

### **Chapter 3: Forest Management History on the Menominee Reservation: The 1890 Forestry Act to the 1973 Menominee Restoration Act**

By the late nineteenth century, glaciers, soils, and timber harvesting had shaped the Menominee Forest. Between the mid-1850s and 1890, the Menominee timber harvest was mostly limited to dead and down pine timber logged for personal use on the reservation. It was difficult for the Menominee to profit from logging only dead and down trees because they were not as valuable as standing green timber. Further, at this time the reservation was still remote and was not serviced by many roads or rail lines. For the five decades after the reservation was established, the forest retained much of its original structure and character.

Forests in the rest of Wisconsin, however, were changing rapidly during the late 1800s as the lumber frontier began to move west and north from the shores of Lake Michigan and railroads began to penetrate timber stands further and further away from river systems.<sup>1</sup> In 1889, loggers harvested approximately 5 billion board feet from Wisconsin's forests—this was one of the peak years for lumber production in Wisconsin.<sup>2</sup> As accessible timber was depleted, logging operations pushed deeper and deeper into remote Wisconsin forests. During this time, the Menominee reservation became less and less remote and its timber became more and more valuable.

In this context of dynamic and diverse forest change, the Menominee tribe initiated the practice of sustained yield forestry—placing annual limits on logging to maintain constant forest harvest levels. This practice represented a new form of forest management that stood in stark contrast to the cut-and-run harvesting occurring throughout Wisconsin and the rest of the United States. Menominee forest management would not only shape the Menominee Forest, but would

also inform the concepts of forestry, conservation, and progressivism emerging in the United States.

### **Defining Menominee Forestry and Progressive-Era Conservation**

Today, visitors at the offices of Menominee Tribal Enterprises—the Menominee entity charged with managing the tribal forestry, mill, and business operations—are greeted by a simple plaque commemorating the 100<sup>th</sup> anniversary of the Menominee sawmill founded in 1908. The plaque contains the following saying, which is attributed to Chief Oshkosh, an important Menominee Chief during the treaty era: “Start with the rising sun and work toward the setting sun, but take only the mature trees, the sick trees, and the trees that have fallen. When you reach the end of the reservation, turn and cut from the setting sun to the rising sun and the trees will last forever”.<sup>3</sup> This is one of the earliest definitions of Menominee forest management; the statement clearly outlines the tribe’s philosophy of engaging in perpetual harvests while at the same time maintaining the forest. The quotation eloquently lays out a vision for what became known in the early 1900s as sustained yield forestry.

Oshkosh’s quote, however, is not the sole basis for Menominee forest management. In this section, I examine the interplay between Menominee and Federal perceptions of forest management, paying particular attention to the constraints that a series of federal laws placed on the forest management options available to the Menominee. I explore a series of research questions: What are the origins of Menominee forest management and how has forest management been defined for the Menominee reservation? How did the Menominee people and federal officials perceive forest management? Did Menominee forest management have a nationwide influence on forest management concepts or did it primarily impact the Menominee Forest?

To answer these questions, I analyzed primary documents from the US congressional record, US congressional reports, the papers of Robert La Follette and Jay P. Kinney, reports from the Menominee Tribe's historical preservation department, and other documents from the Wisconsin State Historical Society.

### **Legal Definitions of Forest Management**

Specific federal laws have directed Menominee forestry since the 1870s. The first forestry acts allowed the Menominee to harvest “dead and down” timber for their own use.<sup>4</sup> Two key acts, the first in 1890 and the second in 1908, further defined Menominee forest management. These laws formed the basis for Menominee sustained yield forestry. Both laws allowed the Menominee to harvest standing green timber, imposed annual harvest limits, included provisions for hiring Menominee laborers, and mandated that logging proceeds be used to fund the operations.

#### *1890 Act*

By the late 1800s, easily accessible pine timber was decreasing in Wisconsin because of extensive logging. The once remote pine resources of the Menominee reservation became increasingly valuable as pine forests decreased in number. Lumber interests, particularly in the city of Oshkosh, became interested in the Menominee pine resources because of its quality and its location close to the Wolf river—a river that fed directly into Lake Winnebago and the Oshkosh mills.<sup>5</sup> Between 1880 and 1890, several Wisconsin legislators tied to Oshkosh lumber interests attempted to pass laws to open the Menominee reservation to timber harvesting. Menominee tribal members refused, believing that they should be the ones to log and benefit

from their own reservation resources. Federal law, however, only allowed the Menominee to harvest dead and down timber for personal use or to harvest standing green timber to clear land for farming.

This situation changed in June 1890, when the US Congress approved “An act to authorize the sale of timber on certain lands reserved for use by the Menominee tribe of Indians in the State of Wisconsin.”<sup>6</sup> The act was the result of Menominee leaders pushing for the right to harvest standing reservation timber and was a compromise with the lumber interests that had been pushing to open up logging on the Menominee reservation. The act “empowered” the US Indian agent “to employ at a reasonable compensation said Indians to cut all or any portion of the timber on the lands reserved for the use of said Indians in that State into logs and haul the same to the banks of the rivers.”<sup>7</sup>

The 1890 act engendered several changes on the Menominee reservation. First, the new act compelled the US Indian agent to hire Menominee people to run the logging operations. In addition, the law allowed the tribe to sell the logs and retain the proceeds for their own benefit. While the act allowed the Menominee to log standing green timber on the reservation, it limited that logging to 20 million board feet of timber per year.<sup>8</sup> By limiting the harvest to 20 million board feet, the law intended to spread harvesting opportunities on the reservation over several years. Lawmakers believed that 20 million board feet per year of timber would protect the forest from wholesale clearing, while at the same time teaching the Menominee industry and facilitating the tribe’s assimilation.

During this era, federal officials controlled the majority of activities on Indian reservations and they believed that Indians should be assimilated, specifically, that they should become agriculturists. Logging on the Menominee reservation, federal officials asserted, could facilitate

this transition. For example, in a letter from the Indian Affairs Committee urging Congress to pass the 1890 act, Congressman Myron McCord stated that the Menominee Indians “have made considerable advancement in civilization and are soon to take land in severalty under the allotment act...they have made such proficiency in learning the business of logging.”<sup>9</sup> Indian Agent Charles Kelsey noted that the purpose of encouraging “logging is to help them [the Menominee] become better farmers”.<sup>10</sup> In sum, US officials believed that logging was part of the assimilation process and would complement the process of allotment, which they considered inevitable.

The Menominee people, however, had a different vision for their future despite the federal government’s control over the reservation. Tribal members did not view the 1890 act as a way to transition to an agricultural lifestyle, but rather as a way to use their collective resources to provide for the tribe. Many Menominee began to view logging as a way to provide the tribe with needed employment and economic resources. The 1890 law required the tribe’s approval, which was granted through two tribal votes.<sup>11</sup> Many Menominee who were not directly involved in logging supported the law. Historian Brian Hosmer argued that tribal support for the 1890 law indicated that tribal members viewed reservation timber as a collective good or “tribal patrimony,” and believed that the law would provide benefits to all tribal members, not just the few involved in logging.<sup>12</sup> Several Menominee loggers, however, did not initially support the law. Hosmer argued that these loggers did not support the law because they viewed it as a way for the federal government to take away Menominee control of their resources by placing loggers under the control of the US Indian service, which would oversee the operations. Despite these reservations, the tribe eventually voted to accept the 1890 law, in part because, as historian David Beck noted, not approving the law would have led to “economic disaster” and the act

afforded the tribe the possibility of economic gains that would benefit the tribe in the years to come.<sup>13</sup>

Menominee people did not intend to trade the forest and their forest-based culture to become industrious farmers. In contrast, they used the 1890 law to provide tribal employment and increase tribal and individual revenue while maintaining the forest and controlling it to the extent they were able. Although some Menominee did participate in agricultural activities, tribal culture revolved around the forest. Despite the intentions of lawmakers, the Menominee tribe used the political and legal systems to achieve their own vision of forest management, maintain their forest, and increase their control over the land.

The 1890 Menominee timber act influenced the way that other Great Lakes tribes viewed forest management. Some Minnesota tribes believed that legislation similar to the 1890 Menominee law could benefit them by allowing them to harvest their own trees and control their reservations. During hearings with the Senate's Committee on Indian Affairs, leaders from the Minnesota Chippewa tribes argued that they should be governed by a law similar to the 1890 act; they asserted that their lands and pine trees should no longer be sold and that they should be able to log their own lands. The leaders believed that a new law would benefit them by protecting their resources, providing employment to tribal members, and ending land sales to non-Indians.<sup>14</sup> Although the US government did not pass such legislation for the Minnesota tribes, their push for a similar law illustrates that the laws governing Indian forestry on the Menominee reservation influenced other tribes.

The 1890 Menominee timber act was the first time that federal law codified a yearly timber harvest limit for forestland in the United States. Although US officials proposed the law to facilitate the assimilation of the tribe, the perceptions and goals of the Menominee

transformed the law's implications—in the context of the Menominee's actions, the 1890 act was the first law to mandate sustained yield forestry. The 1890 Menominee timber act predated the establishment of the first US Forest Reserves (1891), the Organic Act (1897), and the US Forest Service (1905); in effect, sustainable forestry in the United States began on the Menominee Indian reservation. This was the first time Indian policy had such an important influence on forest management in the United States, but it would not be the last time a Menominee timber law would have wide-ranging and national implications.

*The Further Codification of Menominee Forestry in 1906 and 1908*

On July 6, 1905 a severe windstorm blew down hundreds of thousands of board feet of timber on a portion of the Menominee reservation that contained some of “the finest hard-wood timber in the world.”<sup>15</sup> Windstorms had impacted the Menominee Forest for thousands of years, but this was a particularly dramatic storm.<sup>16</sup> The commissioner of Indian affairs, Francis E. Leupp, wrote: “A cyclone swept through the western part of the reservation, uprooting and blowing down between 25,000,000 and 30,000,000 feet of timber, mostly classed as hard-wood timber. This includes basswood, elm, hemlock, and maple in the order named. The territory contains comparatively little pine...probably about 5,000,000 feet.”<sup>17</sup>

The 1905 windstorm leveled mostly hardwood forests, which the tribe had not yet harvested extensively on the reservation. The 1905 blow down created opportunities for logging new species on the Menominee reservation, and led to new legislation that allowed logging at a larger scale. If the Menominee were to log the blow-down timber, the tribe would exceed the 20 million board feet annual limit codified in the 1890 law.<sup>18</sup> Therefore, both the US government

and the Menominee tribe believed new legislation must be passed quickly, otherwise the timber would deteriorate and lose its value.

To address this problem, in 1906 the US Congress passed a law that outlined a plan to harvest the timber from the 1905 blow down. The law allowed the Menominee Business Committee to cut and sell “dead and down timber” from the blow-down area in addition to the 20 million board feet authorized under the 1890 act.<sup>19</sup> The 1906 act stated that the US Department of the Interior would make contracts with portable sawmill owners, tribal funds would be used to pay expenses, and proceeds would accrue to the tribal account with the US treasury.

The 1906 act proved difficult to implement for several reasons. First, logging dead and down timber is not as profitable as logging standing green timber. In addition, the Menominee tribe did not own any portable mills, and non-Menominee sawmill operators were unwilling to contract with the US government to work on the reservation because the area was remote and transportation was difficult.<sup>20</sup> Further, Menominee tribal members were reluctant to enter into contracts with non-Menominee businesses or individuals because they did not want to cede control of reservation logging to white loggers and sawmill operators. Instead, the tribe wanted the US Government to provide the necessary resources to enable them to harvest and mill their own trees.<sup>21</sup>

To accomplish this goal, the Menominee tribe turned to a political supporter, Wisconsin Republican Senator Robert La Follette, to help them protest the 1906 act. La Follette was a member of the Senate’s Committee on Indian Affairs and had supported tribal interests in the past. In a report from the committee, La Follette argued:



The business committee of the Menominee tribe of Indians protested against their timber being disposed of in this manner [by loggers under contract with Department of the Interior] and asked that they be permitted to log and manufacture the dead and down timber on the reservation into lumber. They set forth the fact in this way the Indians would not only realize a greater amount of money from the sale of this timber, but that the manufacture of it into lumber would afford a means of employment to a large number of the members of the tribe and such employment would be a means of teaching to the Indians habits of industry.<sup>22</sup>

The tribe asked Senator La Follette to advocate for changing the bill so that it would forbid contracts with non-Menominee loggers; to make their case, the tribe portrayed the change as a way for the US government to facilitate its goal of teaching the Indians industry. La Follette and the Indian Affairs Committee agreed with the Menominee's ideas and emphasized that the tribe should do their own logging; the committee requested that the bill be amended so that "logging is to be done entirely by the Indians, and... in so far as possible, that all who are engaged in its manufacture shall be members of the Menominee tribe."<sup>23</sup> The committee also argued that the "interests of the Indians are safeguarded by providing that all contracts for the sawing and the sale of the lumber shall be made under the direction of and in accordance with rules to be laid down by the Secretary of the Interior."<sup>24</sup> Thus, the Committee on Indian Affairs argued that the Menominee should be doing the logging and manufacturing work on the reservation, but that oversight should be maintained by the Department of the Interior.

Senator La Follette, who was considered a defender and friend of the Indian, supported the Menominee desire to log and mill the timber on their reservation.<sup>25</sup> He viewed the 1906 law as means for lumber companies to steal Menominee timber; La Follette stated that the law seemed to "offer unlimited opportunities for stealing the timber from the Indians."<sup>26</sup> In a 1907 report to the Committee on Indian Affairs, La Follette described his perceptions of the Menominee Forest and forestry. He concluded that "the timber growing upon the Menominee Indian Reservation in

Wisconsin is altogether the finest body of natural timber left standing in the State. With the rapid disappearance of our forests its value constantly increases.”<sup>27</sup> La Follette saw Indian forestry as a way to achieve three goals: providing Indian communities a means of supporting themselves, counteracting unsustainable logging, and keeping monopolistic logging interests from taking timber they did not own.<sup>28</sup>

Throughout his tenure on the Indian Affairs committee, La Follette was embroiled in arguments about the nature of Indian ownership of natural resources. Until this time, resources on Indian reservations had been considered US government property.<sup>29</sup> La Follette, in contrast, believed that Indian tribes owned the resources on their reservations. For example, La Follette argued that coal found on Indian lands was the property of the Indians and should not be leased to railroad companies.<sup>30</sup> He fought for Indian coal rights “to see that justice was done to the Indians....”<sup>31</sup> In a similar manner, he argued that the timber resources on the Menominee reservation were the property of the Indians—a claim that the Menominee had made since the treaty era. In a report from the Committee on Indian Affairs, La Follette bluntly asserted, “the timber is the property of the Indians.”<sup>32</sup> He believed, as did the Menominee, that the 1906 law had been pushed through Congress by the lumber interests in Wisconsin, and that because the timber was owned by the tribe, the lumber interests should not control logging and milling on the reservation. La Follette argued that “their [the Menominee’s] property rights and personal welfare are the matters for consideration.”<sup>33</sup> Thus, La Follette concluded that the Menominee alone should be allowed to benefit from the timber on their reservation.

Senator La Follette also argued that giving the Menominee permission to mill and log their own timber was a way to conserve and improve their forest while providing an indefinite economic opportunity. La Follette believed that forestry, if done in a scientific manner, would

protect the forest and benefit the tribe in perpetuity. In his 1907 report from the Committee on Indian Affairs he argued,

it would seem that if the Indians are willing to work upon their own property, they ought to be permitted to do so. It is a class of work in which the Indian ought to be trained. If wisely directed, it will constantly improve their property. If properly protected and conserved, if only fully matured trees selected by a competent forester are cut each season, if the tops and slashings [sic] are carefully burned and all dead and downed timber logged and marketed each year devastating fires can be kept off the reservation and this splendid forest perpetuated. Such a course will provide a healthful and profitable occupation to the Indians and insure their receiving the full value of this rich heritage.<sup>34</sup>

Forestry, La Follette believed, could perpetuate the Menominee Forest and ensure economic and community health for the Menominee people.

Senator La Follette also contended that the government had the responsibility to provide the Menominee with the means to log their trees and mill them into lumber—this meant sawmills. La Follette argued that the “Menominee Indians have shown such aptitude in logging and lumbering as to warrant the belief that they might readily be taught to manufacture the logs into lumber.... If, out of their abundant resources, mills are established for them upon their reservation, if they are trained and made skillful in this important branch of the lumber industry, and if they were then permitted to cut their logs into lumber, they will have an unlimited market for this finished product.”<sup>35</sup>

Finally, La Follette concluded, as did the Committee on Indian Affairs, that a tribal capacity to convert logs into boards would “develop the Indians industrially”—a goal of government assimilation policies since the nineteenth century—and provide a greater return on the Indian’s property than selling raw logs to non-Indian mills for processing.<sup>36</sup> The committee also noted that the Menominee tribe had ample funds held in trust for them by the US Treasury,

and suggested that the US government should purchase “portable or other sawmills” for the tribe.<sup>37</sup>

In 1908, Congress passed the Menominee forestry law championed by Senator La Follette, the Committee on Indian Affairs, and the Menominee tribe. The law, formally titled “An Act to Authorize the Cutting of Timber, the Manufacture and Sale of Lumber, and the Preservation of the Forests on the Menominee Indian Reservation in the State of Wisconsin,” soon became known as the La Follette Act. Senator La Follette and many Menominee people believed that the law would encourage the tribe to harvest and process their timber themselves while also preserving the forest.<sup>38</sup>

The La Follette Act maintained the 1890 act’s annual limit on harvesting green timber, authorized the building of a sawmill, and required that Menominee tribal members be hired almost exclusively to staff the operation. Further, the act allowed the Menominee to harvest the dead and down timber from the 1905 blow down in addition to the 20 million board foot annual limit. Finally, the act called for the expenditure of funds for the “protection, preservation, and harvest of the [Menominee] forest.”<sup>39</sup>

Not only did the La Follette Act provide revenue to the Menominee tribe and protect their forest, it also provided the basis for the Menominee to control their territory and maintain cultural connections to their ancestral homelands. Robert La Follette concluded, “If properly protected and conserved...this splendid forest [can be] perpetuated...the supply of timber will be made continuous” and the Indians “will not only have income from it, but will become independent so far as their own individual efforts are concerned.”<sup>40</sup> This legal mandate allowed the Menominee to harvest trees while protecting and controlling their forested land for future generations—goals the Menominee people had been pursuing for decades.

### **National Implications of the La Follette Act**

The La Follette Act was important not just for the Menominee, but also for the United States as a whole because it defined sustained yield forestry for the first time in the United States—not just for Indian lands but also for federal forest management.<sup>41</sup> Progressive leaders such as Robert La Follette and Gifford Pinchot viewed scientific forestry and Menominee forestry in particular as a way to protect forests, provide perpetual harvests, and counteract the cut-and-run forestry tactics employed by timber interests which had depleted the majority of Wisconsin's forests in a few short decades. Historian David Beck argued that the La Follette Act should be seen as part of the progressive-era environmental and forest protection in the United States.<sup>42</sup> Given the ecological and social problems that later developed on some US Forest Service lands, it is somewhat ironic that in 1908 many progressives perceived forestry as a way to preserve forests.

Senator La Follette, a key figure in the American Progressive movement of the early twentieth century, had taken an interest in Indian affairs since his time in the House of Representatives (1884-1890).<sup>43</sup> In his 1911 autobiography, La Follette wrote, “my interest in the Indians, awakened during my service in the House of Representatives...had always been active.”<sup>44</sup> When he took a position on the Indian Affairs Committee, La Follette began to study Indian issues in earnest. As he described, “I invested quite a little money in second-hand books on Indians. I also had all the treaties and documents relating to Indians sent to my rooms. It made quite a library. I studied these books diligently, nor was it long before I began to feel a good deal of sympathy with the Indian.”<sup>45</sup> La Follette believed that learning about Indian history and issues

helped him “develop ‘foolishly sentimental’ ideas against robbing Indian reservations of their pine timber in which they were very rich.”<sup>46</sup>

Senator La Follette viewed his experiences with Menominee timber management as an influence on his progressive political philosophies and his desire to counteract a system of “organized power” in which “corporations and individuals allied with corporations were invited to come in and take what they would...[and] the country might be developed, railroads and factories constructed, towns and cities builded [sic] up.”<sup>47</sup> La Follette’s experiences with political and legislative issues propelled him to defend the rights of individuals in the face of corporate challenges; he explained, “the experiences of my congressional life now come back to me with new meaning—the Ship Subsidy bill, the Oleomargarine bill, the Nicaraguan Canal, the Railroad Rate bill, the Sioux Indian land grant and the Menomonie [sic] timber steal. So out of this awful ordeal came understanding; and out of understanding came resolution. I determined that the power of this corrupt influence, which was undermining and destroying every semblance of representative government in Wisconsin, should be broken.... In the end Wisconsin would be made free.”<sup>48</sup> Robert La Follette traced his drive to dismantle the corrupt corporate/political system in part to his experiences defending the Menominee against logging interests. La Follette’s ideas about Menominee forest management emerged from his overall commitment to progressive-era reforms and values.

La Follette envisioned Indian timber protection as part of the larger progressive struggle to keep power out of the hands of corporations and to strengthen the role of citizens in democracy. In 1910, La Follette drafted a “Declaration of Principles” with the goal of uniting progressive house members and establishing the National Progressive Republican League to promote “popular government and progressive legislation.”<sup>49</sup> The declaration stated that legislation

should be enacted “solely for the common good” and that “the conservation of coal, oil, gas, timber, water powers, and other natural resources...belong to the people.”<sup>50</sup> The principles included a promise to support candidates and legislation that would protect natural resources and other public goods in the interest of the people of the United States. For La Follette, this included protecting Indian resources—coal and timber—so that tribes could use and benefit from these resources.

Conservation and progressive causes were interrelated. For example, during 1906, Senator La Follette asked Gifford Pinchot—a progressive leader as well as a forester and conservationist—for advice on forestry and conservation issues related to Menominee timber management legislation.<sup>51</sup> Four years later, on September 2, 1910, Pinchot gave a speech in Milwaukee in support of La Follette’s primary election campaign for reelection to the US Senate in which he linked La Follette to both progressivism and conservation. The New York Times quoted Pinchot as saying,

It has been made clear that the special interests are about to take refuge behind the State’s rights doctrine as against National conservation. Senator La Follette has made his deeds square with his words as one of the strongest supporters of National action for conservation within the National sphere. He was, I understand, the first man to suggest the protection of the coal lands in the public domain, and he has been a strong supporter of the proposed Appalachian and White Mountain National forest from the first. He does not propose to turn the resources which belong to all the people over to the States at the behest of the special interests, because he sees, as we all do, that behind this proposal lies the effort to escape all regulation by the people.<sup>52</sup>

Pinchot believed that La Follette was a strong national leader who was protecting natural resources for the American people, thus linking progressivism with conservation. When La Follette won his primary bid, he acknowledged the link between conservation and progressive values as he thanked Pinchot; he stated, “I do not regard the victory in Wisconsin as in any sense

a personal triumph. It was a great victory for our [progressive] cause. It could not have been achieved had it not been for the work which you [Pinchot] and other of our friends from Wisconsin did.... I thank you for the good work which you did in your Milwaukee speech. Our cause is winning all along the line and I trust that the progressives will fare as well in the general election as they have in the primaries.”<sup>53</sup>

In the early twentieth century the influence of Menominee forestry extended well beyond the borders of the Menominee reservation. Legislation governing the Menominee Forest was the first to mandate sustained yield forestry. Leaders from other tribes considered Menominee legislation a model for their own forest management policies. The belief that forest management should benefit the public—in this case Indian owners—and the idea that timber could be produced in a manner that both created jobs and conserved resources were essential aspects of national conservation strategies and progressive politics.

### **Logging after the La Follette Act: Differing Interpretations of Forest Management**

While the 1908 La Follette Act clearly outlined sustained yield forestry as a way to foster a perpetual harvest, the implementation of the statute led to different interpretations of forest management. The 1908 Act included language that initially involved both the newly established US Forest Service (within the Department of Agriculture) and the Department of the Interior; the law stated “that the Secretary of the Interior be, and he is hereby, authorized and directed...to cause to be cut and manufactured into lumber the dead and down timber, and such fully matured and ripened green timber as the forestry service shall designate, upon the Menominee Indian Reservation.”<sup>54</sup> Congress intended this language to mean that the US Forest Service would mark the timber to be harvested and the Secretary of the Interior would implement timber harvesting and the manufacturing and sale of lumber. Thus, in 1909 and 1910 foresters from the US Forest



Service marked the trees to be harvested on the reservation.<sup>55</sup> The timber was marked and harvested in a manner that ensured that “an adequate stand of trees [was] left to provide the basis for subsequent cuttings at proper intervals of time.”<sup>56</sup> Soon after, however, logging and timber management on the Menominee reservation became embroiled within larger arguments between the Department of Agriculture and the Department of the Interior.<sup>57</sup> After 1910, personnel from the Department of the Interior began to exclude the US Forest Service from forest management on the reservation.<sup>58</sup>

Managers from the Department of Agriculture (home of the US Forest Service) and managers from the Department of the Interior held different views on forestry. From 1910 until 1926, the superintendents that the Department of the Interior placed in charge of the Menominee reservation implemented logging operations that mirrored the clear cutting that was occurring off the Menominee reservation.<sup>59</sup> The superintendents believed that the selective marking of timber practiced by the US Forest Service was financially ineffective, unproven, and unnecessary for the implementation of the La Follette Act.<sup>60</sup> In addition, the superintendents did little to reforest clear-cut areas and did not implement procedures to reduce the risk of fires following logging operations.<sup>61</sup>

The Department of the Interior’s forestry methods continued until 1926 when Lloyd Grapp, Department of the Interior forester at the Menominee Indian Reservation, began to utilize selective logging once again. Many of the clear-cut areas were not regenerating naturally, and there was not enough artificial planting to reforest these areas. Grapp believed that selective logging would offer a way to protect the forest and maintain a sustained yield; therefore, he reinstituted selective logging and reforestation in order to facilitate a perpetual harvest and protect the forest as mandated in the 1908 La Follette Act.<sup>62</sup>

In spite of the Department of the Interior's initial preference for clear cutting and lack of emphasis on reforestation in the early twentieth century, forestry increased Menominee economic resources—which translated into homes, aid to schools, employment, and infrastructure—and served as a means to support the entire Menominee community. By 1913, the fund for Menominee tribal members—called the four percent fund because four percent of logging profits were contributed to the account—contained \$230,000.<sup>63</sup> Hosmer estimated that two-thirds of able-bodied Menominee males worked in the logging and milling operations in 1913.<sup>64</sup> Profits from the logging and milling operations also continued to add to the Menominee account held in trust with the US Treasury.

Over the next several decades, the tribe used logging proceeds to support tribal education, operate a tribal hospital, provide needed cash to individual tribe members, and pay many of the costs of federal management.<sup>65</sup> Although the Menominee were not wealthy, logging provided a way for the tribe to support its members while protecting the forests.

### **The 1930s through the 1950s: Mismanagement Lawsuits**

Despite the benefits of forest management and the gains made by the Menominee community, the tribe did not let the US government's interpretation and implementation of the La Follette Act go unchallenged. The La Follette Act required that the US government manage the Menominee Forest in a manner that would foster a perpetual harvest, which included regenerating the forest in a way that would always increase its value.<sup>66</sup> In the first few years after the passage of the La Follette Act, the government managed the Menominee Forest in a way that the tribe believed did not meet the act's requirements. When the Department of the Interior began to abandon the practice of selective cutting after 1910, the Menominee people protested.

The Menominee were not against harvesting timber—they had been doing that for decades—but the tribe was against external control of logging operations, cutting practices that degraded the forest resources by causing fires, and failing to regenerate harvested areas. The Menominee people believed that the Interior Department's management was violating the La Follette Act.

To address the Menominee's grievances, in 1935 US Congress passed a law allowing the Menominee tribe to sue the US Government for damages—including violations of the 1908 La Follette Act—in the US Court of Claims.<sup>67</sup> The Menominee brought a lawsuit based on the US government's failure to meet the requirements of the La Follette Act. The tribe argued that the US Forest Service did not mark timber, harvesting was not done in a sustained yield manner, forestry practices did not perpetuate the Menominee Forest, and logging debris was not disposed of in a manner that would prevent fires. In 1951 after decades of litigation, the case was finally adjudicated and the Menominee tribe was awarded 8.5 million dollars. The settlement was added to the tribal trust account held by the US Treasury.<sup>68</sup> This victory legally reinforced the La Follette Act and Menominee sustained yield forestry as a way to perpetuate and protect the Menominee Forest.<sup>69</sup>

### **Termination**

The Menominee's legal victory was short lived; shortly after the settlement the US government started the process of relinquishing their trust responsibilities for the Menominee tribe. Logging operations and the lawsuit had provided the tribe with significant resources and by the 1950s the Menominee had their own hospital, utilities, telephone lines, and sawmill, as well as large cash reserves held in trust with the US government. The US government considered the

Menominee one of the wealthiest American Indian tribes in the US, which, according to the US government, made the tribe a perfect candidate for a new federal Indian policy—termination.

Beginning in the mid-1940s, the United States developed the policy of termination as a way to finally assimilate American Indians into the “American” mainstream and allow the federal government to “get out of the Indian business.”<sup>70</sup> In 1954 Congress identified the Menominee as a tribe that could become economically self-sufficient and whose members could transition from communal property holders under the ward of the United States to independent private property holders. Senator Arthur Watkins from Utah, the main proponent of the termination policy, claimed that Indian tribes “want all the benefits of the things we have highways, schools, hospitals, everything that civilization furnishes, but they don’t want to help pay their share of it.”<sup>71</sup> Watkins’ statement was ironic and inaccurate: the Menominee supported their own services—including federal salaries—through their logging and milling operations.

The US government legally terminated the Menominee Indian Tribe in 1954 and the transition began in 1961.<sup>72</sup> For the Menominee and other terminated tribes, termination had major economic, social, cultural, and environmental consequences. Almost overnight, the process of termination transformed the Menominee tribe from one of the most prosperous American Indian communities in the country into one of the poorest, as the Menominee Indian Reservation became Menominee County.

Termination represented a loss of control of tribal resources for the Menominee people. Before termination, the Menominee operated a successful logging operation, sawmill, and hospital. After termination, the tribe was no longer entitled to federal assistance and was required to follow state regulations. Without federal assistance, the tribe was unable to upgrade their sawmill and other infrastructure. The tribal hospital was closed because it did not meet all state

requirements. One of the most dramatic changes brought about by termination was the conversion of tax-free federal trust lands into private lands subject to state taxes. Federal Indian reservations are not subject to state taxes, but when the Menominee reservation became Wisconsin's 71st county, the Menominee community became liable for state taxes on every acre of their land. To facilitate the transition away from federal recognition, the government and Menominee leaders formed a company, Menominee Enterprises Inc., to control Menominee land and business assets. Each former tribal member received stock in the company. Both Menominee and non-Menominee trustees administered the company and were responsible for paying state taxes on Menominee forestland and logging operations.<sup>73</sup>

The financial burden of supporting the newly formed Menominee County was enormous. County governments in Wisconsin rely on property taxes to fund essential services such as road maintenance, health care, and schools. Before termination, the federal government had been responsible for many of these costs on the Menominee reservation, but after the transition, Menominee county was responsible for all these costs. Social welfare costs were also extremely high in Menominee County because of extreme poverty and a local economic depression caused in part by termination. At the time, one Menominee Enterprises Inc. official stated, "I would have to say our biggest problem right now is the enormous welfare burden."<sup>74</sup> As the only major economic force in Menominee county, Menominee Enterprises Inc. was charged with the daunting task of producing sufficient revenues to provide essential services for the Menominee community, which was not an easy task because most of the reservation was forested and dedicated to sustained yield forestry. The Menominee sawmill was the major economic driver in the county, but forestry and sawmill operations did not provide enough revenue to satisfy the needs of the county or the Menominee population.<sup>75</sup>

Menominee Enterprises Inc. entered into an agreement with a development company to raise tax revenue by developing and selling vacation lots around an engineered lake, Legend Lake. The creation of Legend Lake was especially devastating for the Menominee people because it permanently transferred land out of tribal control. Land sales to non-Menominee individuals raised many questions about the core of Menominee society and values.

For many tribal members, termination created uncertainty about how the Menominee could maintain their community and forest. In a 2011 interview, Marshall Pecore, Menominee Tribal Enterprise's forest manager and a tribal decedent, explained that tribal members "didn't know which way to go. We were a county for quite a while. Is the forest going to be here? Is the mill going to be here? What does that mean about us? I think those were all unanswered questions. What social fabric's going to exist?"<sup>76</sup> Pecore described a deep uncertainty about the future during the time of termination. Tribal members questioned whether the forest that had sustained their people and which their ancestors had fought to maintain would continue to exist as a resource for the Menominee people.

The loss of land severed Menominee cultural and ecological connections to the forest. Gary Besaw, a Menominee tribal member, elected legislator, and dean at the College of Menominee Nation, described this feeling during a 2011 interview: "I look at how we permanently destroyed that area.... You look at that connection of the rice, and what that did for the aquatic species that used that wild rice.... We destroyed it in my eyes."<sup>77</sup> For Besaw, the creation of Legend Lake destroyed the fish, wild rice, duck habitat, and cultural and historical connections to the area. Dave Grignon, Menominee Tribal Historic Preservation Officer, echoed these feelings: "I've seen a once beautiful string or chain of nine spring-fed lakes—[we] would canoe there, each one of them, and it was just beautiful. Then, the next day, you hear bulldozers

going. You just see dams going up and now they're gonna create this lake out of all of these pristine, spring-fed lakes. And you wonder, 'Why are you doing this?' Just to sell land on it."<sup>78</sup>

Termination affected both the Menominee people and their forest. Verna Fowler, President of the College of Menominee Nation characterized the extent of the loss; she explained that

"termination was such a—was a catastrophic event for us, and...our forest.... But that was the feeling. It was lost. It was gone.... It saddened you, but there was nothing you could do about it...we knew that the land was lost forever."<sup>79</sup>

For many Menominee people a profound sense of loss accompanied termination, land sales, and the creation of Legend Lake. Termination led to severe economic, social, and ecological losses, which continue to affect tribal members. Menominee people consider the termination of the tribe in the 1950s and the subsequent consequences important events for Menominee forest management. Over half of the interview participants directly mentioned the impacts of termination on the Menominee people and the forest. For the Menominee people, termination was the nadir of the twentieth century.

### **Restoration**

Termination and subsequent land lot sales gave rise to a Menominee protest organization called Determination of Rights and Unity for Menominee Stockholders (DRUMS). DRUMS members coordinated a forum for Menominee people to express their opinions about termination and land sales, and organized protests on the reservation and in cities throughout the Midwest.<sup>80</sup>

The protesters linked the land to both past and future generations and tribal identity. True Menominee people, they argued, would oppose land sales. In a letter to the DRUMS newsletter, one tribal member pleaded "Stop all land sales now and keep your cultural and God-given

heritage which your ancestors fought so hard [to] keep for you”.<sup>81</sup> Another DRUMS newsletter article declared that the land “was passed on to us for today by our fathers and grandfathers and their ancestors so that we Menominees of today would have a place of our own...REMEMBER Menominees! When your land is all gone your tribal identity will disintegrate...”<sup>82</sup> A third article proclaimed, “...selling off our precious homeland to non-Menominee is threatening the future of our tribe and our children’s birthrights as Menominee Indians.”<sup>83</sup> By equating tribal identity to the ancestral lands and connecting it to generations across time, DRUMS members were able to rally the Menominee community, stop land sales, and eventually pave the way for the federal restoration of the Menominee tribe.

Restoration also united the Menominee tribe around a renewed focus on maintaining the Menominee land base. The Legend Lake development resulted in land loss and environmental changes, which served as a rallying point for the Menominee people. Joan Delabreau, elected Menominee legislator, explained that Legend Lake “rallied people around to stop that land sales and destroying our resources. I think that’s significant. I think restoration was significant.”<sup>84</sup> Restoration allowed the tribe to once again codify sustained yield forestry as a main goal of tribal resource management.

On December 22, 1973 the federal government officially restored the Menominee tribe when President Richard Nixon signed the Menominee Restoration Act.<sup>85</sup> Restoration stopped the loss of land and reaffirmed the federal trust responsibility to the tribe outlined in treaties. Restoration also gave the tribe a chance to reorganize tribal institutions; the tribe created a restoration plan and constitution. The tribal constitution created a nine-person tribal legislature (Menominee Tribal Legislature or MTL) with the “executive and legislative powers of the Tribe including the power to make and to enforce laws.”<sup>86</sup> In addition, restoration provided an



opportunity for the Menominee tribe to create new governmental structures. John Teller, a Menominee tribal member and former tribal chairman, explained, “It was a terrible thing to be terminated as a tribe, but it was kind of a pretty good thing that through the restoration process, we were able to rewrite and modernize our constitution and bylaws and deal with the issue of forestry.”<sup>87</sup>

The new constitution codified self-determination and the principle of sustainable yield forestry by stating, “The Tribal Legislature in dealing with the United States in the management of tribal land and interests therein shall seek federal protection of the right of the Tribe to self-determination and shall avoid federal domination. All tribal forest lands shall be managed on a sustained yield basis according to the provisions of the Forest Management Plan.”<sup>88</sup> The constitution also established the “principle business arm of the Tribe,” which is now called Menominee Tribal Enterprises (MTE).<sup>89</sup> To run MTE, the constitution created a board of directors with 12 members who would be elected by the voting members of the Menominee tribe.<sup>90</sup> The primary duties of the business arm of the tribe were to “log, manage, and reforest the tribal forest land, and to manufacture, market, sell and distribute timber, forest products, and related products.”<sup>91</sup> Thus, the Menominee tribe would elect both a legislature to enact laws and a board of directors to oversee and guide the forestry and sawmill operations.

Today, tribal members believe that restoration provided an opportunity for the Menominee people to reassert tribal control of reservation resources and further codify sustained yield forestry as their forest management goal. Susan Waukau, a Menominee tribal member, concluded, “the Menominee Restoration Act included the mandate for sustained yield forest operations and required that all Menominee Forest land be managed according to the forest management plan. [This is] very important today, key today in how we manage our forest here

for the Menominee people.”<sup>92</sup> Gary Besaw explained that termination and the subsequent development of Legend Lake allowed the Menominee to reorganize their tribal institutions and subsequently refocus their efforts on the tribal control of resources; he noted, “I think the development of Legend Lake also helped us to put brakes on just the whole concept of land management and water management in general. We understood that whole domino effect of not really as a tribe controlling things, but letting a few people manipulate decisions.”<sup>93</sup>

In sum, the Menominee constitution 1) established MTL, an elected legislative body, 2) created an elected board of directors for MTE, 3) required the forest to be managed on a sustained yield basis, and 4) required the development of a forest management plan. Although these four components of the constitution have sometimes led to tension in the practice of forest management and the consideration of forestry in the context of tribal sovereignty, the Menominee constitution made it clear that forestry was an important aspect of Menominee tribal sovereignty.

### **Conclusion**

Since 1856 when the final Menominee treaty was ratified, forest management has been important for the Menominee community, the Menominee Forest, and the Menominee economy. A forest management style that would protect and perpetuate the Menominee Forest was first codified in 1890 and 1908; laws passed in these years limited the total amount of timber harvested per year and required that forestry be conducted in a manner that would always perpetuate the forest. Chief Oshkosh’s call to harvest only mature trees across the reservation in order to ensure that the Menominee Forest would last forever also illustrates the value placed on perpetuating the forest. These principles and laws were the first sustained yield forest management regulations in the United States.

The practice of sustained yield forestry on the Menominee reservation has developed along with the ecological and geological nature of the Menominee Forest itself. In the 1800s and early 1900s, the reservation's forests were ecologically diverse. In some areas—particularly the southeastern portions of the reservation—the forests were open and interspersed with grasslands, berries, and savannas. There were young pine stands, evidence of fires, and windstorms. Magnificent pine stands and closed-canopy maple/hemlock hardwood forests dominated the western portions of the reservation. Lakes, wetlands, and rivers abounded with fish and wildlife.

Since the treaty era the Menominee tribe fought to remain in Wisconsin, fought to retain their forests as adjacent forestland was depleted in the 1850s, used their interpretation of early forestry laws to protect their forest and provide jobs, and even successfully sued the US government for mismanagement and unsustainable clearcutting in the early 1900s. Despite different interpretations and implementations of forest management on the Menominee reservation, clear forest management goals and definitions of sustainability have been important for tribal community life and natural resource management. Clearly articulated visions for forest management have persisted through time—from Chief Oshkosh's famous words, the La Follette Act of 1908, the mismanagement lawsuits of the middle 1900s, and the restored tribal constitution. Sovereignty and control of tribal resources have been integral components of the Menominee's values, forest management goals, and definitions of forestry. The Menominee interacted amongst themselves and with non-Menominee people to maintain a portion of land within their reservation, create an economy that supports the entire tribal community, and protect their forests.<sup>94</sup>

In the next chapter I outline current Menominee forest management philosophies and practices. I examine the ecological, historical, and cultural values that permeate Menominee

forest management. I illustrate what happened when the ecology of forests clashed with community perceptions of forest management on the Menominee reservation and what these events meant for the tribe's management goals. Finally, I explore oral history interviews with Menominee people to reveal how certain tribal communities view forest management, what they believe were the important historical events that influenced Menominee forest management, and how they define sustainability.

## Endnotes – Chapter 3

<sup>1</sup> See chapter six in T.R. Cox, *The Lumberman's Frontier: Three Centuries of Land Use, Society, and Change in America's Forests* (Oregon State University Press, 2010); David R.M. Beck, *The Struggle for Self-Determination : History of the Menominee Indians since 1854* (Lincoln: University of Nebraska Press, 2005).

<sup>2</sup> Michael Williams, *Americans and Their Forests : A Historical Geography*, vol. 1st paperback, Studies in Environment and History (Cambridge Cambridgeshire ; New York: Cambridge University Press, 1992), 195.

<sup>3</sup> In almost every interview I conducted for this project, the respondent mentioned Chief Oshkosh. In fact, during the time I spent working with the College of Menominee Nation and the Menominee tribe it was rare to discuss forest management or sustainability and not have this quote be retold. I have not been able to find the origin of the quote, however. Many authors using the quote cite G. D. Spindler and L. S. Spindler, *Dreamers without Power: The Menominee Indians* (Holt Rinehart and Winston, 1971). as the source for the original quotation; however Spindler and Spindler attribute the quote to a tribal member “citing a tribal leader’s advice” about sustainability in a Milwaukee Journal article from November 1, 1969. The quote parallels the 1908 La Follette Act and the congressional record surrounding the act, however Chief Oshkosh died approximately 50 years before the act was passed. Also see David J. Grignon et al., “Menominee Indian Reservation Historical Review - Commemorating the Reservation Sesquicentennial 1854-2004,” ed. Menominee Historic Preservation Department (Keshena: Menominee Tribe of Indians of Wisconsin, 2004), 8.

<sup>4</sup> Beck, *The Struggle for Self-Determination : History of the Menominee Indians since 1854*, 71-72.

<sup>5</sup> *ibid.*, 53-55.

<sup>6</sup> United States Statutes at Large, “An Act to Authorize the Sale of Timber on Certain Lands Reserved for the Use of Menominee Tribe of Indians, in the State of Wisconsin,” (1890).

<sup>7</sup> *ibid.*

<sup>8</sup> *ibid.* It is unclear how congress calculated the 20 million board feet of timber per year limitation.

<sup>9</sup> Myron McCord, “Sale of Timber Reserved for Menominee Indians: Letter to House of Representatives,” (House of Representatives, 1890).

<sup>10</sup> Quoted in Beck, *The Struggle for Self-Determination : History of the Menominee Indians since 1854*, 55; David R.M. Beck, *Siege and Survival: History of the Menominee Indians, 1634-1856* (University of Nebraska Press, 2002).

<sup>11</sup> Menominee tribal governance at the time was organized through voting at tribal council meetings. Councils were open to all members of the Menominee tribe. While the US government was actively trying to change Menominee governance structure by working with individual tribal leaders instead of the entire tribal membership, the Menominee were using open tribal councils to help them retain some control over reservation affairs. See Beck, *The Struggle for Self-Determination : History of the Menominee Indians since 1854*, 54.

<sup>12</sup> B. C. Hosmer, *American Indians in the Marketplace: Persistence and Innovation among the Menominees and Metlakatans, 1870-1920* (Univ Pr of Kansas, 1999), 60-61.

<sup>13</sup> Beck, *The Struggle for Self-Determination : History of the Menominee Indians since 1854*, 55.

<sup>14</sup> Committee on Indian Affairs Senate, *Chippewa Indians of Minnesota*, 55-3, February 1 & 3, 1899 1899. “The plan thus briefly outlined is the same as that pursued with reference to the sale of the timber of the Menominee

Indians of Wisconsin, in the law of June 12, 1890. That law seems to be working well and satisfactorily for and to the Menomonees [sic], and we see no reason why it would not so work in our case. If Congress could do that for the Menomonees [sic] for all of their timber lands, why may it not do it for us for so much of our timber lands as have not already been disposed of under the existing law."

<sup>15</sup> Elmer A. Morse, "Cutting Timber on the Menominee Reservation of Wisconsin," in *Congressional Record*, U.S. House of Representatives (March 16, 1908), 3411.

<sup>16</sup> See for example J.T. Curtis, *The Vegetation of Wisconsin: An Ordination of Plant Communities* (University of Wisconsin Press, 1959; reprint, Second Printing 1971); M.B. Davis, "Quaternary History and the Stability of Forest Communities," *Forest succession: concepts and application*. Springer-Verlag, New York, New York, USA (1981); Benjamin Allen Sands, "Assessing the Impact of Historical Fire Regimes and Logging on Forest Composition, Structure, Regeneration, and Radial Growth on the Menominee Tribal Lands, Menominee County, Wisconsin" (M.S., Pennsylvania State University, 2008); B.A. Sands and M.D. Abrams, "A 183-Year History of Fire and Recent Fire Suppression Impacts in Select Pine and Oak Forest Stands of the Menominee Indian Reservation, Wisconsin," *The American Midland Naturalist* 166, no. 2 (2011).

<sup>17</sup> Francis E. Leupp, "Letter from the Commissioner of Indian Affairs, December 7, 1905," (Published in 59th Congress First Session, 1906).

<sup>18</sup> Beck, *The Struggle for Self-Determination : History of the Menominee Indians since 1854*.

<sup>19</sup> United States Statutes at Large, "An Act to Authorize the Cutting of Timber, Sawing into Lumber, and Sale of Timber on Certain Lands Reserved for the Menominee Tribe of Indians, in the State of Wisconsin," (1906).

<sup>20</sup> W. H. Farr, "Letter from the Green Bay Indian Agency, Keshena, Wis., September 30, 1905," (Published in 59th Congress First Session, 1906).

<sup>21</sup> Robert La Follette, "Cutting and Sale of Timber on the Menominee Indian Reservation, Wis.," ed. Report from the Committee on Indian Affairs (59th Congress Second Session, 1907).

<sup>22</sup> Robert La Follette, "Sale of Timber on Certain Lands Reserved for the Use of the Menominee Tribe of Indians, in the State of Wisconsin," ed. Report from the Committee on Indian Affairs (59th Congress First Session, 1906).

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> See T. Dreier, *Heroes of Insurgency* (Human life publishing company, 1910), 28; Robert M. La Follette, "Register of the Robert M. La Follette Papers, 1879-1910," in *Robert M. La Follette Papers* (Madison: State Historical Society of Wisconsin).

<sup>26</sup> Robert M. La Follette, *La Follette's Autobiography: A Personal Narrative of Political Experiences*, Third edition ed. (The Robert M. La Follette Co., 1911; reprint, Third edition), 59.

<sup>27</sup> La Follette, "Cutting and Sale of Timber on the Menominee Indian Reservation, Wis.."

<sup>28</sup> The Menominee tribe was not the only tribe to enlist the help of Senator La Follette in an attempt to gain the right to harvest and profit from their own reservation timber. The Lac Courte Oreille tribe sent a letter to La Follette on April 24, 1906 asking for help with the "gross injustice" of the current "methods of doing business with the Indians, which are taking the Indian's pine from them without adequate compensation." The tribal leader also asked that La

Follette support legislation that would “provide for the selling of the land and the timber when the Indian desires by himself....” in Letter to Senator LaFollette from George Scheff, Chief of Band of Indians on Lac Courte Orielle Reservation. May 14, 1906 Robert La Follette, "Robert M. La Follette Papers," in *Robert M. La Follette Papers* (Madison, WI: Wisconsin State Historical Society Archives, 1879-1910).

<sup>29</sup> Beck, *The Struggle for Self-Determination : History of the Menominee Indians since 1854*, 52.

<sup>30</sup> La Follette, "Robert M. La Follette Papers." Letter to W. Reid President of Reid Coal Company April 6, 1906.

<sup>31</sup> Ibid. Letter to J.W.C. Springstun, Secretary, Caney Commercial Club April 6, 1906.

<sup>32</sup> La Follette, "Cutting and Sale of Timber on the Menominee Indian Reservation, Wis.."

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> United States Statutes at Large, "An Act to Authorize the Cutting of Timber, the Manufacture and Sale of Lumber, and the Preservation of the Forests on the Menominee Indian Reservation in the State of Wisconsin," (1908).

<sup>39</sup> Ibid.

<sup>40</sup> Quoted in H. H. Chapman, *The Menominee Indian Timber Case History: Proposals for Settlement* (1957). from a Report to the House Committee on Indian Affairs. No. 1068, 60<sup>th</sup> congress, 1<sup>st</sup> session February 26, 1908.

<sup>41</sup> Beck, *The Struggle for Self-Determination : History of the Menominee Indians since 1854*, 72.

<sup>42</sup> Ibid., 72.

<sup>43</sup> La Follette, "Register of the Robert M. La Follette Papers, 1879-1910."

<sup>44</sup> La Follette, *La Follette's Autobiography: A Personal Narrative of Political Experiences*, 377.

<sup>45</sup> Ibid., 58.

<sup>46</sup> Ibid., 56.

<sup>47</sup> Ibid., 164.

<sup>48</sup> Ibid., 164.

<sup>49</sup> Ibid., 494.

<sup>50</sup> Ibid., 495.

<sup>51</sup> See for example the Letter to Lafollette from Gifford Pinchot on April 16, 1906; (The April 9th, 1906 letter from Lafollette to Pinchot is not found in the La Follette Papers) La Follette, "Robert M. La Follette Papers."

<sup>52</sup> New York Times, "Pinchot Aids Lafollette. He Says He Was First to Make a Conservation Issue.," *New York Times* 1910.

<sup>53</sup> Letter from Lafollette to Pinchot. circa September 7, 1910. La Follette, "Robert M. La Follette Papers."

<sup>54</sup> United States Statutes at Large, "An Act to Authorize the Cutting of Timber, the Manufacture and Sale of Lumber, and the Preservation of the Forests on the Menominee Indian Reservation in the State of Wisconsin."

<sup>55</sup> Chapman, *The Menominee Indian Timber Case History: Proposals for Settlement*, 5.

<sup>56</sup> *Ibid.*, 5.

<sup>57</sup> See for example J.L. Penick, *Progressive Politics and Conservation: The Ballinger-Pinchot Affair* (University of Chicago Press Chicago, 1968); C. Miller, *Gifford Pinchot and the Making of Modern Environmentalism* (Island Press, 2001).

<sup>58</sup> Beck, *The Struggle for Self-Determination : History of the Menominee Indians since 1854*. Beck also noted that part of this controversy had to do with the dispute between Gifford Pinchot, Chief Forester of the US Forest Service, and Richard Ballinger, Secretary of Interior. Both agencies, were in effect struggling to assert their jurisdiction over land management within federal jurisdiction. See also, Penick, *Progressive Politics and Conservation: The Ballinger-Pinchot Affair*; Miller, *Gifford Pinchot and the Making of Modern Environmentalism*; G. Pinchot, *Breaking New Ground* (Island Pr, 1998).

<sup>59</sup> Chapman, *The Menominee Indian Timber Case History: Proposals for Settlement*.

<sup>60</sup> *Ibid.*

<sup>61</sup> *Ibid.*, 14.

<sup>62</sup> *Ibid.*, 27.

<sup>63</sup> Hosmer, *American Indians in the Marketplace: Persistence and Innovation among the Menominees and Metlakatlangs, 1870-1920*, 92.

<sup>64</sup> *Ibid.*, 93.

<sup>65</sup> Beck, *The Struggle for Self-Determination : History of the Menominee Indians since 1854*, 134.

<sup>66</sup> Chapman, *The Menominee Indian Timber Case History: Proposals for Settlement*; Beck, *The Struggle for Self-Determination : History of the Menominee Indians since 1854*, 135.

<sup>67</sup> Beck, *The Struggle for Self-Determination : History of the Menominee Indians since 1854*.

<sup>68</sup> *Ibid.*, 135.

<sup>69</sup> See *ibid.*

<sup>70</sup> Referenced in David R. Wrone, "Impact of Termination Upon the Menominee Tribe, 1954 to 1995," (1996), 195.



<sup>71</sup> Charles F. Wilkinson, *Blood Struggle : The Rise of Modern Indian Nations*, vol. 1st (New York: Norton, 2005). Watkins quote is referenced on p. 68-69.

<sup>72</sup> Wrone, "Impact of Termination Upon the Menominee Tribe, 1954 to 1995," 194.

<sup>73</sup> Ibid.

<sup>74</sup> James Frechette, a Menominee Enterprises official, as quoted in Clarus Backes, "How Do You Bring a 4,000-Year-Old Tribe into the American Mainstream? Simple. First, You Eliminate the Reservation," *Chicago Tribune* 1969.

<sup>75</sup> See *ibid*; Wrone, "Impact of Termination Upon the Menominee Tribe, 1954 to 1995."

<sup>76</sup> Marshall Pecore, "Personal Interview by Michael J Dockry," (Keshena, WI6/1/2011).

<sup>77</sup> Gary Besaw, "Personal Interview by Michael J Dockry," (Keshena, WI4/24/2011).

<sup>78</sup> David J. Grignon, "Personal Interview by Michael J Dockry," (Keshena, WI6/21/2011).

<sup>79</sup> Verna Fowler, "Personal Interview by Michael J Dockry," (Keshena, WI5/2/2011).

<sup>80</sup> See N.C. Peroff, *Menominee Drums: Tribal Termination and Restoration, 1954-1974* (Univ of Oklahoma Pr, 2006).

<sup>81</sup> Letter from Mrs. Louise Tomow Kitchku[n] to Determination of Rights and Unity for Menominee Stockholders (DRUMS), "Newsletter," in *Menominee Enterprises Records 1954-1976* (Green Bay, WI: State Historical Society of Wisconsin - Green Bay Area Research Center, April 4, 1972). The DRUMS Newsletter became an important outlet for Menominee to express their feelings about land sales and other tribal issues. One Newsletter stated, "...our newsletter is the only vehicle they [tribal members] have for expressing their utter frustration with Company policy, politics and management." Determination of Rights and Unity for Menominee Stockholders (DRUMS), "Newsletter," in *Menominee Enterprises Records 1954-1976* (Green Bay, WI: State Historical Society of Wisconsin - Green Bay Area Research Center, July 14, 1972).

<sup>82</sup> Determination of Rights and Unity for Menominee Stockholders (DRUMS), "Newsletter," in *Menominee Enterprises Records 1954-1976* (Green Bay, WI: State Historical Society of Wisconsin - Green Bay Area Research Center, July 1, 1972). The reference to Spirit Rock refers to a Menominee oral tradition that states the Menominee people will cease to exist when Spirit Rock disintegrates.

<sup>83</sup> Determination of Rights and Unity for Menominee Stockholders (DRUMS), "Newsletter," in *Menominee Enterprises Records 1954-1976* (Green Bay, WI: State Historical Society of Wisconsin - Green Bay Area Research Center, March 25, 1972).

<sup>84</sup> Joan Delabreau, "Personal Interview by Michael J Dockry," (Keshena, WI5/20/2011).

<sup>85</sup> See Peroff, *Menominee Drums: Tribal Termination and Restoration, 1954-1974*.

<sup>86</sup> Menominee Tribal Legislature, "Constitution & Bylaws of the Menominee Indian Tribe of Wisconsin," (Menominee Indian Tribe of Wisconsin, 1991), 3.

<sup>87</sup> John Teller, "Personal Interview by Michael J Dockry," (Keshena, WI5/27/2011).

<sup>88</sup> Menominee Tribal Legislature, "Constitution & Bylaws of the Menominee Indian Tribe of Wisconsin," 26.

<sup>89</sup> Ibid., 26.

<sup>90</sup> Ibid., 30.

<sup>91</sup> Ibid., 26.

<sup>92</sup> Susan Waukau, "Personal Interview by Michael J Dockry," (Keshena, WI10/10/2011).

<sup>93</sup> Besaw, "Personal Interview by Michael J Dockry."

<sup>94</sup> B. C. Hosmer, "Creating Indian Entrepreneurs: Menominees, Neopit Mills, and Timber Exploitation, 1890-1915," *American Indian Culture and Research Journal* 15, no. 1 (1991); Brian C. Hosmer, "Reflections on Indian Cultural 'Brokers': Reginald Oshkosh, Mitchell Oshkenaniew, and the Politics of Menominee Lumbering," *Ethnohistory* 44, no. 3 (1997); Hosmer, *American Indians in the Marketplace: Persistence and Innovation among the Menominees and Metlakatans, 1870-1920*.