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This Land Is Their Land

By NANCY GIBBS; Nancy Harbert/Albuquerque and Jeanne McDowell/Los Angeles

The temperature was 21 degrees below zero, not counting the 20-m.p.h. winds blowing across the hilltop cemetery, as mourners gathered to remember a gruesome massacre. A century ago, on Dec. 29, 1890, soldiers of the 7th Cavalry slaughtered hundreds of Sioux men, women and children who had sought refuge under a white flag at a place called Wounded Knee. To mark the anniversary, descendants of the survivors came on foot and on horseback, some from hundreds of miles across the plains. They circled the chain-link fence around the grave site, saying their prayers in silence and burning sage for purification. South Dakota Governor George Mickelson offered words of sorrow and apology, the culmination of a "Year of Reconciliation" between whites and Indians in South Dakota. The journey to the grave site, he said, "has been a prayer and a sacrifice, a wiping away of tears."

Each week brings a new installment in the fight for the survival of an ancient culture in a modern age and for dominion over lands lost a century ago. Above all, Native Americans wish to preserve the right to practice their religion, enforce their laws and educate their children without interference. Says Scott Borg, an Albuquerque attorney who regularly represents Native Americans: "The U.S. government has no more right telling the Pueblos how to run their internal affairs than does a country like Iraq to tell Kuwait how to run its internal affairs."

The vehicle, and the obstacle, to Indian autonomy is the immense, inert Bureau of Indian Affairs. The 167-year-old agency, which is in charge of everything from tribal courts and schools to social services and law enforcement on the reservations, has a sorry record of waste, corruption and choking red tape. A recent survey of government executives ranked it the least respected of 90 federal agencies, with the Indian Health Service close behind. An effort to restructure the bureau was halted by Congress until a task force of Native Americans could be assembled for consultation.

But hope for progress runs thin: "Restructuring the BIA," one tribal leader noted, "is like rotating four worn-out tires."

Most Native Americans can no longer afford to wait for the government to take action. The crusade for greater self-determination reflects the desperate poverty and social pain that marks daily life on many reservations. "Indians are the most regulated people in the world," says Dale Riesling, chairman of the 2,000-member Hoopa Valley tribe in Northern California. "Self-determination means that we are completely free to set our own direction and goals, basically our own destiny." That destiny is in dire need of reshaping: life expectancy in some tribes is 45 years, the leading cause of death is alcoholism, and Indians have the lowest per capita income of any ethnic group in the U.S. A weak school system has made it nearly impossible for Native Americans to succeed in competitive jobs off the reservations. Without the resources to address these problems, tribal leaders fear that poverty and aimlessness will destroy whatever remains of traditional Indian culture.

Back around the turn of the century, the Federal Government's "progressive" policy toward Native Americans amounted to forced assimilation. The BIA shipped Indian children off to boarding schools, gave them Anglo names and banned their Native tongues and religious rituals. Each generation moved further from tribal tradition, to the point where languages, which were entirely oral, and skills, such as basketmaking, were in danger of disappearing. After decades of drift, tribes that have begun to focus on preserving their heritage for the next generation have also reduced their rates of teen suicide, illiteracy, addiction and despair.

But protecting an ancient culture also means fighting for rights that are blithely violated by neighboring communities. In last year's most celebrated confrontation, Mohawks faced down Quebec police and army troops 18 miles west of Montreal in a battle to prevent weekend golfers from putting into their ancestral graves. At the same time, Chippewa Indians, in northern Wisconsin, fought what has become an annual battle on the shores of Lake Minocqua. Their adversaries, local fishermen armed with rocks and insults, fear that the Indians' spearfishing will deplete the supply of walleyed pike and drive away sport fishermen. Though the Chippewa have voluntarily limited the size of their annual catch, they resent the fact that their ancestral claims are begrudged as concessions rather than viewed as legal rights.

Such confrontations are the flash points of a struggle heating up in courtrooms across the country. Heeding the lessons of the civil rights movement, the country's 700 Native American lawyers are using the judicial system. "There has been more Indian litigation in the past 20 years," says John Echohawk, executive director of the Native American Rights Fund, "than in the previous 200."

Most of the conflicts, in one way or another, grow out of a commitment to the land. Despite anthropologists' evidence that they came to this country across the Bering Strait land bridge, many tribes believe their ancestors emerged from an underworld through a hole in the earth known as the sipapu. Their religion, their art and their well-being are tied to the land they have guarded and revered. Now, many generations after white settlers bribed, swindled and threatened thousands of Native Americans out of millions of acres, they are determined to seek restitution.

In the Black Hills of Wyoming, 15 tribes from Wyoming, Montana and the Dakotas are fighting off an effort by the Forest Service to turn their sacred site of Medicine Wheel into a tourist attraction. The 4,000-member Northern Cheyenne tribe of Lame Deer, Mont., is battling coal miners and railroad developers on its lands. Tribe members are afraid that development would bring tourists flooding into the middle of their religious ceremonies and disturb areas rich in medicinal plants and yellow ochre earth paint needed for those rituals. "How would you like it if I took my picnic basket, my family and dog into your church while you were praying?" asks Bill TallBull, tribal elder of the Northern Cheyenne.

Many tribes are trapped between ancient environmental principles and modern economic pressures. One Alaskan tribe in dire need of funds is reluctantly trying to decide whether to sign away logging rights around Prince William Sound, permit oil drilling in a delicate wildlife area or allow an airfield to be built in the midst of a vast habitat for Kodiak bears. Other tribes have allowed waste-management companies to use reservation land for dumps and disposal sites, then suffered from the contamination of their land and water as a result. Across the vast Arizona tracts of the Navajo Nation, high-voltage wires run like silver threads to the Pacific Ocean, carrying electricity all the way to California -- but not to the 200,000 Navajo who live beneath them.

A central controversy shared by Native Americans of many tribes is the crusade to have relics and remains of Indian ancestors removed from museums and returned to the tribes for burial. Some tribes believe the soul cannot rest until the body is returned to nature, by burial or cremation. Hundreds of thousands of Indian corpses were dug from their graves and carted away for display. "Grave robbing was so widespread that virtually every tribe in the country has been victimized," says Pawnee Indian Walter Echo-Hawk, staff attorney at the Native American Rights Fund.

In a landmark accord with Indian leaders last year, the Smithsonian Institution agreed to sort through its collection of 18,500 remains and to return for burial all those that were clearly identifiable as belonging to a certain tribe. Stanford University then pledged to give back its entire collection of remains of the Ohlone tribe. Other museums and collectors followed suit, and in November President Bush signed a bill to protect Indian grave sites in the U.S. and to return remains to the tribes. In some instances, however, tribes have asked a museum to retain permanent control of the objects so they could be properly conserved.

In all areas of conflict, over land or tradition or scientific collections, years of litigation lie ahead. The Bureau of Indian Affairs will have an uphill battle persuading Native Americans that it is prepared to protect their interests rather than confound them. Given the U.S. government's track record in dealing with this continent's original owners, the task of rebuilding trust will take considerable will and faith on both sides.

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