



SUGGESTED LESSON PLANS FOR “LEGEND LAKE: A Talking Circle” A Guide for Teachers

Dear Teachers,

We would like to take this time to thank you for your interest in using our video **“LEGEND LAKE: A Talking Circle”**.

If you want to use the video in only one class session, please see the suggestions in the document **“For Teachers - Single Class Use”**.

If you want to use the video more extensively, please see this packet titled; **“For Teachers - Four Day Lesson Plan”** which uses an Inquiry Lesson Methodology, and is designed for use in 9th-12th grade social studies classes. For details about how the lesson is organized, please use **pages 1 - 10** as a guide for utilizing the other documents and for working your way through the suggested lesson plan. Of course you are free to teach the video using your own experience and preferences. Our lesson plan is just a suggestion.

We would appreciate knowing how you actually use the video and lesson plans. So, if you would please take the time to complete the evaluation Lesson Plan Evaluation and send it back to us, we would be grateful!

The two lesson plans work in conjunction with the video to shed light on the often complex relationships among federal, state, and tribal governments. They contribute to meeting existing State Standards in Social Studies and fulfill *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. Note that the Wisconsin Social Studies standards addressed in the documentary video 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

Behavioral Science

- E.12.8 Analyze issues of cultural assimilation and cultural preservation among ethnic and racial groups in Wisconsin, the United States, and the world
- E.12.11 Illustrate and evaluate ways in which cultures resolve conflicting beliefs and practices

The **Environmental Education Standards** which are touched on in the Legend Lake video include:

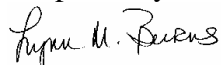
- B.12.3 Evaluate the stability and sustainability of ecosystems in response to changes in environmental conditions
- B.12.5 Analyze past and current trends in ecosystem degradation and species extinction
- B.12.8 Relate the impact of human activities in ecosystems to the natural process of change, citing examples of succession, evolution, and extinction

Also note that the use of the video also helps meet the requirements of **Act 31** of 1989:

“Beginning September 1, 1991, as part of the social studies curriculum, include instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state at least twice in the elementary grades and at least once in the high school grades.”

If you should have any questions or comments, please contact us at (608) 767-3449 or by email at: 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 video:

Legend Lake: A Talking Circle

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 approved by an Association of mostly non-Menominee land owners around Legend Lake that prohibits them from selling land back to the Menominee Nation. This four-day inquiry lesson encourages respectful dialogue about social issues in 10th-12th grade social studies classes. It uses the Legend Lake case to shed light on tensions among Indian and Non-Indian communities about land ownership and use, and on the often complex relationships among federal, state, local and tribal governments. It fulfills *part* of Act 31, a Wisconsin 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 and, on occasion, come into conflict with each other. Eleven American Indian tribes exercise 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 relationships among tribal government and non-tribal governing entities.

Perennial question: *How does tribal sovereignty relate to local, state, and federal sovereignty?*

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

Wisconsin educational standards addressed in the Inquiry Lesson:

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

Act 31: s.121.02(1)(L)4 Wis. Stats. K-12 Social Studies Instruction

Each school board shall: Beginning September 1, 1999, as part of the social studies curriculum, include instruction in the history, culture, and tribal sovereignty of the federally recognized American Indian tribes and bands located in the state at least twice in the elementary grades and at least once in the high school grades.

Essential Understandings of Wisconsin American Indians addressed in the Lesson Plan:

Understanding #1- American Indian Nations maintain sovereign powers separate and independent from federal and state governments. These powers were not given or granted to an Indian Nation, but are an inherent property of that Nation.

Understanding #2- There is great diversity among individual American Indians who have shaped their own identities as individuals and as members of tribal nations, and whose identities have been defined and redefined by governments, organizations, and other 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 into the government and management of their affairs.

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
- 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-L
- Copy of “Timeline” for each group
- Access to the Reference Documents contained on the Legend Lake web site or on the second DVD of the Legend Lake 2 DVD set.

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.
7. Understand the origins of modern tribal sovereignty

Procedure overview:

If not contained in previous lessons, class time should be given to the key events in history that reveal the early recognition and subsequent erosion of tribal sovereignty in North America and in the area we know today as Wisconsin. Consult the 2006 article by Gayle Olson-Raymer provided in its entirety in the Reference Documents.

Also, prior to starting the lesson assign Loew’s “The Menominee” (Document A) and the “1854 Treaty with the Menominee” (Document B). Also 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. Review Documents A and B and the “Background Essay”.



DAY 1 of the Lesson

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 C, D, E, & F using “Timeline” and “Background Essay” for reference.
 - Doc C: DNR memo
 - Doc D: Protest at First Wisconsin Trust
 - Doc E: Letter to property owners
 - Doc F: Article XIV of Menominee Constitution
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 G, H & I.
 - Doc G: Restrictive covenant
 - Doc H: Federal Payments in Lieu of Taxes
 - Doc I: Oneida Service Agreement with Ashwaubenon

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 J, K & L.
 - Doc J: Indian Nations in Wisconsin
 - Doc K: Poverty rates of Wisconsin counties
 - Doc L: 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 for the next day's class.

DAY 4

12. (15 min.) Students articulate their “five-minute resolution” verbally in a “rapid review” 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” and Document A (“The Menominee” from Patty Loew’s book) as homework. You may want to provide students the opportunity to read at least the Conclusion section of the Olson-Raymer article in Annex A. Also, the “Useful Vocabulary” handout is



useful to help students understand some of the terminology used in the essay and other reference documents.

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 Non-Menominee 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 does tribal sovereignty relate to local, state, and federal sovereignty?*

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.
- Menominee Nation should pay a fee to Menominee County for services usually covered through property taxes.

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 C, D, E, & F 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 C, D, E, & F from students.
7. (15 minutes) **Analyzing the evidence.** Pass out Documents G, H, and I 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 G, H & I.

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 G, H & I.

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 H, I & J.
9. (15 minutes) **Analyze the evidence.** Pass out documents J, K & L 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 J, K & L.

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 using brief description of their resolution for 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 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.



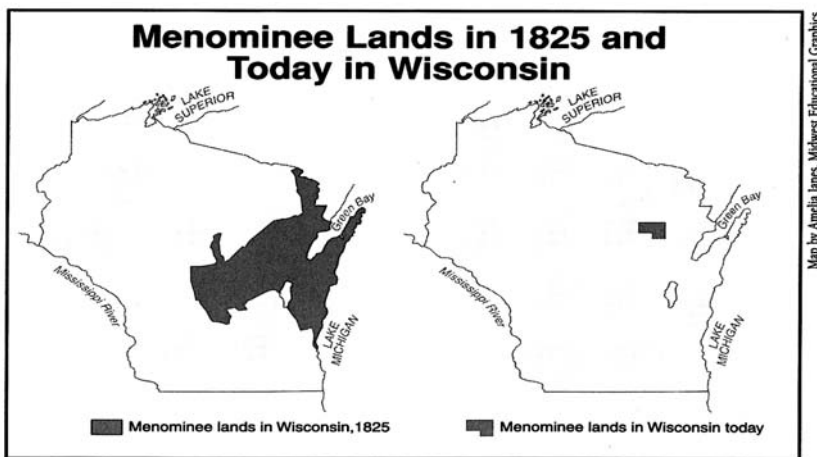
Background Essay: A Brief History of the Legend Lake Land Dispute

Origins of the Menominee and early European contact

The Menominee who call themselves *Omeaqnomenewak*, an Algonquian word meaning “People of the Wild Rice” are the only present-day tribe in Wisconsin whose origin story indicates that they have always lived in what is today the State of Wisconsin. The Menominee lands extended inland from present day Green Bay when the French explorer Jean Nicolet arrived there in 1634. Menominee identity is rooted in the forests of these lands, whose resources along with the wild rice sustained the tribe before Europeans arrived on the continent, and to this day the forest continues to provide cultural and economic sustenance to the Menominee. The struggle to preserve this critical resource, however, has nearly cost the Menominee both their land and their identity as an Indian 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 approximately 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 undermined aspects of tribal sovereignty which had been recognized in treaties. 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 at the same time the land was transferred into the ownership of Menominee Enterprises, Inc. (MEI), a corporation that took the place of the former tribal/US Government management regime. Each Menominee held 100 shares in MEI which featured a complicated organizational structure that made it very difficult for the Menominee to control their own tribal operations.

It was evident from the start that termination had serious problems. Menominee County was the poorest and least populated county 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 the number of Menominees as before, 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 as it led to a drastic decline in tribal employment, increased poverty, and reduction of basic services.

Origins of the Legend Lake Land Dispute

In the 1960s MEI decided to sell 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 and ceremonial 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 in preparation for the selling of lots to non-Menominee, 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 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 Menominee private owners of these lots and others mostly in Keshena.

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 less than 3% of the total land area of the County, since the Menominee lands in trust 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 main means for the mostly absentee owners of Legend Lake lots to influence local policies affecting the Legend Lake development area is through the Legend Lake Property Owners' Association (LLPOA). Some lot 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 and local organizations. They have also established relations with individual Menominee 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, tax paying 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, Menominee County can no longer collect property tax for that piece of land. As the Menominee Tribe converts newly acquired land to trust status, the amount of tax the remaining private owners may increase 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.

Loew, Patty (forthcoming), *Indian Nations of Wisconsin : Histories of Endurance and Renewal*, second edition.



Name _____

Legend Lake Inquiry Resolution Table

	What important new information did you learn from this document?	Which resolution(s) does the information in this document support?	Based on the information in this document, which resolution makes the <i>least</i> sense?
Doc. A			
Doc. B			



	What important new information did you learn from this document?	Which resolution(s) does the information in this document support?	Based on the information in this document, which resolution makes the <i>least</i> sense?
Doc. C			
Doc. D			



	What important new information did you learn from this document?	Which resolution(s) does the information in this document support?	Based on the information in this document, which resolution makes the <i>least</i> sense?
Doc. E			
Doc. F			
Doc. G			



	What important new information did you learn from this document?	Which resolution(s) does the information in this document support?	Based on the information in this document, which resolution makes the <i>least</i> sense?
Doc. H			
Doc. I			



Useful Vocabulary

sovereignty	The authority to self-govern.
federally recognized nation	The official acceptance of one nation by another as a fellow sovereign government. Currently, there are more than 500 federally recognized American Indian nations in the United States.
land tenure	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.
restoration	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.
LLPOA restrictive covenant	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”.
revenues	The income of a government from taxation or other sources and used to pay public expenses like building and maintaining roads, schools, and services.
shareholder	The owner of stock, or shares, in a company.
tax exempt	The condition whereby an individual (or group) does not have to pay tax.
trust land	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.
termination	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: Excerpt from Chapter 3 “The Menominee” of Patty Loew’s, *Indian Nations of Wisconsin: Histories of Endurance and Renewal*, second edition, forthcoming. Reprinted with permission of the Wisconsin Historical Society

Compared to the neighboring tribes in Wisconsin, the Menominee Nation has been able to assert more sovereign control over its reservation. During the restoration process, the Menominee successfully petitioned Congress to be exempt from Public Law 280, a measure passed in 1952 that transferred civil and some criminal jurisdiction from the federal government to five states with large Indian populations, including Wisconsin. The Menominee reasoned that, as a result of termination, they already had police and courts equipped to handle disputes. Consequently, tribal police or federal marshals handle crimes involving tribal members on the Menominee Reservation. In contrast, Indians who commit crimes on all other reservations in Wisconsin fall under county and state jurisdiction.

Jurisdictional issues, particularly those involving Legend Lake, however, continue to be a problem for the Menominee. Just 1 percent of Menominee County land is taxable and nearly all of that taxable land is in the Legend Lake and surrounding lakes area, where 1,838 private parcels, held mostly by non-Menominee landowners generate 95 percent of the county’s taxes. Although the tribe contributes toward the cost of providing county services, residents complain that they are underserved. The Menominee, who were able to acquire unsold lots after restoration, have placed 815 lots in trust, meaning that these parcels are not taxable. They have also leased some of these untaxed home sites to individual tribal members for recreational or residential use. Fewer than half the taxable lots have homes on them, with only two hundred occupied by permanent residents. The rest are used for seasonal housing, camping, or other recreational uses.

These tangled interests—tribal and nontribal, permanent and seasonal, taxed and non-taxed residents, all within an area of overlapping jurisdictions—have created a monumental administrative challenge for the tribe and their non-Indian neighbors. The Menominee County Taxpayers Association (MCTA), representing for the most part nontribal property owners, has fought all efforts by the tribe to reacquire Legend Lake property, arguing that it would increase the tax burden of the remaining property owners. In 1995, MCTA petitioned the state legislature for permission to merge Menominee County with Shawano County, a move that infuriated the tribe. “There’s no way in the world that we Menominees are going to sit idly by and let someone strip us of our reservation,” Menominee vice chair Louis Dickson stated. “They want to deprive the Menominees of the land that’s part of our ancestral heritage.”¹

In 2008, the tribe attempted to purchase seven lots from the Legend Lake Property Owners Association (LLPOA). That Menominee would like to repurchase all of the land lost within their reservation is no secret. “If I could buy that property back, I would in a heartbeat,” Menominee chair Lisa Waukau said in a 2009 interview. “However, we don’t have the kind of money to do that.”² The LLPOA not only refused the tribe’s offer to purchase the lots, but in June 2009 it adopted a “restrictive covenant” that attempted to prevent land

¹ “Menominee County’s Taxpayers Ask for Relief,” *Milwaukee Journal Sentinel*, December 26, 1995, 5B.

² “Dispute over Property, Sovereign Tribal Rights Could End Up in Court,” *Shawano Leader*, June 7, 2009, 12A.



sold or transferred to the tribe from being placed into trust. The Menominee called it an attack on their sovereignty and questioned the legality of the covenant. “A property owners association will not trump a sovereign nation, Waukau told tribal members.³ Some believe that the issue will eventually be litigated. Given the federal government’s role in terminating the Menominee and facilitating the land loss, one possible solution is for the state, tribe, and LLPOA to pressure the federal government to provide “payment in lieu of taxes,” a strategy that has been used elsewhere.

³ “Legend Lake Property Association Vote [sic] Yes on Restrictive Covenant,” *Menominee Nation News*, June 22, 2009, 3A.



Document B: *1854 Treaty between the US Federal Government and the Menominee Tribe*

ARTICLE 1.

The said Menomonee tribe agree to cede, and do hereby cede, sell, and relinquish to the United States, all the lands assigned to them under the treaty of the eighteenth of October, eighteen hundred and forty-eight.

ARTICLE 2.

In consideration of the foregoing cession the United States agree to give, and do hereby give, to said Indians for a home, to be held as Indian lands are held, that tract of country lying upon the Wolf River, in the State of Wisconsin, commencing at the southeast corner of township 28 north of range 16 east of the fourth principal meridian, running west twenty-four miles, thence north eighteen miles, thence east twenty-four miles, thence south eighteen miles, to the place of beginning—the same being townships 28, 29, and 30, of ranges 13, 14, 15, and 16, according to the public surveys.

ARTICLE 3.

The United States agree to pay, to be laid out and applied under the direction of the President, at the said location, in the establishment of a manual-labor school, the erection of a grist and saw mill, and other necessary improvements, fifteen thousand dollars; in procuring a suitable person to attend and carry on the said grist and saw mill, for a period of fifteen years, nine thousand dollars, in continuing and keeping up a blacksmith shop, and providing the usual quantity of iron and steel for the use of said tribe, for a period of twelve years, commencing with the year eighteen hundred and fifty-seven, eleven thousand dollars; and the United States further agree to pay the said tribe, to be applied under the direction of the President, in such manner and at such times as he may deem advisable, for such purposes and uses as in his judgment will best promote the improvement of the Menomonees, the forty thousand dollars stipulated to be applied to their removal and subsistence west of the Mississippi.

This treaty to be binding on the contracting parties as soon as it is ratified by the President and Senate of the United States, and assented to by Osh-kosh and Ke-she-nah, chiefs of said tribe.

In testimony whereof, the said Francis Huebschmann, superintendent as aforesaid, and the chiefs, headmen, and warriors of the said Menomonee tribe, have hereunto set their hands and seals, at the place and on the day and year aforesaid.

Source: <http://digital.library.okstate.edu/kappler/vol2/treaties/men0626.htm>



Document C: *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 4th day of January 1969, that we hereby manifest explicitly our wholehearted support in the progress of N.B. 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 D: *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 E: 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 F: *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 G: *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 H: *Federal Payments in Lieu of Taxes*

From the web site: <http://www.doi.gov/pilt/index.html>, 18 April, 2012

Payments in Lieu of Taxes

"Payments in Lieu of Taxes" (or PILT) are Federal payments to local governments that help offset losses in property taxes due to nontaxable Federal lands within their boundaries. The key law that implements the payments is Public Law 94-565, dated October 20, 1976. This law was rewritten and amended by Public Law 97-258 on September 13, 1982 and codified at [Chapter 69, Title 31 of the United States Code](#). The Law recognizes that the inability of local governments to collect property taxes on Federally-owned land can create a financial impact.

PILT payments help local governments carry out such vital services as firefighting and police protection, construction of public schools and roads, and search-and-rescue operations. The payments are made annually for tax-exempt Federal lands administered by the BLM, the National Park Service, the U.S. Fish and Wildlife Service (all agencies of the Interior Department), the U.S. Forest service (part of the U.S. Department of Agriculture), and for Federal water projects and some military installations. PILT payments are one of the ways that the Federal government can fulfill its role of being a good neighbor to local communities.

The Department of the Interior's (DOI) Office of the Secretary has administrative authority over the PILT program. In addition to other responsibilities, DOI will calculate payments according to the formulas established by law and distribute the funds appropriated by Congress. Applicable DOI regulations pertaining to the PILT program were published as a [final rule in the Federal Register on December 7, 2004](#).

The formula used to compute the payments is contained in the PILT Act and is based on population, receipt sharing payments, and the amount of Federal land within an affected county. PILT payments are in addition to other Federal revenues (such as oil and gas leasing, livestock grazing, and timber harvesting) that the Federal Government transfers to the States. The DOI has distributed more than \$5.5 billion dollars in PILT payments (on average, \$157 million annually) to each State (except Rhode Island) plus the District of Columbia, Puerto Rico, Guam, and the Virgin Islands since these payments began in 1977.



Document I: Oneida Service Agreement with Ashwaubenon



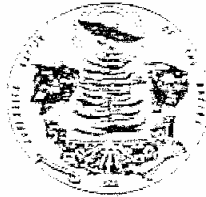
Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently

Oneida Tribe of Indians of Wisconsin

Post Office Box 365

Phone: 869-2214

Oneida, WI 54155



UGGWA DEMOLUMY Because of the new Oneida Chief in came a friendship between six nations and the of Pennsylvania, a Nation the United States

RESOLUTION TO GRANT AUTHORITY TO CHAIRWOMAN AND SECRETARY TO SIGN SERVICES AGREEMENT WITH ASHWAUBENON

Resolution # 3-29-95 A

- WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government...
WHEREAS, the Oneida General Tribal Council is the governing body...
WHEREAS, the Oneida Business Committee has been delegated...
WHEREAS, it is in the Nation's best interest to enter into a service agreement...
WHEREAS, the Village of Ashwaubenon has and continues to provide certain governmental services...

NOW THEREFORE BE IT RESOLVED that the Oneida Business Committee authorizes the Chairwoman and Secretary to sign the Services Agreement with the Village of Ashwaubenon on behalf of the Oneida Nation.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business committee comprised of 9 members, of whom 5 members which constitute a quorum, were present at a duly called meeting, held on the 29th day of March, 1995; that the foregoing resolution was duly adopted at such meeting by a vote of 7 members for, 0 members against, and 0 members abstaining; and that said resolution has not been rescinded or amended in any way.

Julie Barton, Tribal Secretary
Oneida Business Committee



Document J: 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>



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Document K: *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 L: *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 its projection downward by \$3.2 million, resulting in the Tribe implementing various cost containment measures.

...

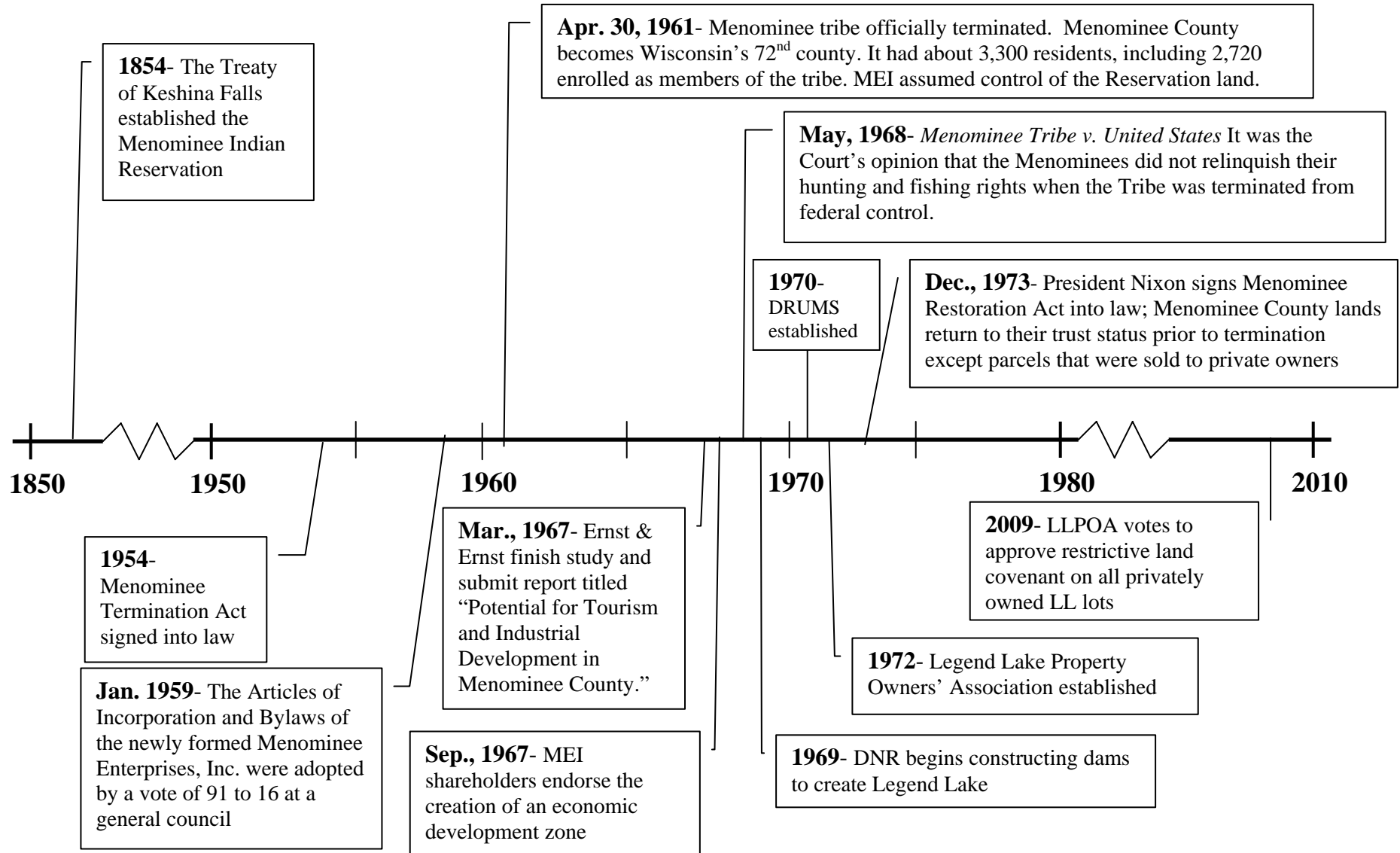
Despite the Tribe's financial struggles, we continue to grow responsibly and prosper in other areas. The Tribe managed to secure over \$20 million in stimulus funding and over \$16.5 million in recurring or new grant funding. We used this funding to help close budgetary gaps, create new jobs, improve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

Evaluation for Legend Lake: A Talking Circle

Teacher's Name: _____

Course: _____

Grade Level: _____

1. How many days of class did you spend on viewing and discussing the video "Legend Lake: A Talking Circle"? _____

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

Video

1 Day Lesson Plan

4 Day Lesson Plan

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

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

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

8. What suggestions do you have for future versions of the lesson plan that you used?

Teachers: Please mail this completed form to

Terra Institute
10900 Stanfield Road
Blue Mounds, WI 53517

or scan and email to: jdstanfi@wisc.edu