

August 22, 2011
Terra Institute

A Guide for Community Discussion of the Documentary Video: "Legend Lake: A Talking Circle"

1. Purpose of "Legend Lake: A Talking Circle"

Terra Institute's purpose in producing the video "Legend Lake: A Talking Circle" is to present different perspectives on land rights around Legend Lake in a respectful manner, in order to stimulate discourse on how to minimize tensions between Indians and Whites over land tenure. A web site (http://www.terrainstitute.org/legend_lake.html) helps orient people to the contents of the video and provides additional reference materials for further study if desired.

2. Background

The Menominee people originated in what is today the State of Wisconsin. As the new European settlers moved across the continent in the 1700s and 1800s, the U.S. Federal Government entered into several treaties with the Menominee, ceding land from the Menominee Nation to the settlers.

Following the treaty of 1854 between the US Federal Government and the Menominee Nation, Menominee tribal groups settled on what is today the 276,000 acre Menominee Reservation, northwest of the city of Green Bay, Wisconsin. The Reservation is mostly forested and contains many streams and lakes. This land area is a small percentage of lands, rivers and forests once used by the Menominee people before the coming of the European settlers

This reduction of land available to the Menominee meant that the Menominee lost their access to many traditional wild rice, hunting and forest product gathering areas.. Dams interrupted fish migrations. European settlement restricted the migration of Menominee families to winter and summer lands. These dramatic changes in Menominee land access over a few decades and the resulting severe poverty threatened the very survival of the Menominee people.

The Menominee have responded to such challenges to their survival by defending their tribal rights to the 276,000 acre Reservation and by focusing on the sustainable management of Reservation lands, waters and forests. Since the 1980s the Menominee have added businesses such as the Casino to their options for improving situations of approximately 8,700 tribal members.

--Trust Land

Until the 1960s, the Federal Government held Menominee Tribal Reservation land in trust. The State of Wisconsin could not tax Menominee land.

--Termination

In 1961 the federally recognized Menominee Nation was terminated. All Menominee Reservation land was taken out of trust status. Non-Menominees purchased approximately 1,750 lots around the newly created Legend Lake and additional lots around other lakes located within the original boundaries of the Reservation.

These owners (as well as some Menominee families who also purchased lots within the Reservation) became obligated to pay property taxes to the newly created Menominee County.

--Restoration in 1973

The Menominees' status as an Indian Nation was restored in 1973. All land within the former Reservation boundaries was returned to trust status, except those lots which had been sold. These lots remained as private property, subject to property taxes.

--Tribal Land Purchases after Restoration

After restoration, the Menominee purchased some of those privately owned lots to recover land previously held in reservation status, intending to convert them into trust lands, not subject to taxation.

--Tax Implications

As formerly privately owned land becomes tax exempt, the tax rate for the remaining privately owned land will tend to increase in order to meet the revenue requirements of Menominee County. In other words, the more TRIBAL land taken off the tax rolls, the more tax COUNTY taxpayers must pay.

--Restrictive Covenant

In June, 2009, the Legend Lake Property Owners Association agreed to prohibit all private owners on LL from selling lots to the Tribe which could put such lots into trust status, and could increase the property tax obligations of the remaining private owners. This agreement was called a "restrictive covenant".

--Land Tenure Dispute

There is a potential dispute between the Menominee Nation and private land owners on Legend Lake over Tribal acquisition of privately owned land and its conversion to trust status.

3. Some Discussion Questions

- Why is the Reservation land important to the Menominee?
- What were some effects of the Termination of the Menominee Tribe?
- Why did many Menominee have to leave the Reservation after Termination?
- What types of people bought land in Legend Lake area and why?
- Why do some Menominee want the Nation to buy back land that was sold to private owners after termination?
- Why did the Legend Lake Property Owners Association decide to prohibit the sale of privately owned lots to the Menominee Nation through a Restrictive Covenant?
- Why are some Menominee angry about the Restrictive Covenant?
- What are some examples of Non-Menominee and Menominee cooperation?
- What are some positive and negative effects of weekend tourism in Legend Lake?
- What makes the perspective of Leon (in the film) different from Legend Lake property owners concerning payment of property taxes?
- Evaluate possible solutions to the shortfall of County property tax revenues due to moving land into Trust status.