

# **History of the 1980 Restoration Act (Part 1)**

**By Travis Parashonts (Benioh)**

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***"History is not there for you to like or dislike.  
It is there for you to learn from it.  
And if it offends you, even better.  
Because then you are less likely to repeat it.  
It's not yours to erase.  
It belongs to all of us."***

***Author unknown***

## **Introduction**

Many years ago, when I was a young boy, I heard or read that we used to be called "dirt people." At a young age, I was very offended by this thinking that I was being called a dirty Indian! As I grew older and learned from my elders about life, I discovered another meaning to "dirt people." When we shower, I was told, we wash away many dead cells off our body that eventually returns back to mother earth. The dead cells are replaced by new living cells. When we die our bodies go to rest in the bosom of mother earth who gave us our bodies, while our spirits go to be with our Creator in the Spirit World. Therefore, being called "dirt people" has now taken on a different meaning for me. It is more sacred, spiritual, and personal. Being from the "dirt people" gives a direct tie to our Mother Earth and our Spirit to our Creator.

This story has stayed with me my entire life. Lately, it got me thinking that at the time of restoration from 1975 to 1980 all the tribal leaders who were involved in the restoration of our Tribe are now deceased. Their body has returned to mother earth and their spirits have gone to the Creator's Spirit World. I am the only remaining one from that leadership. This has prompted me to write my experience and knowledge of what happened during the termination and restoration era- as I remember it. I want to do this before I pass through the veil to a new life and reunite with the people I love, in the world of spirits.

As I began to sit down and write, I could not help but think about our ancestors and our past leaders. It made me deeply sad that they are all gone to the Spirit World now. It was a deep, personal experience to write about them and on occasion, I had to burn cedar and sage out of respect so that the words written could be done in a good, respectful way and not offensive to them or to anyone who should read this. I can remember our leaders back then would say that what they were doing wasn't so much for themselves, but for their children and their children's children. Some of them thought they were too old to reap the full benefits of restoration. I can honestly say that today, we are living in a time of our children's children. What they said during that period was in fact true.

I was very young back in 1975. I was 22 years old and held a very important leadership position, representing the Cedar Band and sitting on the Board of Directors for the Utah Paiute Tribal Corporation, all while attending college at Southern Utah State College in

Cedar City. I am a member of the Cedar Band, registered under my grandfather, Woots Parashont. My mother, Mae Judy Parashont, and my grandmother, Catherine Bonapart Parashont, were both registered under the Shivwits Band.

It has been hard to remember exactly what happened 46 years ago. My memory is not as good as it used to be. I have bits of pieces stored in my memory and I tried my best to remember the stories from back then. I am just one person, so please remember that the other leaders from back then are all deceased, and they would have a lot more to say about termination and restoration if they were alive today. They should always be held in high esteem among our people and shown respect for what they did for us, the children's children. Never forget our ancestors and past leaders. They say that the earth we walk on is sacred. It is the dirt and blood of our ancestors. With the return of our tribal status and some land, we should always be humble to know that the earth we walk on is sacred and is the dirt and blood of our ancestors.

I also took many quotes and early timelines from documents, papers, books, recordings, videos, newspaper articles, and interviews on the restoration of the Paiute Tribe. I can't recall if any of these documents were ever written by a Paiute. Many of them were initiated by non-Indian people who had an interest in our Paiute people. This may be the first written document by a Paiute regarding our restoration. It comes from a different perspective that I hope is helpful to our Paiute people (the children's children).

There are so many people to thank that it is difficult to name them all. There are a few who I want to give special consideration to while I have the chance. The first is McKay Pikyavit, Kanosh Band. I am not afraid to admit that he is one of my heroes in my life growing up. He was the person who talked to the right people to get restoration going on the right path. He also created the Utah Paiute Tribal Corporation and the Utah Housing Authority. He got the first housing units for members of the Paiute Tribe. He was a very spiritual person but kept that to himself, it was a private thing to him. He did a lot of work for our people and his Kanosh Band. Second, I want to thank Bruce Parry, Northwestern Band of Shoshone, Former Director of the Utah Division of Indian Affairs. Bruce got the restoration rolling by initiating many meetings at the very beginning of restoration. This included meetings with the Governor, the Bureau of Indian Affairs, Senator Hatch, and Attorney Larry Echo Hawk. He attended many meetings with the Paiutes and public hearing meetings in southwest Utah in support of the legislation. He was always right there willing to help and talk to whoever he needed to in order to push our legislation through. The third person is Mary Ellen Sloan, our tribal attorney at the time. She worked endlessly with our Utah delegation, our local government officials, and state officials. She wrote the legislative language and the restoration/termination documents used by the Department of the Interior Solicitors office. She was our compass guiding us in the right direction and giving us all the information we needed to make appropriate good decisions. The last group of people I want to thank are the leaders I worked with during restoration. McKay Pikyavit, Vera Charles, Clifford Jake, Beverly Snow, Patrick Charles, and Marguerite Pikyavit Lane. They sacrificed time away from families and homes, from other civic and community duties, and were not getting paid to do so. It is certainly commendable. Their fortitude and ability to make difficult decisions. Their willingness to speak up when needed. Their ability to work

together as a unified body for our people. These people are all remarkable and a Godsend to making the restoration of our people happen. It was a dream come true for all of us. We were all put here on earth at this particular time to do what we did. It was meant to be that way and we had the help of our creator along the way.

***"The History of the Paiute Indian Tribe of Utah is unique and demonstrates the Tribe's resiliency and determination to do what is best for its people. The Tribe has faced numerous obstacles and setbacks but is resolute to strengthen its sovereignty and its ability to self-govern and strengthen its capacity to perpetuate its culture, traditions, history and values for the generations to come. The Tribe is not content to merely survive, it is our goal to thrive, and control our future and destiny." (Shane Parashonts, Tribal Administrator, Paiute Indian Tribe of Utah, 2021).***

## **Paiute Living: Pre-Settlers**

Our people are descendants of early Paiute people who have traditionally lived in the areas of Southern Utah, Northern Arizona, and Southern Nevada. Here they were known as farmers and hunters. They lived in small groups, comprised of extended families, usually found near springs or streams. Though sometimes characterized as wanderers they established close ties to the land and had reverence for their environment. There is very little known about the overall tribal political control except in the sense of a respected person or good hunter. Formal leadership began to formalize at a later period once settlers began to intrude on Paiute lands. Paiutes had chiefs, who were leaders of their bands and who led them in a manner consistent with their needs. This may have developed in response to the need to protect themselves from the hostile whites and other Indian tribes who took their women and children and intruded upon their traditional lands. By 1873 the Paiutes had a definite band organization and land practices, according to John Wesley Powell of the Special Commission of the U.S.

The social organization and culture were similar to the Western Shoshones. Both were foragers subsisting on roots, seeds, berries, pine nuts, insects, small game, fish (where available), as well as birds, deer, elk, antelope, and mountain sheep. They employed the same basic tools: bow and arrows, flint knife, digging sticks, seed beaters, gathering baskets, and the flat grinding slab. Dressed in rabbit-skin robes, bark aprons, or hide coverings, and basket caps (for women) or breech straps (for men), and sandals or moccasins (Utah Historical Quarterly).

Traditionally, tales and myths were told in the wintertime or as early as the first snowfall, by elders sitting around the campfires. Prohibitions included the telling of tales and myths during the summer season. I was taught that if you tell stories in the summertime you would get bit by a rattlesnake. It was forbidden by our elders. The stories included tales of

the Coyote, Wolf, Rabbit, Mountain Sheep, Stars, Moon, Birds, and others in which proper obligations may have been clear and exemplified.

Shamanistic curing was practiced. Shamans or medicine men received their powers to cure disease, foresee the future, and the practice of thwarting off evil spirits. The power beings, including animal spirits, and ghosts, etc. came to them to assist with the proper curing rituals. These might last several days depending on the condition of the patient.

With the coming of the Explorers, Spanish, American traders, immigrants, and eventually the Mormons, the Paiutes began to experience increasing disruptions to their traditional way of life. The Spanish promoted slavery which influenced other tribes to do likewise. This influenced the Utes and Navajos to raid Paiute encampments and took women and children who were sold or traded for slavery to the Spanish settlements of New Mexico and Southern California (Utah Historical Quarterly). Unfortunately, the Paiutes were located between the Ute raiders on the north and east, and the Navajos on the south. The Indian agent Garland Hunt noted that prior to 1860, because of the slave traffic, "scarcely one-half of the Py-eed (Paiute) children are permitted to grow up in a band; and a large majority of these being males, this and other causes are tending to depopulate their bands very rapidly." (Utah Historical Quarterly). With women and children being sold or traded for slavery it left the Paiute bands to be populated by a majority of men.

With the coming of the Mormons around 1847, the contacts with the whites intensified. As the coming of the Europeans and Mormons mounted, the Paiutes' homelands and best farmlands were gradually overtaken by white settlers. They were moved to more unsuitable encampment sites where their way of life began to gradually diminish into a poverty state. Their watering places were all occupied by the white man. The grass that produced mulch seed was all out. The sunflower seed was all destroyed, in fact, there was nothing for them to depend upon but to beg or starve.

Individual Mormons and non-Mormons in Utah held varying opinions about the Indians, most of them consistent with the general American views of that period. These ranged from common stereotypes of Indians as being lazy, shiftless, thieving savages of little worth, to a more positive attitude noting their basic industry, intelligence, and educability. Many felt that although they were basically all "savages" the Indians could and should be taught to be "civilized". (Utah Historical Quarterly). The Paiutes began to live in poverty and dependence. About 90% of the Paiutes died because of epidemics or diseases that were carried into their area by the non-Indian intrusion and yet very little aid came to the infected Paiute population from the white communities.

Around 1873 John Wesley Powell and George W. Ingalls, head of the commission recommended that those Indians not already on reservations be removed and recommended that the southern Paiutes be sent to Moapa. There were many attempts to move the Paiutes to reservations. There was little help provided to them, and in 1881, J.W. Powell suggested that they either go to Uinta or the Muddy Valley. Under the present Administration, Indians who do not report at Agencies are not assisted. The Paiutes did not go to Muddy Valley or Uintah reservations. Their recommendations were not acted upon.

This problem was not resolved until the Shivwits reservation was established outside of Santa Clara, Utah, in 1891. Others including Cedar Band and Richfield were formally established on private lands or on Mormon church property and in many cases were assisted by the Mormons (Utah Historical Quarterly).

This modern period has been one of the continued transitions for the Paiute people with the establishment of reservations, their land base was fixed to a fraction of its aboriginal size. This further constricted the movements of the Paiute people who had been used to moving at will and with few impediments. The Paiute's old subsistence patterns had begun to be abandoned in favor of some limited form of low labor.

There were many small Paiute Bands in southwest Utah, but in the late 19th century, some of the earlier southern Paiute Bands coalesced into five individual groups that became known as the Cedar, Indian Peaks, Kanosh, Koosharem, and Shivwits Bands. Four of the Bands were established as reservations between 1903 and 1929, all but the Cedar Band. Although federal funds were allocated for the purchase of reservation lands for the Cedar Band in 1910, the funds were never spent, and it was returned to the general funds of the U.S. government. No federal lands were acquired for a reservation.

They were also subjected to many of the most unfortunate practices and policies of the Federal Government, including un-ratified treaties, attempts at removal and consolidation, unfulfilled promises, neglect, lies, and finally termination.

There were old encampments out at Parowan, Summit, and Rush Lake north of Cedar City. Rush Lake was the major crossroads for all different Tribes passing through the area. Many rock writings at Parowan Gap tell of this. Tribes from up north and down south crossed this area and camped there.

The Cedar Band of Paiutes lived out in Cedar Valley staying close to Coal Creek. They also had a camp near the mouth of Cedar Canyon near Coal Creek but never right on the Creek. Then they were moved to where the baseball fields are today. They eventually were moved to where the Indian village is today. The LDS church became the owner of this land, and they allowed the Cedar Band of Paiutes to live on it for many years.

The Cedar Band lived in these areas, but Indian Peak's members also lived in the Indian Village but were originally from Beaver County where they had no water, electricity, schooling or any close proximity to towns for shopping. They had their reservation West of Beaver County at Indian Peaks. The land in the Indian Village was eventually put under federal trust for the Paiute Tribe around 1984, even though it was Cedar Band area, the land was put in trust for the whole Tribe. The Church of Jesus Christ donated the land back to the Paiutes.

Many of the homes were shacks with no running water, electricity, or indoor toilets. They lived off the land and a few had gardens of corn, beans, melon, squash, pumpkin, potatoes, etc. They hunted deer, mountain sheep, elk, rabbit, etc.

Their only means of communication was by face to face, word to word in the Paiute language. The Paiutes traveled to different Paiute Band areas for funerary events, traditional gatherings, ceremony events, etc. When they traveled to a different area, they stayed for days before returning to their own home area. Most traveling back then was done by horse, buggy, and walking.

Despite the many changes of the past century, and despite the hardships of adjusting to a non-Indian society that they still had to face, the Southern Paiutes remain distinct because of their cultural heritage and history. They were resilient and remained strong to survive the dominance of the white people who settled in their homelands.

***"They were subjected to many of the most unfortunate practices and policies of the Federal Government, including un-ratified treaties, attempts at removal and consolidation, unfulfilled promises, neglect, lies, and finally termination."***

## **Events leading up to Termination**

In 1954, the United States Congress, without the agreement or authority of the Tribe, passed the Termination Act ("An Act to provide for the termination of Federal supervision over the property of certain tribes, bands, and colonies of Indians in the State of Utah and the individual members thereof, and for other purposes, approved September 1, 1954, 68 Stat. 1099). That Act provided for the termination of federal recognition and services to the Tribe and ultimately resulted in the almost complete dispossession of the reservation lands (Self-Governance Report, 2021).

Although the Paiutes did not meet the criteria for termination, as outlined by Congress, it was believed that tribe should be assimilated, and that the Utah Tribes were to be the example for the termination policy (Self-Governance Report, 2021).

In 1954, four Paiute Bands, including, the Shivwits Band, Kanosh Band, Koosharem Band, and Indian Peaks Band were terminated. They were denied official recognition and cut off from all Federal benefits of human services, health and economic support afforded to Tribes. The Cedar Band was not terminated and was apparently overlooked, probably because it had no reservation land base yet. But the Cedar Band also received no Federal assistance, and consequently suffered *de facto* termination.

The Termination Act was devastating to the Paiutes. The Paiute Bands were ineligible for any federal assistance. During the Termination Era, for every birth, there were three (3) deaths. The Paiute Bands saw a decline in life and the average life expectancy was 42 years of age by 1980. Nearly one-half of the PITU membership died due to ill health, poor

housing conditions, and nutritional deficiencies. Inadequate healthcare, housing, education, and no economic growth left the Paiutes in bleak living situations with poverty and social disruption. Many of the children had been taken and placed in foster care, placed in the Indian Placement Program run by the Church of Jesus Christ of Latter-Day Saints, or adopted out. Due to termination, the Paiute pride and culture diminished dramatically (Self-Governance Report, 2021).

The federal government no longer took an active interest in the Paiute's welfare, and they left the care up to the local and state authorities. The Paiutes were completely unprepared for termination. They had become so dependent upon the white society. Assistance from the LDS church came in form of canned goods and bulk food items that helped keep them from starving. They were treated with cordial tolerance but were never accepted as social equals. The white people's stereotype image of the Paiutes was being lazy, incompetent, and untrustworthy.

*"We are strangers in our own land."*

## **The Criteria of Termination**

There were 4 criteria established by Congress to qualify a tribe for termination. First, the tribe had to be economically ready for termination; second, the tribe had to be somewhat acculturated into society; third, the tribe had to have positive support from the local city, state, and county officials; and fourth the tribe had to have the approval of their respective tribal members.

The Paiute Bands were not fully aware of the real impact of termination and went on the basis of promises that never materialized. Two of the Paiute Bands even wrote letters of opposition to termination. Based on some shady promises made, the Paiute Bands had been misled to agreeing with termination. Ultimately, in retrospect, the Paiutes never met any of the four criteria.

In 1947, it was the Indian Select committee that developed the four criteria for termination for Congress. Besides the four criteria's they also created a list of tribes suited for termination and the Paiutes were not on that list deemed ready for termination. In 1954 another list of tribes came out from the Bureau of Indian Affairs and the Paiutes were not on that list either. Senator Watkins, (R) from Utah, was primarily one of the sponsors of the legislation. He was very eager to solicit a tribe from Utah to be on the termination list. He visited the Northwestern Band of Shoshone and Goshute's and they both told him no, they did not want termination.

In a meeting held at Fillmore, Utah, Senator Watkins told our Paiute leaders that "termination make you free to do everything, promised everything: gonna be free Indians, build a hotel, restaurant, anything you want..." I told him, "Mr. Senator, did you ever visit Indian homes? You talkin' there, did you ever visit the Paiute Nation? Do you know how

they live? I tell you. We go through your trash and junk and make a shack. Maybe a board, maybe a tub for an open fireplace, cook things out there. He look at me real funny. He tells me, "Hey, sit down and shut up". He did, right there. Clifford Jake (Southern Paiute Portrait).

There were also promises that taxes would be taken care of and offered to help with farming. Promises were made to our Paiute leaders that sounded attractive and appealing to cause them to consider going along with what Senator Watkins was advocating. Kanosh leader, McKay Pikyavit later said "Senator Watkins said when he talked to us about termination that the taxes would be taken care of, that we would not have to be under the limitation of wheat acreage, that we could plant as much wheat as we like, but this has not been true".

Because communication was so sparse back then, one Band did not know what the other Bands were thinking. The Paiutes were not fully aware of what all this really meant due to the fact that they were inadequately informed back then. They were easily manipulated into being terminated by the promises that were made by Senator Watkins.

Telegrams were received from two of the Paiute Bands protesting termination. One was from the Kanosh Band:

We are against Federal termination bill S.2570. We desire to remain for the time being as wards of the Government, as we have lived on the reservation and have not paid taxes for so long and we feel we should live as we have always lived. Besides, what have we got to pay taxes with? We don't live like the white man, we don't even own any livestock of any kind. We owe the Government \$10,000. And how do you expect us to pay taxes?

/S/ Kanosh Tribal Council  
Wes Levi, Chairman;  
Johnson Levi, Vice-Chairman;  
Lonnie Kauchoup, Secretary

The second telegram was from the Koosharem Band leader, Jimmy Timikin, speaker for the Paiute people at Richfield Utah. On May 21, 1954, a telegram was sent to the Association of American Indian Affairs stating:

Do Not wish Termination at present time.  
We have a group of about 60 members and at present have no orbination [sic]. At present time most of us can Speak English Language, but only 12 can wrote and read.  
We are not fixed so part of us can go to school. We believe we better ourselves and can take better care of our people when we have better schooling. We do not wish to separate and have to leave as it looks to us this way.  
We also believe some treaties have been promised we do not which our Tribe to have taken from us. So we wish to have more time to learn from our people which we believe our people are Entitled to.

We do not wish Termination. Hoping to better Ourselves

Speaker

Jimmy Timikin

Richfield, Utah

There were also indications of protests to termination that occurred in Shivwits and the testimony of the Indian Peak leader protesting termination at the Fillmore meeting with Senator Watkins.

Unfortunately, the Paiutes Bands were not unified together against termination. There was not a strong enough organized effort to oppose termination from the Paiute Bands. Each Band was on their own to decide what they wanted to do. It is my feeling that even with tribal approval, it did not meet the full meaning of informed consent. The full implication of termination did not sink in until around 1955 when the BIA began to implement the termination policy.

***One person said that the BIA told her "everything would be like it was before the whites came", but in reality, this was far from the truth.***

## **Termination**

The termination legislation was quickly passed by Congress, and on September 1, 1954, President Eisenhower signed Public Law 762, the bill terminating the four Bands of Paiutes.

"At the time of termination in Sept 1954, I was one year old", said Travis Parashonts, "we went through 26 years of termination. We lost culture, our language, our history, our land, our hunting and gathering places, our homelands where we lived, and a lot of our elders were dying due to disease and lack of health care. Our artisans who were rich in cultural arts and crafts began to diminish. No one could understand the white man language at that time. For lack of understanding back in those days, some Bands lost their reservation lands. They relied on lies that were promised to them at the time the termination Act was passed by Congress. None of the Paiutes could go to Washington to testify against the termination bill due to lack of funds to travel and there was no coordinated effort."

"There was little or no communication between leaders of the Paiute bands contemplating the 1954 measure. "If we had used smoke signals we could have sat down on the tops of these mountains and corresponded, but we didn't know anything about smoke signals."  
Alex Shepherd (SLC Tribune Sept 20, 1981)

"We were forced to assimilate into white society and weren't ready." Pat Charles (Southern Paiute Portrait).

"Me and my dad wrote a letter saying we didn't want termination, but they booted us anyway." McKay Pikyavit (Southern Paiute Portrait).

"Our lowest point was termination." Lora Tom (Southern Paiute Portrait).

After the effects of termination began to sink in it was in the mid 1960's when some of the Paiute leaders began to take another look at termination and how they could reverse their termination status. One elder from the Cedar Indian Village said:

"...we are asking you to give us some of our ancestral lands back. We lost our land a little at a time through treaties, by people fencing us out, by the government just taking it. Today we have no land, no place to camp except on land that people say is theirs and not ours. We do not own the houses we live in, the land we live on, or no water to even raise a garden with. We have received no money from the government or anyone else for the loss of our land. A lot of our children have been taken away by welfare and we see them no more. Our mothers have cried many tears for their children are gone. Even if we received money from the government, maybe we couldn't get our children back. Most of us drink too much but maybe you would too if you were one of us. Please do not judge us too harshly for our lives are not easy. When we walk downtown we are looking for help. We do not like to beg, but we have so little to live on. Every little bit counts. We are strangers in our own land. We are grateful for what help we have been given, but soon we will all be gone unless something different happens to us. We want to live like everyone else and see our children healthy and happy."  
(Woodrow Pete et al. 1968) (Beneath the Red Cliffs - Ron Holt).

***"In the name of SHINAALV, the name we use when we pray to our God, please help us. Please give us some of our land back, enough to dignify our lives." Woodrow Pete, 1968***

## **Restoration**

Sixteen years later, in July 1970, President Richard Nixon's message to Congress was that self-determination without termination became the official policy of the government. This action by President Nixon rescinded the Termination Act of 1954 which would allow tribes who were terminated to get back under the federal government and receive the benefits afforded to all tribes. After President Nixon rescinded the termination bill many tribes began to develop legislation for reinstatement. The Paiutes were very interested in these developments and cautiously watched with interest as the Menominee tribe of Wisconsin and Siletz Tribe in Oregon's coordinated their legislative efforts.

In 1972 the Paiutes had established a nonprofit organization called the Utah Paiute Tribal Corporation. The purpose was to bring the five Paiute Bands together in unity to help their people. Although this was a non-profit entity, over time this grew to be our governing body

as a tribe. It began to perform governmental functions and operate as a governmental entity. The Board of Directors was composed of representatives from each of the five Paiute Bands. McKay Pikyavit was the chairman of the Board and founder of the organization.

It was around 1974 that I joined the Board of Directors of the Utah Paiute Tribal Corporation, being duly elected by the Cedar Band. It was around this period of time when the Utah Paiute Tribal Corporation began its effort to regain federal recognition.

The first group of Paiute leaders involved in the Paiute Restoration of the Paiute Tribe, as I recall, were those on the Utah Paiute Tribal Corporation Board. These members were in place between 1971 to 1980. All the members of this group have passed away, with the exception of one person, me, Travis Parashonts, Cedar Band. These are the ones who were our leaders that worked towards getting back under the federal government. To me, it was the biggest accomplishment in Paiute History.

The original group of leaders involved in the Paiute Restoration were:

McKay Pikyavit, Kanosh Band Chairman  
Vera Charles, Koosharem Chairwoman  
Clifford Jake, Indian Peaks Chairman  
Travis Benioh (Parashonts), Cedar Band Chairman  
Beverly Snow, Shivwits Band Chairwoman

McKay Pikyavit was an active board member of the Utah State Division of Indian Affairs Board. He served in that capacity for 8 years. Bruce Parry was hired as the new Director of the State Division of Indian Affairs around 1971. Being fairly new at his job as Director, he asked each board member who was representing their tribe "what is one thing I can do as a new director to help your tribe be a success?" When Bruce asked this question to McKay Pikyavit, their discussion evolved around regaining federal recognition for the Paiute Bands and Bruce thought this was a worthy cause and said he would help. He got approval from the Governor to assist the Paiutes in this endeavor.

From the earliest times, one of the requests of Bruce Parry, was for him to assist the Paiutes in gaining federal recognition. Bruce had a couple of friends in the Bureau of Indian Affairs Phoenix Area Office whom he contacted around 1974. His friends at BIA agreed that the Paiutes should not have been terminated and offered to help. Bruce had a long discussion with the Phoenix Area Director telling him of the Paiute's desire to regain Federal recognition once again.

The meeting was very encouraging. As a result, two things happened. A meeting was arranged for Bruce to meet with Commissioner Morris Thompson, Commissioner of Indian Affairs. The meeting with Morris Thompson took place in Phoenix, AZ. Secondly, the Area Director requested that the regional Solicitor's Office prepare a study to give them some information on the background of termination. Both of these men were very supportive of the Paiutes restoration efforts thanks to Bruce Parry.

When Mary Ellen Sloan worked for the Department of Interior as a law clerk, she was asked to put together a memo on termination which became an opinion of the Department of Interior Solicitor. This nine-page memo established that the Paiutes had never met the criteria established for termination and that promises made by Senator Watkins were not kept. In the 1950's, Congress set up four criteria to determine which Indian tribes were to be terminated. The report of the Solicitors office articulated that the Paiute Bands were not ready for termination at that time. The Paiutes did not meet the criteria for termination. This document became a very important policy statement for the Department of Interior, Bureau of Indian Affairs, and the plight of the Paiutes restoration efforts.

Mary Ellen Sloan said that "we put together a case book to support the restoration effort. It included some historical material and socio-economic material by historians and sociologist about the Paiutes in the 50's. We toured each band and did a survey of their economic condition and it showed there was no change in their lifestyle, but it had gotten worst since termination."

Around this same time period, Bruce also talked to Senator Orrin Hatch, and he agreed to help us. We soon learned that although he was willing to help us, action on his part was slow to none. This became very discouraging to the Paiute leaders, and they wrestled with how to get Hatch's office moving on legislation.

McKay Pikyavit indicated that "reinstatement, that was one of them dreams" that was communicated to him through an eagle feather. He was a witness to seeing the eagle feather dancing up right, in a ceremony". He said, "I was just going for the Kanosh Band, but then they said it would be easier to have the whole Paiute Tribe. We asked guys like Tony Tillahash, Stewart Snow, Grant Pete, and Travis Parashonts if they wanted in; they said yes." (Southern Paiute Portrait). The Paiute leaders of each Band understood that there would be more influence and power through a unified effort. They were united as a group anyway with the way the Utah Paiute Tribal Corporation was organized.

When Larry Echo Hawk established his Attorney at Law practice in Salt Lake City, it was around 1975 that Bruce Parry and McKay Pikyavit met with Larry Echo Hawk to discuss reinstatement with him. They initiated the dialogue on what would be the best legal approach to reinstatement. It was determined by Larry Echo Hawk that the normal court process would not be effective, and that legislation would be necessary to restore the federal trust relationship to the Paiute people.

That is how it all began.

Mary Ellen Sloan got involved while working at the American West Center at the University of Utah. It was there that she did research on the termination of the Paiutes. Based on her research, she said, "It was very clear that the 5 bands of Paiutes did not meet the criteria." Then she worked for the Department of Interior as a law clerk and was asked to put together a memo on termination which became an opinion of the department of Interior solicitor. "It articulated that the criteria was not met for the Paiutes." She graduated in

1975 from law school. In 1978, she joined the Echo Hawk law firm and was assigned the task to work with the Paiute Tribe on restoration.

We were very interested in how other tribes' legislative efforts were progressing. In particular, we began by closely following the progress of the Menominee Tribe of Wisconsin and Siletz tribe of Oregon's efforts in seeking reinstatement. In the 93rd Congress, legislation was enacted restoring Federal recognition to the Menominee Tribe of Wisconsin on December 22, 1973, which had been terminated in 1954. The Siletz Tribe of Oregon was restored to Federal recognition in 1977, and the Modoc, Wyandotte, Peoria, and Ottawa Indians of Oklahoma were restored in the mid-1978. Their model of reinstatement would give the Paiutes a model for legislation and the process of regaining federal trust status.

Our attorney, Mary Ellen Sloan, called the Siletz Tribe and got permission to use similar language in our Bill. It gave us a good template to go by since they were successful in regaining federal recognition. This became a valuable resource for us to utilize and put us that much further ahead in getting our bill ready for passage. For that, I am eternally grateful that they were willing to help us in that manner.

Mary Ellen drafted the legislation and put it for review to Senator Hatch's office and Congressman Dan Marriott's office. She worked with us Paiute leaders on the draft, and we went through the draft legislation paragraph by paragraph making sure we knew what it contained. After we agreed to its content, she sent it to the congressional delegation for review.

I can remember in meetings with Senator Hatch and with Congressman Dan Marriott, we discussed pursuing federal recognition as independent bands or as one unified tribe. I think that most of the Paiute leaders at the time wanted to be federally recognized as their own tribe. They had survived as such for many years and had their own lands and geographical homelands. Each Paiute Band had its own past history and separation and territory. However, the congressional leaders felt that passing legislation would be quicker and much easier if we were united under one tribe, not five different tribes. Funding was also a consideration with the Department of Interior, Bureau of Indian Affairs, Health and Human Service, and Indian Health Services. That was going to be an issue that the congressional leaders were going to have to deal with under this legislation. Another consideration was the size of the Paiute Bands. Some Paiute Bands had very small populations which would have made it difficult in administering their own programs, plus having a small allocation of funding for services and benefits for members of those Bands. Applying for grants would be a difficult task for a small Band. The Paiute leadership felt that being united as one tribe, forming a single cooperative tribal government that would represent all tribal members was the best way to go. It wouldn't be that much different in the way they were operating under the umbrella of the five bands anyway with the Utah Paiute Tribal Corporation. So that is the way the Bill was written, as far as I can remember. We were all in favor of it to be that way.

Seeking federal recognition was a long road to bear. It wasn't an easy path to travel. This road was one we had never traveled on before, it was all new to us. We soon found that there was some opposition to us getting back under the federal government. I couldn't believe it, who would want to oppose an injustice that was heaved upon our Paiute people? We found ourselves facing up to those who opposed the restoration of the tribe. I remember there were many times that our attorney and consultants had to coach us and temper our anger towards those who opposed us and who spoke harshly against our Paiute people. I felt some prejudice and ignorance coming from the non-Indian people as they tried to define what kind of Paiute people we were. Those feelings were real, and we had to deal with them, calmly and rationally. I would say that was a big challenge for me but working together we weathered the storm. Sometimes I would walk away shaking my head wondering how people could be so ignorant to our people who lived right here next to them for many years. They had no clue as to who the Paiute people are.

Once we began our efforts to make restoration happen, we encountered some delay in our progress from Senator Hatch's office. Although Senator Hatch had initially indicated he would be willing to help us with legislation, he was in no hurry. He kept promising legislation would be passed but nothing happened. After a couple of years of nothing happening, this prompted our attorney, Mary Ellen Sloan, to call Senator Ted Kennedy's office and told him we can't get anything done. Senator Ted Kennedy called Senator Hatch and said there's a poor tribe in Utah that needs your help. That gave Senator Hatch the movement to introduce legislation. Senator Hatch was furious with her because she made that call, but it was very much needed to get legislation moving, and it did spark movement from Senator Hatch's office.

Beginning in the year 1975 there was a series of meetings held in Cedar City, Richfield, and St. George. The possibility of reversing termination was discussed among our people. The advantages and disadvantages of restoration were discussed. Various forms of Tribal government were talked about. The records of these meetings make it obvious that the Paiutes were overwhelmingly in favor of reinstatement of federal status. Bruce Parry indicated to the state board of Indian Affairs that only three Paiute adults were opposed to reinstatement; all others were in favor (Utah state board of Indian Affairs 1975).

There were public hearings held in Richfield, Fillmore, Cedar City, and St. George. Sometime around September 1979 in Cedar City, Utah, testimony was heard at Southern Utah State College where a special town meeting was conducted by Senator Orrin Hatch to gather public comment on his proposed bill to re-establish the Paiutes status as a federally recognized tribe. I remember the hearing was held at the music building concert hall auditorium. It was packed with people from the community, tribal members, SUSC staff, and people from out of town. I was nervous at the outcome of this hearing, unaware of what people might say regarding our effort. I remember it was a little dark sitting in the audience and up on the stage where Senator Hatch was seated it was well lit. There were microphones set up in the middle aisle between the seats where people could talk.

When the hearing began, there were County Commissioners from Duchene County in attendance and they were there to oppose our efforts, stating that "if the bill is approved,

similar problems of land, water and natural resource rights would develop in southern Utah as has been experienced in the Duchesne area between Ute Indian and their non-Indian neighbors." (Deseret News, Sept 1979).

Loris Ross, chairman of the Duchesne County Commission, said, "assimilation into the community was better than keeping the Indians on a reservation."

Bruce Parry, Utah Division of Indian Affairs Director, said "the two situations are not similar (meaning the Ute Tribe and Paiute Tribe). The Paiutes are a very poor people. Restoring their tribal and reservation status would help them qualify for existing federal assistance in education and housing." (Deseret News, Sept 1979)

Many community and church leaders from Southern Utah, said they favored tribal recognition for the Paiutes. The Cedar City Mayor and Iron County Commissioners were in support of the legislation. It was very gratifying to me to hear their support and it put me at ease. I couldn't understand why Duchesne County representatives would travel so far to oppose our legislation. It wasn't until later that I learned that they were invited to the public hearing by Senator Hatch! To this day, I have no idea why.

It's important to mention that people like William Mehohah, Bureau of Indian Affairs Tribal Operations Officer for the Phoenix Area Office, attended the hearings in southern Utah as well as meetings with several county commissioners and John Artichoker, Phoenix Area Director for the Bureau of Indian Affairs, were very supportive of the reinstatement effort and legislation.

Dr. Orville Carnahan, SUSC President, said "their present status (of not being recognized as a federally recognized tribe) is discriminatory and prevents them from obtaining an education."

Gretchen Jones, SUSC instructor of American Indian literature, said, "there is definite need for tribal status and for a reservation land base. Discrimination against the Cedar City Band of the Paiutes is appalling." She went on to say that the representatives from Uintah Basin are members of the Interstate Commerce of Equal Rights and Responsibilities, an organization she termed as a lobby group opposed to progressive Indian legislation." (Deseret News, Sept 1979).

Travis Benioh (Parashonts), the representative of the Cedar Band, said, "The delegation from Duchesne has no right to come here and say what they have said." He said "75 percent of his people are below the national poverty level. Reinstatement as a tribe will help to eliminate discrimination. He said the Paiutes have lost their pride and much of their culture." (Deseret News, Sept 1979)

One person from Sevier County who came down was also opposed to it. The BIA representatives came down from the Uintah Basin and voiced their opposition to reinstatement.

I was young at the time, only 22 years old in 1975 when it all began. I was a board member of the Utah Paiute Tribal Corporation. I was attending college at SUSC. A lot of the people

involved in restoration are gone now and they would have had a lot more to say about it. A lot of those who were involved have passed away. They took a lot with them. I am the only one left of the original corporation board who sought reinstatement.

There was a group of us who traveled to Washington DC to testify on the Restoration Bill in front of the Indian Senate Select committee hearing and house committee hearings in the Fall of 1979. It was our first time testifying in front of Congress and it was a new experience for all of us. I think we all felt some anxiety and some intimidation going in front of Congress to speak. I have included excerpts from some of the verbal and written testimonies entered into the record for the hearing to give you a good idea of our support for the Restoration Bill.

Excerpts from the testimony of Travis Parashonts (Benioh), Cedar Band Chairman:

"Since the termination of the Paiutes in the 1950's, the goals of the termination haven't been successful. The Paiutes have had a hard time trying to develop themselves into the white society."

"It seemed like the Senator at that time in the 1950's wanted termination, but the respective communities won't give the Indians a chance and today, they still don't."

"Since the Paiutes never fit the four criteria of termination in the first place, reinstatement would be a positive advantage to them."

"They would be able to further their education through certain programs that could come about through Federal programs. We could develop our prestige through running our own government and even businesses. Our people could have employment, even professional employment, which could develop the tribe in the white communities. It would be an asset to everybody around them."

"The Paiutes are slowly losing their culture and pride, while those that are recognized are retaining their heritage and culture."

"I think that by getting back under the Federal Government, we can begin to build up our cultural heritage that is diminishing weekly. The Cedar City Band as well as all the respective five bands of Paiutes are all for the reinstatement of the tribes into Federal Government recognition. Thank you.

Travis Benioh (Parashonts),  
Cedar Band Chairman

Excerpts from the testimony of McKay Pikyavit, Chairman of the Utah Paiute Tribal Corp:

"I think the termination of the various tribes was just on the grounds...that they had a misunderstanding of the bill and the things that they suggested in that bill which were not also carried out."

"So, therefore, the Paiutes have really suffered in a lot of ways because they didn't have the knowledge of the surrounding neighbors as well as they did. They have suffered quite a bit and I think it would be pretty good if they were back reinstated, which would give them some sort of a lien property that they would have, that they would know that they have got, nobody will take away from them."

"In the past, as I have seen it, I have seen the termination come in. I have lived with it. But at that time, I really didn't, myself, understand the termination. But, as the things went on and the years went by, a lot of people talked about it, even the white neighbors, says, "How come you guys got terminated?" I said, "Well, I really don't know, probably the way the chairman at that time understood the bill."

"So, ever since then, the Paiutes have never progressed but they have just gone down. They have never really got into where they could be successful in any business. It is also kind of a tough thing for a person like an Indian to get into some kind of a job."

So, I think the idea of being reinstated would help these people in many ways, especially some of them in their educational purposes. I think there should be some kind of student programs which we are not entitled to now.

Again, we would be eligible for these. Also, loans and block grant which are available to some of the tribes that are under Federal supervision which we are not eligible for. I have tried to get block grant from the Government. They say if you are not an Indian, then you have to go to the State.

Under State's requirements, we can't get a grant. Under Federal supervision, we will be able to receive these grants that are being put out by the Government.

And also, I would like, if it is possible, the property that they have right now could be put back under Federal jurisdiction before it goes too long. There are a few properties that still remain with the band. Thank you, Mr. Chairman.

McKay Pikyavit, Kanosh Band  
Chairman of the Utah Paiute Tribal Corp.

Excerpts from the testimony of Beverly Snow, Chairwoman of Shivwits Band:

"I am speaking for my people. We, the Shivwits Band of Southern Paiutes, were terminated because our elders at that time did not understand termination. They didn't understand English all that well and the people that came to them gave them a good story, which they fell for."

"As it is, we--my people--haven't progressed much and our land lies covered with weeds. The rest is leased to our neighbors for grazing cattle, and some acreage is leased by the cattle association to relatives for gardening purposes."

"Now we would like to go back under Government trusteeship so that we may be able to get on our feet and be able to help ourselves and be self-sustaining. Our children are our greatest asset. It is their future we are looking at and there is a great potential here if the children had the education and the know-how to make things go."

"The health of our people is also one of our reasons since the health insurance isn't enough to pay for doctors' care, hospitalization, and emergency surgery."

We want restoration, so we can become eligible for all Government aid available to other Indians that were wards of the Government and foreigners."

We, the Paiutes of Southern Utah, also suggest that the bill be amended to read that the lands now owned by the Indians be put in trust." Thank you.

Beverly Snow,  
Shivwits Band Chairwoman

Excerpts from the written statement from the Kanosh Band:

"The Kanosh Band feel that after we were terminated, it was not what they said it would be like. We were promised that everything we want would be much easier to come by, like getting a bank loan, which was not true.

We would not get any loan from any bank because we didn't have the right type of land deed, we couldn't buy farm equipment or grain to plant, we were given small wheat allotment, that couldn't support us, before we could do anything the land taxes were on us, we had to sell some land to pay the taxes until all our land was gone.

...Now we know that it was wrong. Now things have changed and we would like to go back under the Federal Government."

McKay Pikyavit  
Earl Pikyavit  
Chairman for the Kanosh Band

"I testified in front of the Interior Committee," said Pat Charles. "It was exciting to go back to testify." I went back with Travis Parashonts, Beverly Snow, Clifford Jake, McKay Pikyavit, Bruce Parry, and Mary Ellen Sloan. "Walking into the room with all the lights and people, it was very intimidating." He was briefed by Mary Ellen Sloan before going in to testify. "To talk about the struggles we went through with alcohol and jobs."

Excerpts from the written statement from the Koosharem Band:

"As a representative of the Koosharem Band, I hope that the following words will express the feelings of the members of the Koosharem Band...We haven't been able to enjoy many of the modern conveniences such as indoor plumbing, adequate heating and lighting, as our white neighbors have been able to enjoy. Some of the homes consist of one room shacks, heated by an old wood stove...They haven't been able to obtain any housing because they have no land. Most of the people haven't been able to receive the proper education they need in order to obtain a job. Many jobs are low paying jobs, seasonal jobs. Have you ever applied for a job and been refused because you are an Indian. Not because the employer was prejudiced but because you are an Indian but there is no way you can prove it. Since termination the people have suffered in self respect, because they don't belong in a white society and they don't receive any of the benefits of being an Indian...All of the band members fully support being reinstated back under the federal government.

Patrick Charles,  
Koosharem Band

Excerpts from the written statement from the Indian Peaks Band:

"...on radio station KSUB the Senator stated that the southern Paiute Nation would be terminated, whether they like it or not.

We have been struggling ever since, no business at all what promises he made.

I remember there was no paper signed, I recall back for the termination papers among the Paiute leaders.

State took the Koosharem Reservation then after that I was taken of Chairman for the Indian Peaks Reservation. Then the Indian Peaks Reservation was sold to fish and game, I was chairman for the Indian Peaks Reservation and Roy Taron and Geneva Anderson signed papers to sell this reservation. And I tried to ask for 20 acres to hold after they sell

it and they said Roy would sign papers and he never did, so I never got no land...All the Indian Peaks group all want to go back under Government reinstatement.

Clifford Jake  
Chairman, Indian Peak Band

Mary Ellen said "The Tribal members spoke eloquently at the hearings and movingly. It opened the hearts of the legislatures to move forward with the legislation." There was help from many members of the community that was helpful.

The governor's assistant called Bruce Parry while in Washington D.C. He said to Bruce, "read me your testimony." He said, "I don't want you to say we're (the Governor's office) in favor of it, but were not against it." Bruce said, "he represented the Board of Indian Affairs today who was in favor of the legislation, not the state of Utah." Apparently, the governor's assistant was okay with that, so Bruce testified on behalf of the Utah Division of Indian Affairs Board in support of the Paiutes legislation.

Excerpts from the testimony of Bruce Parry, State Director of Utah Division Indian Affairs:

"Paiutes of Utah met none of the criteria. It is my feeling that they were terminated simply because Senator Arthur Watkins, who was the leading proponent of termination at that time, was from our State. He felt that the Utah tribes should probably be an example for the rest of the country. While the Paiutes have been generally eligible for services provided the citizens of the State in general, the State has never provided special services to these Indians.

Some of the Paiutes, at that time, gave their consent to termination and that was based upon some promises that were made to them that were never actually carried out in the legislation, or afterward.

So, it was our conclusion, and it was the conclusion of the report of the Solicitor, that these tribes were not ready for termination at that time. I can testify, sir, that they are still not ready and couldn't meet the criteria today.

The Paiute have expressed their interest in regaining Federal recognition. The Utah State Board of Indian Affairs heartily concurs with this. The Utah Board also concurs with the fact that land that they now have that are parts of their former reservation should be put back into trust....

In conclusion, may I say that the Utah State Board of Indian Affairs supports the current legislation and supports the amendment which would take back into trust the land that is currently owned by the Paiutes and are part of their former reservations. Thank you very much.

Bruce Parry  
Director, Utah Division of Indian Affairs

Other written testimonies were given from those who supported the Paiute tribe's effort for reinstatement. I have mentioned them here taking excerpts from their written statements that were entered into the Congressional record. It's easy to overlook those who took the time to advocate on our behalf. I appreciate those who wrote letters of

support on behalf of our Paiute people and want to mention some of them here so that they will not be forgotten.

"It was my privilege to become involved with programs for Indian students at Brigham Young University a quarter-century ago. Since then, I have continued to teach classes and to do research related to the history of policy...

...In a Special Message on the "Forgotten American" of March 6, 1968, President Johnson proposed a "new goal," one "that ends the old debate about termination of Indian programs and stresses self-determination..." In a Special Message on July 8, 1970, President Nixon asked for a new Concurrent Resolution of Congress that would "renounce, repudiate and repeal" the termination policy outlined in HCR 108 of the 83rd Congress.

...There is now a way open for the Utah Paiutes. We invite Members of the Congress to give their support to legislation that will restore Federal status and reestablish a home-land for these Paiutes, who sorely need our support and friendship. Thank you,

S. Lyman Tyler,  
Member of Paiute Restoration Committee

"I am the director of a legal services project set up to provide legal assistance to low-income persons in southern Utah.

The purpose of this letter is to express my strong support for H.R. 4996, legislation currently before your committee which would restore the Paiute Bands in Utah to federally recognized tribal status. Restoration would ensure to tribal members numerous benefits which would enable them to substantially improve their present living conditions and economic status.

...In addition to the provisions in the bill, it is extremely important that a land base be established for the Paiutes. Tribal land is critical to the development of necessary housing for the Paiutes and other aspects of their future economic well-being.

I would encourage prompt passage of H.R. 4996 and request that you and your committee members give it your full support before Congress. Sincerely,

Annina M. Mitchell  
Managing Attorney, Rural Law Project

"I have worked with and have been associated with the Koosharem band of South Paiute Indians for the past 22 years, and have been acquainted with the Kanosh band, the Shivwits band of Southern Paiute Indians and I am well acquainted with their conditions.

..."you will find that they were rated by the Bureau of Indian Affairs as the most degraded and poverty-stricken of Indians on the rolls of the Bureau of Indian Affairs."

"I personally feel it was a political maneuver on the part of certain congressional people at that time for political influence to terminate the Southern Paiute Indians..."

"...it is my personal opinion...that they have been sorely dealt with by this great Government of ours on termination."

I respectfully request that these good native Americans be reinstated onto the rolls of the Bureau of Indian Affairs with full rights as other American tribes, so that they may have a fighting chance of getting the education that they deserve; that they may have land granted to them as reservations, so that they may have homes, so that they may be a respectable

and loved people and so that they may receive the sorely needed medical care that they need.

Therefore, I respectfully request that they be reinstated in full fellowship, with all rights, honors, and prestige of the other recognized Indian tribes in this great America.

Reid Blomquist  
Justice Court Judge, Sevier County, Utah

"For the past twenty years I have worked with the Indian people of Utah, Arizona, New Mexico and several other states. The University has a free program which offers service to these many tribes."

"I strongly favor the restoration of the Paiute bands so that they might have federal recognition and receive the guidance and protection and participate in some of the fine opportunities available."

I know many of these people personally and feel that they would be greatly encouraged and strengthened if this privilege was made available.

If you would like further information, I would be more than willing to submit some.

Sincerely,

Dale T. Tingey, Ph.D  
American Indian Services

"This is to let you know that the Utah State Board of Indian Affairs...fully supports Utah Paiute restoration."

It is the opinion of the Board that the Paiutes were wrongfully terminated and that everything must be done to rectify the problems which in part were created as the result of this termination...I sincerely hope that the Utah Paiutes who are our own "American refugees" be also given some consideration in the form of restoration.

Your positive support for Utah Paiute restoration will be appreciated.

Respectfully yours,

Robert K Chiago  
Chairman of the Board of Indian Affairs

"In accordance with our conversations and at our request we present our views concerning the termination of Indian status of four Paiute Bands....We have examined the Congressional histories and Bureau of Indian Affairs reports concerning the termination of these Paiute Bands, and believe that the Congressional Committees disregarded certain criteria purportedly used by them in determining whether these bands should be terminated."

"...The four Paiute bands had no significant degree of acculturation before or after termination. They had no significant economic resources. Although the Paiute Bands may have consented to termination, their consent may have been conditioned upon the certain conditions not included in the termination bill. Two Utah Shoshone Bands initially considered for termination with the Paiutes were excluded from the legislation because they did not fully meet the basic criteria. There apparently was no significant difference between the Shoshones and Paiutes in their degree of acculturation and economic condition. One important difference was that the Shoshones expressed their dissatisfaction with termination and requested that they not be terminated. This implies that consent was

the major factor when the Committee decided which bands were to be terminated in apparent disregard of other factors such as degree of acculturation and economic condition."

Thomas O. Parker, Regional Solicitor  
William R. McConkie, Attorney  
U.S. Department of Interior, Solicitor

It was a big relief to have testified in Congress on behalf of our people what termination had done to our people. Although I lived through termination, I was a young boy who attended public school and lived in a poor house with my mother and grandmother, but I had no clue about termination in the early 1950's. Only until I went to college did I become aware of it because I applied for school money from BIA and was ineligible according to BIA. This stirred my interest in termination and the timing was right for me to get involved with restoration in 1975.

## **Restoration**

On April 3, 1980, Congress restored the Utah Paiutes to federal recognition pursuant to the Paiute Restoration Act, P.L. 96-227. The Restoration Act once again restored the federal trust relationship to the Paiute Bands and expressly declared that:

Sec. 3 (a) The Federal trust relationship is restored to the Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah and restored or confirmed with respect to the Cedar City Band of Paiute Indians of Utah. The provisions of the Act of June 18, 1934 (48 Stat. 984) as amended, except as inconsistent with specific provisions of this Act, are made applicable to the tribe and the members of the tribe. The tribe and the members of the tribe shall be eligible for all Federal services and benefits furnished to federally recognized Indian tribes. Notwithstanding any provision to the contrary in any law establishing such services or benefits, eligibility of the tribe and its members for such Federal services and benefits shall become effective upon enactment of this Act without regard to the existence of a reservation for the tribe or the residence of members of the tribe on a reservation. For the purpose of providing for Federal services and benefits, the service area shall be Iron, Millard, Sevier, and Washington Counties, Utah, except that should lands in any other county be added to the reservation pursuant to section 7(c), the service area shall also include the area on or near the additions to the reservation.

(b) Except as provided in subsection (c), all rights and privileges of the tribe and of members of the tribe under any Federal treaty, Executive order, agreement, or statute, or under any other authority, which were diminished or lost under the Act of September 1, 1954 (68 Stat. 1099), are hereby restored, and such Act shall be inapplicable to the tribe and to members of the tribe after the date of enactment of this Act.

(c) This Act shall not grant or restore any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, to the tribe or any member of the tribe.

(d) Except as specifically provided in this Act, nothing in this Act shall alter any property right or obligation, any contractual right or obligations, or any obligation for taxes already levied.

The PITU Restoration Act established the Paiute Indian Tribe of Utah as the federally recognized Tribe, comprised of five constituent bands (Cedar, Indian Peaks, Kanosh, Koosharem, and Shivwits). It took us 5 years to get reinstated back under the federal government and it took congress less than one year to take it away.

Passage of the Restoration Act in 1980 signified Congressional recognition that the Paiute Tribe should not have been terminated in the first place and that a great injustice had been overturned for our Paiute people. It marked a new beginning of a new era in the Federal trust relationship between the Paiute Tribe and the federal government.

It was a happy day on April 3, 1980, when President Carter signed our Restoration Act into law. It was so unreal for me to feel that all our hard work in the past five years had become a reality. The dream had actually come true. It was a relief, yet I was unsure how everything would work going forward from here. Although we celebrated joyously, there was no time to be complacent and we had to move quickly. As great and grandeur as the passage of the Restoration Act was, it certainly was greater than anything we had ever accomplished, we were forced into fulfilling the conditions of the Act and taking immediate action on its content. The passage of the Restoration Act meant our work was just beginning.

We were mandated, under the law (P.L. 96-227) to accomplish certain tasks within a certain amount of time. The following are the items we had to immediately start work on:

- 1. We had to immediately establish our Tribal Constitution within one year.*
- 2. We had to establish our enrollment policy within one year.*
- 3. We had to develop a reservation plan within two years and submit it to congress to get some of our lands back.*
- 4. We had to develop a comprehensive Health plan within one year so our Tribal members could start receiving health services.*
- 5. We had to develop a policy establishing our protocol for Tribal election procedures.*

The Restoration Act stipulated we form an Interim Council to represent the Tribe and its members in implementing the Restoration Act and to function as the governing body of the Tribe until the tribal officials were elected. We began by immediately holding an election for an "Interim Tribal Council" in order to work on the five items that needed to be accomplished. This is the second group of leaders that evolved which happened right after congress passed the Restoration Act on April 3, 1980.

On May 31, 1980, one month after we were federally recognized as an Indian tribe, we elected an Interim Tribal Council. These were the first elected leaders of the new Paiute Indian Tribe of Utah for a temporary period until we got our constitution and election ordinance in place which defined our electoral processes. The newly elected Interim Tribal Council were faced with the task of working on the five items stipulated in the Restoration Act. One of the tasks was to put together the election ordinance so the Paiute Indian Tribe of Utah could hold its very first-ever official tribal elections.

The following individuals were elected to the Interim Tribal Council for the Paiute Indian Tribe of Utah (the second group of leaders):

Marguerite Pikyavit Lane, Kanosh Band, Interim Council Chairwoman  
Elvis Wall, Cedar Band, Cedar Band, Interim Council Vice-Chairman  
Vera Charles, Koosharem Band, Interim Council  
Geneal Anderson, Indian Peaks Band, Interim Council  
Alvin Marble, Shivwits Band, Interim Council  
Travis Benioh (Parashonts), Interim Council, At large representative

Marguerite Pikyavit Lane, (daughter of McKay Pikyavit) from the Kanosh Band, was the chairwoman of that Interim Tribal Council. Everyone elected to that council was very young, energetic, and proactive. More importantly, we worked together as a team for our people. As a whole, we were a young tribe. Uniting as one body and having the same vision was critical and we all listened to each other and were in support of one another. We set our goals and deadlines and worked vigorously towards accomplishing them. We never spoke ill of each other and had respect for our calling as tribal leaders in order to get everything in place for our people. It was an exciting time and new territory for us as Paiute people. We did not look at things for our own selfish reasons, we looked at things as a whole. It wasn't what's best for any particular Paiute Band, it was what's best for our whole entire tribe.

As our new Chairperson, Marguerite did an excellent job keeping us on track and following up on critical issues. She did a good job collaborating with our colleagues and our team. I can remember she was traveling a lot to attend meetings and representing us very professionally. I couldn't be prouder as a tribal member and leader to work with such focused leaders. It was a humbling and gratifying experience. It felt good to be engaged in a worthy cause for our people. It felt good to not be a terminated Indian anymore.

No one got paid for being on the board of directors or Tribal Council. They never got paid to speak on behalf of our people. They never got paid to attend meetings at home, in Salt Lake City, or Washington DC. They were all elected leaders representing their Paiute Bands because they felt there was a great need to help their Paiute people. They sacrificed their time, money, and willingly spent time away from their families to serve our people. They worked with one another and were united in the cause. They were all chosen leaders with a mission and chosen in that time and place in history to do a special work for generations to come. They carried special skills that were needed at that particular time in history. I

am grateful for having the opportunity to work with them in such a worthy cause. They were the chiefs and warriors of our people, who spoke for the people in our hour of need.

***"The dark years of termination are now in the past, but must not be forgotten. It is the History we need to remember to keep us humble." Travis Parashonts***

### **3. Termination Era**

Restoration has made a big difference to individuals, the bands, and the tribe as a whole.

The passage of the Restoration Act restored the Paiute's dignity and identity as members of a Paiute Nation. It has restored a sense of Pride to be recognized as Paiutes.

Our traditional ties to Tobats (our God), our cultural identity, and our intimate ties to the land will make us stronger as a Paiute Nation. The dark years of termination are now in the past but must not be forgotten. It is the history we need to remember to keep us humble. Reverence for all that is around us and for what has happened to get us this far as a Tribe. We have much to be thankful for. We must never forget our past leaders, our ancestors, who have finished their work for us and have moved on to the spirit world. They are still with us and watching over us.

The passage of the 1980 Paiute Restoration Act has helped the Paiutes by making us eligible for certain Federal benefits and programs received by other Indian Tribes. These benefits and programs have never been offered to the Paiutes in the past, even before termination. It was all new to our members.

Our members are eligible for benefits under certain programs administered by the Bureau of Indian Affairs, such as Johnson O'Malley Act funds for elementary and secondary school children and BIA scholarships for post-secondary education for tribal youth. Programs like Social Services, General Assistance, Education, Natural Resources, Land management, infrastructure, roads, etc.

Our members would also be eligible for Health Services provided by the Indian Health Service, which included Dental Services, Mental Health Counseling, Alcohol and Drug Treatment, Diabetes programs, pharmacy for prescriptions, Medical exams and treatment, surgeries, hospitalizations, water treatment facilities, etc.

The establishment of a reservation land offers a sense of belonging, a place to call home, a place where the Paiutes can be attached to their ancestral land once again. It would provide a source of income, employment opportunities, a permanent place for housing, and offer the ability to address the social and economic needs of the people.

**"We were going down already when they terminated us. A lot of people died off because there wasn't any medical, no help. It helped to be reinstated." Barbara Pete Chavez**

**"It helped to be reinstated."**

## **Life During Termination**

Despite the obvious hardships of the nineteenth century, many elders considered the termination period, from 1954 to 1980, as their hardest time, with loss of language, culture, land, history, and life.

There were no Health Services, no education funding, no Social Services, no Mental Health counseling, no Alcohol and Drug treatment programs, no Housing, no Infrastructure, etc. We were left to survive on our own with very little knowledge or education. Promises that the State would step in to help our Tribe were nonexistent. Some Paiute Bands lost their lands due to nonpayment of property taxes which they knew nothing about back then.

Denied federal welfare, education benefits, health services, and employment assistance (after 1957), the Paiutes found themselves plunging even deeper into poverty and despair. Increased alcohol use and early death seem to permeate the memories of Paiute elders as they recall the post-termination days.

Heavy drinking, child neglect, theft, and alcohol-related auto accidents were the norm, according to a welfare report to the State Welfare Commission and Senator Wallace Bennett, of Utah. Housing was substandard, and because of termination, medical services were no longer available. Those that did work would get paid weekly and go the neighboring town and get drunk and wouldn't show up for work for two to three days the following week.

Morality, unemployment, and alcoholism were rampant among the Paiutes during this period. The bad economic time shattered families and many of their children were often raised by relatives or by whites.

Tribal members could not get loans for lack of collateral. There were no good-paying jobs, only low laborers, farm work, ditch diggers, and seasonal low paying jobs. They could not get loans to buy property or housing. Many were on State welfare programs.

"Many of our people were destitute and in a poor way. It was quite obvious that termination never worked. Assimilating Indians into the mainstream of white society did not happen. You cannot change the color of our skins, we are still Indians, and the white people saw this, and their opinion of our people did not change," said Travis Parashonts.

"My mother was on state welfare. She worked as a housemaid, cleaning houses. I had no father and she raised me on her own. I do remember she drank a lot, fighting with my grandmother, that's what alcohol does to you I guess," said Travis Parashonts.

Melissa Snow Murphy, 24, stated that as a little girl, "When we were kids," she said, "things got so bad, we went over to the dump looking for food and would bring back whatever we found and cook it." "Soup bones discarded by local butchers were a premium item in the food budget", she added. The family also utilized discarded books and used clothing from whatever source could be found." (Spectrum Oct 10, 1982).

Although conditions were rough, Beverly Snow said "but people also took care of one another, and nobody was better than anybody else. It was just like a big family. If somebody wanted to use a car, they were welcome to it." "Now, its everybody for himself," she said. (Spectrum Oct 10, 1982).

"I used to go up there to the dump every morning, me and other Indian girls. We'd take our little sacks and wait for each dump. We'd stay there all day, digging. Sometimes I'd find something good to eat and take it home. That's how I got my shoes and clothes. I think all the Indians lived like that," said Eleanor Tom (Southern Paiute: A portrait).

"I remember as a little boy we would go to the dump to look for clothes, toys and food. If we found some sweet rolls still packaged, we hit the jackpot. I found most my toys that way. My mother had no money to buy me those things. My grandmother would gather brains from dead animals for tanning hides, and she would look for discarded hides to tan." said Travis Parashonts.

"I was raised on the Shivwits Reservation with my grandparents and my mother, Dorothy, half Mojave, half Paiute. My grandmother was full-blooded Paiute. Didn't have any electric when I was born; lived in a two-room house, dirt floor, three or four beds in the other room. We all slept there. We had kerosene lamps and a wood-burning cook stove. In the winter our outdoor taps would freeze, so I'd break the ice on the creek and haul water up. We'd drink that water from the creek there; we were above the cattle and everything." Alvin Marble (Southern Paiute: A Portrait).

## **Healthcare**

The medical consultant's report, by Dr. Glen Leymaster, listed such concerns among the Paiute as obesity, tuberculosis, 'extreme degree' of malnutrition among young infants, and sanitation and sewage disposal problems. Tuberculosis was a continuing problem, as it was the cause of about one-third of recorded Paiute deaths between 1889 and 1926. (Spencer 1973; Ron Holt, Beneath the red cliffs).

Tribal members suffered significant health problems. Tribal members had a difficult time acquiring routine health care; there was no nearby IHS facility (they were not eligible for

this service anyway) or tribal facility to provide such care. Dental health care and health education were very much needed but tribal members went without.

At the time of termination in 1954, many of our people could not understand the white man language. This resulted in no one going to the local health care clinics for health services for lack of money and language barriers. Transportation was a problem back then. A large majority of those who could afford these services had to walk. Many reverted to traditional healing practices trying to get better. Medicine men or doctors had to be called on to cure disease. These healers came as far away as Shivwits and Moapa. By 1980 we were losing 3 tribal members to every birth in the Tribe. By 1980 we were literally going extinct as a Tribe due to being terminated in 1954. Many of our elders were passing away and young babies went untreated. There was no help for diabetes or obesity or extreme acute diseases. Many of our Paiute people started to get help from being on Welfare so they could help their children and families survive.

Our mortality rate was at the age of 42 at the time of restoration in 1980.

## **Mental Health**

Many tribal members suffered from alcoholism accompanied by emotional depression, nutrition problems, spouse and child abuse, accidental deaths, and suicide. As a result of termination, some of our men did not know who they were, whether they were Indian or white because they were not recognized as Indian anymore. This resulted in increased alcoholism and depression. It broke their spirit not knowing who they were. One tribal member stated that his dad couldn't get a job with BIA because they did not recognize him as being an Indian. His name was not on any enrollment record with the BIA anywhere.

## **Education**

During termination, the estimated dropout rate for Paiute students was 40 percent. The majority of the youth went to public schools and many dropped out before graduating from High School. No tutoring programs were available, and students got low grades. There was very little help at home because the parents did not have the education to assist their children. Many did not participate in extracurricular activities after school for lack of money, transportation, and support in many cases. Many children were not equipped with proper clothing to attend school because families were so poor.

The average length of schooling completed was 9.1 years of schooling. The improvement of graduates came very slowly over time. My sister, Vala Parashonts, and cousin, Calvin Benson, were the first to graduate from Cedar High School back in 1964. There were no dollars to support them going on to additional schooling. My cousin went into military service and my sister went to cosmetology school on her own. Things slowly improved, by 1980 we had two college graduates from the Cedar Band.

I remember as a young boy watching Ferman Grayman running track in St. George when he attended Dixie High School. I was so proud to see him competing against the non-Indian students. He was an example to me as a young boy. These are just a couple of examples of young Paiute's who worked hard to get an education.

There were a select few, during the termination period, who went to school and finished High School. These few persevered and made it happen on their own accord. These are the heroes and warriors of our people. Now, many of them are gone and have passed away.

Most children attended public schools. In places like Shivwits, the children were bused to school. Where I lived, I walked to school which was about a mile away. Come rain or snow or sunshine, I had to walk.

## **Housing**

During the time before the white settlers arrived, the Paiutes lived in wikiups', tee-pees, lean-to structure, and cave structures. They were a mobile tribe moving from encampment to encampment, season to season. Their transitory movement was largely dependent on where they could get food and shelter in each season of time.

As time progressed, in some areas the housing structures were old shacks the Paiutes lived in. Some homes were made of stone and old clay brick. Some were old cabins. Some had dirt floors in them with old stoves to keep warm and to cook on. Some housing was reported as "mostly of a hut variety", tar-papered, one-room shacks, lit by coal-oil lamps, they were overcrowded and had no flush toilets.

As they progressed there were homes that were Prefab, some had old mobile homes, and older pioneer structure homes made of wood and red clay brick. Most lacked insulation and infrastructure. Some had old shacks and cabins they still lived in. Homes that were stick and brick still had wood burning stoves for heating and cooking.

Some members of the tribe residing in homes were primarily heated by coal or wood and did not have hot or cold running water. Water had to be hauled from outside faucets or rivers/springs. I remember no one having an indoor toilet. Most homes had outside out houses. Very few homes had electricity and used kerosene lamps or candles for lighting.

## **Work**

Unemployment was extensive and became widespread among the Paiute people. For those that did work and got paid, money was used to purchase alcohol. Party all weekend and not show up to work the following week. Many of the good people became dependent on alcohol and it began to ruin families and the children began to be more and more neglected.

Most of our Paiute people who did work were unskilled laborers. Paiute members worked on the railroad, iron mine, Coleman's manufacturing, housekeeping, cleaning Hotels, maids, ditch diggers, etc.

Many men and women worked seasonal jobs on farms and ranches. Some moved out to Enterprise Utah to work the farms and live there during the summer season because of work. Working in the fields picking potatoes and onions, loading hay, and doing irrigation work. In Kanosh they did farm work, planting and harvesting wheat on their small acreage of land.

The per capita income of tribal members was less than one-third the state average and less than one-fourth of the U.S. average, well below the official Federal Poverty level. Tribal unemployment was estimated at around 45 percent.

"I remember my grandma would work hard, tanning deer hides, making gloves and moccasins out of deer hide. She also did some willow baskets and used pine gum sap to seal jugs to carry water in. She also made winnow baskets for pine nut picking. She sold many of her Paiute craft items to the non-Indian people to make money to survive," Travis Parashonts.

Some families would go gather pine nuts every fall once the mustard sage bush bloomed. They would gather lots of pine nuts and sell them to the white people to help them through the winter.

## **Culture and Language**

The Tribe lost a lot of their culture during the termination era. History, songs, dances, ceremonies, language, arts and crafts, stories, and pride. During the termination era, a lot of our elders were passing away and there was no way to preserve the culture. The Paiute Tribe was also a very young Tribe by 1980. 36% of the population were under the age of 18. Many of the young tribal members lost interest in their culture and traditions. As McKay Pikyavit said, "the white man way of life is too easy." Many of our people began to follow that way of life.

"The culture, we're losing it. We're losing our language, the kids today don't understand it. Not really gonna be Paiutes later on, just going to be intermixed. Most of the Elders I knew are gone; just a few left. They're trying to get a Paiute class going but I think it's too late. It should been done a long time ago with the parents and grandparent in the household." Alvin Marble (Southern Paiute: A Portrait).

The Paiute language skills vary from area to area, but in general, the Paiute Tribe is a very young tribe and the younger generation have limited fluency. Many small children no longer hear their native language spoken at home. Many of the elders could see this and were afraid that we were going to lose the language. Their vision of seeing the Paiute language diminish has come true. Very few can speak fluent Paiute today.

Even though we were not known for conventional pow wows, starting one was a way to celebrate our victory of reinstatement and bring people together. As Dorena Martineau said, "we have to hang on to what we got." It was a way to hang on and bring back some of the traditions and culture of dance, arts and crafts, and a little language we were losing. The Paiute pow wows in the old days were more like gatherings, like the Bear Dance, Circle Dance, gambling, or big times. There were also traditional ceremonial purposes that brought our people together. Healing ceremonies, Sun Dances, Cries or Wakes, etc.

## **Indian Placement Program**

The LDS Indian Student Placement Program started in 1947 on an informal basis, when a young Navajo girl came to live with the family of a Mormon stake president, Golden Buchanan, of Sevier County. Official church sponsorship of the program followed, in July 1954. It officially ended in 1966, but by 1971 around seven thousand Indian children were living in LDS homes. This program took Indian children, with their parent's permission, and they had to be 8 years old or older and baptized in the LDS church and they were put into LDS homes for the school year.

With the permission of their parents, many of the Paiute children were grouped with other children from other states and tribal communities to live with LDS families for the school year. Parents thought that this was a better way to get their children educated. Many children came from homes that were struggling and poor. This was during the termination period when Paiute families were quite destitute and living conditions were very poor. Morality, unemployment, and alcoholism had a strong presence during this period of time. Bad economic times shattered families and many of their children were often raised by someone else. Parents were struggling economically. Single-parent households, lack of money to give their children what they needed, a desire to get their children educated, better environment, better religious upbringing, a better support system and so forth. Some parents sent them away on the program for the safety of the child. It was better than having them stay home and being exposed to immorality, alcohol, and low self-esteem.

"One informant (who was in the placement program from 1965-69) expressed his feelings in this manner: "They want to suppress us ...It makes me upset---Outraged when the Mormons continue to teach in their doctrine that we're the chosen people and saying that we're from the house of Israel and then they treat us like scum" (Hold field notes, Paiute informant, April 20, 1983).

"I wasn't happy in placement, did only one year, but my sisters did better. Three of them continued with the program for several years" ...Termination brought such devastation that "for the families broken apart like that, maybe placement was the best thing for them." Pat Charles (Southern Paiute: A Portrait)

I didn't do placement, but my brothers and sisters did. I put my three oldest children in placement. They went up north. I thought the way we were we didn't have much chance. I figured somewhere else had to be better. They didn't like it. They said they just did chores.

They made it through the year and said they didn't want to do it anymore. Three of them made it through college, though." Eldene Snow Cervantes (Southern Paiute: A Portrait).

My mother put my older brother, Elwood Bushead, in the placement program. He went for many years and he did graduate from Layton High School in Davis County and went on to college, but he never graduated with his degree. I remember traveling to Layton for his High School graduation. I did not go on the placement program. I think I was too young, so I had to stay home. I do not know that my mother ever considered sending me on the placement program. My mother kept me home with her. I had to do all the chores and take care of her from a young age. I remember every year those that went on the placement program would pack their suitcases and go to the church house early in the morning before the sun came up. This is where they would load the children on these big buses. There were children from Moapa, Shivwits, Cedar and the buses would make their way north to Richfield.

When the children returned after the school year, it was like Christmas for me. It was an exciting time for me, not only to see my brother, but I could hardly wait to see what he was bringing home for me. My brother would bring home all his fancy clothes. I would get his old clothes, shirts, t-shirts, socks, shoes, things he grew out of, or he would save for me. He also brought home new ideas, new ways of doing things, he acted differently in a way that was cool, at least to me who never experienced the placement program. I picked up on a few things he learned and practiced them here. If anything, it helped him get a good education, not only in school, but a schooling of living in a different community. It also helped him have good self-esteem. He was in a place where there was better security and discipline. He had a lot of friends in school. It also helped him see there was something better out there. Those who went on the placement program had access to phones and they communicated with one another, something we didn't have at home. Not having a phone, we would receive letters from him while he was away.

I believe the Indian placement program offered a new opportunity for the young Paiutes to partake in a different culture. A cultural environment they were not accustomed to, yet being alone, they went to live in the white man's environment. I can only imagine how they felt, a little fearful, yet excited for their new adventure. Some liked it and others didn't like it. Every family environment they went into was different.

I feel that the biggest thing about the Indian placement was the young Paiute children were getting an education that they wouldn't have gotten had they stayed home. Many of them stayed in school longer than they would have due to the program. Of course, there are liabilities with any inherent change to our environment and customs. Although the program helped our young Paiute youth to acquire a better education, they began to lose their culture. I do not think that culture was taught in the new homes where they lived. They were learning a new lifestyle that had much more zest and flavor to it. I observed that many of them liked the white man's way of living.

**Many** Paiute children were sent away to Riverside Boarding School or Stewart Indian Boarding Schools, where they were beaten or starved if caught speaking their language.