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December 2011

## SUGGESTED CURRICULUM FOR *Legend Lake: A Talking Circle*

Dear Teachers,

We would like to take this time to thank you for your interest in using our curriculum. What we have prepared are suggestions to help you use the *Legend Lake: A Talking Circle* documentary video in your classes. Please make use of the first document in the curriculum packet, "1-Legend Lake Inquiry", as a guide for utilizing the other documents and for working your way through the suggested curriculum. Of course you are free to teach the video using your own experience and preferences. Our draft curriculum is just a suggestion.

We would appreciate knowing how you actually use the video and the curriculum, so if you would please take the time to complete the evaluation (7-Curriculum Evaluation) and send it back to us, we would be grateful!

The documents included in the suggested curriculum packet are:

1 - Legend Lake Inquiry	(9 pages)
2 - Film Viewing Guide	(2 pages)
3 - Background Essay	(4 pages)
4 - Useful Vocabulary	(1 page)
5 - Documents A – I	(9 pages)
6 - Timeline	(1 page)
7 - Curriculum Evaluation	(2 pages)

Note that the Wisconsin standards addressed in the documentary video and our suggested curriculum are:

### **Geography**

- A.12.12 Assess the advantages and disadvantages of selected land use policies in the local community, Wisconsin, the United States, and the world
- A.12.13 Give examples and analyze conflict and cooperation in the establishment of cultural regions and political boundaries

## **History**

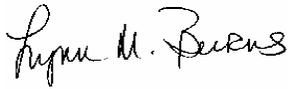
- B.12.2 Analyze primary and secondary sources related to a historical question to evaluate their relevance, make comparisons, integrate new information with prior knowledge, and come to a reasoned conclusion
- B.12.6 Select and analyze various documents that have influenced the legal, political, and constitutional heritage of the United States
- B.12.12 Analyze the history, culture, tribal sovereignty, and current status of the American Indian tribes and bands in Wisconsin

## **Political Science**

- C.12.8 Locate, organize, analyze, and use information from various sources to understand an issue of public concern, take a position, and communicate the position
- C.12.9 Identify and evaluate the means through which advocates influence public policy
- C.12.10 Identify ways people may participate effectively in community affairs and the political process

If you should have any questions or comments, please contact us at (608) 767-3449 or by email at: [jdstanfi@wisc.edu](mailto:jdstanfi@wisc.edu)

Respectfully,



Lynn M. Burns, Administrative Director  
TERRA INSTITUTE



## **How should the dispute over land rights on Legend Lake be resolved?**

An inquiry lesson to accompany the documentary film:

*Legend Lake: A Talking Circle*

Curriculum created by Casey Meehan & Kate Arnold, 2011

**Overview:** The dispute over land rights on Legend Lake involving the Menominee Nation and non-Menominee land owners has historic, economic, political and cultural dimensions. Today tensions surround a controversial land covenant passed by non-Menominee land owners around Legend Lake that prohibits them from selling land back to the Menominee Nation. This four-day inquiry lesson, designed for use in 10th-12th grade social studies classes, sheds light on the often complex relationship between the federal, state, and tribal governments. It fulfills *part* of the commitment to Act 31, a law requiring that k-12 students in Wisconsin receive instruction in the history, culture and tribal sovereignty of the federally-recognized tribes in Wisconsin.

**Rationale:** Since glaciers from the last ice-age receded 11,000 years ago, the region now regarded as the state of Wisconsin has played and will continue to play host to a diverse set of inhabitants who cooperate, assimilate and, on occasion, come into conflict with each other. Eleven American Indian tribes have tribal sovereignty within the boundaries of Wisconsin. Consequently, it is not uncommon that the interests of the federal and/or state governments come into conflict with those of various tribal nations. A recent and ongoing land dispute in Menominee County provides one example of tensions surrounding the relationship between tribal government and other non-tribal governing entities.

**Perennial question:** *How can we balance the sovereignty of Native American tribes and local, state, and federal policy?*

**Inquiry question:** *How should the dispute over land rights on Legend Lake be resolved?*

### **Wisconsin standards addressed:**

#### **Geography**

- *A.12.12* Assess the advantages and disadvantages of selected land use policies in the local community, Wisconsin, the United States, and the world
- *A.12.13* Give examples and analyze conflict and cooperation in the establishment of cultural regions and political boundaries



## **History**

- *B.12.2* Analyze primary and secondary sources related to a historical question to evaluate their relevance, make comparisons, integrate new information with prior knowledge, and come to a reasoned conclusion
- *B.12.6* Select and analyze various documents that have influenced the legal, political, and constitutional heritage of the United States
- *B.12.12* Analyze the history, culture, tribal sovereignty, and current status of the American Indian tribes and bands in Wisconsin

## **Political Science**

- *C.12.8* Locate, organize, analyze, and use information from various sources to understand an issue of public concern, take a position, and communicate the position
- *C.12.9* Identify and evaluate the means through which advocates influence public policy
- *C.12.10* Identify ways people may participate effectively in community affairs and the political process

## **Essential Understandings of Wisconsin American Indians addressed:**

*Understanding #2-* There is great diversity among individual American Indians as identity is developed, defined, and redefined by governments, organizations, and people. Identity is a continuum, and there is no generic American Indian.

*Understanding #3-* Native traditional beliefs and spirituality persist into modern day life. Culture, tradition, and language are incorporated into everyday lives as well as how tribes govern and manage their affairs.

*Understanding #5-* American Indian Nations maintain sovereign powers separate and independent from federal and state governments. These rights were not given or granted, but are an inherent property.

**Time needed:** This lesson is designed to take about four 50-minute class periods.

## **Materials needed:**

- Technology to play a DVD, and a copy of DVD containing the film  
*Legend Lake: A Talking Circle*  
**or**  
Technology to stream the film from the web site: [http://www.terrainstitute.org/legend\\_lake.html](http://www.terrainstitute.org/legend_lake.html)
- Copy of the “Film Viewing Guide,” “Background Essay,” “Possible Resolutions,” “Entry Ticket,” and “Useful Vocabulary” handouts for each student
- White board (or some other means to record and keep a list for multiple days)
- Class set of documents A-I
- Copy of “Timeline” for each group



**Learner objectives:** By the end of this lesson, students will know and be able to

1. Analyze evidence, including primary sources, to help draw conclusions about potential resolutions for Legend Lake land dispute.
2. Justify reasoning using evidence.
3. Explain how the land conflict in Menominee County arose.
4. Describe the perspectives of different stakeholders in the Legend Lake land dispute.
5. Evaluate the merits and drawbacks of potential resolutions to the Legend Lake land dispute.
6. Understand that specific historic, economic, political, and cultural dimensions concerning the Menominee Nation, the United States, and the State of Wisconsin complicate decisions about resolutions to the Legend Lake land dispute.

**Procedure overview:**

Prior to starting the lesson assign the “Background Essay” as homework, or read as a class. You may also want to equip students with the “Useful Vocabulary” handout to help them understand the essay.

**DAY 1**

1. (35 min.) Watch *Legend Lake: A Talking Circle* and have students use the “Film Viewing Guide” to structure their viewing of the film.
2. (2 min.) Introduce the inquiry question- *How should the dispute over land rights on Legend Lake be resolved?*
3. (13 min.) Elicit possible resolutions in Think/Pair/Share activity.

**DAY 2**

4. (10 min.) Review/complete the list of possible resolutions.
5. (15 min.) Analyze the evidence. Working in small teams, students analyze documents A, B, & C using “Timeline” and “Background Essay” for reference.
  - Doc A: DNR memo
  - Doc B: Protest at First Wisconsin Trust
  - Doc C: Letter to property owners
6. (10 min.) Revisit the potential resolutions in a whole-group discussion. Discuss how these three documents provide evidence that supports specific resolutions, or evidence against certain ideas.
7. (15 min.) Analyze the evidence. Working in small teams, students analyze documents D, E, & F.
  - Doc D: Article XIV of Menominee Constitution
  - Doc E: Restrictive covenant
  - Doc F: Tribes in Wisconsin



### DAY 3

8. (10 min.) Revisit the potential resolutions in a whole-group discussion. Discuss how the documents (from the prior day) provide evidence that supports specific resolutions, or evidence against certain ideas.
9. (15 min.) Analyze the evidence. Working in small teams, students analyze documents G, H, & I.
  - Doc G: Menominee County income
  - Doc H: Poverty rates by county
  - Doc I: Lived Perspectives
10. (15 min.) Revisit the potential resolutions in a whole-group discussion. Discuss how the documents provide evidence that supports or refute specific resolutions.
11. (5 min.) Meet as a team to discuss a resolution to the land dispute.

Homework: Propose a resolution to the inquiry question and articulate it in writing. Students write their resolution summary as an “Entry Ticket” for the next day’s class.

### DAY 4

12. (15 min.) Students articulate their “five-minute resolution” verbally in a “speed-dating” activity.
13. (30 min.) Closure and reflection on the lesson. Whole-group discussion about potential resolutions, the credibility of various sources of data, and the lesson in general.

#### Assessment ideas:

- Have students develop policy proposals about what should be done about the Legend Lake land dispute and present them to a panel of their peers. Within the presentation, include a visual aid (in the form of a graph, chart, or map) that helps to make their case.
- Have students write letters to the Legend Lake Property Owners Association and the Menominee Tribal Government explaining their proposed resolution to the conflict and justifying it based on the information they have gathered during the inquiry.



## **Step-by-Step Procedure (Narrative Description):**

### *Note to Teachers*

This lesson is written as an inquiry lesson, meaning that students will be engaging in the real intellectual work and you, the teacher will be acting as the guide, framing their inquiry, keeping track of time, moving students along, and keeping students on task. If this is the first time you are engaging students in an activity like this, there may be some silences and some struggle as students adjust to their new role of inquirer and processor of information. Be sure to be available to handle any questions and misunderstandings and to keep students moving. Reassure students that, especially in the beginning, they are coming up with ideas based on the information available, and their ideas may change as more information is gathered and sorted. Tell students that they will each come up with a resolution to the dispute supported by evidence by lesson's end.

Before the lesson starts the teacher should set up mixed ability groups of 2-4 students to work in teams. These teams will read, evaluate and discuss primary and secondary sources.

### Time

### Procedure

**Pre-Reading** Prior to lesson, assign the “Background Essay” as homework. You may provide students with the “Useful Vocabulary” handout to help them understand some of the terminology used in the essay.

### DAY 1

1. (34 minutes) **Watch film** *Legend Lake: A Talking Circle*
2. (2 minutes) **Introduce the inquiry question.** The film intentionally ends in an open-ended manner, leaving viewers to ponder how the land dispute between White and Menominee residents should be resolved. This leads to the inquiry question that you should now introduce to students: *How should the dispute over land rights on Legend Lake be resolved?* You may want to note that this inquiry is related to the perennial question: *How can we balance the sovereignty of Native American tribes and local, state, and federal policy?*

It is important that the inquiry question remain visible throughout the lesson, preferably prominently posted somewhere in the room.

3. (13 minutes) **Elicit potential resolutions.** Using a think/pair/share strategy, have students individually develop 1-3 possible resolutions, and share their ideas with a partner. Next, partners should report their responses to entire class. Record all resolutions on the board. (Optional, have each pair come up with one new “outside the box” hypothesis and share with the class). Once all pairs have had a chance to share, review all of the ideas and use them to fill in the “Possible Resolutions Table”. This should be done on an overhead, or reproduced on a smartboard, whiteboard, or chart paper, but needs to be on display each day so that all students can easily access this information throughout the lesson. The idea for this portion of the lesson is to get as many possible courses of action “on the table.”



- Potential resolutions include (but are not limited to):
  - No change in the existing land covenant. Non-Menominee land-holders cannot sell land back to the Menominee Nation.
  - When ready to sell their land, Non-Menominee land-holders should be required to sell their land to the Menominee Nation.
  - The Menominee Nation should immediately be given all land to which they have an historic claim.
  - Non-Menominee land owners should be allowed to sell to whomever they wish.
  - The Menominee Nation should retain ownership of all land, but pay current Non-Menominee land owners a fair price for it and allow them to continue living on it.
  - Put all land under “fee status” instead of “trust status.” That way, the an individual Menominee or the Menominee Nation could buy the land; however, they would pay property taxes to the Menominee County.
  - Get federal government agreement to pay Menominee County an annual fee for trust land equivalent to what private owners would pay.

## DAY 2

4. (10 minutes) When students arrive, briefly remind them of the Legend Lake controversy and the question the class is attempting to answer. Have students return to their pairs from the day before and finish the think/pair/share activity. If you completed the think/pair/share activity during the previous lesson, display and review the list of potential resolutions that students brainstormed.
  
5. (15 minutes) **Analyzing the evidence.** Next, tell students that they will be viewing sets of documents about the Legend Lake dispute. Have students move so that they are in their pre-assigned mixed-ability groups of 2-4. Teams should arrange their desks into “pods” so that they are facing each other. Next, pass out the “Possible Resolution Table” to each student and documents A, B, & C, and a “Timeline” to each group. Tell students that they will have about 15 minutes to work on the first set of documents and to fill out the appropriate areas on their table. Inform students that although they are working as a team, all members of the team need to have a record of what information they find recorded on their own resolution table.

Depending on how much your students have engaged in team work or inquiry-based lessons, you may want to consider scaffolding this experience. One recommended scaffold is to have students work individually on each document for three minutes. During that time, though students are sitting with their teams, they have to work independently on analyzing the first document in the document packet. Once the three minutes are up, give students one or two minutes of team collaboration time to share with each other what information they have found and recorded on the data retrieval chart. During this time students can attempt to come to consensus and change their



answers on their resolution table if they would like to. Repeat this process for the next two documents in the packet. Be sure that students are collectively gathering and processing this information — do not allow a team member to choose not to work with their team or to be ignored on their team.

6. (10 minutes) **Revisit the potential resolutions.** Facilitate a short but meaningful discussion between and amongst the teams in a few minutes of whole-class discussion. Which resolutions do the documents support? You may want to ask, “Are you leaning towards one resolution over another?” “What accounts for that?” The intent of this portion of the lesson is to have students begin to consciously apply the collected information to the inquiry question. Collect documents A, B, & C from students.
7. (15 minutes) **Analyzing the evidence.** Pass out Documents D, E, & F to students. Have students engage the documents as they did with the first document packet. Once again, be sure that students are working collaboratively and that they are individually recording information gleaned from the documents. Collect documents D, E, & F.

### DAY 3

When students arrive briefly remind them of the Legend Lake controversy and the question the class is attempting to answer. Display the list of potential resolutions that students brainstormed at the beginning of the inquiry activity. Have students return to their teams from the day before and redistribute documents D, E, & F.

8. (10 Minutes) **Revisit the potential resolutions.** Provide students a few moments within their teams to review the second set of documents and to see if they can come up with one agreed upon answer. The point here is *not* that they must form consensus on one “right” answer; disagreement and divergent thinking should be encouraged. Rather, asking students to try to arrive at an agreed upon answer serves as a useful prompt to get group members talking to each other about the evidence. Engage the whole group in a discussion around the inquiry question. Challenge students by asking:
- What do you think is the most compelling course of action so far?
  - Have your answers changed as new documents were added? What accounts for that?
  - What further information do you need to help with your decision?
- Collect documents D, E, & F.
9. (15 minutes) **Analyze the evidence.** Pass out documents G, H, & I to students. Have students engage with the documents as they did with the previous document packets. Once again, be sure that students are working collaboratively and that they are individually recording information gleaned from the documents.
10. (15 minutes) **Revisit the potential resolutions.** Engage students in a whole-group discussion around the inquiry question. Challenge students by asking:
- Have your answers changed as new documents were added? What accounts for that?



- Have any of these documents contradicted earlier documents? How are you deciding what to believe?
  - What further information do you need to help with your decision?
- Collect documents G, H, & I.

11. (5 minutes) **Discussing a resolution.** Students meet within their teams to discuss possible resolutions. They do *not* need to reach consensus about what should be done. The goal is for students to bring up what they feel is the most compelling evidence supporting one resolution over other potential resolutions.

Homework: **Articulating a resolution in writing.** Have students work individually to propose a resolution to the land dispute and summarize it in one paragraph. Within this paragraph they should briefly describe the proposal and use evidence from the past three days to support their resolution. Students should show this to you on their way into class as an “Entry Ticket”.

DAY 4 The objectives today are to help students begin to articulate a position regarding the inquiry question and to help students reflect on how they are using evidence.

12. (15 minutes) **Articulating a resolution verbally.** Students show you their resolution summary as an “Entry Ticket”. They should keep their ticket out for the first activity, which is designed to help them practice articulating their position verbally. Explain that students will be “speed dating” to explain their resolution to their peers. Set up two concentric circles of chairs facing each other. (Alternatively, you may have students stand in two concentric circles). Have students from the same groups they have been working in sit (or stand) within the same circle. Each circle should have an equal number of people (if possible) with each person in the inner circle facing one person from the outer circle. On your signal, have students in the inner circle spend one minute explaining and justifying their resolution with their partner in the outer circle. After one minute, have the person in the outer circle take one minute to explain and justify their response to their “partner.” Next, allow one minute total to either student to ask clarifying questions. Then, have those in the outer circle move two spots to the right. Repeat the three-minute interactions with the new partners. Repeat the process of articulating resolutions and rotating partners three or four times so that each student gets practice articulating his/her position AND listens to three or four alternative resolutions.

13. (30 minutes) **Closure and reflection.** Engage the whole class in reflection about the lesson. Ask if students heard suggested resolutions from their peers that made them change their point of view. Ask why those arguments were persuasive. Ask *how* they evaluated evidence. For example, what evidence seemed more credible and why? Finally, ask about the lesson itself. What about this lesson worked well? What would they have changed? Engage students in this activity so long as it is valuable.



Assessment ideas:

- Have students develop more detailed policy proposals about what should be done about the Legend Lake land dispute and present them to a panel of their peers. Within the presentation, include a visual aid (in the form of a graph, chart, or map) that helps to make their case.
- Have students write letters to the Legend Lake Property Owners Association or the Menominee Tribal Government explaining their proposed resolution to the conflict and justifying it based on the information they gathered during the inquiry. Collect the letters and redistribute them to the class. Have students respond to the proposal in writing from the perspective of either the Property Owners or the Tribal Government.



Name \_\_\_\_\_

**Legend Lake: A Talking Circle  
Film Viewing Guide**

*As you watch the film, take notes on the following questions:*

1. What are the problems facing the people in the film?
2. What do you think “termination” means in the context of the film? What problems did it lead to?
3. What is a talking circle? Why is it used?
4. What does it mean when land is in “trust”? How is it different than private property?
5. Is this problem a federal, state, or local issue? Justify your answer.
6. What are the concerns of property owners?





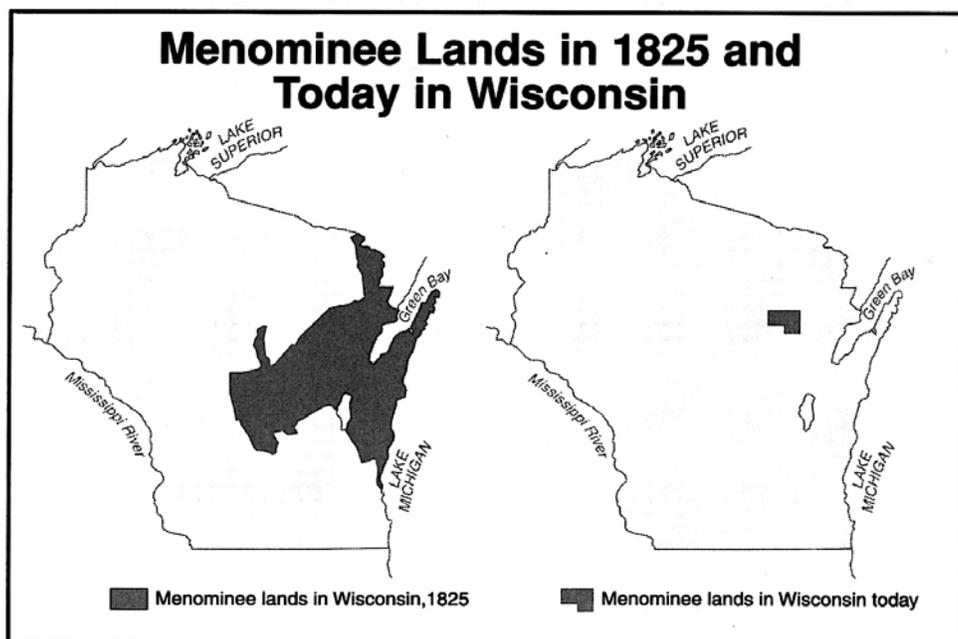
## Background Essay: A Brief History of the Legend Lake Land Dispute

### *Origins of the Menominee and early European contact*

The Menominee, who speak a language of the Algonkian language family, are the only present-day tribe in Wisconsin whose origin story indicates that they have always lived in the state. The Menominee refer to themselves as Mamaceqtaw (pronounced ma-ma-chay-tau), meaning "the people." Other Indians called them Menominee (also spelled Menomini), derived from manomin-an –the Algonkian word for wild rice—because it is a major food source for the tribe. The Menominee lived around present day Green Bay when the French explorer Jean Nicolet arrived there in 1634. The French called the Menominee “Folles Avoines”: “the wild oats people.”

### *1854 Treaty*

In 1854 a treaty between the U.S. and the Menominee resulted in Menominee tribal groups being confined to what is today the 276,000 acre Menominee Reservation (occupying all of Menominee County) northwest of Green Bay. This land was held in trust by the federal government and managed by the Menominee as a *sovereign* nation. The Reservation is mostly forested and contains many streams and lakes, but is but a small percentage of the lands, rivers and forests used by the Menominee people before the coming of the European settlers. Most of the original Menominee lands were opened for non-Menominee settlement. Consequently, access to traditional wild rice, hunting, and forest product gathering areas was lost, dams were built which interrupted migrations of fish that Menominee harvested, and past patterns of movement of family groups to winter and summer lands were drastically restricted. These dramatic changes over a few decades resulted in increased impoverishment of the Menominee people.



Adapted from: Loew, P. (2003). Native people of Wisconsin. Madison, WI: Wisconsin Historical Society Press.



### *Termination*

On April 30, 1961, the Menominee became one of the first tribes in the United States to undergo a federal program called *termination*. This policy terminated the United States jurisdiction over the Menominee Tribe and ended their tribal sovereignty. The Menominee underwent termination because some policy makers in the federal government felt that the tribe had the economic resources—in the form of valuable forests and a working lumber mill operation— necessary to succeed without governmental supervision. After termination the former reservation land became Menominee County and the land transferred into the ownership of Menominee Enterprises, Inc. (MEI), a Menominee run corporation that took the place of the former tribal leadership. Each Menominee was a *shareholder* in MEI.

It was evident from the start that termination had serious problems. Menominee County was the poorest and least populated in Wisconsin, and it lacked the tax base needed to provide basic services such as police, firefighters, and waste disposal. The lumber mill operation could not employ all Menominees and by the time of termination it needed expensive renovations. Moreover, the reservation hospital, previously kept open using federal funds, had to close. All over the old Menominee reservation schools, utilities, and a variety of services were closed, ended, or dramatically scaled back. Termination of the Menominee Tribe quickly resulted in lower standards of living for most Menominee because it led to a drastic decline in tribal employment, increased poverty, and basic services.

### *Origins of the Legend Lake Land Dispute*

In the 1960s MEI suggested selling some tribal land to real estate developers in order to acquire more money for the tribe. Once developers owned the land, they could sell it to non-Indians as recreational homes. The plan came to fruition in 1967 when MEI made a contract with a private developer. The developer began to create a large artificial lake, by damming nine small natural lakes and swamplands and leveling beach front areas, thus damaging some traditional hunting and fishing grounds as well as burial sites. The newly formed lake came to be known as Legend Lake. The developer planned to sell 2,700 mostly recreational lots on the 5,170 acre site. Non-Menominee people quickly began to buy lots for enjoying the new lake. They were welcomed by many Menominee as contributors to the development of Menominee County.

As the bulldozers advanced through the landscape, however, tribal members became aware of the details of the deal, giving rise to an immediate backlash. Many organized to fight the Legend Lake development. A group called Determination of Rights and Unity for Menominee Stockholders (DRUMS) came into being in 1970 and began to organize



protests against the Legend Lake development. DRUMS also put their own candidates up for election to MEI's board of directors. By 1971, they had won two seats on the eleven-member board, and by the end of 1972 DRUMS controlled the majority of the MEI board of directors.

*Restoration and the tax dilemma*

DRUMS also sought to reverse termination and regain the Menominee's status as a **federally recognized tribe**. They were fortunate that Richard M. Nixon, then president of the United States, had publicly come out against termination and was sympathetic to American Indian interests. The tribe lobbied the U.S. Congress and, to the surprise of even the Menominee, a bill was passed to restore their status as a federally recognized tribe. President Nixon signed the bill on December 22, 1973. The experiment known as termination came to end, and a new phase—**restoration**—began.

Upon restoration, tribal lands that had formed the reservation before termination were returned to the U.S. Federal Government, which held the land in **trust** for the tribe. This reversion to trust status affected all tribal lands in Menominee County except those sold to private owners during the termination period. By 1973 hundreds of Legend Lake lots had been sold to private ownership. Although some owners became permanent residents in the Legend Lake development, most owners were seasonal residents. As of the year 2000, non-Menominee individuals owned about 1,750 of the original 2,700 lots, while there are a few private owners of these lots who are Menominee.

The political situation of the County is somewhat unusual. People pay taxes on the property they own in Menominee County in order to support the local schools and other County services. However, this taxable property represents only about 3% of the total land area of the County, since the Menominee lands are tax exempt. Moreover, as many as 75% of the Legend Lake private owners do not reside year round on the Lake, and most of the permanent residents are retired. Furthermore, most do not have children in Menominee County schools, nor do the majority of the property taxpayers vote in Menominee County since most maintain legal residences elsewhere. As one Legend Lake parcel owner put it, “Most residents (and thereby voters) of the County are not property taxpayers. Most property taxpayers of the County are not residents (nor voters) of the County.”

Because they cannot vote in Menominee County, the only means for many Legend Lake owners to influence local policies is through the Legend Lake Property Owners' Association (LLPOA). Many other owners, particularly those who reside year round in the County, have established relations with the County through membership on the



County Board and other committees. They have also established relations with the Tribe through the College of the Menominee Nation, the Menominee Indian High School, the Legend Lake Protection and Rehabilitation District, and through personal and family friendships and business relationships.

If privately owned property within the Menominee County is put up for sale, the Menominee Tribe can buy the property and convert the land into trust status. Once in trust status, the County can no longer collect property tax for that piece of land. As the Menominee convert newly acquired land to trust status, the amount of tax the remaining private owners may have to pay increases to offset the loss of the *revenues*. Many private landowners in Menominee County have been concerned about how quickly their tax rates could increase as taxable properties become converted to non-taxable properties.

*The restrictive land covenant*

In June, 2009, a meeting of the members of the LLPOA voted to record a **restrictive covenant** on the deeds of all privately owned lots on Legend Lake. The covenant prohibits an owner from selling land to a potential buyer who “could or would” take the land off of the Menominee County tax rolls, such as through conversion to tribal land trust status. In other words, a private owner on Legend Lake, tribal or non-tribal (most are non-tribal), is not allowed to sell a lot to the Tribe.

*Adapted from the following sources:*

Milwaukee Public Museum. (n.d.). Menominee [website]. Retrieved from <http://www.mpm.edu/wirp/ICW-221.html>

Tabachnick, D. (1998). Liberal contracts, relational contracts, and common property: Africa and the United States. Working paper #15. Land Tenure Center, University of Wisconsin, Madison Retrieved from <http://ageconsearch.umn.edu/handle/12785>

Stanfield, D. (2010). *Notes on the history of Menominee land tenure and management*. Unpublished manuscript.



## **Useful Vocabulary**

<b>Federally recognized nation</b>	The official acceptance of one nation by another as a fellow sovereign government. Currently, there are 560 federally recognized American Indian nations in the United States.
<b>land tenure</b>	Land tenure, whether defined by laws or customs, is the relationship among people as individuals or groups, with respect to land and associated natural resources. Rules of tenure define how property rights in land are to be allocated within societies. Land tenure systems determine who can use what resources for how long and under what conditions.
<b>restoration</b>	The era in U.S. history when the federal government reversed its termination policy towards American Indian Nations. At the time of restoration all land within the former Menominee reservation boundaries returned to trust status except those lots that had been sold.
<b>LLPOA restrictive covenant</b>	In June, 2009, the Legend Lake Property Owners Association agreed to prohibit all private owners on Legend Lake from selling lots to the Menominee Nation. This agreement is called a “restrictive covenant”.
<b>revenues</b>	The income of a government from taxation or other sources and used to pay public expenses like building and maintaining roads, schools, and services.
<b>shareholder</b>	The owner of stock, or shares, in a company.
<b>sovereignty</b>	The capacity of a people to express their cultural values and to live according to them, including the authority to self-govern.
<b>tax exempt</b>	The condition whereby an individual (or group) does not have to pay tax.
<b>trust</b>	Land that is jointly owned by an American Indian Nation and the federal government as a way of preventing “unscrupulous” businesses and government interests from wrongfully acquiring American Indian lands. Because of their status as Nations, American Indians’ land is not subject to local or state tax.
<b>termination</b>	A program supported by some federal policy makers beginning in the 1940s that sought to terminate, or end, the federal practice of recognizing American Indian tribes and bands as sovereign nations.



**Document A: Wisconsin DNR Lakes of the Menominees Project Review**

*After the Menominee Tribe was terminated, the development company N.E. Isaacson & Associates became involved with Menominee Enterprises, Inc. (the new corporation that was set up in leau of the terminated Menominee Tribe) in a plan to merge a series of small lakes into one larger lake for the purpose of selling lots to private owners. Among other state agencies, the Wisconsin Department of Natural Resources (DNR) played a role in studying and approving the plan to merge the lakes.*

Department of Natural Resource  
Madison, Wisconsin 53701

Lakes of the Menominees—Project Review

I. Brief History of the Project

...

Removal of the various barriers would create an irregularly shaped lake of approximately 7 miles long. The total lake would have a surface area of 134 acres and would have approximately 40 miles of shoreline. The total project area was 5170 acres of which approximately 53 percent would be left undeveloped. About 35 percent of the shoreline would also be undeveloped. Certain areas of the lake were designated as conservancy areas for wildlife (fish spawning).

...

A Resolution

RESOLVED,

THAT the Council of Chiefs of the Menominee Indian Tribe of Wisconsin, Inc., in a special meeting held at Keshena, Wisconsin Menominee County, this 4<sup>th</sup> day of January 1969, that we hereby manifest explicitly our wholehearted support in the progress of NB. Isaacson & Associates, of Keshena, Wisconsin, in the development of certain lake areas and tributary streams in Menominee County, such will benefit Menominee County economically and its citizens to assume a stable society in Wisconsin's new county

Source: Wisconsin Department of Natural Resources. (ca. 1971). *Lakes of the Menominees—project review*. Madison, WI: Author.



**Document B:** Protest at First Wisconsin Trust



**Title:** Indian Protest

**Date:** April 26, 1971

**Description:** Led by James White, president of DRUMS, members of the organization and sympathizers staged a protest Monday at the First Wisconsin National Bank in Milwaukee. Watching was Donald Buzard, vice president and general counsel for the First Wisconsin Trust Co.

**Image by:** Milwaukee Journal Sentinel (Newspaper)

Source: Milwaukee Journal Sentinel. "Indian protest". Retrieved from the Wisconsin State Historical Society website: <http://www.wisconsinhistory.org>



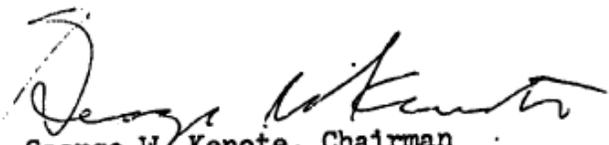
**Document C:** Letter to Legend Lake property owners

*Excerpt from a letter, dated September 1, 1970, to Legend Lake property owners. The letter was sent to "assure and clarify for all those concerned about recent matters and press material published concerning Legend Lake..."*

The demonstration type activity noted in the press and media has been recently generated and fanned by representatives of the Judicare program in Wisconsin and at least one representative of the National Education Television project. Some of this has been in the "hippie type" protest, not in the Indian image. This has preyed upon those of the Menominee people who do not or will not reasonably understand the economic plight of Menominee County and Menominee Enterprises. I believe it is fair to say that except for these, the Menominee people realize the necessity of this development and the long term benefits that derive from it. It creates a continuing tax resource for support of the county and school district without burdening the county with new costs, it provides Menominee Enterprises with a substantial and necessary cash return. It brings new cash flow to support local effort in economic development. As an income and tax resource, Legend Lake is a lifesaver to us and most of us realize that. Without it, Menominee Enterprises would not now be able to provide adequate wages and benefits for its employees and their families who comprise most of the county residents.

I have personally lived through and worked through the past 12 years of the Menominee problem, and certify to the above.

Sincerely,

  
George W. Kenote, Chairman  
Menominee County Stock and Voting Trust

Source: Kenote, G. (1979, Sep. 1). Letter to Legend Lake Property Owners Association



**Document D: Article XIV- Trust Agreement Between the Menominee Indian Tribe and the United States**

**Section 1. - Trust Agreement**

Upon taking office, the Tribal Legislature shall enter into negotiations with the United States for the purpose of executing the kind of trust agreement between the Tribe and United States ...Such agreement shall provide the Menominee Indian Tribe with maximum control over its own property and its own affairs and shall define accordingly the long-term, ongoing trust relationship between the Tribe and the United States.

...

**Section 2. - Negotiating Principles**

The Tribal Legislature in negotiating a long-term trust and management agreement with the United States shall be bound by the following principles which the Menominee Indian Tribe considers fundamentally important parts of such an agreement:

(a) The United States should expressly acknowledge that the Menominee Indian Tribe has the right to be self-determining to the maximum possible extent while still preserving the integrity of the trust responsibility of the United States to the Tribe. This includes the right to manage and control all tribal businesses, and the right to tax all assets within the Tribe's jurisdiction, including tribal assets held in trust.

...

(c) The United States should expressly agree that the tribal forest land shall be managed on a sustained yield basis.

The United States should expressly acknowledge that all tribal assets transferred to the United States in trust for the Tribe shall, as of the date of this transfer, be exempt from all local, state and federal taxation; and that the Tribe, the tribal assets, the tribal members, and the tribal businesses shall be entitled to all immunities from taxation to which American Indian Tribes, their members, and their businesses are entitled by the laws of the United States.

Source: Constitution & bylaws of the Menominee Indian Tribe of Wisconsin. (1977). Retrieved from <http://www.menominee-nsn.gov>



**Document E:** Restrictive Covenant for Legend Lake

*From the restrictive covenant filed in 2009 with the Menominee County Registrar of Deeds.*

The Legend Lake Plat and development was originally created to, among other things, increased the tax base of Menominee County, Wisconsin. These Restrictive Covenants are intended to preserve the tax base of Menominee County, Wisconsin. These Restrictive Covenants are further intended to, among other things, increase property values of Legend Lake properties by insuring compliance with state and local municipal control and governance, and to assure compliance with membership responsibilities of the Legend Lake Property Owners Association, Inc. (hereinafter, the “Association”)....

I. Restriction on Transfer

B. Without the express written consent of the Association, which to be effective must be duly voted upon and approved by the Association’s membership by amendment to the bylaws, no owner of any interest in [a Legend Lake lot or lots] (or any part thereof) shall transfer any interest in the [Legend Lake lot(s)] to any individual, entity...organization, or sovereign or dependent sovereign nation, or during the period of ownership take any action, the result of which could or would:

(1) remove or eliminate the [Legend Lake lot(s)] (or any part thereof) from the tax rolls of Menominee County, Wisconsin

(2)diminish or eliminate the payment of real estate taxes duly levied or assessed against [a Legend Lake lot(s)]...

...

(5)remove the [Legend Lake lot(s)] from the obligations and/or restrictions imposed on the [property] by the...Association, to include, ...the obligation to pay all dues and assessments properly levied by the Association.

Source: *In re title to: Legend Lake lots and outlots, Menominee County, Wisconsin.* 2009. Menominee County Registrar of Deeds.



**Document F: American Indian Tribes in Wisconsin**

Name of Tribe	Number of Enrolled Tribal Members	Wisconsin Counties in Which Reservation or Off-Reservation Trust Land Is Located	Approx. Number of Acres of Land in Wisconsin Held in Trust for the Tribe (As of January 2009)
Bad River Band of Lake Superior Chippewa Indians	6,945	Ashland, Iron	57,884
Forest County Potawatomi Community	1,250	Forest, Marinette, Milwaukee, Oconto	12,280
Ho-Chunk Nation	6,563	Adams, Clark, Crawford, Dane, Eau Claire, Jackson, Juneau, La Crosse, Marathon, Monroe, Sauk, Shawano, Vernon, Wood	2,108
Lac Courte Oreilles Band of Lake Superior Chippewas	6,918	Burnett, Sawyer, Washburn	24,365
Lac du Flambeau Band of Lake Superior Chippewas	3,415	Iron, Oneida, Vilas	39,403
Menominee Nation	8,339	Menominee, Shawano	235,524
Mohican Nation, Stockbridge-Munsee Band	1,565	Shawano	16,255
Oneida Tribe of Indians of Wisconsin	15,336	Brown, Outagamie	6,646
Red Cliff Band of Lake Superior Chippewas	5,312	Bayfield	6,404
St. Croix Band of Chippewa Indians	1,054	Barron, Burnett, Polk	2,126
Sokaogon Chippewa Community (Mole Lake)	1,261	Forest	1,320

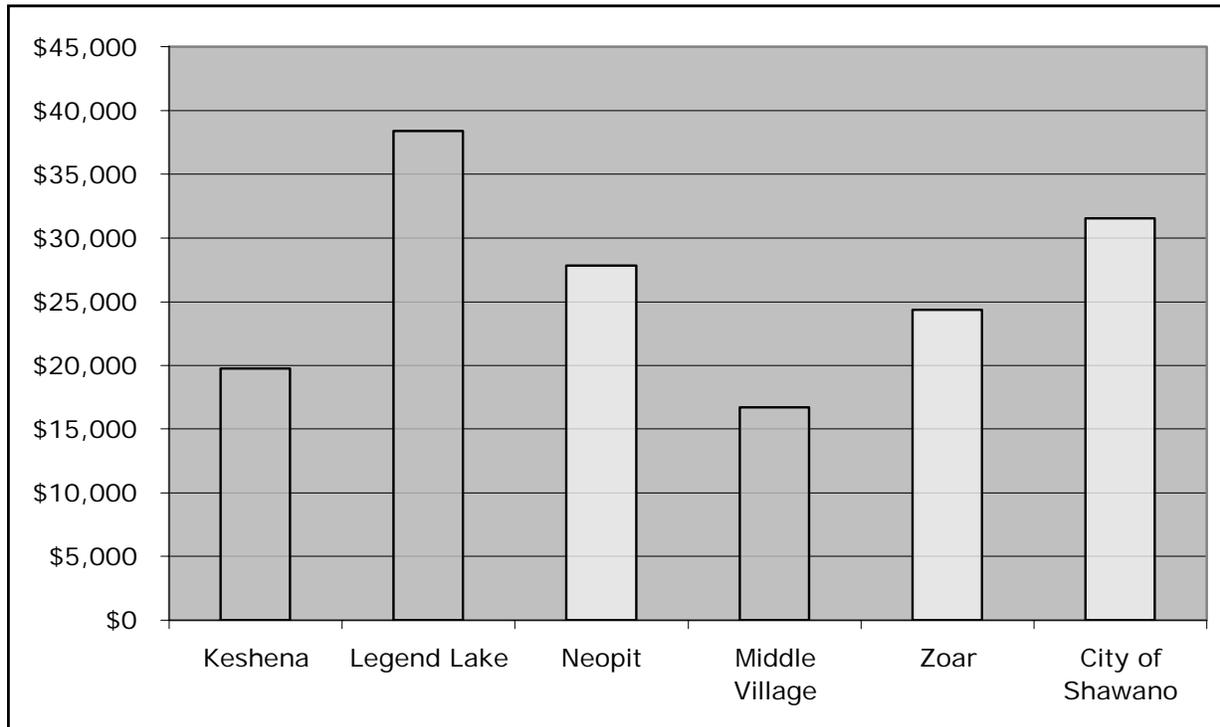
Sources: For membership information: The Bureau of Indian Affairs (BIA) publishes tribal enrollment data in its Labor Force Report. Although required to be issued every two years, as of this writing, the most recent report is dated 2005. Therefore, membership data and trust land information is taken from "Tribes of Wisconsin," prepared by the Department of Administration (DOA) (January 2009), and reflects information provided by each tribe.

Source: Wisconsin Legislative Council. (2011). Chapter Q: State tribal relations. *Wisconsin Legislator Briefing Book*. Retrieved from <http://www.legis.state.wi.us/lc>



**Document G: Menominee County income, by community**

**Community median household income**



Source: U.S. Census Bureau. (2001). *U.S. Census of Population and Housing, 2000*. Washington, D.C.: Government Printing Office. Retrieved from <http://www.census.gov>



Document H: Poverty rates by county

**Total Poverty Rates for Wisconsin Counties, 2005-2009**

	Total Poverty Rate	Margin of Error (±) *		Total Poverty Rate	Margin of Error (±)		Total Poverty Rate	Margin of Error (±)
Menominee	28.9	6.9	Dane	12.3	0.5	Buffalo	8.8	1.5
Sawyer	19.6	2.0	Taylor	11.9	1.6	Green	8.8	1.0
Forest	18.0	3.1	Langlade	11.9	1.8	Fond du Lac	8.7	1.0
Milwaukee	18.0	0.5	Shawano	11.5	1.4	Manitowoc	8.6	1.0
Ashland	17.9	2.8	Juneau	11.5	1.6	Lafayette	8.5	1.2
Burnett	17.1	1.8	Richland	11.2	1.9	Pepin	8.4	1.9
Florence	16.1	3.9	Kenosha	11.1	1.2	Sauk	8.3	1.2
Rusk	16.1	2.9	Barron	11.1	1.3	Polk	8.1	0.9
Vernon	15.3	2.0	Marquette	11.1	1.1	Green Lake	8.1	1.9
Dunn	15.1	1.6	Price	10.9	1.8	Jefferson	7.9	1.0
La Crosse	14.6	1.2	Walworth	10.9	1.0	Marathon	7.9	0.8
Eau Claire	14.5	1.1	Rock	10.9	0.8	Columbia	7.8	1.1
Iron	14.2	3.6	Bayfield	10.8	1.5	Outagamie	7.8	0.7
Portage	13.4	1.1	Racine	10.8	1.4	Wood	7.7	0.8
Douglas	13.3	1.4	Vilas	10.7	1.4	Sheboygan	7.7	1.0
Jackson	13.2	1.9	Oconto	10.5	1.1	Dodge	7.5	0.8
Washburn	13.0	2.5	Lincoln	10.4	1.6	Iowa	6.8	1.0
Marinette	12.9	1.4	Brown	10.3	0.6	Kewaunee	6.7	1.1
Clark	12.7	1.3	Trempealea	10.3	1.2	Door	6.2	1.2
Grant	12.7	1.1	Waupaca	10.1	1.2	St. Croix	5.9	0.8
Waushara	12.6	1.6	Winnebago	9.9	0.8	Calumet	5.7	1.0
Adams	12.6	1.5	Oneida	9.5	1.6	Washington	5.3	0.7
Monroe	12.5	1.6	Pierce	9.3	1.3	Ozaukee	4.1	0.7
Crawford	12.4	1.7	Chippewa	9.3	1.0	Waukesha	4.1	0.4
						State	11.1	0.2

Source: Applied Population Laboratory, University of Wisconsin-Madison. Total Poverty Rates for Wisconsin Counties, 2005-2009. Retrieved from <http://www.apl.wisc.edu>



**Document I: Lived perspectives**

*The following remarks are from Wayne Towne, not a Menominee, who is the Chairman of the Legend Lake Protection and Rehabilitation District, an arm of the Menominee County Board.*

The land issue has been here since before termination and continues to fester between some Menominee and some Legend Lake property owners. My personal experience is that I was encouraged by many Menominee people to purchase a lot on Legend Lake to help create a much needed tax base for Menominee County. We were welcomed in those early days. When restoration came the welcome mat was taken in. There was a change in climate and some of the people who were on the welcoming committee no longer talked to us.

Adding to the tensions today are some new property owners on the lake who tend to be city born, summer and weekend residents, with little knowledge of their wooded surroundings or the harmful effects their city life style has on the Lake. In spite of regulations they put fertilizer on lawns down to the water and the run off from these lawns feed the invasive plants in the lake which careless boat owners bring from other lakes. The Lake District is charged with protecting the quality of the lake, and now has a friendly cooperation with most private lake property owners and several Tribal agencies to try and reduce these problems.

I do not know what would become of the County if the tax paying property owners are significantly reduced. The County employs a number of Menominee people. When the Menominee people had to travel to other counties for services, some could not get aid when they needed it. It is my feeling that we need each other to have a viable County that will not be dissolved. Time does not always heal wounds. People do. There will always be people on both sides who would rather hate than love. Both communities need to work together to help manage Legend Lake and lands of Menominee County.

*In 2011, former Menominee Nation Chairwoman Laurie Boivin addressed the Menominee people during the annual State of the Nation Address. Below is a segment from that address.*

Like many other Tribes throughout the Country, we continue to feel the effects of the Country's economic recession. Unlike other Tribes, however, we were very fortunate to not feel its effects until just this past year. We developed a \$12.2 million budget this past year that counted on \$9.4 million in revenues from the Casino. In April we learned the Casino had to revise it projection downward by \$3.2 million, resulting in the Tribe implementing various cost containment measures.

...

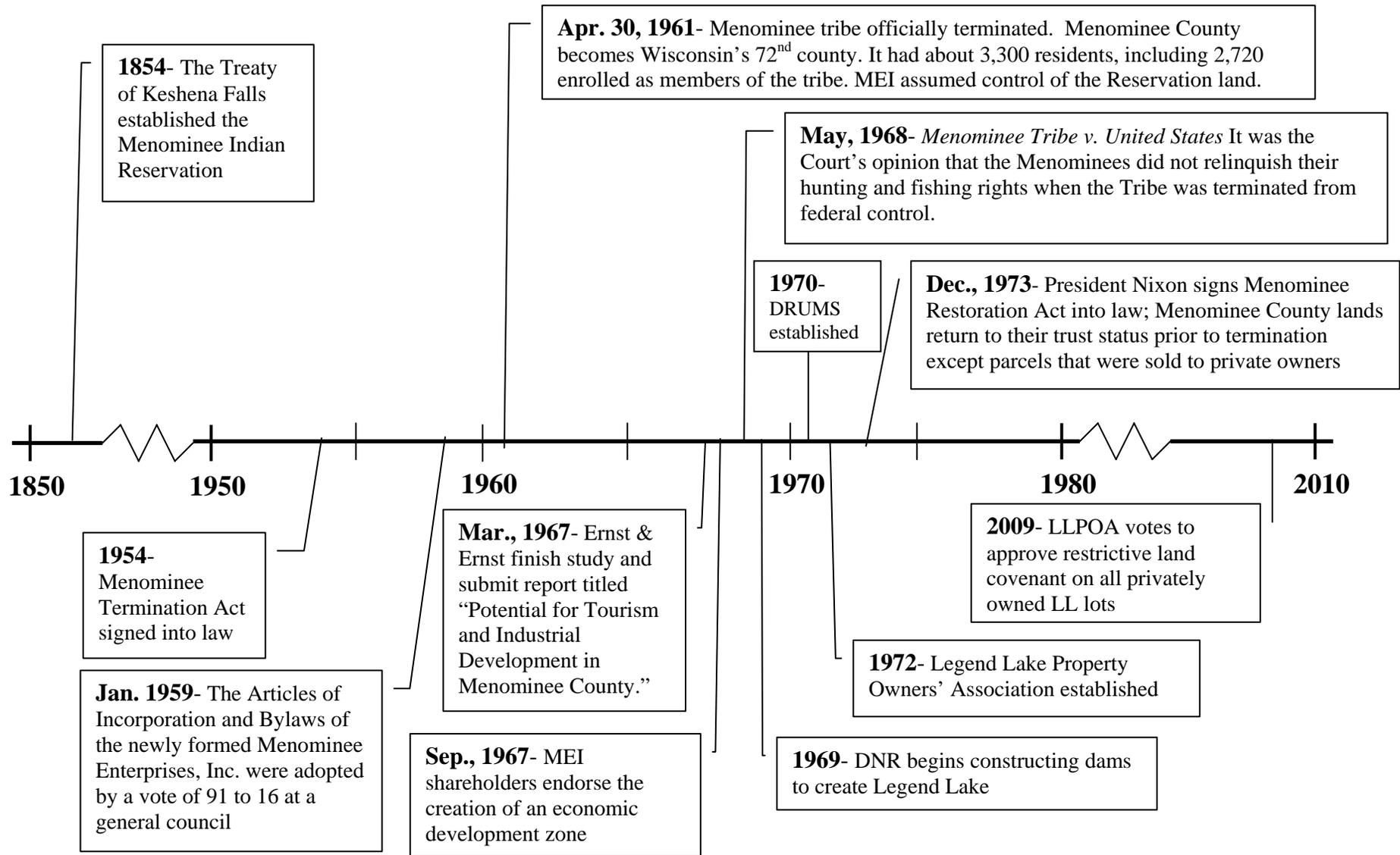
Despite the Tribe's financial struggles, we continue to grow responsibly and prosper in other areas. The Tribe managed to secure over \$20 million in stimulus funding and over \$16.5 million in recurring or new grant funding. We used this funding to help close budgetary gaps, create new jobs, improve aging infrastructure and develop new infrastructure throughout our community.

...

As I conclude: There's so much for us to celebrate and be thankful for, and at the same time so many hopes and opportunities to fulfill. If there's anything you take away with from this State of the Nation address, I hope it is this: it's important for us to listen to one another and be respectful of our differences, to find common ground and to work together in a manner our ancestors and our children would be proud of.

Source: Boivin, L. (2011, January 15). State fo the Menominee Nation address. Keshina, WI. Retrieved from <http://www.menominee-nsn.gov/MITW/Govt.aspx>

# Timeline of Relevant Events in the Legend Lake Land Dispute



**TERRA INSTITUTE LTD.**

Curriculum created by Kate Arnold & Casey Meehan, 2011



**Curriculum Evaluation for Legend Lake: A Talking Circle**

Teacher's Name: \_\_\_\_\_

Course: \_\_\_\_\_

Grade Level: \_\_\_\_\_

1. How many days of class did you spend on the Legend Lake curriculum? \_\_\_\_\_

2. Which materials did you use? (check all that apply)

\_\_\_ Video viewing guide

\_\_\_ Timeline

\_\_\_ Background essay

\_\_\_ Vocabulary Sheet

\_\_\_ Documents

\_\_\_ Entry Ticket

\_\_\_ Other? (Please list) \_\_\_\_\_

3. What aspects of the film did you/your students find most interesting?

4. What aspects of the film were difficult for your students to understand?

5. Was the "Inquiry Question" clear and worth discussing?

6. Which documents did your students find most interesting/useful?

7. Which documents did your students find least interesting/useful?

8. Did you use any of the suggested assessments? Which one(s)? How would you change the assessments to make them more meaningful for students?

9. What suggestions do you have for future versions of the curriculum?

**Teachers: Please mail this completed form to**

Terra Institute  
1406 Hwy 18-151 East  
Mt. Horeb, Wisconsin 53572

**or scan and email to: [jdstanfi@wisc.edu](mailto:jdstanfi@wisc.edu)**