The Cartographic Destruction of Bears Ears: Dispossession, Creating “Public” Land, and Fighting for Indigenous Conceptions of Space

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Abstract

In late 2017, Bears Ears National Monument (BENM), the nation’s first Tribally initiated national monument, was significantly reduced in size by the Trump administration. Outdoor industry and environmental groups launched marketing campaigns that challenged the move. The clothing company Patagonia released a campaign marked by a slogan that read “The President Stole Your Land,” suggesting that the monument’s reduction had taken public land from all Americans. Although well meaning, this framing ignored the monument’s original intent—to protect the Tribal relationship to place—and the violent history of public lands creation. Both the administration’s move and Patagonia’s response suggests that public land is based on a notion of the public that excludes Indigenous people. To understand this exclusion, I enlist the help of maps. Maps convey certain spatial knowledges and privilege certain perspectives of space over others. This paper aims to show how maps abetted the dispossession of land from Indigenous people and reorganized space for the utility of a narrowly defined public that excludes Indigenous ways of knowing space. The framing of the monument’s reduction as a public lands issue by outdoor industry and environmental groups embraces a history of erasure and dispossession, and shifts the narrative away from Indigenous empowerment. Bears Ears, in its original form, figures as a challenge of inclusion from Tribes in public lands management, and the current battle to re-establish the original boundaries presents an opportunity for Americans to revisit our concept of public lands.

Keywords: Bears Ears, public land, critical cartography, Indigenous peoples, American West, national monument, maps, colonialism, postcolonial studies
In 2017, after the reduction of Bears Ears National Monument (BENM) and Grand Staircase-Escalante National Monument, outdoor clothing manufacturer Patagonia delivered a startling rebuke. In the place of the company’s usual website homepage was a black banner that read “The President Stole Your Land” (Patagonia, 2017a) (Figure 1). The image also appeared on the company’s social media channels, and other companies and organizations followed suit. As a show of solidarity, the Sierra Club offered Facebook users an image reading, “we [heart] our public lands” to replace profile pictures (Alberty, 2017). The images garnered widespread attention—Patagonia’s Instagram post received nearly a quarter of a million likes and elicited an angry response from Trump’s Interior Secretary, Ryan Zinke (Gelle, 2018).

By calling the reduction of BENM a theft of public land from the American people, the social media blitz rallied support for public lands. Although well-intentioned, not one of these protests mentioned Indigenous Peoples, a surprising fact given that five sovereign Tribal nations first organized and lobbied for the monument’s creation. Tribal members voiced concern that their story was being taken from them. Len Necefer, a member of the Navajo Nation and an assistant professor at the University of Arizona, remarked, “why aren’t we as Native people telling our own story about [Bears Ears] instead of a group of folks from the outdoor industry telling it for us?… Many, including myself, fear that Native people will again be erased from the picture yet again” (Abel, 2017). Others took a more radical stance and called the outdoor industry’s support of public lands “settler conservationism,” dismissing the narrative of Indigenous dispossession (Lister, 2018).

Figure 1. Patagonia's banner (Patagonia, 2017a).
This debate over the framing of Bears Ears as a public lands issue versus a Tribal one speaks to a broader problem where “public” and “Tribal” are perceived as mutually exclusive categories. To understand this problem, it is necessary to reflect on historical processes of public lands creation. Postcolonial research has demonstrated how Indigenous Peoples were dispossessed (Braun, 1997; Harris, 2004). As part of the process of dispossession, maps have played a central role. Critical cartography suggests that maps, as constructs, shape how we understand space, conveying certain spatial knowledges and thereby privileging certain perspectives of space over others (Crampton, 2009; Wood, 2010). Here, I link these two approaches to tell a narrative of dispossession.

Using Bears Ears as a case study, my aim is to show how the construction of public land erased Indigenous claims to space, and privileged the interests of a certain “public.” The public lands system was constructed by government explorers and surveyors who had the interests of settlement and resource development in mind. Using maps, these agents reorganized Indigenous territory into empty, resource-rich space open for public use—the cartographic destruction of Indigenous space. Following this erasure, Indigenous Peoples were forcibly removed and the existing system of public lands constructed on their territories. In doing so, public lands precluded Indigenous use and knowledge. Racism justified the project of mapping and dispossession. The legacy of this dispossession persists in contemporary maps and the management logic of federal agencies.

A discussion of maps and Bears Ears must also include the recent story of Tribes’ lobbying for its designation as a national monument. While a narrative of dispossession, Bears Ears is also a story of resistance. Tribes undertook cultural mapping of the region to identify lands deserving of protection. The outcome of this project produced BENM. After examining the Tribal mapping initiative, I offer remarks on the efficacy of this approach, finding that Tribal mapping faces some shortfalls (e.g. the reduction of BENM). Finally, Tribes have fought to demonstrate Indigenous conceptions of space that offer other perspectives of Bears Ears beyond our public lands framework. With all of this in mind, Bears Ears must be seen as a Tribal issue, not simply a public land one.

The structure of this paper will be as follows. I will begin by reviewing prevailing ideas of public and public land. I introduce studies that complicate our universalist ideas of public land. The ensuing section will introduce mapping, its ability to make suggestions about space, and a brief chronology of mapping in the context of colonialism and Indigenous Peoples. With this
theoretical grounding, I will guide the reader through a series of maps, telling a story of dispossession and public lands construction. Finally, I will discuss the implications of this history in the context of Bears Ears today, and argue that allies of Indigenous Peoples must address dispossession and figure Indigenous ways of knowing space.

**Public Lands and Public Space**

In 2015, President Obama signed a proclamation declaring September as National Wilderness Month. Explicitly referencing public lands, the proclamation declares: “Our untrammeled lands and waters are part of a rich legacy that is carried forward from one generation to the next, reflecting a spirit of conservation deeply rooted in the quintessential American belief that each of us has an equal share in these special places and an equal responsibility to protect them” (Obama, 2015). The president’s proclamation reflects a broader narrative that public lands are the natural birthright of every American, and thus open to all.

Contemporary public lands discourse reinforces the notion that all Americans have an inalienable right to the nation’s public lands. Public outcry over the reduction of Bears Ears National Monument prompted an outpouring of public lands advocacy. Outdoor gear brands waded into the political fray, eager to mobilize their customers in opposition to President Trump’s actions. Patagonia led the way with an ominous black banner on its website that read “The President Stole Your Land” (Patagonia, 2017a). Months later, the company ran a television commercial featuring clips of Bears Ears, interspersed with words from the company’s founder, Yvonne Chouinard, who states, “[public lands] belong to us. This belongs to all of the people in America. It’s our heritage” (Patagonia, 2017c).

Others have battled the reduction of the monument on similar grounds in federal court. A lawsuit filed by an alliance of conservation organizations, including the Natural Resources Defense Council (NRDC), Sierra Club, and the Southern Utah Wilderness Alliance (SUWA), argues that its broad base of members and allies would be harmed by the changes made to the monument. In the lawsuit, this conservation alliance cites enjoyment of the area’s remote wilderness quality,  

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1 The television commercial offers images of iconic public lands—the Tetons, Yosemite’s El Capitan, Glacier National Park, and Bears Ears. The clip conveys Bears Ears as one of these iconic American settings owned by the “public” (Patagonia, 2017c).
“spiritual renewal”, recreation, viewing wildlife, and appreciating cultural resources as activities threatened by the monument’s modification (NRDC et al. v. Donald J. Trump et al., 2017).

Nevertheless, public lands are hardly inclusive. The use of public land in North America has clearly favored capitalist development. Historians have linked the preeminence of state control to resource development in the West. Patricia Limerick suggests that the development of the west was centered around the exploitation of five resources: “furs, farmland, timber, minerals, and federal money” (Limerick, 1987, p. 82). It would be the federal government’s role to control Native Tribes, distribute land, subsidize transportation, and effectively subsidize grazing and logging through nonexistent regulation. Construction of transcontinental railroads was perhaps the most blatantly obvious appropriation of the public domain for developmental use. Viewing railroad construction as a risky investment, banks were unwilling to provide loans for railroad construction. Congress stepped in and assisted railroad companies by granting millions of acres of public land. The U.S. secured its grip of western lands and railroad companies sold land to prospective settlers, funding railroad construction (The Library of Congress, n.d.). This development hinged on dispossessing existing occupants of territory. Later uses of public land as national parks and wilderness areas also precluded Indigenous Peoples. As William Cronon argues, the concept of wilderness relies on dispossessing Native people and frames wild nature as incompatible with human civilization. The people who do live in nature are understood as primitive, preserving the wilderness construct as “‘virgin,’ uninhabited land” (Cronon, 2007, p. 9).

As contemporary political and environmental rhetoric suggest, the prevailing understanding of public lands is as public space that all citizens have a universal right to utilize. Indeed, human geographers have defined public space as “Space to which all citizens have a right of access” and is “presumptively open to all” (Gregory, Johnston, Pratt, Watts, & Whatmore, 2009, p. 602). Despite the universalist ideas written into the notion of public space, the concept has been framed rather differently by contemporary philosophy. The work of Jürgen Habermas offers an interpretation of the public sphere, where civil society exists as “the corollary of a depersonalized state authority” (Habermas, 1989, p. 19). For Habermas, the public sphere is inherently exclusionary, a bourgeois setting where members of civil society could engage directly with public authorities (the state) over the general rules governing relationships of commodity exchange and social labor as relevant to the public sphere (Calhoun, 1992; Habermas, 1989). Furthermore, Hannah Arendt notes that public sphere is constructed; therefore, political equality is not a natural
condition that precedes the existence of the public realm itself, but rather an “attribute of citizenship” received upon entering the public realm (Arendt, 1958; D’Entreves, 2018). Citizenship of course, is not a natural right. All of this is to say that the public sphere is not “open to all” and that membership in the public is restricted. While the public sphere is not exactly analogous to public space, public land is certainly a component of the public sphere as a space in which private citizens engage with the state. As shown above, public lands history is more emblematic of an exclusive notion of public space. This is in stark contrast to notions of public space as inherently inclusive.

More recently, political ecology has assumed the responsibility of demonstrating this dispossession. As a broader community of practice, political ecology has identified contemporary resource conflicts as evidence of more complex struggles over meaning (Bryan, 2015). By paying attention to such conflicts, political ecology has unearthed the extinguishment of preexisting claims to modern landscapes, particularly the public domain. Two salient cases in North America highlight the necessary injustice involved in the development of the public domain: one in British Columbia, Canada, and another in the northern New Mexico. Both analyze discourse surrounding the use and management of natural resources to suggest that conventional framings of the public domain are exclusive.

Like the United States, resource development in western Canada has been supported by public land, termed Crown Land. In a now formative article to political ecology, Bruce Braun demonstrates that the contemporary rhetoric and activities of extractive industries, namely logging companies, is implicated in colonial assumptions about British Columbian forests, which Braun terms “buried epistemologies” (Braun, 1997). Logging companies and the BC Ministry of Forests framed themselves as the legitimate custodians of forests and abstracted them as “timber,” thereby displacing forests from their broader cultural contexts and understanding them as raw material (Braun, 1997). Braun traces the development of this epistemology to the work of early government surveyors and explorers who understood the landscape of BC as distinct from the Indigenous Peoples who inhabited it. Surveyors constructed the boundaries of the young Canadian nation, and their concurrent scientific inquiries anatomized its internal structure, filling the skeleton of the nation with flesh represented by the natural resources they catalogued. In doing so, forests became a public resource, a process that necessarily involved the dispossession (or in Braun’s words, deterritorialization) and silencing of Indigenous Peoples (Braun, 1997). As public resources, the
control of forests now lay within the authority of logging companies and the government. In other words, the separation of land and people naturalized British Columbian forests as empty and unclaimed, enabling logging companies to claim authority over the landscape. This same construction of forests as unclaimed timber resources enabled the contemporary portrayal of BC forests as a pristine (i.e. unpeopled) wilderness by environmentalists. Without cultural context, debates about the future of BC forests came to be framed as “logging companies vs. environmentalists.”

Thousands of miles to the south, Jake Kosek shows how integration of forests into the conception of the nation itself proved to be a powerful mechanism for controlling Hispano communities living with northern New Mexican forests. During World War II, targeted government advertising campaigns linked fire to enemy combatants. Forest products were crucial to the war effort and thus forest fire prevention was understood to be a patriotic duty (Kosek, 2006). Fires sparked by “careless” action were discursively framed as aiding the enemy. This framing justified the internal regulation of the state’s own territory to stifle deviant behavior or carelessness, and understood forests as sites of capitalist accumulation. Smokey Bear, the Forest Service’s mascot who was born from these wartime advertising campaigns, came to extend the reach of the state. As a woodland creature anthropomorphized as a forest ranger, Smokey naturalized the role of rangers and the state in public lands, undermining the legitimacy of Hispano land claims (which predate the United States). Further, Kosek illustrates how this form of nationalism promoted by Smokey Bear reflects racialized notions of American history. Posters and television ads positioned Smokey as part of a history of westward expansion, a history that assumes the primacy of white American nationalism. In doing so, government advertising campaigns like Smokey Bear created an understanding of forests that prioritized the interests of a “narrowly defined [white] national public” and further marginalized local Hispano communities (Kosek, 2006, p. 219). Indeed, these communities continue to struggle with the Forest Service, which has restricted the long-standing subsistence logging and controlled burning practices of Hispano residents, viewing such actions as blatant disregard for National Forest regulations.

As the examples by Braun and Kosek suggest, public lands in North America are founded on a history of violent dispossession. The powers of the colonial state wrested land from Indigenous Peoples, acting in the interests of settlers and capital. This brutality was justified by a system of racial hierarchy and maintained through disciplinary forces of texts, numbers, propaganda, law,
and maps (Harris, 2004). Tribes in the United States were given promises of sovereignty only to receive marginal lands as reservations, which were fraught with corruption (White, 1991). Adding insult to injury, allotment of reservation lands led to further loss of Indigenous territory. The legacies of colonialism and dispossession are far from relegated to the past. Braun and Kosek’s findings indicate that older ideas about how the public domain should be managed permeate contemporary resource management debates and decisions. In both BC and New Mexico, authority over the landscape was delegated to government agencies and private extractive enterprises.

Despite dispossession and marginalization, recent events suggest that a growing number of movements have begun forcing Indigenous claims into debates over public space. Arguing on religious grounds, Native Hawaiians continue to fight against the construction of the Thirty Meter Telescope on the summit of Mauna Kea—a site managed as public land by the state of Hawaii (Goodyear-Ka‘ōpua, 2017). While not a case of public land, the Standing Rock Sioux challenged the legitimacy of federal and state agencies permitting the construction of the Dakota Access Pipeline (DAPL), invoking past treaties that recognized much of land the pipeline crossed as Tribal land. These actions suggest that Indigenous space is not one being given, but one that is being taken and defended by Indigenous Peoples themselves.

The effort to establish Bears Ears as a national monument is another example of Indigenous Peoples injecting their territorial claims into debates over public land. The five member Bears Ears Inter-Tribal Coalition (BEITC) justified its proposal for the area based on strong historical connections to the landscape as well as more complex social and religious bonds (Bears Ears Inter-Tribal Coalition, 2018). Yet the way the Tribes at Bears Ears leveraged their arguments hinged on a rather different method than those elsewhere. At Bears Ears, maps came to be the weapon of choice.

Maps have a complicated legacy in the American West. Before exploring the maps specific to Bears Ears, I devote the following section to some of the theoretical concepts behind the creation of spatial knowledges through maps and the power that such knowledges may wield. Following this theory, I offer a brief cursory history of maps and colonialism, and the resulting appropriation of maps by Indigenous groups to counter prevailing spatial knowledges.
Maps and the Dissemination of Spatial Knowledges

The field of cartography holds maps as scientific systems of knowledge that take objects in the real world and represent them as if they are objective, independent (and therefore neutral) entities. J.B. Harley, borrowing philosopher Richard Rorty’s phrasing, claims that cartographic practice has historically asserted the map as a “mirror of nature,” suggesting that maps are expected to adhere to scientific conventions and implying that ever more precise representations of nature are possible (Harley, 1989; Turnbull, 1994). Indeed, others have reflected this assumption, viewing maps as models or diagrams as opposed to pictures or art (Arnheim, 1986; Eco, 1976; Gombrich, 1975; Goodman, 1968). Consequentially, David Turnbull suggests that “For a map to be useful, [information] must be transmitted in a code that by Western standards appears neutral, objective and impersonal, unadorned by stylistic device and unmediated by the arbitrary interests of individuals or social groups” (Turnbull, 1994, pp. 8–9). Maps ask the viewer to take the relationships they depict for granted and as natural outcomes of scientific representation.

Critical cartographers have scrutinized the notion of maps as objective representations, demonstrating maps’ hidden agendas and politics (Crampton, 1994; Harley, 1990; Pickles, 1995; Wood & Fels, 1986). Rather than depict an objective world, maps, and by extension the things they depict, reflect certain social values, rules, and relationships and obscure them under the “rhetoric of neutrality” (Harley, 1989; see also Geertz, 1983). Yet maps do more than selectively obscure ideas about space. Maps produce certain spatial knowledges and meanings, directing how space is to be interpreted (Crampton, 2009; Liben & Downs, 1988).

Harley understands maps as cultural texts and discourse functions. According to Harley, a “text” implies myth as much as fact, drawing on social contexts in describing the world (Harley, 1989). Thus maps have a history, dismissing any notion that maps are neutral and literal representations of the world (Harley, 1989). Turning to Foucault and discourse, Harley argues cartography is a system of ostensibly scientific rules that structure knowledge relayed through maps (Harley, 1988). The knowledge disseminated by the map comes to develop a certain interpretation of space that facilitates the disciplining and control of populations (Harley, 1989). Maps are a matrix of Foucault’s concept of power-knowledge—knowledge disseminated by maps transmit power, subsequently assisting in the further reproduction of this very knowledge.

Building on Harley’s ideas, Wood takes a textual interpretation of maps that views them as “systems of propositions,” arguing maps affirm or deny the existence of something (Wood, 2010,
Wood, like Harley, argues maps operate as discourse functions, advancing propositions that create certain spatial knowledges. Maps reject alternate realities while projecting others, serving to reproduce certain power relations.

In a further derivation of Harley, Jeremy Crampton takes a step back, choosing to emphasize maps as social constructions. There exist worlds behind which a map claims to represent, but buried “beneath lies, propaganda, and interests” (Crampton, 2009, p. 97). As social constructions, maps are indicative of the power dynamics of their time. Crampton directs scholarship to critically engage with the production of a given map’s subject matter by understanding how this knowledge is produced and whose knowledge is silenced.

The ability of maps to enforce certain spatial knowledges proved to be incredibly powerful in the colonial exploits of European powers. The mapping of the West Indies by the expedition of Christopher Columbus was so effective at producing spatial knowledge that all but one Native name for an island was lost (Harley, 1992; see also Crampton, 2009). Present mapping conventions continue to place Europe at the top and center of maps, emphasizing the primacy of Europe over the rest of the world (Turnbull, 1994). Perhaps the most openly brazen example of maps serving colonial pursuits was the drawing of the Tordesillas line by the Spanish and Portuguese, dividing the entire world between the two colonial powers (Turnbull, 2005). The action of drawing a line on a map came to legitimize nothing short of global domination. Of course, the European colonial powers did this in spite of existing claims. Thus, these maps came to anticipate the dispossession of colonized people of their lands.

As these examples begin to suggest, mapmaking became central to the authority of states. Accounts of early explorers came to inform the efforts of colonial powers in generating knowledge that exerted claims over territory and people in distant places (Bryan, 2015; Harley, 1988; Thongchai, 1994). Maps facilitated the spread and maintenance of state power, delineating boundaries, expanding commerce, controlling people, and showing military strength (Harley, 1989). As Harley suggests, maps codified colonial claims and came to establish dominant forms of viewing the world, much like Columbus’ mapping of the West Indies: “While the map is never the reality, in such ways it helps to create a different reality. Once embedded in the published text the lines on the map acquire an authority that may be hard to dislodge. Maps are authoritarian
images” (Harley, 1989, p. 168). Thus, the selective content illustrated by maps assisted states in producing a materiality of the world that reflected what was on the map (Bryan, 2015).

The United States government relied extensively on mapping to claim land and resources during the period of westward expansion. Colonial mapping projects in North America viewed the landscape according to European notions of aestheticism and scientific rationale. This view marveled at the vastness of the landscape, emptying it of people, and thus conveniently served the needs of the colonial state (Sparke, 1998). The maps and journal entries of the Lewis and Clark Expedition crafted the boundaries of the Louisiana Purchase, forming the “foundation stones” of American territorial claims in the northwest (Wheat, 1954, p. 64). Beginning in the late 1830s, the military carried out the first “scientific” mapping efforts, exploring remote regions and assisting in the development of the nation’s knowledge of its resources (Moffat, 1980, p. 9). A few decades later, federally supported surveys made inquiries into viable routes for a transcontinental railroad and categorized land according to its potential for development (Moffat, 1980). Later, the federal government engaged in cadastral mapping, dividing its public holdings. Cadastral mapping consolidated the settler state’s control of land and obliterated old conceptions of space (Kain & Baigent, 1992). Thus, maps came to deterritorialize the lands of the American West of Indigenous control, destroying any existing conceptions of space. In their place, maps framed space as the public domain and initially planned for its disposal to private ownership.

Later mapping efforts shifted to more participatory approaches that aimed to challenge the authority of conventional mapping and critique it for its complicity in colonialism. Cultural ecologists relied on mapping to demonstrate how cultures modified their environments and generated their own geographies (Bryan, 2015). Numerous initiatives were spurred into action across the Americas, most notably in efforts to map Apache place names in the American southwest, Beaver and Cree land use in British Columbia, and subsistence strategies among Miskito communities in Nicaragua (Basso, 1996; Brody, 2002; Nietschmann, 1973). The political ramifications of these maps were significant, enabling Indigenous communities to challenge colonial authority. Anthropologists conducting mapping efforts in the United States testified before the Indian Claims Commission to settle territorial disputes between Tribes and federal government (Sutton, 1986). Later mapping efforts shifted away from illustrating Indigenous occupancy, and placed greater emphasis on the use of maps as ways of making direct claims to territory and bolstering Tribal sovereignty (Nahanni, 1977). Through this strategy of taking
Indigenous conceptions of space and weaponizing them as maps, it was believed that colonial authority could be displaced and an Indigenous agenda realized. Bernard Nietschmann boldly declared that “more Indigenous territory can be reclaimed and defended with maps than by guns” (Nietschmann, 1995, p. 37).

Despite Nietschmann’s claims, the efficacy of these maps ultimately hinged on the determinations of non-Native arbiters in courts (Brody, 2002; Sparke, 1998). For Denis Wood, maps are used to wield power, and ultimately the entity that wields power is the state. As a result, a successful Indigenous mapping project must have a state that is receptive to its goals. Wood’s position on Indigenous mapping’s successes and failures can largely be summed in one sentence: “since maps are instruments of the state, trying to use maps against [the state] is like spitting in the wind” (Wood, 2010, p. 139 original emphasis). The effects of state power in mapping go far beyond mere recognition/rejection of alternative spatial knowledges. Participatory mapping has contributed to the expansion of state control, assisting markets in penetrating new terrain (Wainwright & Bryan, 2009). More insidiously, mapping initiatives in Central America have provided militaries with information for counterinsurgency against Indigenous groups (Bryan & Wood, 2015). These failures indicate that colonial conceptions of space continue to be deeply implicated in present configurations of nature and culture (Wainwright, 2005).

There are also limitations to what can be translated into a map. Indigenous Peoples have complex oral traditions, songs, dances, prayers, and spatial epistemologies that pose obvious challenges for incorporation into a map. Indigenous worldviews must be adapted such that they can be understood by the court: “the real problem is that no matter what the worldview and space-time conceptions of the people in question, they have to be bent into the worldview and space-time conceptions of the court or risk being dismissed as… unintelligible” (Wood, 2010, p. 141 original emphasis). Often precluding their use in court, Indigenous maps are often contingent on the work of non-Native experts to translate their worldviews into conventional cartographic forms (Bryan, 2011).

The failures of participatory mapping have shifted focus to viewing mapping as a social practice, paying close attention to the production and use of maps and asking “whose knowledge counts when it comes to questions of space and power” (Bryan, 2015, p. 257). Definitions of “map” have broadened to embrace wider ideas of spatial knowledge, introducing culturally specific
understandings that may begin to transgress neocolonial ideas about nature and culture (Enote & McLerran, 2011).

Methods

Given that maps are not objective “mirrors of nature,” they must be viewed as a series of propositions or constructions, and situated within their political contexts. Accordingly, the maps I enlist for the purposes of this paper are analyzed as social constructions and interrogated for the ways they understand and organize spatial knowledge. Particular attention was paid to the ways Indigenous Peoples were mapped (or not). Relevant information was determined by answering a series of basic questions about a given map: What is on the map? What is omitted? Who made the map? What does the map suggest or how does it frame space? Who is its audience? What is its purpose? From these foundational questions, I formulated emergent themes and ideas, and linked each map to historical context and information on its author(s).

For the purposes of this investigation, I collected and viewed 41 historical maps produced by government surveys. All are available through either the Library of Congress or the collections of various public and private universities. Each of these maps deserves attention and analysis, and fortunately, I have been able to rely on the exhaustive efforts of others. Map historian Carl Wheat collected and described hundreds of these maps in his volume Mapping the American West, 1540-1857: A preliminary study. Riley Moffat Moore, then a graduate student at Brigham Young, compiled every historic map of Utah he could find into his master’s thesis, completed in 1980 (Moffat, 1980; Wheat, 1954). Historians William Goetzmann and Wallace Stegner have already crafted extensive histories on the soldiers and scientists that were charged with mapping the west. Their work is notable for not only describing maps and reports, but providing historical context and details on their authors. My task is to wed their contributions to the story of dispossession.

I also collected additional contemporary maps produced by the BLM, USFS, Utah Diné Bikéyah, and the BEITC. Particular attention was paid to the maps produced in the BLM’s 2008 Resource Management Plan (RMP). The RMP includes 86 maps. While only three are commented on below, the RMP maps share a similar purpose, making it possible to discuss all of them together. Finally, I devote some time to discussing maps produced for Utah Diné Bikéyah’s cultural mapping project, a process that lasted from 2010 to 2015. These eight maps formed the basis of the Bears Ears proposal. I approach these as examples of “counter maps,” and comment on their
ability to capture Indigenous uses and ways of understanding space. Additionally, I offer some critiques of this approach.

My goal is not to comment on each and every map produced. The maps analyzed here have been selected for their historical and political importance, style of representation, and role in the construction of public land as a particular spatial category. More specifically, my focus on historical maps scrutinizes the work of government explorers and surveyors, paying particular attention to the ways these agents catalogued Western space according to the principles of science. The ways they saw space proved useful for controlling and partitioning land, and creating the public lands system. These same ways of viewing space can be traced in contemporary federal agency maps. All of these maps are short on representing Indigenous ways of knowing and understanding space. These maps are by no means the only maps produced, but are the best examples for telling this story.

As a final note, Bears Ears as a defined region is a relatively new conception to the non-Native person. Southeast Utah is not captured well by some of the historical maps I include here. Nevertheless, what is important is not the specific region itself, but the way the Western landscape is interpreted and constructed. It is notable that American explorers and surveyors paid no attention to sites important to Native people like Bears Ears. Thus, I choose to leave behind Bears Ears as a focal point in much of the discussion of maps, except where relevant historical information exists. My attention will instead be devoted to broader processes of destroying Indigenous ideas of space, dispossession, and constructing public land in the southwest. Additionally, of the Tribes among the BEITC, I focus on the Navajo and Ute peoples. As semi-nomadic peoples, the dispossession of these Tribal Nations enabled the creation of the public lands system in the southwest. The sedentary Pueblo peoples posed less of a problem to the federal government’s ambitions and reflected the Anglo-American belief in the civilized individual as an agriculturalist (Forbes, 1960; McNitt, 1990).
Mapping New Worlds (Dispossession by Map)

At the start of the nineteenth century, Indigenous Peoples still controlled much of the western half of the continent. Although colonial powers claimed Western lands, their hold over the continental interior remained weak. Beyond coastal missions in California and scattered interior outposts, Mexico struggled to deal with nomadic southwestern and plains Tribes. Even as the U.S. extinguished Mexican claims at the conclusion of the Mexican-American War, the U.S. was already expanding its control over western lands as an extension of Manifest Destiny.

Western lands obtained by the U.S. came under the control of the federal government. Under federal ownership, land was understood as the “public domain.” The concept of the public domain predates settlement of the western U.S., beginning in eastern states during the late eighteenth century. Lockean values of private property directed the public domain to be disposed to individual Americans under the assumption that the homesteader would “improve” the land through cultivation (Sowards, 2017; Stegner, 1992). As the nation expanded, these ideas spread westward. Although land literally became the public domain on the basis of federal ownership, it took considerable time and effort to craft the public domain into land suitable for public use. The existence of the public domain could not precede knowledge of it. This knowledge was amassed by government surveyors.

For Indigenous Peoples, the process of crafting the public domain made them strangers in their own lands. As I will argue, colonial authorities changed how western lands were viewed and imagined, erasing the existing Indigenous territoriality. It took the work of government surveyors to reorganize space with pre-existing claims into empty and resource-rich land open for settlement and development. Once understood in these terms, Indigenous Peoples were dispossessed and

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2 The Southwest and the Colorado Plateau were first explored and mapped by Spanish military excursions and missionaries during the eighteenth century. I make little mention of them in this paper, as my intentions are to scrutinize later maps produced by American surveyors who would assist in the establishment of the public lands system. Nevertheless, early American maps, prior to extensive surveying, relied on the work of the their Spanish predecessors (Goetzmann, 1959). The legacies of these early expeditions remain readily apparent, as some of the names these expeditions assigned to places are locally recognizable, including the Escalante Canyons, Sierra Abajo, and the San Rafael River. The continued existence and use of Spanish names can be read as a symbolic handover of territory from one colonial power to another. Spanish incursions into the region marked the first wave of colonial authority felt by Indigenous Peoples in the area. The idea of the Ute and Navajo as nomadic marauders was product of Spanish attempts at control. U.S. agents and soldiers came to adopt this view, culminating in the horrific events of the Navajo Long Walk.
forcibly removed, precluding use of public land. As “unoccupied land,” contemporary public land
designations could be constructed in place of Indigenous territory.

As Braun demonstrates in his postcolonial analysis of Crown land in British Columbia,
colonial authorities crafting of national space required the dispossession of Indigenous Peoples
(Braun, 1997). While Braun relied on the writings of government surveyors to develop his analysis,
I take maps as my primary “texts.” My approach builds on Crampton’s (2001) claim that maps
must be apprehended and viewed as social constructions that produce certain systems of
knowledge while silencing others. I supplement my analysis of maps with readings of government
surveyors’ reports, building on critical cartography’s contention that mapping should be treated as
an active practice involving the production, use, and reading of maps.

Manifest Destiny fueled U.S. western expansion, justifying the Mexican-American War and
the wrestling of Oregon Country from British possessions in North America (Zinn, 2005). The
federal government facilitated this growth, and in this sense, American expansion was a
profoundly national project. Government explorers and surveyors played a key role in planning
and carrying out this expansion. Throughout the nineteenth century, the federal government
dispatched or sponsored scientists to assess western lands, where U.S. claims were doubtful at
best. While mapping and surveying occurred in distinct waves, the purpose of these activities
remained consistent. Exploration and surveying were considered highly technical, scientific
pursuits. These professionals trained in a wide array of fields including engineering, natural
science, cartography, zoology, chemistry, and geology. Subsequent reports contained detailed
descriptions of vegetation, wild animals, geology, Native people, and less “objective” comments
describing the utility of surveyed lands and resources.

Scientific inquiries proved formative to the nation’s knowledge of western lands and their
potential value. Yet surveys, while scientific, served political ends. The momentum for westward
expansion (and Indigenous dispossession) stemmed from the pressures of capital and settlers
seeking new livelihoods (Harris, 2004). Surveys assisted these interests. Historian William
Goetzmann calls one of the early government surveying agencies, the Corps of Topographic
Engineers (henceforth, the Corps), a “central institution of Manifest Destiny” (Goetzmann, 1959,
p. 4). The Corps, a branch of the army, functioned as a fighting unit within a larger conquering
force aiming to wrest western lands from Mexico (Moffat, 1980). Accounts of the soldier-scientists
within the Corps describe skirmishes with Mexican troops and Indian Tribes (Goetzmann, 1959). The four “Great Surveys,” which eventually coalesced to form the USGS, assessed the landscape ahead of settlers, opened up “new country, [located] its resources, [classified] its land for proper settlement, and thus [pointed] the way for rational and efficient use of the country” (Goetzmann, 1971, p. 489).

As Braun notes, surveys “inscribed a national teleology” on the landscape (Braun, 1997, p. 13). Explorers and surveyors assigned a purpose for the landscapes they encountered. None of this is to say that the maps, reports, and other documents produced by these surveys were inaccurate. To be sure, surveyors conducted their activities according to the highest scientific standards of the time. The point is that surveying catalogued land according to its utility to the nation. Two examples are worth exploring here—a map by John Charles Frémont of the Corps, and another by Ferdinand Vandeveer Hayden who was geologist-in-charge of the United States Geological and Geographical Survey of the Territories.

Figure 2. John C. Frémont's Map of an exploring expedition to the Rocky Mountains in the year and to Oregon & north California in the years 1843-44 (Frémont, Abert, Edward Weber & Co, & United States Congress, 1844).
Frémont mapped much of what would become Utah on expeditions circumnavigating the Great Basin by way of Oregon and California. The resulting map, the product of two expeditions in 1842 and 1843-1844, displays much of the topography his expedition encountered (Frémont, Preuss, Edward Weber & Co., & United States Congress, 1848) (Figure 2). Each bend in a river is carefully drawn and each tributary assigned a label. Mountain ranges feature prominently, with presumed high points marked. Blank spaces mark the limits of the American knowledge of western territory. Beyond are unknown lands and new objects waiting to be discovered by science. Like a spotlight, Frémont’s map makes the unknown knowable and organizes discoveries according to rationale of scientific inquiry.

Frémont’s emphasis on topography reflects the purpose of his map. Tensions between the U.S. and Mexico grew as the two colonial powers vied for western lands. Frémont’s forays ventured into Mexico’s northern provinces, seeking viable military routes that proved useful in the coming Mexican-American War. The map is silent on the existence of an international boundary, asserting that the landscape was unclaimed. A smattering of Spanish place names and a few scattered missions are the only details that hint at Mexican dominion. While the map emphasizes the scientific purpose of Frémont’s expedition, it tacitly validates a U.S. incursion on a sovereign country. Later Frémont maps illustrate this border, but only after the signing of the Treaty of Guadalupe Hidalgo. In these later maps, the former border is shown to illustrate lands obtained from Mexico.

As a scientific venture, Frémont’s expedition also made abundant written observations of the landscape encountered. Frémont’s report offers detailed descriptions and suggestions on the apparent utility of the surveyed lands. Of the Wasatch Front near Utah Lake (modern day Provo, UT), Frémont wrote, “The lake is bordered by a plain, where the soil is generally good, and in greater part fertile; watered by a delta of prettily timbered streams. This would be an excellent locality for stock farms; it is generally covered with good bunch grass, and would abundantly produce the ordinary grains” (Frémont, 1845, p. 274). Frémont predicted that the West would come to great commercial value, especially for cattle, writing “Its grazing capabilities are great; and even in the indigenous grass now there, the element of individual and national wealth may be found” (Frémont, 1845, p. 277).

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3 The 1848 Treaty of Guadalupe Hidalgo ended the Mexican-American War and resulted in Mexico ceding Upper California to the U.S.
Like Frémont’s survey, Hayden’s surveys added to the scientific understanding of the West. Hayden produced multiple maps, each focusing on distinct scientific categories. Hayden’s survey of Colorado produced a map that details the geologic complexity of the state’s landscape. Another map focuses on the state’s rugged topography.

![Figure 3. The Hayden Survey’s Geological and geographical atlas of Colorado and portions of adjacent territory (1877).](image)

Although the maps are interesting as documents of scientific inquiry, Hayden’s survey, which was under the auspices of the Interior Department, had an obvious civilian focus—surveying land for development and settlement. For a nascent state that relied heavily on its mineral wealth, geologic maps proved invaluable, offering prospectors knowledge of where to look for valuable ore. Topographic maps proved useful for developing transportation routes. Hayden’s *Economic Map of Colorado* map depicts the distribution of the state’s agricultural lands, pasture lands, forests, coal beds, and silver and gold districts ( Geological and Geographical Survey of the
Territories, Hayden, 1877). Many of the larger river valleys are suggested for agricultural use. Mountain ranges are demarcated as coal beds and silver districts (Figure 3).

Hayden also mapped and surveyed what would later become Montana and Wyoming. This survey was also the first to assess Yellowstone, leading to its protection as the nation’s first national park (Stegner, 1992). John Wesley Powell surveyed much of Utah, producing a similar economic map titled *Map of Utah territory representing the extent of the irrigable, timber and pasture lands* (1878) (Figure 4). Like Hayden’s map, Powell organized the state according to its resources as valuable for development and settlement.

Like the Canadian surveyors scrutinized by Braun, these surveys and their maps gave the nation its skeletal structure (i.e. in a literal sense, the Corps established the modern boundary with Mexico), and filled this structure with the findings of scientific inquiry (Braun, 1997). Science appeared to make objective observations of the landscape, as if scientists merely read it. But the pursuit of science often blurred with less objective imaginings.

The surveys anatomized the landscape into its constituent parts—Frémont commented on suitable rangeland and farmland, and Hayden and his colleagues systematically organized valuable resources on maps. In categorizing lands, the surveys identified land for development of its natural resources. This work removed the land from its cultural context.
Maps constructed a system of spatial knowledge that selectively prioritized resources for the use of settlers, miners, farmers, etc. Maps organized space in terms understandable to westward moving Americans. These maps, assumed to be accurate scientific representations, framed the landscape in the terms of resources, laying the foundation for development and settlement. As maps established this particular construction, they erased other ways of understanding space.

To be sure, the scientific surveys noted the presence of Indigenous groups living on the lands they surveyed. Names of Tribes are scattered across Frémont’s map. Nevertheless, the map offers little else on Indigenous Peoples. The map is silent on the extent of Indigenous occupation. The labels are few and spaced widely, leaving considerable ambiguity over the formal recognition Indigenous territories. Most of the map is empty space, suggesting that it is unclaimed. The map offers no information on the ways Indigenous Peoples interact and use the landscape. There are few Native words used for naming places and features (e.g. “Yampa River,” “Wasatch Mountains”), yet whites assigned most of these too.

Much of the same can be said for Hayden’s maps. The Ute reservation graces the Economic Map of Colorado, albeit in black lines that are often difficult to discern (Geological and Geographical Survey of the Territories, Hayden, 1877). The map specifies the location of Indian agencies and some Indian settlements. However, most of the landscape is devoid of human occupation and use. The map seems to suggest the Utes claim more land than they could physically occupy. While the inclusion of the Ute reservation suggests that the U.S. recognized Indigenous claims, the map nevertheless documents resources on the Ute reservation. This is clearly intentional. Hayden completed his map in 1877, four years after the U.S. signed the Brunot Agreement with the Utes acquiring federal control over the mineral-rich San Juan Mountains. Two years after Hayden completed his map, a silver boom that swept through the San Juans brought scores of prospectors into the region in search of precious minerals. This makes Hayden’s map especially significant as it suggests the primacy of the “resource landscape” over the “cultural landscape,” to borrow Braun’s phrasing (Braun, 1997, p. 12).

In both cases, maps assert a new construction of the space, crafting a landscape devoid of people. In doing so, maps erase the existing Native geography. In its place, maps impose an insurgent geography that makes no room for Indigenous ways of knowing and understanding space. This insurgent geography, which views space in terms of natural resources, invites settlers,
prospectors, loggers, or any fortune seeker to stake their claim to the landscape. More bluntly, erasure through maps enables the dispossession of land from Indigenous Peoples.

As Harris has shown, the erasure of Indigenous conceptions of space was legitimated by prevailing assumptions of Indigenous Peoples as primitive savages antipodal to white civilization—the scientists of the surveys held these same assumptions (Harris, 2004). Frémont described many of the Native people he encountered in racist terms. Of the Paiutes, he wrote, “From all that I heard and saw, I should say that humanity here appeared in its lowest form, and in its most elementary state” (Frémont, 1845, p. 276). Frémont reserved his praise for Native people that adopted civilized life. Describing a missionized village, he wrote:

Two good-looking wooden dwelling houses, and a large school house, with stables, barn, and garden, and large cleared fields between the houses and the river bank, on which were scattered the wooden huts of an Indian village, gave to the valley the cheerful and busy air of civilization, and had in our eyes an appearance of abundant and enviable comfort (Frémont 1845, p. 560).

Only by adopting presumed white patterns of agrarian settlement could Native people have a place in this reimagined space. Powell, who was acutely interested in ethnology and the founding director of the Bureau of Ethnology, categorized the Indigenous Peoples he encountered on a continuum ranging from “savage” to “civilized” (Goetzmann, 1971; Powell & Ingalls, 1875, p. 23). It was Powell’s opinion that the federal government needed to educate the nomadic tribes in the virtues of a sedentary life, teach them the English language and Christianity, and bestow upon them the technologies of farming and manufacturing (Stegner, 1992). Prevailing cultural assumptions framed Native people as primitive savages, their nomadic, non-agrarian ways of life indicating they failed to understand productive land uses. In a rapidly changing (i.e. civilizing) world, many believed that these primitive cultures were on the verge of extinction (Braun, 1997; Harris, 2004). In scientific inquiries, attention to Native people was more an effort to gather information about disappearing species—Frémont compared the fate of Native people to that of declining bison herds (Frémont, 1845). Racist ideology understood Indigenous Peoples as uncivilized and vanishing justified dispossession, and conveniently supported the United States’ vision of Manifest Destiny. Maps and reports from scientific expeditions made this discourse appear real.
The purpose of these maps is clear—the United States meant to expand onto the western half of the continent without pause for existing claims, neither those of a sovereign nation or those of Indigenous Peoples. The scientific expeditions helped the U.S. gather knowledge of an enormous swathe of the West. Maps reorganized space according to the rationale of scientific inquiry, erasing existing Indigenous claims and understandings of space. Land was catalogued according to its suitability for settlement and the availability of resources for development, aiding its eventual disposal to private citizens.

While the U.S. rapidly added to the public domain and planned for its disposal, Indigenous groups still occupied much of the land. Occupied land could not be disposed and subsequently settled or developed. In the West, the federal government’s approach to securing control of Indigenous territory was characterized by conquest, or treatymaking and reservation creation. Although treaties were the ostensibly diplomatic route, considerable violence usually precipitated them. “Cession” was simply a euphemism for another process that dispossessed Indigenous Peoples of their lands. Regardless, Indigenous Peoples lost territory, and were segregated from white Americans. Many were forcibly confined to reservations established for the exclusive use of Indigenous groups. Life on reservations was (and remains) harsh, as most reservations were located on lands marginal to development. Tribal cessions and reservations could not have been organized without maps. Maps were a means of establishing the physical location and extent of property (Blomley, 2003; Harris, 2004). Accordingly, maps located and defined the extent of the land to be ceded, and did the same for reservations. As Harris contends, maps were a technology of managing dispossession (Harris, 2004).

The Department of War took great interest in Indigenous geography, producing maps that located Tribal cessions and reservations. One such map illustrates Tribal cessions and proposed reservations. Tribe names are scattered across the map. The map is annotated with the boundaries of U.S. states and territories, overlaying the existing Indigenous geography. The annotations

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4 The exact date this map was published is unknown. The Library of Congress lists its publication date as 1858—the date the basemap was published (Warren, Freyhold, Bien, & United States War Department, 1858). However, the annotations depict cessions that occurred as late as 1861. Tribal cessions made in the late 1860s and cadastral meridians and baselines established in the mid-1870s do not appear on the map. Furthermore, divisions posed by the secession of southern states as the Confederacy do not appear on the map, suggesting the map was likely produced before the outbreak of the Civil War in 1861. While this may be indicative of an American government refusing to recognize a seditious region, early 1861 remains the best estimate for its publication date.
plainly map over Indigenous lands, obscuring Indigenous territories. A line divides unceded Indigenous lands and the ceded lands of the east, reading, “Western limit up to which the Indian title has been finally extinguished” (Warren, Freyhold, Bien, & United States War Department, 1858) (Figure 5). Some newly ceded lands are covered by the recognizable grid pattern of cadastral surveying, literally erasing any Indigenous notion of space. The map, with the precision of a scalpel, divides and reorganizes the existing Indigenous landscape into administrative units of the U.S., and asserts the authority of the state over lands still sparsely inhabited by whites. The map overlays conceptions of space that are entirely alien, laying property lines that cut up the land into progressively smaller parcels. Indigenous land is distinguished from ceded land, suggesting that Indian lands are somehow diametric to those taken.

Indeed, Indian land was distinguished from ceded lands held by the federal government. Ceded lands became part of the public domain, a status retained until disposed of for private settlement or development. Indigenous land was not part of the public domain. The Eighteenth Annual Report of the Bureau of Ethnology lists every cession by Tribe to the U.S. until 1897. The report offers brief notes detailing each Tribal cession or alteration to a reservation. Throughout the report, alongside actions detailing the shrinking or elimination of a reservation, echoes a common refrain:

Figure 5. Map of the territory of the United States from the Mississippi River to the Pacific Ocean; ordered by Jeff’n Davis, Secretary of War to accompany the reports of the explorations for a railroad route (1858).
“Restored to the public domain” (Powell, 1899, p. 883). Creation of the public domain, and dispossession of Indigenous Peoples are two sides of the same coin. The creation of the public domain necessitated the reduction of Indigenous land, explicitly distinguishing such lands from the public domain. This distinction makes clear Indigenous Peoples were precluded from consideration as part of the “public.” At the turn of the twentieth century, Indigenous Peoples could not be part of the American public for another reason: they were not American citizens. Non-citizens, by definition, cannot engage in the public sphere as citizenship is a necessary precondition to engage in the public realm (Arendt, 1958; D’Entreves, 2018). Citizenship status was not extended to Indigenous Peoples until 1924.

Conflicts between Indigenous communities and whites over the public domain were indicative of exclusion from the public. An example from the Bears Ears region is worth providing here. Until 1917, the public domain in SJC saw significant use by Utes who refused to relocate to Colorado reservations. Treaties continued to permit Ute use of off-reservation lands unoccupied by whites (“Treaty with The Ute 1868,” n.d.). This arrangement did not sit well with white settlers. Growing cattle companies took advantage of the county’s rangeland to graze massive herds, some over 20,000 animals in size (McPherson, 1995). Cattlemen took issue with the Ute’s rangeland burning practices. Enormous ranching operations degraded lands long used by the Utes for subsistence, resulting in retaliatory cattle killings and horse theft. In a dramatic episode locally referred to as the “Posey War,” settlers rounded up off-reservation Utes, holding them captive until all Ute claims to territory in SJC were extinguished. In exchange, the Utes were allotted a handful of tiny parcels upon which they were expected to settle and farm. While ranchers freely exploited the public domain for grazing cattle, Ute use of the public domain posed a threat and was dealt with accordingly.

As Indigenous Peoples were confined to reservations and allotments, their former territories, now the public domain, continued to be reorganized. The late nineteenth century witnessed the overhaul of the government’s approach to the public domain. Millions of acres remained undeveloped and unsettled. Largely unregulated, the public domain facilitated rampant resource speculation, fraudulent land claims and unsustainable levels of exploitation (Sowards, 2017).

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5 Efforts by the military to relocate off reservation Utes failed as many realized that unallotted lands on the Southern Ute Reservation were being taken by white settlers, a product of the Dawes Act of 1887 (McPherson, 1995). The small band of Utes who refused to move to Colorado reservations became the White Mesa Utes. Today, this band lives in a community of the same name, organized as an exclave of the Ute Mountain Ute Reservation.
Rather than disposing the public domain, the federal government shifted towards a policy of retaining land and managing it for the public. After the establishment of the USFS, its first Chief Forester, Gifford Pinchot, declared: “all land is to be devoted to its most productive use for the permanent good of the whole people, and not for the temporary benefit of individuals or companies” (Pinchot, 1902). In SJC, President Theodore Roosevelt withdrew large tracts to create the La Sal and Monticello Forest Reserves (now, Manti-La Sal National Forest) (Schmieding, 2008). Within the same decade, Congress passed the Antiquities Act, giving the President unilateral authority to designate national monuments. In 1908, Natural Bridges National Monument was established in SJC. These designations laid the existing public lands framework in SJC. By no coincidence, they occurred during a period of explosive race relations, culminating in the Posey War. The architects of these reforms—the fathers of the modern conservation movement—held the same racist assumptions as the surveyors before them. Pinchot was a delegate to the International Eugenics Congress and later active in the American Eugenics Society. John Muir and Aldo Leopold viewed Indigenous Peoples as squatters, and believed unspoiled nature precluded the presence of humans (Solnit, 2014).

Thus, the public domain excluded Indigenous ways of using and knowing space. The public domain was explicitly crafted from Indigenous land. When Indigenous groups continued to occupy and use the public domain, violence erupted. Ensuing designations, including present national forests and national monuments, were crafted as Indigenous Peoples were barred from using the public domain. In this sense, the public lands system was the culmination of the process of dispossession—with Indigenous territoriality erased and mapped over, the federal government exercised its authority to manage the land for a non-Indigenous public.

**Reclaiming Space within the Public Lands Framework**

This next section returns to the present. Briefly, I sketch out the present arrangement of federal management in San Juan County, Utah (SJC). Using maps, I argue that federal management continues to understand space in the way colonial explorers and surveyors first organized it. Consequently, non-Native uses of public land are privileged and Tribes are relegated to interacting with their traditional territories through channels provided by the state. Tribal efforts to designate BENM exploited state instruments—maps—to try to reassert Indigenous conceptions of space. I offer some of limitations to this approach, and conclude with some reflections on what possibilities
exist to realize an Indigenous interpretation of space in spite of our existing public lands framework. These ideas are still exploratory, and future analysis may yield more cogent and polished findings.

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Today, federal agencies administer the overwhelming majority of land in SJC. BENM, in all its forms, is entirely comprised of BLM lands and a smaller area of the Manti-La Sal National Forest. These agencies are directed by law to “[manage] the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people” (Federal Land Policy and Management Act, 1976). In short, federal agencies manage land in the interest of the public. The BLM calls this legal directive the “multiple-use mandate,” and interprets it as “managing public lands for a variety of uses such as energy development, livestock grazing, recreation, and timber harvesting while ensuring natural, cultural, and historic resources are maintained for present and future use” (Bureau of Land Management, 2019). As an employee of a local BLM field office described to the author, “It’s a pretty tough mandate. We work with the public for direction on uses for public lands.”

Federal agencies are required by law to publicize any management changes, agency decisions, designations, etc. in a process called an environmental assessment (EA) or environmental impact assessment (EIS) (National Environmental Policy Act, 1969). To determine who the public is and its interest in public lands, federal agencies solicit participation through a variety of channels. Agencies publish news briefs, hold public meetings and workshops, take comments in writing or online, and openly release draft documents. The process is iterative, necessitating multiple rounds of public input, and therefore exhaustive, often taking years to finalize.

While a critical analysis of the EIS process is beyond the scope of this paper, analysis of documents, particularly maps, produced from an EIS can provide detail into how agencies understand the spaces they manage and who they manage it for. Here, I offer maps from the drafting of the BLM Canyon Country District’s 2008 Resource Management Plan (RMP). The Canyon Country District covers all BLM lands in SJC, making the 2008 RMP particularly relevant to Bears Ears. The RMP includes hundreds of maps each focusing on a different subject matter. One map targets uranium deposits. Another, the distribution of elk herds. Others show the location and extent of specific management units like Special Recreational Management Areas (SRMAs) or wilderness areas.
Figure 6. BLM map of oil and gas potential in lands administered by the Monticello Field Office (Monticello Field Office, 2008).

Figure 7. BLM map of uranium potential in lands administered by the Monticello Field Office (Monticello Field Office, 2008).
The question is not whether these maps accurately represent the distribution of uranium or the spatial extent of a wilderness area. Instead, these maps must be apprehended as constructions that view space in a particular way, privileging certain interpretations over others. Maps organize space according to the principles of science, identifying available resources and their apparent utility to the nation (Braun, 1997). The RMP maps show space in correspondence to discrete, objective categories—minerals, wildlife, forests, etc. These maps also give things like “SRMA” or “wilderness” their shape by establishing boundaries, and distinguishing the space within from the space outside. By organizing space in this way, these maps promote viewing space for its utility, not unlike Frémont and Hayden’s maps. This time, agencies intend public land to facilitate “multiple-use” rather than settlement. Mapping minerals like uranium, oil, and gas is of obvious use to extractive industry (Figures 6 and 7). Mapping the distribution of elk herds is of great importance to hunters. Mapping SRMAs denotes areas of high recreational value—Indian Creek for instance, a world-class climbing area. Furthermore, maps are a technology wielded by the state to assert its authority and control over space (Wood, 2010). By mapping space as some type of public land unit, agencies like the BLM and the USFS affirm themselves as the rightful land managers, and govern how people are to interact with the landscape (Kosek, 2006).

It becomes exceedingly clear that Indigenous notions of space are non-existent. Newer versions of the same colonial systems of spatial knowledge added to an insurgent geography that leaves no room for Indigenous ways of knowing. This is not to say that Tribes have no influence over public lands management. BLM Canyon Country District officials who spoke with the author in their official capacity stressed that as of present, any changes to federal land management triggers consultation with Tribes as mandated by federal law. Officials noted Tribal members have “exclusive” privileges that are not afforded to most visitors. One BLM employee stated “[Within the monument] Cottonwood and willow are collected for ceremonial use. The general public is not permitted to do that.” These privileges are codified in the RMP: “Management decisions also allow for traditional Native American firewood harvesting opportunities within a reasonable range of the Navajo Reservation, as well as for collection of cottonwood and willow for ceremonial purposes” (Monticello Field Office, 2008, p.). Although the acknowledgement and protection of such Tribal uses is undoubtedly a welcome arrangement, it is striking how these age-old practices are

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6 BLM officials frequently cited two pieces of legislation: The Native American Graves Protection and Repatriation Act (NAGPRA), and The National Historic Preservation Act (NHPA).
considered “permitted” or “allowed” by federal agencies. Here, state control is considered benevolent, ensuring the continued protection and reproduction of resources for future use (Kosek, 2006). Erased by centuries of dispossession and violence, age-old Indigenous practices are characterized as allowable activities by the state. Worse still, Indigenous Peoples must now compete with a myriad of other users, roughly equating their claims (as entire Tribal nations) to leasing rights for extractive industry or access concerns for recreationalists.

Although maps are instruments of dispossession, southwestern Tribes have made extensive use of maps to assert territorial claims in Bears Ears and the rest of the region (Diné Bikéyah, 2011; Noyes, 2015). In Bears Ears, the boundaries of the proposed monument are the direct effort of Tribal mapping efforts. That work culminated in the 2015 proposal to the federal government to designate Bears Ears as a national monument under the Antiquities Act. This work was only the latest attempt (Palmer & Rundstrom, 2013). Tribes have attempted to obtain recognition of Tribal territories prior to the BENM mapping initiative.

The Navajo Nation relied on maps to delineate the extent of its traditional territory before the Indian Claims Commission (ICC). Attorneys representing the Navajo provided a composite map depicting the boundaries of Navajo territory as described by the accounts of government officials and military explorers (Figure 8) (Littell, 1967). The concentric circles overlain on the map illustrate a clear outline of territory, one produced and identified by the colonizers themselves. In their opinion, the ICC commissioners recognized the Navajo held title to an enormous area, including the bulk of lands now contested as BENM. What is striking here is how maps and the accounts of surveyors and explorers came to be used as leverage by a Tribe to make a legal claim to former territory. While it is difficult to determine the degree to which this strategy was directed by the non-Native attorneys representing the Navajo versus Navajo leaders themselves, it is significant that maps, a tool of colonial dispossession, were subverted to suit the needs of Indigenous Peoples.

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7 Established in 1946, the ICC heard the claims of any American Indian group, many of which considered the taking of former Indian lands. The ICC offered limited recourse for such claims, largely making disbursements (United States Indian Claims Commission, 1979). A tiny minority of Indigenous groups reobtained land.
Figure 8. Map attached to Proposed Findings of Fact in Behalf of the Navajo Tribe of Indians in Area of the Overall Navajo Claim (Docket 229). Attorneys representing the Navajo presented this document to the ICC in 1967 (Littell, 1967).
The BENM mapping initiative went beyond the Navajo’s use of maps before the ICC. This “counter-mapping” effort aimed to inject Indigenous voices into public lands management. In 2010, brothers Kenneth and Mark Maryboy, both former SJC Commissioners and members of the Navajo Nation, and Gavin Noyes, the former program director for non-profit Round River Conservation Studies, developed a grassroots plan to map traditional lands based on the knowledge of Tribal elders in SJC. Now the executive director of Utah Diné Bikéyah (UBD), Noyes described mapping as a way of taking Tribal knowledge and translating it into something that the federal government would have to recognize: “[The mapping initiative was] designed up front with the intention of collecting raw data which could be developed into maps—the federal government doesn’t care about oral histories” (G. Noyes, personal communication, August 8, 2018). Eventually, the “explicit goal” of this mapping project would be an inter-Tribal conservation initiative, which became the BEITC and its proposal for a 1.9 million acre national monument (G. Noyes, personal communication, August 8, 2018).

Tribal knowledge was collected through interviews with elders. All interviews were conducted by Mark Maryboy and lasted for more than two hours. According to Noyes, Maryboy translated what elders would say into a format that was intelligible to “outsiders” and “policy.” Maryboy then “drew on the maps, transcribed information, and formed the foundation for the proposal.” Following collection, the methodology of the Tribal mapping project had to balance “accuracy”\(^8\) with the inherent sensitivity of Tribal knowledge it was to map. The maps needed to “stand up to legal scrutiny” and the “planning process of a federal agency” (G. Noyes, personal communication, August 8, 2018). The mapping initiative took great care to disguise “point source” data (e.g. location of sacred sites) to avoid imperiling them. The completed maps aggregated and digitized data collected from interviews with Tribal elders into “watershed units,” suggesting the intensity of Tribal use in the enumerated area (Figure 9) (Noyes, 2015).

One particular map\(^9\) illustrates “Areas Important for Native American Hunting, Fishing, and Gathering.” The map uses three different shades to indicate the intensity of Tribal hunting, fishing,

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\(^8\) According to Noyes, “accuracy” was an explicit consideration during project planning. Noyes suggested the technical methods employed, the transparency of the process, level of detail, and execution by highly skilled individuals (Noyes listed an extensive number of GIS experts, consultants, and PhDs in numerous fields including anthropology and biology) all lent the project credibility. If a someone wanted “to redo the project”, Gavin argued, the Navajo Nation (which retains all the data) “could allow researchers to verify the information.”

\(^9\) This map was provided by Utah Diné Bikéyah, which has since updated the map to include the boundaries of BENM. The original map included the boundaries of the 1.9 million acre proposed monument boundaries.
Figure 9. One of the eight “counter-maps” that appeared in the Bears Ears Inter-Tribal Coalition’s proposal for BENM. This version has since been edited to provide the boundaries of the monument. Prior versions included the proposal boundaries (Utah Diné Bikéyah, 2018).
and gathering within SJC. Areas enumerated by the darkest shade indicate “the top 25% of the cumulative land selection frequency” captured in the responses of Tribal elders (Utah Diné Bikéyah, 2018). The map does not disclose precise sites, thereby protecting Tribal knowledge. The map suggests Tribal use is not bound by arbitrary land-use designations like reservations and makes no distinction between National Forest, Wilderness Areas, or even National Parks. Tribal use is expansive—the map indicates use of lands close to Moab, well north of the Navajo and Ute reservations. Nevertheless, the areas of highest intensity use roughly correspond to monument boundaries, indicating that Tribes are willing to compromise with other interests. The inclusion of federal land units like National Forests and National Parks makes clear that government agencies must account for Indigenous uses in their management protocols.

The process of taking Tribal knowledge and oral histories and producing maps demonstrates clearly an attempt to introduce Indigenous ways of knowing into debates over public lands. The Tribal mapping initiative demonstrates the ability of Tribes to adapt to rules set by the federal government. Before a national monument was considered, the initiative was “built on assumptions on what [the Navajo Nation and Round River] thought would be most useful in informing a Congressional bill.” Thus, Tribal interests were translated into the vernacular of federal agencies. Maps were used to elevate these interests all while working within the established policymaking framework. In this sense, mapping empowered Tribes to speak directly to the federal government about sensitive cultural issues.

Obama’s designation of BENM was the obvious outcome of the mapping initiative. Mapping was something that could be understood and acted upon by the federal government. Yet BENM exposes the limitations of counter-mapping. Tribes did not get everything they wanted. The Obama administration still compromised by excising 300,000 acres identified in the proposal from the monument. Although BENM remains a massive area (1.6 million acres), the omission effectively permits proposed uranium mines within the proposal area. If fully developed, it would jeopardize the remainder of the monument. The size of BENM was not the only shortcoming. As part of the executive order designating BENM, the Obama administration established a five member commission that would make management recommendations directly to federal agencies (Obama, 2016). Members on the commission would represent each of the five Tribes part of the BEITC and be democratically elected by their respective Tribal members. Nevertheless, this commission
would have no real legislative authority. Instead, the commission would be more of a symbolic
gesture than a serious governing body.

To be fair, the actual efficacy of the commission is unknown and will stay that way in the near
future. Along with the BENM boundary modifications, the Trump administration modified the
commission such that there is only one Tribal official among a broader body consisting of other
stakeholders (Trump, 2017). Additionally, legitimate co-management would require an act of
Congress. The Obama administration, to the best of its ability, navigated around the obstacles
posed by a Republican led Congress, which gave little indication it would grant Tribes such
authority. In any case, Tribes, without any formal management authority, must continue to accept
the authority of the state over their lands.

As much as BENM is an examples of weaponizing maps, it affirms Wood’s claim that using
maps against the state is contingent on a receptive state and embracing state authority (Wood,
2010). By submitting maps to the federal government, Tribes had to accept its control of traditional
territories as public land. This enabled the Obama administration to draw the boundaries of BENM
as it saw fit, and later resulted in the Trump administration literally redrawing the map.

Finally, Indigenous ways of understanding space are afforded little recourse. Using Tribal
knowledge and oral histories to craft maps necessitates taking and transforming Indigenous
interpretations of space such that it passes for a “neutral,” scientific interpretation. Noyes described
BENM as “A vision for the kind of world we want to live in. An earth where we take care of
individuals and each other… [Bears Ears] is about the human relationship to the earth” (G. Noyes,
personal communication, July 18, 2018). Existing land management framings and laws simply
cannot accommodate this sort of arrangement, let alone an entirely different worldview, as they
are crafted on the assumption that public lands consist of natural resources to be sustainably
managed for a diverse public. The public lands system, despite attempts to bend it to Native
perspectives, offers little to Indigenous Peoples that empowers their claims to their traditional
territories.

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As a coda to this paper, this section offers some final thoughts on the future of Bears Ears.
Numerous legal challenges have been made against the Trump administration in federal court. Yet
such challenges will take some time to play out, with some legal experts believing the arguments
will eventually reach the Supreme Court (A. Podmore, personal communication, July 15, 2018; J.
Guarino, personal communication, July 15, 2018). Until then, federal agencies will manage BENM according to the boundaries set by the Trump administration.

Resistance to the reduction has perhaps taken its most visible form in media and advertising content, much of it produced by public lands advocates and outdoor retailers. As described above, one of the most visible protests was Patagonia’s “The President Stole Your Land” advert, which appeared on its website and social media channels, and even prompted *The New York Times* to publish a profile on the company for its outspoken advocacy on public lands issues, specifically Bears Ears (Gelle, 2018). In another protest against the reduction of Bears Ears, which was supported by Utah’s elected officials, Patagonia successfully lobbied Outdoor Retailer, the multibillion dollar outdoor industry’s annual convention, to leave its Salt Lake City base, arguing “outdoor recreation contributes more than $12 billion annually to the Utah economy, spending that could be jeopardized if public lands are developed” (Gelle, 2018).

While having Patagonia weigh in on the matter is certainly a boon for public awareness, it remains problematic. Patagonia’s banner, which can still be viewed on a page of the company’s website, misses the mark entirely. The land in question was taken from its rightful occupants over a century ago. It was never the president who stole the land that would become BENM. It was the United States and its agents, the surveyors who first mapped this region and the many waves of settlers who followed. President Trump only followed the path already worn by the many who walked before him. The company’s portrayal of the issue as a “public lands” one is disingenuous. Framed as a public lands issue, Bears Ears is understood as the protection of resources, whether they be natural, historic, scenic, or even recreational. It is telling that Patagonia’s lawsuit against the Trump administration cites “protecting [its] business” as basis for filing suit against the Trump administration (Marcario, 2017). Missing is the “human relationship,” to use Noyes’ words. Bears Ears may contain extraordinary natural wonders, world-class recreational opportunities, and significant historic and archaeological sites. But to know the place in such a way would be to miss the point. As I have shown, the creation of public land necessitated the dispossession of the continent’s original inhabitants and continues to ask them to accept a diminished role in overseeing

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10 To its credit, Patagonia launched a website dedicated to Bears Ears in 2017. Titled “This is Bears Ears,” the website includes multiple “chapters” that offer videos profiling specific sites and multiple Native activists organizing to support the monument (Patagonia, 2017b). Patagonia still includes its conventional athletic shorts, documenting climbers scaling the walls of Indian Creek or running in Valley of the Gods. Nevertheless, the site offers these videos as later chapters after opening with Native voices.
their own territories. For nearly two centuries, Tribal priorities have been marginalized or eclipsed. Lost is Bears Ears as a locus of Indigenous meanings.

Although it is neither my expertise nor mission to characterize the way Tribes view the Bears Ears area, I offer the ideas of former A:shiwi A:wan Museum and Heritage Center Director Jim Enoted, an enrolled member of the Pueblo of Zuni, to provide a brief window into the Zuni worldview, and where places like Bears Ears are situated. According to Enoted, all places inhabited by the Zuni people are intimately linked to their understanding of the world, much like how an individual’s experience informs their relation to the world. Places like Bears Ears are the nexus of the Puebloan perception of the cosmos, as these places are points from which past Puebloan people developed their understanding of their relation to other things (Enote, 2018). To better conceptualize this idea, Enoted uses an agricultural metaphor: “[Bears Ears] was a great field. Without [these fields] we would not have been able to cultivate the seeds of our people, people who flourished” (Enote, 2018). Even if the people move on, these places continue to inform the future. The experiences of the ancestors who lived and died at such places form the basis of a shared collective memory, passed on in the oral tradition and the physical remains of the past act as a conduit between people past and present (Enote, 2018). In these terms, places like Bears Ears are critical to the Puebloan understanding of self. They are not just important to Tribes. It is part of who they are. To deny it as such is deny their sense of self.

I offer this critique not out of spite, but rather as a challenge, a call to action. As ostensible allies in the Bears Ears fight, outdoor recreation groups and public lands advocates must recognize the violent history of public lands. Bears Ears is a struggle for a Native vision of the landscape as the state policy. Bears Ears is not about protecting wilderness, guaranteeing climbing access\textsuperscript{11}, restricting the will of extractive industry, or even protecting antiquities. It’s about recognizing the extant relationship between Native people and the landscape, one that they have inhabited for far longer than any other demographic. Framing the issue in these other terms is simply disingenuous and eclipses the actual goal of Native empowerment. This is not to say that Native people are ignoring conventional channels—they are not. But they have endured the long and arduous process

\textsuperscript{11} Climbers have clashed before with Indigenous Peoples over public lands. In 1995, after the NPS instituted a voluntary climbing ban at Mato Tipila (Devil’s Tower, WY) during the month of June. The month corresponds with important ceremonial periods for plains Tribes, many of which find climbers scaling the pinnacle to be disrespectful. Climbers represented by the Mountain States Legal Foundation sued, arguing that the ban was created for religious purposes and therefore a violation of the first amendment (McLeod, 2001).
that comes with reviewing a unit for monument status, and they have carefully collected the knowledge and opinions of their own people before appealing to the federal government. Asking them to settle for anything less is to ignore two centuries of violence and dispossession.

It may not be pragmatic to demand the return of stolen land as some have called for (Lister, 2018). BENM alone is significant progress. But there is more that can be done. Protections for Bears Ears must strive to accommodate the relationship Indigenous Peoples have to it. As Enote puts it, “fields need people to tend them” (Enote, 2018). A more critical perspective, cognizant of history and the complexity of the Indigenous relationships to land, is sorely needed in advocacy efforts for BENM. The Tribal nations behind the BEITC have already introduced a possible framing. For them, Bears Ears is about healing—healing people. It is a place integral to their own identity. “Without [Bears Ears], says, former Ute Mountain Ute Councilmember Regina Lopez-Whiteskunk, “our future does not exist” (R. Lopez-Whiteskunk, personal communication, July 17, 2018).

The Tribes of the BEITC are taking it upon themselves to ensure their vision is seen. In a direct display of defiance and Indigenous agency, the Tribes gather annually on the monument lands. In late July of 2018, I had the distinct privilege to attend the third annual Bears Ears Inter-Tribal Gathering, held at Bears Ears Meadow directly under the namesake twin buttes. For three days Tribes occupied the space. I could not help but make a comparison to Standing Rock, to which I was gently reminded by a Native attendee, “Right but we started this before Standing Rock.” Indeed, the first gathering occurred a year before the events at Standing Rock transpired.

In another show of defiance, Native activists hoisted a nine foot tall Bear totem pole, crafted by carvers of the Lummi Nation, at the gathering in Bears Ears Meadow (Figure 10). The totem arrived by truck, accompanied by its carvers on a 1,200 mile journey from Lummi, almost on the Canadian border, to Bears Ears. With the gift of the totem to the BEITC, the carvers hoped to demonstrate the solidarity of the Lummi Nation with the BEITC in the face of reductions to BENM. While the totem would only remain at Bear Ears Meadow for two days, it was simultaneously a powerful symbol of Indigenous unity and a clear (re)affirmation that the land of southeastern Utah is Indigenous. The Lummi Nation was not alone in its show of solidarity with
the five BEITC tribes. Attending members of Acoma and Jemez Pueblos expressed being profoundly moved as they set foot on their ancestral homeland once more.

Taken together, the Bear totem, the presence of supporting Tribes, and the gathering at large at Bears Ears Meadow demonstrate that Indigenous Peoples are ready to take action by more direct means, imposing an Indigenous public on lands that were taken from them. For the Tribes, a retreat on their position is not an option. A Ute representative put it best, telling the gathering “We are the dog soldiers of today,” referencing the famed Cheyenne warrior society, “We need to take care of this earth.”

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Figure 10. Tribal members and activists hoist the Lummi totem pole at Bears Ears Meadow during the annual Bears Ears Inter-Tribal Gathering. Photo taken by author with permission from Utah Diné Bikéyah.
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