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Historical Geography of the Ute Mountain Ute Tribe of Indians

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HISTORICAL GEOGRAPHY OF THE UTE MOUNTAIN UTE

TRIBE OF INDIANS

by

Eloise Wilson

A report submitted in partial fulfillment of the requirements for the degree of

MASTER OF SCIENCE

in

Social Sciences

Plan B

UTAH STATE UNIVERSITY
Logan, Utah

1970
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INTRODUCTION

The purpose of this study is to analyze the physical and cultural relationships which does now and has existed between the Ute Mountain Utes, presently located in southwestern Colorado, and their land base through time. This is especially interesting in relation to the Ute Mountain Utes as they originally were considered to be one of the most poorly endowed of the American Indians, but through a series of fortuitous events closely related to their land they are now considered to be the second wealthiest Indian tribe in the United States (Dutton, 1965, p. 67).

This paper will be limited to the critical periods of time in which the Ute Mountain Utes' physical land base and technology were shifting rather than attempting a precise chronological study. It will be illustrated that two periods of time were ones in which the land base and usage were very limiting and the way of life of the Ute Indians was very meager and harsh. These were the pre-horse hunting and gathering period and the reservation period roughly between 1895 and 1953 during which the Ute Mountain Utes were on their present reservation existing under conditions of extreme poverty. The remaining periods of time to be studied were those of expansion and improved standards of living for the Ute Indians. The first of these began in approximately 1640 when they came into direct contact with the Spanish in Taos, from whom they acquired the horse. This increased their resources both in terms of territory and material culture. The second period of expansion which led to their present status began, legally, in 1932; but not in actuality until after 1953 with the passage of an act allowing the Utes
to be legally compensated for their loss of lands in western Colorado. Of equal importance to their expansion during this period was the discovery of oil on the Ute Mountain Ute Reservation in 1956.

This study will therefore be limited to those points of time in which important changes were made in the land base of the Ute Mountain Utes and an analysis will be made of the physical geographical base and its relationship to the Utes' technology, economic, and political status.

For purposes of this paper the seven Ute bands recognized at the time of historical contact will be treated as a group and referred to as Utes up to and through most of the historical period. The Ute Mountain Utes will be treated individually at the point of their being assigned to their own reservation in 1895. Any departure from this will be clearly stated. The reason for this is found in the absence of a written language and a limited technology during the early period making it impossible for anthropologists to accurately trace any one band prior to historic times. Early writers were prone to confuse the Comanches and Utes so it cannot realistically be expected that separate bands were correctly identified during the early contact period (Hyde, 1959, p. 58).
PRE-HISTORY OF THE UTE MOUNTAIN UTE

Although it is impossible to trace the earlier origin of the Utes, it was generally believed that the Utes were living in Colorado for several centuries prior to white contact (Hafen, Vol. II, 1948, p. 53). The Ute Mountain Utes were one of seven bands recognized at the time of historical contact. It is believed that prior to the Spaniards' arrival in New Mexico the seven bands ranged over the mountains of southwestern Colorado, southeastern Utah, northeastern Arizona, northern New Mexico, a corner of Oklahoma and as far east on rare occasions as the Panhandle of Texas (see Figure 1). Before white contact some writers believe that the Ute Mountain Utes (Weminute Band) pitched their summer camp on the western slopes of the San Juan Mountains around Pagosa Springs. They with two other bands were referred to as the Southern Ute Bands (Opler, 1940, p. 123-127).

In spite of the rather large territory the numbers of Utes remained relatively small. This was largely due to the Ute level of technology which lacked agriculture. Thus they spent the major portion of their time in hunting and gathering in order to have sufficient food. The area was one of diversity of climate due to the high mountains in western Colorado, the San Juan Mountain Group to the southwest, and the warmer Colorado Plateau region to the south. The Unita Range extends from the northwest corner of Colorado westward toward the southern end of Great Salt Lake. Green River, which is the upper course of the Colorado River of the west, takes a great bend to the east to get around the Unitas and, having passed the mountains, swings back toward the west and south. Here the Yampa River comes into Green River just south of
Figure 1. The conjectured location of the seven Ute bands prior to 1640.
them with a supply of meat. As they moved south they also foraged. Each family moved as a unit and was guided by the eldest member. As is true of migratory peoples today, they followed a definite pattern and each year camped in a known area. Each family had certain campsites at which they camped as they moved throughout the year. They knew what resources would be available and they did not encroach on other families. Trespassing was unthinkable to the Utes. Therefore, in spite of their constant moving it was possible to find a certain medicine-man at a given season of the year. They were obliged to work in small family units because of the scarcity of foods. If two families worked in the same area, they would only have half as much to eat (Opler, 1940, p. 124-125).

At this time their way of life or level of technology was very similar to their northern neighbors, the Gosiutes and Paiute, with the difference of being in a somewhat less harsh physical environment. The family was the basic economic unit and within each family labor was divided on the basis of sex. Women and girls gathered seeds and roots, prepared the food, wove baskets, made crude pottery and clothing. The men hunted large game, made tools, built houses and helped carry heavy burdens. The houses were of very simple construction, a small round sagebrush box called a wickiup. If they built a more permanent house, it was simply a larger sturdier version. With the low level of technology and the dearth of resources, their time was spent in gaining a subsistence level of livelihood. Therefore they did not have the time to develop a more elaborate culture. It is significant that they did fully utilize the resources which they had (Smith, Jennings, Dibble, 1959, p. 19).
THE PLAINS CULTURE PERIOD

Among the first Indians of North America to receive the horse were probably the Ute, Apache, Comanche, Kiowa and Caddo (Roe, 1955, p. 73). This led to an expansion both in territory and in material culture. The logically reconstructed date of acquisition of the horse was 1640 (see Figure 2). It was in the Taos district in northeastern New Mexico that the Utes became known to the Spanish (Hyde, 1959, p. 53). During the plains culture period, which lasted roughly from 1640 to 1849, the Ute culture became associated with the buffalo hunt, the band camp, and the warlike raiding complex (Opler, 1940, p. 171).

This marked the greatest expansion in terms of territory as the Utes extended far beyond the southern periphery of their former range in northeastern Arizona and northern New Mexico as well as the eastern plains of Colorado and even into Texas and Oklahoma. Generally their contacts with the white traders and settlers was peaceful (Opler, 1940, p. 170).

However, the beginning of the nineteenth century was marked by a constant shrinking in their territory. This occurred because of the encroachment of Plains Indians who had been later in acquiring the horse and, unfortunately for the Utes, earlier in acquiring more and better firearms. Another major factor was the movement of the Spanish into former Ute territory (Opler, 1940, p. 175-176).

Throughout this period, even though the Utes sometimes hunted buffalo on the fringes of the plains of eastern Colorado, the area which they frequented the most for buffalo hunting were South Park, North Park and the San Luis Valley. All three parks had a plentiful supply of
Figure 2. The conjectured dispersion routes of the horse in North America (Roe, 1955, p. 78)
buffalo at this time, and it was unnecessary for them to go farther.
Southeastern Colorado was such a popular hunting ground for a number of tribes that the inter-tribal warfare and horse-stealing led to early travelers and fur-traders calling it "the great war road" of the Indians. Conflict also arose when the Plains Indians entered Ute territory in order to procure the necessary lodge poles (Hafen, Vol. II, p. 61-62).
Most of the Plains Indians did not mind fighting the Utes on the plains but hesitated to fight with them in the mountain territory. Specifically the Utes' one time friend, the Comanche, began attacking the Utes from 1749 on and ended the Utes life on the plains. This occurred primarily because the Utes did not raise their own horses as they preferred to raid the Comanche supply. By 1755 they were definitely forced back into the mountains (Hyde, 1959, p. 107).

This time of increased resources, due to the introduction of the horse, made possible the Utes camping in bands rather than individual family groups. Although they acquired almost the same material culture as the other Plains Indians, they did not assimilate the political structure or the religious beliefs connected with some of the yearly ceremonial dances such as the Sun Dance. They modified the Sun Dance by removing the torture practices which were common with the Cheyenne and other Plains Indians (Dutton, 1965, p. 67).

The Utes commonly lived in tepees of skin in winter and continued to use the brush shelter in summer. (The brush shelters may still be seen on the Ute Mountain Ute Reservation next to their modern houses.) The tepees were generally considered to be more poorly constructed than other Plains Indians. Perhaps this was due to the fact that the Utes lived in a more wind sheltered area and thus did not need as well a
constructed tepee. Also transportation, even with a horse, would be more difficult through the mountainous areas which may have also been a factor in the development of a less complicated tepee (Daniels, 1941, p. 98-99).

Unlike some plains tribes the Utes did not raise their own horses and thus had to depend on raids to procure new horses. The Comanches were favored as a horse supplier by the Utes. The successful buffalo hunts and raids for horses were followed by a distribution of meat, hides and horses to the entire band when the hunting or raiding party returned. If a warrior wanted to retain his leadership, it was important for him to generously divide the spoils. Thus the band was assured of a more constant supply of meat. In common with many Indians only items made by an individual are privately owned; and even today, a Ute man cannot sell a basket or bead work made by his wife (Opler, 1940, p. 169-170).

In addition to the plentiful supply of buffalo meat, food included yucca fruit, grass seeds, pinion nuts, wild potato, service berry, choke-cherry, fish, grasshoppers and small game. The women did their gathering in groups rather than individually as the amounts which they gathered were not now as important as they were formerly. Much of the same food of the earlier time persisted, but with the additional meat it became possible to live in bands. The Utes also traded with the Pueblo Indians to the south and later with the Spanish for corn, beans, and squash (Daniels, 1941, p. 98-99).

Buffalo hunting expeditions and raids for horses from enemy camps, were the factors to which can be directly attributed the leadership of the large bands. Those who proved themselves to be good hunters and warriors were chosen to be camp leaders and they remained as long as
they were successful. The functions of band leadership reflected the new need for the organization of military and economic structure along band lines (Opler, 1940, p. 163-164). The concentration in bands also led to more ceremonies and dances which they adopted from the other Plains Indians and added to their indigenous yearly Bear Dance (Dutton, 1965, p. 67).

In conclusion, considering 1640 as the opening of the horse-culture complex and 1849 as the year in which the Utes made their first treaty with the United States, the Utes were among the first mounted buffalo hunters and were the last of the Plains Indians to give up this way of life. This long period of time was largely due to their location which in 1640 was close to the Spanish influence and up to 1849 they were protected primarily by their mountainous location. Therefore their land base predicated a much longer history of horse owning than was possible to most American Indians after the initial white contact (Opler, 1940, p. 171; Fritz, 1941, p. 284).
CONTRACTION TO PRESENT DAY RESERVATION

In common with other American Indians the direct contact with Anglo-Americans constricted their territory and within thirty-one years determined the present day boundaries of the Ute Mountain Ute Indian Reservation. The conclusion of the War with Mexico was followed in December 30, 1849, by the first treaty negotiated with Quiziachigiate, a principal chief, and twenty-seven subordinate chiefs of the Utes, and the United States. This treaty limited the Utes entry into New Mexico but did not define exact boundaries. By this treaty they acknowledged the jurisdiction of the United States and promised "to cease their depredations, to cease the roving and rambling habits, to confine themselves strictly to the limits assigned to them, and to support themselves by their own industry," aided by the direction of the United States Government (Fritz, 1941, p. 284).

The roving habits of the Utes could of course not be changed by a treaty. The whole of western Colorado was their domain including their favorite hunting grounds in the San Luis Valley. The next inroads were made on these hunting grounds when the United States built a military post in the valley in 1852 (Fritz, 1941, p. 284).

In January of 1868, Kit Carson, known for his friendship with the Utes, accompanied Ute leaders to Washington to talk over another treaty settlement. The process of taking Indian leaders to Washington was a favorite practice as the sight of a city and the technology of the whites usually acted to completely subdue the Indians. This second treaty, which was concluded on March 2, settled the Utes on some 15,120,000 acres in western Colorado. It included all of Colorado
territory west of the 107th meridian and all south of a line fifteen miles north of the 40th parallel. The government promised that no one except necessary government officers would be permitted to pass over, settle upon, or reside in this reservation. Article 14 of the treaty contained a contradictory provision that all roads, highways and railroads authorized by law should have the right of way through the reservation. This removed the Utes from their hunting grounds in the three park areas; and in compensation the government agreed to pay $18,000 most of which would be in the form of food and other supplies for the Utes (Fritz, 1941, p. 285; Estergreen, 1962, p. 273).

During this time, the citizens of Denver became self-conscious about the Utes who frequented their streets in order to gather in the "presents" that were often there for them from Washington. As Denver grew, they removed the agency from Denver and agencies were established on the Ute Reservation (Emmitt, 1954, p. 8-9).

The miners cast their eyes on the mineral-rich San Juan Mountains. This led to the San Juan Cession or The Brunot Treaty of 1873, in which the Utes ceded that part of their reservation occupied by the San Juan Mountains. It was a rectangular strip over 65 miles wide and 90 miles long. In return the United States agreed to pay the Confederated Bands of Ute Indians $25,000 annually forever. Ouray obtained the signatures of 204 Indians to this treaty. This left three of the bands, the Weminuche (Ute Mountain Utes), the Moache and the Capote (both now referred to as the Southern Utes), on a strip fifteen miles wide extending east and west (Fritz, 1941, p. 285).

The Ute War of 1879 began over a conflict of long standing. The key to the problem was a conflict over the use of resources by the Utes.
Agent Meeker wanted the Utes to become agriculturalists while the Utes wanted to continue hunting to supplement the governmental rations which they had been receiving in the past few years as the mainstay of their diet. This conflict reached the breaking point when Meeker plowed up not only the area the Utes used for winter pasture for their horses but even more seriously plowed up their race track (Emmitt, 1954, p. 121-154).

Prior to and during this time newspapers on the eastern slope had reported the Utes raiding and burning timber. But in fact the railroad crews had started the fires. The settlers and miners of western Colorado said the Utes were friendly. The miners stated that when the Utes killed more game than they could use they presented it to the miners and used the furs for trade goods. Until the Meeker Massacre or the so-called "War of 1879" the white people did have a problem, "How do you get rid of friendly peaceful Indians?" (Emmitt, 1954, p. 22, 94-101)

The Meeker Massacre speeded the passage of the Act of June 15, 1880, which ratified an agreement made by representatives of the Utes, led by Ouray, with the Committee on Indian Affairs of the House of Representatives. The Act provided an agreement by which the Ute Indians ceded their remaining lands in Colorado to the United States. The lands then became public lands subject to disposal under the public land laws that they might then be sold with the proceeds being deposited in the United States Treasury for the benefit of the bands. "It was held that the Indians, after their right of occupancy was gone, retained an interest in the lands, the proceeds of the sale of which they were to receive." (U.S. Court of Claims, Vol. 117, 1950, p. 433)

Most of the Utes previously in Colorado were to move into the Uintah Ute Reservation in Utah. A small corner of southwest Colorado
which is desert, except for Ute Mountain in the middle, was given as a special favor to Ouray, a Ute leader appointed by the Washington officials. Some of the Utes did not consider him to actually be their leader. They also resented his being given a government salary for the rest of his life and thereby living considerably better than his fellow Utes. This was in direct contrast to their idea that the more powerful the leader the more he will share his wealth with the rest of the band (Fritz, 1941, p. 287).

The long narrow reservation of the three southern bands became a hindrance to commerce between New Mexico and Colorado. Therefore the treaty of 1895 was written and it provided for the allotment of land to those bands of Utes who signed the treaty. The Capote and Moache signed, but the Weminuche preferred to take their land as an undivided tribal tract. At this point the Weminuche obtained the present reservation which has been basically unchanged since then (see Figure 3). Thus was concluded the period of contraction. During this period the Ute Indians became unable to support themselves as their technology did not change while their land base shrank. Even had they become farmers it is very doubtful if the Ute Mountain Utes could have supported themselves. Thus they became completely dependent upon the payments and food allotments agreed to by the treaties with the United States government (Ute Mountain Tribal Council, 1953, p. 4).
Figure 3. The present-day location of the Ute Mountain Indian Reservation
RESERVATION PERIOD 1895-1953

There were very few changes in the way of life of the Ute Mountain Utes during this period of time. The land base remained the same, the population was almost stable except for a slight decline during the 1920’s. The subsistence was based primarily on government allotment plus grazing animals. The educational level was extremely low, and the Ute Mountain Utes were isolated both from the whites and Southern Utes centered around Ignacio, Colorado. During this time, their way of life was possibly even more limited than during the hunting and gathering phase because at least then they were self-sufficient.

When the Bureau of Indian Affairs in the 1870’s established an Agency for the Utes, they chose the more agreeable location, near Ignacio, where the majority of the Southern Utes had settled. An agency at Navajo Springs, the center of the Ute Mountain country, was not located until the 1890’s; and in 1918 the Agency at Navajo Springs was abandoned, and the buildings serving as tribal offices were constructed at Towaoc. The Ute Mountain and Southern Ute Reservations were consolidated in the early 1920’s, and Towaoc was considered a sub-agency. In 1942, due to what has been described as a limited, decreasing, and unstable water supply, the Bureau of Indian Affairs closed the physical plant of the Ute Mountain Ute Reservation including the hospital and boarding school, and withdraw all of its personnel except a stockman and one assistant. By fall of 1948, no Government employee was living on the Ute Mountain Reservation. From that time until 1953, Federal aid and guidance to the Ute Mountain Utes was restricted to visits by personnel from the Consolidated Ute Agency at Ignacio, some 90 miles to
the east. Children attending school therefore had to attend the boarding school in Ignacio, and a very small percentage did so (Ute Mountain Tribal Council, 1953, p. 4-5).

The population of the reservation changed very little during the periods 1901 to 1949. In 1953 approximately 97 percent of the population were full-bloods with very few able to speak English. The membership on the Ute Mountain Reservation was 528 in 1901, 1,611 in 1920, 485 in 1930, 493 in 1940, 568 in 1949, 600 in 1953, 813 in 1960, and 1,099 as of 1968 (Ute Mountain Indian Reservation Overall Economic Development Program Committee, 1968, p. 4).

The reducing population during the early 1900's can be attributed to an extremely high infant mortality rate and to the poverty which typified life on the Ute Mountain Reservation (Ute Mountain Indian Reservation Overall Economic Development Program Committee, 1968, p. 4). An analysis of the land and other resources available as well as the technology of the Utes will illustrate the reason for the periods of shrinkage and slow growth of population.

The Ute Mountain Indian Reservation covers land in three states and is of two types of ownership. The main reservation, consisting of over 900 square miles or 555,550 acres, is located in southern Montezuma County and part of La Plata County in Colorado with a small section in the northern portion of San Juan County, New Mexico. Additional trust lands are held for the Ute Mountain Tribe by the United States Government. The second type, the Allen Canyon allotment and White Mesa allotments of San Juan County, Utah, a gross area of 9,459 acres, are individual Indian lands, belonging specifically to known members of the tribe or to their heirs, where title is held in trust for these individuals by

The Ute Mountain Reservation is in the southeastern part of the Colorado Plateaus province. In general the area is characterized by sparse rainfall, spectacular land forms, and rough terrain. Altitudes range from about 4,500 feet in the San Juan River at Four Corners to 9,977 feet on Ute Peak, a relief of almost 5,500 feet. The most prominent topographic features are Mesa Verde, which includes most of the eastern part of the reservation, and the laccolithic Ute Mountain also known as Sleeping Ute, in the northwestern part (Irwin, 1966, p. 7).

The Mancos River has deeply dissected Mesa Verde, leaving many fingerlike mesas bordered by steep, narrow canyons. The mesas are capped by resistant sandstone ledges that overlie thick layers of shale. Many ruins of ancient cliff dwellings are in the caves of the sandstone beds. Mesa Verde Park is located adjacent to the north of the reservation boundary. Ute Mountain is one of several laccolithic mountains in the Colorado Plateau of Colorado and adjoining states. It is formed by a small group of sills, laccoliths, and stocks intruded into and doming the sedimentary rocks. South of Ute Mountain is a barren, rolling and irregular surfaced plain. The surface is cut by deep gullies that form during desert rainstorms. These plains slope southward from the mountain to the Mancos River, a tributary of the San Juan (Irwin, 1966, p. 7).

The Ute Mountain reservation is drained by tributaries of the San Juan River, the Mancos River being the main tributary. The Mancos River being the main tributary. The Mancos River enters the area in the northeast corner and flows to the southwest corner where it joins the San Juan. The northern half of the Ute Mountains area is drained by tributaries
of the McElmo Creek, which flows westward through McElmo Canyon at the reservation boundary north of Ute Mountain. The remainder of the reservation is drained by washes and creeks which are dry during most of the year (Irwin, 1966, p. 8).

The climate of the reservation is semi-arid, with six distinct climate zones, as determined by a Soils and Range Inventory in 1965 (see Figure 4).

Figure 4. The six climate zones of the Ute Mountain Reservation

<table>
<thead>
<tr>
<th>Life Zone</th>
<th>Acres</th>
<th>Elevations</th>
<th>Average Annual Prec.</th>
<th>Frost Free Growing Season</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Semi-arid grassland</td>
<td>229,020</td>
<td>4600-5900'</td>
<td>7.5-10&quot;</td>
<td>151-170</td>
</tr>
<tr>
<td>2. Sagebrush savanna</td>
<td>96,364</td>
<td>5600-6500'</td>
<td>10-14&quot;</td>
<td>140-162</td>
</tr>
<tr>
<td>3. Pinon-Juniper woodland</td>
<td>164,438</td>
<td>5900-7400'</td>
<td>13-17&quot;</td>
<td>125-150</td>
</tr>
<tr>
<td>4. Pinon-Juniper mountain browse</td>
<td>58,497</td>
<td>6500-8100'</td>
<td>16-20&quot;</td>
<td>110-135</td>
</tr>
<tr>
<td>5. Chaparral</td>
<td>12,027</td>
<td>7100-9400'</td>
<td>18-24&quot;</td>
<td>95-125</td>
</tr>
<tr>
<td>6. Fir-Spruce-Aspen forest</td>
<td>601</td>
<td>8000-9980'</td>
<td>21-27&quot;</td>
<td>Unusable for agriculture</td>
</tr>
</tbody>
</table>

Reservation temperatures range from -38F to 101F

(Ute Mountain Indian Reservation Overall Economic Development Program Committee, 1968, p. 3)

With a population averaging 500, they had only the land as a resource of which 99 per cent was used for grazing. Actually all the land is of the type that is classified as winter grazing and notable for being lessened in efficiency if used for year around grazing. In 1953, which was possibly a typical sample, there were only 2,300 animal units; and of these nearly one-half were horses from which there was
little possible income. The lack of permanent water on much of the reservation prohibited a more efficient distribution of livestock (Ute Mountain Ute Tribal Council, 1953, p. 6-10).

The average income in 1951 was $1,000 or less per family. Of the 193 homes in 1950 only 31 were frame, 143 were tents and 9 were hogans or brush shelters. Health and sanitation conditions were acute as can be partially seen by the population figures for the period. Between 1942 and 1948 there were no schooling facilities on the reservation. It is therefore not too surprising that in 1953 none of the tribal council members could speak English. The only employment available in the area was that of working in the bean fields north of Cortez, Colorado, during early summer and late fall for short periods of time. However, the low wages (50¢ to 75¢ an hour) would not provide a livable income even during the period of their employment (Ute Mountain Tribal Council, 1953, p. 13).

The reservation system does not provide for true land ownership, but instead the Bureau of Indian Affairs is charged with the responsibility of administering the resources held in trust by the United States. The Utes are able to receive the benefits from the land but even this is supervised by the B.I.A. Technically the B.I.A. plans to remove itself as trustee and withdraw services as soon as it seems practical. However, as has been illustrated in the situation of the Utes, most of the land left to the Indians was of low value and although suitable for grazing and very limited farming was insufficient in quality and quantity to support the Indian population (Secretary of the Interior, 1947, p. 345).

Into this somewhat dismal picture was introduced The Jurisdictional Act of June 28, 1938, which conferred jurisdiction upon the United States Court of Claims "to hear, examine, adjudicate and render judgment on any
and all claims which the Ute Indians or any Tribe or Band thereof may have against the United States, and for other purposes." (U.S. Statutes, 1938, p. 1209)

This act has a number of sections which are necessary to an analysis of the case. 1) It specifically confers jurisdiction upon the U.S. Court of Claims. 2) It provides that claims may be made which are an outgrowth of any treaty or agreement with the United States. 3) It provides that suit or suits under this act may be instituted by any band or combination of bands. 4) There is a provision for a five year time limit for filing the suit. 5) The attorney or attorneys employed must be under contracts in accordance with present law. [Although not specifically mentioned in this law the Secretary of the Interior must approve the contract between a tribe and its lawyer (Price, 1969, p. 3).] 6) The court shall have the authority to made parties to any suit or suits any other tribe, band, or group of Indians deemed necessary to a final determination. 7) No land north of and including range 35 formerly owned or claimed by the Ute Indians or any band thereof shall be restored to tribal ownership. 8) That the attorney for the tribe may have free access to any letter, paper, document, map, or record needed in the preparation for trial. 9) Attorneys fees shall not exceed ten per centum of the amount of the recovery and shall be paid from the settlement of the Ute Indians. 10) Lastly, a strict restriction on the use—

"The net amount of any judgment recovered shall be placed in the Treasury of the United States to the credit of said Indians and shall draw interest at the rate of 6 per centum per annum from date of judgment or settlement and shall, thereafter, be subject to appropriation by Congress for the benefit of said Indians, including the purchase of lands and building homes, and no part of said judgment, without further legislation, shall be paid out in per capita payments to said Indians." (U.S. Statutes, 1938, p. 1209-1211)
In light of these sections of the Jurisdictional Act of 1938 a summarization of the Confederated Bands of Ute Indians v. The United States can be more fully understood. The attorney on behalf of the plaintiffs was Ernest L. Wilkinson and on behalf of the defendant were A. Devitt Vanech, Assistant Attorney General, and Marvin J. Sonosky, attorney. Four judgments pertaining to this case were entered (U.S. Court of Claims, 1950, p. 434).

The first judgment which was a result of a petition filed on November, 22, 1941, resulted in the order of a final judgment for plaintiffs in the sum of $21,296,127.24, plus interest on $16,822,112.69 at the rate of 4 percent per annum from July 10, 1950 to the date of payment of the full sum. This sum was in payment for the complete extinguishment of plaintiff's right, title, interest, estate claims and demands of whatsoever nature in and to the land and property in western Colorado ceded by plaintiffs to the defendant by the Act of June 15, 1880, which on June 28, 1938, had not been disposed of by the United States. It also indicated that the division among the plaintiff bands would be reserved for future determination. This then is another means of making the money not readily available to the bands. So as not to be repetitious all four judgments ended with the phrase on division of money (U.S. Court of Claims, 1950, p. 435-436).

The second order of final judgment was similar to the first except that the amount was $6,037,567.72 plus interest on $2,939,817.31 at the rate of 4 percent per annum from July 10, 1950 to the date of payment of the six-plus million dollars. This was for full settlement and payment for the land and property in western Colorado, ceded in 1880 which (a) the United States sold for cash between July 1, 1910, and June 26, 1928,
(b) disposed of as free homesteads from December 19, 1885 to June 28, 1938, and (c) set aside for public purposes during the period from June 30, 1910 to June 27, 1938 (U.S. Court of Claims, 1950, p. 438).

The third order of final judgment filed December 30, 1946, allowed for a judgment for the bands in the amount of $623,686.18 plus interest on $207,800 at the rate of 4 percent on the same basis as the two previous judgments. This was in settlement of claims and rights of whatsoever nature in and to 64,560 acres of land which were included in the Act of June 15, 1880, and withdrawn by the United States for naval oil reserves, creating Naval Oil Reserve, Colorado No. 1 (U.S. Court of Claims, 1950, p. 439).

The last of this series of judgments filed December 30, 1946, awarded a judgment of $803,826.48 without interest prior to the date of payment and was awarded in addition to a credit of $3,999,072.50. This was in respect to 2,199,258 acres of land in western Colorado conveyed to the United States in 1880 and withdrawn for forest reserves (U.S. Court of Claims, 1950, p. 441).

This concludes the summarization of the actual settlements for the land, a settlement which left several problems for the Confederated Bands of Ute Indians. They had to devise a plan for dividing the funds between the several bands and then make decisions regarding the use of the awards. It was not until after 1953 that the Ute Mountain Utes were able to utilize the awards granted under this series of cases (Ute Mountain Tribal Council, 1953, p. 1-4).
The Court of Claims award to the Utes resulted in an extensive study of the resources and living conditions of the Ute Mountain Utes as well as a projected plan for spending the money. The money was to be spent for such items as summer grazing ranges, forest and range management, modern housing and furnishings and a credit fund for tribal members. A credit fund was necessary due to the legal problems involved in the Cortez banks and merchants being unable to repossess property if it is on the reservation. This lack of credit has led to the widespread practice of pawning jewelry and other valuables. Other areas for tribal spending consisted of improvement and extension of roads, irrigation projects in order to raise forage crops for the livestock, the re-establishment of an educational system, opening of a health clinic, law enforcement, and an administrative and clerical system to administer and account for the funds being spent (Ute Mountain Tribal Council, 1953, p. 9-56).

During the period of time that these plans were being made and carried out, oil was discovered. The tribe began to make per capita allotments of $1,200 per year. During the years 1957 to 1967 the oil income has been $21,802,902. Therefore, after approximately 1954 the Ute Mountain Utes were able to expand both their per capita income and their resource base in terms of additional land, personnel, and capital. Between 1953 and 1968 the Ute Mountain Utes have bought seven tracts of land as summer ranches in the mountains of Utah and Colorado. These are fee patent lands and total 24,292 acres. Provision has been made for land and range management. The estimated income from ranching in 1967
was $241,000. With the 1967 population level this was less than $241 per capita which is definitely insufficient to support the population. Although most of the Ute men prefer to be ranchers it is not realistic to expect that they may all do so (Ute Mountain Indian Reservation Overall Economic Development Program Committee, 1968, p. 7-9).

The housing units in and near Towaoc are above average for reservation living. Most of the units contain modern conveniences such as running water and electrical and gas appliances. The houses have recently been estimated to have a current value of $5,000. Generally the outside presents a pleasant appearance; unfortunately they are not of good construction. The foundation, partitions, doors and other elements of the houses are of poor quality. Compared to 1951 there has been a tremendous improvement (Ute Mountain Indian Reservation Overall Economic Development Program Committee, 1968, p. 6-13).

Most of the Ute children now attend school in Cortez, Colorado. They are well-dressed; and between the years 1953 to the present the younger Utes have adopted the latest fashions in dress and hair styles. Through approximately the fourth grade their achievement in school is comparable to that of the Anglo and Spanish-American students, from that point on their achievement level usually drops. Motivation and language differences are two of the main reasons for this, and both are closely linked with their cultural background. Unfortunately, the high school dropout rate for the Ute students is 16 percent per annum. There are approximately 30 Ute children in the first grade each year. By the senior year of high school in recent years there are only zero to three or four still attending. The tribe will pay for college or technical education but only a very few Utes take advantage of the tribal program.
An education committee has been formed to improve upon this situation as well as to work with other school-related problems (Ute Mountain Indian Reservation Overall Economic Development Program Committee, 1968, p. 7-9).

This picture of reasonably adequate housing, income, educational programs and health facilities is unfortunately overshadowed by the depletion of the oil and gas reserves on the reservation. Most of the "claims" money has been spent to improve living conditions. Since 1954, the Utes have been living on per capita distributions derived from the oil income. It was projected in 1968 that the maximum time of oil income would be until 1978. The tribe made a decision in 1968 to live only on fiscal income and to salvage the existing treasury balance for income and employment producing investments. This situation is further complicated by a 2.2 percent annual population growth and an unemployment rate (February 1968) of 71.3 percent (Ute Mountain Indian Reservation Overall Economic Development Program Committee, 1968, p. 5-15).

What are the possibilities for the future? In 1968 an application was made to the Federal Government for an "Overall Economic Development Program." This program included plans for better range management, opening their section of Mesa Verde if governmental cooperation could be secured, opening other tourist attractions such as gas stations, tourist shops, motels, and the promotion of a Four-Corners Technical School. Lack of a good water supply, at the present, almost precludes the development of industries. The program also deals with perhaps one of the major problems of the Ute Mountain Tribe. This is their idle and unskilled labor force. When unemployment in other areas reaches ten percent of the labor force, vast efforts by federal, state and local
governments bring co-ordinated attempts to get it down to a respectable four percent. The Utes unemployment average has never been less than 50 percent since their removal to the reservation, and it typically ranges in the 70 to 80 percent levels. This long term unemployment has resulted in a nearly totally unskilled labor force. The older Utes all wanted to be ranchers, but as indicated earlier, this will not provide enough income given the land resources of the Ute Mountain Utes. The younger generation must have a good education which includes practical technical training if this cycle of unemployment is to be broken (Ute Mountain Indian Reservation Overall Economic Development Program Committee, 1968, p. 5-16).
CONCLUSION

The Ute Mountain Utes have shown in the distant past their ability to live in an area of sparse resources with a limited technology. Then at the period of Spanish contact they were able to adopt the use of the horse. This led to a more plentiful way of life until they were forced to contract their land base and discontinue hunting the buffalo.

During the early reservation they had to depend upon outside help. They lost their ability to be self-sufficient due to their lacking the resources to do so. Since the early reservation period their standard of living has improved considerably due to both the "claims" money and the oil revenues. The young people need to be made aware of the importance of a good education which is essential in order for them to maintain their present standard of living.

The future then depends on the quality of planning for the effective use of agricultural resources, mineral resources, development of outdoor recreation, commercial recreation, as well as commercial and industrial development as these will determine the future income level. Other planning regarding education, other training of human resources, water and sewer systems, garbage disposal, adequate court, police, fire fighting facilities, parks, street lighting, paving, gutters and storm drains will help to determine the quality of life (Ute Mountain Indian Reservation Overall Economic Development Program Committee, 1968, p. 7-9). The Utes are now again in a position in which their resource base is shrinking and only by making extensive use of their human resource base will they be able to avoid another period of time in which their way of life will again be restricted.
LITERATURE CITED


Ute Mountain Indian Reservation Overall Economic Development Program Committee. 1968. Overall economic development program for the Ute Mountain Reservation of Colorado, New Mexico, and Utah of the Ute Mountain Tribe. Towaoc, Colorado. (Mimeographed) 21 p.