

## **A Chronology Of Events Affecting The Tenure Of Lands In The Legend Lake Development, Menominee Reservation/Menominee County.**

This chronology has been prepared as a reference for study of different perspectives on Legend Lake land tenure and resource management. For the early periods in the Chronology, we draw on the article "History of the Menominee Indian Tribe of Wisconsin", prepared by the Menominee Historic Preservation Department, from the web site, June 22, 2009. For more recent years, we draw on other sources as well. At certain critical moments in the Chronology we make references to source documents to assist people who wish to do further research.

### **1854**

The Treaty of Keshena Falls established the Menominee Indian Reservation. The Reservation then consisted of 12 townships of 276,480 acres.

The Menominee River band arrived on the Reservation, most of them making their homes at the "Payground" as it was then called. However, the important young chief of this band, Keshi'niu' gave his name to this place.

### **1856**

The Tribe sold to the US Government two western townships to be assigned to the Stockbridge/Munsee.

### **1931**

Several Congressional Acts including the "Indian Reorganization Act," authorized distribution of Menominee Tribal funds, and strengthened some aspects of the self governance structures of the Tribe.

The Tribe initiated lawsuits against the government for mismanagement of tribal forests and for damages which the lawsuits charged were caused by the U.S. Government not following the provisions of existing legislation.

### **1934**

Wheeler-Howard Act signed known as the Indian Reorganization Act allowed Tribes to develop a constitution and setup their own governing body.

### **1943**

By the end of 1943 over 200 Menominee men had volunteered for service in the US armed forces in World War II. Many other Menominees left the reservation to work in ship yards and war plants in cities around Lake Superior and in Chicago and Detroit.

"The depletion of the labor force on the Reservation could have threatened the lumber mill but the

Menominee women came to the rescue and joined the work force. Fifty women went to work at the mill, and others helped eradicate the blister rust in the forest."

### 1945

After the end of World War II, the experiences of the returning veterans had changed their thinking and general outlook toward the Reservation's governance and management of the forests and lumber mill. The veterans after returning from the war also took advantage of educational benefits which contributed to their expanding knowledge of the US and Tribal political systems.

### 1951

The Menominee Tribe won an 8.5 million dollar court judgment against the U.S Government for failure on the part of Government officials to carry out provisions of the LaFollette Act. Damages included the clear cutting of about 20,486 acres of pine-hardwood- hemlock forest northeast of Neopit.

### 1952

The Tribe petitioned Congress for a \$1500 per capita payment of the court awarded funds for the 3,270 enrolled Menominees. The House of Representatives approved the request, but in the U.S. Senate, Senator Watkins (R: Utah) attached a provision to the bill which conditioned payment of the funds upon Tribal acceptance of termination of Tribal status.

The "termination program" was a Federal Policy of assimilation of and withdrawal of federal supervision and protection of the sovereign rights of the Tribes.

The Federal Indian Relocation Program also was initiated, designed to encourage Indians to leave their reservations, including some assistance for finding work in city. Quite a few Menominees moved to cities on this program. A significant percent eventually moved back to the reservation.

### 1953

June 20<sup>th</sup>

Senator Watkins visited the Reservation to explain the government's Termination Policy. He did not believe Tribal members' consent was necessary. However, the people attending this meeting voted on what they thought was the "Principle of Termination". This was done with a show of hands - the vote was 169 to 5. Many people thought this was the only way they could receive \$1500 of their own tribal money.

The above vote was used by Senator Watkins to indicate to Congress that the Menominee Tribe had accepted termination, based on a show of hands from 5% of the 3,200 enrolled members. See the file: [See the file👉👉👉 1954 Termination--Restoration](#)

### 1954

June 17<sup>th</sup>

The Menominee Termination Act was signed into law by President Eisenhower providing for termination of federal control of the Menominee Indian Reservation. This action was done despite another Menominee Council meeting resulted in an unanimous vote to oppose and reject "termination". [See the file👉👉👉 1954-Termination Act](#)

The Menominee Tribal rolls were closed as a result of the Termination Policy.

## 1957

A Coordinating & Negotiating Committee was appointed, by the Tribal Council, to facilitate the drafting of the Menominee Termination Plan.

The Tribe was faced with four alternatives for their reservation:

- (1) conversion to a national forest,
- (2) conversion to a state forest,
- (3) absorption into Shawano and Oconto Counties and allotment of parcels of land to members of the tribe, and
- (4) creation of a new county.

The Tribal members chose the fourth course of action to keep the land intact for the future generations and the general welfare of the members.

## 1959

**January 17<sup>th</sup>**

The Articles of Incorporation and Bylaws of the newly formed Menominee Enterprises, Inc. were adopted by a vote of 91 to 16 at a general council.

**July 3<sup>rd</sup>**

Governor Nelson signed a law making Menominee County the state's 72nd county, the first to be formed since 1901. The law took effect at midnight on April 30, 1961. Menominee County then had about 3,300 residents, including 2,720 enrolled as members of the tribe, whose total membership at this time was 3,700. The Menominee Tribe was the first Indian tribe in the US to be given possession of its lands.

## 1961

**April 30<sup>th</sup>**

The Menominee plan was submitted to the Secretary of Interior and put into practice at the time of Termination. See the file  [1961-Termination Plan](#)

Following termination, the Menominee Enterprise Incorporated assumed control of the Reservation land which was previously held by the U.S. Federal Government in trust for the Tribe. This change in tenure status meant that the MEI became subject to the laws of the State of Wisconsin, in particular the obligation to pay property taxes to Menominee County for funding of the local school, county road construction and maintenance, and various county social services. MEI grew out of the need for the sustainable and profitable management of reservation forests, and at the time of termination appeared to some to be profitable enough to meet county and tribal needs for schools, roads and social services.

## 1962

The Menominee Council of Chiefs was organized as a Wisconsin nonprofit corporation. The main purpose of the organization was to preserve the name "Menominee Indian Tribe" which was technically abolished at the time of Termination. To preserve the Tribal name the Council of Chiefs proclaimed the special name as "Menominee Indian Tribe of Wisconsin, Inc."

## 1967

### March

Ernst & Ernst, a Management Firm from Washington, DC, under a grant from the Economic Development Administration of the Dept of Commerce, made a study and submitted a report entitled "Potential for Tourism and Industrial Development in Menominee County".

### September 23<sup>rd</sup>

Endorsement was given, by the MEI Shareholders, for the creation of an economic development zone.

## 1968

### January

DNR issued a permit to construct the first of 3 dams, at the outlet of Wahtoah Lake. See the file [1969-DNR Memo](#)

### May

Hunting & Fishing Rights Case. The US Court of Claims ruled in favor of the Tribe. It was the Courts opinion that the Menominees did not relinquish their hunting and fishing rights when the Tribe was terminated from federal control.

This was a landmark case that helped other tribes because the Supreme Court ruled that Termination did not abrogate treaty rights. This helped force the federal government eventually to abandon their termination plans.

### July 9<sup>th</sup>

A partnership corporation called the "Lakes of the Menominees" was formed involving the Menominee Enterprises Incorporated and a land developer, N.E. Isaacson, Inc for the eventual development of Legend Lake. The MEI contributed over 5,160 acres of land to the Corporation as its share of the venture capital, to be matched by resources of N.E. Isaacson, Inc. The developer plotted out 2700 lots and over 1000 acres of "green lands" which are woven into the project renamed as "Legend Lake". The owners of off-shore lots, those without direct Lake frontage, were given an "undividable fractional interest" in a specific beach club so that all owners had access to beach frontage. There are 41 beach clubs located throughout the 5,160 acre development area. See the file [Legend Lake map](#)

## 1969

### January

DNR authorized construction of a Dam (phase II) at the outlet of Blacksmith, Little Blacksmith, Spring and Peshtigo Lakes. The likely extent of the alteration of the landscape of the past became more understood with the building of the dam.

## 1970

### Spring

A grass roots organization entitled DRUMS (Determination of Rights & Unity of Menominee Shareholders) was established to stop the land sales and restore the Reservation to federal status. There were chapters in Chicago, Milwaukee and Menominee County.

## July

The first demonstration at the Legend Lake lodge protesting the sale of Menominee land in the form of lake lots on Legend Lake. See the files [☞☞☞ 1970-Kenote Letter to Property Owners](#) and [1973-Hall Thesis](#)

## September

DNR granted authorization for construction of a dam (phase III) in Linzy Creek at the outlet of Pyawasit Lake to create Legend Lake #3.

## 1971

### October 2<sup>nd</sup>

The DRUMS members began a 220 mile march from Keshena to Madison. The central purpose of the march was to dramatize the Tribe's problems (caused by Termination) to the people of Wisconsin and to seek Governor Lucy's help in dealing with those problems.

## November

MEI, DRUMS, and County officials began discussions concerning the restoring of the Reservation to federal status.

## 1972

### April 20<sup>th</sup>

Wisconsin's Senators Proxmire and Nelson introduced Senate Bill #3514 calling for Menominee restoration.

### July 8<sup>th</sup>

A dissolution agreement in the case of the Lakes of the Menominees partnership went into effect. See the file [☞☞☞ 1972-Partnership Dissolution](#)

Three weeks after the dissolution, Judge Duffy in Circuit Court, Green Bay, ordered further land sales stopped.

The dissolution of the Partnership was accompanied by the establishment of the Legend Lake Property Owners Association. All owners of lots in the Legend Lake development area are automatically members. Those members who own lots without beach frontage are co-owners of a lot with beach frontage. See the files [☞☞☞ 2010-LLPOA Bylaws](#) and [1998-LLPOA Beach Club Rules](#)

## 1973

### December 22<sup>nd</sup>

President Nixon privately signed the Menominee Restoration Act into law. Public Law 93-197, The Menominee Restoration Act, made provision for the return of the Menominee Indians to full tribal status and the return of tribal assets to trust status.

Restoration provided for the return of most of the Menominee County lands to their trust status prior to termination. Parcels which were sold to private owners, most having been located in Legend Lake

development area, however, did not automatically revert to trust Status as part of the Restoration process.

Other parcels of former Tribal land had also been purchased by private owners during the 12 year Termination period mostly for housing construction in the Keshena and Neopit settlements of Menominee County. See the file [1974-Restoration Act](#)

## 1975

### **January 1<sup>st</sup>**

The Menominee Warrior Society occupied the abandoned Alexian Brothers' Novitiate near Gresham, Wisconsin.

### **April 23<sup>rd</sup>**

The formal ceremony of restoring the Menominee Tribe to federal status was presided over by Secretary of Interior, Rogers C.B. Morton, Washington, D.C. The Menominee Restoration Committee was given the responsibility of administering Menominee Affairs until the transfer plans and new constitution were put into effect.

### **May 16<sup>th</sup>**

The tribal roll, closed since June 17, 1954, was reopened. Between May 16th and August 13th the Enrollment Committee approved of 2,342 applicants.

## 1976

### **May 6<sup>th</sup>**

Control of hunting and fishing rights was restored to the Menominees by the Wisconsin Supreme Court.

### **November**

The new constitution accepted by the tribal members paved the way for the election of a 9-member council to govern all reservation programs. See the file [1977-Menominee Constitution](#)

## 1979

The first Tribal Legislature was elected under the new Tribal constitution.

## 1980's

In the 1980's negotiations were completed between the Tribe and the State of Wisconsin for the construction of a casino, which has grown into an important contributor to the employment in the area.

Following the Menominee's success in restoring their sovereign-nation status as a tribe, the Tribe has gradually acquired privately owned parcels mostly within the former boundaries of the reservation, and has worked to restore them to the pre-termination status as lands owned by the US federal government in trust for the Tribe, and allocation of these trust properties to qualified Menominee Nation families.

Tribal acquisition of "fee" properties followed by tribal application for the conversion of their legal status from "fee" into "trust" brings these lands more directly under the tribal governance structures. The obligation of fee owners to pay property taxes to the County of Menominee provides an important

revenue source to the County, but it also implicitly recognizes the authority of the County and thereby the State of Wisconsin over what had been clearly tribal lands before Termination.

## 1992

### August

The Menominee County Board voted to form the Legend Lake Protection and Rehabilitation District, with many of the powers of the County Board. The responsibilities of the District include maintenance of dams #1 and 3, the harvest of aquatic plants to improve navigation; education of lake users about invasive species control, boating safety, enforcement of septic pumping ordinance, control of Eurasian Water Mifoil, monitor for invasive species, enhancement of fish species. See the file [1992-LLPRD](#)

## 1993

The Menominee Tribal Legislature chartered the College of the Menominee Nation as an institution of higher education in March of 1993. In 1996 the Menominee reinforced the college's existence by initiating a charter for the college under Article XII of the Menominee Tribal Constitution and by-laws. The CMN was granted full accreditation on August 7, 1998. Its mission is to offer excellent learning experience while training and educating its students for careers and advanced studies in a multi-cultural world. Principles of research, promotion, perpetuation and nurture of American Indian culture are well integrated in all facets of education at this institution.

There is an enrollment of approximately 1,240 students.

## 2000's

Tribal acquisition of lands which had been acquired by non-tribal people during the Termination period has disturbed some of the non-native owners of the land around Legend Lake, some of whom may fear the intentions of their new Indian neighbors. Some are also concerned about the conversion of private property into trust property, since trust property is not taxable by Menominee County. These taxes on fee properties provide revenues for the delivery of County services, such as road maintenance and social services. With a smaller tax base, the tax rates of the remaining private owners will tend to rise unless the County can find other revenue sources. See the file [1998-Legislative Audit Bureau](#)

## 2009

### June

A majority of the Legend Lake Property Owners Association voted to record a restrictive covenant on all privately owned LL lots. This covenant prohibits the owners of LL lots from transferring ownership to any entity which could or would remove them from the property tax rolls. If this covenant proves to be legally enforceable, it could halt the conversion from fee to trust status of LL properties purchased by the Tribe. See the file [2009-Copy of Restrictive Covenant](#)

As of December 31, 2009, according to the LLPOA information, there are 1,860 taxpaying properties in the LL area. Although not known precisely, about 75% of these properties are owned by non-residents, who use them mostly during the summer months. The remaining 25% held by year round residents, are mostly owned by non-tribal people, although there are many lots owned by Menominees who pay taxes like their non-Menominee neighbors. There are about 100 private owners who are in arrears in their taxes, mostly non-residents.

About 800 of the LL lots have homes built on them. Approximately 300 of these homes are occupied by permanent residents.

Assuming that there were 2,700 lots created by the developer and that 1,860 of these lots are privately owned, then approximately 840 lots are estimated to be held in trust status by the US Government for the Tribe or about 31% of all the lots.

The complex mixtures of land tenure patterns and disagreements about Tribal conversion of the Menominee owned lots from fee to Trust status make it difficult for all land holders to collaborate in meeting common interests, such as combating invasive species, providing emergency services, and launching anti-poverty efforts. See the file [2010-History of Menominee Land Tenure and Management](#)

For a useful summary of the land tenure patterns on Native American Lands and a discussion of relations between the State of Wisconsin and all of the American Indian Tribes located in Wisconsin. See the file [2011-State Tribal Relations](#)

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