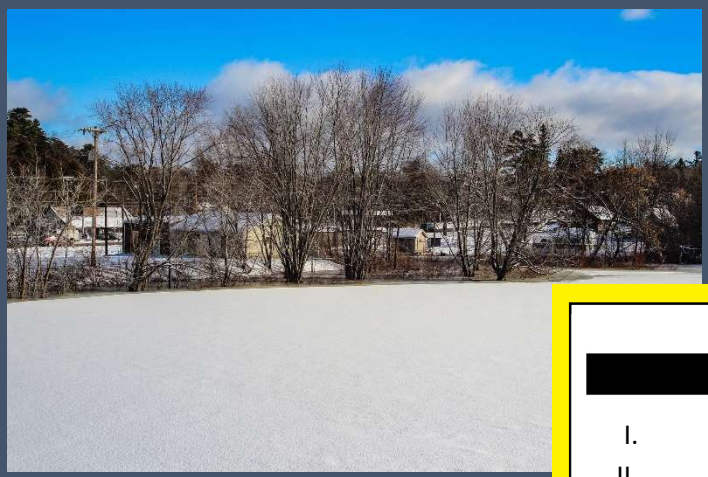
Menominee History



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B. Menominee History

I. Introduction

Menominee history is replete with examples of uncertainty and of its future being written by others. For this reason, any meaningful discussion about plans for the future of the Tribe cannot take place without first recognizing its long and rich history.

The Menominee, an Algonquin-speaking Tribe, once referred to themselves as “Kiash Matchitiwuk” or “The Ancient Ones”. Surrounding Tribes knew the Menominee Tribe as “Omaeqnomenewak,” meaning “Wild Rice People”, due to their subsistence on wild rice. It was widely believed that when the Menominee people entered a region, wild rice would soon follow. Menominee history and its connection to wild rice are important to the Tribe’s identity.

II. Menominee Creation and the Evolution of the Clan System

Menominee history began with the Menominee creation story more than 10,000 years ago. While variations of the creation story exist today, each version tells how the Menominee are indigenous to the area now known as Wisconsin. The following map, created by Menominee County and the Tribe’s Historic Preservation Department, depicts this historical range of the Menominee territory.

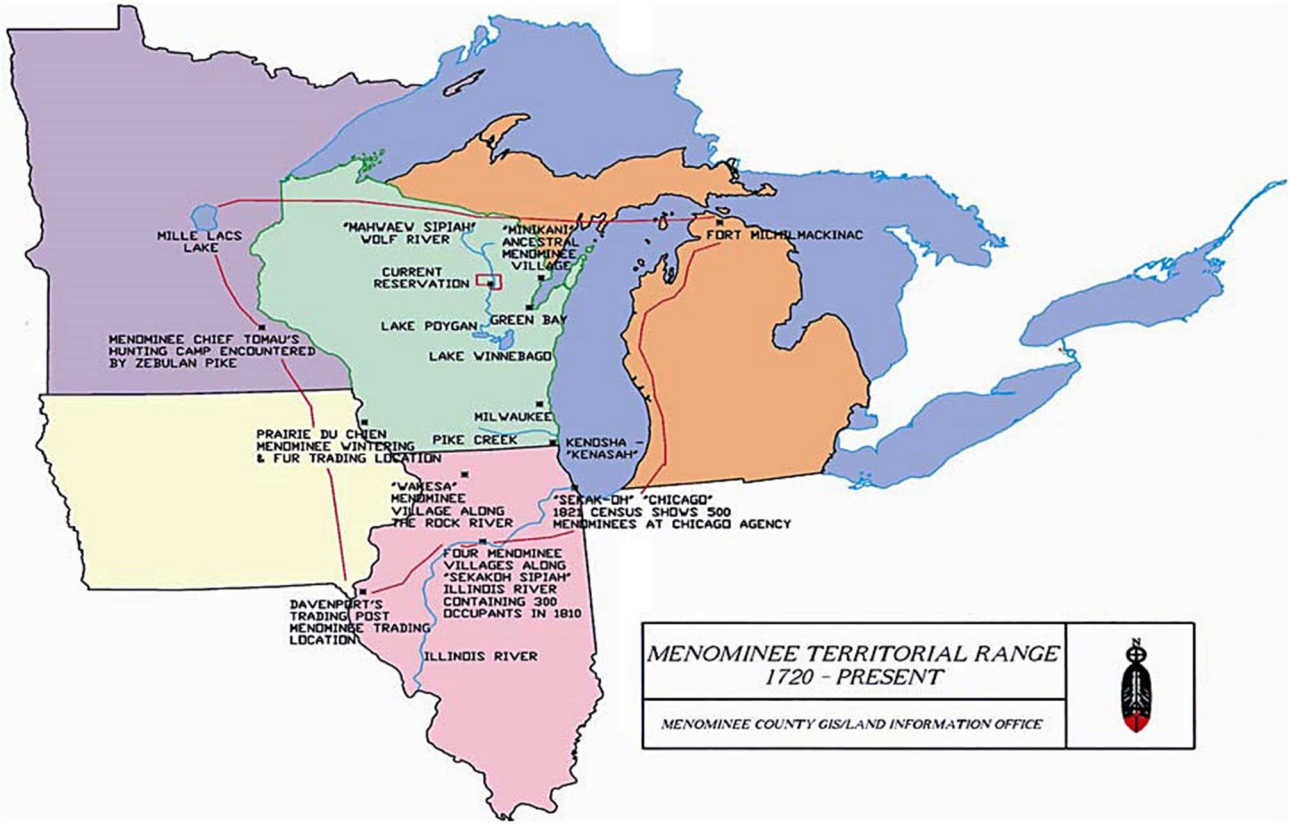

Figure 1: Menominee Territorial Range 1720 - Present

The Menominee creation story took place near the mouth of the Menominee River, where the creator transformed the five main clans from animal to human form. Each Menominee descends from the following five main clans:

Bear Clan: Speakers and keepers of the law;

Eagle/Thunderer Clan: Freedom and justice;

Moose Clan: Community or individual security;

Crane Clan: Architecture, construction, and art; and

Wolf Clan: Hunting and gathering.

The clan system was a mechanism for future planning; it helped the Menominee remain in balance as the Tribe carried out goals and objectives to ensure the survival of the Menominee throughout its early history.

III. Treaty Era

The Menominee Treaty Era resulted in seven ratified treaties and two contested treaties that were never ratified. The contested Treaties of 1821 and 1822 called for the sale of 7,580,000 acres of Menominee land to the New York Indians; these two treaties were signed by unauthorized chiefs and warriors and were never ratified by the federal government.

The following are ratified treaties that shaped the relationship between the Tribe and the federal government and determined the present-day reservation boundaries:

- **Treaty of Peace and Friendship:** This treaty ratified on March 10, 1817, established a government-to-government relationship between the Tribe and the federal government.
- **Treaty of Butte des Morts:** This treaty, ratified on August 11, 1827, called for the Menominee, Winnebago, and Chippewa to identify their boundaries for future land cessions. It was also intended to settle the land issues between the Menominee and the New York Indians.
- **Stanbough's Treaty:** This treaty, negotiated in 1831 and 1832, was intended to settle land disputes with the new Tribes. In this treaty, the Menominee reluctantly ceded 2.5 million acres to the federal government, 500,000 of this acreage was given to the new Tribes.
- **Treaty of the Cedars:** This treaty, signed on September 3, 1836, ceded approximately 4 million acres to the federal government. The federal government sought to gain these lands due to the influx of emigrants to Menominee country.
- **Treaty of Lake Pow-aw-hay-kon-nay-Poygan:** This treaty, signed on October 18, 1848, ceded all remaining Menominee lands to the federal government in exchange for 600,000 acres in Minnesota. After its passage, Menominee leaders visited Minnesota and determined the land didn't offer the resources necessary for the Menominee to survive, so the Menominee refused to relocate.
- **Treaty of the Wolf River:** This treaty, signed on May 12, 1854, established the present-day Menominee Reservation, and reversed the terms of the 1848 treaty. The reservation was now reduced to 12 townships or just 276,480 acres of land.
- **Treaty of the Stockbridge Munsee:** This was the final treaty, signed on February 11, 1856, that the Tribe entered with the federal government. In this treaty, the Tribe ceded a tract of land in the western part of the reservation for the Stockbridge-Munsee Indians to have as a home. The reservation was now reduced to 10 townships.

IV. Pre-Termination

The period following the treaty era was marked by success and accomplishment. The following events represent only a fraction of the Tribe's successes, the Menominee:

- Collectively refused to sell any portion of their lands,
- Gained supervision over the management of its forest,
- Constructed a sawmill and manufacturing plant for lumber and timber products, and
- Stabilized the Tribal economy through diversification.

In 1871, Congress passed an act permitting the sale of Menominee lands upon the consent of the Tribal Council. This was billed as an economic opportunity, but the Tribe viewed it otherwise. Timber had become a vibrant part of the national economy and non-Menominee were interested in natural resources on the reservation. The Tribe took a unified stand against the sale of lands in order to maintain its land base.

The Tribe influenced Congress to pass the LaFollette Bill in 1908. This act authorized the construction of a sawmill and manufacturing plan (Menominee Indian Mills) on the reservation. It established a selective logging system based on sustained yield practice, meaning that no more logs could be cut than were grown in a single year. The Tribe was also required to develop a sound forest management plan. The federal government was responsible for ensuring that sustained yield management practices were being followed.

The Tribe's sustained yield practices proved to be environmentally responsible and profitable. Menominee Indian Mills stabilized the Tribal economy and contributed to an annual budget of $520,714. This assisted the Tribe in successfully maintaining a hospital, trade school, police force, and justice system, while the federal government only provided $144,000 in annual aid to the Tribe.

Beginning in 1931 the Tribe filed a series of lawsuits against the federal government for its failure to comply with the requirements of the 1908 act; mainly, its failure to properly manage the Tribe's Forest. Following years of litigation, in 1951 the Tribe was awarded an $8.5 million settlement against the federal government for its mismanagement claims. Although the settlement was initially hailed as a success, it signaled the start of one of the darkest chapters in Menominee history.

V. Termination

At about the same time the Tribe received its settlement, the attitude in the Congress towards Indian Tribes shifted dramatically beginning with the passage of Public Law 280. This federal legislation removed criminal jurisdiction over Indians from Tribes to the States. It was the first in a series of misguided policies to end Tribal sovereignty and culminated with the enactment of federal legislation designed to terminate federal recognition of Indian Tribes.

The Menominee were among the first Tribes targeted for termination due to their relative economic success. Although a bill terminating the Tribe probably would have been passed without the Tribe's consent, Congress used the Tribal membership's desire for a per capita payment out of the 1951 settlement as leverage to gain the consent of a small minority of the Tribe. Consequently, when the Tribe sought congressional legislation to approve the distribution of a $1,500 per-capita payment to each of its 3,270 Tribal members, Congress attached a clause for termination unbeknownst to the Tribe. This legislation was signed into law on June 17, 1954, by President Eisenhower.

As a result of the Menominee Termination Act the Tribe's lands that were held in trust were transferred into private ownership in the name of Menominee Enterprises, Inc. (MEI). Additionally, the Tribe lost its right to self-governance, and the Tribe's members ceased to be eligible for many services provided by the federal government to Indians. Other deleterious effects included the following:

- A once thriving hospital, law enforcement center, and power plant were closed;
- MEI and the Tribe's members were subject to Wisconsin's civil and criminal laws, including state taxation; and
- Portions of the Tribe's land base were sold by MEI through the "Lakes of Menominee Project" to pay property taxes.

Although many of the Tribe's members believed termination brought with it potentially serious consequences, its actual effects were far worse. Not only had the Tribe lost its right to govern itself, but it was also beginning to lose its natural resources and many feared that it was losing its cultural identity. This growing sentiment led several Menominee to form a grassroots movement aimed at restoring the Tribe's federal recognition.

The sale of Menominee lands prompted the formation of its grassroots group known as Determination of Rights and Unity for Menominee Shareholders (DRUMS). DRUMS protested the mechanisms of termination and renewed a sense of the Tribe's political and cultural identity. Seven DRUMS members were elected to the MEI board and by gaining the majority vote they were successful in stopping the sale of lands. This was the first in a series of events that paved the way to restoration.

DRUMS organized a "Menominee March for Justice" that began in Keshena and ended two-hundred and twenty miles later at the State Capital in Madison. This demonstration increased awareness of the Menominee's struggle with termination and the negative impacts of termination. The Menominee restoration efforts gained the attention of Wisconsin Governor Patrick Lucey who invited members of DRUMS to discuss potential restoration legislation.

VI. Restoration

DRUMS, Native American Rights Fund, and Wisconsin Judicare helped draft the Menominee Restoration Bill. The restoration bill emphasized self-determination in addition to restoration. Many Menominee people were reluctant to reinstate the paternalistic relationship that existed between the Tribe and the federal government prior to termination. It was argued that self-determination must be explicitly stated in the proposed provisions of the restoration bill to include:

- Federal recognition of all Menominee as Indians eligible for federal governmental services and benefits,
- Re-opening of the Tribal rolls,
- Restoration of tribal lands to federal trust status,
- Purchasing of lands sold during termination,
- Compensation to the Tribe for damages caused by the termination,
- Creation of an economic development program on the reservation, and
- Paving the way to retrocession of criminal jurisdiction from the State to the Tribe, which was lost with the passage of Public Law 280.

Following the unsuccessful attempt by Congressman David Obey (D) to restore the Tribe, Wisconsin Senators William Proxmire (D) and Gaylord Nelson (D), along with Wisconsin Congressman Harold Froelich (R), introduced the Menominee Restoration Bill on behalf of the Tribe. Although support for restoration was not unanimous, a significant number of supporters advanced the restoration effort. Menominee delegations showed their overwhelming support at public hearings in Keshena and in Washington, DC.

Support for restoration did not rise from the State of Wisconsin and the Tribe alone, national Indian organizations and other Tribes also pressed for restoration. Indian activism on a national level had successfully pressured Congress to re-examine its existing federal Indian policies. Consequently, restoration and self-determination became a goal of the Nixon Administration. President Richard Nixon signed the Menominee Restoration Act into law on December 22, 1973.

Restoration provided for the Tribe's federal recognition as a sovereign Indian nation and returned the Tribe's assets to federal trust status. The restoration bill also required the election of a nine-member Menominee Restoration Committee (MRC) by the Tribal membership. MRC was charged with managing Menominee affairs until the adoption of a tribal constitution and bylaws and the installation of a new government. MRC was responsible for the following:

- Receiving grants and entering contracts with various agencies,
- Making the Tribal roll current, in accordance with the act,
- Drafting the Tribe's constitution and bylaws, and
- Conducting the election of the first Menominee Tribal Legislature.

VII. Constitution and Bylaws

> *"We, the members of the Menominee Indian Tribe of Wisconsin, being a sovereign nation, in order to organize for the common good, to govern ourselves under our own laws and customs, to maintain and foster our tribal culture, to protect our homeland and to conserve and develop its natural resources, and to insure our rights guaranteed by treaty with the Federal Government, do establish and adopt the following Articles and Bylaws of this Constitution and Bylaws for the government, protection, and common welfare of the Menominee Indian Tribe of Wisconsin and its members."*
>
> – Preamble to the Menominee Constitution and Bylaws

The Tribe adopted the Constitution and Bylaws of the Menominee Indian Tribe of Wisconsin in 1976. The Tribe's constitution and bylaws establish the governmental structure consisting of legislative and judicial branches. The legislative branch has the power to enforce and make laws within the limitations imposed by the Tribe's Constitution and Bylaws. Legislative powers also include, among other things, the following:

- Seeking legal counsel subject to the approval of the Secretary of Interior,
- Protecting the land and other Tribal assets,
- Negotiating with federal, state, and local governments,
- Adopting laws of a general and permanent nature, and
- Electing officers among its membership.

The Tribal Judiciary is a separate but equal branch of government consisting of a Lower Court, a Supreme Court, and the Election Commission. The Tribal court system has jurisdiction over all Native Americans

within the exterior boundaries of the Menominee Indian Reservation. Powers of the Tribal Judiciary include the following:

- Jurisdiction over civil and criminal matters,
- Interpreting the constitution and bylaws and ordinances of the Tribe, and
- Enforcing election laws.

The constitution also designates the Menominee Tribal Enterprises (MTE) as the principal business arm of the Tribe. In this capacity, MTE is responsible for:

- Managing the Tribal Forest lands,
- Operating the Tribe's sawmill operations, and
- Operating subsidiary businesses that are within its scope of authority.

VIII. Committee Structure

The Legislature receives recommendations, advisory assistance, and investigatory assistance through several Legislative committees. These committees are comprised of Legislative members, Tribal members, and representatives from various departments and agencies. Committee members are appointed by the Chairperson of the Legislature, subject to the approval of the Legislature and in accordance with the rules of procedure of the Legislature. The current Legislative committee structure appears as follows [see next page]:

Figure 2: Beautiful Waterway - Wolf River

2023-2024 LEGISLATIVE COMMITTEES

2023-2024 LEGISLATIVE COMMITTEES

Budget and Finance **2nd Tuesday 3:00 pm**	**Health and Family** **3rd Monday 3:30 pm**	**Governmental Affairs** **4th Monday 3:00 pm**
Chairman: Joey Awonohopay **Legislator**: Dana Waubanascum **Legislator**: Rachel Fernandez **Community Members**: Jamie Smith – March 2024 Dory LaTender – March 2025 **Finance Manager**: Stephanie Awonohopay **Lending and Tax**: Eva Johnson **Tribal Administration**: Annmarie Johnson **Recorder**: Calene Olson 8 members.	**Chairman**: Myrna Warrington **Legislator**: Daynell Grignon **Community Members**: Geradette Richmond – March 2024 Ma-Sha-Quit McPherson – March 2025 **Maehnowesekiyah:** Addie Caldwell **Family Services**: Mary James **Tribal Clinic**: Jerry Waukau **Aging and Long-Term Care**: Lynette Maskewit **Recorder**: Lynelle John 8 members.	**Chairman**: Rachel Fernandez **Legislator**: Douglas Cox **Community Members**: Jamie Smith – March 2024 Ma-Sha-Quit McPherson – March 2025 **IT Department**: John Kequatosh **Human Resources**: Antoine Chevalier **Tribal Administration**: Annmarie Johnson **Finance Department**: Stephanie Awonohopay **Recorder**: Lynell John 8 members.
Powwow Board **4th Tuesday (March – May); 2nd and 4th Thursday (June); 2nd and 3rd Thursday (July)**	**Community Development** **3rd Wednesday 2:00 pm**	**Labor, Education, and Training** **3rd Tuesday 3:30 pm**
Chairman: Myrna Warrington **Legislator:** Spencer Gauthier **Legislator:** Daynell Grignon **Community Members:** Michael Fish, Jr. – March 2024 Leslie Peters – April 2024 Monty Beauprey, Sr. – April 2024 Jayne Blacker – March 2025 **Language and Culture:** Joey Awonohopay **Recorder:** Calene Olson 8 members	**Chairman**: Rebecca Brunette **Legislator:** Daynell Grignon **Community Members:** Dale Kakkak – March 2024 Desirae Wilber – March 2025 **Land Management:** Doug Cox **Comm. Development:** Natasha Chevalier/Carmelia Waupoose **Historic Preservation:** Dave Grignon **Environmental Services:** Jeremy Pyatskowit **Housing:** Wayne Wilber **Transit Services:** Gary Pyawasay **Recorder:** Calene Olson 9 members	**Chairman:** Spencer Gauthier **Legislator:** Rebecca Brunette **Community Members:** Dory LaTender – March 2024 Ma-Sha-Quit McPherson – March 2025 **CRC:** LuAnn Warrington **Early Childhood:** Candace Waupekenay **Tribal School**: Lori Corn **Youth Services:** Joyce Wayka **Education:** Shannon Chapman **Recorder**: Lynelle John 9 members
Agriculture & Forestry **2nd Monday 12:00 pm**	**Housing** **4th Wednesday 3:30 pm**	**Law Enforcement & Resource Protection** **2nd Thursday 3:00 pm**
Chairman: Douglas Cox **Legislator:** Joey Awonohopay **MTE Member:** Ronald Waukau **Community Members:** John M. Latender – March 2024 Darryl Pyawasay – March 2024 **Environmental Services:** Jeremy Pyatskowit **Conservation:** Maniyan Pyawasay **Historic Preservation**: David Grignon **Agriculture/Food Systems**: Gary Besaw **Recorder:** Calene Olson 9 members	**Chairman:** Rebecca Brunette **Legislator:** Dana Waubanascum **Community Members:** Dale Kakkak – March 2024 Ronnann Guzman – March 2025 **Housing:** Wayne Wilber **Utilities:** Darryl Pyawasay **Land Management:** Douglas Cox **Recorder:** Lynelle John 7 members	**Chairman:** Rachel Fernandez **Legislator:** Dana Waubanascum **Community Members:** John Latender – March 2024 Franny Kitson – March 2025 **Tribal Police:** Keith Tourtillott **Conservation:** Maniyan Pyawasay **Probation:** N/A **Environmental Services:** Jeremy Pyatskowit **Detention: N/A** **Recorder:** Calene Olson 9 members
Kenosha Gaming Authority	**Menominee Tribal Legislature** **1st and 3rd Thursdays 5:00 pm**	
Chairman: Joey Awonohopay **Vice Chairman:** Gary Besaw **Legislators:** **Spencer Gauthier** **Dana Waubanascum** **Community Member:** John Teller, Sr. – March 2024 **Recorder: Calene Olson**	**Recorder:** Diana Taubel	**Revised: 5/9/2023**

Figure 3: Legislative Committees

In addition to the Legislative committees, the Tribe has many other non-legislative committees to assist the Legislature and management in the administration of government. They include:

- **Constitutionally Required Committees:** These committees include the Election Commission, Enrollment Committee, and Community Committees, whose membership requirements and responsibilities are defined in the Constitution,
- **Internal Committees:** These committees include the Administrative Committee and Bid Review Team, which help provide guidance and recommendations in governmental functions,
- **Ad-Hoc and Task Force Committees:** These committees are temporary or project-specific, and include:
    - Menominee Tribal Legislature – Menominee County Taskforce,
    - Menominee Tribal Legislature – Menominee Tribal Enterprises Taskforce, and
    - Menominee Tribal Legislature – Menominee Indian School District Taskforce.
- **Commissions and Boards:** These bodies are focused on providing oversight and supervision of designated areas, and include the Gaming Commission, Commission on Aging, Language and Culture Commission, Menominee Tribal School Board, Police Commission, and others, and
- **Federal and State Committees:** These committees are required by federal and state funding agencies, and include the Johnson O'Malley Committee, Head Start Policy Council, and others.

IX. Administrative Structure

In 1979 the Tribe operated twelve programs that were supported by $231,000 in Tribal funds. These twelve programs consisted of various constitutionally required programs, such as the Chairman's Office, Judiciary, Law Enforcement, and other programs providing core governmental services.

Since 1979, the Tribe has dramatically increased the quality and level of services to its membership with the addition of local and intergovernmental revenues. On the local front, the Tribe developed its revenue base through the addition of various fines, fees, taxes, and most notably, gaming. The Tribe can secure more federal and state dollars because of its ability to demonstrate quality services and management.

Today, the Tribe is comprised of over forty departments collectively encompassing more than three hundred grants and contracts. There are more than seven hundred individuals employed by the Tribe. The Tribal Government Plan, which was adopted by Ordinance No. 95-04, provides the foundation for government operations.

The administrative structure provides for accountability and management of the Tribe's departments. While it identifies services and supportive resources, it also demonstrates interdependence. As the organization grows, this structure and the relationships become increasingly complex. The following flowchart [next page] depicts the current administrative structure of the Tribe.

MITW Committee and Commission Flowchart

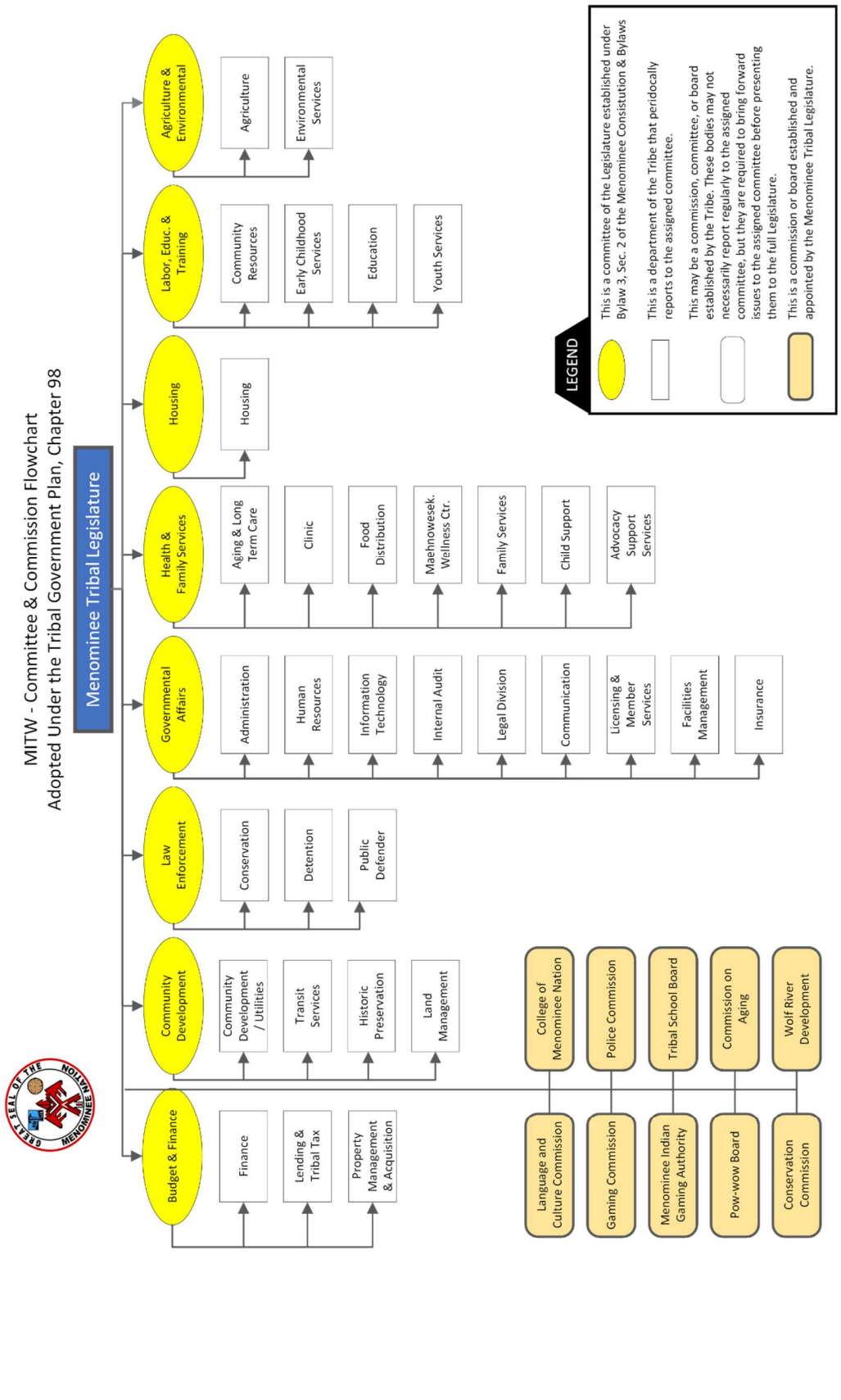

Figure 4: Committee and Commission Flowchart

The Tribe's structure is continually growing, and the Legislature recognizes that a strategic plan will be a valuable resource to manage and plan its continued growth. To achieve this, the plan includes the following target areas for planning and development of specific goals and objectives:

Figure 5: Strategic Planning Visionary Areas

Figure 6: Land of the Menominee

X. Demographic Profile

The Menominee Indian Reservation in Central Wisconsin is approximately 45 miles northwest of the City of Green Bay. The reservation and Menominee County borders are almost identical except for the Middle Village area, which is in Shawano County in the Town of Red Springs. The reservation encompasses 235,523 acres, most of which is heavily forested lands, representing the largest tract of virgin timberland in Wisconsin. Four rivers flow through the reservation that includes: the Evergreen, the Oconto, the Red, and the Wolf. The Wolf River is the main river traversing the reservation and is designated as a component to the national wild scenic rivers system through the "Wild and Scenic River Act".

The following are notable demographics relating to the population on the Menominee Indian Reservation:

MITW AGE OF POPULATION August, 2022			
	Male	**Female**	**Total**
0-19 years	985	896	1,883
20+ Years	3,380	3,688	7,068
TOTAL	4,366	4,585	8,951
Source: Menominee Tribal Enrollment			

As of September 5, 2023, the enrollment total was 8,879. 4,149, or 46.4% of the Tribal enrolled population are between the ages of 25 to 54 years.

RESIDENCY OF POPULATION		
	2022	**Sept. 5, 2023**
On-Reservation	3,659	3,675
Off-Reservation	5,257	5,204
Unlisted Zip Codes	35	
TOTAL	8,951	8,879
Source: Menominee Tribal Enrollment		

Information for this report came from information provided by or contained in the Tribal Enrollment Department, Menominee County UW-Extension Office, the 2020 U.S. Census, and the Menominee Facts and Figures Handbook (2022 Edition). The Department of Administration maintains the Menominee Facts and Figures Handbook.