



THE UTES

AT A GLANCE:

CONFLICT OVER LAND AND RESOURCES ON THE UINTAH-OURAY RESERVATION

Many American Indian groups argue that their claims to sovereignty stem from their ancestral lands which now are now held within the United States. However, in dealing with the reality of being both sovereign nations according to the U.S. Constitution and “domestic dependent nations” based on U.S. Supreme Court doctrine, reservation land holdings have become vitally important to maintaining, and in some cases reasserting tribal sovereignty. In addition to political and legal considerations, the strength of a sovereign nation also depends on control over resources and economic opportunity, and the Utes have constantly battled with the federal government, states, and non-Indian groups to maintain their access to resources of their reservations, including water, grazing, land, and mineral rights.

The United States made its first formal claims on Ute territory in 1848 with the Treaty of Guadalupe Hidalgo, which ended the U.S.-Mexican War. As part of this treaty, the Mexican government ceded the Utes’ homeland to the United States. These lands—without consultation or permission from the Utes—were divided into United States territories and later the states of Utah, Colorado, Wyoming, Arizona, and New Mexico.

In the 1840s, members of the Church of Jesus Christ of Latter-day Saints began to create permanent settlements within Ute territory. The presence of these settlers displaced important Ute campsites, disrupted hunting trails, drove out wild game, and put serious stress on the resource-of the area. This competition over resources and threat to their livelihoods led some Utes to raid settlers’ livestock, and armed conflict eventually broke out between the two groups. Relations

between the Utes and the settlers who belonged to the LDS Church were complicated further by the conflict that existed between these settlers and the government of the United States.

In the 1850s LDS Church leaders established three Ute Indian farms, but these efforts failed as a result of the Utah War and insufficient funding. In 1860 a survey party sent by LDS Church president Brigham Young determined that the Uintah Basin was unable to support agriculture. As it was unwanted by whites, LDS leaders recommended that this area should be used as an Indian reservation, thus freeing up more desirable Indian lands for white settlement. In 1861 Abraham Lincoln authorized a reservation in the Uinta Basin for Ute Indians, but the federal government failed to establish and provision the new reservation. The lack of government provisions, dwindling Ute resources, and continued conflict between settlers and the Utes conflated into the so-called Black Hawk War of 1865–1872, a period of intensified raiding and violence between Utes and settlers. Black Hawk and other Ute leaders enjoyed some initial success and even enlisted the help of local Navajos and Paiutes. However, by this period, the settlers heavily outnumbered the Indians, and local authorities began moving the Utes to the Uintah Reservation. Though several groups resisted confinement to the reservation following the Black Hawk War, by 1879 the influx of non-Indians and the lack of wild game led most Ute bands to remain on the Uintah Reservation.

Throughout the late-nineteenth century, other bands of Utes were being moved to reservations in Colorado and New Mexico, and the federal gov-



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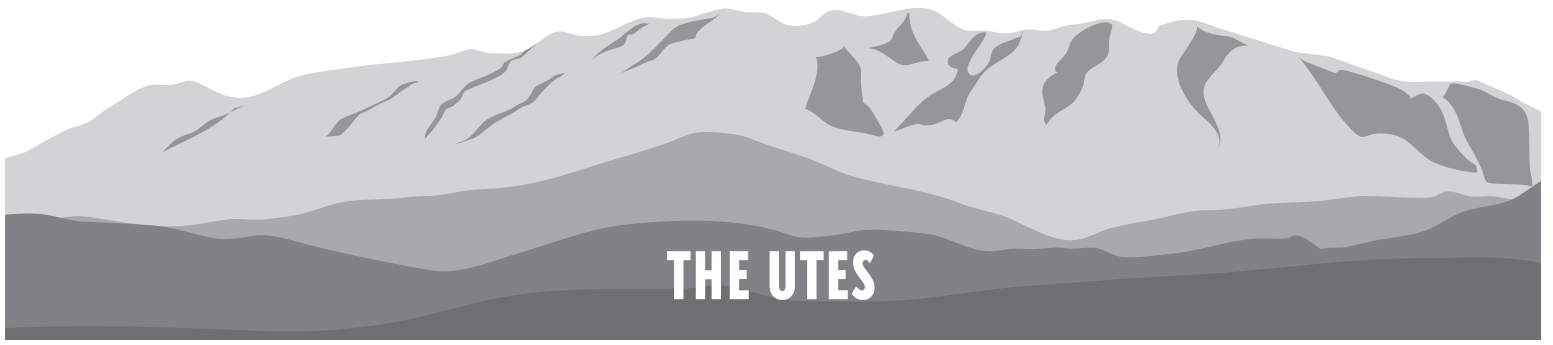
ernment made a series of treaties with different Ute bands, some of which were ratified, and others which remained unratified by the Senate. The overall trend was that the Utes were forced to give up land, often under fraudulent circumstances, while the federal government rarely lived up to its treaty obligations.

In 1871, in violation of the Utes' sovereignty, Congress enacted a bill that ended the making of treaties with American Indian nations. Afterward, negotiations over land were called "agreements," and a number of these agreements were made between the Utes and the federal government. In 1879 the Ute reservations in New Mexico were closed, and the Utes on those reservations were moved to Colorado. After an incident among the White River Utes in Colorado in 1870, in which a highly inept and unpopular Indian agent named Nathan Meeker was killed, the majority of the White River Utes were forced to move from Colorado onto the Uintah Reservation in Utah. In 1882, land was also set aside in Utah for the Uncompahgre Utes. The Uncompahgre, who had remained loyal to the United States government through several incidences of armed conflict, were still forced to move from their mountain home in Colorado to the desert of Utah.

In 1885 the Utes' reservation lands in eastern Utah were combined under one Indian agency and named the Uintah and Ouray Reservation. The Utes of Utah not only had to contend with the opposition of their non-Indian neighbors but also with the difficulties of having three different groups of Utes in one area. Internal differences, paired with the fact that each group had different treaty and agreement understandings with the federal government, exacerbated these difficulties.

Already living on dramatically reduced land holdings, the Utes faced an additional threat in the 1880s when the federal government began the process of allotment. This government policy, which sought to break up tribal land holdings with the twin goals of forcing Indians to assimilate and eventually opening more Indian lands to non-Indian settlement, required that land be broken up into private parcels and allotted to individuals. The Utes fought allotment policies, but in 1903 the Supreme Court decision in *Lone Wolf vs. Hitchcock* declared that Congress had complete power to pass legislation that would change or abrogate (abolish) provisions made in treaties, which limited the Utes' legal options. The Homestead Act of 1905 opened any reservation land that had not been allotted to individuals for homesteading and sale to non-Indians. Rumors of minerals and natural resources led several hundred people to move into former reservation lands, but in truth there was not enough water for farming and the area was not conducive to mining due to the difficult terrain, and many of the new settlers were poverty-stricken by 1912. Within fifteen years of allotment, the Utes had sold or leased 30,000 acres of their best land. Compounding the land loss due to allotment, in 1905 President Theodore Roosevelt withdrew 1.1 million acres from the Uintah Reservation to create the Uintah National Forest. Though the policy of allotment ended in 1934 with the Indian Reorganization Act, the lands that were lost under allotment were not always restored to the tribes. The checkerboard pattern of allotment parcels made recovery of lost lands especially difficult because the remaining Ute lands were not necessarily adjoining.

The Utes continue to have to fight for rights to maintain and develop basic resources on their tribal lands. For example, in 1965 the tribe



signed an agreement with the Central Utah Water Conservancy District, which oversaw the construction of a water project to use Utah's share of the waters of the Colorado River. Under the agreement, the Ute tribe gave permission for the Central Utah Project to draw water from the reservation, in exchange for building a water project on the reservation so that the Utes would be able to utilize their water rights. After decades of neglecting the Ute portion of the project, in 1992 the Ute Indian Rights Settlement (which was part of the larger Central Utah Project Completion Act) gave the tribe money for

agricultural, recreational, wildlife, and economic development. This attempt to make up for the loss of the Ute portion of the Central Water Project also serves as a recognition of the government's failure, once again, to live up to its legal obligations to the Ute nation. For an overview of other contemporary land issues the Ute tribe faces today, see the student research articles.