[GUNS FIRING]

SPEAKER 1: One or two people in Little Bighorn bunker have been hit. It's impossible to get a medic out because the firing is so heavy.

SPEAKER 2: Little Bighorn, Little Bighorn, this is Clearwater.

SPEAKER 3: This is Little Bighorn in the battle camp of cut down here.

SPEAKER 2: Be advised, you have 10 minutes with 1 person with a white flag to move that person out of that area. If there's any weapons or any fire, we will fire upon them, over.

SPEAKER 4: OK. Roger. There'll be no weapons taken down there. And I'm trying to tell all our people around here not to open fire. But some of the people are out in fields. And I can't guarantee that somebody on the other side of the perimeter might not get pinned down open fire over there. But there won't be any fire from this direction.

SPEAKER 2: If I have any fire coming from that area, any firing coming from that area, there'll be open fire. We're not going to tell our men to hold fire. You got 10 minutes starting now, 1 man unarmed with a white flag.

SPEAKER 4: Little Bighorn, Little Bighorn, and Phaneta, and Hawkeye, and Little California, hold your fire. Last Stand, also, hold your fire. We got a man under a white flag that's going to go down and try and see if the medic has been hit. It's been down here on the road for a long time. If anyone opens fire, this man's dead. So hold your fire.

SPEAKER 5: The sounds of Wounded Knee were familiar to many across the country in 1973, the 71-day occupation on the Pine Ridge Reservation in South Dakota drew national attention to the Indian cause. But it cost three Indians their lives. Since then, we've heard little from the Indians. But today, with recent victories in the courts and the halls of Congress the eyes of the nation are again turning to the original inhabitants of this land.

Among the most notable attention grabbers is the controversy in Northern Wisconsin, a battle over hunting and fishing rights. And residents here say it's a battle that may once again lead to bloodshed.

[TRIBAL SINGING]

SPEAKER 6: It's a war. It's cowboys and Indians again.

SPEAKER 7: Like, we own an 80-acre farm. And if I see an Indian out there, I don't care what the law is.

SPEAKER 8: I've seen the bumper stickers and hats that say, save a deer, shoot an Indian. But I've not yet seen them displayed or sold. Yet I have personally found signs that say save a deer and shoot an Indian while hunting with my 15-year-old son.

SPEAKER 9: I don't care about their fishing, if they use the rod and reel, and damn your nets.

SPEAKER 10: Right. The Indians, right now, they have their making money on the bingo. They've had some court cases decided in their favor. So now, you see, they are an ideal scapegoat because of course they're also a different color. And I don't think it is so much a one-to-one kind of a thing. It's the group thing.

SPEAKER 11: The Polish people keep their culture. The Italian people keep their culture. The Irish people keep their culture. They don't have problems to keep their culture. They don't need a reservation to keep their culture. You can keep it any way you want.

[APPLAUSE]

SPEAKER 12: And I'm getting tired of hearing you people saying that we Indians are freeloaders. I'm not a freeloader.

SPEAKER 13: I think any Native American who thinks that treaties won't be abrogated is dreaming. They will be. Maybe not in my lifetime but sometime.

SPEAKER 14: We've forced our government upon Indian people. We've forced our religious ways of life upon Indian people. Our languages, we've forced people on reservations, we've routed them. We've put them on trails of tears, and long marches, and exile them from states. And then we go out and act like we are the ultimate in Democratic policies.

SPEAKER 15: The voices of those you'll hear from in the next hour, they're voices that can be heard across the nation as Indians assert their rights for wildlife, land, and economic development, rights they claim were established by treaty signed with the US in the 19th century. In the next hour, we'll examine the Chippewa tribe of the upper Great Lakes as a barometer of the Indian Nation, looking first at why some Indians say the progress they've made over the last decade may finally enable them to bring their communities out of the poverty that's plagued them so long, then we'll focus on the northern Wisconsin band of Chippewa and their fight for hunting and fishing rights, a fight that may simply be a microcosm of the nationwide trend that finds better educated Indians fighting for rights that until today have not been exercised.

We'll talk to non-Indians who say the newly found rights are an infringement on their own rights as US citizens and call for the abolishment or abrogation of the treaties. And with Indians, who say the debate could threaten the long awaited progress they seem to be making. Some say the battle over Indian treaty issues will be fought out in the halls of Congress, while others claim, it will be fought out in the backwoods of Northern Wisconsin.

[TRIBALS SINGING]

In the mid 1800s, the US signed most of its final treaties with Indian tribes. In exchange for land, the tribes were offered a place to live and protection by the federal government. Eventually, they were declared US citizens. But the 1924 law also allowed them to retain the rights included in the treaties. And it's that dual role that's been central to the setbacks and successes the Indians have seen since the 1920s. But in those days, the Indians knew little about the US legal system and even less about how to play the game.

Consequently, the documents did little to enhance their lives, at least in the Great Lakes region where Leo Lafraniere grew up. Lafraniere spent his childhood on the shores of Lake Superior in the 1930s and '40s at the Red Cliff Reservation near Bayfield Wisconsin.

LEO LAFRANIERE: When I was young, I was enrolled in a mission school here on the reservation. And being that it was a mission school, if you tried to follow, or participate, or just act as an Indian, you were reprimanded such that it was kind of beaten out of the youth at that point.

SPEAKER 15: And there was little improvement in the '50s says John Buckanaga, who grew up on the Red Lake Reservation in Northern Minnesota.

JOHN BUCKANAGA: Of course, I was in high school. But at that particular time, as I grew older, I could see the effects of it that the state people said, we will take care of the Indian people if the federal government gives us the money to do so. However, the federal government says the Indian people are citizens of the state. Therefore, they must assume that responsibility.

So you get to be a political football back and forth. And as a result, the people have fell behind in all levels of social economic conditions, including housing, health, education, civil rights, employment. We're still lagging far behind. And we're trying to catch up like some of the elders said. We gave up all his land and resources. We paid our taxes in advance now. Now we want something in return.

SPEAKER 15: As a result, says Fred Dakota of the L'Anse Reservation in Upper Michigan, tribes had little hope for improving their communities even in the '60s.

FRED DAKOTA: There used to be a time when this tribe would have a meeting once a month. And that's all there was. It might have lasted for an hour or two, I don't know what was discussed. But there was no education programs. There was no home improvement programs. There was no health programs. There wasn't any of that.

SPEAKER 15: Then, in the late '60s, as the nation was undergoing a civil rights upheaval, Indians began to organize. The American Indian Movement or AIM became the most visible through its leadership at Wounded Knee where some 200 Indians occupied the historical village on the Pine Ridge Reservation charging the federal government with treaty violations and the BIA and local tribal officials with corruption.

But the cries of injustice soon faded into the background as funds dwindled following the incident. Rick McArthur, now with AIM in Minneapolis, helped get food to the holdouts who were surrounded by federal agents, US Marshals, and tribal police.

RICK MCARTHUR: We spent so much time righting wrongs that we end up spending all our resources, just keeping people out of jail, keeping people free in the United States.

SPEAKER 15: AIM did go on to establish some social programs in urban areas. And while some civil rights gains were made during the movement, they came largely in the form of organization in housing and social service programs. But to date, the difference it's made for the average Indian has been only marginal. And that's especially evident in health statistics.

DON BOWEN: The health problems are basically what reflects the rest of the country, heart disease, stroke. But diabetes is probably one of the chronic illnesses. And that's what--

SPEAKER 15: Don Bowen, president of the Oklahoma based Association of American Indian Physicians.

DON BOWEN: The majority of my patients I see are overweight. Most of them are diabetic. And most of them have hypertension. And diabetes, on the Indian population, does take a terrific toll, not only in the loss of life but also the loss of extremities, also the loss of vision, also the loss of kidney function, necessitating renal dialysis, and a huge portion of health care funding is spent for diabetes and the complications of diabetes.

SPEAKER 15: In fact, says Bowen, most reservations report the prevalence of diabetes is between 30% and 40%. And in some tribes, as much as 100%. And the other statistics are no less revealing. Unemployment has improved but still runs between 30% and 60% for most reservations. And 20% of the nation's 1.5 million American Indians live below the poverty level. Life expectancy, it's more than 10 years less than that of the White population in this country.

Suicide among young Indians, it's at least twice the rate of the average population, and alcoholism, three times that of non-Indians. And while all the statistics warrant further review that time doesn't permit here, we can say that, with alcoholism, economics is certainly a cause. But Dale Walker, director for social and cultural psychiatry at the University of Washington says, historical factors may play just as important a role.

DALE WALKER: It's a fact that many Indian tribes have lost their language. They have lost their way of hunting, their way of eating, their way of keeping warm at night. And so many anthropologists believe that the loss of access to more valued parts of their own culture has caused some increase in frustration and stress. Therefore, alcohol could be, as I said, an easy outlet.

SPEAKER 15: So the road to improvement remains a long one. But back in 1975, Congress passed an act that Indian leaders say now offers them some hope. When President Nixon signed the self-determination act that year, the already shaky umbilical cord linking the tribes with the federal government was all but severed in declaring reservations, sovereign autonomous self-governing nations, the law allowed tribes to establish their own legal staff's economic development and health agencies, and their own businesses.

John Buckanaga of the Indian Health Service office in Bemidji says, in theory, the act offered new hope. But he says, that was in theory alone.

JOHN BUCKANAGA: In other words, the federal government no longer does it for them like they used to do it. The tribes now assume that responsibility, and in most cases, are very successful. However, you must remember that it's nice that the tribes are told by the federal government they can participate in self-determination. But along with that, we consider that only enabling legislation because they did not fund it.

They only funded very small portions of it. And as a result, self-determination is, it's here. But at the same time, it's on a limited and restricted basis because there's nothing to self-determine, if you haven't got the resources to do it.

BILL HOULE: I remember as a youngster coming into tribal government, hearing an old timer in Congress testifying--

SPEAKER 15: Bill Houle, tribal chairman for the Fond du Lac reservation.

BILL HOULE: He didn't even know how to speak in the English language. And he said something like this, as interpreted. There seems to be something wrong with this act. And he said, I fear it. He says, it don't seem like they're saying self determination. They're saying termination. And how is it going to happen? It's going to happen at our own hands.

For many years now, he says, Indian people have been driven around in this automobile by the US government, Department of the Interior. We've sat in the back seat. And now they're saying, chief, it's your turn to drive. Something's wrong with that, he said. I've never been given the opportunity to drive. The vehicle's out of gas, and got flat tires, and the motor no longer runs. Now he's saying, you drive, chief, I'm going to sit-in the back seat and watch you. And when you fail in this, I'm going to say, chief, see, you can't do it.

Now this old man, truly, had no formal education, but had the foresight to warn tribal government that if you're going to go toward self-determination, self-sufficiency, do it very cautiously. Now I think that's the way Fond du Lac proceeded.

SPEAKER 15: It's taken more than 10 years. But the Fond du Lac Reservation that Houle now steers has become a model for economic development to tribes. The self-determination act has allowed it and many other reservations to establish one of the largest Indian moneymaking ventures ever. Bingo.

SPEAKER 16: 4, 7, 8, 10, and 15.

SPEAKER 15: Last year, the games brought in more than $1.5 million. And those dollars helped it become the first tribe in the nation to issue revenue bonds for its proposed health center. And with the help of the Duluth Port Authority, it's begun a marketing plan to sell the stoves it developed to arid West African nations that are looking for ways to burn alternative fuels.

But it was a long time coming, says Houle, as he spits from the pinch of snuff in his cheeks to the urn behind his desk. He looks back 10 years to the early days of self-determination and smiles.

BILL HOULE: The humorous part of it all was that Fond du Lac had to spend the money before we got it. Now what that meant was we had to go get a letter of credit from the bank. Well, after the bank president got through laughing, there was no way he was going to give us a letter of credit. So it meant nothing to us until we were at a tribal government we were able to convince them how can we spend it if we don't have it.

Well, go to a bank and they will lend you 300,000. Sure they will, sure they will. Well, now we can go to a bank and get a letter of credit. Some of the banks in Duluth are willing to accept this now. They wouldn't have probably let us in the doorway before.

SPEAKER 15: Today, Houle is not only recognized in Duluth banks but at City Hall as well. The tribe and the city have agreed to establish a $5 million bingo Hall in downtown Duluth, 30 miles from reservation boundaries. The two will split the cost, and the estimated $1.5 million annual profit, most of which will be earmarked for area economic development. And although, it's taken a year, the BIA has now approved the plan that allows the Downtown lot to become reservation property and thus exempt from state gaming laws.

But Indian gambling has yet to be put to the test, say some, as other reservations start up their own ways to bring in the dollars of chance, Congress continues to look at ways to limit the games. So far, the Bills have made little progress. And Indian Gaming operators like Fred Dakota say they'll do all they can to keep it that way. Dakota of the Keweenaw Bay tribal community in upper Michigan is one of many who fear a backlash from the success of the Indian gambling.

Dakota was ordered to close his Pines Casino near Baraga. A federal judge ruled the operation doesn't comply with tribal ordinances and leases.

FRED DAKOTA: I'll continue to operate until I'm proven wrong. And if that takes US Supreme Court, hey, that's where we're going. And that's all basic. And if we lose this one, we're going to be losing all the way down the line. And it will get right into hunting, and fishing, and just keep gnawing away until it finally happens. And I'm not going to let that happen, not without a fight.

SPEAKER 15: But Sam Deloria, a national observer of Indian affairs says gambling is not the be all and end all for tribes. Deloria is with the American Indian Law Center in Albuquerque, New Mexico.

SAM DELORIA: What it will do is it'll prime the pump. One of the things that has always been difficult for the tribes is that if they have had development, if they have natural resources to develop, by and large, the funds that they receive from those developments have gone to supporting just basic tribal government operations or have gone into servicing the development itself.

So they really haven't ended up ahead on anything. I think what the Bingo is not going to solve reservation economic development problems, it is going to produce more Indian people who have some skills in management. And it's going to create more of a cash flow on the reservation that can help to provide a private sector on the reservation. And that's going to be key in the long run to sound development that everybody would agree is a sound development and go far beyond the Bingo. I just see it as a priming the pump.

SPEAKER 15: And for Fond du Lac, that's also meant pumping some of its bingo dollars into its own Ojibwe school. And it's education that most Indian leaders say is the true hope for their future, until recently though, the only option for most Indians was public education. And that meant dealing constantly with prejudice and discrimination. Subtle or overt. Bill Houle says it takes its toll on children.

BILL HOULE: I remember when I went to school, I was forced to go by my parents. There was many days, even though I was a jock, that I didn't want to go because maybe the cook, or the janitor, the bus driver harassed me with his frontier mentality or whatever. That ruined my whole educational day.

UWE STUECHER: Stress exists if people are put in an seemingly intolerable situation, a situation which affects their integrity, their feeling of self-worth, their feeling of dignity.

SPEAKER 15: Uwe Stuecher, University of Minnesota Duluth psychologist spoke before a gathering of Indian educators.

UWE STUECHER: Racism then provides all the underpinnings or the basis for such a condition of severe stress. And if they cannot change a situation, they will start to take it out on themselves. In other words, they will start to self-destruct. They may start to use substance abuse. They may start to drink. They may start to do a lot of things to self-destruct. Ultimately, self-destruction, may in the most severe form then amount or come to suicide.

DON WIESEN: The students aren't turned off to education. They're turned off to the way education is presented to them.

SPEAKER 15: Don Wiesen, director of education, for Fon du Lac.

DON WIESEN: These kids enjoy going to school. And I think that's the main thing that we're trying to get across, first off, is that those kids have to have respect for themselves. Now that they have respect for themselves, now they want to learn. And now that they want to learn, they don't want to quit.

STEVE MARCELLA: For one thing, I think just coming here and participating in school is helping. Whereas if I think they were in the public school, a lot of these kids wouldn't be going. They wouldn't be getting any kind of education, let alone some.

SPEAKER 15: Steve Marcella, a white biology teacher who's also taught in the public school system.

STEVE MARCELLA: A lot of people say, the problem's drinking and stuff. But you take a look at a high school in a public school system, and it's probably just as bad or worse. There's been just too much of that stereotyping and looking down. And I think with a school like this, they're gaining more respect for themselves. They can see that they can do things. And self-respect is a big thing.

RICH PEAKCOCK: I don't know. They say Indians have a less chance of finishing high school than everybody else, and that for our resident to flourished, and they would need the younger generation to have an education. And I feel there is a need for young kids to have a good education. And I know I want one. But I don't know. I guess if you set your mind to something, that's what you're going to do.

SPEAKER 15: Even seventh grader Rich Peacock is aware of the importance of education, an indication that the message is getting across. But Fond du Lac is not alone. Across the border in Wisconsin, a member of the Lac Courte tribe can get his or her entire schooling on the reservation right through junior college. Eugene Begay is a former executive director for the tribe.

EUGENE BEGAY: It is a principle of educational theory that if the community controls the education system, it first of all, can have advantage in what is being taught. They have a control over the expenses of the school system. But more so, they have control over the lives of their own children that are being educated. And that's what's happening here.

SPEAKER 15: In addition, many states, tribes, and universities are joining forces to offer full bachelor and graduate programs to Indians like UMD and Fond Du Lac, attempting to kill two birds with one stone, they've initiated the American Indian Biomedical Research Program. Shirley Osthoff is the director.

SHIRLEY OSTHOFF: We are utilizing the facilities at the School of Medicine, and the doctors. We have five research projects, two on alcohol and how it affects the system, one on aging, one on obesity, and one on hypertension of Chippewa Indians of Minnesota.

SPEAKER 15: And it's programs like these that have many optimistic not only about education but about improved health for their people as well. In the past 15 years, the number of practicing Indian physicians has grown from only a handful to more than 200 today. Again, Don Bowen of the American Indian Physicians Association.

DON BOWEN: Like, John F. Kennedy said, each journey has to start with one step. And that may just be one step. But at least for me, it's a big step.

SPEAKER 15: And John Buckanaga of the Indian Health Service says, as a result, Indians now seem to better understand and accept programs like those administered through his office.

JOHN BUCKANAGA: We must provide immunization for all infants up to age 27 months old. And our goal is set at 90%. And our area of Bemidji, which deals with Michigan, Wisconsin, and Minnesota tribes, we have exceeded that every year. And our percentage of involvement of all infants for total immunization shots. And there's five of them, that our level is 98%.

SPEAKER 15: But buckanaga adds the effectiveness of such programs will depend on the Indian med school students. He and others say it's essential they return to treat their own people. And for that reason, Linda Gourneau may be a model. The University of North Dakota Med School student says she will return to her reservation in North Dakota.

LINDA GOURNEAU: Well, when you grow up on the reservation, you see that there's a lack of health facilities, doctors. And many times, in the clinics, there's a long waiting list. And then there was a lot of turning over. Some doctors would come, and they'd stay for a little while, and they'd leave. But I mean, you can't blame them, if they don't understand what's going on around there. So I think I feel like they needed somebody who understood the people.

SPEAKER 15: But many Indian students, once they leave for school, are lured away by opportunity and money, like Mark Palmaccio, an Illinois Med school student who doesn't plan to return home.

MARK PALMACCIO: I'm having less and less contact with our tribe. Medical schools put a little extra burden on that because I can't get back. And that's a shame because we're losing some of our old folks now that are the traditionalist. So we're losing our heritage that way. You look at how many people can actually speak their own tongue now. And it's terrible. We're working from the bottom up now, socioeconomic ladder. And I guess we're becoming white in a way.

ROBERT PAULUS: We're becoming professional business people and losing track of the fact that we are a tribal government and that we are Ojibwe or whatever, and it's frightening. I even, myself, have to remind myself that I'm not first a business person, I'm first an Ojibwe.

SPEAKER 15: But many are more optimistic than Fond Du Lac school, like Robert Paulus, a former Indian studies teacher now President of Mount Senario College in Ladysmith Wisconsin. He says, unlike other minorities, who've traditionally sought a piece of the American pie, Indians have a long way to go before they wholeheartedly accept the white man's ways.

ROBERT PAULUS: We're talking about a group of people then who are not really sure that the American dream is everything that it's cracked up to be. There are very few Indians, you know, today, who I believe, really mean to go back to live like Indians lived 300 years ago or 1,000 years ago, all right? But what I think they're saying is that we would really like to be able to pick and choose what we want to do and what we want to accept.

And it seems to me that is where the idea of sovereignty is so important because it gives us that freedom, you see. If we want to have our own Indian schools on Indian reservations, we can do that. On the other hand, because we have this peculiar dual citizenship, if we want to go to Milwaukee or to Minneapolis and work for Honeywell and send our kids to South High School in Minneapolis, we can do that too.

And I think that maybe unlike many of the other ethnic groups who didn't feel that they had those choices-- I talked to people whose ancestors were German. They said, my grandfather immediately realized that if he didn't learn to read English, he was in trouble. So he taught himself to read English by buying the newspaper. And Indian, people, at the point we're at now, are trying to go the other way and say somewhere along the line, we lost the Ojibwe language, let's say. And they're trying to relearn it.

SPEAKER 15: In fact, many in the Indian community will tell you that learning the native language is only part of the resurgence of culture that's taking place across the board.

CLYDE ATWOOD: Actually, what many people say is the dancing actually is prayer in motion.

SPEAKER 15: Clyde Atwood describes the dances being performed at the Ni-Mi-Win Powwow held in Duluth. Atwood was one of thousands of Indians who celebrated with dance and song over the weekend event.

CYLDE ATWOOD: In the powwow dancing, that's an individual kind of thing. You dance-- you dance the way you want to dance. So they have different styles or classifications they have, which is kind of modern.

SPEAKER 15: Although the powwows of today have changed significantly from those of yesterday, many of the old ways are still being honored at the gatherings. And in numbers alone, there's an indication the Indian culture is being preserved.

Nearly every tribe in the region now holds some sort of traditional celebration. But as recently as five years ago, that wasn't the case. Marilyn Benton is one of the organizers for the Honor Mother Earth powwow that's been held at the Lac Courte reservation for the past six years.

MARIYLN BENTON: Taking a look at our belief that things happen in a circular way in circles, at a time, in the 1950s, when it was not good to be Indian, a lot of our Indian people put our values and our teachings away. And now, what I see in the '70s, why this powwow itself was created was a beginning of them to come back, to bring them back. And now in the '80s, what I see is Indian people are ready to bring our cultural and spiritual beliefs back, and to incorporate them into this life.

And when we do that, then we can begin to deal with some of the problems we're faced with here at home.

SPEAKER 15: Indian leaders say it all points to a brighter future for their people. The strength of their culture, education, health, and economies, they say, may eventually bring stability and perhaps vitality to their as yet struggling nation. But Sam Deloria says, ironically, the strength may lead to the reversal of the trends that so many tribes are banking on today.

SAM DELORIA: What we've observed in the work that we've done around the country is when a tribe exercises its powers of self-government and uses the same standards as the surrounding communities, the same regulatory standards, the same tax standards, then the whole society applauds and says, the Indians are cooperating with us, everything's going to be fine.

But when a tribe exercises its tax or regulatory standards to put itself at a competitive advantage, then everybody gets upset and says, those damn Indians are peddling their immunity from state jurisdiction. So we have the bingo, and we have these off reservation hunting and fishing issues.

And what we're going to have to do, really, the whole society is coming to the point where we really have to think about the nature of tribal self-government. If it can be used by the tribes to protect and preserve certain elements of their culture that they think is important. And if it can be used by the tribes as a tool to encourage economic development, and finally, resolve some of these terrible economic problems on the reservations, then it's worth something.

But if the society will only stand for tribal self-government to be used to put the tribes at an economic disadvantage or to be used to do what everybody else is already doing, then it's not worth much. And then the promise of resolving economic problems sounds a little hollow.

[FLUTE MUSIC]

SPEAKER 15: And if there's one case that seems to illustrate the Indian struggle, as Deloria spoke of, it's the hunting and fishing conflict in Northern Wisconsin.

JAMES SCHLENDER: My overall perception of the situation in Northwest Wisconsin is that it is like a teapot. And as the flames of racism and prejudice grow hotter, the pressure within that pot builds and builds. There are three options at that point, one is to reduce the flame, two, to remove the teapot, or three, to allow the escape of the resulting pressure. But to do nothing is to risk an explosion.

SPEAKER 15: James Schlender of the Lac Courte tribe speaking before a Wisconsin advisory committee to the US Civil Rights Commission.

JAMES SCHLENDER: I perceive that there is both subtle and blatant racism, a coldness in interpersonal relationships between Indians and non-Indians, and outright hostility toward Indians.

TONY BAEZ: We have handled a bunch of other matters. But we had never handled one like this one.

SPEAKER 15: Tony Baez heads the Civil Rights Committee.

TONY BAEZ: You have here, a rather complicated situation, it is a situation that emerges out of feelings that are ingrained throughout a historical period and that you have attitudes that surface as a result of that situation that could be very dangerous, could be translated into actions that may result in some harm to individuals. So we definitely are concerned. I don't think we really had a sense of the nature of this situation until tonight.

SPEAKER 15: Baez's Civil Rights Commission, the Governor's Office, and the FBI have all undertaken investigations into this conflict spurred by reports of death threats from members on both sides. At the heart of the issue are the treaties of 1837, 1842, and 1854, in which the Chippewa ceded the land they occupied, which included approximately the northern third of the state, and in which they agreed to reside on specific reservations. David Jacobson is with the Wisconsin Department of Natural Resources.

DAVID JACOBSON: We assume that when we provided a reservation system and the tribes agreed to reside on that reservation, that they had given up these rights. That was an assumption on our part. And we lived with that assumption. Anytime a tribal member was caught hunting or fishing off the reservation, we would arrest them. And they'd complained a number of times, and they've been complaining over the years that they felt they had a right to do that.

And we said, no, that right was gone. In 1854, when you accepted the reservation system. And the thing was kind of in limbo for all these years until along came the Voight case.

SPEAKER 15: The Voight case, the center of the controversy, it began in March of 1974 when two Lac Courte Reservation members were arrested for fishing off the reservation. A year later, the tribe filed suit. Among those named was Lester P. Voight, secretary of the Wisconsin DNR. Again, David Jacobson.

DAVID JACOBSON: God, we weren't afraid as an agency. We went out and made that arrest. And we thought it was a good arrest. And it was. Good faith, people were obviously violating the law as we understood it on that day. And we took it to local court and we won.

SPEAKER 15: Ruling in favor of the state was federal district court Judge James Doyle. But after a series of appeals, Doyle was overturned by the US Court of Appeals Seventh Circuit in Chicago. Then, in October of 1983, the US Supreme Court refused to hear the case, letting stand the lower court ruling in favor of the Indians.

DAVID JACOBSON: What they said was that you can't lose a right by implication. It must be by specific language. And there was no specific language in the Treaty of 1854. And the court has ruled that the tribe retained those rights, and that they were indeed in existence today. That's quite a shocker. Fooled everybody, including us. Ever since that happened.

I've been involved in trying to deal with some reasonable meaningful settlement to the issue. I've worked in state government for a long time. I've never worked with a problem like this before or a problem that taxed me and worries me as much as this one. It's a serious problem. It's a social problem more than a resource problem, actually. And it has a lot of people upset.

AL HORVATH: We just feel that, according to the constitution, and I know there are exceptions made for Indian treaties. But according to the constitution, you cannot deny a man any right based on any alienage, which is--

SPEAKER 15: Al Horvath, leader of one of the two most vocal groups to come out in opposition to the so-called Voight decision, the group calls itself the Wisconsin Alliance for Rights and Resources or WARR.

AL HORVATH: And we feel that upholding outdated treaties from the 1800s, prior to the statehood, is a violation of our rights, it threatens our resources. We feel that we are not second class citizens but that we are providers, not users in the case of the Indian treaties, that we have to support them, all aspects of their life, and sit back while they extend these rights, quote-unquote, over and beyond ours.

SPEAKER 15: The rights Horvath speaks of have been bailed out in agreements between the six northern Wisconsin Chippewa tribes and the DNR. Again, David Jacobson, who's currently a chief negotiator for the state.

DAVID JACOBSON: The two issues are, the extent of the tribal rights has never been spelled out by the court in the appellate court, when they gave it back to Doyle, so that's one thing you've got to do. You've got to define the scope of the tribal right. That's not been done yet. So that's the big deal for the Indians. And then for the state, he said, the other thing that you've got to do is decide how much authority the state of Wisconsin has to regulate recognizing that the state is the custodian of the resource.

So those are two big issues before Judge Doyle. So in the meantime, it wouldn't be to the Indians advantage or to ours to negotiate anything that's very permanent. So we're coming up with a series of temporary agreements that take us through one season at a time.

SPEAKER 15: But the agreements have been less than satisfactory to many white residents of Northern Wisconsin in the small town of Hayward, a center for outdoor enthusiasts, which sits just 10 miles from the Lac Courte Reservation. Residents are, to say the least, skeptical about how the agreements will be carried out.

SPEAKER 17: Now if they want to take the hunting privileges out on anybody's land, they're not going to hunt on mine unless they man enough to ask me. And if I feel like it, I'll tell them yeah, and if I don't I'll tell them, no. I don't think it's fair that they take all the fish out of all the lakes. And then when you or I or somebody else wants to go fishing, we got to fish your heart out to catch one or two. I don't care about their fishing, if they use a rod and reel. But damn your nets.

SPEAKER 18: One that really bugs me is the one that they can go on to any other hunter's land and hunt. There's no way that we own a 80-acre farm. And if I see an Indian out there, I don't care what the law is, I don't think that should be-- that's our land. They own enough out there. They don't have to go to other people's land.

SPEAKER 19: But what'd you do if they were out there?

SPEAKER 18: I don't know what I'd do, it'd be tense. I know that.

SPEAKER 15: In fact, the Indians are not allowed, nor have they sought to hunt or fish on private property. But under the agreements, they are given privileges on public land that extend beyond those of the non-Indians. They're allowed to fish with extra lines and spears, to hunt deer with uncased loaded guns in their cars. And they're given extended seasons for both fish and deer beyond the regular state seasons.

And it's the combination of the additional rights and the misunderstanding of those rights that have prompted the growing sentiment against the agreements. And many are afraid of the outcome. The Wisconsin Counties Association wrote area Congressman David Obey asking him to intervene, fearing, it said, that blood could be shed on Wisconsin land. And many key players agree. Among them, James Schlender, chairman for the Voight Inter-tribal Task Force, a group of tribal representatives that's been formed to monitor the execution of the agreements.

JAMES SCHLENDER: I think there's that fear out there. I know many Indians will not go to establishments in town out of fear for their personal safety. No one wants to point to those. But I think it's entirely possible that something like that could happen.

SPEAKER 15: And Paul Mulally agrees. Mulally is the leader of the group Equal Rights for Everyone or ERFE, which has come out against the Voight decision.

PAUL MULALLY: I have been threatened with my life. I have had threatening telephone calls. I have had threatening things sent in the mail. So we didn't come here to hurl accusations. And I just want to make it clear that this stuff is on both sides. And I think if we play that stuff down. And I have made a mistake to the fact that some resorter told me that he was going to shoot an Indian if the Indian came on his lake and speared muskies or walleyes in the spring.

I think you have to understand what those fish mean to those small resorters on those lakes. And I can certainly see where that anger could come out.

SPEAKER 15: Indeed fishing is more than just a hobby for sportsmen in this region, it's a way of life. But Paul Demaine, the governor's aide for Indian Affairs says, traditionally it's not been the Indian that's depleted the resource.

PAUL DEMAINE: The buffalo were depleted because of bad resource practices by the European people. The moose and the elk are no longer in Northern Wisconsin not because the Indian tribes chased them out or shot every moose or elk. It was because of the non-Indian that came in here. And I think that the tribes in the long run can prove that they are concerned about the resources.

SPEAKER 15: And in their efforts to protect the resource, the tribes formed the Great Lakes Indian Fish and Wildlife Commission. Among other things, the group has been instrumental in joining with the DNR to form another resource management group, the Joint Technical Fisheries Work Group. DNR negotiator George Myers says, the group may help ease some of the tension at the negotiating table.

GEORGE MYERS: The idea being that biologists, if they're set aside from the political process and negotiation process, generally will come to the same general conclusions regarding how a fishery is going to be impacted by various fishing methods and limits. And once that has happened, then both sides can have a common ground of facts to work with. It eliminates biological facts from dispute.

SPEAKER 15: But biological facts are not all that's being disputed here. Social pressure has also jeopardized the limited harmony existing between the state and the tribes. Under the latest Open Waters Fishing Agreement, Indians for the first time were allowed to spear fish on public waters. And although the DNR sent 200 wardens north to monitor the situation, a number of confrontations did break out. And Myers suggested buying the spearing right from the Indians to avoid similar incidents in the future. Walt Bresette, spokesman for the Great Lakes Indian Fish and Wildlife Commission, says, that cast a dark shadow on the entire process.

WALT BRESETTE: He concluded that it doesn't matter whether we're having a negative effect on the resource management or not, that they are unwilling and unable to go forward in this instance because of the social pressures. I think the state of Wisconsin has utterly abdicated their responsibility in terms of being able to communicate with residents, and citizens, and user groups.

First of all, the seriousness of their position and their reasoning for negotiation, and secondly, the value of maintaining basic social peace and harmony, if not the protection of people's civil rights. I think they've absolutely failed in doing that. He didn't need 200 wardens, if he'd have sent five educators in advance to talk with people.

SPEAKER 15: And the general public hasn't been real happy with the DNR either. Although the Indians have only harvested about 10% of their allowed limit, Al Horvath says, that story might have been different if it were not for the public outcry.

AL HORVARTH: We didn't feel that a lot of the concessions they made were in the best interest of the resources. And we felt that citizen input is largely responsible for the Chippewa, not exceeding their take and not pushing this past hunting season like they could have because they were aware that there was opposition, not violent opposition, just opposition.

SPEAKER 15: However the agreements have received the unqualified support of environmental groups like the Izaak Walton League and the Sierra Club, and governors aide Domain says there is other evidence the resource is being protected.

DOMAIN: The Lac du Flambeau tribe in Central Wisconsin has had a fish hatchery since the 1930s. It is more than willing to go to off-reservation fish stocking. And there's more fish that have been planted than tribal members have been able to harvest. We're looking to spread that out into some of the other reservations.

AL HORVARH: It's immaterial. If I go out and take a whitetail out of season, if I did it as some of the Chippewa did, it would cost me a minimum of $3,000 and my hunting privileges for at least a minimum of a year or two years. And to turn your back and say that that's OK for them and that's legal, and that I should accept that, I think, is ludicrous. The fact that a Chippewa can sit on the ice with 16 lines, whereas I'm limited to 3, it just doesn't stand a reason.

It doesn't seem to me the way our system is supposed to operate. And I think that that's insane in a Democratic society. I think it'll be changed. I think any Native American who thinks that treaties won't be abrogated is dreaming. They will be, maybe not in my lifetime, but sometime because they do not fit in with society as a whole.

SPEAKER 15: And there are many that agree with Horvath. In Sawyer County, where Hayward stands is the County seat, 75% of the voters cast their ballots in favor of having Congress take another look at the Indian Treaties. And so, the controversy turns from an argument over the resource to one over Indian rights in general, encompassing all aspects of Indian life. Again, Paul Mulally.

PAUL MULALLY: For the sake of the Indian people and the other people living here, it is time to discard the bleeding heart or poor Indian syndrome. Quite contrary to what many of you think, ERFE is not anti Indian. We are a group of citizens who want to live with our neighbors peacefully and that great word that is used so generously in the constitution of this nation, in tranquility, the way to this is under one law and no special treatment for any segment of society based on race, color, or creed.

ERFE is looking for the future of our state and nation, and does not promote the idea of dollar bills for band-aids on a wound that could heal itself if left alone. The very fact that the tribal leaders are asking for segregation is not to be blamed on the Indian people. Again, the blame will have to be put on the government and the bureaucracy. It is a means by which they can keep control of the Indian people, and thus perpetuate the many Bureau of Indian Affairs jobs that hang on the poverty of the general Indian person. At this time, let's dissolve the Bureau of Indian Affairs and any other agencies formed to segregate, discriminate, and perpetuate the division of our nation and our people.

WALT BRESETTE: Those are the simple solutions that are being recommended, again, to us or for us. The Bureau of Indian Affairs is to blame, and if only we abrogate the treaties, if only we do this one next thing, it's bullshit. And when he utters anything which purports to describe either the social culture or political makeup of the Indian reservations, why anyone takes that man seriously is beyond me. What beyond--

SPEAKER 15: Again, Walt Bresette of the Great Lakes Indian Fish and Wildlife Commission.

WALT BRESETTE: And he is usurping the legitimate concerns and questions along some of the very lines that we're struggling with. And he has scared people into believing that I and others, again, are going to disrupt tourism in Northern Wisconsin, we're going to devastate the resources. We're going to take over the country, to quote him, and just astounding irrational claims.

But he's done it in such a way is that, what he's done is, he's captured-- he's captured the concern and has turned it into fear. Although, Mr. Mullaly claims to speak for the silent majority, it's a mindless minority in my estimation. Nothing in it smacks of equal rights for anyone.

SPEAKER 15: But Dr. Robert Powless, Mount Senario College president, says the seeds of the controversy may be buried deeper than that.

ROBERT POWLESS: In Northern Wisconsin, for at least the last period of time, it has become a very depressed area economically. And so people are down, they're dispirited, in many cases, there is a lot of rather significant drinking problems. And I think that any time that you find a situation like that, people are looking for a scapegoat.

All right, the Indians, right now, they are making money on the Bingo, they've had some court cases decided in their favor. And so now you see, they are an ideal scapegoat because, of course, they're also different color. You see. And then I think the other thing is that we've kind of regressed, it seems to me, in the United States, to a time when we see almost a kind of a reaction, once again, against immigrants, against people of color, whatever that color is, against foreign incursions into the country. And I think that is fueling the situation.

SPEAKER 19: When federal dollars are given to tribes, advertisements are inserted in our local paper which state, Native American preferred. I resent this statement. Anyone born in the United States is and should be considered Native American.

[APPLAUSE]

SPEAKER 20: If the treaties were made with sovereign nations, these entities are not sovereign, no. They are non-existing nations. They are under control of the federal government. They are not sovereign. As I said before, take away our government aid, and you will have nothing. But a piece of land, the same as another piece of land in any other county.

ANTON: I'm from Courte. My name is Anton. I don't begrudge the Indians anything. All I want is the same rights that they have.

SPEAKER 19: Yeah.

SPEAKER 21: Reservation residents may vote in every election and receive every social service benefit and yet pay no taxes. Reservations exist on taxpayers' dollars, yet are sovereign nations. The definition of sovereign is supreme in power or authority. Reservation businesses pay no property taxes and can operate in unfair competition with private enterprise.

Casino gambling, bingo, not subject to state law, polluting industries, unfair business competition, subsidized by taxpayers.

SPEAKER 15: Verna Lawrence, among those speaking at one of the dozens of public hearings on the issue that have been held across the state, although the majority of more than 100 that turned out at this meeting were white, some Indians did turn out.

VERNA LAWRENCE: I've been reading the newspapers and from what the Chippewa people call you people the Sugarman, is complaining about the Indians freeloading, free gravy from the government. Now we're getting away with not paying taxes. I got news for you. You're looking at a taxpayer.

[APPLAUSE]

For the past 11 years, I own property over at Courte. I've been paying taxes to the state of Wisconsin. Every time, I buy a car, I pay taxes. All right? Am I a freeloader?

SPEAKER 19: Where's the money coming from?

VERNA LAWRENCE: And I'm getting tired of hearing you people say that we Indians are freeloaders. I'm not a freeloader.

[APPLAUSE]

I'm not the only Indian that's paying taxes. There's hundreds here in the state of Wisconsin and elsewhere.

SPEAKER 22: Lawrence.

VERNA LAWRENCE: If all the Indians were like you, we wouldn't have any problems.

[APPLAUSE]

SPEAKER 15: Now despite the sentiments at such meetings and the Sawyer County vote for treaty reconsideration, Congressman from the area have yet to take a definite stand. But some state lawmakers have been very clear on their position like State Senator Dan Theno of Ashland, who says he hopes to force the Washington representatives into action.

DAN THENO: I do know that the people of the 25th district overwhelmingly support renegotiating or terminating of Indian treaties, 80% of them. That might not be the opinion statewide. But clearly, the legislature maybe ought to take steps to find out more about public opinion on this particular issue. Treaties between the federal government and foreign powers, or in this case, Indian nations, what they termed as Indian nations were made. And Congress has the authority to abolish them.

SPEAKER 15: However, many Indian leaders say that treaty abrogation is unlikely. Again, Dr. Robert Powless.

ROBERT POWLESS: 10 years ago, when I came to UMD, I tried to explain to students that it's kind of like having your great grandfather who you never really knew, suddenly, a lawyer appears and says, you know, your great grandfather left you a legacy of $150 million. Do you say, well, you know, I didn't have anything to do with that, just an accident of blood, so I'm not going to accept that. See, and maybe that's a little simplistic.

But the other aspect of it, I think, is that if we are going to talk about renegotiation of treaties, we're going to have to talk about two things. One, we're going to have to talk about time. In other words, maybe 100 years from now, would be a good timeline to set for working our way out of the whole treaty situation, if that's what we wanted to do.

And then secondly, we're talking about a lot of money because if you want to renegotiate, then that opens the door for Indian people to say, OK, what was land worth? What is it worth now, in money. I think those are two very important things.

SPEAKER 15: And James Schlender says, abrogation may be unlikely. But treaty reconsideration is a real possibility.

JAMES SCHLENDER: If the word of the nation can be broken so easily when, apparently, the benefit of the bargain goes against United States' interests, then what is the United States' word worth in an international context. So there's a far reaching consequence for not honoring or abrogating Indian treaties.

With the concept of renegotiation, I think, that the tribes would be willing to look at that. But I think that they need to have, clearly, the assurance that, if they say no, that their answer would be honored, in other words, that a no would be taken as a no and that renegotiation would not be just merely giving up more rights without getting something in return.

And in that context, perhaps, something could be accommodated. I think you have to look to history, however, and we signed a series of treaties with the United States government each time they said this was the last one. So we see history repeating itself. And I think tribes have that history to look at and be wary of.

[FLUTE MUSIC]

SPEAKER 15: The controversy in Northern Wisconsin is just one of many similar issues to surface across the nation. Indians are reclaiming rights to resources like salmon in the northwest to land in Minnesota, Wisconsin, and other states, and to controversial economic developments like operating a brothel in Nevada.

For the most part, each case will have to be fought individually. But while the individual battles rage on, most Indian leaders here say they may be making some headway in the war for independence and prosperity, and that should they be able to fend off any major overhaul of the treaties in Congress, the marginal gains made in the past 10 years could be followed by a much more progressive decade, still others say that's only a pipe dream and that the best they can hope for is that which they've been able to hold on to in the past, namely the survival of their people.

[TRIBAL SINGING]