

**A BRIEF STORY
ON THE
MENOMINEE INDIANS**

A BRIEF STORY OF THE MENOMINEE INDIANS

BY

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FOREWORD

Judging from the numerous requests for information which are constantly being received from all parts of the county, from schools, students, and others, it is apparent that there is widespread interest in the Menominee people and their affairs. Many inquiries relate to the early-day Menominee; others are interested in the resource as well as the people; and many want information regarding the future of the tribe and the problems facing it in taking-over the responsibilities which heretofore have been carried by the Federal Government.

To meet these requests, the material herein, gathered from many sources, has been compiled to present in brief form the history of this important, interesting, and outstanding tribe, together with a short discussion on the early-day customs as history records them, and information concerning their problems for the future.

It is hoped that this treatise will fill the need for which it is intended and at the same time create an interest which will encourage the reader to delve further into history of the Menominee by study of books that can be found at many of the libraries. A partial bibliography is included herein.

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The Early Day Menominee

Recorded history of the Menominee Indians, an Algonquian tribe, begins in 1634 when Jean Nicolle, a French explorer, passed by their country and reported their existence. At the time, many of the Indians were living near the mouth of the Menominee River, near the present locations of Marinette, Wisconsin, and Menominee, Michigan, on the western shore of Green Bay on the west shore of Lake Michigan. Others lived at the mouth of the Fox River and small settlements were scattered as far south as Lake Winnebago. The territory which the tribe occupied and claimed comprised an area of $9\frac{1}{2}$ million acres in what later became parts of the states of Wisconsin and Michigan. The name "Menominee", applied to the tribe by the English, is an abbreviated form of an Indian word meaning "Wild Rice Men". Wild rice was a very common food and highly relished by the tribal members.

Records left by the early-day visitors into the area describe the Menominees as people of medium size, with skins lighter in color than that of other tribes. The people wore few clothes. Their garments were usually made from skins of animals, particularly deer. The men wore breech cloths and leggings; and the women wore blouses and skirts. Both sexes wore soft-soled moccasins. Frequently their clothing was ornamented with quills, beads, and painted designs. Blankets of fur were worn in winter to protect against the cold. The people had a reputation of being peaceful, but they were also fierce warriors when necessary.

The early Menominee usually lived in villages and their dwellings were of two principal types. In winter they lived in houses of arched poles covered with overlapping bark, mats of reed and rushes, or deer skin. The summer homes had a rectangular frame of poles with an arched or peaked roof, covered in the same manner as winter houses. A low opening was used for entrance. A fireplace was built in the center on the dirt floors and the smoke from the open fires escaped through small holes in the roof. The people slept on raised beds or on the ground, using bedding of skin and boughs.

The most important of their seasonal foods was wild rice, harvested in the fall. Fish were caught in summer by netting, trapping, and spearing, and in winter speared or netted through the ice. Sturgeon was plentiful. The deer was the chief source of meat, but all other game was hunted for food. Part of the food supply was dried in the sun for winter use. Boiling and roasting were common methods of cooking. In later times, maple sap was gathered in the spring and rendered into syrup and sugar. Although some Indian corn was raised, agriculture had a very minor place in the old Menominee economy and there was very little cultivation of the soil. Uncultivated tobacco found in the area was used to some extent by the tribesmen. Berries which ripened in the forest during the summer were plentiful; nuts of the forest were stored for winter, and various wild fruits, vegetables, and fungi were available to help provide the food supply.

Travel was usually by foot or water. In winter, snow shoes were used. Two forms of canoes were in use for water travel - the birchbark and the wooden dugout. The use of horses did not become of importance until more recent times.

Basketry, birchbark work, matting from vegetable fibres, yarn and hair sashes, and bindings were common place. The Indians did some pottery and metal work. They made from wood and shell such utensils as bowls, spoons, ladles. They made their own bows and arrows; ball-headed and gunshaped clubs; knives of stone, shell, bone, and sometimes copper; and axes with grooved heads of stone. Needles and awls were of bone. They were proficient in making canoes, mortars, and pestles and in preparation and tanning of skins. They made their own religious and ceremonial objects. These native arts have long since been lost or declined.

It was the man's job to hunt and fish, conduct warfare, perform ceremonials, prepare sacred artifacts, to cut and chop wood, and to make the canoes, weapons, tools, nets, snares and similar items. The woman's task was to cook, conduct the household and rear the children, do all the agricultural work, collect berries and wild foods, gather firewood, carry water, carry goods when traveling, process deer and other animal skins, make the clothing, weave mats and bags, and prepare household utensils.

It is said that their ancestral religion taught that four levels were above the flat earth. The Supreme Being was said to be living on top, followed by birdlike deities, not the least of whom was the Thunderbird War God. Below the earth were the evil gods, the Great White Bear, the underground Panther, the White Deer, and the Horned Serpent. Numberless good and bad spirits were everywhere. Manabus, a child of the sun, was the central figure in much of the religion, and many sacrifices and prayers were offered to him. Due to the early advent (in 1671) of the Catholic missionaries, the Menominee people are today predominantly devout Catholic. The old religion is nearly extinct.

By the old custom, Indian marriages were reported to have been solemn affairs; they involved a period of showing one's worth, of gift giving, and approval of the parents. Today, all marriages and divorces are had through church ceremonies or through regular civil processes under State law.

Under the old order, the tribe was made up of clans, headed by their own chiefs and headmen. The chiefs were of a hereditary line, descended from the first Menominee. The people were governed by a council of elders, comprised usually of the chiefs or clan leaders. Their most famous chief was Oshkosh, who died in 1858. The chiefs had civil control only; the war command being in the hands of men to whom power had come through outstanding accomplishments in battle or through dream revelations. The supreme council of the Menominees consisted of

twelve chiefs when the tribe was first visited by white men. Through the evolution of culture, the Menominee, as with other tribes, have lost this order of rule.

Since the area occupied by these Indians was included in the territory France had claimed by right of conquest and discovery, the Menominees were under French rule and influence until about 1763, the end of the French and Indian War. At that time, the British took over and the area became known as British Canada. The British ruled until 1794, when the region became a possession of the United States under provisions of the "Jay Treaty". At the time, fur trading had become an industry of major importance, and the Indians became actively engaged in trapping as a means of livelihood. A United States force did not reach the Menominee vicinity until 1815, when the first Indian Agency was established in the city of Green Bay, Wisconsin.

Aside from inter-tribal conflicts, the Menominee people were directly involved in the colonial wars. Early in the eighteenth century they were allies of the French and under French leadership fought both other Indians and the British. From 1761 to 1799, they were allies of the British against the tribes under Chief Pontiac. In the war of 1812, both the French and the Menominee fought against the Americans with the British. During all of this period the individual members of the tribe remained friendly with the French and much intermarriage occurred. After becoming subjects of the United States, the Menominee sent a considerable number to the Union cause in the Civil War. Some were in the Spanish-American fight and many took part in World War I. In World War II, more than 400 tribal members served in all branches of the services in all theaters. Many answered the call in the Korean conflict.

The Treaty Period

Treaties of peace and friendship between the Menominee people and the United States Government are of record as early as March 30, 1817, when the tribe agreed to come under protection of the United States and "no other nation". The tribe has been party to at least ten separate treaties which frequently were concerned with cessions of land for occupancy by incoming whites and for use by other tribes. In 1848, the Menominee ceded the lands they had claimed in Wisconsin to the government in trade for a reservation of about 600,000 acres in the Crow Wing country in Minnesota. Certain payments and conditions were involved. \$40,000 was allocated to pay off the "persons of mixed blood" who did not elect to move with the tribe and who through this payment were to relinquish all tribal affiliation. Some 300 mixed bloods accepted the payment in 1849. The movement to Minnesota did not materialize, however, because of protests from the tribal leaders who declined to accept the proposal after they had made an inspection of the new reservation. The Menominees did not want to become a "buffer nation" between the warring Sioux and Chippewa tribes, and, secondly, the tribal leaders felt that the fish, game, and wild rice in the Minnesota area were not sufficiently abundant to sustain the people who were to move.

Because of the pressures being created by incoming white settlers, the government was faced with difficulties in trying to meet the demands of the newcomers for additional land and at the same time finding a suitable home as a reservation for the Menominees. In 1852, it is reported that 2,002 Indian men, women, and children were moved to Keshena Falls on the Wolf River as a temporary home pending a decision as to what should be done. This location appealed to the Menominee people. It was not only a part of their original territory and familiar to them, but the fish, game and other available resources were in abundant supply. The outcome was acceptance of the Treaty of May 12, 1854, which set aside with consent of the State of Wisconsin, an area of about 276,480 acres of land for a tribal reservation "as a home, to be held as Indian lands are held". The term "to be held as Indian lands are held" means that legal title is in the United States and beneficial title is in the tribe; or in other words title to the reservation is in the United States which holds the property in trust for the Indian owners. The Indians have since resided on their reservation without further effort to remove them.

In a treaty executed February 11, 1856, the Menominees agreed to sell two townships of their land to the government as a reservation for the Stockbridge and Munsee tribes, which had been transferred into Wisconsin from New York State. In 1918, twenty one acres of tribal land in Keshena were given by the tribe to the Bureau of Catholic Missions as a site for the Sisters of St. Joseph elementary school. As a result of the cessions by treaty and the Mission transaction, the total area once owned by the Menominees has been reduced to 233,800.59 acres, or approximately ten townships.

The 1854 treaty is the one having present-day significance since it superseded all previous treaties and it is the agreement under which the Indians and the Government have since functioned. Under this treaty, the Menominees ceded back to the Government "upon manifestation of great unwillingness on the part of said Indians to remove to the country west of the Mississippi River, upon Crow Wing, which had been assigned them, and a desire to remain in the State of Wisconsin", the Minnesota reservation which the tribe had accepted under the 1848 treaty. The tribe in 1854 agreed to accept in lieu of the Minnesota area the new reservation at Keshena Falls. They also received \$242,606, which represented the differences in value between the Minnesota territory and the new area at Keshena. The United States agreed to establish a manual-labor school and to erect a grist and saw mill and make other improvements at a total cost of \$15,000; it agreed to employ "a suitable person to attend and carry on the said grist and saw mill, for a period of fifteen years", and \$9,000 was set up to defray the costs. The amount of \$11,000 was provided to pay for "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 12 years". The sum of \$40,000 was made available as a grant to the tribe to assist them in becoming established in their new location.

The Menominee Reservation which the tribe received under the 1854 treaty was covered with a good forest of conifers and mixed hardwoods. The area which they still retain contains 330 miles of trout streams and 82 lakes, of which 42 are over 20 acres in size, the whole being drained by the Wolf and Oconto Rivers. The weather is one of "extremes" - warm, humid, and fertile in summer, with heavy snow-fall and frequently severe cold in winter. The reservation is located about eight miles north of Shawano, Wisconsin, and about fifty miles northwest of Green Bay, Wisconsin. Three townships are located in Oconto County and the remaining seven are in Shawano County. Governmental and tribal headquarters of the reservation are in the village of Keshena.

When the Menominees moved to Keshena Falls in 1852, they found a small water-powered sawmill in operation. This mill was purchased for the tribe by the Government in 1854 to supply the lumber needs of the Indians. Thus began a hundred-year use of the forest resources - a use which has enabled the tribe to progress through all stages of economic growth to its present high standard.

In 1855, the Government built "Agency" buildings at Keshena and an agent (now called a superintendent) took up residence. It was the duty of the agent to provide benefits as required by treaty and by law and it was his task to generally supervise Indian affairs on the reservation as a representative of the United States.

With Government encouragement, the Indians began building homes on the reservation. Some land was cleared of trees and planted to crops. Open areas, which were scarce, were put into agricultural production. The Governmental policy in the early days was to divert the Indians from the old economy of hunting and fishing and gathering wild rice to that of agriculture. Despite efforts by Indian leaders and Government men, the objective of making farmers of the Menominees failed in all but a few exceptions. The lack of experience and interest, together with a shortage of fertile and productive soil, contributed much to the lack of material success in these ventures. The situation has not changed much as time passed since today there are very few farmers on the reservation who make farming a major means of livelihood.

The tribal members existed very largely through their own efforts for a number of years. As logging and sawmilling outside the reservation was a growing industry, it was only natural that the Menominee men began to show an interest in such work as a means of obtaining income. The first tribal lumber camp was established in 1872, operating under supervision of the agent and using Menominee labor exclusively. During the first year, twelve million feet of pine were cut and driven down the Wolf River to various sawmills on the stream. The tribesmen became very proficient in these pursuits, and the majority of the Menominee males have been loggers and lumbermen ever since. It developed later that there were no laws authorizing the cutting of tribal timber, but Congress came to the rescue in 1876 and again in 1886 to sanction the cutting and sales that had taken place.

Federal control over the timber resource had its practical inception on the Menominee on June 12, 1890, when Congress authorized the agent to employ Indians in cutting, selling, and transporting logs under contract to the highest bidder - provided that not more than 20 million feet be cut in any one year. Under the above-mentioned acts approximately 440 million feet of timber, almost all pine, had been cut by 1908 and removed from the reservation.

In 1905, a tornado went through a portion of the reservation seriously damaging about 35,000,000 feet of timber principally hemlock and hardwoods, but including about 5 million feet of pine, on about 20,000 acres. Much of this timber was too heavy to be floatable down the river to market and at that time no railroad facilities were available for removal of the timber. Because of numerous complications involved salvage of the damaged timber was not undertaken for a considerable period. Congress finally passed the Act of June 28, 1906, which authorized cutting of the dead and down timber into logs and hauling to suitable locations and authorized contracts with portable sawmill owners to come upon the reservation and cut the logs into lumber. As it developed, a period of about three years was involved in the salvage operation. The loss sustained as a result of the blowdown damage was an element in the 1951 settlement with the tribe and was a part of the \$7,650,000 tribal recovery, mentioned later herein. The blowdown damage and its consequences were a vital factor in passage of the 1908 Act discussed in the following paragraphs.

The New Economy

At the insistence and vigorous support of the late Senator Robert M. LaFollette, of Wisconsin, Congress passed a law on March 26, 1908, for establishment of a logging and sawmilling enterprise on the reservation. The law provided that the Secretary of the Interior was directed to cut and manufacture dead and down timber and fully matured and ripened green timber on the Menominee Reservation; that the cut was not to exceed 20 million board-feet in any one year, except to care for dead and down timber in one designated section; that the Secretary was directed to build, equip, and operate suitable sawmills for manufacturing lumber; that necessary expenses of the lumber operations were to be paid from tribal funds; that the lumber should be sold, the net proceeds to be deposited in the United States Treasury at 4 per cent interest to be used for the benefit of the Menominee Tribe as prescribed by the Secretary. The 1908 law was amended in 1934, directing the Secretary to ascertain and fix the fair market stumpage value of the fully matured and ripened green timber cut on the Menominee Reservation during each fiscal year, and the Secretary was further directed to pay such amount (commonly called "Stumpage") in equal shares to members of the tribe after advance review and approval of the Menominee General Council.

Enactment of the 1908 Act resulted in construction in 1909 of a sawmill at Neopit and the beginning of a sustained yield forestry policy on the reservation. Operations under the Act were managed by the U. S. Forest Service until May of 1913, when full responsibility for managing the timber stands on the Menominee was transferred to the newly-formed Forestry Branch of the Indian Bureau. The year 1910 saw the end of river driving, and railroad logging to the new mill continued until replacement by trucks in 1935.

The sawmill was destroyed by fire on October 5, 1924. A larger and more modern concrete replacement was built without delay and it has operated nearly continuously since. Additions such as dry kilns, planing mill, pallet mill, and other facilities have been installed in later years, with the consequence that the Menominee Indians now own one of the largest and finest two-band sawmills in the Middle West.

Since passage of the 1908 Act, the forest of the Menominee Reservation has been managed under the principles of sustained yield, which means that the timber is selectively cut and the volume cut in any one year does not exceed the volume grown for that year. Studies recently concluded by reservation foresters reveal that the forest, which comprises 91% of the total area, now contains 1.4 billion board feet of merchantable coniferous and mixed hardwood timber, and that the annual growth is slightly more than 29 million board feet. Although cutting of 20 million feet each year was the legal maximum for many years, this was modified by Congress in 1956 to permit a maximum of 22 million. This amount cannot be legally exceeded until revised by Congress or until Federal supervision is terminated, as will be hereafter discussed. Management of the forest receives the attention and close supervision of highly trained and technical foresters to assure proper compliance with the forest management plans. The Menominee forest is one of the finest examples of the benefits derived from proper forest management and has earned national recognition. Although more than 1.3 billion feet of timber have been cut in the last 75 years and heavy forest fire and blow-down losses were suffered in the late 1800's and the early 1900's there still remains on the reservation more timber than was present originally.

As has been indicated, the 1938 law requires that the full stumpage value of timber cut from the reservation must be paid out each year to the tribal members on a per capita basis. These payments over the past 16-year period have averaged more than \$314,000 annually. The net earnings of the tribally-owned sawmill are deposited in the U. S. Treasury to the credit of the tribe and are made available for such purposes as the tribe desires. The total wages from the logging and sawmilling operation average about a million dollars each year - most of which go to the Indians employed in the enterprise.

Education

A Government Boarding School was started in the early 1880's, which took the place of several day schools which had previously been conducted. In 1883, the first Catholic Mission School was established at Keshena under the Sisters of St. Joseph, and this school is still functioning. There were very few high school graduates prior to the 1920's. Stress in the earlier days was more on teaching trades and agriculture to make the Indians self-sufficient.

In modern times the Menominee youth attend grade school and high school to a degree comparable with people living outside the reservation. There are now two tribally-financed Catholic grade schools on the reservation - one at Neopit and the other at Keshena. One public grade school is located at Neopit, which operates in the same manner as other schools in the State, under direction of the State Department of Public Instruction and a local school board comprised entirely of local Indians - the costs being met from Federal and State sources. High school students are transported by bus to Shawano, Antigo and Suring. High school attendance is on the increase as indicated by the fact that 173 were attending in 1955 as compared to 98 in 1950. Percentage-wise, however, the Indians fall behind in the numbers attending college, although an increase is evident as the years go by.

Studies made by the University of Wisconsin, the State Department of Public Instruction, and others disclose very few overall differences in formal educational attainments between the Menominees and the non-Indians of Shawano County. However, there is an absence of medical, legal, engineering, and other similar professional training in the population of the reservation at this time.

An Adult Educational Program was established in 1954, which is supervised by the Wisconsin State Department of Public Instruction and financed by Federal funds. This is a special program of education and training designed to help the members of the tribe to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. This program provides vocational training of all kinds at State-approved schools; citizenship classes are conducted locally for benefit of the people, and college training is being provided for several students.

Health

From a standpoint of health, the Menominees are about on a par with the general citizenry of the State. The tribe operates its own modern 36-bed hospital under a contract with the Franciscan Sisters, and two doctors are employed to give medical service to the people. A contract between the tribe and an outside dentist provides complete dental service. The tribe pays all the expenses of the hospital, dental, and

medical setup, and services are given to enrolled members free of direct cost to the individual. A public health field nurse is employed full time under a contract with the State, with the costs being borne by the tribe. A sanitarian, who is a member of the tribe, is employed by the U. S. Public Health Service, and he devotes his full time to improving sanitary conditions on the reservation. Death rates from heart disease, cancer, diabetes, and tuberculosis are below the State rate according to published reports. Infant mortality rates exceed those of Wisconsin. However, the birth rate is also greater than the State average. As a result, the number of persons having Menominee Indian blood are on the increase although the degree of Menominee blood is gradually becoming less.

Enrollment

The question of enrollment as a member of the tribe has been of concern for many years. Early membership with the tribe depended upon birth or adoption into the tribe, the maintenance of tribal relations, and recognition of membership by the tribe. Enrollment in the tribe was primarily a matter for consideration by the governing body of the tribe, and neither the quantity nor origin of the Menominee blood of the applicant was decisive. Customs of the tribe prevailed. It is reported that much dissatisfaction with the procedures was in evidence because of the inconsistent manner in which members of this tribe were enrolled. Tribal politics were involved, and allegations of unfairness and interferences arose constantly. In rare instances, non-Indians were made full-fledged members of the tribe.

In an effort to bring some form of order to the enrollment process, Congress, with tribal consent, passed a law on June 15, 1934, which provided as follows: (1) the Secretary of the Interior was directed to prepare a certified roll of members of the tribe, said roll to constitute the official roll; (2) the said roll was to automatically include the names of all persons then on the Menominee rolls and the Secretary thereafter was to add names of those entitled to enrollment; (3) that any person not on the roll on June 15, 1934, was permitted to apply to the Secretary for enrollment; (4) that the Secretary was, at the end of each fiscal year, to compile a list of all persons who had applied for enrollment during such fiscal year and was to certify such list to the General Council of the Menominee Tribe; (5) that the Menominee Tribe was authorized to investigate such applications and had one year to take action, thereafter the Secretary could take action; (6) that no person was thereafter eligible for enrollment unless: (a) he possessed at least one-fourth Menominee Indian blood, (b) he was born of parents residing on the Menominee Reservation at least one of whom was an enrolled member by right or adoption, and (c) blood quantum of one-fourth or more was derived from persons who did not participate in the "half-breed payment of 1849"; (7) that any applicant denied enrollment by the Secretary had a right of appeal to the Federal District Court; and (8) the statute repealed any conflicting tribal enrollment customs.

The Act of June 15, 1934, was amended by the Act of July 14, 1939. The 1934 Act had excluded descendants of those receiving "half-breed" payments in 1849. The 1939 Act made descendants of such persons eligible for enrollment. It also directed the Secretary of the Interior to officially determine the quantum of Menominee Indian blood of those on the basic 1934 roll which had been approved by the Secretary on December 27, 1935, such determination to be final and conclusive. The official degree of Menominee Indian blood was determined and the findings were approved by the Acting Assistant Secretary of the Interior on June 30, 1941. The blood quantum determinations and findings had been approved by the General Council of the tribe in a meeting held on May 9 and 10, 1941.

Enrollment proceeded under provisions of the 1934 Act as amended in 1939 until enactment of Public Law 399 on June 17, 1954, the so-called Termination Act, as hereinafter mentioned. The 1954 Act directed that the membership rolls of the tribe should be closed as of midnight of June 17, 1954, and that no child born thereafter would be eligible for enrollment. The Act also gave Menominees living on the final date who were not officially enrolled a three-month period in which to submit a formal application for tribal membership; that the tribe would have three months thereafter in which to approve or disapprove the application; and that any applicant whose application was disapproved by the tribe had an additional three months in which to appeal to the Secretary of the Interior, whose decision would be final and conclusive. 473 applications were filed with the tribe and all but six were disapproved because the General Council felt the applicants lacked the qualifications prescribed in the 1934 Act. 258 appeals were submitted to the Secretary who rejected all but thirteen. As a final consequence, a total of nineteen members was added to the roll. The final roll, approved by the Secretary on November 26, 1957, now contains 3,270 names. Each enrolled person has an undivided pro-rata equity in the tribal assets, which is inheritable. Prior to passage of Public Law 399, an enrolled member had only a life-time interest which terminated upon his death.

Current Employment and Income

The Indian-owned forest and sawmill represent the main resource of the tribe and form the base of the reservation economy. Approximately two-thirds of the resident families, or about 500 individuals, today derive their livelihood from employment in the forest and sawmill industries. The Indians have attained the skills and experience to occupy most of the available jobs, varying from simple manual labor, through the skilled levels, to the supervisory positions of different levels. The finished product goes onto the market throughout the Middle West in competition with commercial companies on the outside. More than a million dollars a year goes back to the Menominee in the form of wages from the mill and forest, which results in an average income per household from this source of about \$2,300.

The remaining third of the resident population derive their livelihood from farming and labor. Some are employed in road construction and maintenance, in forestry, by the Government and by the tribe on the reservation. Others must seek off-reservation employment, much of which is of a seasonal or itinerant nature.

Although about 45 families do derive a total of about \$63,000 each year from agriculture on 5,000 acres, farming is not a major industry on the reservation. Except for about six cases, agriculture is incidental to working for wages and is practiced as a supplement to labor income.

The individual Menominee families receive some free services such as tribally-paid hospitalization and medical service; they do not pay property or State income taxes; they receive an annual stumpage dividend from their pro-rata share of timber cut, and the cost of living on the reservation is lower (e. g. rent and fuel). Even though the Menominees do have these benefits, the effective income would still be somewhat lower than the \$2,800 average annual income recently estimated for the non-Indian families in areas adjacent to the reservation.

Modern Reservation Controls

The Menominee Reservation, sawmill, forest, and other tribal resources are owned in common by the 3,270 enrolled members of the tribe. Members of the tribe have never acquired individual ownership of the land, but each has an undivided interest in the whole. Around 600 homes have been built by tribal members on a permissive basis, but the home owners have no title to the land on which their homes are built. As has been previously stated, the Federal Government has held title to the land in trust for the tribe as the result of treaty agreements. In other words, it is a form of guardianship-ward arrangement.

It is generally known that control of the Indians and their resources has been vested in the Congress of the United States since the reservation was formed, and administration has been performed by the Bureau of Indian Affairs of the Department of the Interior. Administration at the local level has been the responsibility of the Superintendent (formerly known as the Agent) and his staff. The Federal Government has performed not only the normal services it provides for all citizens and the services required by treaty and special law but also the services usually provided by State and County Governments to their citizens.

In the early days, the Government ruled the tribe with a firm hand but the policy in more recent years has been to encourage the Indians to take an active part in the management of their own affairs. The Menominee adopted a constitution in 1928 which set forth the Governmental authority vested in the tribe and tribal business has been carried on under its provisions since. Under this constitution authority

is vested principally in the Menominee General Council of the whole tribe (resembling somewhat the "Town meeting" form of organization. The Advisory Council consisting of 12 members, one elected from each of the six reservation districts and six elected from the tribal membership at large by the entire electorate, acts as an executive body in interim periods when the General Council is not in session. The Chairman of the Advisory Council is a salaried employee serving on a full-time basis, and he holds an extremely important job in the tribal Government on the reservation. The Advisory Council has authority over most matters of direct importance to the tribe. However, the Bureau of Indian Affairs must process major decisions and handle much of the routine relationship required by the Federal Government acting as the legal trustee of the Menominee lands until such time as those functions are transferred to the tribe.

For many years the Menominee Tribe has financed most of the cost of Federal supervision of its activities as well as its own programs. On July 13, 1951, the Menominee Tribe was successful in a lawsuit against the Government for alleged mismanagement and inefficiency prior to 1910 and the tribe received a judgment of \$8,500,000 from that litigation. After payment of attorney fees, the tribe had a net balance of \$7,650,000, which was placed to its credit in the U. S. Treasury.

Termination of Federal Control Begins in 1954

Since the tribal balance in the U. S. Treasury had reached a total of over ten million dollars, the tribe in 1953 asked Congress to pay approximately \$4,750,000 of that amount to the members of the tribe on a per capita basis. This would have amounted to \$1,500 for each enrolled member. The request received favorable consideration in the House but ran into difficulties in the Senate. It was contended that the Menominee Indians were sufficiently advanced, experienced, and qualified to assume full control and supervision over their own affairs without Federal supervision. Some felt that "wardship" or dependence on the Federal Government for protection and special service is fundamentally bad for any group of people. It was argued too, that Indians who were competent should be able to manage their own affairs and receive services from the usual State and local services the same as all other American citizens. As a consequence the tribe was finally told that the Senate would go along with their request for the \$1,500 payment if the tribe would agree to removal of Federal supervision and responsibility on the reservation. After much deliberation, both on the reservation and in Washington, D. C., the tribe finally agreed to yield to the Senate's demands. The outcome of this was passage by Congress of the Act of June 17, 1954, commonly known as Public Law 399 - 83rd Congress. The name "Termination Act" has also crept into use in referring to this law.

Public Law 399, as amended by Public Law 715 and Public Law 718 provides for the termination on or before December 31, 1958 of special Federal supervision and responsibility over the property of the

Menominee Indians and furnishing of special services to the tribe and to its members because of their status as Indians. The law also provided that the tribe should formulate and submit a plan to the Secretary of the Interior on or before December 31, 1957, which would state what the tribe wants to do in future control of tribal property and service functions now conducted by or under the supervision of the United States. The tribe did not complete the plan by the end of 1957 as required and Congress is now considering granting them an additional year, or until the end of 1958, in which to complete the assignment. It is expected Congress will give its consent. Further, Congress has been asked by the tribe to extend the final termination date in order to afford more time to work out the complex and difficult decisions and solutions which are faced in the transition from Governmental to tribal control. The House has agreed to give the tribe until June 31, 1961, but the Senate has thus far insisted on the date of December 31, 1960, as the final termination date. The questions will shortly be considered in conference, and it is expected that one of the two dates will be adopted as final.

The law also states that on the final termination date, or on such earlier date as may be agreed upon by the tribe and the Secretary of the Interior, the Secretary is authorized and directed to transfer to the tribe the title to all property, real and personal, held in trust by the United States for the tribe; provided, however, that if the tribe obtains a charter for a corporation or otherwise organizes under the laws of a state for the purpose, among others, of taking title to tribal lands and assets owned by the tribe and requests such transfer to be made to such corporation or organization, the Secretary of the Interior shall make such transfer to such corporation or organization.

Public Law 399 also closed the tribal membership roll as of June 17, 1954, and set up procedures for its preparation and approval. The final roll has been approved by the Secretary and no children born after June 17, 1954, will be eligible for enrollment. The per capita payment of \$1,500 to each Menominee whose name appears on the final roll was made. However, the funds payable to those under the age of 18 years were invested in savings bonds which will become available to the minor upon his reaching the age of 18 or to a legally appointed guardian at an earlier date. The tribe was authorized to retain the services of management specialists and consultants for the purposes of studying the various problems and for performing of other services incident to termination of Federal supervision of the reservation resources and assumption of full non-trust ownership and control by the tribe. The division of any of the tribal assets would not be subject to Federal or State income tax; but any assets owned or income received by individuals or the tribe after the above-mentioned distribution of the tribal assets will be subject to both Federal and State tax in the same manner and to the same degree as non-Indians. After title to the property of the tribe has been transferred to the tribe without restrictions, Federal obligations and control will have been extinguished and

the property and the people will be subject to the laws of Wisconsin the same as citizens or persons within the State. It was stated that the rights of minors and persons of legal disability should be protected. Provision was also made authorizing the Federal Government to transfer to the tribe such governmentally-owned equipment and property in its possession on the reservation as was deemed necessary for Indian use.

The law further states that the tribal plan must also contain provisions for protection of the forest on a sustained yield basis and for protection of the water, soil, fish, and wildlife. It was also provided that the Federal Government should reimburse the tribe for any expenses incurred in the transition process which directly related to removal of Federal responsibility. The so-called Termination Act is the first of its kind ever passed by Congress. The Menominees are faced with an exceedingly difficult, challenging, and complex task that has never been performed before. There is no pattern or precedent to go by.

Following passage of the Act, the State of Wisconsin and its subdivisions moved in quickly and vigorously to the assistance of the Menominee tribe. The Wisconsin Legislature, recognizing that termination of Federal trust responsibilities would present many difficult problems, not only to the tribe but also to the State and Counties, some of them requiring legislation prior to Termination, adopted a resolution establishing the Menominee Indian Study Committee to study the issues, and \$5,000 were appropriated for the preliminary work. The Study Committee functions under the chairmanship of the State Attorney General and consists of three representatives of the tribe, two legislature assemblymen from the counties to be immediately affected, a member of each of the two county boards, the State Senator from the areas affected, and six representatives of State Departments most closely concerned with the program.

The Wisconsin Department of Taxation made an appraisal in 1957 of the Menominee lands, forest, and other resources for tax and legislative purposes, and a mass assessment value of about \$35,000,000 was established. The University of Wisconsin has been actively engaged in research and studies of the economic, legal, social, governmental, and land use problems involved. The Wisconsin Governor's Commission on Human Rights has contributed the salary for a social scientist who has completed studies of the social aspects, attitudes, views, desires, etc., on the reservation. The State Department of Public Instruction has been carrying on an Adult Education Program, financed by Federal funds, offering to tribal members vocational, citizenship, and college training at Milwaukee, Wausau, Green Bay, and other points in the State. The Bureau of Indian Affairs is assisting in an advisory and consultative capacity and in the dissemination of information. Other Federal and State agencies are cooperating. The tribe itself is actively giving serious study to the various alternatives since they must soon make the decisions which so vitally affect not only the tribe's future but also the economy of the State.

The reservation will, after termination of Federal supervision, become a more integrated part of the State of Wisconsin than it is now, and will be subject to all the same laws and requirements as other areas in the State. The governmental organization of the reservation will be similar to the governmental setups elsewhere in the State. As the State is now divided into counties and local governments, the reservation will likewise come under county jurisdiction and local services will be handled through local government.

The reservation can become a part of existing counties or it can become a separate county, depending in part upon the wishes of the tribe and finally upon action of the Wisconsin legislature. A variety of combinations from these two groups of alternatives are possible. The financial capacity of the reservation to support the future governmental organization and to provide the necessary services provided by county and local governments presents a serious question pertinent to making the decisions as to which alternative will be adopted. The limited area and population are also factors in the final decision. The problem is to select from among the possibilities that combination of county and town government which most nearly meets the desires of all those involved and the capacity of the area to support governmental organization and services. The present special services financed by the tribe (such as operation of the hospital, providing free medical and dental service to the tribal membership, etc.,) will either be discontinued or paid for from some other source than tax income.

Perhaps the most difficult and important issues to be resolved by the Menominee Tribe in the transitional process from government control to tribal operation are concerned with the organization and management of their forest, mill properties, recreational resources, other assets, minority desires, individual equities, individual land holdings, etc.

The tribe can decide to liquidate the tribal estate and divide up the proceeds equally among the tribal membership. They could sell out to a private organization or to some governmental body such as the U. S. Forest Service or the State of Wisconsin. Sales could be made subject to special conditions and restrictions such as requiring handling of the forest on a sustained yield basis. If a sale is contemplated then the question would arise as to whether the Indian owners could realize the full value of the property if the purchaser were required to practice sustained-yield operations of the forest. Outright sale of the property would raise numerous other problems also.

The tribe could decide to retain the assets and continue ownership under some tenancy in common system such as now exists. It can organize as a business corporation, cooperative, trust, or other form under State law. Aside from the vital interest the State of Wisconsin has in preserving the forest, preservation of the Menominee forest and mill is essential as a source of livelihood for those who have been employed there and at the same time is a source of income for all those

who wish to retain their interests in the tribe's economic resource. Consideration may have to be given to the possibility of obtaining additional investments to increase the tax base and provide more employment. Major changes in operational procedures may be necessary under the new setup. Some provisions may be demanded in the plan to enable holders of individual equities to withdraw from the tribe and/or to dispose of their shares for cash or other consideration if they so desire.

A decision has to be made as to what disposition should be made of tribal lands used by individual tribal members as home sites, business locations, farms, etc. Some alternatives are issuance of fee simple title for the tract to the individual, who will own the premises outright and who will have to pay the taxes thereon, or (2) the tribe can retain the land and collect rentals from the occupant equivalent to adequate rentals and costs of taxes, or (3) some other method yet to be selected.

In line with authority granted by Public Law 399, as amended, the tribe has since 1954 taken over from the Federal Government full responsibility for law and order, welfare, public utility, agricultural extension, education, health, and general tribal administration. At the tribe's request, the Wisconsin legislature enacted legislation in 1955 to permit the tribe to operate its lending program under State law. Following passage of this law, the tribe took over the \$100,000 Credit Program from the Government and now operates through its Board of Trustees in making loans from tribal funds to tribal members under such rules and regulations as the State Commissioner of Banks would approve.

The Bureau of Indian Affairs through the local Agency still has supervision over the forest and saw mill, construction and maintenance of 191 miles of public Indian roads on the reservation, maintenance of individual Indian money accounts, probating of estates involving trust property, and such other tasks as are required by law in carrying out the Federal Government's responsibility as a trustee. The Agency also publishes the Menominee News monthly to inform the tribal members and others directly concerned of the issues confronting the Menominees and to offer the tribal leaders a forum to counsel the membership. The Bureau is also conducting a Relocation Program, in which the Indian and his family who feels he may be benefited by so doing may move to any of twelve specified cities and to obtain employment there. The program furnishes free transportation, helps in securing housing of the Indian's choice, provides furniture and other household necessities if needed, vocational training to fit the applicant for a job, health insurance for him and his family while being relocated, and gives him guidance and counseling assistance. He is assisted in obtaining jobs by staffs in the various cities. The program is purely voluntary on the part of the Indian.

Under the 1954 law, the tasks now being handled by the Government will have to be administered by the tribe and by local Governments as soon as Federal supervision is terminated and title to the tribal resources are conveyed from the United States to the tribe or other entity in 1960 or 1961 as the case may be if the present law is changed.

More About the Menominees of Today

As has been previously stated, the final census roll of the Menominee Tribe reveals that the total membership as of June 17, 1954, was 3,270 persons. Under the provisions of Public Law 399 - 83rd Congress, each person on that roll has an individual, undivided 1/3270 equity in the assets of the Menominee Tribe. No persons can be added to the roll, and once an enrolled member dies his share will descend to his heirs at law.

There are two main settlements on the reservation, both on State Highway No. 47. Keshena, with a population of about 950 is the headquarters for the governmental and tribal activities of the reservation. Neopit, with a population of about 1200 is the industrial center, being the home of the Menominee Indian Mills, which is the official name of the tribally-owned sawmill enterprise. Lesser settlements are found in the farming community of South Branch and at Zoar. State Highway 47 traverses the reservation in an easterly direction, and State Highway 55 parallels the Wolf River from north to south.

Principal scenic spots on the reservation aside from the lakes and the forest are Keshena Falls, Rainbow Falls, Peavy Falls, Bear-Trap Falls, Big Smoky Falls, Big Eddy Falls, Shotgun Eddy, Sullivan Falls, Ducknest Falls, and the Dells.

About 2,700 Menominees (500 families) live on the reservation, and the remaining 570 members (about 103 families) reside elsewhere in all parts of the nation. Less than 3% are full-bloods, as compared to 50% in 1910 and 25% in 1925, which reflects the result of long tribal association with the whites with no particular aversion to intermarriage. About 48% of the Menominees living on the reservation are under 15 years of age, 43% are between the ages of 15 and 55, and 9% of the population is over 55 years of age. Very few of the Menominees, estimated at not more than 12, cannot speak English or cannot read or write.

The tribe has for many years staged an annual fair during the summer, usually in August. The people exhibit for prizes their agricultural products, livestock, foods, handicraft, and other items in the same manner as a typical county fair. Horse races, baseball games, and other sports and acts are a part of the program, and the usual carnival is present to help with the entertainment. One of the outstanding features of this fair is the presentation of a pageant by members of the tribe depicting some form or phase of Menominee life. This pageant is an

outstanding attraction and is widely known for its interest and excellence. Another feature is the band concert given by the Menominee Indian Band which is an aggregation of accomplished musicians. This Menominee Band was the official Wisconsin band during the 1954 State Centennial. A group of the Menominees which has been active in preserving some of the old Menominee traditions also stages ceremonial dances dressed in traditional costumes for entertainment of the public.

Today (in 1958) the Menominee people have largely adopted the ways of the white man. There is little left of their native culture that does not reflect the white influence. They are adaptable to new conditions and ways of living. They make their own living. Their children go to school in common with non-Indians. They dress the same as their non-Indian neighbors and prepare and eat the same kind of food. They take part in community activities and compete in sports with outsiders. They are devout in their religious belief, being predominantly Catholic. Most live in modern homes with modern conveniences. Most of the homes receive daily newspapers; about 75% of the households have television sets, and nearly every home has a radio and an automobile.

As has been indicated previously, there is very little difference in the formal education attainments between the Menominees and that of the general citizenry in the region in which they live; and the state of health enjoyed by the Menominees is favorably comparable to that of the non-Indian residents of the State. They are truly a progressive, aggressive, and industrious group of people.

The Menominees, much the same as any other race, have their various strata of society. They have the "elite" group (the leaders and the more progressive elements of the tribe); the less fortunate and "welfare" group representing a minor segment; and the large interim group which represents the average citizen. There is a strong diversity of opinion within the tribe - especially with regard to the problems of enrollment and in taking over their own affairs under the Termination Act. They have their political factions, inter-group prejudices and jealousies, their critics of tribal and governmental leadership, and other traits and elements similar to those which would be present in any group of over 3,200 people.

There are numerous misconceptions about Indians in general in the minds of the general non-Indian public which will be mentioned since they also apply to the Menominee people. It is not universally recognized that Congress in 1924 passed legislation declaring all Indians born in the United States to be full-fledged citizens of the United States. Under Social Security, the Indian is entitled to old-age assistance, aid to dependent children, aid to the blind and disabled, in the same manner and on the same basis as are non-Indian people. The Menominees (and all other Indians as well) can vote at local, state, and national elections, and they can hold public office and sit on a jury. They are

as free as anyone else in their movements. The Government exercises no control over their personal affairs - merely over their trust property. They are free to choose their own way of life. However, the acquisition of full citizenship by Indians in no way affects their rights to tribal property. This simply means that an Indian may be a citizen of the United States and of a State and retain his tribal privileges at the same time. As has been stated in the foregoing, the Indians pay every tax a non-Indian pays with exception of trust property taxes and the State income tax.

With exception of hunting and fishing on the reservation, Indians on the Menominee are subject to the criminal and civil laws of the State and the community in which they reside whether they are on or off the reservation. They are subject to the military draft laws. The old Indian liquor laws have been revised, making it legal for Indians to purchase and possess liquor outside the reservation; and by local option such can be permitted on the reservation.

Many people believe that the Government gives the Indian money - some think he gets a Government check every month. This is not a fact. What the Indian actually receives through (not from) the Government is the income from his own property. As has been stated, the law states that the value of the stumpage cut from the Menominee Reservation each year must be distributed to the tribal members on a pro-rata basis. In other words, the money the Menominee Indian receives is actually a dividend because of his being a "stockholder" in the assets owned by the tribe. The Federal Government does not give an Indian money as a gift any more than it would give a non-Indian money gratuitously.

AN ABSTRACT OF THE MENOMINEE TREATIES

Treaty of March 30, 1817 (7 Stat. 153); made at St. Louis, Missouri

This treaty was an expression of "perpetual peace and friendship between all the citizens of the United States and all the individuals composing the said Menominee Tribe or nation"; that the tribe conferred to the United States all lands previously ceded by the tribe to the British, French, or other governments; that each side agreed to deliver up all prisoners in the hands of each; and the tribe acknowledged "themselves to be under the protection of the United States, and of no other nation, power, or sovereign, whatsoever."

Treaty of February 8, 1831 (7 Stat. 342); made in Washington, D. C.

The tribe, in this treaty, defined the boundaries of the country which they described as their "exclusive property", and the total area was said to comprise about 9½ million acres. Under this treaty, the tribe also ceded about 500,000 acres for the benefit of the several tribes of the New York Indians for a consideration of \$20,000; the tribe ceded to the United States all their country on the east side of Winnebago Lake, Fox River, and Green Bay, comprising 2,500,000 acres, "in consideration of the kindness and protection of the Government of the United States, and for the purpose of securing to themselves and posterity, a comfortable home".

The treaty then set apart a tract of land in the Fox River Valley and adjacent country for future homes of the Menominee "upon which their improvements as agricultural people are to be made" and for the "purpose of weaning them from their wandering habits by attaching them to comfortable homes". The government agreed to employ five farmers for ten successive years to assist and instruct the Indians in "the business and occupation of farming"; and it agreed to employ five females for the purpose "of teaching young Menominee women, in the business of useful housewifery, during a period of ten years. Salaries of the farming teachers were set at \$500 annually and the female teachers were to be paid \$300 each year. The government agreed to spend \$13,000 under direction of the Secretary of War to build new homes when occupancy of the new lands took place. When settled, the Indians were to be given "useful household articles, horses, cows, hogs, and sheep, farming utensils, and other articles of husbandry necessary to their comfort, to the value of \$6,000". The government agreed to erect a grist and sawmill on the Fox River at a cost of \$6,000 and to employ a miller for a period of ten years at an annual salary of \$600. Lumber necessary for building on their lands was to be sawed in the mill and the young Menominees were to be taught the trade of a miller.

of the Menominee of slightly over \$99,700 and to divide \$80,000 among persons of mixed blood as the chiefs shall hereafter designate". The Indians released the United States from certain provisions of 1831 and 1832 concerning payment of blacksmiths, etc., and an educational annuity, in return for payment to the Indians of \$76,000 to be invested in stock, with the interest thereon, until the President considered it advisable to use same for annuities.

Treaty of October 18, 1848 (9 Stat. 952), made at Lake Pow-aw-hay-kon-nay, in Wisconsin.

The Menominee ceded to the United States "all their lands in the State of Wisconsin, wherever situated", and in return the tribe was given an area of about 600,000 acres in the Crow Wing county in the State of Minnesota. The United States agreed to pay for the following purposes: (1) \$30,000 to the chiefs to enable them to settle the tribal affairs in Wisconsin before moving; (2) \$40,000 to the persons of mixed blood; (3) \$20,000 to pay the cost of moving the tribe to Minnesota; (4) \$20,000 to the tribe to subsist themselves the first year after their removal to Minnesota; (5) \$15,00 for establishment of a manual-labor school, the erection of a grist and saw mill, and other necessary improvements in their new country; (6) \$8,000 for employment of a "suitable person to attend and carry on the said grist and saw mill for a period of 15 years"; (7) \$11,000 for keeping up and supplying the blacksmith's shop for a period of twelve years; and (8) \$200,000 to be paid to the tribe in ten equal annual installments, commencing "with the year 1857, and when their annuities or annual installments under the treaty of 1836 shall have ceased".

Provision was made for disposition of the annual interest on the stocks purchased under the treaty of 1836 by stipulating that so much thereof as may be necessary should be expended for support of the manual-labor school and "other means of education" and the balance be annually paid over in money as other annuities or applied for the benefit and improvements of the tribe as the President, on consultation with the chiefs, would determine from time to time.

The government agreed to pay the expenses of a delegation of the tribe to enable the Indians to explore and examine their new Minnesota county. Indemnities for loss of goods intended for delivery to the Indians were provided. The tribe was given two years, or until October 18, 1850, in which to move to Minnesota. Lesser items were also included in the treaty.

Provision was made to distribute clothing and flour "and wholesome provisions" to a value of \$1,100 within six months, and the sum of \$6,000 annually was allowed for a period of 12 years to be spent in a manner and form deemed beneficial and advantageous to the people. A gun and blacksmith shop was to be erected, to be supplied with the necessary iron and steel, and to be "continued at the discretion of the President * * ". The government agreed to appropriate \$2,000 annually for a period of ten years for support of schools. The Menominees were to be permitted to hunt and fish in the ceded area "until it be surveyed and offered for sale by the President". The chiefs pledged themselves to preserve peace and harmony between their people and the U. S. Expressions of peace and friendship were restated. The government reserved the right to make roads and establish military posts in the area. Other items of a lesser or temporary nature were stipulated including the purchase by the government of "a comfortable suit of clothes" for each of the Menominee delegation which had come to Washington, D. C. for the purpose of entering into this treaty. And an annual allocation of \$1,000 worth "of good and wholesome provisions annually, for four years, by which time it is hoped their hunting habits may cease, and their attention be turned to the pursuits of agriculture".

Treaty of February 17, 1831; made in Washington, D. C.

This treaty altered some of the cession terms of the treaty of February 8, 1831. The revisions affected those New York Indians who were to move onto the ceded areas and had very little affect on the Menominee themselves or the lands they retained.

Treaty of October 27, 1832 (7 Stat, 405), made in Washington, D. C.

In this treaty the Menominees ceded certain lands to the United States, in exchange for other lands in Wisconsin, and granted certain lands to Stockbridge, Munsee, and Brothertown Indians.

Treaty of September 3, 1836 (7 Stat, 506), made at Cedar Point, near Green Bay, Wisconsin

The Menominee ceded about 4,184,320 acres to the U. S. for a consideration of \$20,000 per annum for a period of 20 years, plus an additional allowance of clothing, tobacco, salt, farming utensils, etc., for the term of 20 years, and the employment of blacksmiths, millers, farmers, etc., for another 20 years. The government agreed to pay "just debts"

Treaty of May 12, 1854, (10 Stat. 1064), entered in at Keshena Falls,
Wisconsin.

The treaty states that upon "manifestation of great unwillingness on the part of said Indians to remove to the country west of the Mississippi River, upon Crow Wing", the Menominee tribe agreed to cede to the United States all the Minnesota lands given them under the treaty of October 18, 1848. In return the tribe accepted as their future home "to be held as Indian lands are held" twelve townships of land in the Wolf River Country of Wisconsin. Except for the cession later of two townships, the 1854 reservation has continued to be and still is the Menominee Indian Reservation.

The treaty provided that the government was to pay \$15,000 for establishment of a manual-labor school, the erection of a grist and saw mill, and other necessary improvements; (2) to pay \$9,000 for employing a suitable person to attend and carry on the said grist and saw mill for a period of 15 years; (3) \$11,000 for continuing, keeping up and providing supplies of a blacksmith shop for 12 years; and (4) \$40,000 to the tribe for such purposes and uses as in the President's judgment would best promote the improvement of the Menominees. (This \$40,000 was in lieu of a similar amount which had been allocated for the tribe's removal and subsistence in the Minnesota country.) It was stated that all other beneficial stipulations of the 1848 treaty were to be fulfilled.

The tribe was granted a payment of \$242,686, which represented the difference in values between the Minnesota land which the tribe had ceded and the new reservation at Keshena. The money was to be paid in 15 annual installments, commencing with the year 1867, for such objects, uses, and purposes as the President of the United States would "judge necessary and proper for their wants, improvement, and civilization".

Except for the cession later of two townships, the 1854 reservation has continued to be and still is the Menominee Indian Reservation. No further attempts were made to move the tribe.

Treaty of February 11, 1856, (11 Stat. 679), entered in at Keshena,
Wisconsin

The tribe ceded to the United States two townships from the southeasterly part of the 1854 reservation for the purpose of locating thereon the Stockbridge and Munsee Indians and such others of the New York Indians as the U. S. might desire to remove thereon.

For this cession the tribe was to be paid at the rate of 60 cents per acre, to be expended for their benefit. The treaty also said "that in case this agreement and the treaties made previously with the Menominees should prove insufficient, from causes which cannot now be foreseen, to effect the said objects, the President of the United States may, by and with the advice and consent of the Senate, adopt such policy in the management of the affairs of the Menominees as in his judgment may be most beneficial to them; or Congress may, hereafter, make such provision by law as experience shall prove to be necessary.

It was also agreed that the Menominees would suppress the use of ardent spirits among their people, and resist, "by all prudent means, its introduction in their settlements". Roads and highways, laid out by authority of law, was to have right-of-way through the Indian lands on the same terms as provided by law for their location through the lands of "citizens of the United States".

CHRONOLOGY OF SELECTED EVENTS RELATING TO THE MENOMINEE

- 1634: This was the year when the Menominee had their first encounter with white men as Jean Nicolet visited them at the mouth of the Menominee River and reported their existence.
- 1667: Arrival of Nicholas Perrot, a French fur trader, who spent some time with the Menominee and who was the first to give a descriptive report regarding the Indians themselves.
- 1669: Father Allouez, a Jesuit, visited the region.
- 1671: The first Jesuit missionaries came into the area to work with the Menominee. They left in 1684, and again returned in 1831 to remain.
- 1757: Indians hit by a severe smallpox epidemic, causing many deaths.
- 1760: End of the French control over Menominee. The British assumed control in 1761.
- 1794: Menominee people became subjects of United States pursuant to Jay Treaty between Great Britian and the United States.
- 1815: A United States Government trading post and Indian Agency was established at LaBaye, the name of which was changed to Green Bay.
- 1817: Treaty of peace at St. Louis, Missouri, on March 30, 1817.
- 1825: A grand council was called at Prairie du Chien, Wisconsin, on August 18, 1825, for the purpose of fixing boundary lines between the several tribes in the area. Although a treaty was made the Menominee chiefs excused themselves and stayed away. Thus, the Menominee boundaries were not settled at this meeting or by this treaty.
- 1827: Treaty of Sutte des Morts, Wisconsin, on August 11, 1827, defining boundary lines between the Menominee, Chippewa, and Winnebago.
- 1831: Treaty of Washington, D. C. on February 8, 1831, defining boundary lines and ceding lands to the United States, a portion of the latter to be for the use of certain New York Indians.
- 1831: Treaty of Washington, D. C. on February 17, 1831, modifying the treaty of February 8, 1831, in regard to the lands ceded for the use of New York Indians.

- 1832: Treaty of Washington, D. C. on October 27, 1832, in which certain modifications are made in regard to the lands ceded for the use of New York Indians (Stockbridges, Trothertown, and Munsee), and to certain boundary lines.
- 1836: Articles of agreement made at Cedar Point, Wisconsin, on September 3, 1836, ceding certain lands to the United States.
- 1848: Act of May 29, 1848 admitted Wisconsin into Union as a State.
- 1848: Treaty of Lake Powawhay-kon-nay on October 18, 1848, ceding all their lands in Wisconsin, the United States to give them certain lands in the Crow Wing country in Minnesota which had been ceded by the Chippewa.
- 1849: The so-called "half-breed" payment of \$40,000 was distributed under the terms of the 1848 treaty on July 9 and 10, 1849 at Fort Howard, Wisconsin. Payment was made to 114 men, 134 women, and 539 children. Each received at least \$50. The chiefs also approved an additional payment varying from \$25 to \$41 for a selected group of about fifty individuals. Those receiving the payment were to sever all official connections with the tribe.
- 1850: Congress passed the Act of 1850, which in effect gave to the State of Wisconsin valid title to all swamp lands in the State. This included swamp lands in the area set apart in 1854 as a reservation for the Menominee Indians. The matter was settled in 1926, and thereafter the tribe sued the U. S. for breach of treaty in failing to convey to the tribe all the lands within the 1854 reservation. See the date May 29, 1944.
- 1852: 2,002 Menominee Indian men, women and children moved to Keshena pending establishment of a permanent home for them.
- 1853: Task of education taken over by the Government, financed with Menominee treaty money.
- 1854: Treaty at the Falls of the Wolf River (Keshena Falls) on May 12, 1854, by which the Menominee ceded the Minnesota reserve set apart for them in the treaty of October 18, 1848, and were in lieu thereof assigned a reserve on the Wolf River. This is the reservation the tribe now owns and is known as the Menominee Indian Reservation. The Legislature of the State of Wisconsin gave its consent to establishment of the reservation on February 1, 1853.
- 1855: First Indian Agency on the Menominee Reservation established at Keshena, and an "Agent" took residence.

- 1855: Act of March 3, 1855, authorized payment for attorney services given the tribe by Richard W. Thompson relating to filing a claim against the U. S. for additional compensation for lands ceded by the Menominees under the 1848 treaty. Payment required tribal consent.
- 1856: Treaty of Keshena, Wisconsin, of February 11, 1856, in which the Menominee ceded two townships of their reservation to the United States for the use of the Stockbridge and Munsee tribes.
- 1858: Oshkosh, the most famous Menominee chief died.
- 1859: Menominees started a move to obtain 40 and 80-acre allotments. This was never accomplished.
- 1860: Military Road built from Green Bay to Lake Superior - went through the Reservation.
- 1865: Another severe smallpox epidemic hit and many Menominees died.
- 1868: Great forest fires burned on the reservation.
- 1871: Act of Congress of February 1, 1871, authorized the sale of six townships of the reservation. Sale was never accomplished because of protests from tribal members, especially Chief Pierre LaMotte.
- 1871: Neopit, a son of Oshkosh, made chief.
- 1872: First tribal lumber camp established on the reservation.
- 1872: Keshena school closed for lack of pupils. Instead, small schools were started at South Branch and West Branch.
- 1874: Act of May 15, 1874, permitted the improvement of the Wolf River within the reservation and provided for payment of damages to the Indians. The Indians were to be permitted to run logs down the river.
- 1875: The Keshena Boarding School was established, with local council consent. Attendance was made compulsory, and 76 attended the first year. The children stayed in the school and food and clothing were furnished.
- 1876: First permanent physician arrived at Keshena.
- 1876: Act of April 25, 1876, authorized the sale of all pine timber on the reservation.

- 1876: Act of July 12, 1876, permitted the improvement of the Oconto River within the reservation and provided for payment of damages to Indians; the Indians were to be permitted to use the river for running logs.
- 1880: First local Indian "law and order" facility established on reservation.
- 1880: Franciscan Order, assisted shortly thereafter by the Sisters of St. Joseph, took over the Menominee Catholic Mission.
- 1882: Act of March 31, 1882, authorized sale of the logs cut during the winter of 1876 and 1877; proceeds to be expended for the benefit of the Indians.
- 1883: The Franciscan Fathers started the Keshena Mission School; later this became a boarding school for Catholic children.
- 1886: First Menominee hospital started.
- 1890: Act of June 12, 1890, authorized the sale of timber on the reservation and employment of the Menominee Indians for cutting same. An appropriation of \$75,000 was made for expenses of cutting timber, said sum to be reimbursed out of receipts from sale. A like amount was authorized to be loaned to the Indians each year for this purpose. Sanction of the Indians, in full council, was required before this act should become operative. The annual cut was limited to not more than 20,000,000 board feet.
- 1892: Act of July 6, 1892, authorized the construction of a railroad by the Marinette and Western Railway Company through the reservation and provided that the railroad should pay \$50 per mile annually for each mile of road, which was never built. Occupants of individual tracts were to be reimbursed for damages and property taken.
- 1899: Soo Line Railroad granted right-of-way by Act of March 2, 1899, (Chapter 374 Stat. at Large). Company to pay \$15 per year per mile for right-of-way.
- 1904: First permanent jail built on reservation at Keshena.
- 1905: A tornado on July 16, damaged 35,000,000 feet of timber on 20,000 acres.
- 1906: Act of June 21, 1906, authorized Secretary of the Interior to negotiate with the Menominee Tribe for purchase of the U. S. of "a portion of the surplus land of the Menominee Tribe" to be paid for at a rate of not more than \$2.00 per acre. This Act intended purchase of additional land for completing allotments to other tribes. No cessions were made under this Act.

- 1906: First railroad (now the Soo Line) built through Neopit.
- 1906: Act of June 28, 1906, authorized sales of dead and down timber damaged by the 1905 blowdown in addition to sales authorized under the Act of June 12, 1890, supra.
- 1908: Act of March 28, 1908, authorized the cutting of timber, the erection of sawmills, the manufacture and sale of lumber and and the preservation of the reservation's forest. A maximum cut of 20 million board feet a year was stipulated. The proceeds from sales and the net profits were to be deposited in the U. S. Treasury to the credit of the tribe at four per cent interest to be used for benefit of the tribe. This Act was amended by the Act of March 3, 1911, Acts of May 18, 1916, March 2, 1917, May 25, 1918, January 27, 1925, June 15, 1934, May 31, 1949, and July 14, 1956.
- 1908: The village of Neopit came into being.
- 1908: U. S. Forest Service took over forestry operations on reservation on January 22. Abrogated on July 17, 1909.
- 1909: First sawmill built at Neopit under Act of March 28, 1908, started sawing lumber on January 15, 1909.
- 1909: Act of March 3, 1909, amended the Act of May 29, 1908, by extending consideration to additional persons taking action against the Menominee Tribe in the Court of Claims and other provisions.
- 1910: The Act of April 4, 1910, authorized appointment of a commission to take testimony in cases against the Menominee tribe and individual members. The Court of Claims was given authority to hear and render final judgment for any balances found due upon the claims of contractors who entered into agreements with the tribal committee for logging done under the Act of June 28, 1906. Amended by Act of August 24, 1912, with final date for filing on June 30, 1913.
- 1910: Marked the end of river driving on the Menominee.
- 1910: Severe forest fires burned.
- 1911: Act of March 3, 1911, directed the Secretary of the Interior to have dead and down timber cut on the Menominee Reservation in addition to the timber authorized to be cut under the 1908 Act.
- 1912: Act of August 24, 1912, amended Act of April 4, 1910, to extend final date for filing claims against Menominees to June 30, 1913.

- 1914: Attempts to revive interest in allotting of the reservation lands again proved futile.
- 1914: First Menominee Indian Fair organized - has since been held annually, usually in August.
- 1916: Act of May 18, 1916, authorized the Secretary to withdraw \$300,000 of tribal funds arising under the laws authorizing sales of timber, etc., and expend same in the clearing of land, erection of sanitary homes, purchase of dairy stock, equipment, etc. to enable the Indians to become supporting; only completely out-over lands were to be used for agricultural purposes. A similar Act of March 2, 1917, authorized per capita payments in cash, said payments to be deposited to credit of the individual Indians. A similar Act of May 25, 1918, restricted the removal of marketable timber from farm lands. If timber was present on the lands to be farmed, clearance from the Forestry Branch of the reservation was necessary.
- 1917: Act of March 2, 1917, authorized the expenditure of \$387,000 of tribal funds to aid the Indians to fit themselves for or to engage in farming or such other pursuits or avocations as will enable them to become self-supporting, or in the case of old, decrepit or incapacitated members of the tribe for support. If the land contained merchantable timber no clearing could be done without consent of the Forestry Branch, which had to certify said clearing would not be detrimental to preservation of the forest and the land was more valuable for agricultural or grazing purposes. The \$300,000 in the previous year's appropriation (which had not been paid out) was authorized for a \$50 per capita payment to each tribal member.
- 1918: Appropriation Act of May 25, 1918, authorized the withdrawal of \$300,000 from Menominee trust funds and the use of the same for purposes specified in the Act of March 2, 1917.
- 1918: Demands for allotting of reservation tribal lands failed of accomplishment.
- 1923: First State Highways (#47 and 55) built through reservation.
- 1924: First tribally-owned sawmill at Neopit totally destroyed by fire on October 25, 1924. This mill was replaced by the present structure.
- 1925: Act of January 27, 1925, amending the Act of March 28, 1905, authorized the making of contracts with white men for any work connected with the logging and milling operations, to authorize the employment of white men, and to exempt from the requirements of sections 3709 and 3744 of the Revised Statutes all contracts for labor or supplies necessary for the carrying on of such operations.

- 1925: Act of March 4, 1925, authorized expenditure of not to exceed \$275,000 of tribal funds to rebuild the tribal sawmill and its appurtenances at Neopit which had been destroyed by fire on October 5, 1924.
- 1926: New, modern sawmill began operation at Neopit, succeeding the plant destroyed by fire in 1924.
- 1928: First Tribal Constitution approved by Secretary of the Interior on February 11, 1928. This document set forth the role to be carried by the tribe in handling of tribal affairs. Subsequent amendments have also been enacted.
- 1931: Act of February 14, 1931, authorized per capita distribution of tribal funds.
- 1931: Act of March 2, 1931, authorized use of tribal funds for employment of attorneys to handle their claims, etc., at not more than \$6,000 a year plus actual expenses up to \$8,000 a year.
- 1932: Act of June 14, 1932, authorized per capita distribution of tribal funds.
- 1933: Act of June 3, 1933, authorized per capita distribution of tribal funds.
- 1934: Act of June 15, 1934, amending the Act of March 28, 1906, provides for payment to each enrolled member of the tribe at the end of each fiscal year his pro rata share of the fair market stumpage value of the fully matured and ripened green timber cut on the reservation during the fiscal year. The expenditures must be submitted to the tribal council for its advance review and approval.
- 1934: Act of June 15, 1934 (Public Law 357) enacted to establish procedures for enrolling tribal members. Amended in 1939.
- 1934: Much timber was damaged by windstorms.
- 1935: Act of May 9, 1935, authorized expenditure of \$20,000 for making an audit of the tribal funds of the Menominee and for an engineering audit of the timber operations on the reservation.
- 1935: Act of September 3, 1935, amended by the Act of April 8, 1938, and May 29, 1944, conferred jurisdiction upon the Court of Claims of the United States to hear, determine, adjudicate, and render final judgment on all claims of whatsoever nature which the Menominee Tribe of Indians may have against the United States arising under or growing out of any maladministration or wrongful handling of any of the funds, land, timber, or other property or business enterprises belonging to the tribe or held in trust for it by the United States. Under this Act the Menominee filed several separate suits against the United States.

- 1935: Logging by railroad discontinued in favor of transporting of logs by truck.
- 1936: Severe timber damage caused by windstorm.
- 1937: Dry kilns installed at Mill.
- 1938: Act of April 8, 1938, amended the Act of September 3, 1935, authorizing conferring of jurisdiction on the Court of Claims to adjudicate claims of Menominees against the United States.
- 1939: Act of July 14, 1939, amended enrollment Act of June 15, 1934. See page 10 herein.
- 1939: The Menominee Tribe, by ordinance of November 14, 1939, outlawed Indian-custom marriage and divorce; and provided that in the future marriage and divorce must be in conformity with State law. The ordinance was approved by the Secretary of the Interior on January 19, 1940.
- 1940: Act of June 27, 1940, authorized \$50 per capita payment payable from 1940 and 1941 stumpage.
- 1941: Secretary of the Interior approved the blood-quantum determinations and findings of the official 1934 tribal membership roll on June 30, 1941, as required by the Act of July 14, 1939. The blood-quantums are considered as official and final.
- 1941: Menominee Reservation Conservation Club organized in 1941, actively engaging themselves since in improvement of fish and game conditions and supply on the reservation.
- 1944: Act of May 29, 1944, amending Acts of September 3, 1935, and April 8, 1938, authorized purchase of the swamp lands within the reservation from the State of Wisconsin. The State of Wisconsin had acquired all swamp lands within the State by a Congressional Act in 1850. When the 1854 reservation was given to the tribe, it developed later that the swamp lands had not been included. In the U. S. Court of Claims the tribe won a judgment of \$1,780,000 because of failure on the part of the Government to turn the swamp lands over to the State, and the Act of May 29, 1944 authorized use of this judgment money to purchase the lands in question. Actual purchase was made in 1945. About 34,000 acres of swamp lands were involved.
- 1944: Act of June 28, 1944, directed an audit of the books and operations of Menominee Indian Mills by a certified public accountant; at a cost of not more than \$10,000.

- 1944: Act of July 1, 1944 (58 Stat. 712) made the Federal Employees Compensation Act applicable to persons employed on the Menominee Reservation under the Act of 1900 or any other Act relating to tribal timber and logging operations on the reservation.
- 1940: Pallet plant installed at Mill.
- 1949: Act of May 31, 1949, authorized an increase in the annual cut of five million feet during the fiscal years of 1949, 1950 and 1951, to care for dead hemlock on the reservation.
- 1951: In July of 1951 the tribe won a settlement of \$8,500,000 with the Federal Government as the result of a number of separate suits filed against the Government. The settlement on which the final judgment of \$8,500,000 was entered in the U. S. Court of Claims represented an agreement in the amount of damages in connection with the liabilities previously established in the contested court proceedings. The settlement embodied four grievances: (1) the failure of the Government to salvage a large amount of valuable timber blown down by a heavy windstorm in 1905; (2) failure of the Government to manage tribal funds so as to produce all the interest which the tribe was entitled to receive under various Acts of Congress; (3) failure of the Federal Government to manage the cutting of timber on the Menominee Reservation during the period 1910 to 1928 so as to preserve the forest resources of the tribe on the basis of forestry principles established in the 1908 Act; and (4) failure of the Government to manage the sawmill operations "in an efficient and competent manner". The claims of the tribe were mostly filed in 1928. The \$8,500,000 was allotted by an Act of Congress in November of 1951 and was deposited to the United States Treasury to credit of the tribe. The tribal attorneys received fees of 10% of the amount settled for; \$1,500 of the collection was distributed to each enrolled Menominee under the Act of June 17, 1954; and the balance remained in the Treasury for expenditure in such manner as decreed by the tribe. In the settlement, the tribe and the Government agreed that this covered all liability of the Government up to 1943 and all other claims were withdrawn. This was the second largest judgment ever received an an Indian tribe - being second only to the Ute case.
- 1954: Act of June 17, 1954 (68 Stat. 250) (Public Law 399) providing for a per capita distribution of tribal funds, for termination of Federal supervision of the reservation on December 31, 1958, closure of the tribal roll, and other purposes. See page 12 for further detail.

- 1954: Distribution of the \$1,500 per capita payment authorized by the Act of June 17, 1954, started on August 3, 1954. Payment was made to each qualified adult Menominee living on June 17, 1954, whose name appeared on the final membership roll of the tribe. The payments due minors were invested in Government Savings Bonds to be delivered to the person on his reaching the age of 18 years. Funds due mental incompetents or those under legal disability were deposited in the Indian Agency, to be disbursed for their benefit in accordance with plans approved by the Superintendent.
- 1954: Act of August 24, 1954 (Public Law 661) brought the Menominee Reservation under the provisions of the Act of August 15, 1953, (Public Law 280), which makes the civil and criminal laws of the State applicable to the reservation except where treaty conflicts might exist. Neither does the law extend to trust property.
- 1956: Act of July 14, 1956, (Public Law 718 - 84th Congress), amending the act of June 17, 1954, (Public Law 399 - 83rd Congress), provided that the plan to be submitted by the Tribe for control of tribal property after termination should contain provisions for protection of the forest on a sustained yield basis and for protection of the water, soil, fish, and wildlife; transfer of property to the tribe, and for other purposes.
- 1956: On July 14, 1956 (Public Law 721), Congress passed law increasing allowable timber cut to 22,000,000 board feet annually.
- 1956: Act of July 14, 1956, (Public Law 715), authorized payment by the Federal Government of the cost of making certain studies necessary to assist the tribe to prepare for termination of Federal supervision.
- 1957: Second band saw and appurtenances installed in sawmill began operating in July, 1957.
- 1957: Final Menominee roll, listing the names of the 3,270 enrolled members of the tribe, approved by the Secretary of the Interior on November 26, 1957, in accordance with provisions of Public Law 399, supra.

STATISTICAL INFORMATION - MENOMINEE INDIAN RESERVATION

LAND OWNERSHIP - AS OF JANUARY 1, 1950:

Owned by the Menominee Indian Tribe	233,881 acres
Fee patented land - Owned by the Bureau of Catholic Missions	21 acres
Gross area of the reservation	233,902 acres

LAND CLASSIFICATION

Forest producing land under sustained-yield management. . .	213,130 acres
Muskeg and rock out-crop areas.	2,642 acres
Upland (2984 acres) and lowland brush (2081 acres).	5,065 acres
Water areas (rivers, lakes, springs, mill pond)	4,097 acres
Agricultural and open grass land.	5,664 acres
Industrial, village, and residential areas.	1,372 acres
Roads (exclusive of minor roads).	1,756 acres
Other types	176 acres
Gross area of reservation	233,902 acres

PEOPLE

Persons enrolled on final Menominee tribal membership roll. . .	3,270
Enrolled members 17 years of age and younger on final roll. . .	1,513
Enrolled members 18 years of age and older on final roll. . .	1,757
Enrolled Menominees living on the reservation	2,677
Enrolled Menominee families living on the reservation . . .	500
Enrolled Menominees living off the reservation.	593
Enrolled Menominee families living off the reservation. . .	103
Average size of enrolled Menominee family	5.4
No. of full bloods on the final roll of June 17, 1954 . . .	71
No. of enrolled Menominees who cannot speak English	6
No. of enrolled Menominees who cannot read and write English .	12
Families now engaged in agriculture	25

OTHER

No. of lakes on the reservation (41 are ten acres or over). . .	82
No. of miles of trout stream.	330
Miles of reservation roads (exclusive of State and logging roads)	193
Gross volume of timber on the reservation as of 1-1-58:	

Merchantable saw-timber.	1,297,881,970 Board feet
Other merchantable forest products	53,079,151 Board feet
Other growing material - 5" to 9" diameter	109,000,000 Board feet
Total volume of timber	1,459,961,121 Board feet
Present legal allowable annual cut of timber.	22,000,000 Board feet

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