

Menominee Termination And Restoration- An Overview

Termination was a program championed by many federal policy makers between the late 1940s and early 1960s. The goal of termination was to end Indian tribes' status as sovereign nations. The program was, in some sense, a step backward in U.S. Indian policy because during the 1930s the Commissioner of Indian affairs, John Collier, wanted to empower Indians and end blatantly racist policies the United States had instituted throughout its history. The crowning achievement of his Collier's tenure was the 1934 Indian Reorganization Act (IRA). The IRA became the centerpiece of what Collier called the "Indian New Deal," and explicitly recognized and encouraged Indian tribes as sovereign nations. IRA allowed Indian communities to write constitutions and organize tribal governments to govern their own internal affairs.

Despite this, many congressmen and federal bureaucrats disagreed with Collier's program. Prior to Collier, the United States encouraged Indians to give up their cultures and live like "civilized" Whites. Collier left office in 1945, and his departure led these new reformers to feel they could reverse his policies and finish assimilating Indians into American mainstream society. The new reformers' program had many parallels to programs which had existed before Collier, but there were also differences. Reformers of the post-1945 era did not talk about "civilizing" the Indians but spoke instead of "freeing" and "emancipating" Indians from federal control.

Goals of Termination

Their program had four key goals:

- Repealing laws that discriminated against Indians and gave them a different status from other Americans;
- Disbanding the Bureau of Indian Affairs (BIA) and transferring its duties to other federal and state agencies or to tribes themselves;
- Ending federal supervision of individual Indians;
- Ending federal supervision and trust responsibilities for Indian tribes.

On the face of it, the program seemed innocuous and even benevolent. Post-1945 Indian reformers saw the trust relationship between the federal government and tribes not as something that protected Indians but rather as a manipulative obstacle to personal and economic freedom. The Indian-federal trust relationship had come into being in the early 1800s when the United States government undertook the duty of protecting Indians' rights and tribal property. It had not always done a very good job at this, but by withdrawing its trust responsibility entirely, Indians' rights--and especially Indians' lands--became vulnerable. For this reason, Indians and non-Indians concerned about Indian affairs were leery of the termination policy almost from its inception.

Political Forces for Termination

Another negative aspect of termination was that Indian tribes would no longer be sovereign entities. Under termination, tribal governments would no longer exist, and tribes would no longer be able to govern their internal affairs. Many of the new post-World War II Indian reformers thought these goals would ultimately be good for both Indians and the nation. One reason termination became so popular in Washington was that it came into being during the Cold War, and many believed that--to fight a common, external threat--all Americans had to come together and that that this could not happen if a large segment of the population were treated differently. Moreover, many of these new

reformers saw Indians' tribal governments as fostering "communal" ownership and values, and these, they believed, were just one step removed from "communism."

The strongest proponent for termination was Senator Arthur V. Watkins of Utah, who called his pet policy the "freeing of the Indian from wardship status" and equated it with the Emancipation Proclamation, which freed slaves during the Civil War. Watkins was the driving force behind termination, and his position as chairman of the Senate Subcommittee on Indian Affairs gave him tremendous leverage in determining the direction of federal Indian policy. His most important achievement came in 1953 with passage of House Concurrent Resolution No. 108, which stated that termination would be the federal government's ongoing policy.

Menominee Termination

Passage of the resolution did not actually terminate any tribes. That had to be accomplished one tribe at a time by specific legislation. The Bureau of Indian Affairs began to assemble a list of tribes believed to have the economic prosperity needed to sustain themselves after termination, and at the top of the list was the Menominee Tribe of Wisconsin. One reason the BIA chose the Menominee was that the tribe had successful forestry and lumbering operations that the BIA believed could support the tribe economically. Congress passed an act in 1954 that officially called for the termination of the Menominee as a federally recognized Indian tribe.

Termination for the Menominee did not happen immediately. Instead, the 1954 act set in motion a process that would lead to termination. The Menominee were not comfortable with the idea, but they had recently won a case against the government for mismanagement of their forestry enterprises, and the \$8.5 million award was tied to their proposed termination. Watkins personally visited the Menominee and said they would be terminated whether they liked it or not, and if they wanted to see their \$8.5 million, they had to cooperate with the federal government. Given this high-handed and coercive threat, the tribal council reluctantly agreed.

Devastating Effects

The 1954 act set 1958 as the year the Menominee would be terminated. In the intervening four years, the tribe had to address a spate of issues such as what to do with its tribal assets and federally protected reservation lands. They drew up a plan for termination, but when it became clear that four years was insufficient preparation, the federal government gave the tribe a year's extension. Termination proved to be such a huge task that the Menominee eventually requested two additional one-year extensions. All tribal property was transferred to a corporation, Menominee Enterprises, Inc. (MEI), and the reservation became a new Wisconsin county, Menominee County.

Termination arrived for the tribe on April 30, 1961, and it was evident from the start that termination was failure. Menominee County was the poorest and least populated in Wisconsin, and it lacked the tax base needed to provide basic services such as police, waste disposal, and firefighting. Each Menominee was a shareholder in MEI, and although it did well in the early years of termination, the financial crisis into which Menominee County was born quickly ate up the meager profits and stockholder dividends of MEI. The lumber mill operation could not employ all Menominees, and by the time of termination, it needed renovations MEI could not afford. Moreover, the reservation hospital, previously kept open using federal funds, had to close. The story was the same all over the old Menominee reservation as schools, utilities, and a variety of services were either closed, ended, or dramatically scaled back. When Congress passed the Menominee termination act in 1954, the tribe's cash assets had been valued at over \$10 million. The pressing needs that followed

termination in 1961 drained this sum to \$300,000 by 1964, and despite all that was spent, it still was insufficient to provide for tribal members' needs. Indeed, termination quickly resulted in lower standards of living for all Menominee.

Congress Halts Termination

Only one other tribe, the Klamath of Oregon, had been terminated in the 1950s and--like the Menominee--the Klamath experienced a similar onset of poverty and social disruption. The experiences of both tribes were so negative that other tribes slated to be terminated strongly resisted. Congress also saw that termination did not bring about the desired results, and by the late 1950s and early 1960s a new group of congressmen halted the process of terminating tribes. However the Menominee had already been terminated by this time, and the only thing they could do to regain federal recognition was to petition Congress to pass new legislation.

One reason that termination failed was that the Menominee no longer received federal funds to finance basic services. Money the government gave to Indian tribes was not a form of welfare. Instead, it was like the funds that all local and state governments get from the government to build roads, schools, and electric and water utility plants. The Menominee, however, did not have the necessary tax base to support these services, and the funding Menominee County received from state and federal governments after termination was too small to fix the overwhelming problems.

"Legend Lake" and DRUMS

To acquire more money for the tribe, in the 1960s MEI suggested selling some tribal land to real estate developers who 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. Most tribal members--all of whom were MEI stockholders--voted for the plan, but MEI did not tell them specifically that the developer planned to create a large artificial lake (Legend Lake) and sell surrounding property to non-Indians. MEI stockholders thought they were voting for a vague economic development plan. When the deal's details became known to tribal members, there was an immediate backlash.

Sale of their lands to non-tribal members was all that some Menominee could take, and they organized to fight the Legend Lake plan. Under the leadership of two tribal members--James White and Ada Deer--the Determination of Rights and Unity for Menominee Stockholders (DRUMS) came into being in 1970. DRUMS members organized protests against the Legend Lake development and began to 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 1972 they succeeded in blocking the Legend Lake project. By the end of that same year, DRUMS controlled the majority of the MEI board of directors.

Restoration

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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, had publicly come out against termination and was sympathetic to American Indian interests. The tribe lobbied 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, and the long, bitter experiment known as termination came to end, and a new phase--restoration--began.

Long-Term Recovery

There was much to do following restoration. First, the tribe elected the Menominee Restoration Committee (MRC) and chose Ada Deer as its head. To MRC fell the huge task of reorganizing the tribe, its government, and tribal assets. Second, all Menominee born since the termination act of 1954 had to be added to the tribal roll. This phase did not always go smoothly, and there was dissension among the Menominee on how restoration should proceed. A new organization, the Menominee Warrior Society, criticize the MRC much as DRUMS had earlier criticized MEI. The Menominee Warrior Society demanded a faster approach to ending tribal problems than the plan put forth by the MRC, and the Warriors made their demands public in January and February 1975 when they occupied the abandoned Alexian Brothers novitiate building in Gresham, Wisconsin. The occupation lasted thirty four days and, when it ended, many leaders of the occupation faced criminal indictments and trials. Dissension between MRC and the Menominee Warrior Society created deep splits among the Menominee and even led to acts of violence.

This violence and dissension, although spectacular at times, was relatively short lived, and soon the Menominee put aside their differences and accomplished the business of restoration. In 1975, Menominee County reverted back to reservation status, a new tribal constitution became a reality in 1976, and in 1979 a new tribal government took office. It took years to undo the damage done by termination, and the experience has had a lasting effect not only on the Menominee but on all American Indians. They are determined to retain their trust relationship with the United States, and are very suspicious of any attempts to terminate or otherwise abrogate that relationship.