunot Agreement, negotiated after the discovery of gold and the subsequent influx of miners into the San Juan mining district, the Utes ceded this district—a large rectangle in the middle of their reservation—to the United States. This was termed an "agreement" rather than a "treaty" as a result of a policy change made by Congress in 1871. In order to give members of the House a say in negotiations with Indians, the practice of negotiating treaties—which required only ratification by the Senate before a final signature from the President—was replaced by the negotiated agreement—which required approval from both houses of Congress. (Thompson, 6.)


25. Swadesh, 4-5.

Some agents, like Henry Page (1879-1881), are suspected of hoping to be in an advantageous position to file their own land claims upon removal of the Southern Utes. Others, such as Christian Stollsteimer (1885-1887), who benefited from a special arrangement allowing him to graze his own stock on tribal land at no cost to himself, opposed any change in the status quo.

50. "Information Regarding Indian Schools," 1936, Southern Ute Boarding School, Allen Day School, Box 1, 8NN 75-91-218, Consolidated Ute Agency, Records of BIA, RG 75, National Archives, Rocky Mountain Region, Denver.

51. Swadesh, 95.


53. Swadesh, iii-iv.


55. "Sleeping Ute Legend," *Ute Mountain Ute Echo*, June 1987. This version of the Sleeping Ute legend is based upon an account by Russell Lopez.


57. Iris Salt, interview by Floyd O'Neil, Winston Erickson, and Charles Root, January 7, 1991, copy of transcript in the possession of Arthur Cuthair. A large number of tribal members were interviewed by this three-man team in January, 1991, as part of a project commissioned by the Ute Mountain Ute Tribe. These interviews offer a great deal of information about the character of life on the Ute Mountain Ute Reservation from the 1910s through the middle part of this century.


59. Opler, 183.


62. Ibid., 53.


64. Pettit, 168. Towaoc is pronounced "TOY-ock."

65. Consolidated Ute Agency, Annual Narrative Report, 1923, Section I, Microfilm Publication M1011, Records of BIA, RG 75, National Archives, Rocky Mountain Region, Denver. Subsequent citations will specify only the agency, the type of report (narrative or statistical), and the year.
66. Clifford Whyte, Sr., interview by Floyd O'Neil, Winston Erickson, and Charles Root, January 8, 1991, copy of transcript in the possession of Arthur Cuthair. Several other interviews with Ute Mountain Ute tribal members conducted as part of this oral history project provide much information about the Indians residing in the area of Allen Canyon and later White Mesa. These interviews also establish many of the family relationships between the two groups.


68. 23rd Annual Report of the Board of Indian Commissioners, 1922, 16-17, as quoted in Delaney (1989), 87-88.


70. Annual Report of the Commissioner of Indian Affairs, 1894, 128. This statement is corroborated by the research of Frances Swadesh, who found records indicating that 12 of 27 Southern Ute children attending the Albuquerque Indian School between 1883 and 1885 had died while at school (Swadesh, 16).


73. Axel Johnson, as quoted in Delaney (1989), 85-86.

74. Harold Hoffmeister, "The Consolidated Ute Indian Reservation," The Geographical Review 35:4 (October 1945): 620. The population statistics reported in this article were obtained from the Consolidated Ute Agency.

75. Opler, 194.

76. Jefferson, 64; Pettit, 88.


78. Swadesh, 165-166.


80. Swadesh, 151.

81. Stacher, 57-59.

82. Swadesh, 152.

83. Ibid., 153-154.

85. Swadesh, 154.

86. Consolidated Ute Agency, Annual Narrative Report, 1925, Section V.

87. Ute delegation to Commissioner of Indian Affairs, November 17, 1925, Box 10, 44017-154/064, Consolidated Ute Agency, Records of BIA, RG 75, Rocky Mountain Region, National Archives, Denver.

88. Ute delegation to members of the Senate and House of Representatives, March 24, 1926, Box 10, 44017-154/064, Consolidated Ute Agency, Records of BIA, RG 75, National Archives, Rocky Mountain Region, Denver.
CHAPTER 3
RESERVATION LIFE IN THE THIRTIES

Southern Utes and Ute Mountain Utes of the early 1930s lived an existence far removed from that of the people who had gathered at the newly established Southern Ute Agency in 1878. Fifty years of living under Indian Service supervision on a small part of their former domain—reduced to a substantial degree of dependency upon rations and annuity payments, forced to attend the white man's schools, and generally pushed into a passive role denying them the ability to control their own destiny—had wrought fundamental changes in tribal society. The experience had not, however, transformed the Utes into creatures of modern Anglo-American society.

In the late-nineteenth century, the Office of Indian Affairs set out to remake the Utes—and other Native American peoples—in the white man's image. First, they were to be placed on reservations and no longer permitted to engage in the ceaseless wandering which had characterized their past mode of existence. Then they would be educated and Christianized, and each family would be given its own 160-acre tract of land. With Indian Service guidance the Indians would then become successful farmers and productive members of modern American society. This had not happened, however, to the Utes of southwestern Colorado. Ute society had certainly undergone dramatic change, but this change had come only slowly and fitfully—painfully so in the eyes of the agents and superintendents whose job it was to shepherd these Indians along the road to assimilation. The Mouache, Capote, and Weeminuche bands had made incremental advances along this route, but the government-designated destination was still far over the horizon.

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The three bands—newly organized as two tribes—had not travelled at the same pace as they moved inexorably down this road. The Mouache and Capote people that comprised the Southern Ute Tribe had proceeded much more rapidly than had their Weeminuche kin at Ute Mountain, who often dug in their heels to resist the force which was impelling them down the road. As a result, life on the two adjacent reservations was remarkably dissimilar throughout the 1930s. But for both tribes, reservation life during this period was characterized by a mixture of continuity and change, resulting from an ongoing battle between the forces of acculturation and the forces of conservatism.

**Housing**

The Ute Mountain Utes clung tenaciously to their traditional nomadic style of life throughout the thirties, and as a result permanent housing remained a rarity among the people of this tribe. Moving with their sheep and horses between winter and summer ranges, the vast majority of tribal members at Ute Mountain continued to live in tents, as they had since relocating in the western section of the old reservation in 1895. In 1930 only eight Mountain Ute families lived in permanent dwellings, compared to 97 families living in tents, tepees or other temporary forms of shelter. This contrasts with the much more settled population on the allotted Southern Ute Reservation, where the numbers were reversed: here 92 families lived in permanent housing and only four in temporary shelters. Superintendent E.J. Peacore explained to a U.S. Senate subcommittee in 1931 that he had begun a housing campaign on the Ute Mountain Reservation two years previously, with four frame houses built for tribal members in 1930 and more dwellings being constructed in response to the tribe’s
request for eight additional units. Peacore pointed out that the new homes were about
the size of a tent, "because that is all they are capable of taking care of." He added that
these Indians, whom he described as being "very, very primitive," slept on sheep pelts,
had few dishes, and wanted no furniture.3

A 1934 survey again highlighted the contrasting housing conditions on the two
reservations. The housing stock of the Ignacio Utes consisted of 52 adobe homes, 50
frame houses, and one log structure—there were no tents. The Ute Mountain Utes of
Towaoc had made only slight gains in permanent housing since 1930, at this time
counting among their homes one adobe dwelling, five log homes, 8 frame houses, 7
hogan—mud and log structures adopted from the neighboring Navajo people to the
south—and 108 tents.4 The Allen Canyon district in Utah, whose Utes and Paiutes
remained under the jurisdiction of the Towaoc agency, was even less developed in
terms of housing than was the Ute Mountain Reservation. The majority of these
Indians, whom superintendents consistently described as being extremely primitive,
still lived in either tents or traditional brush shelters in 1935.5

While the radically dissimilar housing situations on the two neighboring
reservations are obvious, it is nonetheless possible to overstate the progress made by
the Southern Utes in this area. While all tribal members did in fact live in houses of
some sort as early as 1932, the agency's categorization of "permanent homes" provides
little clue as to the nature or quality of tribal housing. At the close of the decade the
Southern Ute Tribal Council prefaced a resolution calling for housing improvement
with the observation that "The housing situation on this reservation is in a deplorable
condition, and sometimes as many as ten persons occupy a two-room shack ... [and]
stoves, furniture, and bedding are lacking in our homes ..."6 Council members would
continue to complain of inadequate tar-paper-shack homes into the early-1950s. The mere existence of permanent houses—of whatever quality—does not necessarily imply full tribal acceptance of Anglo-American-style residential living; a 1935 visitor to Buckskin Charlie’s allotment observed that the elderly chief, one of the first of his people to adopt permanent residency and a house, was at this time living on his allotment in a tepee.7

The Reservation Economy

It is hardly surprising the Ignacio Utes, living as they did on allotments and functioning in a farm-based economy, chose permanent housing more readily than the nomadic herders of Ute Mountain. As the decade began, however, even the settled Indians of the former group had been unable to achieve economic self-sufficiency. The Consolidated Ute Agency reported in 1930 that none of the Utes on either reservation were "entirely self-supporting from their own industry and thrift."8 Even the more industrious Indians, be they farmers, stock raisers, or wage workers, continued to rely upon rations and per capita annuity payments provided by the agency in order to make ends meet. Government officials had long lamented the anti-motivational effects of these distributions, with one agency farmer so frustrated by the resulting lack of farm productivity he submitted a request for his transfer to a reservation "where no rations had ever been issued."9 Cash annuities of as high as $200 per capita had been issued in the past out of the tribal fund, which had been enriched significantly by the 1910 land claims award; but the payment amounts declined over the years as the tribal fund steadily diminished. The annuity payment dropped to $50 in 1931, and in 1933 such payments ceased altogether, as did the ration system.10 Despite the protests of older
Utes who insisted the government was obligated to provide tribal members with gratuities as guaranteed in past treaties, no more money or food was forthcoming. Economically, the people were now on their own.

Southern Utes provided for themselves through farming, stock raising, wage work, and leasing of allotments to non-Indian farmers and ranchers. In 1931, the tribe boasted 80 farmers, 73 stock raisers, and 36 members who worked for wages. Ute farmers harvested alfalfa, wheat, oats, and hay; but, while they had come a long way as farmers since accepting allotments in 1895, problems persisted. Agency Farmer—later to become Superintendent—Elbert J. Floyd reported to a U.S. Senate subcommittee in 1931 that whereas white farmers could make a living farming in the reservation area, the Indians, as a result of being less adept as farmers and managers, could not. While the former group regularly produced 30 bushels of grain per acre, the latter were only capable of harvesting 18-20 bushels. Nevertheless, he did see signs of progress, noting that Ute farmers had doubled their production in the last two years. The Utes of Ignacio also raised livestock, primarily sheep. Their stock consisted in 1933 of 5389 sheep, 247 goats, 369 horses, 79 dairy cows, and 31 beef cattle. Sheep raising began in Ignacio in 1928 when the superintendent convinced the Indians to accept five sheep per person, purchased on the reimbursable plan. Since then the sheep had shown a steady increase, but so had the reimbursable debt loads of many tribal members. An additional obstacle to both farming and stock raising pursuits was the fact that as of 1933 nearly half of the tribe’s members held no land.

The Ute Mountain Indians had a head start in the sheep business over their neighbors to the east. They had been raising large numbers of sheep and goats since around 1920, with many herds in existence before this date. In 1933 tribal members
possessed 11,015 sheep and 82 goats, roughly twice the number held at that time by the Southern Utes. The Mountain Utes also had 520 horses and 91 beef cattle. At the close of 1932, however, it was reported by the agency stockman that the number of sheep had been decreasing over the previous six years; it was explained that this decline resulted at least in part from the practice of handing over one's possessions to medicine men to procure their assistance in healing sick members of a sheepherder's family. The long-acknowledged lack of water and the failure of Ute herders to move their animals off overgrazed areas also limited stock raising activity. Nevertheless, at mid-decade sheep remained the cornerstone of the Ute Mountain economy with 90% of tribal members owning sheep. Wage work, however, assumed increasing importance as the decade wore on and the country sank deeper into the Great Depression. The New Deal, in the form of the Civilian Conservation Corps-Indian Division, came to both reservations to provide jobs for unemployed Indians, as a total of $481,625.82 in CCC-ID funds was expended between 1933 and 1940 for the construction of fences, roads, wells, and reservoirs on each reservation. While both tribes benefited from this employment, such relief work was particularly important to the Towaoc Utes, of whom as many as 75 at a time were often employed in this program. This yielded substantial income to tribal members but also led the agency farmer, who described the Mountain Utes in 1940 as being "wage-minded," to worry about what would happen when this relief work disappeared.

In 1937 Farm Agent Elbert J. Floyd issued a glowing report of economic conditions on the Southern Ute Reservation. He stated that cash income per family in the Los Pinos River Valley had reached $514, a substantial increase over the $200 income earned five years earlier, thus making these Indians "almost self-supporting."
Given the sometimes questionable accuracy of past agency reports—past superintendents had been accused both by tribal members and by agency employees of falsifying data to overstate progress on the reservation—it is difficult to evaluate the truthfulness of this rosy assessment of the Indians' standard of living in Ignacio. Only two months before Floyd's statement appeared, a far different picture was painted by the words of Marvin K. Opler, an anthropologist who had recently completed four months of field work on the two reservations. His comments, focusing primarily on the Weeminuche at Ute Mountain, emphasized the despair of a people wracked by disease and poverty. Opler also asserted that these poor Indians were constantly victimized by the profiteering of government-licensed traders who sold goods on the reservation.

**Education**

School attendance by Ute children continued to increase during the 1930s. The school situation in Ignacio had changed during the twenties with the closure of the Southern Ute Boarding School in 1920 and its subsequent reopening to serve Navajo students in 1924. The nearby Allen Day School also closed in 1927. These school closures were part of the new policy of enrolling Southern Ute children in local public schools. A small number of the tribe's children once again began attending the boarding school, located near the agency just north of Ignacio, after the facilities there were enlarged in 1930 to accommodate a capacity of 200 students. This school offered instruction through the eighth grade. The majority of Southern Ute students, however, were served by the public schools: in 1933, 52 children attended such schools whereas 28 attended the Southern Ute Boarding School and 14 others attended
off-reservation boarding schools. While the Ignacio and Bayfield public schools had decidedly heterogeneous student bodies, the Ignacio Utes did not necessarily experience desegregated schooling; they--along with Hispanic children--were separated from whites because of their lack of English skills. Most tribal members spoke at least some English: in 1931 the agency reported that 275 of 369 Southern Utes were able to speak English. Apparently tribal members did not always appreciate the job being done by the public schools, as a number of Utes at a 1937 meeting expressed the opinion that their children should be taken out of the public school and placed in the boarding school. Nothing came of this matter.

School attendance at Ute Mountain was higher than in previous years but continued to pose more of a problem than in Ignacio. Whereas a 1934 survey showed only ten out of 106 Southern Utes between the ages of six and 16 not attending school, 34 of 110 Ute Mountain Ute children were not in school at this time. An additional disparity lay in the fact that, unlike students on the reservation to the east, Ute Mountain children experienced a totally segregated education: in 1933, 71 children attended reservation boarding schools--most attended the Ute Mountain Boarding School with a much smaller number being served by the boarding school in Ignacio--while four others attended off-reservation boarding schools; only one child was educated that year in a public school. These statistics are not surprising given the nature of the Ute Mountain Reservation and the way of life led by its inhabitants. Geographic isolation--and suspicion of outsiders--precluded public school education, and the Ute Mountain people's nomadic lifestyle made regular school attendance problematic.

In the fall of 1935 the Ute Mountain Boarding School, which previously had housed both Navajos and Utes in its dormitories, was converted to a day school for Ute
students only. This new arrangement failed to meet the educational needs of a people that wandered widely over a vast reservation: Superintendent S.F. Stacher reported in 1938 that only ten students lived within walking distance of the school. Like most of his predecessors and some of his successors, the superintendent was certain these Indians would be better off if they sent their children to the boarding school in Ignacio, but he reported that repeated attempts to win their assent to this arrangement had failed owing to the persistence of animosity between the Southern Utes and Mountain Utes. While the school situation at Towaoc was thus fraught with difficulty, the people there nonetheless looked upon education in an increasingly positive light. An Indian Office school official stated that one of the major tribal objections to a proposed relocation of Ute camps for the purpose of alleviating overgrazing was that people in the new camps--located away from the school bus routes--would not be able to send their children to school. Despite this support for educating their children, there could be no denying the lack of educational achievement among the population as a whole. Following his field work on the reservation in the late-thirties, Marvin Opler observed that out of a total of 450 tribal members, only "half a dozen" spoke English. Fewer still had obtained a high school education.

**Disease and Doctors**

Though more and more Utes began to utilize modern medical care during the 1930s, disease continued to take a heavy toll on the people--especially on those at Ute Mountain. In 1930 deaths outnumbered births on both reservations, resulting in a 1931 population of 369 Southern Utes and 438 Ute Mountain Utes. This represented the nadir of Southern Ute population, which subsequently increased fairly steadily for
every year but one--1935--through the rest of the decade, closing with a population of 423. The record was much more bleak at Towaoc, where the Mountain Utes continued to decline in number until they reached an all-time low of 436 in 1933. From this depth, Weeminuche population climbed, very slowly, to a total of 459 at the end of 1939--but not before the tribe experienced two more deadly years in which deaths outpaced births. The high death rate of Ute Mountain Ute males during the 1930s is particularly striking. While the ratio of males to females among the Southern Utes increased slightly over the course of the decade, the sex ratio at Ute Mountain took a distinctly different turn, falling from roughly 1.25 males per female in 1930 to a ratio of less than 0.99 in 1940. During these years tribal members fell victim to the same diseases which had ravaged the tribe in preceding decades: tuberculosis and venereal disease continued to be everpresent--the latter becoming increasingly prevalent as the decade wore on--while measles and flu epidemics often paid deadly visits to the reservations. Treatments for trachoma were still a common occurrence, and in 1931 the Ute Mountain School was designated as a "trachoma school," reserved solely for students afflicted with this eye disease.

Disease--and resulting death--struck with much greater frequency in Towaoc than in Ignacio. This is evident from a survey revealing the number of Indians afflicted with various illnesses at each jurisdiction in 1934: tuberculosis--30 Southern Utes and 50 Mountain Utes; trachoma--195 Southern Utes and 250 Mountain Utes; and venereal disease--156 Southern Utes and 200 Mountain Utes. The Southern Utes were aided in their battle against disease by the February 1933 opening of the Edward T. Taylor Hospital in Ignacio, but this gave them no advantage over their neighbors to the west since the Ute Mountain Hospital had been in operation since 1920. Of more
significance was the better housing in the Ignacio area in comparison with that of Ute Mountain and the "much better sense of sanitation" which Superintendent D. H. Wattson ascribed to the occupants of the former area in 1935. In the same report Wattson identified another key factor in the differential incidence of disease and death: "The medicine man is with us in Ignacio, but [he] does not seem much in vogue." This was not the case in Towaoc, where, "Slowly the Indians are coming to use the hospital, but it is an uphill grind, because the medicine men, of whom there are several in that district, are extremely active and endeavor to influence the Indians not to use the hospital." Largely as a result of the medicine man's continued popularity in Towaoc, "These Indians are still skeptical of a doctor ..."40

John Miller, chief of the Ute Mountain Utes, sadly described the health situation on his reservation to a U.S. Senate subcommittee in 1931 by saying of his people, "they all have sickness among them. They have been decreasing." He then tried to explain why his people preferred traditional medicine men to white doctors. An interpreter spoke for him:

He says we have Indian medicine men and the doctors will work on them and they will die just the same, and if we take any person that is sick and take up to the hospital he die, too. He says, you take it among the Utes over there, there are a lot of Utes who do not understand English. They may be sick or something else and the doctor might give them different medicines than what the sickness is. He says you people are white people, you make your own medicines; you understand for what purposes you take it, and my Indian doctors they know something about this sickness this fellow got and they might help him out in case he is sick.41

The medicine men in Ignacio did not enjoy this same degree of devotion, and they were finding themselves increasingly irrelevant to Southern Ute society. One Ignacio healer
sadly explained the decline of po rat --the Ute term for medicine man or shaman--to Opler in the late-thirties:

"Today, the Indian doctors are not so good because they live in houses. They forget the old ways. The young people go to the White hospital, thinking that the White doctor can cure Indian sickness. In the old days everyone knew the Indian doctor alone could cure Indian sickness and they believed in him. They helped singing in his tipi when the po rat sang his strongest songs. They took him in a serious way. Today they laugh when they see him ... The po rat forgets.42

Not only did the people at Ute Mountain retain faith in the medicine man to a greater extent than did those in Ignacio, they also held fast to Ute tabus dating from the pre-horse aboriginal period. For example, when an elderly pneumonia patient in the Ute Mountain Hospital heard that a newborn baby was in the building, he jumped through a window and ran off: he was simply following the traditional prohibition on a man being in close proximity to the birthing process.43 Such incidents no longer occurred in Ignacio, and as a result, soon after its opening in 1933 the new hospital was "usually filled to the limit."44

Culture

Thus, more elements of traditional Ute culture were surviving among the Ute Mountain Utes, but more of their people were dying as a result. The cultural status of the two Ute tribes of southwestern Colorado during the 1930s represented a mixture of continuity and change--the interplay of forces of assimilation and those of conservatism. Both of these opposing forces acted on each of the tribes, but the net impact differed greatly as cultural conservatism proved to be much stronger among the Mountain Utes.
In addition to the factors which have already been identified--past as well as present geographical isolation, arid and unproductive land, historical lack of contact with European-Americans, bitterness over unfulfilled government promises, and conservative leadership over time--an additional condition serving to reinforce Ute Mountain Ute conservatism throughout the reservation period has been the extremely high proportion of full-blooded tribal members. In 1930 only five people out of a total membership of 444 Mountain Utes were of mixed blood. The situation among the Southern Utes for the same year reveals a much higher incidence of mixed ancestry: 50 out of 369 tribal members were mixed bloods. This same contrast remained in place in 1935: the Mountain Utes included 442 full bloods and only nine mixed bloods; the Southern Utes consisted of 317 full-blooded members and 67 of mixed blood. It is not surprising that intermarriage would be more common among the Ignacio Utes, living as they did in close proximity to both Hispanic and Anglo neighbors. The incorporation of non-Indian spouses into Southern Ute society inevitably provided a boost to the forces of acculturation.

Many traditional Ute social conventions that predated European contact continued to be in evidence in Ute society of the 1930s. One such constant--one decried by agency officials ever since the establishment of the Southern Ute Agency--was the comparatively casual nature of marriage among the Utes. In the thirties, as in earlier decades, many Utes neglected to procure legal marriages, preferring to form and dissolve unions as they saw fit and without any legal impediments to the free change of marital status. The Presbyterian missionary at Towaoc lamented this aspect of Ute culture in 1931: "it is a very simple matter with the Indians with their own form of practices to take up a young man with a girl and it is just as simple for them to separate
again and take up with someone else." Opler observed that "brittle marriages" and a high frequency of divorce still characterized family relationships among both tribes in the late-thirties. Also common throughout this decade was the practice of Ute children being raised by their grandparents. This arrangement harks back to the nomadic pre-horse pattern of existence which required that young parents be freed of the constraints of child-raising in order to preserve their mobility and ability to gather food for the extended family. From this time had come the tradition of giving a child to its grandparent should the older relative request this.

Old superstitions also persisted, such as the fear of ghosts which led Utes to forsake places where people had died and even to destroy the property of deceased Indians. Property was no longer destroyed in Ignacio, although some older tribal members still shunned buildings in which people had died or avoided speaking the names of the dead. Traditional fears and tabus surrounding death were more widely adhered to in Towaoc. Related to this fear of ghosts was the traditional fear of witchcraft and evil medicine. Again, this cultural trait was more commonly retained among the Mountain Utes—and the Allen Canyon Utes of southeastern Utah. The superintendent reported in 1938 that the latter band had for over 25 years lived in fear of both the Mountain Utes and the Southern Utes. These Utah Utes were afraid the other two tribes—especially the Ignacio Utes—possessed the power to cause sickness and death among those with whom they became associated. And within each tribe accusations of sorcery resulting in death continued to surface throughout the decade.

Many popular pastimes which tribal members enjoyed during this period were continuations of long-established elements of Ute culture. Utes had always loved to gamble, and this remained the case among people of both tribes, whether the wagers
centered around a traditional pastime such as the hand game--a team contest in which players attempt to guess which of an opponent's hands holds a die or other such object--or more recent innovations as horse racing and card games. Similarly, the Bear Dance, the annual spring dance which in pre-contact times had provided the only opportunity for socializing and courtship, survived on both reservations as an important social event. Modern constraints, however, sometimes led to changes in how this dance was carried on or when it was scheduled. This was more true of Ignacio Bear Dances than of those held at Towaoc, where dances tended to remain closer in form to the original pattern. The agriculturally-bound Southern Utes, for example, altered the traditional date of the dance so as not to interfere with spring planting.

Similarly, traditional Ute craftsmanship continued to be practiced to a much greater extent in Towaoc than in Ignacio. Superintendent Stacher noted in 1939 that the Southern Utes engaged in no beadwork for commercial purposes and in no basketry at all. He further observed that their arts and crafts could not be compared with those produced by the people at Ute Mountain, "where the Indians have always devoted more of their time to basketry and beadwork."

Like most other aspects of tribal life, the practice of religion in the thirties was characterized by both continuity and change, as both Christianity and more traditional forms of spirituality figured in Ute religious life during this decade. While missionaries had previously worked among the Southern Utes in Ignacio, by the beginning of the 1930s the focus of missionary activity had shifted to Towaoc, where two missionaries—one Presbyterian and one Catholic—sought converts among the Ute Mountain people. Although no longer visited by missionaries, the Utes of Ignacio were able to attend both Catholic and Protestant churches in Ignacio. In 1930 a total of 195 Utes—out of a
combined population of 813 on the two reservations--were reported to be attending church services: 123 frequented Catholic services, and 72 attended Protestant services. Given the spiritual eclecticism of the Ute people, however, participation by tribal members in the activities of Christian churches did not necessarily imply abandonment of traditional Ute spirituality. As the Presbyterian missionary in Towaoc had explained in 1929, the Ute people saw no contradiction in worshipping both the Great Spirit and the Christian God.

Both the Sun Dance and the Native American Church played important parts in the spiritual life of the 1930s, although not to the same extent among both tribes. The Sun Dance, which was actually a relatively recent innovation in Ute culture, had by this time become firmly established as a tribal institution. By the end of the decade, however, it had become clear this ceremony was much more solidly entrenched in Towaoc than it was in Ignacio. At this time, with only five dancers participating in the annual rite in Ignacio and the Sun Dance chief there announcing his retirement, the future of the dance among the Southern Utes looked bleak. It looked much more promising in Towaoc, where more than three times as many dancers turned out, community response was greater, and observance of the rite was more traditionally accurate. Another religious practice of this time held the unique status of simultaneously representing both continuity and change. The peyote rite, first introduced to the Southern Ute Reservation by a Sioux Indian visitor in 1917, was a novelty for the Utes. Yet, since it constituted an Indian form of spirituality as opposed to the government-sponsored religion of Christianity, the peyote ritual in a way represented the continuation of traditional religion. While many tribal members initially greeted the Native American Church—the religious movement combining the peyote
rite, Christianity, and traditional Indian spirituality—with disdain, it did gain adherents among the Utes. The response of the two tribes to this spiritual innovation was radically different. The Utes in Ignacio were exposed to peyote well before the Towaoc Utes, but the Southern Ute response was generally unenthusiastic, and the Native American Church never gained a large following among these Indians. The Ute Mountain Utes, by contrast, were almost unanimous in their embrace of the peyote cult, which had not been introduced onto their reservation until 1931.58 Acceptance of the Native American Church in Towaoc was facilitated by the active participation of the medicine men and of tribal leaders such as sub-chief—and future chief—Jack House. This kind of elite support never materialized in Ignacio.59

As the instance of peyote rite acceptance indicates, the role of tribal leaders in steering their people in the direction of either cultural change or continuity of traditional values could be decisive. The example which Buckskin Charlie provided for his people lay somewhere between the two extremes. The Southern Ute chief had, of course, been instrumental in winning early Mouache and Capote support for accepting allotments, engaging in farming, and sending children to school. The plaque which honors Charlie on the tribe's monument to its great chiefs of the past acknowledges this contribution, remembering him as a "Champion for agricultural advancement of his people—a Friend to All."60 This does not mean, however, that Buckskin Charlie was an advocate of complete assimilation. He spoke Ute rather than English, he encouraged the continuation of traditional ceremonies, and he often lived in a tepee rather than his house. Chief John Miller of the Ute Mountain Utes, by contrast, was a consistent proponent of traditional Ute ways and a tireless foe of cultural change imposed by outsiders. One 1935 observer noted the difficulty which the chief posed for the agency
superintendent: "Mr. Wattson's problem in dealing with John Miller cannot be over-emphasized. His fanatical opposition to the white man's plans regardless of their effect on the tribe, is an almost insurmountable obstacle."61 Miller's hostility to Anglo-American ideas was all-encompassing. It even extended to home economics projects undertaken at the Towaoc boarding school. The chief undermined a community garden and canning project by persuading five of the 12 participants to drop out; and the project was further derailed by the nighttime destruction of much of the garden crop, "presumably by the older women who are systematically opposing white influence."62 Cultural conservatism was firmly entrenched among the chief, the older women, and among most members of the Ute Mountain Ute Tribe.

**Tribal Concerns**

In May of 1931 a subcommittee of the U.S. Senate Committee on Indian Affairs visited Ignacio as part of a larger attempt to investigate the conditions facing Indians throughout the United States. Senators Lynn J. Frazier and Burton K. Wheeler, along with the Assistant Commissioner of Indian Affairs, held a hearing in Ignacio for the purpose of gathering information from both agency personnel and members of the two Ute tribes as to conditions on the reservation. The ensuing testimony by tribal leaders and other members is very revealing of Ute attitudes and concerns on the eve of the Indian Reorganization Act.

Six Indians appeared before the panel, four Southern Utes and two members of the Ute Mountain Ute Tribe. Five of the six men spoke through an interpreter, and all five of these individuals exhibited a great deal of confusion regarding government Indian policies, being particularly baffled by recent changes in these policies. Unable
to fully comprehend the system in which they were forced to live, they showed signs of frustration, and they continually looked to the past--specifically to past treaties--for a remedy. The Indians were adamant in their assertions of various government obligations set forth in past treaties, but they were unable to furnish the senators with details as to specific treaties. The interpreter for Nicholas Eaton, for example, related that "He understands the Government owes his people some money. It is way back, at the time when George Washington made a treaty with his people." When the senators dutifully pointed out his error and suggested that the treaty to which he was referring might have been concluded during Abraham Lincoln's presidency, Eaton responded, "Well ... what did they do with the treaty? Did they bury Mr. Lincoln with the treaties that this tribe make?"63

Buckskin Charlie, who said that he understood "a little bit" of English but who spoke at this hearing through an interpreter, made similar references to government treaty obligations and to the all-important issue of money. "We have a treaty with the Government to pay to these people as long as they live, [but] they have been telling us we have not been getting any of it," he said. He also asserted that "the tribal funds will be there forever that belongs to these people and it will be paid as long as you Indians are living." The senators then asked the chief who had conveyed such guarantees to him concerning the tribal fund--which in actuality was rapidly being depleted--and Charlie replied that he thought it had been the commissioner. Like his fellow tribesmen at the hearing, the Mouache chief was certain that the tribe was owed sufficient money to provide for its future survival, but he was unable to offer any details surrounding this alleged government obligation. The aging Indian of some 90 years was even more confused by the workings of the reimbursable system under which farm supplies and
other goods were purchased out of tribal funds, with the money later being repaid by the individuals who received the items from the agency. Buckskin Charlie had assumed that the sheep provided to his people three years previously had been purchased by the government when in reality, as he found out at this hearing, these animals had been purchased reimbursably out of the tribal fund. Charlie had never understood this arrangement, and in a question which must have sent shivers down the spines of the self-support-minded assimilationists in the Indian Office, the chief asked, "why does the Government just want to spend that money buying the sheep for us? Why not pay out to the people cash?"64

Buckskin Charlie was very concerned about the tribal fund and about how this money, over which the tribe exerted no control, was being spent. The senators informed him that $268,000 remained in the fund and that only a portion of agency salaries were being paid out of this money. "Well, that might be, he says," the interpreter replied for Charlie, "because he don't know how to read, but we made a treaty with the Government." Charlie stated that in the future "he would like to have a good understanding" of such matters as the reimbursable system and expenditures out of the tribal fund.65 The old chief, who understood little English, could not read, and who had no say in the utilization of his tribe's money was exasperated by his inability to comprehend, let alone control, matters affecting the destiny of his people. All he could do was point to the existence of treaties and agreements dating from the nineteenth century.

In his testimony, John Miller, chief of the Ute Mountain Utes, echoed a complaint made three decades earlier by his predecessor, Ignacio: "We have a reservation over there but we have not got any water on the reservation." He cited the
injustice that occurred in the 1890s when his people had been given the most arid land while neighboring non-Indians ended up with much more productive lands:

But where they give us the reservation we have not got no water, but outside the rivers run through there and lots of white people live there that has land they got, but they give us reservation down there where there is no water.66

Foreshadowing the strong advocacy which would several years later lead an observer to characterize the chief as "an insurmountable obstacle," John Miller adamantly asserted the existence of treaty obligations—obligations which, with the phasing-out of rations and annuity payments that was already occurring, were increasingly being ignored by the government:

When the Government made a treaty with those people they agreed to pay these people so much, and as long as any Ute Indians live and also they made a treaty with them that they have rations ... that has been kind of cut out, they have not been getting what is coming to them ... After the Government made the agreement to pay the people so much they have not received none of that money.67

One Southern Ute farmer appearing before the panel, Julian Baker, provided a stark contrast to the other five Utes who testified that day. Unlike his fellow tribesmen, Baker spoke English without the aid of an interpreter and made no mention of past treaties. The 37-year-old farmer was much more interested in the present and in the problems which he confronted on his farm. Julian Baker was more or less presented as a model farmer, and the superintendent eagerly pointed out that Baker's son was performing well in the public high school and would be graduating the following year. Baker responded to the senators' queries about his farming and livestock operations, and in his statement he raised the issue of a labor shortage growing out of the agency's policy of encouraging the Indians to raise sheep. He pointed out that since the men were busy farming and the children were in school, this left the wives to take care of
the sheep herding. After initially protesting this delegation of work to the women, the
senators accepted Baker's explanation that this was not being done out of laziness but
rather because the men were already busy with farming duties. In response to the
senators' push for expanded sheep-raising operations, the Ute farmer replied that he
had no desire for more sheep since this would require him to purchase additional hay,
his own hay crop already being insufficient. Baker also told the panel that he
understood the workings of the reimbursable system.68

The senators and the assistant commissioner, often exasperated by the
testimony of the other five Utes, clearly were encouraged by what Julian Baker had to
say. While the others seemed to be oriented toward the past and were primarily
interested in obtaining continued government support, here was a hard-working,
English-speaking Indian farmer who appeared to constitute the Indian Office ideal.
Thus, by highlighting the varied nature of the Ute response to a half-century of Indian
Service supervision, this hearing yielded something of a mixed verdict on the
assimilationist Indian policies pursued by the U.S. Government over the preceding fifty
years at the Southern Ute-Consolidated Ute Agency: while many of these Indians--
particularly the older generation--continued to cling to an outlook grounded firmly in
their past, some younger tribal members--at least among the Ignacio Utes--were
beginning to make accommodations to the modern American society which surrounded
them.
1. Indian agencies such as the Southern Ute Agency had been administered throughout most of the nineteenth century by Indian agents. An act passed in 1893 initiated the transfer of these agents' duties to school superintendents, who—unlike politically appointed agents—were governed by Civil Service regulations. Thus, beginning in 1893, all agents were gradually replaced by "superintendents," who were not necessarily in charge of any school. (National Archives Microfilm Publications, Microfilm Publication M1011, Introduction, Records of BIA, RG 75, National Archives, Rocky Mountain Region, Denver.)

2. Consolidated Ute Agency, Annual Statistical Report, 1930, Records of BIA, microfilm roll NA VI, box 4, Tri-Ethnic Project Files (series VII), Omer C. Stewart Collection, Western History Collections, Norlin Library, Boulder, Colorado. (Hereafter Tri-Ethnic Project Files.) All Annual Statistical Reports cited in this chapter were found in the Tri-Ethnic Project Files.


5. Consolidated Ute Agency, Annual Narrative Report, 1935, 4, Microfilm Publication M1011, Records of BIA, RG 75, National Archives, Rocky Mountain Region, Denver. All Annual Narrative Reports cited in this chapter are from this microfilm publication.


11. D.H. Watson to Commissioner of Indian Affairs (hereafter denoted by "CIA"), February 6, 1934, microfilm roll NA XI, box 4, Tri-Ethnic Project Files.


20. John C. Cameron, Notes for report for Consolidated Ute staff meeting, 10:00 a.m., December 16, 1940, microfilm roll NA XI, box 4, Tri-Ethnic Project Files.
22. Elbert J. Floyd to other heads of departments, Consolidated Ute Agency, Address given December 16, 1940, microfilm roll NA XI, box 4, Tri-Ethnic Project Files.
24. The Southern Ute-Ute Mountain Ute delegation of 1925 had included among its grievances the accusation that Superintendent McKean had falsified his reports regarding conditions on the reservation. A similar charge had been made in 1913 by Agency Farmer S.K. Emerson with respect to reports of agricultural production submitted by Superintendent Charles F. Werner (Swadesh, 85-86).
32. S.F. Stacher to CIA, September 14, 1938, 8NN 75-91-218 (1970-456015), Consolidated Ute Agency, Records of BIA, RG 75, National Archives, Rocky Mountain Region, Denver.
33. Lucy Wilcox Adams (Director of Navajo Schools) to W.W. Beatty (Director of Education, Office of Indian Affairs), September 12, 1938, 8NN 75-91-218 (1970-456015), Records of BIA, RG 75, National Archives, Rocky Mountain Region, Denver.


38. Consolidated Ute Agency, Annual Narrative Report, 1931, Section III.


42. Opler, 194.


44. Consolidated Ute Agency, Annual Narrative Report, 1934, Section III.


49. Interviews of members of both tribes by the author (1993) and interviews of members of the Ute Mountain Ute Tribe by Floyd O'Neil, Winston Erickson, and Charles Root (1991) indicate that this practice continued to be a common one throughout the 1930s and 1940s. Opler discusses the original workings of this arrangement during the aboriginal period (130-134).

50. Opler, 196.

51. S.F. Stacher to CIA, February 15, 1938, microfilm roll NA XI, box 4, Tri-Ethnic Project Files.

52. Opler, 196.
53. Opler, 185.

54. Southern Ute Agency, Annual Narrative Report, 1920, Section 1.5; Minutes of General Council meeting, May 23, 1939, microfilm roll NA XI, box 4, Tri-Ethnic Project Files. As early as 1920, the superintendent reported that the Bear Dance, formerly held in early spring, had been rescheduled so as not to conflict with spring farm work. A similar postponement was decided upon by the Southern Ute General Council in May of 1939.

55. S.F. Stacher to CIA, August 7, 1939, microfilm roll NA XI, box 4, Tri-Ethnic Project Files.


57. Opler, 198.


62. Ibid., 25.


64. Ibid., 10676-78.

65. Ibid., 10678-79.

66. Ibid., 10700-01.

67. Ibid., 10700.

68. Ibid., 10680-84.
CHAPTER 4
THE INDIAN REORGANIZATION ACT
AND PURSUIT OF SELF-DETERMINATION

On May 9, 1936, Buckskin Charlie died at the age of 96 in the tepee that stood on his allotment 2 1/2 miles north of Ignacio. Here, on a section of the Los Pinos River Valley where he had for years planted crops and tended livestock, the man who would be remembered by his tribe as "Champion for agricultural advancement of his people—a Friend to All" ended his long reign as chief of the Southern Utes. Born in 1840, before the Anglo-American onslaught had reached the Ute domain, the Mouache head man had been the principal chief of both his own band and the Capote Utes for 56 years. Unlike their neighbors to the west, the Southern Ute Tribe at this time observed a hereditary chieftainship. Accordingly, Charlie was succeeded as chief by his eldest son, Antonio Buck, Sr.

During this same year of 1936, John Miller, chief of the Ute Mountain Utes ever since the death of Ignacio in 1913, also passed away. Like Buckskin Charlie, John Miller had been an influential leader among his people, with outside observers concluding that the tribe was "dominated" by the strong-willed chief. Unlike the Southern Ute leader, however, Miller had been a staunch opponent of most government policies. His demands for continued government support of his people, in the form of rations and annuity payments, had been unrelenting—but fruitless. This was the legacy of non-cooperation which was bequeathed to Jack House, whom Miller selected as his successor shortly before his death.
Thus 1936 marked the end of an era for both the Ute Mountain Ute and Southern Ute Tribes. Both tribes lost leaders to whom they had become well-acquainted, chiefs who had instituted for their peoples well-established patterns of response to the everpresent intrusions of the U. S. Government. This changing-of-the-guard occurred at the same time as the two Ute tribes were responding to a fundamental shift in the United States Government's policy toward its Indian wards. The Indian Reorganization Act (IRA), an innovation emanating from the Indian Office and made law by Congress in 1934, was being implemented on the two neighboring reservations; and at the time of Buckskin Charlie's death, younger leaders of the Southern Ute Tribe were in the process of adopting a new tribal constitution in accordance with provisions of the Act. Several years later, after a slower and more hesitant start, the Ute Mountain Tribe would follow suit with a new constitution of its own. Thus, in the late-1930s, both tribes were about to embark, under newly designated chiefs, upon the task of forming new tribal governments. Both in their subsequent responses to the IRA and in the roles which they would define for their new chiefs, the experiences of the Southern Utes and Ute Mountain Utes would prove—once again—to be strikingly different. Jack House and Antonio Buck, Sr. would both be the last chiefs of their respective tribes; but while one would wield immense political power until his death many years later, the other would soon fade into the shadows of another institution of more recent origin, retaining only a symbolic role for himself as chief.

The Indian Reorganization Act
The advent of fundamental change—as opposed to the sporadic incremental change which had been the norm on both Ute reservations since 1895—began with the
Indian Reorganization Act, which became law on June 18, 1934. Also called the Wheeler-Howard Act after its two principal sponsors, Representative Edgar Howard of Nebraska and Senator Burton K. Wheeler of Montana, this legislation was the brainchild of John Collier, Franklin D. Roosevelt's Commissioner of Indian Affairs. Collier sought to reverse the course of U.S. Indian policy which had for nearly half-a-century sought to bring about assimilation of Native Americans through allotment of Indian lands, erosion of tribal sovereignty, and destruction of native cultures. While Collier's program did not necessarily renounce the ultimate goal of assimilation, it did entail the abandonment of allotment in severalty and of the federal assault upon traditional cultures, while at the same time it promoted tribal self-government. Collier's proposal ran into congressional opposition, prompting the commissioner to seek President Roosevelt's aid in winning additional support. The President responded with a letter to Congress in which he decried the current policy of "autocratic rule by a Federal department over the lives of more than 200,000 citizens of this Nation [which] is incompatible with American ideals of liberty." Roosevelt urged passage of the Wheeler-Howard bill, which he described as "a measure of justice that is long overdue." The bill was subsequently passed, although in a somewhat watered-down form, by the Congress. The resulting Indian Reorganization Act sought to bring about the reorganization of Indian nations both economically, on a corporate basis, and politically, through the creation of tribal governments that would manage the tribes' own affairs.

Even before Congress voted the Wheeler-Howard Act into law, the Indian Office had begun promoting the new policy among the two Ute tribes. The initial response from the Indians was not encouraging. After two weeks of informal
discussions following receipt of a letter from Commissioner Collier, the Southern Utes held a general meeting on February 10, 1934 to consider the issue of tribal reorganization. The result was a letter to the commissioner which politely declined his invitation to participate in the new program. The letter revealed a rather conservative sentiment on the part of the tribe's membership: while they welcomed the idea of self-government, they were not at all eager to tamper with the status quo. As the assembled Utes considered the various economic and political arrangements currently in place on the reservation, they consistently concluded in every case that current institutions and policies should be continued. The familiar allotment system, the existing tribal government composed of two hereditary chiefs (one chief and one sub-chief) and an elected tribal council, the current system of administering the tribal fund--all of these pieces of the Southern Ute-Indian Service network were to be maintained without any significant alteration. The letter, signed by Buckskin Charlie and four members of the Tribal Council, expressed the tribe's belief that "a charter for self-government is unnecessary since by the treaty of 1868 it is guaranteed certain rights and privileges, which are sufficient for its needs." The letter concluded with the following remark: "The tribe appreciates this opportunity of considering its problems, but believes its members are not ready for the opportunities presented."5

Given this rather lukewarm response from the normally cooperative Southern Utes, the ensuing clear rebuff from the Indians at Ute Mountain probably came as no surprise to Superintendent D.H. Wattson. Chief John Miller, still smarting from the government's decision of the previous year to eliminate annuity payments and rations, was unimpressed with Wattson's explanation of the commissioner's new policy:
The Commissioner talks two ways. Long time ago he said we should have rations and clothes as long as we lived. Now he takes our rations from us. We are contented as we are. We do not want roads built on the reservation. We have always got along without them and if they are built now the white men will come in and take our reservation. We do not want you to work on our springs. If you do the water will stop running. We do not want jobs for our young men for if they learn to work you will say that they can earn their own living and we shall then never get rations. The President talks straight. George Washington told us we were to have an agent and an agency to look after us and that is what we want ... it is not right that we are not given rations and annuities."

The chief refused to even accept the circular from the commissioner when Wattson attempted to hand it to him. Miller's position was simple and unyielding: he did not want jobs or development of the reservation, and he did not want anything that would result in greater intrusion by whites on the reservation. He simply wanted the government to provide for his people's needs, and that was all. Wattson lamented the domination of the tribe by its "retrogressive" chief and tribal council, whose authority prevented the "younger progressive element" from taking advantage of opportunities for their own betterment.6

Over time and in the face of relentless campaigning by Superintendent Wattson, the Southern Utes eventually accepted the Indian Reorganization Act. On June 10, 1935, 95 of the tribe's 188 eligible adult voters took part in an election and approved participation in the IRA by an 85-to-10 vote.7 The Ute Mountain Indians, however, did not prove to be as receptive to the superintendent's campaign. Wattson described being met at Ute Mountain "by a wall of stoical apathy" and by derision of the more accommodating Ignacio Utes. "They profess to look with scorn upon their neighbors and relatives at Southern Ute," the superintendent reported, "though I suspect their attitude is not unmixed with envy of the self-reliance and independence of the latter."8

Despite the continued resistance, Wattson proceeded to schedule an election on IRA participation for June 12, 1935. John Miller and his sub-chief Jack House, the
latter being referred to by Superintendent Wattson as one of the chief's "henchmen," were largely successful in derailing the election by sitting at the polling place all day and directing tribal members not to vote. Wattson even enlisted the assistance of Southern Ute Tribal Council Chairman John Burch in a last-ditch attempt to change the chief's mind or convince younger tribal members to ignore their leader, but it was to no avail. Jack House steadfastly reasserted his opposition, which evidently grew out of a combination of distrust and lack of understanding:

There is one reason we won't vote. If we vote we don't know we will get the annuity back. This bill may not amount to anything. How do we know we will get anything? ... There may be something behind this bill. I think there is something behind it which we don't understand. Something so the Indians will be worked. They have to work, work, and never get a payroll ... the Indians here ... can't write, they can't read, they don't understand what is behind it ...

John Miller repeated his previously stated objections to the reorganization program, adding a new complaint regarding the recent closure of the Ute Mountain Boarding School in preparation for its conversion to a day school:

It isn't right to vote. My people are not going to vote. Long time ago they told us we would always have a boarding school, and now it is closed. They are taking it away from us. We don't understand this, and it isn't right to vote. It is just the same as stealing from the tribe for an Indian to vote.9

Thus, in John Miller's mind, voting in the IRA election was akin to a nineteenth-century Indian signing a treaty which handed over all of his tribe's land to the government.

After Miller and House left the polling site, 12 tribal members did step forward to cast their votes, resulting in a tally of 9-to-3 in favor of IRA participation. In most referendum elections, including all subsequent Ute Mountain tribal elections, such a low voter turnout--only 12 out of 225 eligible adult voters--would constitute rejection
of the issue in question, but not in the case of the IRA. While the Indian Reorganization Act stipulated that a referendum must be held before any tribe could be reorganized under the new program, the Act was written in such a way that the deck was definitely stacked in favor of reorganization: a tribe would be excluded from participation under the Act only if a majority of adult members voted against tribal reorganization. Thus the fact that only 12 voters materialized in Towaoc in June of 1935 guaranteed the Ute Mountain Tribe's enrollment in the reorganization program—in spite of the outspoken opposition of the tribal leadership and the lack of response from the vast majority of tribal members.

**Tribal Reorganization**

The two Ute tribes of Colorado—one largely by choice, the other by default—now faced the task of reorganizing themselves under the provisions of the IRA. The first step under the Indian Reorganization Act involved the political reorganization of the tribe through the adoption of a tribal constitution which would establish a new tribal government. The Southern Utes were fairly quick to initiate this process with a General Council meeting in November of 1935 at which tribal members selected a ten-member committee to draft a constitution for the tribe. The resulting document was drawn up with the assistance of the agency superintendent and the Indian Reorganization Unit, but, as one of the Reorganization Unit's field representatives appreciatively noted in a memo to a colleague, the Ute committee did play an important role in its creation: "Though full of imperfections which will give our lawyers the jitters, this Constitution was a joy to read, because it shows every evidence of expressing the Indians' wishes. May we have more of this kind!" While the
Southern Utes thus were able to have some input in the formulation of what would become their governing document, the resulting constitution—and undoubtedly other tribal constitutions dating from the same period—certainly bore the heavy imprint of government officials. Discussing the tribe's subsequent reassessment of its constitution in 1972, Superintendent Ray deKay characterized the 1936 document as "the BIA's Constitution," an "old BIA draft" which had been adopted by 50-100 tribes.12

The proposed constitution was presented to the General Council for approval in January of 1936. The plan was received without any protest and approved with a few abstentions but no dissenting votes.13 The constitution was then submitted to the Indian Office, which soon returned the draft to the tribe with suggested revisions. These were made by the constitution committee, and on September 12th an election was held in which 69 of 129 eligible tribal voters were present to decide whether the final draft should be adopted. By a vote of 61-to-8 the Constitution and By-Laws of the Southern Ute Tribe was accepted, and it went into effect upon approval by the Secretary of the Interior on November 7, 1936.14

This constitution established a new tribal government, replacing the previous arrangement consisting of a hereditary chief and an elected council. The government created by the Southern Ute Constitution, which became effective just six months after the death of Buckskin Charlie, did not provide any political role for the chief. It replaced the old five-member council with a new six-member tribal council, and it delineated the powers which this body would exercise. In addition, it stipulated criteria for tribal membership, set forth procedures for holding elections and for amending the constitution, and terminated the allotment of tribal land. Henceforth, all unallotted tribal...
land was to remain tribal property, although it could be assigned by the Tribal Council for private use by individual members.

Thus the Southern Ute Tribe, consistent with its history of generally cooperative relations with the Federal Government, had moved swiftly and smoothly along the IRA track much as John Collier had hoped all tribes would do. Much to the frustration of government officials, however, the Ute Mountain Utes would also remain true to their tradition—-one decidedly less accommodating to overtures from the government. Jack House, who became chief upon the death of John Miller in 1936, had, by virtue of his service as a sub-chief under Miller, become thoroughly indoctrinated in the leadership agenda of his predecessor. At the core of this agenda was a conservative preference for the status quo, a deeply-held suspicion of any outside influence, and an undying distrust of the U.S. Government. Given this isolationist tradition—its roots stretching back to such earlier Weeminuche leaders as Ignacio, Mariano, and Red Rock—and also given the tribe’s unenthusiastic initial response to the Indian Reorganization Act, it is hardly surprising that Ute Mountain Tribe, now under the leadership of Jack House, did not eagerly embrace the prospect of adopting a tribal constitution.

Not until February 11, 1938, some 2 1/2 years after their inclusion in the reorganization program, did the Ute Mountain Indians petition the Commissioner of Indian Affairs to call a special referendum on the question of adopting a tribal constitution. This request was signed by Chief Jack House; by Anson Whyte, leader of the Allen Canyon band; and by Tribal Council member Isaac Peabody. All three leaders marked the document with their thumbprints since they, like almost all members of their tribe at this time, could neither read nor write. The petition was approved at
a February 11th joint meeting with the Southern Ute Tribal Council held in Towaoc. Superintendent S.F. Stacher was encouraged by this favorable response from a people who "in the past have been very difficult to approach and have shown only passive interest in their affairs."  

Old habits proved hard to break, however, for the Ute Mountain and Allen Canyon Indians soon had second thoughts. At a joint meeting with council members from both the Southern Ute and Uintah and Ouray Reservations, held in Moab, Utah, on May 10, 1938, Anson Whyte interrupted a discussion of Confederated Ute land claims to explain to his fellow Ute leaders his tribe's position on the adoption of a tribal constitution:

Now about us Ute Mountain Utes. Our children are not educated enough to handle our problems, as well as you people. We were going to adopt the Constitution and By laws but after thinking it over we changed our minds and thought it best to remain as we are. My friends, I am telling you because I'm sure you would like to know why we refused to adopt it.

Whyte also took advantage of this opportunity to complain about Superintendent S.F. Stacher, who was continually urging his people to move from the Allen Canyon area of Utah to reservation lands near Ignacio where they could become farmers. "But we do not like to do that because we like our place regardless how hopeless it is and we aim to remain there."  

More than a year after this meeting, the pendulum had swung back in favor of adoption of a constitution as members of the Ute Mountain Tribal Council met with their counterparts from Ignacio in an August 16, 1939, joint meeting. By this time the Ute Mountain Tribe had already approved a constitutional draft which the superintendent returned to them at this meeting along with suggested changes made by the Secretary of the Interior. Several of the Southern Ute councilmen cited the
benefits of their own constitution and urged their Ute Mountain neighbors to approve the document. Isaac Cloud strongly endorsed such a move:

With our people we feel this Constitution has helped us very much, I feel as a member of the Tribal Council, what we say is set. If we do not understand a certain thing or problem facing us with the help of our Superintendent we find the light in solving our problems, we see it our problems and duty to find out all we can before we send in a signed Resolution. And I am sure that if you adopt this Constitution you will benefit by it as we have, but it takes time before very much can be done. It will also help you hold your land for you, for we do not know what the future has for us and this Constitution has it [sic] promising act of holding our land and property for us.

Jack House, then chairman of the Ute Mountain Tribal Council as well as the tribe’s chief, agreed: "I feel it is all right for us to adopt this Constitution." All four of his fellow council members then voted for the constitution with the suggested revisions.18

In a referendum held on May 8, 1940, tribal members approved the Constitution and By-Laws by a 91-to-12 vote. The Ute Mountain Tribe’s long and fitful campaign for adoption of a tribal constitution finally reached fruition with the Interior Department’s approval of its governing document on June 6, 1940.19 Given the illiteracy of tribal leaders this tribal blueprint could hardly have been anything other than an Indian Office document, and it was almost identical in form and content to the Southern Ute Constitution. Like the Southern Ute plan, this constitution established a new Ute Mountain Tribal Council as the tribe’s governing body. Like its counterpart in Ignacio, this body would consist of members elected for three-year terms, with two members elected by the adult tribal members each year. In addition to the six council members elected from Towaoc, the Ute Mountain Tribal Council was to include one member elected annually by the Allen Canyon group. Again like the Southern Ute Constitution, nowhere in this document was there any mention of a tribal chief. While this lack of constitutional legitimacy gave rise to a chieftainship of increasingly
diminished importance in Ignacio, it would have no effect upon the continuation of chiefly authority exercised by Jack House in Towaoc.

With constitutions in place, each tribe set about forming its new tribal council. On November 7, 1936, within days of the Secretary of the Interior’s approval of their governing document, the Southern Utes held the first election under their constitution, electing six members to serve on the new Tribal Council. Included among the council’s first members were Julian Baker, the model farmer who had been lauded by officials in the 1931 Senate committee hearings; Julius Cloud; Antonio Buck, Sr., the tribe’s chief; and John Burch. Burch, who had been chairman of the pre-constitution tribal council, was elected by his fellow councilmen to serve as the first chairman of the new council. Burch was soon succeeded by Antonio Buck, Sr., who thus came to hold both the title of chief—which no longer conveyed any political power—and that of council chairman—which would soon become the most powerful position in the tribe. This continuation of the Buck family’s leadership eased the transition from the traditional leadership of chiefs to the new governmental arrangement dominated by the Tribal Council.

Even before the Department of the Interior’s approval of their document became official, the newly elected members of the first Ute Mountain Tribal Council to be organized under the tribe’s constitution held their initial meeting on May 24, 1940. Among the seven members of this body were Jack House, Anson Whyte, and George Mills. While Chief House had been chairman of recent pre-constitution tribal councils, he would never assume this position in the new council; instead, Mills was elected chairman by his fellow council members, and he continued to hold this position without interruption into the 1950s. Also serving on this first tribal council were two women,
Aileen Hatch and Emma South Beecher. Their presence highlights the active participation of women that would characterize the tribal councils of both tribes in the years that followed. Female council members would be particularly active in Ignacio. While the Southern Utes did not elect a woman to their tribal council until 1948, there was almost always female representation—often more than one member—from that time forward.

Having completed their political reorganization under the Indian Reorganization Act, the Ute Mountain Council members now appeared to be fairly pleased with the results of this process to which they had initially been so opposed. Responding to an inquiry from the commissioner seeking their reaction to the IRA, Council members stated in September of 1940 that they were "better satisfied with the way it is now."22

The second major step envisioned for tribes under the Indian Reorganization Act—one which many tribes, including the Ute Mountain Utes, did not take at this time—was incorporation under a federal charter. The Southern Utes embarked upon this process on April 20, 1938, by obtaining the signatures of 57 members on a petition to the Secretary of the Interior requesting that a charter be granted to the tribe.23 After initiating this process, however, tribal leaders seemed to lose some of their enthusiasm for incorporation, preferring to postpone consideration of this matter until they had attended to other business items. Superintendent Stacher reported on October 3rd that the additional time had enabled him to further acquaint the Indians with the proposed charter, and now that they better understood the proposal he anticipated that the majority of the tribal members would be in favor of its adoption.24 Stacher's assessment proved correct when on November 1, 1938, the tribe's membership adopted the corporate charter by a vote of 78-to-3.25 The Corporate Charter of the
Southern Ute Tribe stated that tribal incorporation was intended to promote the economic development of the tribe; to confer corporate rights, powers, and immunities upon the tribe; to secure the economic independence of the tribe's members; and to provide for tribal exercise of functions heretofore carried out by the Department of the Interior. Unlike most charters of incorporation, this one imposed certain limitations on the tribe's authority to purchase and dispose of its assets: the tribe was not permitted to sell any of its land or interests—such as mineral or water rights—associated with the land, nor could the tribe lease its land or related interests to non-Indians without the Secretary of the Interior's approval. The Charter did permit the tribe, subject to some limitations, to engage in one practice which was quite popular with the Southern Ute people, namely the per capita distribution of profit from tribal corporate enterprises in excess of all expenses and obligations.  

The New Tribal Councils

The newly created tribal councils in Towaoc and Ignacio often appeared as if they were not in control of their own affairs during their first years of existence. While the tribal constitutions had given birth to political institutions designed to achieve self-determination, the continued presence of Federal Government oversight—in combination with their own inexperience and lack of self-confidence growing out of a half-century of Indian Service paternalism—made it exceedingly difficult for the tribal councils to successfully assert their own interests. Accustomed to being dictated to by Indian Service officials, it is not surprising that council members seemed passive in the face of agency personnel or officials from the Indian Office who attended their meetings. The minutes of meetings from both Towaoc and Ignacio reveal that such
officials frequently dominated the proceedings, often doing most of the talking; and almost all council resolutions were initiated by the agency rather than by the Indians themselves. At one meeting in 1940 when the superintendent was absent, the Southern Ute Tribal Council seemed lost and uncertain as to what they should do without him, the chairman commenting, "Mr. Stacher is the superintendent and he has to lead us on."27

This same dominance of proceedings by the superintendent was the norm at Towaoc as well. Here council members offered little input as the superintendent controlled the agenda and typically presented pre-written resolutions which were explained to the council and then put up for a vote. The other consistent factor in these meetings was the dominance of Jack House over his fellow council members. Whenever agency personnel were not talking, it was the chief's voice that was most likely to be heard. His stance on matters before the Council had an immense influence on other council members. Discussion of tribal pension money at the April 3, 1941, meeting was typical of the procedure followed at Tribal Council meetings in Towaoc. Superintendent MacSpadden explained the situation and then presented two possible courses of action. Jack House responded that he favored one of the two proposals and then asked his colleagues what they thought about this. They all agreed with the chief, and the matter was settled.28 Given the lack of education of most Ute Mountain tribal leaders, the Council was still forced to ask the superintendent to prepare any resolutions which it sought to adopt even after it began to initiate more of its own actions later in the decade.

During the 1940s Chief House often expressed the traditional Ute Mountain distrust of the Federal Government and conservative resistance to government policies
that had characterized John Miller's leadership. In 1941 he echoed the familiar refrain of hostility to outside intrusion when he complained about inroads made on the reservation by the Civilian Conservation Corps:

When our old chief [John Miller] was still living a CCC man came to us and had a talk with us about this CCC. Told us that money was being appropriated for such work. That this work was more of an aid to those folks who do not receive any income. When set up will not affect the agency. The chief told him that it was too good to be true, and that there must be a catch to it somewhere. He told the white man that when it was set up, it might get us into serious trouble. But the CCC man said "No, it won't be that way." Before we knew it, the CCC men started to work down here on our reservation and we did not like it because they went ahead without our permission.

House was also irritated with the superintendent, Floyd E. MacSpadden, who had moved the Council's office out of the agency building in order to make room for the CCC. "He and the CCC seem to be taking over quite a territory," the chief protested. For his part, the superintendent was certainly not thrilled with Jack House's leadership on the Council. MacSpadden complained of opposition to his proposed 1942 budget by "the reactionary element led by Chief Jack House." In this case, House came up on the losing side of a close 4-3 vote approving the budget. Later that same year the superintendent and the chief again clashed over the issue of tribal loans. MacSpadden submitted to the Indian Office an urgent request for budgetary funding, but he explained to the commissioner that there was no immediate need to obtain the tribe's pension funds since he was hoping to convince the Utes "that the use of credit is desirable." House disagreed with this policy, as the superintendent related: "Chief Jack House steadfastly refuses to be a party to any loaning of tribal funds to individuals insisting that tribal money should be allotted as per capita."

Tribal council members on both reservations occupied a difficult position as they sought to define their role and determine the extent of their power. They often
found themselves caught in the middle between strong pressure for action from their constituents and constraints upon their ability to act imposed by the Federal Government. This was particularly the case in Ignacio, where the Southern Ute Tribal Council faced a vocal tribal membership but had difficulty achieving the results demanded by the people. They encountered a number of obstacles, one being their own procedural inexperience. Council members frequently jumped from one matter to the next, making it hard to conclude any business. And efficient work habits, such as punctuality, proved slow to develop. An exasperated Chairman Julius Cloud berated his colleagues for their habitual tardiness in 1941:

> How can anything be accomplished when things run like this? You have seen other business meetings, for instance [those of] our white brothers, [where] the members do not hang around outside and wait for someone to come out and get him.³²

Another obstacle confronting the Tribal Council in Ignacio was its lack of popular support. Tribal members were often highly critical of Council decisions. At one meeting, for example, a proposal to purchase a truck sparked a bitter attack on what one critic regarded as the Council’s foolish spending of tribal money. Another person in attendance then jumped into the fray, blasting both the superintendent and the Council as "a bunch of know-nothings and false-hood dealers."³³ A persistent source of popular dissatisfaction with the governing body was the widely held perception that the Council did not listen to tribal members. One older man expressed his irritation over this issue to council members at a 1940 meeting:

> No help has been given me for eleven years, therefore I have no interest in your affairs. I only sit in and listen to what you men have to say. What you discuss is not new to me. I know all about it, but once I tried to help you committee men and you would not listen to me, so I feel more like an outsider.³⁴
At the same meeting an elderly Ute man expressed the frustration of tribal elders, tribal members whose counsel had been highly valued in the past but who felt ignored under the current system:

We have a right to have a say about our affairs. We like to help the councilmen decide because they are too young to foresee the future of the things presented to them. We older men know these things, therefore, we feel confident that we should be included in their struggles.35

While the Southern Utes were quick to criticize their tribal council, they were not always so quick to participate in the political process. Tribal elections had to be postponed time and again when quorums failed to materialize. This was not a new problem, but as the 1940s wore on attendance by the general membership at tribal council meetings dropped precipitously. This was partly the result of the popular perception that the Council was not interested in hearing the people's views and partly the result of Superintendent MacSpadden's highly unpopular policy of trying to discourage comments during meetings from anyone other than council members.

When council members were not suffering the complaints of their constituents they were frequently being reminded of the institutional limits of their power. The Indian Service largely controlled the agenda, leaving Southern Ute Tribal Council members with the impression they were powerless in the face of this bureaucratic giant. One of a seemingly endless series of outbursts arising out of this sense of frustration occurred in Ignacio on May 15, 1940, when a regional official of the Indian Service requested that the Council appropriate money for fire suppression. Fed up with being told what to do by federal officials, Antonio Buck reacted bitterly, fuming that the superintendent was eager to spend the tribe's money but that the Council could never get what it wanted. Councilman Isaac Cloud then chimed in, "It seems that our Council
has no power, all Resolutions which are presented we sign ..."36 But it was Julius Cloud--World War I veteran, member of the Council since its inception in 1936, and council chairman for most of the 1940s--who was most vehement and unrelenting in his attacks on government interference with the Council's attempts to conduct its own affairs. When the agency farmer, Elbert J. Floyd, who doubled as the chief law enforcement officer for the agency, evicted a troublesome Ute man from the reservation in 1940, Cloud was incensed that the agency could take this action without consulting the Council:

What is Mr. Floyd that he should chase [the Ute man] off his reservation? Will he always chase people off the reservation? It isn't fair for Mr. Floyd to do that. [The man] was reported by some one who no one knows. Why don't we know? Don't we Council men have the power to go ahead? The employees at the agency are ahead. Council men do not amount to anything.37

Although Julius Cloud continued to launch blistering attacks on the Indian Office--rechristened the Bureau of Indian Affairs (BIA) in 1947--for the duration of his long council career, meetings became somewhat less contentious as the decade went by and members of the Southern Ute Tribal Council became more comfortable in their new role. Cloud's outspoken advocacy of his people's interests and his verbal assaults upon the federal bureaucracy made him quite popular among tribal members. After serving as chairman from 1939 to 1944, followed by continued service on the Council under new Chairman Sam Burch, Cloud was overwhelmingly reelected to his council seat in 1947 and once again elected by his fellow council members to the chairmanship the following year.38 Meanwhile in Towaoc, George Mills remained chairman of the Ute Mountain Tribal Council throughout this entire period, but he did not play a
particularly dominant role in council proceedings. Jack House continued to be the single most influential member.

**Reservation Life and Economy**

Jack House and his fellow council members faced a difficult situation on the Ute Mountain Reservation during the late-thirties and early-forties. In a petition adopted at a General Council of the tribe's members in 1938, reference was made to the grim conditions facing tribal members at this time:

> We have lived many years in improvised shelters, tents, muslin teepees, shacks and a few of us in hogans of the Navajos, all unsuited to our needs. There has been much sickness and many deaths in the past years that has been caused by exposure in severe weather. We are without conveniences and sanitation is certainly bad, and it is our desire to improve our situation as speedily as possible.  

While living conditions were still bleak, the tribe had made some progress—as had the Southern Ute Tribe—in adjusting to the post-ration and post-annuity economy of the reservation. In 1932, on the eve of being cut off from the distribution of food rations and cash payments from the agency, the sum of all earned income received by members of the Ute Mountain Tribe had totalled only $8,000, with slightly over half of this accruing from livestock operations and the rest from wage work. The Southern Utes, by comparison, collectively earned around $40,000 in the same year—$29,000 in agricultural income and $11,080 in wages. By 1940 both tribes had experienced substantial increases in the individual incomes earned by their members. In that year the Ute Mountain Indians collectively earned $59,040: $28,989 from agricultural pursuits and $20,665 from wage work—most of it with the CCC—plus additional earnings from the sale of firewood and arts and crafts. Southern Ute income in 1940
showed a similar increase to a total of $107,743, which was almost evenly divided between farming and livestock income on the one hand and wage income on the other.41 Throughout the ensuing decade the Mountain Utes continued to experience slow but steady increases in their individual incomes. The Southern Utes, however, showed a substantial decrease in their total income during the early-to-mid-forties, undoubtedly as a result of the departure of 46 of their members to serve in the armed forces during World War II. By 1946 they had rebounded to an income level only slightly below their pre-war earnings.42 Much of the agricultural income of the 1940s now came from cattle raising, which had increased dramatically on both reservations over 1930s levels. Whereas the Southern Utes had only possessed 110 head of cattle--most were dairy cows--in 1933 and the Ute Mountain Indians only 91 head, by 1945 these numbers had grown to 717 and 1,447 respectively. The shift to a cattle-based agricultural economy was especially evident at Ute Mountain, where the tribe's stock of sheep had decreased by nearly half as its cattle herds boomed. By contrast, the size of Southern Ute sheep herds had remained fairly stable between 1934 and 1945.43 During the forties, both tribes benefited from a substantial increase in income from oil and gas leases. Most of this, however, was tribal as opposed to individual income.

Along with increased income, the two Ute tribes also experienced steady population growth. Following their devastating encounters with disease during the 1930s, the Ute Mountain Indians rebounded during the following decade, reaching a tribal population of 502 in 1945. The Southern Utes numbered 458 members in that same year.44 These tribal members, in their increasing numbers, faced a number of major changes in their social environment. Some changes, such as the establishment of a Boy Scout troop at the Ute Vocational School--formerly the Southern Ute Boarding
School—in Ignacio, were relatively small in scope and benign in nature. Others, such as the service of many tribal members on behalf of their country during World War II, resulted in not only short-term socio-economic change but also in planting the seeds of a more fundamental social and political transformation to come by exposing future tribal leaders to the world outside the reservation. Other developments, such as the growing incidence of drunkenness and crime, were unambiguously negative. While liquor on the reservation was nothing new—Superintendent Wattson had complained about the "increasing prevalence of drunkenness" on the reservation in 1933—both liquor and crime were becoming more common in the forties. While as late as 1938 the agency reported only one criminal act committed on each reservation, six arrests were reported to have been made in each jurisdiction in 1945. Indians, who were still forbidden by law from possessing liquor at this time, relied upon non-Indian bootleggers for their supply of alcohol. Compared to what would come later, this level of alcohol abuse and criminal activity, while troublesome, was but the tip of an immense iceberg which would only continue to grow in size.

The Utes of southeastern Utah, still under the jurisdiction of the Ute Mountain Reservation, faced a major change in their situation during World War II when many members of this band opted to leave Allen Canyon in favor of relocation at White Mesa, about ten miles south of Blanding, Utah. Many other families, however, elected to remain in Allen Canyon, which had been their home for several generations.

Life at Ute Mountain during the 1940s continued much as it had in previous decades. Tribal members were earning more income, and more were living in permanent homes. Most, however, continued to lead the semi-nomadic existence of previous years, living in tents and moving across the reservation with their sheep and
cattle. Perhaps the most significant development on this reservation during the forties was one which actually served to slow the pace of change among this people. The school situation in Towaoc, greatly worsened by the 1935 conversion of the Ute Mountain Boarding School into a day school which made attendance by the tribe's highly mobile population difficult, went from bad to worse with the closure of this school in 1942. This left the already under-educated tribe with no school on its reservation, and as a result many Ute Mountain children were denied an education. A 1951 letter by Area Director Eric T. Hagberg recounts the situation surrounding the closure of the school and the subsequent ill-effects of this move:

The school was closed in 1942, by order of Superintendent MacSpadden. In subsequent correspondence, three different reasons were successively advanced--a shortage of water, non-attendance of pupils and an inability to secure adequate personnel. Through all the correspondence, there was the argument that the Ute Mountain and Blanding [Allen Canyon] tribes would be better off if they would move onto lands in the Southern Ute area where adequate grazing and agriculture resources were said to exist. The Mountain Utes steadfastly refused any attempt to effect such a move and have likewise opposed the transfer of their children to the Ute Vocational School in Ignacio. Only within the last two years has that ever been reasonably successful. Forty-two children were still not enrolled in any school last year [1950].

But the damage did not stop with many of the tribe's children being deprived of an education. For in addition to closing the school in 1942, the Indian Office soon closed the entire Towaoc Agency and withdrew all agency personnel excluding a stockman and his assistant, and even these two employees were removed in 1948. Thus, for what would be an 11-year period, the Towaoc Utes were without a school, a hospital, or an agency, being ostensibly served by the Consolidated Ute Agency located some 85 miles away in Ignacio. This isolated people, already characterized by a very low level of education and adjustment to modern society, were cast adrift and provided with
virtually no services other than those they might obtain in Ignacio. The Mountain Utes, who had always had a somewhat strained relationship with the Federal Government, now had the "feeling that the Government has sort of walked off and left them and is no longer interested in their welfare ..."52

Former agency farmer and now Superintendent Elbert J. Floyd reported that at his first meeting as superintendent with the Ute Mountain Tribal Council in May of 1950, he had been requested to "exert every effort to have this school reopened."53 The Council further indicated its desire to again have a school in Towaoc by voting to appropriate tribal funds for the purpose of school building maintenance. It was not until 1953 that the agency and school in Towaoc were reopened.54

Tribal Business

As they conducted tribal business during the late-1930s and 1940s, the tribal councils in both Ignacio and Towaoc dealt with a wide spectrum of issues, ranging from the date of the Bear Dance each spring to oil and gas leases worth hundreds of thousands of dollars. Agricultural concerns were frequently addressed, with the Towaoc council trying to further the interests of its stockraisers, while the council in Ignacio was often involved with irrigation questions and other matters affecting the farming and livestock operations of its people. Resolutions to improve housing conditions were passed by both councils. And much attention was devoted to the utilization of tribal resources: permits were issued both to tribal members and non-Indians for grazing stock, cutting fence posts, harvesting timber, and extracting mineral or energy resources from tribal land. Later in the forties, both bodies became
increasingly involved with oil and gas exploration and development on their respective reservations.

The tribal councils often addressed the financial needs of their people. Monthly pensions were awarded to old or disabled tribal members, and loans to individual members were one of the items appearing most frequently on council agendas. Another type of resolution, exceedingly popular among the people, involved the distribution of tribal funds on a per capita basis to all tribal members--both adults and children. Such per capita payments, which were to be issued only out of tribal revenues in excess of all expenses and obligations, were a rare occurrence in the days when tribal budgets were rather small. The Southern Ute tribal budget, for example, totalled $80,800 in 1939 and then declined in the face of limited revenues to a low of $38,500 in 1945. The Ute Mountain Council faced even leaner financial circumstances, resulting in tribal budgets in the amount of $39,800 in 1939 and then dropping as low as a meager $17,000 in 1946. Later in the decade increasingly high revenues from oil and gas leasing improved the financial outlook of the two tribes considerably. For example, the Southern Ute tribal fund balance increased from $1,491 in 1940 to over $474,819 in September of 1949. This made it possible for both tribes to regularly distribute per capita payments in steadily larger amounts. The Southern Ute Council authorized payments of $50 in 1948 and $75 in 1949, while the Ute Mountain Council similarly voted for per capita payments of $50 in 1948, $75 in 1949, and $100 in 1950. The barren, dry wastelands of the Ute Mountain Reservation were apparently not so worthless after all. Thus, with fossil fuel deposits bringing the two tribes increasing wealth as they approached the mid-century mark, individual tribal members were able to share in this wealth.
Another everpresent object of council attention was the land within reservation boundaries. While the Ute Mountain Tribal Council sometimes endeavored to purchase adjoining white-owned tracts or additional summer range land, the latter being in extremely short supply on its reservation, land was more commonly a matter of concern to the council in Ignacio due to the checkerboard nature of land ownership within the bounds of their reservation. Following allotment of the Southern Ute Reservation in 1896, unallotted or "surplus" land had been opened to non-Indian settlement. As a result, unlike the continuous block of tribal land comprising the reservation of the unallotted Mountain Utes, the Southern Ute Reservation was a confusing jumble of allotted land, owned by individual Utes but held in trust by the government; unallotted tribal land, owned collectively by the tribe; and non-Indian landholdings. This situation was far from ideal from the Southern Ute perspective. It was complicated even further by the results of a half-century of inheritance of Indian allotments leading to the existence of multiple claims upon individual allotments that were often quite small to begin with.

Thus much of the Ignacio council's time was spent trying to improve the land-use and land-ownership situation on the Southern Ute Reservation. Beginning in the late-1930s the Tribal Council embarked upon a "blocking up program" that sought to consolidate tribal land holdings in two ways. First, it sought to undo the allotment process and resolve inheritance disputes by purchasing allotted lands from their Indian owners. Second, it endeavored to correct some of the most problematic examples of the reservation's checkerboard nature by purchasing non-Indian-owned lands which were wholly or in part surrounded by tribal land. To this end, the Council appropriated $30,000 each year throughout most of the 1940s for the purchase of land.
Once purchased by the tribe, land could then be assigned by the Council to individual tribal members for their use in farming, grazing, or as a residence. Other tribal land, such as the Oxford Tract, was directly administered by the tribe for tribal farming operations. The Ute Mountain Tribe operated a similar tribal enterprise, the 200-acre Mancos Creek Farm, on its reservation. Still other Southern Ute tracts were leased to non-Indian ranchers or farmers for their use. Between appraisals, purchases, exchanges, leases, and assignments, the Southern Ute Tribal Council was continually occupied with land matters.

**Ute Land Claims**

Tribal purchases were not the only means of adding to the tribes' landholdings. In addition to halting the allotment of Indian lands, the Indian Reorganization Act also authorized the Secretary of the Interior to restore to tribal ownership any remaining surplus land which had previously been withdrawn from reservations across the country and then offered up for sale by the government. Accordingly, Secretary Harold L. Ickes in 1937 took initial steps toward returning certain lands on Colorado's Western Slope to the Utes. These lands had been ceded by their ancestors to the United States in an 1880 agreement negotiated amidst the anti-Ute furor following the 1879 Meeker Massacre. The prospect of returning land to the Utes caused a tremendous uproar among Coloradans, particularly West Slope ranchers. Colorado politicians, led by Senator Alva B. Adams, quickly mobilized to quash the restoration of any land to the Indians. Adams succeeded in attaching to a minor bill an amendment banning the transfer of most Colorado land to the Utes. When President Roosevelt signed this bill on June 29, 1938, 3.5 million acres of western Colorado were reaffirmed as public
lands owned by the Federal Government. The Adams Amendment was not a total defeat, however, for the Ute tribes of Colorado: some 222,000 acres south and east of Ignacio and 30,000 acres in Montezuma County were specifically exempted from the Amendment, and in 1938 these two tracts were restored to the Southern Ute and Ute Mountain Reservations respectively.

The Adams Amendment of June 1938 also contained a silver lining which could potentially prove very lucrative for the Utes of both Colorado and Utah: it gave them the right to sue the United States in the U.S. Court of Claims over the issue of tribal land claims, and, additionally, it furnished the legal basis for a judgment in their favor in one of the four suits which they subsequently initiated over the following decade. This suit, which ultimately yielded the largest monetary award of any Ute claim, revolved around the tribes' contention that the Adams Amendment had, by declaring surplus land remaining from the 1880 Ute cession to be "the absolute property of the United States," extinguished the Utes' still valid interest in this land. After all, the 1880 agreement stipulated that the Indians were to receive payment for this land whenever the U.S. Government might sell it. Since their claim to this West Slope land had been extinguished without compensation by the Adams Amendment, it could be argued that the Utes were entitled to payment for this land. The U.S. Court of Claims agreed with this line of reasoning on October 4, 1943, and it subsequently decided in favor of the Ute Bands in three other suits filed during the 1940s. It would be ten long, frustrating years, however, before the Southern Utes and the Ute Mountain Utes actually received any money.

The Southern Utes and Ute Mountain Utes teamed up with their Northern Ute kin from the Uintah and Ouray Reservation in Utah to initiate the land claims battle in
1938 by entering into a contract with Salt Lake City attorney Ernest Wilkinson. Neither Wilkinson nor his Indian clients could foresee the long road which lay ahead of them as they embarked upon this quest for compensation. Along the way a number of issues arose that would complicate their efforts, the first and most persistent of these being a dispute between the three Ute tribes over how to divide whatever judgment they might be awarded. This question first arose in 1938 and surfaced again the following year, provoking considerable debate among representatives of the three Ute tribes. The Northern Utes contended that according to the "old treaty" of 1880 they were entitled to two thirds of the total compensation for the loss of their old homeland in western Colorado; one third was to be divided among the Southern Utes and Ute Mountain Utes. Representatives of the latter two tribes protested that such a distribution formula was unfair, advocating instead that the funds be distributed among the bands according to population.63 Disagreement over this issue persisted and was still evident when Ernest Wilkinson met with representatives of all three Ute tribes in Ignacio in 1946. At this time Wilkinson advised the tribal leaders to set this troublesome issue aside so they might concentrate upon the more pressing matter of appropriating money for the continued prosecution of the suits. Obviously preoccupied with the distribution question, the Ute representatives found it hard to ignore this topic. Distrust was in the air as the Northern Utes were initially suspicious of a Southern Ute resolution regarding the payment of litigation-related expenses: "If anything is under cover, we would like to have it out."64 The Colorado Utes' distrust of their Utah relatives--and also of themselves--was still in evidence two months later when a question arose at a Southern Ute Tribal Council meeting about alleged attempts by the Northern Utes to influence the Ute Mountain Indians.65
An additional task, and a rather large one, was the necessity of determining the value of the lands in question. After issuing its judgment in favor of the tribes, the Court of Claims ordered each party in the case to make an appraisal of the 4 1/2 million acres of western Colorado land to which the claims pertained. Wilkinson hired a team of 15 experts to conduct this immense appraisal in 1946. The following year Wilkinson reported to a Joint Council of the Colorado Utes that in addition to this surface appraisal, it would be necessary to appraise the mineral value of this vast area in order to establish the total value of the land. Having already expended $116,000 for the surface appraisal, the Ute tribes were now asked by their attorney for an additional $250,000 to pay for assessment of the land's oil, gas, coal, uranium, and vanadium deposits.

The contrasting reactions of the two tribal councils to this request revealed the Ute Mountain and Southern Ute Tribes of 1947 to be worlds apart. The Southern Ute Council members were not ruffled by this request for a substantial outlay of tribal funds, realizing the necessity of making the additional investment. Julian Baker sought to clarify the matter for his non-English-speaking colleagues from Ute Mountain: "Friends, Mr. Wilkinson is asking for some more money in order to do some work for us ... Maybe it may not be very clear to you people from Towaoc. It is hard to interpret and you may not understand very clear what is being said." Jack House's response indicated that Baker had been correct in his assessment of the situation: "It is clear to you, but it is not clear to us. You understand what is being said and we do not understand." Julius Cloud, whose impatience with bureaucratic obstacles to tribal action has already been noted, was the picture of patience as he recounted the situation facing the two tribes, indicating that the Southern Ute Council was in favor of drafting
the necessary resolution and stating that he hoped the Ute Mountain Council would also approve this measure. Jack House was not so patient:

At the meeting last summer, I understood that Mr. Wilkinson was going to look for everything on the land that was taken away from the Utes by the Government. It's been a long time now and we haven't got the money yet. It has taken too long for him to get the money for us. I am getting old and some of the other old Council Members I used to be with are no longer here. Mr. Wilkinson has not gotten any money for us yet.

Ute Mountain Council member Marshall Whyte was similarly skeptical of giving Wilkinson any more money:

It may sound good for the Southern Utes, but as for me it does not sound good. Who is going to benefit from it? Who is going to get the money? We are not getting the money. It will take too long for us to get the money. We may all be dead and the money will not do us any good. Maybe the Attorney is going to get all the money ... The money he is asking for should not be given ... Of course, I do not understand English very well, but I think he should not get the money he is looking for.

Confused by the litigation process, frustrated by the lack of results nine years after the tribes had initiated their claims action, and distrustful of outsiders as a result of all the broken promises made to their people, the Ute Mountain representatives saw no reason to give still more of the tribe's precious money to a white man they hardly knew. As the discussion continued, Jack House's skepticism—and his distrust of Wilkinson—grew:

You Southern Utes understand what is being said and can give them the money. We do not clearly understand why he wants the money ... He is going to keep on asking for more money and then our money will be gone ... He will soon let us go and he will get some of the money. This is all he wants—money. He has not gotten anything for us. He has a lot of help. We want someone else instead of him because he has taken such a long time and yet we haven't got the money...
The meeting concluded with the Southern Ute Council agreeing to pass the resolution requested by their attorney. Jack House said that his council members needed to talk with their people before they would take any action.67

The patience of members of both tribes would soon wear thin, for the Utes' wait for their judgment money was far from over. Nevertheless, the two tribes now had well-established tribal councils whose members were slowly gaining confidence in their ability to conduct tribal business, although, as the above example reveals, this was more true in Ignacio than it was in Towaoc. The former council jealously guarded its preeminence in Southern Ute tribal politics, as its members demonstrated in 1948 when they were "considerably irked" by the fact that the tribe's dance team had made its own contract with the Durango Fiesta Committee, which had failed to contact the Tribal Council.68 Self-determination remained an elusive goal, but political reorganization—at least in Ignacio—had become a reality.

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7. Results of Southern Ute tribal election on IRA, June 10, 1935, microfilm roll NA XI, box 4, Tri-Ethnic Project Files.


10. Wattson indicated in his letter to the commissioner of November 1, 1934, that the Ute Mountain Indians had asserted that they would come under the provisions of the Act regardless of whether they voted or not; Wattson had responded to them by saying that if they did not hold an election, they would automatically come under the provisions of the IRA. Assistant Commissioner Zimmerman's letter of reply on December 14, 1934, agreed with the superintendent's interpretation: "Unless a majority vote against IRA, the act will become effective." Both letters in microfilm roll NA XI, box 4, Tri-Ethnic Project Files.


15. Petition for an election and adoption of a constitution, adopted at a general meeting of the Ute Mountain Indians, February 11, 1938, microfilm roll NA XI, box 4, Tri-Ethnic Project Files.


17. Minutes of special joint meeting of the Confederated Ute Bands, May 9-10, 1938, 5-6. All minutes of tribal council, joint council, general council, or business council meetings cited in this chapter, unless otherwise indicated, are from microfilm roll NA XI, box 4, Tri-Ethnic Project Files.


22. Minutes of the Ute Mountain Tribal Council, September 3, 1940, 1.


24. S.F. Stacher to CIA, October 3, 1938, microfilm roll NA XI, box 4, Tri-Ethnic Project Files.


27. Minutes of Southern Ute Tribal Council meeting, August 20, 1940, 2.

28. Minutes of Ute Mountain Tribal Council meeting, April 3, 1941, 1.

29. Minutes of Ute Mountain Tribal Council meeting, March 3, 1941, 2.

30. Floyd E. MacSpadden to CIA, May 21, 1941, Tribal Resolutions File, UMU Agency.

31. Floyd E. MacSpadden to CIA, August 29, 1941, Tribal Resolutions File, UMU Agency.

32. Minutes of Southern Ute Tribal Council, April 15, 1941, 1.

33. Minutes of Southern Ute Tribal Council meeting, May 27, 1940, 1.

34. Minutes of Southern Ute Tribal Council meeting, September 18, 1940, 2.

35. Ibid., 1.

36. Minutes of Southern Ute Tribal Council meeting, May 15, 1940, 1.

37. Minutes of Southern Ute Tribal Council meeting, August 20, 1940, 2.

38. Minutes of Southern Ute Tribal Council meetings, November 3, 1947, 2, and December 1, 1948, 1.

40. Consolidated Ute Agency, Annual Statistical Reports, Southern Ute and Ute Mountain Reservations, 1932, microfilm roll NA VI, box 4, Tri-Ethnic Project Files. All Annual Statistical Reports cited in this chapter are from the Tri-Ethnic Project Files.


45. "Ute Indian Boy Scout Troop at Ignacio Formed," Durango Herald-Democrat, December 12, 1942.

46. D.H. Wattson to CIA, June 5, 1933, microfilm roll NA XI, box 4, Tri-Ethnic Project Files.


49. Minutes of General Council meeting of the Allen Canyon Group of Indians, October 10, 1952, 1, Central Classified Files (1907-1959), Consolidated Ute Agency, Records of BIA, RG 75, National Archives, Washington, D.C.


55. Resolution No. 8 of the Southern Ute Tribal Council, February 1, 1939; Resolution No. 162 of the Southern Ute Tribal Council, August 2, 1943; both in microfilm roll NA XI, box 4, Tri-Ethnic Project Files.

56. Tentative Budget for FY 1939, Ute Mountain Tribal Council, March 6, 1939; Resolution No. 58 of the Ute Mountain Tribal Council, July 3, 1944; both in Tribal Resolutions File, UMU Agency.

57. Minutes of Joint Council meeting, October 25, 1949, 2.

58. Resolution No. 216 of the Southern Ute Tribal Council, October 1, 1945, microfilm roll NA XI, box 4, Tri-Ethnic Project Files.


63. Minutes of the Uintah and Ouray Tribal Business Meeting with representatives of the Southern Ute Agency, March 27, 1939, 2.

64. Minutes of Joint Meeting of the Southern Ute, Ute Mountain, and Northern Ute Councils with attorney Ernest Wilkinson, September 6, 1946, 3.

65. Minutes of Southern Ute Tribal Council meeting, November 1, 1946, 2.


67. Minutes of Joint Meeting of Southern Ute and Ute Mountain Tribal Councils, May 1, 1947, 7-14.

68. Minutes of Southern Ute Tribal Council meeting, August 2, 1948, 2.
CHAPTER 5
THE 1950S:
NEW WEALTH AND NEW CHALLENGES

At long last, on July 13, 1950, the U.S. Court of Claims entered its final judgments on four land claims suits filed by the Confederated Bands of Ute Indians. All four cases were decided in favor of the Utes, and the U.S. Government was ordered to pay a total of $31,761,206 in compensation for land taken from the bands. When the Ute tribes promptly settled their long-simmering feud over distribution of the claims money, approving a division whereby 60% would go to the Northern Utes and 40% to the Ute Mountain Utes and Southern Utes, it appeared the two Colorado tribes were about to split a windfall of roughly $12.2 million. But, while the torturously long proceedings before the Court of Claims were now finally completed, there emerged from another segment of the Federal Government one final hurdle to be overcome: before Congress would appropriate the judgment money, each tribe had to submit a long-range plan delineating how these funds would be spent. Until the Bureau of Indian Affairs and Congress had approved such "rehabilitation plans" each tribe's share of the claims money would remain in the U.S. Treasury.¹ The long wait was not yet over.

Eager to obtain their money and faced with this government directive, the two tribes had no choice but to produce the plans. Thus the Utes of Colorado embarked upon a process which would require them to make a fundamental reassessment of their situation mid-way through the twentieth century. By forcing each tribe's leaders to
determine tribal goals for the future, the formulation of these rehabilitation plans constituted a defining moment in the modern history of both tribes.

**Adoption of Tribal Rehabilitation Plans**

The planning process began as a joint effort of the two tribes under the guidance of the Consolidated Ute Agency. Southern Ute Chairman Julius Cloud and Ute Mountain Chief Jack House accompanied Superintendent Elbert J. Floyd to Washington to present their 3-page plan to the Commissioner of Indian Affairs in April of 1951. The Commissioner rejected the plan both on account of its lack of detail and the fact that it was primarily the work of the agency rather than the Utes themselves. Thus began a new stage in the planning process, one which would be dominated by tribal leaders. In this phase the two tribes would work separately and develop individual plans of their own. In many respects the two resulting plans were very similar, but the processes by which they were formulated and adopted by each tribe contrasted greatly. The Southern Utes embarked upon this task with leaders who were far better educated and more adept in negotiating the bureaucratic ways of the BIA. Their counterparts in Towaoc lacked language skills and experience in dealing with the white world. Despite this apparent advantage in "civic talent," the Southern Utes would prove to be the slower of the two in adopting a rehabilitation plan. The Ute Mountain Utes, after some initial protest, settled into the task of planning and emerged with a rehabilitation plan which was approved by Congress nearly a year in advance of the plan emanating from Ignacio. The planning process of the Southern Utes, despite
--or perhaps because of--their relative abundance of talent, would become a much more combative and soul-searching affair. For this reason, the following discussion will focus primarily upon developments in Ignacio rather than those in Towaoc.

At a May 8, 1951, General Council meeting, the Southern Utes selected the members of a planning committee to begin drawing up a rehabilitation plan. This was the task which had brought John E. Baker, the young engineering student and World War II veteran, back from his studies in Chicago. This body, with Baker as its chairman, produced a lengthy document which was then approved by the Tribal Council for presentation to the people at a General Council meeting. The September, 28, 1951, meeting of the Southern Ute people, as described at the outset of this study, was a lively and contentious affair that demonstrated the strong divergence of opinion within the tribe over the question of what to do with the tribe's land claims windfall. John Baker had led the Planning Committee in devising a plan which distributed only a portion of the total amount to the tribal membership: each member would receive $3,500, of which $3,000 could only be spent with the Tribal Council's approval. Predictably, many in the audience felt that the entire amount should be distributed among the people with no strings attached.

A key leader of the opposition to the committee's plan was 34-year-old Sunshine Cloud Smith. Like Baker, she was a well-educated World War II veteran, having served as a surgical technician in Utica, New York, during the war. After the war Smith had moved to Los Angeles with her non-Indian husband, but--like John Baker--she was called back to work for the tribe in 1950. It was not surprising that the tribe would turn to Sunshine Smith for assistance in its governance, for the Cloud family had long played a major role in the leadership of the tribe. Sunshine's father,
Edwin Cloud, had been a sub-chief under Buckskin Charlie, and he had also been the tribe's Sun Dance chief and a medicine man or "healer." As a child, she had often been present when her father held meetings with Buckskin Charlie and other tribal leaders. Thus it seemed only natural for Sunshine Smith to follow in the footsteps of her father, her uncles Antonio Buck, Sr. and Isaac Cloud, and her brother Julius Cloud, in assuming a leadership position.4

In the first of what would become many battles between these two emerging tribal leaders, Sunshine Smith, who had previously been appointed to the Council to replace a deceased councilman, out-polled John Baker at the September 28th General Council meeting to be reelected to the Tribal Council. Then, as the discussion shifted to the proposed rehabilitation plan, it became clear she held a starkly different conception of what should be done with the claims money. Feeling that $3,500 was not enough to meet the needs of individual tribal members, Smith advocated full distribution of the award, amounting to roughly $8,000 per person. She also disagreed with Baker over the restrictions imposed by the committee's plan on how people could spend their money. "What happens to the people?" she demanded to know. "Why don't they [the Bureau of Indian Affairs] give us a chance? They're trying to hold us back, don't they think that we are intelligent enough to spend our money as we please?"

"You might be intelligent enough," Baker retorted, "but are the majority of people?"

At this point Eddie Box, a tribal member who would soon be elected to the Council, rose to introduce an alternative plan favored by many of the tribe's veterans, a plan which called for the distribution of $8,000 to each member. He called upon Sunshine Smith's non-Indian husband to present the plan. After a brief explanation by
Mr. Smith, John Baker responded bitterly, objecting to both the plan and its spokesman:

The only veterans that get ahead are the veterans that are working, and by putting money in his pocket [this] is not going to make a better man of him. It is going to make a man go around with a chip on his shoulder. Any veteran that wants to talk to us does not have to get a man to do his talking for him. We are all Indians and he should come to us man to man. But if you have to get a man to do your talking for you—I’m ashamed of myself, because I’m a veteran, also.

The tumultuous meeting came to a close with an untallied vote in favor of the alternative plan and without any vote on the much-abused committee plan.5

This meeting revealed considerable anger and confusion among the tribal membership surrounding the proposed rehabilitation plan. The people were angry, feeling they had not been consulted, and they understood little about the committee’s plan other than what they would—or would not—receive in the way of individual money. More significant, though, was the emergence of strong factional disagreement pointing to the existence of a fundamental philosophical dichotomy within the tribal leadership. Baker feared the consequences of simply handing large amounts of money to people; instead, he favored the development of tribal programs to maximize the socio-economic development of the tribe as a whole. He and his supporters were not eager to abandon the tribe’s relationship with the BIA and its agency in Ignacio either.

As former council member Graves Kent pointed out at a subsequent meeting, the $8,000 plan was both unrealistic and, to his mind, undesirable:

We asked [Commissioner] Myers for $5,000, and he told us we could not have that much money, so how do you expect that they will let us have $8,000? They [the BIA] won’t give you that much money. If you get the $8,000, you will have to live as the whitemen do, on your own without the Agency to help you. Maybe the ones that are asking for the $8,000 are ready to live as the
whiteman, but we are not. That $3,500 is right for us and if we want some more we can ask for some more later.\textsuperscript{6}

Sunshine Smith, for her part, was quite ready to jettison the Consolidated Ute Agency. She had no interest in continuing the Federal Government's authority over her people, and she blasted Baker's plan as tantamount to a donation of the tribe's money to the Bureau of Indian Affairs. In addition, she was much more concerned with individual welfare and independence than with the establishment of tribal programs. She complained that "nothing has been done for the individual Indian, it has always been for the tribe." For example, she asked, "Why not let the Indians buy their own machinery and clear off their own lands instead of buying machinery for the tribe to subjugate land?"\textsuperscript{7}

John Baker's vision for the future prevailed when the Planning Committee's document was again presented to the General Council on December 27, 1951. Discussion at this meeting was again often heated, but it was less combative than in September, and on this occasion the people seemed to understand the situation more clearly, resulting in a 74-6 vote in favor of the rehabilitation plan.\textsuperscript{8} Despite this approval of the committee plan, Sunshine Smith, Julius Cloud, and Eddie Box continued to press for their $8,000 plan during the following year. A General Council held that year, however, affirmed its support of the Baker plan, although the people voted at this time to increase the distribution amount to $4,000 per member.\textsuperscript{9} As divisive as this debate had been, tribal leaders—including Smith, Cloud, and Box—ultimately united behind implementation of this plan. Factional disputes continued to surface, however. At one point, on December 15, 1953, as his three principal critics cited problems with the plan, a frustrated Baker reached his breaking point and
announced his resignation from the Planning Committee. No action was taken by the Council on Baker's resignation, however. The crisis passed, and Baker continued his work on behalf of the program.\textsuperscript{10}

Amidst continual government-imposed delay, final approval of the Southern Ute Rehabilitation Plan did not come until June 28, 1954. The comprehensive document which resulted from this sometimes painful birthing process soon became a source of pride for tribal members. John Baker, who later admitted that he and his fellow planners had been "used as a rubber-stamp" by BIA officials in the formulation of the first plan which was rejected in Washington, noted proudly of the second plan, "This was something we devised."\textsuperscript{11} In a 1956 update report on their rehabilitation program, the Southern Utes asserted they were "the only Indian tribe that has written its own rehabilitation plan" rather than accepting "a plan tailor-made in Washington."\textsuperscript{12} Regardless of the accuracy of this statement, the BIA subsequently used the Southern Ute plan as a prototype for plans to be adopted by other tribes awarded claims judgments.\textsuperscript{13}

Meanwhile the Ute Mountain Utes had been proceeding steadily—and more quietly—through the planning process. The Tribal Council unanimously gave its preliminary approval to the work of its planning committee on October 3, 1951, and it again unanimously approved the forthcoming rehabilitation plan on February 4, 1953.\textsuperscript{14} This Ute Mountain plan included the same basic provisions found in the Southern Ute plan, but unlike their cousins to the east, the Ute Mountain leadership decided not to increase the individual distribution amount to $4,000. Instead, they elected to retain the original figure of $3,500 for each member—adult or child—of the tribe.\textsuperscript{15} The 88-page plan also allocated portions of the claims award for specific tribal
programs: since the shortage of grazing land on the reservation placed a severe limit on the tribe's economic potential, $1 million was set aside for land purchases; $1.1 million was designated for a tribal credit program; $321,000 was budgeted for irrigation projects; and $100,000 was earmarked for education, with $10,000 in college scholarship funding planned for each of the next ten years.16

The rehabilitation planning process in Towaoc was both less turbulent and less tribally-directed than that followed in Ignacio. The prospect of adopting a rehabilitation plan did not spark controversy at Ute Mountain, nor did it arouse much popular interest among the tribal membership. When the tribe's proposed plan was presented to the people at a November 17, 1952, General Council meeting it failed to provoke any response from the assembled Utes: no questions, suggestions, or objections were forthcoming.17 If the membership responded passively to the planning process, so too did the tribal leadership respond to BIA direction of this process. The Planning Committee and the Tribal Council were both very receptive to input from government officials, and the Council accepted every suggestion offered by BIA officials with respect to final changes in the plan.18 When this plan was subsequently sent to Washington for approval, Superintendent Floyd praised the Ute Mountain Tribal Council to the BIA area director, commenting that the members of this body had "been very cooperative and very willing to go along with the suggestions made by this [superintendent's] office, [the] Area Office, and the Indian Office in their Rehabilitation Program." Floyd was concerned that the council members might become discouraged in the event that their plan was not approved; accordingly, he recommended that the commissioner—should he not be able to approve the document as is—suggest changes to be made and approve the plan conditionally rather than simply sending the whole
The Ute Mountain Rehabilitation Plan was subsequently finalized and then approved by Congress on August 12, 1953.

Implementation of the Rehabilitation Plans

By the end of 1954, both of the Colorado tribes had finally received their portions of the 1950 award, dividing their 40% share amongst themselves according to population. Thus the Southern Utes received $5,966,117, while some $6.2 million went to the Ute Mountain Tribe. Both tribes put their rehabilitation plans into effect, launching ten-year programs aimed at achieving economic and social independence and a decrease in tribal dependence on the Bureau of Indian Affairs. To this end, the plans did not simply hand over large sums of money for tribal members to spend. Instead, while each tribal member was entitled to either $3,500 or $4,000 of the claims money—the former amount for Ute Mountain Utes, the latter for Southern Utes—a central component of each plan was control by the tribal government over how $3,000 of this money could be spent. Both tribes required each family to submit a plan to a newly created Approval Committee before parents could have access to their "family plan" funds—a one-time distribution of $3,000 to each enrolled family member. This money was to be used for investment in items of long-term benefit such as housing or livestock or farming equipment. A minor's family plan funds could be tapped, if approved by the committee, only for the purchase of items which would be of long-term benefit to the child; otherwise such funds would be invested for the minor's future benefit.

But the rehabilitation programs of the two tribes involved more than simply giving out money, albeit with some restrictions. New tribal programs were initiated to
promote the achievement of socio-economic goals. The 110-page Southern Ute Rehabilitation Plan elaborated in great detail 14 basic goals to be achieved by the end of the 10-year program. With these goals in mind the tribe implemented a number of new programs dealing with such issues as credit, land, agriculture, and law and order. Implementation of these new programs required the creation of a vast new tribal bureaucracy, administered by the following committees: Approval, Agriculture, Education, Health, Social, Range, Timber, and Home Improvement. All of these committees were supervised by the Rehabilitation Director, later referred to as the Program Director, who was hired by and served at the pleasure of the Tribal Council. A similar bureaucracy was instituted at Towaoc, where in 1953 the Tribal Council created the Approval, Credit, Resource, Land, Education, Health, Social Welfare, and Home Improvement Committees. The operations of these bodies, like those at Ignacio, were coordinated by a Rehabilitation Director working under the authority of the Council.

Both tribal councils had a difficult time finding--and retaining--qualified rehabilitation directors. The Southern Ute Council, which sought to have a tribal member fill this position, selected John Baker as its first director. Baker's resignation one year into the program created a void which proved hard to fill for some time until the Council selected another tribal member, David Box, to head the program. The Ute Mountain Council, without a similar pool of educated tribal members from which to tap potential administrators, was forced to turn to outsiders for the direction of its rehabilitation program. The Council went through three directors in fairly rapid succession before settling in January 1956 upon a white tribal employee, John Kelly, as the new rehabilitation director. Given its uneducated and inexperienced
population, the Ute Mountain Tribe was forced to rely much more heavily upon outsiders to staff its burgeoning tribal bureaucracy than was the case among the Southern Utes. For example, the Tribal Council stipulated that only one out of a total of three members on the new Credit Committee was required to be a tribal member; the other two were to be "chosen from reliable white people." Further, the Council delegated authority to select these committee members to the superintendent. A couple of months later, when considering the question of who would serve as tribal treasurer, the council members exhibited little faith in their own ability to direct certain tribal affairs. While the tribal constitution provided that one of the council representatives could serve as the tribe's treasurer, the councilmen cited their limited education in explaining that none of them desired to assume responsibility for the tribe's money. Instead, they suggested that perhaps the constitution could be changed to allow the tribe to deposit its funds in a bank and then arrange for the banker to serve as treasurer.

Filling all of the positions in their new tribal bureaucracy proved to be a major challenge to the Southern Ute leadership as well. As Sunshine Smith, who was involved with appointing Southern Ute tribal members to the new committees, later recalled, many individuals were hesitant about serving on these bodies. A typical response she encountered was, "I never worked before in my life. I don't know how to do this." For that matter, the council members themselves, now in control of millions of dollars in tribal funds, could not always claim much more experience in such matters: "None of our Council [members] had been a businessman or nothing--[they were] just out here being farmers, and all of the sudden they had to do all that."
In addition to the one-time distribution of rehabilitation funds, tribal members continued to enjoy the regular distribution of increasingly large per capita payments. This money came out of the substantial oil and gas revenues received by each tribe. The Mountain Utes, in particular, were enjoying a tremendous infusion of fossil fuel wealth, realizing over $1.9 million in royalty and bonus payments in Fiscal Year 1956 alone.\textsuperscript{28} As a result, the amounts of annual per capita payments, which had been only $50 in 1948, sky-rocketed to $500 in 1954 and continued on an upward trend as the decade progressed.\textsuperscript{29} Southern Ute tribal members enjoyed a similar increase in the size of their per capita payments, with the annual payment reaching a high of $1,200 per member in 1958. Both tribes sought to protect the financial interests of children under the age of 18—for they, too, received per capita money—by establishing trust funds and requiring various portions of each minor's payment to be placed in this fund for their future use. The Ute Mountain Council prefaced its trust fund resolution with the recognition "that certain members of the Ute Mountain Tribe must be protected from their own improvidence [or] the exploitation of others."\textsuperscript{30} Withholding portions of minors' per capita payments, however, was not usually a popular measure, and at various times the tribal councils in both Ignacio and Towaoc elected to forego such deductions in favor of full distribution of minors' shares.

Such payments, as popular as they were among members, became increasingly problematic as the decade wore on. For one thing, the amount of money involved in such distributions was staggering: Southern Ute per capita payments in 1955 totalled $2,422,000 out of a total budget of $2,964,668.\textsuperscript{31} And by decade's end, over $4 million in per capita payments had pushed total expenditures for the first six years of the program to $7,649,843, an amount which—due to declining natural gas income—
greatly exceeded tribal income. At this rate the tribe was headed for bankruptcy, and as a result it was forced to begin reign in the size of these payments in 1959, instituting a series of $100 reductions each year through 1964. But there was an additional problem aside from that posed by bleak tribal balance sheets, and this concerned the human impact of per capita money. John Baker grew increasingly worried as he saw the extent to which some members were coming to rely upon these payments for their support: "These people who are just sitting back and waiting for the per capita payments should stop doing this, because when the per capita payments are lowered they will not have a way to make a living." Southern Ute tribal member Leonard Burch was similarly concerned by this situation when he returned to the reservation after several years in the Air Force. He found upon his return that fewer of his people were now farming or raising livestock and that many of them "just sit and wait for their per capita payments."34

With the influx of money from both family plan funds and per capita payments, considerable improvement in housing conditions occurred on both reservations. Many Southern Utes built new houses to replace the cramped shacks in which many of them had been living. At Ute Mountain, where the bulk of the population still lived in tents in the early-1950s, many members now moved into houses for the first time. Some 40 new houses were constructed in 1955, and by 1960 a total of 187 homes had been built on the reservation.35 The Council encouraged this development through its 1953 adoption of the Homesite Land Ordinance, which provided 50-year leases--at one dollar per acre per year--to any member who sought to establish a residence.36 And while new homeowners had to surrender the complete freedom of their recent nomadic past, they at least were given the freedom to build their homes anywhere they chose on the
reservation. Most decided to establish homes in the vicinity of the rapidly booming town of Towaoc.37

Even before receiving their claims money the Ute Mountain Tribal Council had expressed its hope of encouraging the people to live in houses. In November of 1951, the Council noted that Jack House, as a result of the inadequate protection from the elements afforded by his one-room shack, had been sick most of the previous winter and had nearly died. In appreciation for the chief's many years of service to his tribe, the Council voted to build a modern house for him, noting that this might have the additional benefit of encouraging others in the tribe to build similar dwellings for themselves.38 But old habits and old superstitions often proved resistant to change. When George Mills, the chairman of the Tribal Council, had the ill luck to have his newly built home struck by lightning in 1954, he and his family refused to reoccupy the house "because of Tribal superstitions." The Council then decided to purchase the house from Mills for use as employee housing.39

Both tribes instituted significant changes in educational arrangements as part of their rehabilitation programs. While substantial numbers of Southern Ute children had attended public schools as early as the 1920s, boarding school attendance had continued among Ignacio children, and by the 1954-55 school year 93 of 164 Southern Ute school children were being educated in the Southern Ute Vocational School, the BIA boarding school at Ignacio.40 One of the 14 goals of the tribe's rehabilitation plan stipulated that all Southern Ute children were to "receive the advantages of non-segregated public school education"; accordingly, the tribe entered into negotiations with the Ignacio Public School District in the spring of 1955 to obtain the transfer of all Ute students from the Ute Vocational School to the public schools.41 The end result
was the consolidation of the Ute Vocational School with the Ignacio Public Schools in 1956, and by the 1958-59 school year 168 Southern Ute children—up from only 38 in 1954-55—were enrolled in either the Ignacio or Bayfield public schools. An indication of the tribe’s educational progress lay in the fact that ten Southern Ute seniors graduated from high school in 1959 as compared with only four in 1957.42

Even more dramatic change occurred in the educational situation in Towaoc, which still suffered from the lack of a school in the early years of the decade. The Ute Mountain School finally reopened, after an 11-year hiatus, in 1953. School attendance soon rose dramatically, first at the boarding school in Towaoc, then at public schools in the neighboring town of Cortez. When the boarding school reopened it included only grades 1-6, so older students had to attend either the Ute Vocational School in Ignacio or—as became increasingly common as the tribe encouraged public school attendance later in the fifties—the public high school in Cortez. One grade at a time, more Ute students were transferred to the public schools each year, sent by bus to Cortez. By the fall of 1961, with the removal of the last grade from Towaoc, the conversion to public school education was complete.43 Thus was effected a tremendous change in Ute Mountain society: whereas almost no one from the long-isolated tribe attended public schools in 1950, and many children at that time were not attending any school; and whereas only 22 out of 176 Ute Mountain students went to public schools as late as the 1954-55 school year;44 by 1961 virtually all of the tribe’s children were experiencing non-segregated instruction in the public schools of Cortez. While the long-standing educational deficit of the Ute Mountain people could not be alleviated overnight by this shift to public schooling, the ability of the tribe’s youth to speak English improved rapidly.45
Health care systems also changed on both reservations. The government's decision to close the Taylor Hospital in Ignacio in January of 1955 prompted a search by the Southern Ute Tribe for a new means of meeting its people's medical needs. The result was a contract with Blue Cross-Blue Shield that took effect on November 16, 1955. This marked the first time that an Indian tribe contracted for health insurance coverage for its entire membership without any government financial assistance.\textsuperscript{46} The Ute Mountain Tribal Council initially contracted in January of 1955 for hospitalization services with the Southwestern Colorado Memorial Hospital in Cortez, but when this proved too costly the Council contracted with Blue Cross-Blue Shield, shortly after the Southern Utes had done so, for health coverage for all its members.\textsuperscript{47} Members of both tribes continued to receive some services from the Public Health Service.

Both tribes implemented programs designed to bolster development of their primary economic activities—stock-raising at Ute Mountain and farming in the Ignacio area. The Southern Ute Council attempted to help its farmers both by adopting a new land code, which provided increased security to those who farmed on assigned tribal land, and by making more land available for farming and stock operations through the assignment to individual members of land in the Oxford Tract that had formerly been administered by the tribe. On the Ute Mountain Reservation, where the biggest problem facing stock raisers had always been the shortage of summer range, the tribe sought to alleviate this situation both by clearing additional range land on the reservation and by purchasing off-reservation ranches—such as the 17,000-acre Pine Crest Ranch located west of Gunnison—in order to provide more summer grazing for the tribe's livestock.\textsuperscript{48}
Social and Economic Changes

"Another problem of interest is the effect of sudden available spending money on the Ute's philosophy of life." Thus did Dr. George Moore of the Public Health Service highlight in a 1955 report the impact on the Colorado Utes of a suddenly abundant commodity—money. The massive infusion of money during the 1950s, occurring on reservations which had up until this time been wracked by poverty, brought about tremendous change—some of it positive, and some negative—in the way Southern Utes and Ute Mountain Utes lived. The bleakness of life on the two reservations in the early years of the decade—before the inhabitants received rehabilitation funds and large per capita payments from energy revenues—was undeniable. Even on the Southern Ute Reservation, long cited by the agency as a shining example of Indian progress, as denoted by its homes and farms, living conditions were grim. Homes were small and crowded, in poor condition, and almost universally lacking in sanitation systems, clean drinking water, electricity, and telephones. As discussed above, the new wealth of the fifties led to dramatic improvements in the housing situation on both reservations. And soon, not only did electricity and telephones become commonplace, but such amenities as televisions began to appear in reservation homes. Clean drinking water also became the norm, although the water supply at Towaoc would continue to be problematic for years to come, requiring the tribe to haul water in by truck to meet its needs.

While the tribes' newfound wealth certainly brought about a better standard of living, it did not necessarily result in an increase in the economic self-sufficiency of their members. Elbert J. Floyd, who had been agency farmer on both reservations during the 1930s, noted upon his return to assume the superintendency in 1950 that the
Ute Mountain Indians of the earlier period had owned more livestock and had been "supporting themselves from their own efforts to a greater extent" than they were in 1950. He attributed their diminished self-sufficiency largely to the removal of all government services after 1942, but to some extent this trend continued throughout the 1950s, even after the Towaoc agency was reestablished.\textsuperscript{51} While the claims money allowed Ute Mountain stockraisers to continue increasing the size of their cattle herds—which had already risen from a total of 91 head in 1933 to 1447 head in 1945—so that by 1960 tribal members owned a total of 2,000 head of cattle; this period also witnessed a drastic decline in the number of sheep raised by tribal members, from over 11,000 head in 1933 to 6696 head in 1945 to only 3200 head of sheep in 1960.\textsuperscript{52} With the cattle being divided among 70 Ute owners in 1960 and the sheep among 26 owners, few of these stock raisers had herds of sufficient size to enable them to be fully self-supporting. This also left many of the tribe's 817 members with no role at all in the Ute Mountain Indians' main economic activity.\textsuperscript{53}

A similar situation existed on the Southern Ute Reservation with respect to their traditional economic mainstays of farming and stock raising. Here the big problem was the small size of most Ute farms. In 1954, 70 of 156 families living on the reservation were operating farms, but less than a half-dozen of these families had enough land to make farming profitable.\textsuperscript{54} This situation improved later in the decade, with the number of economically viable Southern Ute farms increasing from only four in 1956 to 13 in 1958 and further to 26 in January of 1960.\textsuperscript{55} Even given this progress, however, with a tribal population of over 600, this meant the vast majority of Southern Utes were unable to support themselves through agricultural operations.
Money made possible the improvement of both tribes' standards of living, but it did not bring about an easy or complete adjustment to modern living. A 1955 public health report noted the inconsistency between the Utes' new material wealth and their way of life:

A most interesting point here is that sanitation is generally poor in spite of general material wealth. Television, cars, tractors, washing machines, each may be in evidence but are not in harmony with sanitary practices.\textsuperscript{56}

The failure of increased wealth to erase such reservation ills as poor sanitation was not the only disturbing trend. The sudden introduction of substantial sums of money among two previously poor tribes wreaked havoc among these people, giving rise to a number of social and health problems. Obesity and diabetes became disturbingly common, as did fatal accidents, alcoholism, and crime. The threat of accidental death was particularly acute in Towaoc, where, unlike the Southern Ute Tribe, the Ute Mountain Tribe was unable to secure auto insurance on the tribal fleet because of the tribe's high accident rate.\textsuperscript{57} These troublesome developments resulted in an extremely high death rate among young Ute adults. If an Indian could live past the age of 50, however, improvements in health care made it likely that he or she could look forward to a long life.\textsuperscript{58}

Alcoholism stood out as the single most dangerous threat to Ute society on both reservations. Dramatic social and cultural change, the sudden receipt of large amounts of money by individual tribal members, and a 1953 act of Congress legalizing the purchase of liquor by Indians combined to create an environment in which alcoholism thrived with chilling consequences. The members of the Ute Mountain Tribal Council were alarmed at the prospect of the removal of state and federal prohibitions on Indian
alcohol use. Jack House strongly opposed the repeal of these laws and worried that drinking among his people might eventually bring about the demise of the Bear Dance and Sun Dance. The Ute Mountain council members unanimously agreed to vigorously enforce sections of the tribal code prohibiting Indians from bringing alcohol onto the reservation. Beyond the direct damage to those addicted to drink, alcohol abuse gave rise to a host of additional ills--automobile accidents, crime, broken families and neglected children, etc. For example, while only a couple of arrests had been made on each reservation in a typical year during the 1930s, increasing to perhaps half-a-dozen arrests in each jurisdiction during the mid-forties, the fifties produced a veritable explosion of crime. In 1958, 50 criminal cases were recorded on the Southern Ute Reservation alone, and this increased to 72 cases in just the first half of 1959. Fully 70 of these 72 cases were either directly or indirectly connected with alcohol consumption. Likewise, during 1953 and 1954, 25 Southern Ute juveniles were arrested a total of 61 times with 46 of these incidents involving intoxication. Similar figures emerged from the Ute Mountain Reservation, where 74 arrests were made involving 28 juveniles, with liquor being a factor in almost every case. Young children also suffered the effects of alcoholism, as indicated by the large number of neglected children which the Southern Ute Social Welfare Committee was forced to remove from unhealthy home situations--often caused by the drinking problems of parents.

The tribal councils in both Towaoc and Ignacio did what they could to combat alcoholism and its effects on their people. Acknowledging that "it is well known that the Ute Mountain people have not become acculturated or adapted to the use of intoxicating beverages to the point of being able to control their use thereof," the Ute
Mountain Council in 1955 implored the Montezuma County Commissioners to deny a liquor license application for an establishment located close to their reservation. The following year the Tribal Council drew up a liquor-sale "blacklist," to be circulated among area liquor sellers. Members with drinking problems were to be added to the list upon the request of their relatives. For its part, the Southern Ute Tribal Council sought to attack alcoholism among its people by sending tribal members with drinking problems to treatment centers. Despite the many initiatives pursued by both tribes, little headway was made in the war against liquor; alcohol abuse would continue to ravage the Ute people for years to come.

Drinking also contributed to an increase in problems with neighboring non-Indians. One Cortez resident, who happened to be the son of a former Navajo Springs Agency superintendent, commented that relations between the Ute Mountain Tribe and the people of Cortez had been generally good until the 1950s: "I never really noticed any big problems with the people from Towaoc or the Indians until the drinking came along." In 1955 Council Chairman Scott Jacket complained about stores in Cortez selling liquor to underaged and drunk Utes, and he also charged the Cortez magistrate with levying heavier fines on Indians for drunkenness charges than was the case with white offenders. The Durango district attorney responded by stating that "Our chief troublemakers are drunk Indians," but he denied any unequal treatment of such offenders. Another frequent complaint of tribal members was that Cortez businessmen took advantage of the newly-rich Utes by overcharging them on purchases. The Southern Utes, who had always been integrated to a much greater extent with their non-Indian neighbors than were the Mountain Utes, experienced fewer such problems, but conflict with local neighbors was not unknown. In 1955 Chairman
Sam Burch complained about heavy fines imposed upon Indians by officials in the nearby town of Bayfield. He also asserted that the Bayfield police had ordered Indians to keep out of the town.67

**Cultural Loss and Cultural Revivalism**

In the 1940s Edwin Cloud was one of the last traditional spiritual leaders among the Southern Utes, having long served as a medicine man or healer and as the tribe's Sun Dance chief. His death in 1946, along with the death of the other remaining healers around that same time, left an immense spiritual void in the tribe. The healing ceremonies of the medicine men began to disappear, and, with no new Sun Dance chief taking Cloud’s place, this annual dance of great spiritual importance was no longer held.68 While the traditional medicine men were apparently gone forever, many aspects of Ute culture and spirituality were resurrected as part of a cultural revival that took place on the Southern Ute Reservation beginning in the mid-fifties. The Sun Dance was once again held at this time under new Sun Dance Chief Eddie Box. Box and other traditionalists in the tribe also adopted the sweat ceremony, once the province of only the medicine men, and reintroduced this ceremony in a modified form with more participants in larger sweat lodges.69 These same traditionalists, or "nativists" as they are referred to by some anthropologists, also began to show a new interest in using and ensuring the survival of the Ute language.70

In 1960 only perhaps half-a-dozen Southern Ute families were exclusively Christian, primarily Catholic. The rest of the tribal members were either nominally Christian or, as had been typical of the Utes for some time, they practiced an eclectic spirituality which combined elements of both native and Christian religion. Southern
Ute adherents of the Native American Church continued to practice the peyote rite, but they were far fewer in number than in Towaoc. Only perhaps two-dozen Utes participated in these ceremonies in the Ignacio area.\textsuperscript{71}

While a few medicine men lingered on at Ute Mountain throughout the 1950s, they too would soon die off leaving no successors. But in Towaoc traditional ceremonies had not disappeared to the extent they had in Ignacio. The Sun Dance continued to be held at Ute Mountain while it had temporarily ceased among the Southern Utes. The Native American Church continued to attract many followers. And the Ute language remained much more pervasive in daily life than it was in Ignacio. At the end of 1955, the Consolidated Ute Agency reported that all but 15 of the Southern Ute Tribe's 564 members spoke English, whereas at that same time there were 109 Mountain Utes--out of a total population of 647--who spoke no English. Hence there was less cause for worry that the Ute language might soon disappear on the Ute Mountain Reservation. The greater retention of traditional Ute culture and language on this reservation could still be attributed to both the greater geographical isolation of the Towaoc Utes and to the much lower incidence among this people of intermarriage with non-Indians. At the close of 1955 fully 98\% of these Indians were reported to be full blood Utes, in comparison to a Southern Ute population that was only 60\% full blood.\textsuperscript{72}

\textbf{Tribal Politics}

Ute Mountain tribal politics were rather calm in nature during the eventful decade of the 1950s, in contrast to the more tumultuous political atmosphere that characterized both preceding years and years to come. Chief Jack House continued to
play a preeminent role on the Tribal Council, wielding more influence than any of the three council members who served as chairmen during this decade: George Mills, chairman of the Council from its post-constitution inception until his resignation from both the chairmanship and the Council in 1955; Scott Jacket, who succeeded Mills; and Albert Wing, Sr., who was chairman for the final years of the decade.

Chairman Wing presented a stark contrast to John Baker, who was the Southern Ute chairman during this same time. Baker had learned English early in life, had been one of five sons in his family to graduate from high school, had served overseas during the war, and had attended college. Albert Wing, on the other hand, was raised in an environment that did not include much contact with the white world. Born in 1923, he had grown up much as Jack House had, tending livestock in Mancos Canyon. Wing spoke no English when he went off to attend boarding school in Santa Fe. He later went to school in Ignacio and finally in Towaoc where he made it to the eighth or ninth grade before the boarding school there was closed. Albert Wing was first elected to the Tribal Council in 1955. In contrast to the sometimes strained relations that had existed during the 1940s between the Council and Superintendent MacSpadden, Wing later recalled that he had had a good relationship with the agency superintendents while he served on the Council. He also remembered his service as chairman as having gone fairly smoothly, especially when compared to subsequent developments in tribal politics which he characterized in 1991 by saying, "The damn thing is all messed up now." Wing was particularly proud of his role in bringing about the construction of a tribal race track, rodeo arena, and grandstand in 1957. Even amidst all of the socio-economic change of the fifties, the Ute people still loved horse racing and gambling.
The Ute Mountain Tribal Council of the fifties seemed to work fairly well with government officials, as Superintendent Floyd had indicated in his praise for the Council's cooperation during the rehabilitation planning process. Attacks upon the Bureau of Indian Affairs which would later become commonplace were rarely heard at this time, nor were there many agency complaints regarding the Council such as those voiced by Superintendent MacSpadden in the forties. Jack House, who had been reviled by MacSpadden as the leader of a "reactionary element" and blasted by a geographer studying the reservation in 1945 for his dictatorial control and open hostility to white ways, was presented by 1950s observers in a much more positive light. Both journalists and a local historian now depicted the chief not as a reactionary but as a progressive leader of his people. Recognizing that the conduct of tribal affairs was becoming more and more difficult for the tribe's non-English-speaking elders, Chief House acknowledged in 1951 that his people would have to adapt to the ways of the white man in order to survive amidst new and rapidly changing conditions.

This does not mean, however, that Jack House and his fellow councilmen were always receptive to BIA proposals. Council members retained a strongly conservative outlook which often surfaced in response to the entreaties of their superintendent. The Council repeatedly rejected the advice of Superintendent Floyd as they did in 1951 when he suggested paving the road from Highway 666 to Towaoc. Jack House led the opposition to this proposal, balking at the cost and asserting that the Indians were perfectly content with the road as it was. Even with such disagreements, however, the Council's relationship with its superintendent remained generally amicable. In addition to the relative absence of tension between tribal officials and the BIA, intratribal disputes were also few and far between during the 1950s. In contrast to the fiery
debates of subsequent decades, there was relatively little internal conflict in evidence either on the Council or between the Council and the tribal membership during this period.

The situation in Ignacio, as one might surmise given the fireworks attending the adoption of the Southern Ute Rehabilitation Plan, was a bit more lively. Despite the emphasis of the Baker program upon cooperation with the Bureau of Indian Affairs, the Tribal Council of the early-to-mid-fifties frequently clashed with government officials.79 Distrust of BIA officials was frequently voiced, and in particular the Council did not always feel it could trust Superintendent Elbert J. Floyd. This lack of faith in Superintendent Floyd led the Council members at various times to insist on listening in on calls made by the superintendent on their behalf and on being provided with a copy of a letter Mr. Floyd had said he would send to Washington. At one point John Baker accused Floyd of manipulating Council meeting minutes, changing them to suit his interests.80

Most frustrating of all for Southern Ute leaders were those instances in which the Bureau of Indian Affairs, from which approval was required for major Council decisions, either vetoed Council actions outright or subjected them to agonizing series of delays. One example of such interference from Washington was the commissioner's 1954 rejection of the tribe's contract with its attorney, who had just been hired after a long and exhausting search.81 This BIA veto came at a most unfortunate time since the Tribal Council was then preparing to send a delegation—which was to include an attorney—to Washington to testify on behalf of the rehabilitation plan. Members of the Council were likewise annoyed when the BIA insisted that the Council make changes in
tribal programs, as it did in 1956 with regards to a Tribal Credit Plan which had been drawn up only after much study and deliberation by the Council.82

Much of the conflict experienced at Tribal Council meetings in Ignacio was not between the tribe and the government but rather between various members of the Council. The factional split among tribal leaders first evident during the rehabilitation planning process was still a factor in tribal politics as the decade progressed. Particularly evident was the continuing philosophical divergence between John Baker and his chief rival, Sunshine Smith. Smith, who served as the Council's Tribal Representative to the Consolidated Ute Agency for several years beginning in 1954, shared her older brother Julius Cloud's role as the voice of the Southern Ute people. She was quite sympathetic to their concerns and strongly advocated greater tribal assistance to the people. Baker, by contrast, appeared to be less interested in satisfying the people's immediate desires than in long-range tribal development. He constantly reminded his fellow tribal members that they could not rely on the tribe to take care of their every need; accordingly, he advocated laissez-faire policies that promoted individual self-sufficiency. He worried over the fact that "first the tribe looked to the government for help and now it looks to the Council, and ... the tribe cannot become self-sustaining in this way."83

Baker and various allies who operated on this philosophical premise were confronted by an opposing group led by Sunshine Smith, Julius Cloud, and Eddie Box, Sr. The gulf between these two factions was not just political in nature, it was also cultural. The Cloud family—including Sunshine Cloud Smith—and the Box family both played key roles in the cultural revival that took place on the reservation in the mid-fifties. They were active participants in the Sun Dance, the Bear Dance, sweat
ceremonies, and other traditional activities such as social gatherings centering around the hand game. While many Southern Ute families took part in these celebrations of traditional culture, others—including the Baker family—generally did not participate in any of these activities. Thus, Southern Ute society was marked by a clear factional split which carried over into the tribal leadership. Yet one must be careful not to read too much into the apparent divisiveness of Southern Ute political infighting, for as an anthropologist observing the Ignacio scene in 1960 remarked, "what looks to the outsider like a serious internal fight will end up with the disputants working together, or keeping up appearances of it, the next day."

Baker appeared to prevail in this factional political contest when he was elected council chairman following the death of Chairman Sam Burch in 1956. His triumph seemed complete when tribal elections in the fall of that year resulted in something of a changing of the guard: gone were outspoken critics Julius Cloud and Sunshine Smith, leaving in their place a tribal council composed of members who largely supported Baker's policies. As was often the case in Southern Ute tribal politics, however, Sunshine Smith's absence was to be of short duration. Her relatively quick return to the Tribal Council illustrates the continuity of membership that has characterized this body since its inception in 1936. Members such as Julius Cloud, Sam Burch, John Baker, and Sunshine Smith became semi-permanent fixtures on the Council; if they failed to win reelection one year they most likely would be returned to the Council in a subsequent election. Contributing to this longevity of council membership was the domination of tribal politics by a few Southern Ute families, most particularly the Clouds, Burches, and Bakers. From 1939 through 1960, every tribal chairman came from one of these families. A similar tendency toward family activism in council
politics was also noticeable in Towaoc, the most striking example being the presence of four members of the Wing family on the Ute Mountain Tribal Council between 1949 and 1960. Continuity of membership was also a hallmark of this body, with Jack House serving for over twenty years, George Mills for nearly 15 years, and a number of others—Marshall Whyte, Harry Wall, Scott Jacket, Albert Wing, etc.—serving for extended periods.86

A clear contrast between the tribal councils of the two tribes lay in the participation of women. While the initial post-constitution Ute Mountain Council contained two female members, at no time during the fifties did women serve on this panel. Women clearly played a more active role in Ignacio than they did in Towaoc during this period. Euterpe Taylor was elected in 1948 as the first woman to serve on the Southern Ute Tribal Council, and she was soon followed by Sunshine Smith. The extent of popular acceptance of female participation in Southern Ute tribal politics was indicated by the results of the election held in October of 1960: two new female members were elected, resulting in a tribal council in which four of the six members were women.87

Another characteristic of the Southern Ute Tribal Council was its tendency to monopolize control over tribal affairs. This was to a large extent predetermined by the system of government established by the tribe's constitution, which created no rival governing body. This situation was not altered by the rehabilitation plan, which created a vastly expanded tribal government but put it all under the Council's control. The council members' inability or unwillingness to delegate authority to the committees or to tribal officials outside the Council further added to the dominance of this body over tribal affairs—but at the cost of saddling the Council with an overwhelming agenda.
There was no rival to the power of the Tribal Council in Towaoc either, but here the situation was different in that there were two sources of political power—the tribal chieftainship and the Tribal Council. Since Jack House had always been a member of the Council, these two potentially competing institutions had merged their authority into one governing body.

**Hopeful Signs and Ominous Trends**

In December of 1959, the Southern Ute Tribe vacated its old offices in the Consolidated Ute Agency building and moved into a building of its own—the former Taylor Hospital, newly christened the "Tribal Affairs Building." Tribal officers and employees reportedly enjoyed "a greater feeling of self-reliance" now that they were carrying out their duties in the tribe's own building rather than in space provided by their long-time overseer and sometime nemesis, the Bureau of Indian Affairs. This was tangible evidence of the tribe's growing independence. It represented a clear departure from the early days of the decade when, following an argument with Superintendent Floyd, the Tribal Council had been banished from the superintendent's office where it had previously met and forced to hold its meetings in an unfurnished basement room in which council members sat on packing crates. This move thus symbolized a major step forward in the tribe's quest for self-determination, for these Southern Utes who were eagerly setting up their own office building in late-1959 bore little resemblance to the tribal members of 1933 who, as helpless wards of the government, had come to the newly opened Indian Service hospital for medical treatment.
Soon after this the Ute Mountain Utes of Towaoc were anxiously anticipating the completion of a different sort of facility in Towaoc. A $350,000 building that would house a gymnasium, a swimming pool, and a community center was under construction in the summer of 1960. This represented quite an advancement for a people who scarcely ten years earlier had been living primarily in tents.

Indeed, the Southern Utes and Ute Mountain Utes had made considerable progress under their rehabilitation programs. Their standards of living had improved dramatically, as had their financial resources, and each tribe had made significant steps toward assuming responsibility for its own affairs. But ominous trends could be detected in the shadows cast by these shining accomplishments: alcoholism and its associated evils showed no signs of abating; the tribes were expending funds at an alarming rate; and the Southern Ute Tribe in particular was in danger of going bankrupt. For all these expenditures, however, disappointingly few tribal members had achieved economic self-sufficiency, many instead becoming disturbingly dependent upon tribal per capita payments.

2. Minutes of Southern Ute Tribal Council meetings, December 12, 1951, 5, and December 27, 1951, 1, Southern Ute Tribal Records and Archives, Ignacio, Colorado (hereafter SU Archives); John E. Baker, Sr., interview by author, June 15, 1993, tape recording.


5. Minutes of Southern Ute General Council meeting, September 28, 1951, 4-7, SU Archives.

6. Minutes of Southern Ute General Council meeting, December 27, 1951, 4, SU Archives.

7. Minutes of Southern Ute Tribal Council meeting, December 12, 1951, 2, 7, SU Archives.

8. Minutes of Southern Ute General Council meeting, December 27, 1951, SU Archives.


10. Minutes of Southern Ute Tribal Council meeting, December 15, 1953, 2, microfilm roll NA XII, box 4, Tri-Ethnic Project Files. All Southern Ute Tribal Council and General Council meeting minutes for 1953-1957 were obtained from this microfilm roll in the Tri-Ethnic Project Files.

11. John E. Baker, Sr., interview.


14. Resolutions No. 194 (October 3, 1951) and 229 (February 4, 1953) of the Ute Mountain Tribal Council, Tribal Resolutions File, UMU Agency.

15. Minutes of Ute Mountain Tribal Council meeting, September 5, 1952, 2-3, Central Classified Files (1907-1959), Consolidated Ute Agency, Records of BIA, RG 75, National Archives, Washington, D.C. All Ute Mountain Tribal Council meeting minutes cited in this chapter were obtained from this file of the National Archives in Washington.


17. Minutes of Ute Mountain Tribal Council meeting, November 17, 1952, 2.


19. Elbert J. Floyd to Area Director Charles Graves, September 1, 1953, Tribal Resolutions File, UMU Agency.


23. Minutes of Ute Mountain Tribal Council meeting, August 14, 1953, 1-2.


26. Minutes of Ute Mountain Tribal Council meeting, October 26, 1953, 3.

27. Sunshine Smith, interview.


33. Minutes of Southern Ute Tribal Council, November 18, 1955, 3.

34. Minutes of Southern Ute General Council meeting, July 21, 1960, 16, SU Archives.


38. Resolution No. 196 of the Ute Mountain Tribal Council, November 2, 1951, Tribal Resolutions File, UMU Agency.


42. Where We Stand, 25-26.


44. Investigation into Juvenile Delinquency in the United States, 123.


47. Resolution No. 490 of the Ute Mountain Tribal Council, November 28, 1955, Tribal Resolutions File, UMU Agency.


51. Elbert J. Floyd to Area Director Charles L. Graves, October 1, 1952, Tribal Resolutions File, UMU Agency.

52. Bill Miller, "Indians Proud of Livestock Progress," Rocky Mountain News, September 11, 1960; see also citations in Chapter 4 to statistical reports of the Consolidated Ute Agency.


54. "A Plan for the Rehabilitation of the Southern Ute Tribe," 8; Where We Stand, 2.

55. Where We Stand, 55.


57. Minutes of Southern Ute Tribal Council meeting, February 5, 1954, 2.

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60. Where We Stand, 13-14.
61. Investigation of Juvenile Delinquency in the United States, 121, 123, 130.
63. Resolution No. 538 of the Ute Mountain Tribal Council, February 9, 1956, Tribal Resolutions File, UMU Agency.
68. Sunshine Smith, interview; Bertha Grove, interview by author, June 21, 1993, tape recording.
69. Bertha Grove, interview; Sunshine Smith, interview; Johnson, 18. The recollections of Bertha Grove and Johnson's report of seeing six Sun Dance poles standing on the dance ground in 1960—a new pole is erected for each year's dance—both indicate that the dance was first revived around 1955. Both Smith and Grove talk of the revival of the sweat ceremony.
70. John E. Baker, Sr., interview.

77. Minutes of Ute Mountain Tribal Council meeting, October 30, 1951, 1-2.

78. Minutes of Ute Mountain Tribal Council meeting, September 6, 1951, 2.

79. John E. Baker, Sr., interview; Sunshine Smith, interview.

80. Minutes of Southern Ute Tribal Council meeting, March 1, 1954, 3.

81. Minutes of Southern Ute Tribal Council meeting, February 26, 1954, 1.

82. Minutes of Southern Ute Tribal Council meeting, January 10, 1956, 1.

83. Minutes of Southern Ute Tribal Council meeting, April 27, 1956, 2.

84. Johnson, 124-125.

85. Johnson, 98.


88. Where We Stand, 86-87.

89. Sunshine Smith, interview.

CHAPTER 6
TRIBAL ECONOMY SINCE 1960

As some fifty members of the Southern Ute Tribe assembled for a General Council meeting on July 21, 1960, their attention was drawn to the troublesome economic situation facing the tribe. The people found themselves listening to a lecture delivered by Chairman John Baker, a man who never hesitated to speak his mind no matter how unpleasant the message might be for his audience.

You know that the membership have a group of people who is the Tribal Council that is supposed to be looking after all the members, the range, and the money. We have our Charter, our Constitution and By-Laws and our Council meetings which we try to follow. Remember, when I say we are out to help you, it does not mean we will do everything for you. We can not chop wood for you, irrigate for you, haul coal for you, or cook for you. The Council receives many requests for money for help with bills or for other things, but if they decided to do all of this they would be working far into the night. The day would not be long enough...

Baker then pointed to a clump of grass on exhibit at the front of the room. This grass represented the tribe's range, a resource which Baker felt the tribe was not using productively: "The grass setting here does not do us any good, it is just a waste. An effort has been made to set up a good range program but in the past the tribe has only received peanuts from it."

John Baker, who often spoke at great length during such meetings, was not yet finished; he addressed his people sternly, decrying their lack of individual enterprise:

As we drive along the roads on the reservation we can pick out what is Indian land. Even though there is a nice home and machinery it can still be recognized as Indian land because the alfalfa has not been watered, the fences are down, and many horses are grazing there. Cattle are there without supervision. I am talking about quite a few of you now, and maybe I am making you mad but if this is necessary to get you to do something I am glad I am making you mad.
Baker was not the only one present to voice concern over the decline of tribal agricultural operations and about the slothful ways of many tribal members. Leonard Burch, recently returned from service with the Air Force, bemoaned the state of Ute farming and stock raising. Where he had seen Indian cattle in abundance in the mid-fifties he now saw idle farms, devoid of cattle; and more and more tribal pasture land was being leased to non-Indians. Many people seemed to take an interest in nothing other than collecting their per capita payments.3

In an effort to stop this trend and to reap more economic benefit from the tribe's farms and range, John Baker and Program Director David Box proposed the establishment of a tribal herd, to be run as a tribal enterprise. The response to this suggestion was fairly positive among those in attendance.

This scene, taking place in Ignacio at the outset of the period under consideration here, is indicative of the economic situation confronting both the Southern Utes and the Ute Mountain Utes throughout the entire post-1960 period: faced with a lack of economic activity and jobs on their reservations, with tribal members accordingly dependent upon the tribes for subsistence, each tribe was engaged in a perpetual search for new business enterprises which would provide revenue for the tribe and employment for its membership.

**Economic Activity on the Reservations**

The decline of agriculture, long the pillar of the reservation economy, repeatedly aroused concern among Southern Ute tribal members in the later decades of the twentieth century. Having already undergone one fundamental economic transformation—from hunting and gathering to farming and stock raising—the Ignacio
Utes were again faced with reorienting their economy as the latter mode of living increasingly disappeared from the reservation—or continued under non-Indian operation. The contrast with the past was clear—and sometimes painful. A 1986 article in the tribal newspaper tracing the history of the annual Southern Ute Fair contrasted the impressive agricultural exhibits in fairs of the 1920s with the relatively small number and diminished quality of farm products entered by tribal members in recent fairs. And a 1993 letter to the editor expressed one tribal member's lament regarding the existing socio-economic situation, one under which people were no longer farming and were neglecting both the land and their children.

A key factor in the steadily diminishing role of agriculture in the Southern Ute tribal economy was the limited size of most allotments and assignments. As Councilman Guy Pinnecoose, Jr. commented at a 1977 General Council meeting, "Most people only have 80 acres—you can't make a living on 80 acres." A comparison of the numbers of Southern Ute families involved in agriculture in 1952 and in 1965 clearly shows the results of this situation. While the number of Ute families living on farms increased from 74 to 101, only 18 of the latter families were full-time farmers compared with 47 such families in 1952. Seventy-one other families were engaged in agricultural pursuits part of the time in 1965, and the remaining farm residents in that year did no farming at all. During the 1960s, then, only a small minority of Southern Utes were fully supported through farming, and this minority was growing ever smaller.

The mainstay of the economy in Towaoc, stock raising, continued to be actively pursued by a segment of the Ute Mountain tribal membership, but this group represented a steadily declining fraction of the population at Ute Mountain. Here, as in
Ignacio and the Los Pinos River Valley, the biggest problem was the supply of land. The arid reservation, still lacking the water which had long been promised by the U.S. Government, contained very little summer range for the tribal members' herds of cattle and sheep. The tribe had acted to alleviate this situation by using some of the oil and claims wealth it received during the fifties to purchase seven higher-elevation ranches totalling more than 25,000 acres. Most of these ranches were located in the Hesperus-Mancos area north and east of the reservation; the largest by far was the 18,749-acre Pinecrest Ranch, located between Gunnison and Montrose. These relatively well-watered ranches provided the tribe's stock raisers with much needed summer range, and they would truck their cattle to Pinecrest and the other ranches each summer after grazing their animals on the winter range located on the reservation. This arrangement yielded little revenue for the tribe since most of the proceeds from cattle sales went to the individual cattle owners who were not charged any grazing fees for their use of the reservation range or the ranches. Even with the added stock-carrying capacity provided by the high-country ranches, relatively few Mountain Utes owned cattle—and sheep were disappearing quite rapidly—as the tribe entered the final quarter of the century. For example, only 76 tribal members out of a population of 1150 owned and raised livestock in 1970, and only 12 of the 76 possessed large enough herds to be considered full-time stock-raisers. And nearly two decades later, at a time when the tribe numbered some 1600 people, only 38 different brands were represented among the cattle sold at the 1989 tribal cattle auction.

Thus it is clear that in the late-twentieth century most Southern Utes were not involved with agricultural activities and most Ute Mountain Utes did not raise livestock. This left wage work as the predominant economic activity among the people of both
reservations. When seeking jobs, most tribal members stuck close to home, only rarely seeking employment off the reservation in Durango or Cortez or in more distant cities. The most common employer for the Utes of Colorado were the two tribes themselves. Beginning with the receipt of the land claims and oil and gas windfalls during the fifties, both tribes had built up substantial bureaucracies to implement newly established tribal programs; from this time on—with some notable fluctuations—many Utes would look to their tribal organization for employment. In 1977, for example, the Ute Mountain Tribe had 185 employees on its payroll; unfortunately, however, the tribe's financial woes required that 80 of these employees be laid off that year.11 Tribal employment rebounded following this time of budgetary difficulties, and by 1993 the tribal workforce had mushroomed to 861 employees and a gross payroll for the year of $16.306 million.12 As Tribal Chairperson Judy Knight-Frank explained following the 1992 opening of the Ute Mountain Casino, which employed 79 tribal members, "Our people are reluctant to leave their homes so the tribe had to bring the employment to them."13 While not resulting in such impressive employment figures, the same trend toward increasing numbers of tribal jobs was evident in Ignacio. Also, on both reservations many tribal members who did not work in the tribal organization were able to obtain employment with the Bureau of Indian Affairs.

While many jobs were created by each tribe, not all of these jobs were filled by tribal members, and this would prove to be a persistent source of irritation among the people on both reservations. For example, while the new casino in Towaoc employed 79 members of the tribe when it opened in 1992, this still left 171 of the facility's 250 jobs in the hands of non-tribal members.14 And when Ute employees were hired, they often remained in lower-paying jobs as both tribes relied on white professionals to fill
many higher-paying positions. While officials of both tribes pledged to hire their own members wherever possible, critics in both Ignacio and Towaoc frequently charged that tribal members were passed over in favor of outsiders. "Tribal preference is a joke," complained Bertha Grove at a 1993 General Meeting of the Southern Ute Tribe. "You always find tribal members in the lowest paying jobs."15

While many Utes worked for their tribe or the Federal Government, these two sources did not provide sufficient employment to put all of the reservations' non-agricultural members to work. Unable to find employment on the reservations and either unable or unwilling to find it off the reservations, many of these tribal members could find no work, and unemployment rates were exceedingly high--over 50% on both reservations for most of the post-1960 period. A 1965 report of the Southern Ute Tribe highlighted the inability of most of its members to earn a living: while members of 188 families either had jobs with the tribe or the BIA or held land assignments, there were 155 families in the tribe with neither land nor jobs.16 When one recalls that only a handful of those with land were able to support themselves through farming, the economic picture becomes even more bleak.

A Financial Roller Coaster

Given this dearth of both agricultural activity and wage work on the two reservations, the Ute people became increasingly dependent for economic support upon their tribal governments. Despite the efforts of tribal leaders such as John Baker or Judy Knight-Frank to spur members into self-sufficiency, the tribal councils in both Ignacio and Towaoc were overwhelmed with requests for assistance from members. Per capita payments to individual members had grown dramatically in size during the
1950s financial bonanza, and they came to be regarded by the people not as a luxury but as a necessity, since for many tribal members these payments were the only source of income. Hence the Ute people loudly protested any proposed decrease in such payments. While the Bureau of Indian Affairs had always stressed that per capita payments were only to be made when the tribes realized surplus revenues, the people of the two reservations had come to look upon them as a fact of life, and the tribal councils soon discovered that per capita distributions could be tampered with only at great political peril. Thus council members were extremely reluctant to reduce the size or frequency of these payments--even when tribal revenues did not justify such distributions. The net result was a recurrent budgetary nightmare.

Tribal income fluctuated greatly in both Towaoc and Ignacio throughout the latter half of the century. This boom-and-bust cycle resulted from the almost total reliance of the two tribes upon revenue accruing from a single commodity: petroleum. Unfortunately for the Utes, the vagaries of oil and gas discovery and production, along with tremendous swings in market price, made for extreme highs and lows in revenue obtained through leases, bonuses, and royalties. The Southern Ute Tribe was extremely vulnerable to fluctuations in the price of natural gas, since in 1987, for example, natural gas revenues accounted for 88% of total tribal income. This meant tribal revenues were severely impacted by the fall in gas prices accompanying the energy bust of the 1980s: income from natural gas in 1987 was roughly half the amount received by the tribe in 1982. The tribe derived some income from other sources such as timber harvesting, leasing of grazing rights, and serving tourists and hunters, but these revenues paled in significance compared with the tribe's energy income. The same situation confronted the Ute Mountain Tribe, which was almost
totally dependent upon oil and gas revenues for its tribal budget. The tribe had been receiving oil income ever since the first well was drilled on its reservation in 1921, and since livestock proceeds went primarily to individual tribal members, the tribe had no other significant source of revenue to which it could turn for support. This would remain the case for most of the post-1960 period, despite tribal attempts to bring about economic diversification.

Another source of funding for both tribes, one even more irregular in its occurrence than income from oil and gas leasing, was legal action waged on behalf of the Ute Indians seeking monetary compensation for past government seizures of Ute land. The Confederated Bands of Ute Tribes, through their attorneys, had filed additional land claims beyond the four which had resulted in final judgments in 1950. In the sixties and early-seventies two suits were decided by the U.S. Court of Claims in favor of the Ute tribes. As with the 1950 judgments, a plan had to be formulated by each tribe to show how the proceeds of each case would be used, although in this case the ensuing plans were nowhere near as substantial as had been the 1953-54 rehabilitation plans. One suit, docket number 327, yielded the Southern Utes $1,556,855, which they received in 1967; The Ute Mountain Utes received their $1,441,002 share from this case the following year. In 1970, a favorable judgment was issued regarding docket number 47567, resulting in the receipt of $979,360 by the Ute Mountain Tribe by the end of that year, and a slightly lesser amount received later by the Southern Utes upon approval of their plan. One additional claim, this one pursued on behalf of the Southern Utes alone, sought compensation for reservation land which had been opened to homesteading. After a favorable decision from the Court of Claims, this judgment was overturned by the U.S. Supreme Court in 1971.

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When the sporadically occurring land claims judgments of 1953-54 and 1967-71 were added on top of the already erratic cycle of oil and gas income, the result was a level of tribal income which, over the course of the latter half of the century, behaved much like a roller coaster car. When the additional factor of persistently high per capita distributions was figured in, the tribal budgetary picture became even more convoluted. Given the lack of alternative means of support, the size of these payments became, out of necessity, quite large, and the total bill was staggering. Beginning to feel the pinch of high per capita payments, the Southern Ute Tribal Council adopted a declining schedule of payments beginning with $1000 in 1959 and decreasing by $100 each year through 1964. Even at such reduced levels as the $800 per capita issued in Fiscal Year 1961, the total sum was still substantial, amounting in this case to $520,000 out of a total budget of $1,226,255. As a result, Representative Wayne Aspinall warned the tribe in 1960 that its funds might soon be depleted. Aspinall pointed out that the financial situation in Towaoc, where energy revenues continued to pad the tribal treasury, was much brighter. In 1964 the BIA Central Office approved the scheduled Southern Ute per capita distribution of $400 but notified the tribe that it would only approve future per capita payments on the basis of tribal earnings. Accordingly, over the next several years, the Council was only able to make fairly small per capita--or dividend--distributions whenever budgetary surpluses were realized. With an explosion of natural gas revenues during the energy boom of the 1970s, the Council was once again able to make substantial per capita payments, but when energy prices plummeted in the following decade the people continued to demand 1970s-level per capita amounts. The Council relented in the face of these demands until the late-eighties, by which time the tribe's General Fund had diminished from its 1983
level of $13 million to less than $3 million in 1988. Payments of $3,000 per capita had been budgeted for the latter year, and when the Tribal Council voted to reduce this amount it sparked an uproar. At the current rate, council members estimated, the tribe would be broke within 12-18 months.26

A parallel budgetary odyssey, while later in developing, took place in Towaoc. After beginning the decade with a healthy balance in the tribal fund, as early as 1964 the Ute Mountain Tribal Council was forced to cut back on operating expenses in the interests of obtaining sufficient funds for a per capita distribution. Even with the cutbacks the Council was still forced to engage in what would become an oft-repeated ritual--withdrawal of funds from the tribe's reserves in the U.S. Treasury--in order to procure enough of a surplus to make a $900 payment to each enrolled member.27 Steady tribal population growth increased the cost of making such payments, and continued withdrawals from the U.S. Treasury gave rise to a rather bleak economic and budgetary picture by the close of the decade when the Tribal Council released its plan delineating how the tribe would use its proceeds from claims case no. 47567. It was reported in the plan that between 1952 and 1969 the tribe had received a total of nearly $52 million from oil and gas royalties, claims awards, and other minor sources. And yet, as of 1969, the tribal unemployment rate had recently risen to 68%, only some 20 tribal members were working for employers other than the tribe, and for the majority of families per capita payments constituted the only form of income.28 The Council's efforts to provide for its largely non-working membership had been an expensive proposition: tribal expenditures had exceeded income every year since 1960, and the tribe's balance of funds was decreasing precipitously. The claims case plan of 1970 summarized the tribe's predicament:
We exist in a dilemma. We do not have promising employment opportunities. Our oil and gas reserves are rapidly declining. Our range resource can only support a very limited number of our residents. Our population grows, in numbers, in health, in education, in desire, and in need. We owe our population every opportunity to live in comfort and in mental and physical strength.

We want to conserve our assets. We also want to see our assets grow. We must provide for our members until they can provide totally for themselves ...

But the Tribal Council's attempts to provide for its members had seriously eroded the tribe's assets. The plan ominously predicted that if current budgetary trends continued, "we can expect our cash reserves to disappear by 1977." 29

The budgetary pattern persisted, and yearly deficits continued to mount. In 1971 BIA officials, increasingly concerned by the tribe's dire financial straits, urged budgetary discipline in the form of the collection of grazing fees from tribal stock raisers and--most importantly--the elimination or drastic reduction of per capita payments. 30 Neither recommendation was followed by the Council, and in fact the Council voted to increase the per capita payment amount for the budget in question from $1,000 to $1,250. 31 As a result, in the spring of 1977 the gloomy prediction issued in the 1970 plan proved all too correct: the tribe's financial roof came crashing down. The last bi-monthly per capita checks were issued in April of that year, and in the summer the tribe was forced to lay off one third of its work force. "We're broke," acknowledged tribal treasurer Henry Jacket. To add insult--and political scandal--to economic injury, the FBI moved in on two occasions that spring to seize tribal documents as part of a federal investigation into alleged misuse of funds by tribal officials. 32

A 1982 oil and gas deal worth nearly $7.7 million inaugurated the return of good financial times and the resumption of large per capita distributions. 33 Tribal
members once again became accustomed to such hefty payments and opposed any reduction in their size when falling energy prices ravaged the tribal budget later in the decade. In 1990 the interest earned on the Tribal Investment Fund was sufficient only for a per capita distribution of $250; but people demanded a larger payment, and the Council obliged by presenting the membership with four payment options from which to choose: $700, $1,000, $1,700, or $2,200 per capita. If chosen, the latter amount would wipe out the entire investment fund, which had been established in 1984 to provide tribal members with yearly interest income. In the ensuing tribal election the people voted to accept payments of $1,700 each, thus liquidating much of the investment fund's principal.34

The two tribal councils had been forced to take a variety of steps in an ongoing attempt to keep their respective financial heads above water--while at the same time maintaining the all-important per capita payments. Operating expenses had been slashed; tribal programs--such as Blue Cross-Blue Shield medical coverage for all tribal employees--had been terminated and the Federal Government asked to move in to fill the void; and investments had been withdrawn--often at substantial penalty--to meet immediate needs. Alarmed at the depletion of tribal assets, yet committed to meeting the substantial needs of their people, the situation facing council members in both Towaoc and Ignacio in the years following 1960 had been aptly described by the Ute Mountain Tribal Council in 1970: "We exist in a dilemma."

Economic Development Programs

John Baker, always the advocate of individual self-sufficiency, had expressed concern in 1956 regarding the increasing tendency of tribal members, once dependent
upon the Federal Government, to look to the Tribal Council for their support. In the post-1960 period, this trend accelerated to the point where there was no doubt as to the almost total economic reliance of the Southern Ute and Ute Mountain Ute peoples upon their respective tribal councils. Given this situation, each council embarked upon a steady stream of projects designed to meet the economic needs of its people. Two goals were targeted: jobs for tribal members, and additional sources of revenue for the tribe. New income sources were sought with hopes of reducing the almost total dependence of the two tribes upon the energy industry, with its often painful boom-and-bust cycle, and in order to prepare the Colorado Utes for the day when their oil and gas deposits would begin to run out.

One development strategy involved soliciting outside businesses to locate on the reservation to provide jobs for tribal members. The Southern Ute Tribe actively pursued such arrangements in the late-sixties and early-seventies. At this time, not only the tribe but also the Ignacio area as a whole was suffering from a stagnant economy. In 1969, funding from a Labor Department grant paved the way for Durango-based Southwest Data Institute (SDI) to open a key-punch operation on the grounds of the tribal headquarters. This facility employed 150 Utes, Hispanics, and Anglos, in a paid training program. Around this same time the tribe began considering plans for going into the egg business as another means of bringing jobs to the reservation. This proposal called for a joint venture with Quality Farms and the investment of $800,000 in tribal funds. Neither SDI nor the Egg Production Program, however, provided the employment which the tribe so desperately sought: SDI soon faded from the scene, and the tribe never did enter the egg business, the latter plan being unanimously rejected by skeptical tribal members at a meeting of the General Council.
More frequently pursued by both tribes were plans for new business ventures to be initiated by the tribes themselves. While such tribal enterprises produced notably mixed results in terms of generating income for the tribes, they did provide jobs for a number of tribal members and come to play an increasingly important role in the tribal economies. The Ute Mountain Tribe’s first tribally-owned enterprise was the Ute Mountain Pottery Corporation, formed in 1970, which sought to bring the tribe a share of the regional tourist trade through sales of Southwestern Indian-style pottery (ironically, the nomadic Utes of the past had never made much pottery themselves).37 Beginning as a small operation in a former clinic building in Towaoc, the pottery enterprise soon moved into a large new facility in the tribal industrial park located on Highway 160 east of Towaoc. After a slow start, sales of the handmade pottery boomed in the mid-eighties and took off even more dramatically after a 1988 deal under which King Soopers began selling Ute Mountain pottery in some of its supermarkets. This doubled the operation’s workforce from 15 to 30 tribal members.38

Another potential source of revenue for the tribe were the countless ruins left by the Utes’ ancient predecessors in southwestern Colorado—the Anasazi. The Ute Mountain Reservation had originally included Mesa Verde, but when the U.S. Government learned of the impressive architectural ruins located there, it soon negotiated a land swap whereby the Utes received land on the northern half of Ute Mountain in exchange for 5,000 acres that became Mesa Verde National Park in 1906.39 Even with the loss of these Anasazi cliff dwellings, the Ute Mountain Reservation still contained a treasure trove of Anasazi structures dotting the cliffs of Mancos Canyon and its many side-canyons. Given their traditional aversion to spirits of the dead, the Utes—while aware of these ruins—generally avoided them up until the
late-1960s, when some tribal members began to consider their economic potential for the tribe. Chief Jack House, who initially opposed development of the reservation's archeological resources, finally assented to the plan, and in the early years of the following decade the Ute Mountain Tribal Park slowly began to take shape.\textsuperscript{40}

The story of the Tribal Park's formation offers a glimpse into tribal attitudes at Ute Mountain toward economic development. While many tribal members welcomed the jobs and revenue, others strongly opposed opening their homeland to intrusion by the non-Ute world. Ernest House, chairman of the tribe throughout most of the 1980s and a member of a family which had long lived in the midst of the Anasazi ruins, pushed for establishment of a park but acknowledged the objections of many of his people. House, who later became director of the park, recalled the isolationist nature of tribal sentiment against development in the early-1970s:

\begin{quote}
The whole reservation is our homeland. This is where we live. So if you let other people come in it's just like [if] you invite people into your house: you don't want people looking around in your bedroom ... Now a lot of our old Indian people didn't want people wandering around here. What business is it for people to be wandering around here? This is our land. This is our reservation.\textsuperscript{41}
\end{quote}

Long-time Tribal Park Superintendent Arthur Cuthair concurred with this assessment of tribal members' resistance to the park: "They didn't want the reservation opened to the outside people. You might say that it's a closed reservation."\textsuperscript{42} Opposition at times took a violent form around the time of the park's creation, as angry tribal members burned Jack House's old hogan located in the park and shot at Arthur Cuthair's house.\textsuperscript{43}

Park proponents prevailed, however, and the 125,000-acre Ute Mountain Tribal Park--roughly twice the area of Mesa Verde National Park--was established in 1971.
With the assistance of archeological experts, the tribe soon started stabilizing the Anasazi ruins, and Ute guides then began conducting tours of the cliff-dwellings.

These tours, however, produced no income bonanza. Tour revenues for March-July 1987, for example, amounted to barely over $10,000; and in 1992 the total number of Tribal Park visitors amounted to only 3,000, compared to the 742,080 tourists passing through nearby Mesa Verde. The potential for financial gain was greater at Soda Point, a section of the Tribal Park bordering Mesa Verde National Park and, by virtue of a federal surveying error, located adjacent to a heavily traveled loop road in the National Park. Initial construction of the park's Chapin Mesa road had placed the road five miles outside the National Park boundary, and after being rerouted in the 1960s a subsequent survey showed that the road still crossed over onto Ute land. The Utes took advantage of this surveying error in 1986 by establishing a facility along the road that offered souvenir and refreshment sales and helicopter tours. Thus began a battle over Soda Point between the tribe and the Park Service, which did not welcome this uninvited and unregulated concession in the midst of a popular area in the National Park. After announcing its intention to relocate the road once again to bypass tribal land entirely, the Park Service ultimately entered into a pact with the tribe in 1988 by which the two neighbors agreed to coexist under the present arrangement, with some restrictions placed on the tribe's concession and helicopter tour operations at Soda Point.

After its initial ventures in pottery and tourism, the Ute Mountain Tribe established several additional tribal enterprises to further the reservation's economic development. By far the most successful of these was the Weeminuche Construction Authority, established by the Tribal Council in 1985. Business for the new
enterprise quickly boomed, amounting to over $3 million in contract work in Fiscal Year 1987 alone, and by 1993 Weeminuche had grown to such an extent that it boasted a workforce of 190 permanent employees.48 This company clearly brought the tribe substantial revenue, and it provided employment for many tribal members; but critics decried the fact that this enterprise was managed by a white-owned firm in Cortez which claimed much of the operation’s profit, and they also protested that Ute employees tended to remain in the lowest-paying jobs.49 Other tribal enterprises begun during the 1980s were a high-stakes bingo hall--with a seating capacity of 500--which opened in 1984, and the tribal Farm and Ranch Enterprise, chartered in 1987 to increase tribal revenue and employment in the area of agriculture.50

The Southern Ute Tribe, which investigated at great length the prospects for a tribal cattle enterprise in the early sixties, never took any action on this proposal; and agriculture continued to diminish in economic importance for the Utes of Ignacio. Instead, the Tribal Council increasingly regarded tourism as offering the greatest potential for economic development of its reservation, and it soon embarked upon a number of tribal enterprises seeking to bring tourists to the reservation. Lake Capote, purchased by the tribe and opened to the public for fishing in 1963, was the first such enterprise. A campground and other facilities were constructed on this site, and the lake, located along Highway 160 northeast of Ignacio, was regularly stocked with fish by the tribe.51 A much larger economic development project was undertaken in 1970 with the groundbreaking for the tourist motel complex, called the Pino Nuche Pu-Ra-Sa, which opened the following year. In addition to the 38-unit Pino Nuche--meaning "Pine People"--Motel, this complex eventually included several other tourist-oriented enterprises: an outdoor pool (later converted to an indoor pool), a restaurant and
lounge, an arts and crafts shop, and a museum. The complex, located immediately south of the tribal headquarters, also contained a community center at which a variety of tribal gatherings were held and which doubled as a convention facility for visiting groups.

The Southern Ute Tribe was quite successful in obtaining federal grants to finance large building projects such as the Pino Nuche, later renamed the Sky Ute Lodge. The tribe won a grant from the Economic Development Administration in 1974 to fund the construction of another large facility, the $668,000 Horse Training and Conditioning Center, to be built on the site of the Tribal Fairgrounds and racetrack situated along the Los Pinos River just east of Ignacio.52 This facility, initially consisting of an indoor arena and 100 horse stalls, was later expanded and rechristened Sky Ute Downs. Tribal leaders hoped that the Downs and the Sky Ute Lodge would complement one another, each producing more tourist customers for the other. The tribe also initiated several smaller business ventures designed to increase both tribal revenue and employment. The Southern Utes' first off-reservation enterprise, a Shell service station located in Ignacio, was purchased by the tribe and opened in 1975.53 A tribal retail facility, the Sky Ute Country Store, opened in 1986 directly across the highway from the Sky Ute Lodge complex.54 The tribe briefly operated the Sky Ute Marina on Navajo Reservoir, located southeast of Ignacio along the Colorado-New Mexico border, and, like the Ute Mountain Tribe, it began operating weekly bingo games at the Sky Ute Lodge complex in the mid-eighties.

Tribal enterprises in Ignacio proved to be somewhat more problematic than their counterparts on the Ute Mountain Reservation. The Southern Ute Tribe was more successful in obtaining federal funding for new enterprises than in making the resulting
ventures profitable. Unlike the highly profitable Weeminuche Construction Authority and the successful Ute Mountain Ute Pottery enterprise, the Southern Utes' business ventures consistently lost money. The motel and restaurant at the Pino Nuche rang up losses year after year, and after four years of operation they still required monthly cash infusions in the neighborhood of $12,000-14,000 just to remain afloat. Nor did this situation improve as the years went by. The performance of the Sky Ute Downs was similarly disappointing; here, too, monthly losses were the norm.

Failure to realize a profit was not the only problem associated with the tribal enterprises. Management difficulties were endemic. After only four years of operation the motel was already on its fifth manager—all four of his predecessors had quit in the face of criticism from tribal members or the Pino Nuche board of directors. On one occasion in 1982 Sky Ute Downs was temporarily shut down after a management dispute left the staff there in fear of suffering "physical abuse." Management problems also afflicted Lake Capote, which had a poor year in 1979 due partly to its early closure that season following the premature departure of its managers. Despite their losses and administrative shortcomings, the various enterprises did yield one important benefit—jobs for tribal members. However, even this positive contribution to the reservation economy became a source of controversy. Tribal members constantly bombarded the Tribal Council with complaints they had been passed over while outsiders were hired for jobs at the tribal businesses.

Given the abundant difficulties associated with these ventures, the Tribal Council frequently considered and sometimes acted upon proposals to terminate tribal enterprises. The Sky Ute Marina lasted for only one season and the tribe's Shell station a mere three years. The tribe elected to forego operation of the Sky Ute Country Store
after only one year, preferring in 1987 to lease the store to the Thriftway Company.\textsuperscript{59} That same year the Tribal Council actively sought--without success--to lease both the Sky Ute Downs and the Lodge to outside operators.\textsuperscript{60} In the face of persistent losses from these ventures, some tribal members began to entertain the thought of simply shutting them down. At a 1989 meeting, Tribal Council member Clement Frost worried that expenditures were getting out of hand. "We are spending too much money trying to make a go of the enterprises and not getting anywhere," he asserted. Perhaps, he suggested, it was time to consider closing down the enterprises.\textsuperscript{61} While bingo games were yielding some revenues to the tribe, the remainder of the Southern Utes' tribal enterprises were proving to be a persistent source of frustration.

The Battle for Water

Many economic development projects--particularly expansion of farming and ranching operations and the mining of vast and largely untapped coal deposits--were precluded by the lack of adequate water supplies on each reservation. The Ute Mountain Tribe had always suffered the economic consequences of its reservation's aridity--the tribe was even forced to haul drinking water by truck from Cortez to Towaoc daily up until 1990. And while the water situation appeared to be much less problematic on the Southern Ute Reservation, crossed as it was by a number of substantial streams--the La Plata, Animas, Florida, Los Pinos, Piedra, and San Juan rivers--the tribe nevertheless found itself without adequate water for the development of its reservation. The problem here, as with the Mancos River flowing through the Ute Mountain Reservation, was that the senior rights of the Indians to the water of these rivers existed solely on paper, while the actual water was used by parties upstream.\textsuperscript{62}
The Pine River Project of the early 1940s, through the construction of Vallecito Reservoir, had provided the Southern Utes with much-needed irrigation water, but this project did not fully meet the tribe's water needs; and those of the Ute Mountain Tribe had never been addressed by the government.

Thus was the stage set for a lengthy battle for water, waged by the tribal councils of both tribes throughout the 1970s, 1980s, and into the 1990s. In negotiations with state and federal officials, the two tribes agreed to compromise on their senior water rights on many of the streams crossing the reservations in exchange for other arrangements—made possible by the Dolores and Animas-La Plata Projects—whereby the Federal Government would provide them with water.63 The Colorado Ute Indian Water Rights Settlement Agreement, signed by all parties in December of 1986 and enacted by Congress November 3, 1988, spelled out the terms under which the water rights of the two tribes would be addressed. The tribes would receive both irrigation water and municipal and industrial water from the two projects. Water from the Dolores Project would enable the Mountain Utes, who at the time the settlement was negotiated had only enough agricultural water to irrigate a mere 200 acres, to irrigate at least 7,500 additional acres; and even more acreage could later be irrigated upon the arrival of water from the Animas-La Plata Project. The Southern Utes, who would not benefit from the Dolores Project, would obtain roughly 26,500 acre-feet of municipal and industrial water and 3,400 acre-feet of irrigation water each year from the Animas-La Plata Project. The Ute tribes would also split a $60.5 million development fund to be used for economic development of their reservations. The Mountain Utes would reap the additional benefit of a $6 million pipeline carrying municipal water from Cortez to Towaoc.64
Construction for the Dolores Project's McPhee Reservoir had begun in 1976, so this reservoir was already in existence at the time the water settlement was enacted; hence the Ute Mountain Tribe soon began to enjoy the fruits of this agreement. The pipeline from Cortez, constructed by the Weeminuche Construction Authority, was completed in 1990, furnishing Towaoc with a safe and reliable supply of municipal water for the first time. Thus, after nearly a century of delay, the Federal Government finally made good on its promise to provide the tribe with water.65 No longer did tribal members need to set out buckets each day to be filled by the water truck. Also at this time, the tribe eagerly anticipated the arrival of irrigation water from McPhee Reservoir. As early as 1987 the tribe's Farm and Ranch Enterprise planted and harvested a test crop of oats, utilizing new sideroll sprinklers such as would be called into action when the Dolores Project irrigation water arrived.66 A $31,909,400 Bureau of Reclamation contract for completion of the 34-mile Towaoc Canal, designed to bring this irrigation water to the reservation, was awarded to the Weeminuche Construction Authority early in 1992. The canal was expected to be completed in 1994.67 Already, by the end of 1992, the arrival of municipal water in Towaoc as part of the water settlement made possible the opening of two new tribal business enterprises—the new casino and the adjacent convenience store and gas station, both located along Highway 160 east of Towaoc.68

While the Ute Mountain Tribe was quickly realizing the benefits of the Colorado Ute Indian Water Rights Settlement Agreement, the Southern Utes were becoming impatient with the lack of progress toward obtaining their share of water. While the tribe soon began to receive its economic development funds, there was not a drop of water in sight. The controversial Animas-La Plata Project, slated to deliver water to the
tribe as part of the agreement, was blocked by a succession of obstacles to its construction. One such hurdle was a 1992 lawsuit filed by the Sierra Club against the Bureau of Reclamation in an attempt to block the project.69 Tribal Chairman Leonard Burch fumed over such delays and adamantly insisted upon construction of the Animas-La Plata (A-LP) Project. "The Southern Ute Tribe will not allow the United States Government to again break a treaty obligation to the Indian people," he vowed. Burch brushed aside suggestions that the tribe accept a monetary settlement in lieu of A-LP water. The Utes had once made this mistake with respect to their land, ceding it to the government in exchange for money, he explained. "We are unwilling to repeat the mistakes of the past with regard to our water."70 While the Southern Utes hoped to gain some additional irrigation water from Animas-La Plata, they were most anxious to obtain industrial water which would enable them to develop the immense coal deposits underlying the reservation.71 As of late-1993, however, the tribe—still without adequate water—was unable to tap this vast fossil fuel treasure.

New Developments in the Early 1990s

Colorado voters probably did not realize when they voted to amend the state constitution in 1990 to allow limited-stakes gambling in three mountain communities that they were also paving the way for the establishment of casino gambling on the state's two Indian reservations. The possibilities opened by this 1990 referendum certainly did not escape the detection of the Ute Mountain Utes and Southern Utes. Both tribes were eager to participate in the nationwide trend toward Indian gaming facilities. Tribes all across the country were turning to gaming for their economic salvation—some with notable success. The Ute Mountain Tribe was the first of the two
Colorado tribes to open a casino, converting the pottery plant in the tribal industrial park into a 30,000-square-foot casino complete with 300 slot machines and 14 blackjack and poker tables. One unusual aspect of the Ute Mountain Casino was the absence of alcoholic beverages, since alcohol was still prohibited on the reservation. Operated by Texas-based Full House Limited, the Ute Mountain Casino welcomed an opening-night crowd of more than 1,000 people on Labor Day weekend 1992. With 250 employees—including 79 tribal members—and an estimated annual payroll of $3 million, the effect on both the tribal and local economy was immense. Crowds continued to flock to the casino throughout its first year of operation, no doubt generating considerable revenue for the tribe, but the tribe did not release any financial data to the public. A member of the Ute Mountain Gaming Commission contended that earnings had been above-average for a casino of this size, but the tribe—a sovereign entity not subject to state regulation—was under no obligation to report its earnings, and it showed no inclination to do so.

Lacking a ready-made facility such as the former pottery plant in Towaoc, the Southern Utes moved more slowly, but with equal determination, toward the opening of their own tribal casino. There was no immediate consensus regarding the site for such a facility. The new tribal gaming committee initially formulated plans for a large casino-hotel complex on Highway 550 south of Durango near Bondad, but their focus soon shifted back to Ignacio—with the hope of solving an old nagging problem. Subsidized for over 20 years, Sky Ute Enterprises—the Lodge and the Downs—was a perpetual drain upon the tribal budget, and in fact several months later a rather reluctant Tribal Council would approve yet another infusion of tribal funds into the ailing enterprises. The gaming committee contended that by locating a smaller casino at Sky
Ute Lodge, these operations could be made profitable for the first time ever. Keeping alive the possibility that it might build the larger casino in Bondad at some future time, the tribe began construction of the Sky Ute Casino in May of 1993. The casino, which was to be managed along with the Sky Ute Lodge and restaurant by Great Western Casinos, Inc., opened to the public on September 1, 1993. Just under half of the facility's 170 employees on opening day were Southern Ute tribal members.

While the Southern Ute Tribe lagged slightly behind its neighbor to the west in entering the gaming business, it was ahead of the Ute Mountain Utes--and possibly all other tribes in the country--in implementing another economic development strategy: assuming ownership and direct control over much of the tribe's energy resources. The tribe formed its own energy company, Red Willow Production Company, in 1992, utilizing money from the economic development fund established as part of the Water Rights Settlement Act. In what some sources described as the first such deal of its kind for an American Indian tribe, the Southern Utes purchased interests in 51 active gas wells within the exterior boundaries of their reservation in January of 1993; 21 of these wells were to be operated by Red Willow, and the tribe would hold royalty interests in the remaining 30. This deal, along with a second acquisition made several months later, reversed the historical pattern for development of Indian energy resources. Traditionally tribes had been forced to rely on the Bureau of Indian Affairs to negotiate leases with oil companies whenever the Indians sought to tap oil and gas deposits in their reservations. This left Native Americans with little control over the terms of energy operations on their land, and often the BIA-negotiated leases yielded lower royalty rates to the tribes than was typically the case with leases on private land.
Southern Ute Tribe began to assume more responsibility for development of its natural gas resources following the 1982 passage of the Indian Mineral Development Act, which permitted tribes to bypass the BIA to negotiate directly with oil companies. With the 1992 purchases by Red Willow, the tribe finally achieved complete control over the operation of its gas wells. The tribe expected to recover its initial investment within three years and to profit from the recently acquired wells for a period of 24 years. This represented a substantial step toward economic autonomy for the Southern Ute Tribe.

Having only recently entered the gaming business, the Ute Mountain Tribe in 1993 entertained the idea of becoming involved with another entirely different sort of economic activity--storage of radioactive nuclear waste. The Mountain Utes were one of nine tribes across the country to apply for $200,000 grants for examining the feasibility of storing spent nuclear reactor fuel at facilities to be constructed on their reservations. The strength of the modern imperative for economic development is clearly revealed by this endeavor of the Ute Mountain Ute Tribe. Despite the intense and enduring affection of their people for the Ute homeland, tribal leaders actively pursued a venture which involved potentially ominous environmental implications. More than anything else, perhaps, this initiative epitomizes the intensive efforts of both Colorado Ute tribes to diversify their economies and develop their reservations during the latter half of the twentieth century.

2. Ibid., 4.

3. Ibid., 15-16.


14. Ibid.


19. Minutes of Southern Ute Tribal Council meeting, September 12, 1967, 2, SU Archives; Resolution No. 1755 of the Ute Mountain Tribal Council, July 10, 1968, Tribal Resolutions File, UMU Agency.


23. Minutes of Southern Ute Tribal Council, July 1, 1960, 2, SU Archives.

24. Minutes of Southern Ute Tribal Council, September 26, 1960, 1, SU Archives.

25. Southern Ute Tribal Council to tribal members, notice, "Special Information to All Tribal Members from the Tribal Council," August 1963, Council Meeting Minutes File, SU Archives.


27. Resolution 1337 of the Ute Mountain Tribal Council, August 18, 1964, Tribal Resolutions File, UMU Agency.


29. Ibid., 12, 13.

30. Area Director Walter O. Olson to Chairman Albert Wing, September 27, 1971, Tribal Resolutions File, UMU Agency.


33. Resolution No. 2947 (October 19, 1982) and Resolution No. 2948 (November 24, 1982) of the Ute Mountain Tribal Council, Tribal Resolutions File, UMU Agency.


36. Minutes of Southern Ute General Council meeting, April 7, 1972, SU Archives.


40. Ernest House, Sr., interview by author, June 11, 1993, tape recording.

41. Ibid.

42. Arthur Cuthair, interview by author, June 10, 1993, tape recording.


45. "Utes Fear Tourist Bucks to End if Misrouted Road Corrected," The Denver Post, September 27, 1987.


47. Resolution No. 3102 of the Ute Mountain Tribal Council, January 17, 1985, Tribal Resolutions File, UMU Agency.


51. Progress and the Future, History of Lake Capote section.


53. Minutes of Southern Ute Tribal Council meeting, May 20, 1975, 6, SU Archives.


56. Ibid.

57. Minutes of Southern Ute Tribal Council meeting, March 2, 1982, 1, SU Archives.

58. Minutes of Southern Ute Tribal Council meeting, March 5, 1980, 2, SU Archives.

59. Minutes of Southern Ute Tribal Council meeting, June 16, 1987, 1, SU Archives.

60. Minutes of Southern Ute Tribal Council meeting, July 31, 1987, SU Archives.

61. Minutes of Southern Ute Tribal Council meeting, July 14, 1989, 2, SU Archives.


63. Ibid.


70. Ibid.


CHAPTER 7
TRIBAL POLITICS SINCE 1960

As the 1960s began, many of the long-familiar contrasts between the Southern Ute and Ute Mountain Ute Tribal Councils were still in evidence. Continuing the trend of the fifties, all seven members of the Ute Mountain Tribal Council were men, whereas in Ignacio the October 1960 election left the Southern Utes with a council composed of four women and two men. Language also remained a distinguishing characteristic of the two bodies. Most business in the Southern Ute Tribal Council was conducted in English, as it had been since at least the mid-fifties; and John Baker was even forced to admit at a 1960 General Council meeting that his knowledge of the Ute language was "not too good." Languages was much less frequently spoken at meetings of the Ute Mountain Council. Jack House, the aging chief of the Ute Mountain Tribe who had never gone to school and spoke virtually no English, was beginning his third decade on the tribe's council—in addition to his years of service on pre-constitution councils—and he still wielded tremendous power in council deliberations. Albert Wing, Sr., the stockman and former CCC worker who had once served the tribe as a fence rider, patrolling the reservation boundary on horseback to keep trespassing Navajos and their livestock off the tribe's range, was still chairman of the tribal council in Towaoc. While Chairman Wing did not have a high school education, his counterpart in Ignacio, John Baker, had both a high school diploma and some college experience, and in fact he would soon be resuming his college studies.

While the two councils clearly exhibited such striking contrasts, they did nonetheless share some common characteristics. Both panels benefited from the
experience of individuals with long tenures as council members. Both councils also benefited from the participation of armed service veterans, with two of seven Towaoc councilmen in 1960 having served in the military and fully half of the six Southern Ute council members at this time being veterans. Certainly the political situation on the two reservations differed in many respects throughout the post-1960 period, but--despite significant social and cultural disparities--these political differences became less apparent as the years went by. Tribal politics in Towaoc and Ignacio during the latter half of the century increasingly came to be characterized by the same issues and concerns, the same stability of leadership, and the same turbulent factionalism.

Southern Ute Political Leadership

On October 6, 1961, 122 members of the Southern Ute Tribe convened in the tribe’s recreation hall, a building which had originally served as the Council Hall before being converted into a recreation facility in 1955, to hold the annual tribal council election. Old rivals Sunshine Smith and John Baker were both up for reelection at this time, their three-year terms having expired. The results of the voting were a resounding triumph for Baker; while Smith was defeated in her bid for reelection, Baker was overwhelmingly reelected in a separate race against two challengers, one of whom was Sunshine Smith’s brother, Ralph Cloud. At this time the tribe was seven years into its ten-year rehabilitation program, a program which had been spearheaded from the start by John Baker. The strong-willed Southern Ute leader was so strongly identified with this program in the minds of tribal members that some of Sunshine Smith’s own relatives informed an anthropologist observing the 1961 election that they had voted for Baker because they feared that without him there would be no program at
Baker, who had served as chairman of the council from 1956 to 1960 before relinquishing that position to Anthony Burch in late-1960, was once again elected to the chairmanship by his fellow council members soon after the 1961 tribal council election.

Even before assuming the chairmanship in 1956 John Baker had clearly begun to dominate the proceedings of council meetings, and this continued to be the case during the early-sixties; but the era of dominance by Baker soon faded. When his colleagues on the council voted in 1962 for his continuation as chairman, the 44-year-old World War II veteran asked if it would be possible to take the position on a temporary basis, explaining that he felt the tribe was due for a change. Baker subsequently resigned from the council and the chairmanship on two separate occasions—in 1963 and again in 1966—in order to resume his college education at Arizona State University, where he studied political science. Never able to withdraw for long from his tribe's political scene, Baker's absences were of short duration, and in each case he returned to the Tribal Council where he continued to serve with only a few brief interruptions through 1982.

The departure of John Baker in 1966 paved the way for the beginning of a new era in Southern Ute politics, one which was to be dominated by Leonard C. Burch. Son of the late Chairman Sam Burch, Leonard Burch was an Air Force veteran who had served his country from 1953 to 1957, mostly in the Middle East. After completing his tour of duty, Burch returned to the reservation and worked briefly for the BIA before becoming a realty officer for the tribe in the early-sixties. In the fall of 1966 Burch was elected to the Tribal Council and then promptly chosen by his fellow council members to be the chairman of this body. At the age of 32, Burch was the youngest person ever to achieve this position. Thus began his extended reign as
chairman, one that would persist—with one constitutionally mandated three-year interruption—into the early-nineties. Only Jack House can rival the longevity of Leonard Burch in the post-constitution history of leadership among the two Colorado tribes.

The triumph of Leonard Burch, son of a tribal chairman and brother to another, illustrates the persistence of family dynasties in Southern Ute politics during the latter half of the twentieth century. This characteristic of tribal leadership had first emerged among the pre-reservation Southern Utes as the increasing use of horses led to band consolidation and a tendency toward hereditary chieftainship. In addition to the three Burch family members who served as chairmen beginning in the 1940s, another member of the family, Everett Burch, joined the Tribal Council for a time in the seventies. The Cloud family too continued to send representatives to the Council, with two family members, Sunshine Smith and her brother Ralph Cloud, being elected in 1963. Although Neil Cloud was elected to the Council in 1977, the Cloud family was by this time becoming less active in council politics. The Baker family, however, maintained a strong council presence throughout the entire period. The election of brothers John and Chris Baker in 1965 meant that fully half of the council members were Bakers, cousin Clifford Baker having joined the Council in 1964. John E. Baker, Sr., who narrowly lost to Leonard Burch in the 1981 election for tribal chairman, continued to serve on the Tribal Council with only brief intermissions until November of 1982, when he stepped aside to yield his seat to son John E. Baker, Jr., who had just been elected to the panel. Chris Baker became a fairly permanent feature on the Council, and he served one three-year term as chairman when a new constitutional term-limit provision forced Leonard Burch to step down in 1984. Other family names—
Taylor, Box, Jefferson, Frost, etc.—were also repeatedly seen on the roster of council members in the years following 1960.

**Ute Mountain Ute Political Leadership**

Unlike the Southern Ute Tribe, whose last chief died in 1961 after a long but politically insignificant reign, the Ute Mountain Tribe continued to have a politically powerful chieftainship throughout the 1960s. Jack House, who had served on tribal councils beginning as early as 1921 and continuously since the thirties, remained a member of the Ute Mountain Tribal Council through 1964; and even after leaving the council he continued to be an influential leader among his people until his death in 1971. As the institution of the chieftainship neared its end, the political system in Towaoc came to resemble more closely the one already existing in Ignacio; the Tribal Council, led by its chairman, was the sole political institution of importance within the tribe. Two resilient council veterans, Albert Wing and Scott Jacket, both first elected to the council in 1955, traded off holding the position of chairman from the time of George Mills’ resignation in 1955 until 1974, when Marshall Whyte assumed the leadership of the council for one year. Scott Jacket was again selected by his colleagues to be chairman the next year, and he served in this capacity until late in 1979.10

The longevity of council members and recurrent presence of particular families characterizing the Southern Ute Tribal Council were also evident with respect to the council membership at Towaoc. Not only did Scott Jacket serve as tribal chairman for large parts of three consecutive decades, his brother Henry Jacket also enjoyed a long tenure as a council member and as tribal treasurer. Not even the controversy
surrounding the 1977 FBI investigation into tribal finances could topple the towering presence of the two Jackets from the heights of tribal leadership. Henry Jacket remained on the Council until 1982, and Scott Jacket did not end his 28-year career as councilman until 1987. Other family names—besides Jacket and Wing—were a recurrent sight on the council roster in the years following 1960; Whyte, Dutchie, House, Cantsee, Hammond, Knight, etc., all appeared frequently.

The notable stability of Ute Mountain tribal leadership, with only four different tribal chairmen having served from 1940 through 1978 and with three individuals accounting for 38 of the first 39 years of the post-constitution chairmanship, gave way to a period of rapid change beginning in the late-seventies. In 1978 two members of the Knight family, brothers Terry and Carl Knight, won election to the Council. Their sister Judy Pinnecoose—who would later go by the name of Judy Knight and then, after remarrying, by the name of Judy Knight-Frank—joined the Council the following year, and the 36-year-old mother of two was selected by the council members that year to serve as chairperson. Terry Knight, a veteran and a spiritual leader among the Ute people, succeeded his sister to become chairman in 1981. The following year Ernest House, Sr., another veteran of military service, began a seven-year reign as tribal chairman.

While two women had served on the Ute Mountain Tribal Council during the early-1940s, female council members had been a rarity since that time, with none during the fifties and only a couple in the sixties and seventies up to the time of Judy Knight's election to the Council in 1979. During this same period, women were frequently elected to the Southern Ute Council, with the presence of two female members being quite common; but such had not been the case in Towaoc. Thus Judy
Knight's selection as chairperson in 1979, her continued service on the council during the eighties, and her election to once again become chairperson in 1989 represent something of a departure from tribal tradition. Judy Knight-Frank had left the reservation in the mid-sixties with her first husband to live in California, where she worked for Aetna insurance. After returning to Ute Mountain, she became an outspoken critic of the Tribal Council, to which she twice sought election before finally succeeding on her third attempt in 1979. Whereas it had been her fellow council members who tapped her to be chairperson in 1979, Knight-Frank's return to the top leadership position of her tribe in 1989 was by a tribal election, the tribe's election procedures having been changed in the interim. In October of 1992 Judy Knight-Frank prevailed in a contest pitting her against three challengers, including her brother Carl, to win reelection to a second three-year term as chairperson.

External Relations

"The tribe must continue to work with the BIA," declared Leonard Burch in an acceptance speech following his reelection to council in 1974. "I think that as a tribe we can gain strength here if we continue to work together with the BIA. Certainly we have our differences but they can be worked out." This summarizes the approach followed by the Southern Ute Tribal Council in its dealings with the Bureau of Indian Affairs in the years following 1960. Throughout this entire period council members and chairmen continually expressed the need for cooperation with the BIA, and they bitterly resisted proposals for "termination"--elimination of the tribe's sovereign status and of special federal programs from which the tribe benefited. The idea of tribal termination had first been brought forward in the 1950s, and it continued to surface.
through the early-1960s. Most often these proposals came from outside the tribe, from various government officials; but occasionally the anti-BIA sentiment which had been strongly articulated by opponents of the rehabilitation plan in the early-fifties resurfaced later among tribal members in the sixties. The Tribal Council noted in 1964 that a group of tribal members was discussing the possibility of termination. The council members, who unanimously agreed to go on the record opposing termination shortly after this, expressed the opinion that many tribal members did not realize how fortunate they were to be receiving the benefits of the current arrangement—benefits which were not provided to non-Indians.\textsuperscript{16} Another reflection of the tribe's close and amicable relationship with the BIA was the hostile response of both council members and other Southern Utes to the actions of the American Indian Movement during the early-1970s. After AIM representatives were invited to Ignacio in 1972 by a Pawnee Indian student who attended Ignacio High School, they convened a "grand jury" to hear complaints of discrimination against local Indians by the school board and other groups. The AIM group met with a rather unfriendly reception from many of the Southern Utes in attendance, several of whom reminded the AIM people that they had not been invited to the reservation by Utes.\textsuperscript{17} Later that same year the tribe's leaders vehemently denounced AIM's takeover of the BIA office in Washington, issuing a press release that described the actions of AIM as "irresponsible" and "deplorable" and the organization's demands as "unreasonable."\textsuperscript{18}

This was a far cry from the sentiment typically displayed by members of the Ute Mountain Tribal Council throughout much of the same period. These council members often chafed under perceived interference by the BIA and complained bitterly that the Bureau was not serving the interests of the people or the Council. "The Tribal Council
does not feel that it is being treated as a governing body but as a kind of meddler in its own affairs," the Council angrily asserted in a 1961 resolution passed in the midst of a struggle with the BIA over access to records pertaining to the tribe. That same year the Council also strongly protested the government's slowness in crediting interest on the tribe's funds in the U.S. Treasury, delays that were costing the tribe money. In a 1964 resolution, the Council bitterly denounced Consolidated Ute Superintendent Jose Zuni and asked for his removal on several grounds: he had failed to cooperate with the Council; he had caused dissension between the Council and tribal members; he had caused tribal officials to lose the respect of the people; he had caused considerable delay in carrying out tribal business; etc. Despite this apparently abundant dislike for Jose Zuni, however, the resolution also charged that the superintendent did not visit the reservation often enough. This problem of having an absentee-superintendent, stationed 85 miles away in Ignacio, continued until 1969, when the Consolidated Ute Agency was dissolved and replaced by two separate agencies--the Southern Ute Agency in Ignacio and the new Ute Mountain Ute Agency in Towaoc.

While such open hostility as was expressed in these resolutions became more infrequent as time went by, the relationship between the tribe and the Bureau was still rather strained in the 1970s. In 1977 Judy Pinnecoose, who had yet to be elected to the Council, charged that "you can't get anywhere with the bureau." And Joe Otero, then superintendent of the Ute Mountain Ute Agency, acknowledged that "The Utes have not looked to us as a major source of assistance." Given these divergent responses of the two Colorado tribes to the BIA, it is not surprising that Bureau officials would feel more confident about the performance of the Southern Ute Tribal Council than about its counterpart in Towaoc. In 1967 Consolidated Ute Superintendent Ray deKay
explained his many absences from the Ignacio agency to the members of the Southern Ute Council by stating that his presence was more necessary at Ute Mountain: "You people have been running this show for a long time ... The situation over there [in Towaoc] is quite different, and I think that I need to be over there a little more, perhaps, than I do here."\textsuperscript{22}

While dealing with the Federal Government could easily be a source of frustration for tribal leaders, interactions with state governments could prove to be even more trying. Former Ute Mountain Chairman Ernest House, Sr. recalled the difficulties of getting caught in a web of overlapping federal and state authority. The status of tribal sovereignty supposedly removed the tribe from state authority, yet the tribes frequently were confronted with attempts by state governments to assert control over various tribal affairs. In such situations the tribe had to "put its sovereignty up front," as House described it, and fight to assert its unique status.\textsuperscript{23} Such was the case when the State of New Mexico attempted to collect taxes on oil pumped from the portion of the Ute Mountain Reservation lying within that state. The Ute Mountain Council refused to pay the tax but ultimately lost this battle when it went before the U.S. Supreme Court.\textsuperscript{24} The Ute Mountain Tribe also came up on the losing side of a conflict with both the U.S. Government and the Navajo Tribe over the reservation boundary in New Mexico. As a result of a federal surveying error, both tribes claimed possession of the same tract of land, and substantial oil revenues were at stake. When this dispute was decided in favor of the Navajos, it cost the Ute Mountain Tribe $7 million in lost oil royalties. After the Tribal Council sought compensation from the Federal Government, Congress eventually passed legislation providing the tribe with an award of both land and money.\textsuperscript{25} One area which brought both Ute tribes into conflict
with the State of Colorado was casino gambling and the question of the state's authority to regulate casinos located on reservations in Colorado. The state maintained tribal casinos must be subject to the same betting limitations applied to the states' other limited-stakes gaming establishments, but officials of both tribes cited tribal sovereignty and claimed state-imposed restrictions could not be applied to tribal gaming operations. When the two tribes subsequently negotiated gaming compacts with the State of Colorado, the betting-limitations were included, but court challenges to these provisions remained an option open to the tribes.26

The Ute Mountain and Southern Ute tribes also had to coexist with neighboring communities and the local governments with which they came into contact. At times such relations were cooperative and positive. The Southern Utes and the Town of Ignacio, by virtue of their close geographical proximity, had little choice but to work together on a number of issues. The Tribal Council, for example, authorized the cross-deputization of tribal police officers and officers of the La Plata County Sheriff's Office in 1980 in order to increase law enforcement efficiency both on and off the reservation.27 Cooperation between the tribe and the town, however, sometimes proved to be a difficult matter. A major dispute between the two parties emerged in 1975 regarding an arrangement by which the Town of Ignacio purchased its municipal water from the tribe, which had a new $1 million water plant. Under the leadership of a mayor who was highly critical of the Southern Utes, the town board proceeded with controversial plans to construct its own water treatment facility, and these plans were not scrapped until a new mayor was elected.28 Conflicts between the tribe and the Ignacio school board were also common. Disagreements between the tribe and local governments were sometimes eased, however, by the participation of tribal members in
the various governing bodies. For example, Chris Baker, in addition to being a tribal councilman, was also during the mid-seventies a member of both the town board and the local school board.

Relations between the Ute Mountain Tribe and the local governments and community groups in neighboring Cortez were often more strained than between their counterparts in Ignacio. Despite efforts by both sides to promote good relations—for example, the Cortez Chamber of Commerce honored the tribe as its 1986 "Citizen of the Year"—there still existed what Chairman Ernest House referred to in 1986 as an "invisible curtain" between the tribe and the local non-Indian community. Here, where there had never been the frequently close interaction between communities that had long characterized Ignacio, it was still a matter of "you take care of your problems and we'll take care of ours." A persistent area of friction was the local public school district which served the tribe's children. Tribal dissatisfaction with school policies was all the more frustrating for the Utes given the tribe's inability to elect one of its own members to the Montezuma-Cortez school board. After Indian candidates were defeated in both 1985 and 1989 elections, eight tribal members filed a lawsuit against the school district. They charged that the district's at-large voting system denied them the opportunity to elect a representative of their choice to serve on the school board. In 1990 a U.S. District Court judge approved a settlement of the suit under which an election sub-district was established which included the entire reservation and which thus consisted of an Indian voting majority. This new voting formula greatly increased the chances of a tribal member being elected to the school board, although this had yet to happen as of mid-1993.
Divisive Issues

While sparks could sometimes fly in the course of political interaction with the Federal Government and other outside entities, it was the internal politics of the Southern Ute and Ute Mountain Ute tribes that generated the most turbulence. The same intense level of debate that had characterized the battle over adoption of the Southern Ute Rehabilitation Plan was often evident in the political life of both tribes throughout the years following 1960. Council members in both Towaoc and Ignacio quickly found out just how demanding their constituents could be, and there was no issue that aroused more intense popular interest than per capita payments. This was a matter which placed the tribal councils--responsible for their tribes' fiscal health--sharply at odds with tribal members, who had grown to depend upon these payments for their subsistence. Council members soon discovered this was a political sacred cow which--if threatened--would evoke a tremendous popular outcry.

A parade of leaders, including John Baker and Leonard Burch in Ignacio and Judy Knight-Frank in Towaoc, expressed a desire to wean the people from their dependence upon these tribal payments. Motivated by financial necessity, by worry over the debilitating effects of their people's reliance on unearned income, or by both of these concerns, they were rarely able to effect any substantial change in the status quo. "I would love to run the tribe as a business," Judy Knight-Frank asserted in 1989, "but there is no way to do it. The council has always taken care of them [tribal members]. How do you get past that?"31 In addition to encountering expectations of regular per capita payments, Knight-Frank sometimes found herself confronted with an old custom--the practice of tribal members visiting the homes of their council representatives in search of cash handouts.32
Council members were under tremendous pressure to increase—or at a minimum to maintain—the amounts of payments made to tribal members. Superintendent Espeedie Ruiz wrote on behalf of the Ute Mountain Tribal Council in 1971 urging BIA approval of a requested per capita payment—despite the fact that the council had not yet even submitted a budget for the period in question. The superintendent explained that the Tribal Council was "currently under tremendous pressure to make a per capita payment in early August 1971," and he implored the BIA area director to "consider the possible problem facing the council if a per capita payment is not made." Clearly the superintendent did not relish arousing the wrath of the Ute Mountain people.33 Again and again the Ute Mountain Council received demands pertaining to per capita distributions. For example, a budget resolution in 1975—at a time when the tribe had been running up annual budget deficits for 15 straight years—acknowledged that "the tribal membership has instructed the Council Members to provide per capita payments of $1,000 per member for F.Y. 1976." The Council accepted and acted upon this "instruction."34 The Ute Mountain Council still felt compelled to yield to such popular demands in 1990 when it handed the question of a per capita payment out of the Tribal Investment Fund back to the members by calling for a special election. Tribal members were asked to choose from one of four payment options. In this way the Council permitted the membership to cast votes resulting in the liquidation of much of the investment fund.35

Essentially the same situation prevailed in Ignacio. Here, in addition to frequent verbal expressions for continued or increased per capita payments, the Tribal Council was continually bombarded with petitions articulating the same demands. In 1986, after the Council responded to a steadily deepening budgetary crisis by reducing a
scheduled $2,000 per capita payment to a new level of only $250, the result was predictable; two petitions, demanding among other things the resignation of tribal council members and the per capita payment of $2,500 in April of that year, were promptly submitted to the Council. The situation was complicated by the fact that a third petition, this one affirming support for the present tribal government, was also submitted; and it had more valid signatures than either of the other two petitions. The Council replied with a statement that it would be "fiscally irresponsible" to acquiesce to the demand for such a large per capita payment, and it took no further action. A similar petition arrived before the Council a year later, this time demanding a per capita payment of $1,500 by April 10, 1987. The Council, which had budgeted a payment of $600, split the difference with the petitioners and authorized the payment of $1,000 to each member. The Southern Ute Tribal Council, which largely held firm in 1986 and gave in only half-way to popular demands in 1987, was not always so fiscally prudent, however. Between 1982 and 1988 it authorized payment of roughly $17 million in per capita distributions, resulting in a steady depletion of the tribe's funds which shrank from $13 million to less than $3 million during the same period. Dissatisfaction with the level of per capita payments surfaced again in 1989 when it helped inspire the petition which led to an election for the recall of five out of seven members of the Tribal Council. Thus in both Ignacio and in Towaoc, tampering with per capita payments was playing with fire.

Another important issue on the political agendas of both tribes—one which could also be divisive at times—was that of constitutional reform. Some amendments to the tribal constitutions, such as changes in the procedure for electing tribal chairpersons, were not controversial as they were generally favored by tribal members seeking to
increase their say in the conduct of tribal affairs. Both tribes scrapped the old system involving selection of the chairman by the members of the tribal council, replacing it with direct election of the chairman by the tribal membership; at the same time the length of the chairman's term was increased from one to three years. The Southern Utes instituted these changes when they revised their constitution in 1975, and the Ute Mountain Tribe amended its constitution to this effect in 1983. The Southern Utes made additional changes in their electoral process in 1975 in a further attempt to increase tribal democracy; a three-term limit for the tribal chairman was imposed, and procedures for the recall of council members were adopted. No such provisions were added to the Ute Mountain Ute Constitution. Another 1975 change in the Southern Ute Constitution—one which at the time generated surprisingly little discussion either in council or general meetings or in the tribal newspaper—was a somewhat less-democratic provision granting the chairman veto power over decisions made by the Tribal Council.41

An additional area of constitutional change acted upon by both tribes was the blood quantum requirement for enrollment of individuals as members of the tribe. In 1970 Southern Ute voters narrowly approved changing the constitutional blood requirement from only one-quarter degree Southern Ute blood to one-half degree tribal blood.42 This was an emotionally charged issue determining not only the size of one's share when per capita payments were distributed but also, in many cases, whether or not one's children could be enrolled as members of the tribe. The tribal membership had second thoughts on this question after 1970, for when they voted 92-to-55 to approve a 1975 overhaul of the tribe's constitution one of the revisions included in the package was a return to the one-quarter degree Southern Ute blood requirement.
Apparently the blood quantum change had been the only issue on the minds of many
evoters, and one council member asserted that many of the people had not understood all
of the other revisions.43 The Ute Mountain Tribe similarly amended its constitution in
1984 to decrease the required blood quantum from one-half to one-quarter degree Ute
Mountain Ute blood.44 Revision of the Southern Ute Constitution again became a
major topic of discussion in the late-1980s, but nothing came of these efforts other than
a minor amendment approved in 1991 clarifying the procedure for calculation of blood
quantums.

Another item frequently appearing on council agendas was the matter of tribal
enterprises, and this was often a controversial topic—especially in Ignacio where the
enterprises were less successful and more of a problem than in Towaoc. Southern Ute
tribal members often fumed over business ventures which seemed to absorb the tribe's
money and the Council's attention while yielding no significant benefit. One persistent
critic of the Council, Bertha Grove, complained in 1972, shortly after the opening of
the Pino Nuche, that all the Council ever talked about was the motel, and as a result the
older people felt ignored and uncertain as to where the tribe was headed.45 In Towaoc,
a similar concern over tribal council preoccupation with development was expressed by
future Ute Mountain councilman Michael Elkriver in 1991: "Instead of addressing
gambling issues, the Tribal Council needs to take care of the problems that require
immediate attention."46 Persistent deficits aroused opposition to the Southern Ute
enterprises, and one of the architects of the 1989 recall campaign, Ray Frost, reiterated
a frequently heard complaint about the drain on tribal finances posed by the enterprises.
He asserted the tribe could no longer afford "to bail out the financially struggling
enterprises."47 The hiring policies of tribal enterprises was another frequent subject of
political protest. Tribal members on both reservations resented the hiring of outsiders to fill the best jobs.

At times tribal members worried about the side-effects of tribal enterprise operations, and this was particularly true with respect to the presence of alcohol. The issue of liquor sales by Southern Ute tribal enterprises—the Pino Nuche-Sky Ute Lodge lounge, Sky Ute Downs, and the Country Store after it was leased to the Thriftway Company—produced schisms among both the general membership and the membership of the Tribal Council. While most council members, eager to increase revenue from the ailing enterprises, favored liquor sales; others, such as Lillian Seibel, were more concerned with the tribe's alcoholism problem and thus voted against such sales.48 In Towaoc, councilman Arthur Cuthair voted against opening a casino on the Ute Mountain Reservation for largely the same reason: "I fear that we bring too much liquor onto the reservation, mainly through the casino. It's going to ruin us."49 While most tribal leaders in both Towaoc and Ignacio eagerly anticipated the arrival of casino gambling as a new source of revenue and jobs, Arthur Cuthair and other members of the two Ute tribes did not necessarily see casinos as welcome additions to their world. Opposition was particularly strong among Southern Utes when it was learned the tribe planned to open its first casino at the Sky Ute Lodge. Many Utes were not anxious to have a casino located virtually right in their backyard: "It's too close to our schools, too close to our tribal offices," John Baker protested.50 Elders such as Sunshine Smith did not relish the establishment of a casino on what they considered to be "sacred ground"—the low-lying area on both sides of the Los Pinos River encompassing the agency-tribal affairs complex, the cemetery, the Bear Dance grounds, etc.51
Behind the particular details—profits or losses, number of jobs, presence or absence of alcohol, etc.—regarding specific tribal enterprises, there always lurked underneath the fundamental question of whether or not economic development of the reservation was in itself good for the tribe. The Ute Mountain council election of 1987 symbolized a contest between two contrasting philosophies regarding this question: incumbent Judy Knight stood for economic development while challenger Arthur Cuthair was wary of the costs of development and placed a greater value upon tradition. Knight, classified by one observer as "the most liberal of the Ute leaders," had been a constant advocate of change and had pushed for advances in job-training and education. Cuthair did not necessarily oppose such programs, but his priority was preserving the distinctive Ute way of life. Judy Knight, like Leonard Burch in Ignacio, ardently championed the building of the Animas-La Plata Project as a means of providing the tribe with a substantially increased water supply. "Animas-La Plata is the Utes' only hope for the future," she affirmed. "It must succeed." A skeptical Arthur Cuthair opposed the project: "Animas-La Plata will never help the tribe." Judy Knight prevailed in the 1987 election contest, but two years later Arthur Cuthair led all candidates in the balloting for three council seats. Apparently tradition as well as development held some appeal for the Ute Mountain people.

**Popular Unrest and Political Turmoil**

In April 1977 FBI agents suddenly descended upon the offices of the Ute Mountain Ute Tribe in the isolated and normally quiet town of Towaoc. As part of a federal investigation into possible mishandling of funds by tribal leaders, the agents executed search warrants in April and again in June, confiscating tribal financial
records. Two former tribal employees, a bookkeeper and a secretary, painted an alarming picture of corruption among the tribe's leadership. They claimed council members had abused their positions for their own gain and that of their relatives, and that councilmen had withdrawn substantial sums from tribal accounts for their personal use. The bookkeeper accused all seven members of the council of engaging in this practice, obtaining sums ranging from $91,857 in the case of Chairman Scott Jacket to $950 allegedly withdrawn by Jack Cantsee. Other disturbing reports emerged from the reservation. Charges of nepotism were made against tribal officials, and it was alleged that witchcraft was regularly used as a means of obtaining political power within the tribe.\textsuperscript{53}

Nothing came of the grand jury investigation, and none of the seven council members were charged with any crimes; nevertheless, this episode spotlighted a tribal political system that many people at Ute Mountain found rather disturbing. "We've gotten leaders who have worked for themselves and kept the rest of us down," complained Judy Pinnecoose bitterly.\textsuperscript{54} The incident proved to be divisive, as indicated by the decidedly mixed response of the Indians at White Mesa to charges that their council representative, Jack Cantsee, had embezzled $950 of tribal funds. While this amount paled in comparison with the dollar figures alleged to have been withdrawn by other council members, this did not lessen the outrage felt by some of Cantsee's constituents, one of whom wrote disapprovingly in the tribal newspaper about the councilman's subsequent reelection:

Most people were hoping Anna Marie Nat would get elected to office. Since knowledge of Jack's involvement in the embezzlement case in Towaoc. Some people say Jack borrowed the money and payed [sic] it back but two wrongs don't make one right. Ever since the embezzlement news hit White Mesa, the
people have split in two and I don't think will ever rest until they see another person in the seat of councilman of White Mesa.

Another tribal member responded in Jack Cantsee's defense:

Many people here strongly believe, with the information available, that Mr. Cantsee is not guilty of the so called "Embezzlement" of the Tribal funds...

Conclusion: Add here that every parent and each member of the Ute Mountain Tribe may be the guilty ones in the misuse of the trust funds.55

The electoral consequences of this controversial episode in the tribe's political history were as mixed as the sentiments of its members. While the allegations probably contributed to the election of a group of new council members in the late-1970s and to the subsequent election of such newcomers--Judy Knight, Terry Knight, and Ernest House--as chairpersons; nevertheless, the principal leaders of the 1977 Council--Scott and Henry Jacket--continued to be elected to the Tribal Council into the eighties.

Even without allegations of corruption or other such scandals to provoke their ire, the members of both tribes often voiced disenchantment with their tribal councils. Tribal members complained time and again throughout the latter half of the century that their council members did not listen to them and that the council did not keep the people informed as to the state of tribal affairs. Such complaints were especially prevalent among the Southern Ute membership and were articulated most loudly and persistently by Bertha Grove, sister of Chairman Leonard Burch and an active participant in the Native American Church. She repeatedly accused the Tribal Council of various deficiencies: being more concerned with tribal enterprises than with tribal members, ignoring the needs of the people, losing its Indian ways and behaving like white people, etc.56 She also claimed to be voicing the concerns of other tribal members who were afraid to come forward and speak out. For her part Bertha Grove acknowledged her certainty that she would suffer "persecution" as a result of her status.
as a "troublemaker." Grove was not the only Southern Ute to fear retribution in the event of speaking out against the Tribal Council; this concern was evident in 1993 when it was revealed that the Council planned to open a casino at Sky Ute Lodge. Tribal members who worked for the tribe—a substantial number of people—were unwilling to go on the record in opposition to the plan for fear that they would lose their jobs as a result of speaking out. Given a similar dependence upon tribal employment at Ute Mountain, the same reluctance to openly oppose the Tribal Council was also in evidence there. Tony Tallbird, who would later be elected to the Ute Mountain Council, deplored this situation in 1987, declaring, "I don't think tribal members should live in fear of the Council."

The political tensions on both reservations were further heightened by the prevalence of factionalism among the Ute people. "The Southern Utes are one people. I hate to say it, but the Southern Utes are very prejudiced against one another. They're kinda like them hillbillies, you know, to be fighting years and years and years, and then some of them don't know why they were fighting all the time." Thus did Bertha Grove describe the tendency toward factional dispute that had survived not only among the Southern Utes but also among the Ute Mountain Utes. Criticizing a rather sensationalist account of Ute factionalism that had recently been published, historian Robert W. Delaney wrote in 1981 that "factionalism and family feuds have always plagued the Utes." Clearly this was the case with both tribes during the latter half of the twentieth century. A statement of tribal goals for the Ute Mountain Ute Tribe for Fiscal Year 1989 concluded with an ardent plea for tribal unity: "Tribal members, we have to work together cooperatively to build a better future. If we are divided, we will fail, and we will continue to have the same old problems which we have had for
years." Factionalism often affected the performance of the tribal councils, as Southern Ute Economic Director Bill Manning bitterly complained when he resigned from his position in 1982. Manning decried the "long standing political conflict within the Council," and he cited the existence of "a powerful tension and negative energy that affects the attitude and ability of the entire staff" as being one of the reasons for his resignation.63

Internal squabbles often divided the membership along family lines, but on many occasions political battles also pitted the members of a family against one another. This was clearly evident in Ignacio where Chairman Leonard Burch's most vocal critic was his sister Bertha Grove, and where John Baker, Sr. ran against his brother Chris for the chairmanship in 1984 and later spoke out against the Tribal Council of which both his brother and son were members.64 Intra-family political battles were also witnessed at Ute Mountain where Carl Knight ran against his sister Judy Knight-Frank in the 1992 election for chairperson.

Indications of another social and political cleavage within the tribal memberships, this one between full blood and mixed blood members, surfaced at a 1980 General Council meeting of the Southern Utes. One tribal member provoked loud applause by asking why the half breeds did not complain about their problems and by wondering if this was because they were being well taken care of by the Council. A tribal member of mixed Ute-and-Spanish blood shot back, "I have learned to depend upon myself to do the work instead of crying to the council for help like you full bloods."65 Tensions between full and mixed blood members of the Southern Ute Tribe were nothing new, as this issue had previously been considered by tribal leaders on such occasions as a 1960 workshop addressing the problems of alcoholism.
Participants at this meeting suggested mixed blood Utes had a more serious problem with alcohol abuse than full blood members due to the fact that those in the former category were often rejected by Indians and non-Indians alike. Such a full blood-mixed blood schism was much more significant in Southern Ute politics than in Ute Mountain politics since the Ignacio Utes had a substantially larger fraction of mixed blood members.

Challenges to Tribal Council Power

On December 5, 1989, the Southern Ute Tribal Council, which had received numerous petitions from tribal members over the years, received another petition which represented the most serious challenge yet to its power. Renee Baca presented a "Petition for better Tribal Government," calling for the recall of all members of the Tribal Council, which had been signed by 206 tribal members—out of a total of 620 eligible voters in the tribe. The ambivalence of the tribe’s membership toward the tribal government was indicated not only by the presentation of a counter-petition through which some signers of the original petition now sought to remove their names from that document, but also by the fact that on November 3rd—at the very moment the recall petition was being readied for submission—tribal voters reelected both council incumbents whose terms had expired. Despite this confusion, the Council notified the membership on January 3, 1990, that it had accepted the petition as valid and that a recall election for five of the seven council members—Orian Box and Lilian Seibel, who had just been reelected, would be excluded—would be held on February 2nd. The Tribal Council’s political life was now on the line.
The recall petition listed a long litany of abuses justifying the removal of the council members, and many of these items had been the subject of past complaints. These alleged abuses ranged from general failures such as mismanagement of governmental operations and tribal funds to such specific improprieties as inconsistent enrollment and blood quantum changes. Additionally, recent reductions in the level of per capita payments had helped spark the recall effort, and many petition-backers were disappointed by the Council's failure to follow through on attempts to amend the tribal constitution begun in 1986. One such person who backed the recall campaign for the latter reason was John E. Baker, Sr., who accused the Council of "abuse of power." Baker was particularly incensed by the Council's failure to address a key provision of the revised constitution of 1975—a provision which Baker regarded as a "loophole"—granting the tribal chairman "extraordinary powers." The loophole to which Baker referred was the chairman's veto power, and he was not the only member of the tribe to be worried by this provision. It is interesting to note that Sunshine Smith, too, was concerned by the veto provision in the constitution and that she supported the recall effort; on this issue the two long-time political rivals—John Baker and Sunshine Smith—were in agreement. While clearly opposed to the recall campaign, some council members did share these same concerns about the tribe's governing document. In a strongly worded statement made at a November 1, 1989, council meeting, Guy Pinnecoose, Jr. vigorously asserted the need for constitutional reform and lamented the fact that the Council had failed to accomplish anything in this area. Then Lillian Seibel launched into an impassioned attack upon the current constitution.

[When they voted on] the Constitution, when it was amended in 1975, people were not looking at all the other changes that were being made. They were only looking at lowering the blood quantum from 1/2 to 1/4 so that they could get
their children enrolled. They didn't look at all the other things that were being included in there. Like I said a lot of power needs to go back to the six Councilmembers. I'm not afraid to say that because I feel that I don't have any control as an elected official and I can't represent my constituents in a good way because I can't do anything when they come to me. I see something is wrong in the organization and I can't say anything because what good is it going to do? I am only going to be looked at as the bad guy. But if there's six people that can vote on something that can make decisions who can direct then that's good ... Seibel went on to charge the constitution was not working and, further, the current government was one that "oppresses" its people. Seibel clearly viewed the veto power wielded by the chairman as precluding effective and democratic operation of the Council.

The result of the February 2, 1990, recall election was a razor thin victory, 183-182, for the recall forces. It appeared to be the end of an era in Southern Ute tribal politics with the toppling of the previously all-powerful Tribal Council, but the political waters were soon muddied by an incredible sequence of events. An election official came forward and admitted that, fearful of becoming the victim of a supernatural spell, she had allowed Bertha Grove to cast a ballot on behalf of her husband who had not been present at the polls. Grove, who acknowledged that many people still believe in witchcraft, adamantly insisted she had neither threatened to cast a spell nor intended to commit any voting impropriety. The situation became even more controversial as events unfolded following this revelation. In a move which outraged backers of the recall campaign the Tribal Council proceeded to discard the questionable vote and declare that the resulting tie vote constituted defeat of the recall measure. The Committee for Better Tribal Government, organizers of the recall petition, then took the matter to the Southern Ute Tribal Court, but the Tribal Judge declared the recall election void and remanded the issue back to the Southern Ute Election Board. The issue was
not fully resolved until September of 1991 when the Southwest Inter-Tribal Court of Appeals upheld the actions of the Southern Ute Tribal Council and the tribal election board in handling the recall election. The recall campaign had failed, and the Tribal Council—by the skin of its teeth—had prevailed.

Having survived the 1977 financial collapse and the resulting federal investigation and allegations of corruption, the Ute Mountain Tribal Council did not face any subsequent challenge to its power to rival the Southern Ute recall effort of 1989-1990. At roughly this same time, however, the integrity of the Council and its members was being threatened by electoral controversy. As the tumultuous history of the Southern Ute recall election showed, Ute tribal elections could be highly contentious affairs inviting accusations of impropriety. This had often been the case in Towaoc, where a BIA official, taking extra precautions against voting fraud in the 1987 tribal elections, observed, “The Utes are very distrustful people.” Tribal election campaigns grew increasingly ugly in the late-1980s and early-1990s as "rumor or slander sheets" began to be circulated by opponents of Judy Knight-Frank. These surreptitious documents, containing various personal attacks and unsubstantiated charges, first appeared before the 1989 tribal election in which Knight-Frank was elected chairperson. In 1991 disgruntled tribal members upped the ante by submitting complaints of misconduct by tribal officials—including the chairperson—to the FBI, which subsequently mounted an investigation which yielded no indictments. Later that same year, a petition against Chairperson Knight-Frank began to be circulated selectively and secretly among the tribal membership, with some members complaining of intimidation by those circulating the petition.
Not surprisingly, given these developments, the 1992 election of the chairperson proved to a highly controversial affair. Incumbent Judy Knight-Frank was challenged by former chairman Ernest House, by councilman Arthur Cuthair, and by her brother, Carl Knight, who was against the proposed tribal casino which Knight-Frank strongly favored. Knight-Frank won reelection in the October contest with 242 votes, compared to 139 for Cuthair, 110 for House, and 67 for Carl Knight. Arthur Cuthair filed a grievance with the Tribal Election Board, charging Knight-Frank had bought votes with tribal funds. Similar accusations were voiced by Carl Knight, who allegedly criticized his sister for "dishing checks out"; unlike Cuthair, however, he did not file a grievance with the election board. Arthur Cuthair contended bribes had been paid under the guise of advances on per capita payments, but the election board rejected the grievance on the grounds that Cuthair had failed to produce any evidence to back up his allegations. Cuthair was adamant that the election had been bought:

And what happens here is [at] election time they'll bring that money out where it's been hidden. Then they'll start to buy votes with it. I can't sit here--because I'm broke--I can't buy votes. Their [the incumbents'] votes would be $500 a vote, and I don't have a chance against somebody with that kind of money ... That's what happened here. Votes were bought off.

Arthur Cuthair was not the first person to make allegations of vote-buying in Towaoc.

One year before his own election to the Tribal Council, Tony Tallbird wrote to his fellow tribal members in reference to the upcoming 1987 tribal election:

Election time is approaching us rapidly and with the traditional payoffs from the tribal office being made my suggestion is this, "If you are offered money to vote for this individual take the money its [sic] yours, but you don't have to vote that way."
Thus, as the two tribes began the 1990s, tribal members were making serious allegations against council members and challenging the authority of both tribal councils.

**The Triumph of Council Power**

On November 2, 1990, just nine months after the disputed tie-vote in the February 2nd recall election, Chairman Leonard Burch was easily reelected to the chairmanship with a resounding 243-to-133 victory over recall-leader and prominent council critic Ray C. Frost and over two other challengers who polled far fewer votes. This represented a political comeback of substantial proportions for the long-time chairman who had been one vote away from repudiation and ouster earlier in the year. One other council incumbent, Vida Peabody, was also reelected while another, Richard Jefferson, met with defeat. And in Towaoc, despite charges of election improprieties, the fact remained that Judy Knight-Frank had survived a series of slander sheets, petitions, and an FBI investigation to win reelection in 1992 by a substantial margin. Thus, having weathered a number of storms and--in the case of the Southern Ute Tribal Council--survived a major challenge to its very existence, the tribal councils in both Towaoc and Ignacio remained the unrivalled centers of power for each tribe. The tribal council, led by the chairperson, retained a virtual monopoly on tribal political power.

While council critics such as Ray Frost in Ignacio had been frustrated in their efforts to topple the seemingly omnipotent Tribal Council, they found an alternative course of action in the old saying, "If you can't beat 'em, join 'em." Ray Frost was defeated in the election for chairman in 1990, but he persevered, and in the 1992
council election he was the second-highest vote recipient in a seven-person race. Under
the old election format he would have won one of the two contested seats outright, but
confronted by a lawsuit filed by Frost's own Committee for Better Tribal Government,
the Tribal Council had revised the election code to provide for run-off elections in such
cases as this where one of the two winners did not receive at least 25% of the vote.84
His victory thus ironically delayed by the impact of the CBTG lawsuit, the Vietnam
veteran finally was elected to the Council in the ensuing run-off election in February
1993. Vowing to "bring the government back to the people," Ray Frost became a
member of the body which he had assailed for so long.85

A similar state of political affairs prevailed in Towaoc, where council critics
might be frustrated with perceived abuses of power on the part of tribal officials but still
in many cases be able to win election to the Tribal Council themselves. Judy Knight-
Frank, the object of derision by challengers in 1992, had herself first been elected to the
Council in 1979 after years of attacking what she felt to be flawed policies and
corruption on the part of council members. Similarly, outspoken critics of the Council
continued to be elected to this body, as was Tony Tallbird in 1988 and Arthur Cuthair
in 1989. Thus, while members of both tribes might decry the monopolistic power of
their tribal councils and possible abuses of power emanating from these bodies, the fact
remained that the tribal council--while apparently impervious to change from the
outside--was at times susceptible to change from the inside.
1. John E. Baker, Sr., interview by author, June 15, 1993, tape recording; Sunshine Smith, interview by author, June 17 and 20, 1993, tape recording; minutes of Southern Ute General Council meeting, October 7, 1960, 2, Southern Ute Tribal Records and Archives (hereafter SU Archives), Ignacio, Colorado.


3. Biographical information pertaining to Albert Wing, Sr. was obtained from the transcript of the interview of Wing by Floyd O'Neil, Winston Erickson, and Charles Root, January 8, 1991, copy of transcript in the possession of Arthur Cuthair.

4. Minutes of Southern Ute General Council meeting, October 6, 1961, 4, SU Archives.


6. Minutes of Southern Ute Tribal Council meeting, November 6, 1962, 2-3, SU Archives.


9. Information pertaining to dates of service of Southern Ute council members and chairmen was obtained from minutes of various Tribal Council and General Council meetings from this period, SU Archives; and also from articles in the tribal newspaper, the *Southern Ute Drum*.

10. Information pertaining to dates of service of Ute Mountain council members and chairpersons was obtained from a "Listing of Council Members," Superintendent's Office, Ute Mountain Ute Agency (hereafter UMU Agency), Towaoc, Colorado; from various resolutions of the Ute Mountain Tribal Council, Tribal Resolutions File, UMU Agency; and also from articles in the tribal newspaper, the *Ute Mountain Ute Echo* (name changed to *Weenuche Smoke Signals* in May 1993).


22. Minutes of Southern Ute Tribal Council meeting, November 7, 1967, SU Archives.


27. Minutes of Southern Ute Tribal Council meeting, February 5, 1980, 2, SU Archives.


34. Resolution No. 2341 of the Ute Mountain Tribal Council, May 29, 1975, Tribal Resolutions File, UMU Agency.

35. Resolutions No. 3730 (November 23, 1990) and No. 3739 (December 14, 1990) of the Ute Mountain Tribal Council, Tribal Resolutions File, UMU Agency.

36. Minutes of Southern Ute Tribal Council meeting, April 23, 1986, 1-2, SU Archives.


38. Ibid.; Minutes of Southern Ute Tribal Council meeting, March 24-25, 1987, 6-8, SU Archives.


42. Minutes of Southern Ute Tribal Council meeting, September 14, 1970, 2, SU Archives.

43. Minutes of Southern Ute Tribal Council meeting, September 30-October 1, 1975, 1, SU Archives.

44. Resolution No. 3087 of the Ute Mountain Tribal Council, November 26, 1984, Tribal Resolutions File, UMU Agency.

45. Minutes of Southern Ute Tribal Council meeting, December 27, 1972, 1, SU Archives.


51. Sunshine Smith, interview.


56. Minutes of Southern Ute Tribal Council meeting, December 27, 1972, 6, SU Archives.


60. Bertha Grove, interview.


63. Minutes of Southern Ute Tribal Council meeting, September 14, 1982, 2, SU Archives.

64. John E. Baker, Sr., interview by author.


69. John E. Baker, Sr., interview.

70. Sunshine Smith, interview.

71. Minutes of Southern Ute Tribal Council meeting, November 1, 1989, 1-4, SU Archives.

73. Bertha Grove, interview. Grove jokingly commented regarding this allegation, "If I knew witchcraft, half of these Southern Ute people would be dead by now. I'd have got rid of them one-by-one!"


81. Arthur Cuthair, interview.


CHAPTER 8

TRIBAL SOCIETY AND CULTURE SINCE 1960

In the pre-dawn darkness of June 17, 1993, a fire broke out in the Towaoc Post Office complex, and the blaze quickly spread, causing an estimated $300,000-400,000 in damage to the building. In addition to the post office, the old building dating from the second decade of the century also contained two other units, both vacant at the time of the fire. One was an empty residence, and the other was an unused store. While the post office suffered mostly smoke and water damage, these two unoccupied sections of the building were both completely destroyed—despite the efforts of two local fire departments. In practical terms this was not a particularly devastating loss for the people of Towaoc, nor could it be regarded as a major development in the Ute Mountain Tribe's history. Nevertheless, it was in many respects a rather troubling sign of the times. The store which had been consumed by the flames had been a part of the tribe's history, the focal point of memories for many older tribal members. The old store, operated for years by the trader Frank Pyle, a trusted friend and advisor of the Mountain Utes, had long been a gathering place for the people of Towaoc. This store was where Superintendent D.H. Wattson in 1934 had found Chief John Miller and members of the Tribal Council "loafing" instead of attending a meeting with him to discuss the upcoming IRA election, and it had been the scene of impassioned debates between the chief and the superintendent over the merits of this new government policy.¹

Thus the tribe had lost a tangible piece of reservation history dating back to before 1920. The loss was even more painful due to the suspicious nature of the blaze,
which one of the Cortez firemen suspected to be the result of arson. The tribal newspaper commented editorially on the disturbing nature of this occurrence:

The Store held remnants of the Tribe's past and to see it burned so senselessly and the memories destroyed was both a sad and lonely day for the Tribe: sad, because it was a part of Towaoc that can never be replaced. Lonely, because a connection to our earlier days and our Elders at Towaoc has been lost forever.

Arson was not a stranger to the Towaoc community, which had endured many intentionally set fires in recent years; for example, even the new $1.8 million tribal office complex had been the target of arsonists during its construction in 1988. The destruction of the old trading post was thus worrisome for two reasons: it was a stark manifestation of the tribe's loss of its past, and it was also symptomatic of unsettling social problems which had emerged as a consequence of revolutionary changes in the way of life practiced by Utes on both of the Colorado reservations.

Two Tribes Facing a Difficult Transition

"When we got this money, everything changed." Thus did one 68-year-old tribal member aptly summarize in 1990 what had happened to life at Ute Mountain in the latter half of the twentieth century. And much the same observation could be made with respect to the Southern Ute experience during this period. In 1993, Arthur Cuthair, the one-time Ute Mountain councilman and frequent critic of his tribe's leadership, cited the impact of money on his people:

They have too much money, you might say, on the [Ute Mountain] reservation. People worship money. I don't know if that's the right way to put that, but it has ruined the Ute people with too much money. Also, it dates back to the 1950s when they received individual money—they call it per capita payments. The Ute [Mountain Ute] people used to be scattered all over the reservation. They rejected development of any kind. Any outside contact off the reservation—they rejected that. The Southern Utes to the east are about twenty
years ahead of us. They got involved in educating their people and sending their kids to college about twenty years ahead of this reservation here. So they're ahead of us. They're into development. They're into farming. They're into allotted land. That's one of the things we rejected.\(^5\)

The sudden infusion of millions of dollars in land claims money and oil and gas income had produced a social and cultural revolution on the two reservations, and people like Arthur Cuthair were not pleased with the results. Both Ute tribes had experienced the same sort of drastic changes, as affirmed by a variety of statistical measurements and by the observations of tribal members from both Ignacio and Towaoc; yet, as Arthur Cuthair noted, the two tribes had not progressed at the same rate along the road to acculturation and development.

Substantial cultural differences between the Southern Utes and Ute Mountain Utes, apparent since the late-nineteenth century, continued to be evident in the latter half of the twentieth century. The Ute Mountain people, still more geographically isolated and living in a more closed society, retained much more of their traditional culture and were more suspicious of development than were their cousins in Ignacio. The latter group, by virtue of allotment in close proximity to non-Indian neighbors and of a relatively high rate of marriage outside the tribe, and also as a result of its efforts to promote tribal economic development, had undergone more of a cultural transformation. In a society marked by rapid change and abundant contact with outsiders, the Southern Ute Tribe came to be much more culturally heterogeneous than the neighboring tribe to the west. Tribal society in Ignacio embraced a wide range of lifestyles, characterized by varying degrees of retention—or abandonment—of traditional Ute culture.\(^7\)
Cultural Dislocation and Social Problems

The two Ute tribes of Colorado witnessed housing booms on their reservations during the 1950s, and they each established housing authorities to oversee construction of public housing projects in ensuing decades as they sought to obtain sufficient housing stock to meet the needs of their growing populations. Both tribes thus added large numbers of housing units to their reservations, but the new housing developments represented a much greater social and cultural change for the Ute Mountain people than for the Utes of Ignacio. While members of the latter group had long been settled in permanent housing--albeit cramped and of substandard construction--very few Mountain Utes were accustomed to this mode of living. In the early-fifties these people were still scattered widely over the reservation, and most continued to live in tents and follow a semi-nomadic residential pattern. Thus the shift to a settled existence in permanent homes closely situated in and around a single town--Towaoc--meant a totally new way of life for these people. For Southern Utes, by contrast, the post-1950 housing boom represented an improvement in the quality and size of their homes--not a fundamental change in their mode of residence.

The new pattern of residential life in Towaoc struck at the very core of traditional Ute culture. Whether built with family plan money from the 1953 land claims judgment or with HUD grant money obtained in later decades, modern rectangular houses situated on streets required a major psychological and cultural adjustment on the part of occupants who were used to tents or hogans. Old superstitions--fear of spirits, fear of lightning, etc.--complicated this residential transformation and had to be assuaged, and for this reason the new houses had to be blessed by a spiritual leader such as Terry Knight. Failure to do so would leave
residents vulnerable to being haunted by spirits. Yet even the blessing of new homes could not alter the fact that the lifestyle of the Ute Mountain people was undergoing radical—and irreversible—restructuring. "After awhile, we’ll all live like white men," Terry Knight lamented. "We’ll live in a square house and pay mortgages and live by the golden dollar."8

Cultural dislocation was not the only source of stress in the lives of the Ute people. The economic realities of modern living struck heavily upon the people of both tribes. Reluctant to leave their people and their beloved homeland, yet provided with very few opportunities for supporting themselves economically on the reservation, the Southern Utes and Ute Mountain Utes suffered extremely high rates of unemployment. The Southern Ute Tribe reported unemployment rates of 55% in 1974 and over 56% in 1982.9 Unemployment was even more rampant at Ute Mountain, where the tribe reported annual jobless rates ranging from 46.4% to 86.8% for the latter part of the 1960s, and where other sources cited unemployment rates of 57% and 80% for the late-eighties.10 And when tribal members managed to find jobs, they often found it difficult to adjust to the demands of regular employment in the modern world of business. For instance, a 1985 tribal staff meeting in Towaoc addressed the problems of tardiness, neglect of responsibilities, unauthorized leave, and other examples of poor work habits exhibited by tribal employees.11 The same complaints were also frequently voiced by tribal officials in Ignacio.

Persistently high levels of unemployment gave rise to widespread poverty. In 1980 only one quarter of Ute Mountain tribal members age 16 or older earned more than $5,000, and a majority of the people lived below the federally-defined poverty level.12 Economic ills such as unemployment and poverty in turn combined with the
distressingly rapid pace of social and cultural change to create an environment plagued by a host of acute social problems. A survey of 1987 statistics from the Ute Mountain Reservation reveal the scope of the problem: 80% of tribal members suffered from drug or alcohol addiction; 98% of Ute deaths over the previous three years had been alcohol-related; the rate of teen pregnancy was double the national average; three out of four Ute Mountain children dropped out of school before finishing high school; the number of criminal cases—with 97% involving alcohol—was so overwhelming that the Tribal Court dismissed nearly two-thirds of the cases with which it dealt in 1987; and the average age at death was only 37.13 Alcoholism and its associated high rate of accidental death contributed to this terrifyingly short life expectancy, as did the frequency of suicide. Much the same situation existed in Ignacio, although the statistics there were slightly less grim. Clearly, the rapid introduction of modern Anglo-American socio-economic institutions was exerting a terrible toll on the people of the two Ute tribes.

The Utes of Colorado were not alone in facing these trying circumstances. Their plight was typical of that confronting most Native American peoples in the late-twentieth century. Depressing social and economic statistics were the norm for reservation-dwelling Indians, although in some cases tribal figures for the Southern Utes and Ute Mountain Utes were even more bleak than for other tribes. This was particularly true with respect to the unemployment rates for the two tribes during the later years of the century; these ranged from just below 50% to as high as almost 90%, thus greatly exceeding the overall 1980 unemployment rate of 13.3% for all American Indians in the 33 reservation states.14 Health and economic statistics for the 1980s from Ute Mountain are especially bleak relative to comparable figures for Native
Americans as a whole. While Mountain Utes were living for an average of only 37 years, the overall life expectancy for Indians in the United States in 1980 was 71.1 years.\textsuperscript{15} And while the median household income for American Indian families was $11,471 in 1979, approximately three-quarters of adult tribal members in Towaoc were earning less than $5,000 per year at this time.\textsuperscript{16} The extent of drug and alcohol abuse at Ute Mountain, while certainly alarming, was not unusual among Native American populations, for this was a problem shared by all tribes. A 1988-90 survey revealed that the substance abuse rate of 8th-grade reservation Indians was over three times as high as that of non-Indians with regards to marijuana and hallucinogens and over twice as high for getting drunk, smoking cigarettes, and using inhalants.\textsuperscript{17} Alcoholism has exerted a terrible toll on Native Americans of all tribes—not just the Utes; the 1988 death rate for Indians as a result of alcoholism was more than five times higher than the rate for Americans of all races.\textsuperscript{18} Similarly, the dramatic increase in crime on both Ute reservations was not unusual among American Indian tribes. The BIA revealed that assault reports on Indian reservations rose by more than 25\% from 1991 to 1992 and that the number of murders increased by over 60\%.\textsuperscript{19} Nor were Ute Health problems of the early-1990s unusual for a Native American population. Diabetes, for example, was a serious health threat, affecting roughly one quarter of the Colorado Utes over age 45; this pales in comparison, however, with the much higher incidence of this disease—more than half of those over age 35 being afflicted—among the Pima Tribe of Arizona.\textsuperscript{20} Thus, grim as they were, conditions on the two southwestern Colorado reservations were in many respects symptomatic of general trends among American Indians.

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The tribal governments in both Ignacio and Towaoc actively sought to protect their people from the destructive side-effects of modern society. One anthropologist thus described the Southern Ute Tribe as a "cradle-to-grave service organization"—one providing both income and services to its members and also acting as an intermediary between individual members and the external world.21 This was also true of the tribal government in Towaoc, which came to play a similarly predominant role in the lives of its members. Both tribes assumed steadily greater control over the administration of government services on their reservations by contracting with the Bureau of Indian Affairs to operate programs previously implemented by the BIA. Thus, by the 1980s both tribes had taken over administration of programs dealing with such issues as police protection, road maintenance, tribal courts, social services, housing, and education. Sometimes, however, the tribes elected to return such programs to BIA control, often as a result of tribal budgetary deficits. Both tribes thus discontinued costly tribal health insurance policies, preferring instead to rely upon increased assistance from the Public Health Service. Contracts were also returned to the Bureau when tribally-run programs failed to perform adequately. Such was the case at Ute Mountain in 1991 when the Tribal Council voted to return the law enforcement program and the tribal court system to the BIA, citing the fact that "the current court system is not providing adequate social and public safety to the Ute Mountain Ute tribal members."22

A number of programs were launched to meet the special needs of particular segments of the tribal membership. For example, the Southern Ute Tribe constructed special housing units and a community center for elderly members, and the Sunrise Youth Shelter was opened at Ute Mountain to provide help to the tribe's troubled
youth. Tribal resources were frequently employed to combat the most serious and pervasive threat to the membership—alcoholism. Tribal efforts to address this menace had begun in the 1950s, and as the problem persisted so did programs to alleviate its harmful effects. The Southern Ute Tribe, whose Committee on Alcoholism had hosted Alcoholics Anonymous meetings as early as 1960, opened the Peaceful Spirit Lodge, an alcoholism treatment center, in 1971; and a large HUD grant in 1986 financed the construction of a new facility to house this program. The Southern Utes, by virtue of the substantial non-Indian presence in Ignacio and throughout their reservation, faced a more difficult task in fighting alcoholism than did officials on the more isolated Ute Mountain Reservation; banning liquor from such a checker-board reservation was simply not feasible. The tribe's Committee of Elders once recommended to the Tribal Council that the tribal alcoholism center and halfway house be moved from its existing location in Ignacio, where nearby liquor stores and bars posed too much of a temptation. The new Peaceful Spirit Lodge, located in the tribal complex north of town, put this source of temptation at a greater distance.

The Ute Mountain Tribe, blessed with a large and continuous block of land and with no towns on its immediate doorstep, was in a somewhat better position to control the flow of alcohol; and it was thus able to ban liquor from its reservation. An attempt by the Tribal Council in 1987 to reverse this ban produced a tremendous outcry among the membership, and the ban held. The threat of liquor-sellers popping up just outside the reservation boundary surfaced periodically, spurring the Council to protest to the county commissioners as it did concerning one such 1992 liquor license application. Some tribal members, such as Arthur Cuthair, feared that the Ute
Mountain Casino—which opened as an alcohol-free establishment—would eventually become a vehicle through which liquor would be introduced onto the reservation.28

Traditional Ute culture and spirituality were sometimes seized upon as possible solutions to the tribes' alcohol and drug problems. Eddie Box, Sr.--Southern Ute Sun Dance chief, a spiritual leader, and also a councilman during the 1970s--was a strong advocate of this approach. In an attempt to combat drug and alcohol abuse among tribal youth by reintroducing young tribal members to the Indian way of life, Box included traditional rituals such as the sweat ceremony in a two-day spiritual workshop in 1979. This same rationale led tribal leaders to schedule a 1986 gathering for recovered alcoholics so that it would coincide with the annual Sun Dance.29 A similar approach was often taken in Towaoc, where sweat ceremonies were conducted at the youth shelter in an attempt to give troubled teens a positive direction for their lives.30

**Education**

One possible answer to many of the Utes' social problems was education, and for this reason both tribes continually sought to promote higher educational attainment on the part of tribal members. The Ute people remained far below national averages in their accomplishments in this area. All of the Indian graduates from Ignacio High School in 1982 were in the lower half of their class, and during that same year only 19 of 123 Southern Utes between the ages of 18 and 22 were attending college.31 Educational statistics from Ute Mountain were even more grim: in 1980 the average amount of schooling among tribal members was 6.0 years; in 1989 it was estimated that only 30% of adults in Towaoc had finished high school; and as of 1989 only two tribal
members had ever graduated from college. In comparison, the Southern Ute Tribe claimed a total of sixteen college graduates as of 1982.

Public school education in both Ignacio and in Cortez was a perpetual source of frustration for the Ute people. While Utes made up only seven percent of the student body in the Cortez public schools as compared with a plurality in Ignacio—42% of Ignacio public school students in 1982 were either Southern Utes or members of other tribes—the same complaints were voiced by tribal members concerning both school systems. For most of the post-1960 period, neither district employed any Ute teachers, and while Southern Utes were occasionally elected to the Ignacio school board, no one from Ute Mountain had ever won a seat on the Montezuma-Cortez school board. "They're prejudiced," charged Cynthia Kent, the Southern Ute Tribe's educational coordinator from 1975 to 1981, speaking of Ignacio school officials in 1983. "They have been and always will be." John Baker expressed a similar level of exasperation with the Ignacio school board, deriding the board members as "a bunch of bigots" when they failed to address his concerns at a public meeting. The same discontent was being proclaimed in Towaoc with respect to the Cortez schools. There, while school officials denied the existence of a problem, Tribal Chairperson Judy Pinnecoose was complaining in 1980 of these same officials, "They just won't work with us."

While Ute Mountain tribal members protested in 1980 that the school district was making no attempt to understand them or to meet their needs, a school counselor in Cortez contended that poor performance by Ute children in school was the result of unstable home situations and a lack of interest on the students' part. A school board member asserted at about the same time, "There's a tendency on the Indians' part to cry
wolf and discrimination."37 Another persistent source of conflict between the two tribes and their respective school districts was the question of how Johnson-O'Malley funds—annual funding provided by the Federal Government to school districts with large Indian populations—would be utilized. Indian parents fumed when this funding was not used in ways specifically benefiting their children.38 Cultural conflicts, such as disputes over long hair worn by Indian boys, further pitted local Indians against school officials.

While children of both tribes had been attending public schools since at least 1961, their educational experience continued to be marked by a substantial degree of segregation. For many years following consolidation of the BIA school and the public schools in Ignacio, it had been the school district's policy to retain most Indians and Hispanics in the first grade, and ability-grouping had consistently tended to segregate students of these two groups from their Anglo schoolmates. Further, once students reached the fourth grade or thereabouts, they tended to stay within their own ethnic groups, rarely mixing with students from other backgrounds.39

The Southern Utes were able to have some special programs focusing on Ute language, culture, and history established in the Ignacio schools, but the results were disappointing. The effectiveness of the bilingual/bicultural program of the late-seventies was limited by a number of factors: there were no certified teachers of the Ute language, with the program relying instead on Ute aides; the program was limited to 15 minutes per day; and a greater emphasis was placed upon the Spanish language than upon Ute. As a result the program was abandoned by 1981.40 A Ute history, language, and culture class was begun later in the eighties at Ignacio High School, but this class did not attract large numbers of students.41 Both tribes already operated their
own Head Start programs, and, given the disappointing results of the special programs in the Ignacio schools and the general climate of distrust and hostility between both Ute tribes and their school districts, it is not surprising that some tribal members began to consider the possibility of establishing tribally-operated schools. A 1990 survey of Ute Mountain tribal members revealed that 54.2% of respondents favored the establishment of the tribe's own elementary school on the reservation.42

Attempts at Cultural Preservation

Chief Antonio Buck, Sr. died on February 6, 1961, and with him died the chieftainship of the Southern Ute Tribe. The son of Buckskin Charlie, having served as the tribe's chief from 1936 up until his death, was laid to rest by his people in a manner combining traditional Ute burial practices with those of the modern Anglo-American world which had long since intruded upon the reservation. His body was not secretly and hastily buried in a crevass as had been done with Ouray's body in 1880—only for the bones to be reburied in the white man's fashion in a well-attended 1925 ceremony. Instead, a funeral was held in the local Presbyterian Church, followed by burial in Ouray Memorial Cemetery, located across the Los Pinos River from the agency and adjacent to the tribe's Bear Dance ground. But there were also elements of the Ute past in this burial. The chief was dressed in a beaded buckskin shirt, and an ochre stripe was painted on one side of his face, extending from hairline to chin. With him were his redstone pipe and a fringed tobacco pouch. Two of the chief's most prized possessions, his eagle-feather warbonnet and his rawhide drum, were not buried with the chief but were instead presented by his daughter, Frances Buck, to the director of the State Historical Society, whose presence she had requested at the funeral. These
items, some of which were later returned to the Southern Ute Tribe for display in its own museum at the Pino Nuche, were placed on exhibit at the Historical Society's Ute Museum in Montose, Colorado.43

Unlike Jack House of the Ute Mountain Tribe, Antonio Buck, Sr. had long ceased to play a major role as tribal chief in the conduct of his tribe's affairs. His death thus had no political significance for the Utes of Ignacio, but the passing of the tribe's last chief was a sad milestone in the cultural evolution of the modern Southern Ute Tribe. It highlighted the cultural loss being experienced by the Ute people as they sought to find a place for themselves in twentieth-century American society. It also reinforced the fact that as innovations such as elected tribal councils and an array of committees replaced chiefs and sub-chiefs, much of the tribe's heritage was passing from the scene. In the years following 1960 many aspects of the Ute past did disappear, but at the same time much effort was devoted to trying to preserve that which remained.

One of the biggest concerns was that the Ute language--regarded by many to be the core of tribal culture--would disappear. A meeting of the three Ute tribes--the Southern Utes, the Ute Mountain Utes, and the Northern Utes of Utah--was convened in 1977 for the purpose of exploring inter-tribal cooperation in the interests of preserving their common language and cultural heritage. Southern Ute elder Ralph Cloud worried on this occasion about the prospect of losing his native language, which he reminded those in attendance had been a gift to the Ute people from the Creator. In the "olden days," he explained, children routinely learned the language and traditions of the Utes from their parents. But children today no longer do this, he related: "Now they don't have time; they go watch T.V."44 The Ute language faced less immediate

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danger of disappearance among the more culturally conservative Mountain Utes, whose tribal council members still required the services of an interpreter into the 1980s; but even among this people there were individuals who feared that their native tongue was "dying." Norman Lopez, grandson of one of the tribe's last medicine men and editor of the tribal newspaper, worried about this prospect. Lopez asserted that young people in Towaoc were no longer learning the language and that since many of them were no longer living with their extended families as had been the custom in the past, they lacked the opportunity to learn the old ways from their grandparents as children had previously done.

The most ambitious efforts to preserve the Ute tongue were undertaken in Ignacio, where the language was already fading from the scene with alarming rapidity. In 1975 the Southern Ute Tribal Council resolved to follow the tribal planning commission's recommendations calling for the utilization of an outside expert to transform the Ute language into written form. Commission members contended, "If the language is not written, the language will surely die, as not too many members of the tribe, under 30 years of age, speak their native tongue." The resulting Ute Language Project led to the creation of an alphabet and then a Ute dictionary, copies of which were distributed to all tribal households in 1979. Following this accomplishment, the next goal of the tribe's Ute Language Committee was to computerize the language. The tribe was less successful with its attempts to increase Ute language fluency among its children through the public school bilingual program. Given the apparent failure of this program, along with the fact that most children were no longer learning their native language at home, tribal members in 1979 raised the prospect of establishing a Ute language school to be run by the tribe.
Language was not the only area in which the Utes of Colorado sought to reaffirm connections with their past. Another such area involved hunting and the bison--key components of the traditional pre-reservation Ute economy. Both tribes established small bison herds on their reservations--although the Ute Mountain herd proved to be rather short-lived--and the Ute Mountain Tribe paved the way for expanded hunting by its members through the negotiation of a 1978 agreement with the State of Colorado. This pact permitted year-round hunting by tribal members over a vast 3.4 million-acre area to the north and east of their reservation--an area comprising much of the tribe's traditional hunting grounds.50

The Southern Utes and Ute Mountain Utes further acknowledged their past in 1976 by concluding some long-unfinished business--the formulation of a peace treaty begun by their ancestors more than one hundred years previously. Leaders of all three Ute tribes met in Oklahoma with their counterparts from a traditional enemy, the Comanches, to officially end the long period of hostilities between these two peoples.51 And in 1993, "in order to better reflect the Ute Mountain Ute heritage," the tribal newspaper in Towaoc underwent a name-change and a facelift. The name of the paper was changed from "Echo," which held no particular significance for the tribe, to "Weenuche Smoke Signals"--"Weenuche" meaning "old Ute" or "the Indians of long ago." Additionally, the portrait of Chief Ouray, which had long graced the newspaper's masthead along with that of Chief Jack House, was replaced with the image of a chief who had been more directly involved in the history of the Ute Mountain Ute Tribe--Chief Ignacio.52

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Spiritual Life

In years past, the Ute people had turned for help to individuals like Walter Lopez, a Ute Mountain medicine man who used traditional methods to cure Utes, Navahos, and other Indians of various ailments. Lopez, who lived a simple life at Mariano Springs to the southwest of Sleeping Ute Mountain, had used these old ways to heal people, regardless of whether their maladies were physical or spiritual--the Utes, after all, did not differentiate between the two. For example, Terry Knight remembered as a young child seeing Lopez cure his mother of gall stones. But with the death of Walter Lopez in the late-1960s and the passing of others like him, the Ute Mountain people were left without any medicine men. The Southern Utes had already faced this same loss several decades previously, and now neither tribe could call on the services of such traditional healers. Should a Ute man or woman require Indian medicine, he or she now had no choice but to seek help from outside the tribe, most likely from Navajo medicine men who charged sometimes hefty fees--anywhere from $75 to several hundred dollars--to cure various dysfunctions.

The spiritual life of the Colorado Utes, however, did not come to an end with the passing of the last medicine men. They and their knowledge of the healing arts were indeed gone, but a new actor, often referred to as a "spiritual leader," arose to at least partially fill the void left by the disappearance of the medicine man. In the early-1990s there were four or five such individuals on the Ute Mountain Reservation, and one of these was Terry Knight. The former councilman and tribal chairman was uncomfortable, however, with this label people were now applying to him:

Spiritual leader--that's a non-Indian term. Where they get that term, "spiritual leader," is that that's the kind of life I lead and the things I do week in and week out, during the summer and during the winter. And somebody said, "Hey, this
guy does that and he is leading so many people, so he must be a "spiritual leader." And I say I am not anybody. I'm just doing what I have to do ... and how I believe in the Creator.  

In this modern spiritual leadership role, Terry Knight often conducted sweat ceremonies—previously the realm of only medicine men—and he complained that such ceremonies were more and more frequently being staged by leaders who lacked the proper training and hence the "right" to lead sweats. The sweat ceremony, perhaps the oldest of all Ute spiritual ceremonies, had undergone the same transformation at Ute Mountain that had accompanied its revival at Ignacio in the 1950s. Traditionally part of the medicine ceremony, the sweat had evolved during the post-medicine man period into a separate ceremony of its own, but it was still conducted "strictly for doctoring, for medicine purposes, or if you need a purification ceremony." The sweat ceremony, something of a spiritual sauna, is conducted in a dome-shaped structure consisting of a hoop-like frame of curved boughs covered by hides, blankets, or canvas. Participants sit around a central pit, filled with any number of fire-heated rocks, in the dark interior of the sweat lodge. An intense cloud of hot steam, sweet with the scent of cedar and sage, engulfs the participants as water is splashed over the hot rocks. As those in attendance sweat profusely, prayers and traditional Ute songs help to bring about "spiritual enlightenment, purification, [and] rejuvenation."  

In addition to being widely recognized as a spiritual leader of his people, Terry Knight was also one of a number of "roadmen"—persons who lead Native American Church ceremonies—on the Ute Mountain Reservation. Such ceremonies, begun at sunset, are conducted in a tepee and last throughout the entire night. Peyote, both ground-up and in the form of tea, is consumed as a sacrament allowing participants to achieve a state of mind conducive to worship. Singing, use of a rattle and drum, fire,
and an earthen altar in the shape of the moon also play a part in such ceremonies, which sometimes incorporate elements of Christianity as well. Participants might engage in a Native American Church ceremony to combat a variety of problems, or simply to mark an important occasion.59

With roughly 30 roadmen on the Ute Mountain Reservation and possibly as many as half of the people there taking part in such ceremonies at one time or another in their lives, the Native American Church continued to play an important role in the spiritual life of the Ute Mountain people throughout the latter half of the century.60 As had been the case in earlier times, participation in this “church” was much more limited among the Southern Ute people, with perhaps ten families in the Ignacio area holding ceremonies of this sort in the early-nineties.61 Here, then, was another indication of the cultural divergence between the two Colorado Ute tribes; peyotism—which for many Utes served as a rallying point for cultural preservation—was widely accepted as a part of life at Ute Mountain but existed only on the fringes of Southern Ute society.62 In Ignacio peyotism remained a much more divisive issue than in Towaoc, with social rifts sometimes arising between Southern Ute tribal members over the issue of participation in the Native American Church.63

Another important institution in the spiritual life of people on both reservations—and another key focal point for the assertion of one’s Indian identity—was the annual Sun Dance.64 Conducted by a Sun Dance chief—Eddie Box, Sr. of the Southern Utes (since the mid-fifties) and Terry Knight of the Ute Mountain Utes (since 1980)—this dance was held each summer at different times on all three Ute reservations. For the small group of men who actually dance inside the round willow Sun Dance Lodge, it is a severe test of endurance, requiring four days of dancing with only brief periods of
rest and no food or drink for the duration of the dance. The dancers move forward to a central post holding a buffalo head before shuffling backward to return to their starting place at the edge of the lodge. This forward and backward dance is repeated continuously as the dancers blow eagle-bone whistles and are accompanied by drumming and singing. A large crowd of spectators often assembles around the willow lodge to witness the event and to partake of the great feast at its conclusion. Individually, the dancers seek to achieve spiritual power, purification, and communion with the Great Spirit, but the dance also holds great communal significance since each dancer is supported by members of his family who erect a tepee or shade house on the periphery of the Sun Dance grounds. While many tribal members may be involved in the Sun Dance—either as dancers, family supporters, or spectators—the actual number of dancers is usually rather small. Fifteen men, for example, danced in the 1989 Ute Mountain Sun Dance, held in a meadow high up on Sleeping Ute Mountain. Nevertheless, the Sun Dance did not at this time appear to be in danger of going the way of the medicine man in either Towaoc or Ignacio, as the number of dancers appeared to be holding steady—and possibly even increasing—in the early years of the 1990s.

Although it typically did not generate the controversy that peyotism did in Ignacio, the Sun Dance could at times divide the Southern Utes into two camps—those who asserted their cultural identity through involvement in this annual event and those who showed little interest in the Sun Dance. The issue of tribal funding for the dance and the accompanying feast produced a rancorous debate between members of the Tribal Council in 1961. Martha Evenson demanded to know how tribal funds had been used and complained bitterly that Sun Dance Chief Eddie Box had informed her
that she should stay out of this issue. Sunshine Smith, an active Sun Dance supporter, agreed that it was not a woman's place to question matters surrounding the dance, thus affirming the fact that while women were regarded as equals of men in the political arena, the same could not be said with regard to the tribe's cultural life. John Baker, who did not take part in Sun Dance observances, questioned the expenditure of tribal funds, making the assertion that the Sun Dance participants constituted "more or less a private club" from which the tribe as a whole did not derive any benefit.\textsuperscript{70} The Sun Dance—and the issue of female participation in such traditionally male ceremonies—again became a source of controversy in Ignacio in the late-1970s. After the men-only tradition was waived and four women allowed to dance in the ceremony one summer, and after one of these women died the following year, many tribal members attributed this death to the fact that the female sun dancers had tampered with tribal custom.\textsuperscript{71} Women were never again permitted to dance in the Southern Ute Sun Dance.

Another issue pertaining to tribal spiritual life which aroused concern among members of both tribes was the possible intrusion of state or federal law. Uneasiness over this possibility led Terry Knight to attend a 1993 conference on American Indian religious freedom, where he moderated a panel addressing the religious use of eagle feathers and other legally restricted animal and plant materials. And when representatives of the three Ute tribes gathered for a summit meeting in Glenwood Springs in April of 1993, a major topic of discussion was the inadequate protection afforded to tribal religious practices by the American Indian Religious Freedom Act.\textsuperscript{72}
A Difficult Challenge

The Southern Ute and Ute Mountain Ute tribes of the late-twentieth century faced a difficult situation. Saddled with poverty and endemic unemployment and a host of related social problems, they were in desperate need of the economic development which could alleviate this bleak state of affairs. And yet, to the extent that the two tribes succeeded in developing their reservations, they increased the likelihood that their distinctive way of life--already drastically altered--would be pushed further toward the brink of extinction. To succeed in a modern American economic system characterized by big business and high technology, and yet at the same time to hold onto their own unique culture--this was the imposing challenge confronting the members of the two Ute tribes of Colorado.


15. Ibid., 56.


21. Clifton, 322, 326.

22. Resolutions No. 3803 (October 9, 1991) and No. 3805 (October 30, 1991) of the Ute Mountain Tribal Council, Tribal Resolutions File, UMU Agency.


25. Minutes of Southern Ute Tribal Council meeting, April 3, 1984, 6, SU Archives.


40. Minutes of Southern Ute Tribal Council meeting, December 7, 1976, 5, SU Archives; Fitzgerald, 188.

41. Minutes of Southern Ute Tribal Council meeting, March 31, 1987, 2, SU Archives.


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45. Ernest House, Sr., interview by author, June 11, 1993, tape recording.


47. Minutes of Southern Ute Tribal Council meeting, October 29, 1975, 1, SU Archives.


56. Terry Knight, interview.

57. Ibid.


60. Terry Knight, interview.

61. Sunshine Smith, interview by author, June 17 and 20, 1993, tape recording.

63. Bertha Grove, interview. Bertha Grove reported that Sunshine Smith, a relative and a friend, had for years refrained from visiting Grove because she was opposed to the Native American Church, in which Grove was an active participant.

64. Jefferson, Delaney, and Thompson, 65.


68. Terry Knight, interview; Sunshine Smith, interview; Bertha Grove, interview.


70. Minutes of Southern Ute Tribal Council meeting, August 31, 1961, 8-9, SU Archives.

71. Bertha Grove, interview.

CHAPTER 9
CONCLUSION

Many of the issues confronting the Ute people of Colorado during the late-twentieth century were highlighted at the annual general meeting of the Southern Ute tribal membership, held on June 18, 1993 in the tribe's Head Start building. The usual meeting facility, the community center at the Sky Ute Lodge complex, was unavailable due to construction work on the new Sky Ute Casino. Gaming was clearly the foremost issue in the minds of many of those in attendance, but this topic was not scheduled to be addressed until late in the course of the lengthy assembly, which lasted from 9:00 a.m. until 5:30 p.m. Tribal member Annabelle Eagle suggested that the agenda be changed so that this important item might be discussed earlier in the day, but Chairman Leonard Burch denied her motion. "You guys always fix it so we have no time for questions," she complained.¹

The question-and-answer period regarding the new casino did not arise until about 5:00 p.m., and by this time many of the tired tribal members had already headed home. Some critics of the new casino still remained, however. John E. Baker, Sr. acknowledged that Indian people had always gambled, but not, he claimed, for high stakes. He further asserted that "gambling is not the answer as far as the Southern Ute Tribe is concerned," and he voiced concern about the close proximity of the casino to the schools and the tribe's offices. Tribal member Mary Chavez was more emotionally emphatic in her opposition, crying, "I hate gambling!" and warning that it was the devil's work. For his part, Chairman Burch cited the benefits which the casino, set to open in September, would bring the tribe.
A number of other items were addressed at the meeting. Councilwoman Vida Peabody referred to the endangered status of the Ute language among the Southern Utes, and she commented on the tradition of speaking in the Ute tongue at general meetings. Peabody stated that using their native language spurred members to speak from the heart, but she also worried that this practice might seem disrespectful to those tribal members who could not speak Ute. Operations of the tribal enterprises—including losses incurred by Sky Ute Enterprises and the promise of future profits from gas wells owned or operated by the relatively young Red Willow Production Company—were discussed. And some individuals brought up familiar complaints, including the assertion that tribal hiring practices failed to give adequate preference to tribal members.2

These were issues that had preoccupied members of both the Southern Ute and Ute Mountain Ute tribes throughout most of the latter half of the century: rifts between the tribal council and the people, with the latter often feeling that their council representatives never listened to them; cultural concerns, such as the diminishing role of the Ute language in contemporary life; and economic development matters, including the performance of tribal enterprises, jobs for tribal members, and the recent entry into the gaming business. The decision by both tribes to open casinos exposed the existence of sharp internal disagreements over questions of economic development, as indicated by the concerns about gambling expressed by Southern Utes at the tribe's 1993 general meeting. While many tribal members, particularly those serving on the tribal councils, viewed casino gambling as a panacea for the tribal economy, a significant number of tribal members worried about what the opening of casinos would do to their reservations and to their people.

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The Ute Mountain Utes and Southern Utes were not the only Native Americans to grapple with these issues as they sought to find a place for themselves in twentieth-century America. Other tribes too struggled to adjust to a rapidly-changing world dominated by an alien socio-economic system. They too saw many of their cultural institutions disappear and chafed under the paternalistic Indian policies of the United States Government, and most tribes experienced the same painful transformations as they strived to achieve self-determination. The two Colorado Ute tribes may be small in size compared with other Indian nations, but their twentieth-century experience is a microcosm of the history of American Indian tribes during this century. All tribes have been forced to confront such modern ills as alcoholism, poverty, unemployment, crime, health problems, factionalism, cultural loss, etc. As mentioned in the previous chapter, the Southern Utes and Ute Mountain Utes have fared worse than most tribes in some respects, unemployment on both reservations and life expectancy among the Mountain Utes being the most notable shortcomings; but taken as a whole, their record of socio-economic gains and pains is fairly typical.

Perhaps the most interesting aspect of the modern history of the Southern Utes and Ute Mountain Utes—one which makes their story all the more illustrative of the history of tribes throughout the West—is the clear dichotomy between the responses of these two neighboring tribes to modern problems and opportunities. Both tribes faced largely the same set of challenges as the world they knew came crashing down in the nineteenth century, yet the Southern Ute and Ute Mountain Ute tribes exhibited distinctly divergent patterns of response to the external pressures which came in the wake of this upheaval. The dissimilar ways in which these two tribes responded to a radical change in their situation—the loss of their accustomed way of life and its
replacement by a far different type of existence on a government reservation—exemplify the stark contrast between two courses of action open to Native American peoples confronted with the imposition of U.S. Government control over their lives: accommodation or resistance.

This contrast is all the more startling—and fascinating—when one considers the initial similarities between the Southern Utes and Ute Mountain Utes. Their common past, shared culture, and close geographical proximity were such that up until the late-nineteenth century they were collectively identified as a single tribe known as "Southern Utes." They had shared the same way of life during the pre-European period, and while differential degrees of exposure to Spanish and Anglo-American influences had brought about some cultural differences by the time of their relocation to the Colorado reservation in 1878, the three Southern Ute bands at this time were still characterized by an essentially common culture. By 1895, however, this had begun to change. Presented via the Hunter Act with the choice of allotment in severalty or relocation to a commonly-held reservation to the west, the two emerging tribes made different choices, thus embarking on paths which would lead them in strikingly divergent directions in the years to come.

In the markedly dissimilar environments of the newly separated Ute Mountain and Southern Ute reservations, the nascent cultural divergence between the two tribes blossomed into a socio-cultural gulf of major proportions. Both groups were faced with the loss of their land and of their accustomed mode of existence, and both were subjected to the assimilationist policies of the United States Government; but the responses of the two branches of the old Southern Ute Tribe were almost diametrically opposed. Whereas the Southern Utes of Ignacio settled on individual allotments, built
houses, and took up farming; the Ute Mountain Utes to the west maintained a nomadic existence, lived in tents, and vehemently rejected the idea of farming. Whereas the Southern Utes pursued a generally cooperative approach in dealing with the U.S. Indian Office, the Mountain Utes stubbornly resisted any change in the status quo advocated by the government. Isolated on the barren expanse of their remote and undivided reservation, the Ute Mountain people developed a closed society, remaining suspicious of outsiders and hostile toward any white intrusion. Meanwhile the Ignacio Utes, living in the midst of many non-Indian neighbors on their checkerboard reservation, frequently intermarried with Anglos and Hispanics and were much quicker than the Towaoc Utes to adopt the ways of modern American society.

The Southern Ute-Ute Mountain Ute dichotomy remained pronounced throughout the twentieth century. Agency superintendents routinely reported on the generally cooperative attitudes of Southern Ute leaders and of progress made by this tribe, while their comments regarding the Indians at Ute Mountain were much more pessimistic, characterizing these people as apathetic, stubborn, and retrogressive. Superintendent D.H. Wattson's exasperation over his inability to win Ute Mountain Ute support for the Indian Reorganization Act in the mid-1930s was typical, and the contrasting responses of the two tribes to the prospect of reorganization under the Indian Reorganization Act are representative of their consistently disparate reactions to ideas emanating from Washington. As the two tribes approached the end of the twentieth century, the differences between them began to fade slightly. The infusion of millions of dollars in oil and gas income and large land claims awards accelerated the pace of change on the Ute Mountain Ute Reservation, and economic development of the reservation resulted in increased contact between Utes and non-Indians. The Ute
Mountain Casino in particular began to bring a steady stream of visitors to the reservation. And yet, a few miles to the west of the casino in the town of Towaoc--the focal point of tribal life and home to most tribal members--the Ute Mountain people remained largely isolated from the currents of mainstream American society. Substantial differences thus remained between the two neighboring Ute tribes of southwestern Colorado.

It would be inappropriate for an outside observer to attempt to judge the relative merits of the contrasting approaches followed by the Ute Mountain Ute and Southern Ute tribes in response to the pressures of modern Anglo-American society during this century. All that can be ventured here, then, is a comparison of the relative impacts of these two approaches. While both tribes suffered substantially from a host of social and economic problems, it would appear that the isolationism and cultural conservatism of the Ute Mountain Utes has subjected the people of this tribe to a more severe level of socio-economic trauma than has been the case with the more progressive Southern Ute Tribe. Throughout this century members of the former tribe have suffered higher rates of disease, death, poverty, unemployment, and alcoholism than have their relatives in the Ignacio area. And yet, at the same time, Ute Mountain Ute conservatism and skepticism of non-Indian ways has enabled this tribe to retain more of its traditional culture--its language, its spirituality, its ceremonies, its practices and beliefs--than the Southern Ute Tribe.³

Finally, for all of the obvious problems and challenges facing these two peoples, the Southern Ute and Ute Mountain Ute Tribes have made substantial progress toward political and economic self-determination. The contrast between today's tribal members and the Ute people of roughly sixty years ago is clear when one recalls the
1931 hearings in Ignacio before the subcommittee of the U.S. Senate Committee on Indian Affairs. Five out of the six Ute leaders appearing before the Senate panel spoke little or no English, had virtually no comprehension of government policies affecting their people, and were concerned only with obtaining money and supplies from the U.S. Government in accordance with treaties negotiated half-a-century or more previously. These Ute leaders looked to the past, not the future. Yet scarcely three years later, with the passage of the Indian Reorganization Act, events were set in motion whereby the Southern Utes and Ute Mountain Utes would begin a long and often frustrating transformation enabling them to assume steadily more control over their own destiny. Certainly, the transition was not a smooth one, and mistakes were made; and the Ute Mountain Ute Tribe was slow to embark upon this journey. Nevertheless, the two tribes made significant advances toward political self-determination and economic autonomy over the course of this six-decade period. The two Ute tribes of the 1990s are characterized by a level of independence that was unimaginable to their ancestors sixty years earlier.

This progress, however, has come at a substantial cost. Ute Mountain tribal members such as Arthur Cuthair disparage the impact of millions of dollars in tribal income on traditional Ute society, while others like Norman Lopez dream of escaping the increasingly bustling and noisy environs of Towaoc. Lopez would rather live at his more secluded birthplace part-way around Sleeping Ute Mountain at Mariano Springs. And in Ignacio, Southern Ute elders lament the rapid disappearance of their native tongue and worry that the tribe's young people are not learning the old ways. The two tribes have been forced to make many difficult choices as they have attempted to find
their place in modern-day America. It has not been an easy century for the people of the Ute Mountain Ute and Southern Ute tribes.

1. John T. Reborn, "1993 General Meeting: Gaming the Big Issue," Southern Ute Drum, June 25, 1993. All information pertaining to this meeting was obtained from this article.

2. Ibid.

3. Both tribes still hold annual Bear Dances and Sun Dances. The author attended two days of the Ute Mountain Ute Bear Dance in Towaoc on June 6 and 7, 1993. On the evening of the final day (June 7th), as many as one hundred people participated in the actual dance itself while a crowd of several hundred spectators looked on. While the event was open to the public, the small number of non-Indians in attendance at the Towaoc Bear Dance is indicative of the fact that Ute Mountain society is still greatly isolated from the neighboring non-Indian community. Tribal members welcomed those non-Indians who did attend in a generally friendly manner.

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