THE PAIUTE INDIAN TRIBE OF UTAH

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October 29, 2026

FOR IMMEDIATE RELEASE TO ALL TRIBAL MEMBERS

Re: Response to Shivwits Band Council's Notice Dated October 11, 2026

Dear Tribal Members of the Paiute Indian Tribe of Utah,

The Paiute Indian Tribe of Utah's Tribal Council writes today to respond to the Shivwits Band Council's notice letter dated October 11, 2026, directed to the Shivwits Band members. The Tribal Council appreciates and respects the efforts of the Shivwits Band Council to keep its Band's members updated on the recent events and changes that the Band Council has undergone; however, the Tribal Council is forced to clarify a few mistruths that the Shivwits Band Council stated in the October 11, 2026, letter.

The Shivwits Band of Paiute Indian Tribe of Utah was unsuccessful in its attempt to appeal to the Interior Board of Appeals ("IBIA") in its 2019 lawsuits against the Indian Health Service and against the BIA. The lawsuits were based on (1) the Shivwits Band Council's attempt to obtain an independent contract with IHS separate from the rest of the Tribe and (2) allowing Shivwits to hold its own Secretarial election to revoke application of the Indian Reorganization Act of 1934 and/or the PITU Constitution to the Shivwits Band. In the lawsuit against IHS, the IBIA denied Shivwits' ISDA contract proposal without PITU's authorization or involvement. The IBIA concluded that the Shivwits Band is a constituent Band of the Paiute Indian Tribe of Utah and that **it is not** its own separate federally recognized Tribe. Then, in the second IBIA decision, regarding the Shivwits Band request for a separate Secretarial election, the IBIA decided that it was not a proper request based on the plain facts and background of the Paiute Indian Tribe of Utah's Restoration Act. The decision stresses the finding and conclusion of law that "…only the PITU is a Federally recognized Tribe, not its constituent bands."[1]

These two decisions highlight a fundamental fact of the Tribe's constitutional structure: no individual Band is a sovereign unto itself, rather the five constituent Bands are each a part of the Paiute Indian Tribe of Utah. As such, Tribal Council hope that in the months to come, the Shivwits Band Council accepts efforts towards political reconciliation through an understanding that the Indian Reorganization Act, the Restoration Act, and Tribe's Constitution are the supreme law of the Tribe and these laws apply directly to each constituent Band.

[1] 72 IBIA 119.

Phillip Bushhead Matter

The Shivwits Band Council initiated a Band hearing in an attempt to improperly remove Band Chairman Phillip Bushhead in April 2026. This led to the Band Council's decision to remove Band Chairman Bushhead from his position as Band Chairman pursuant to the Band Council's written determination issued on April 30, 2026. The Tribal Council is aware that the Shivwits Band maintains its own Bylaws and level of authority, and the Tribal Council agrees that the Shivwits Band, and any other Band of the Paiute Indian Tribe of Utah, maintains certain levels of separate authority over its own affairs. However, the Tribal Constitution, which the IBIA affirmed, is binding onto the Shivwits Band. In this case, the Constitution specifically provides the procedures to initiate and conduct the removal of a Tribal Councilmember which supersede the Band's actions.[2]

The Paiute Indian Tribe of Utah's Constitution is the governing document of the Tribe. The Preamble to the Constitution states it "shall govern the Paiute Indian Tribe of Utah and its constituent bands from its effective date."[3] All Tribal ordinances, resolutions, laws, motions, and actions must be in conformity with the Tribe's Constitution. Further, all Band resolutions, bylaws, motions, and actions must conform with the Tribe's Constitution. The Bands are expressly prohibited from taking any action which is inconsistent with the Tribe's Constitution, the Tribe's ordinances, or the Tribe's Resolutions.[4]

Therefore, the Band's action to remove Chairman Bushhead and the subsequent letters, including the October 11, 2026 letter, are against the plain reading of the Tribe's Constitution. The Band Council improperly claims that the Band Council has separate authority to remove a Tribal Council member from his/her position on the Tribal Council under different procedures than the Tribal Constitution. The Tribe's Constitution expressly provides removal procedures. The Shivwits Band Council utilized an interpretation that violates the Tribe's Constitution Article VIII, Section 3.

Accordingly, the Tribal Council took its own independent action to determine whether Chairman Phillip Bushhead should be removed from the Tribal Councilmember position pursuant to the Tribe's Constitution Article XII, Section 2. Accordingly, The Tribal Council held a Removal Hearing on May 11, 2026, which was open to all membership. After a lengthy review and a lengthy discussion, Tribal Council decided not to remove Chairman Bushhead from the Tribal Council. The Tribal Council published its Written Determination regarding the Removal Hearing on May 11, 2026. The Shivwits Band Council actively assisted in the Tribal Council's preparation for the removal hearing, including providing numerous documents and resources for the Tribal Council to consider. The Tribe received and reviewed all of the Shivwits Band Council's submissions. The Tribal Council determined that although the Tribal Council did not agree with some of Shivwits Chairman Bushhead's recent actions, ultimately, his actions did not rise to the level of "willful misconduct" which would require removal.

Part of the Tribal Council's reasoning for not removing Mr. Bushhead in May was based on the Tribal Council's judgment that the Shivwits Band's tribal members elected Mr. Bushhead *two months* prior to the Shivwits Band Council's improper removal action against Band Chairman Bushhead. The Tribal Council noted that the Shivwits Band Council provided its initial removal notice to Band Chairman Bushhead on April 17, 2026, and that the Band Council had scheduled a removal hearing later

[2] See Article XII of the Tribal Constitution.
[3] Preamble to the Constitution of the Paiute Indian Tribe of Utah.
[4] Article VIII, Section 3 of the Tribal Constitution.

in April to decide whether to remove Tribal Council Councilmember/Shivwits Band Chairman Bushhead. This meant that the Shivwits Band Council contemplated the removal of Band Chairman Bushhead within three (3) weeks of his election and less than one (1) week after Band Chairman Bushhead was officially sworn into his position as Band Chairman by the Band's Council.

Band Members elect Tribal Council Members to the Paiute Indian Tribe of Utah via direct vote. The Tribal Council gives extraordinary weight to the will of the Band's members in all matters, especially with respect to electing Tribal leadership. Based on that knowledge, the Tribal Council's decision deferred to the voices of the Shivwits Band members who elected Shivwits Band Chairman Bushhead in March 2026. Further, given the evidence, the hearing, and overall facts, the Tribal Council issued its Written Determination to not proceed in removing him from that position only two months later in May 2026. Notably, Article XII, Section 1(a) of the Tribal Constitution states, "At any time after an official election *and after holding office for three (3) months*, any elected representative to the tribal council may be recalled from office for neglect of duty or willful misconduct in office by the eligible voters of the tribe, consistent with the provisions hereof." (emphasis added). Article XII, Section 1 of the Tribal Constitution therefore provides a clear and direct method for the recall of a Tribal Councilmember by the members of that leader's Band after those three (3) months have expired, rather than relying on removing the Councilmember without a vote of the Band's members prior to the mandatory minimum timeline of holding office for at least three (3) months.

Ultimately, the Tribal Council followed the Tribe's governing document and procedures and voted not to remove Mr. Bushhead as a Tribal Councilmember in May 2026.Shivwits Band Chairman maintains his Band Chairman seat and represents the Shivwits Band in the Tribal Council's monthly meetings.

Disputes with the Shivwits Band Council in 2026

Following the Tribal Council's decision regarding Shivwits Band Chairman Bushhead's seat on Tribal Council in May, the Tribal Council then made appropriate efforts in an attempt to connect with the Shivwits Band Council to resolve any remaining disputes related to his position and foster a healthy working relationship. These efforts include the exchange of written correspondence in April, May, and June. The Tribal Council extended multiple invitations to the Band Council for an in-person meeting in each of those respective months. These invitations resulted in a meeting between the parties held on June 23, 2026.

Unfortunately, less than fifteen (15) minutes into the June 23 meeting, members of the Shivwits Band Councilmembers hurled direct and unprovoked attacks and insults at Tribal Council members at the meeting. Despite the flagrant disrespect, Tribal Council still attempted to conduct the meeting with the Shivwits Band Council. It was only after the Band Council would not allow the Tribal Council to provide its positions without ceaselessly interrupting the Tribal Council's statements with even more repeated insults that the meeting was forced to adjourn.

On June 23, the Shivwits Band Council sent Tribal Council three letters, all dated July 4, 2026, each of which contained various positions or inquiries. Nothing in those three letters acknowledged the insulting behavior during the June 23 meeting or otherwise acknowledged that the meeting happened at

all. The Tribal Council responded to the Shivwits Band Council in a detailed letter dated July 13, 2026. The Tribal Council is hesitant to engage in further unproductive arguments between itself and the Shivwits Band Council. The Shivwits Band Council continues to push extralegal, untruthful arguments, to the detriment of themselves and the members of their Band. The Tribal Council is now pursuing all available avenues to ensure that the statements and actions of the Shivwits Band Council no longer continue to harm the interests of the entirety of the Tribe.

The Tribal Council agrees that the issues between the Tribal Council and the Shivwits Band Council are now "about much more than one individual or one election."[5] The core issue being debated is the Shivwits Band Council's claim that "[A]s a matter of federal law, the Shivwits Band is a federally recognized tribe possessing inherent sovereign authority… [and] that authority predates and exists independently from the PITU Constitution."[6] The Shivwits Band Council has asserted a variety of different legal arguments to the Tribal Council over the last six months. These arguments are not supported by federal or Tribal law and often contradict one another. For example, the Shivwits Band Council's last letter to the Tribal Council, dated September 3, 2026, argues that the Band is its own "federally recognized tribe" separate from the Paiute Indian Tribe of Utah, but later identifies the Shivwits Band as one of the "*constituent* tribes" of the Paiute Indian Tribe of Utah (emphasis added). Further, the IBIA's recent decisions in the Shivwits Band's appeals confirm that the Shivwits Band is not federally recognized as a separate tribe than PITU.

The Tribal Council has repeatedly informed the Shivwits Band Council that the Tribal Council recognizes the Bands have some level of inherent and independent authority. Article VIII of the Tribal Constitution makes it clear that the Band has some express powers separate from the Tribal Council. But the combination of a plain reading of the Paiute Restoration Act and the Tribal Constitution make it clear that the Paiute Indian Tribe of Utah is the *one and only* federally recognized Tribe and that the five constituent Bands that make up the Tribe all fall under the umbrella of the Paiute Indian Tribe of Utah. The Tribal Council asserts, and will continue to assert, an unwavering commitment to the ongoing unity of the Tribe.

Conclusion and Next Steps

The Tribal Council will conclude here by providing the same statement issued to the Shivwits Band Council in the last letter, dated September 14, 2026: "We are one Tribe. The purpose of the Tribal Council's continuous efforts in this ongoing dispute is to reunify the Shivwits Band Council with the rest of the Tribe, despite the Shivwits Band Council's best efforts to keep us divided."[7] These efforts include recent actions that the Tribal Council has been wrongly accused of not performing, such as the creation of a permanent Tribal Court. The Tribe circulated a draft of a proposed Tribal law establishing a Tribal Court to all Band Councils for their input, and the Tribe is proceeding with the next steps in that process.

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[5] Shivwits Band Council to Shivwits Band Members, Letter re Status of Removal of Phillip Bushhead (October 11, 2026).
[6] Shivwits Band Council to Tribal Council, Letter re Scope of Band Sovereign Authority and Tribal Council Membership under the PITU Constitution (April 24, 2026).
[7] Tribal Council to Shivwits Band Council, Letter re Response to Shivwits Band Council's Letter Dated September 3, 2026 (September 17, 2026).

The Shivwits Band Council notes that it believes it has a responsibility to defend the Band's rights. But it is the responsibility of the Tribal Council to defend and promote the interests of **all** Tribal members of the Paiute Indian Tribe of Utah by upholding the Tribal Constitution. The Tribal Council will continue to focus on the wellbeing of all Tribal members and continue good faith efforts toward reconciliation between the Tribal Council and the Shivwits Band Council. The Tribal Council remains committed to the Tribal members and hearing their concerns or opinions. Any Tribal member may submit a request to be on the Tribal Council Agenda. The Tribal Council further affirms that it is willing to meet with any of the Band Councils.

Sincerely,

Laurel Yellowhorse (Oct 29, 2026 09:21:27 MDT)

Laurel Yellowhorse, Chairwoman
Paiute Indian Tribe of Utah