



Weekly Message from the Tribal Chairman

May 26, 2005

Dear Tribal Employees and Members:

Here is an update that covers the last few weeks. I am providing more of a chronological breakdown of things, rather than grouping likeminded subject matters, so that you get a sense of how things transpired in the context of time. This period proved to be hectic, but also productive:

Legislature Regular 05/05/05 and 05/09/05 Recessed Meetings:

There were several items on the agenda for this meeting, but I will report on just the actions surrounding the Special General Council on Forestry and MTE related actions.

In respect to the Forestry General Council on April 23rd, 2005, we took the following actions relating to the motions that were passed by the membership:

1. MTL requested that the Chairman prepare a letter to the MTE Board of Directors, based on tribal member concerns, requesting an operational audit be conducted on MTE's Human Resources practices and policies, including their adherence to Tribal Ordinance 82-10 and drug-free workplace policies and come back with the audit in 60 days. This action was amended to state that failure to comply with this request will result in the withholding of 638 Contract monies and MTL will hire attorneys to represent individual tribal member's complaints of violations of Federal and Tribal Indian Preference laws.
2. MTL tabled consideration of General Council motion that Marshall Pecore be removed as Forest Manager until we receive the Tribal Internal Auditor's Report (on P.L. 638 Contact compliance issues).
3. MTL agreed to concur with General Council motion that requests MTE provide all monthly sales of bark, logs, hardwood and soft wood, high select and low grade, softwood, pulp hardwood pulp, going off the reservation to the Menominee people within 30 days.
4. MTL agreed with General Council motion requesting a Special General Council Meeting to consider amending the Constitution and By-laws and the Governmental Affairs Committee will solicit public commentary in the next 45 days and recommend how this might be best achieved.
5. MTE agreed to consider placing on the agenda of a Special General Council Meeting amending the Constitution the question of Conflict of Interest of the MTE Board of Directors holding MTE managerial jobs.
6. MTL tabled consideration of the General Council request regarding the removal and banishment of an MTE employee until after MTE provides MTL with the Human Resources audit.
7. MTL requested that the Governmental Affairs Committee consider amending the Tribal Ordinance 82-10 as it relates to MTE bidding process.
8. MTL agreed to support the General Council request to have MTE revise their bidding procedure to allow Menominee loggers to be first in the bidding process.
9. MTL adopted Emergency Ordinance 05-01 at the recessed meeting

In addition, the Legislature enacted an Emergency Ordinance relating to specific forest management issues identified in our Temporary Restraining Order, that was highlighted in my 05/04/05 Weekly Update. On a directly related matter, the Legislature decided to withdraw their

Temporary Restraining Order against the Menominee Tribal Enterprises, for these issues were factored into the Emergency Ordinance.

Joint Tribal Vendor Luncheon with Stockbridge-Munsee Tribe:

On Friday, May 6th, 2005, the Legislature participated in a Joint Vendor Appreciation Luncheon with the Stockbridge-Munsee Tribe. Nearly 200 people attended the luncheon and Vice-Chairperson AnnMarie Johnson addressed the audience on the economic impact the Menominee Tribe and the Stockbridge-Munsee Tribe has upon the region. Her remarks were warmly received and followed by recognitions by Stockbridge-Munsee President Robert Chicks and a keynote address by the Wisconsin's Secretary of Administration Marc Marotta. This was the first of several joint events that we plan on hosting together, building up in recognition of the 150 anniversary of the Stockbridge-Munsee Treaty of 1856.

Travel to California for Stanford University Pow wow and Native Action Meeting:

On Friday I flew to San Jose to participate in the Stanford University Pow wow. I didn't do this officially as Chairman, for I was there as a board member of Native Action, a Montana Northern Cheyenne based not-for-profit organization that I have served on for several years. I had the opportunity to address Stanford students and was recognized as one of a few Tribal Chairmen in attendance. Native Action has always been a vigilant voice for Northern Cheyenne environmental justice issues and I am honored to be the only non-Cheyenne to ever be elected to serve on their board. Currently, Native Action is fighting the exploitation of their land from methane gas development. In the past this organization successfully fought private interests from exploiting that tribe's coal resources; successfully championed the building of a High School on the reservation; challenged the state legislative districting, which has now resulted in seven Indians serving in the Montana State Legislature; and, they successfully applied the Community Reinvestment Act against the merger of two banks, which resulted in reformed reservation lending practices and the creation of a reservation based bank.

Pricewaterhouse Coopers Study on Kenosha Impact upon Milwaukee Released:

From Tuesday to Thursday (05-10 thru 05/12), I traveled to Milwaukee for a press conference, a series of interviews, and a community briefing on the Pricewaterhouse Coopers report concerning the impact a Menominee Kenosha Casino will have upon an expanded Potawatomi Casino. This study also factored in an additional northern Illinois casino and the results were a win-win scenario for Potawatomi, Menominee, Milwaukee, Kenosha and the State of Wisconsin. Please go to:

http://www.kenoshacasino.com/kenosha/resource/PwC-Kenesah_Wisconsin_analysis_050705.pdf

BIA Letter seeks to Temporary Suspend Forestry Ground Operations:

On Wednesday, May 11th, 2005 the tribe received a letter from the BIA directing us to suspend all forestry ground operations, for their concern was that not all the archeological and National Environmental Policy Act reviews were completed on the prescriptions Menominee Tribal Enterprises submitted to the BIA, which it had previously approved. Learning of this, the tribe worked with Dave Grignon on Friday to prove that many of the prescriptions were in compliance with these prescriptions and later that day submitted proof that 9 of the 14 prescriptions in question for their review and subsequent approval. On Thursday, May 19th the remainder were submitted and approved the following day.

05/14/05 Special General Council on Gaming:

The Legislature held its annual Special Council on Gaming issues on Saturday, May 14th, 2005. The meeting was held at the Menominee Nation Casino and was chaired by Mrs. Myrna Warrington. I gave an update on the Kenosha Project and James Reiter provided a report on the Menominee Casino. Our reports were covered extensively by Francisco Alegria in a recent edition of the Menominee Nation News. Mr. Reiter also produced a written report, which is available from the Legislative Staff in the Chairman's office.

The following actions were taken by the membership at this Special General Council:

1. Lorene Pocan moved, and Frances Walker seconded to have Legislators Besaw, Boivin and Reiter and any other legislators be more involved in the Kenosha Project to keep the continuity of the project. The motion passed with 39 affirmative votes, 0 against.
2. The second motion was made by Frances Walker and seconded by myself, and that was to transfer “found money” at the casino to a special category to be used for special purposes, such as special needs, namely for children and elderly, who aren’t eligible for other forms of assistance. The motion passed with 42 affirmative votes, 0 against. [Note: Found money is money left in machines by customers that is unclaimed and is turned over to management.]

The Legislature will take these motions under advisement and formally respond by legislative action at their first meeting in June.

1st Annual Youth Awareness Conference:

The 1st Annual Youth Awareness Conference on the Menominee Reservation was held on May 12th and came about by the leadership of Mike Waupoose, who got over 300 students to sign a petition asking that Youth Service Providers on the reservation listen to youth when they design their programs. This initiative was launched only after our youth lost some of their classmates and they wanted their needs reflected into emerging and future programmatic initiatives.

Tribal Legislature travels to Mohegan Tribe in Connecticut 05/14- 05/18/05:

The Menominee Tribal Legislature traveled to Connecticut to meet with members of the Mohegan Tribal Council and also to attend the Kenosha Project’s Development Business Board Meeting. This tradition began last year, when the Mohegan Tribe invited the Legislature to attend the 10th anniversary of their federal recognition status. This gives the Legislature an opportunity to get to know Mohegan Tribal Officials and also to spend time with their casino/gaming management team. In respect to the status of the Kenosha Project, in addition to the release of the Pricewaterhouse Coopers study on the impact our project would have upon Potawatomi, I should mention that we’re still waiting for a draft Environmental Impact Statement to be released by the BIA. Once this is released it will trigger a series of hearings and solicitation for public comment, before the EIS is finalized and a Record of Decision is issued, which will complete the tribe’s land-into-trust application. Then the BIA Regional Office and their Central Office will make a recommendation before the Governor of Wisconsin can make a determination.

05/19/05 Regular Meeting of the Menominee Tribal Legislature:

The Legislature met in regular session on May 19th, though convened in Executive Session during the afternoon to receive a briefing from Jerry Straus, an attorney with the Washington, DC firm of Hobbs, Straus, Dean and Walker. The Legislature under “Other Business” agreed to allow the Menominee loggers to address the Legislature and specifically the hardships they are facing by not being able to be in the woods. After much discussion, the Legislature agreed to meet in joint session with Menominee Tribal Enterprises on Monday, May 23rd, to determine if a resolution can be reached.

Travel to New York City to Participate in Flying Eagle Woman Fund Tribute:

Last weekend I traveled to New York City to speak at a memorial for Ingrid Washinawatok, which has held in conjunction with the 4th World Session of the United Nation’s Permanent Forum on Indigenous Issues. It was a beautiful tribute and was attended by many of the international UN delegates and by many of Ingrid’s extended family near and far, including Anita Menchu, who represented her sister, Rigoberta Menchu-Tum, the Nobel Peace Prize Laureate. On the reverse side of the official program was a reproduction of the plaque that the Menominee Historic Preservation Office presented to Ingrid’s husband during our Sturgeon Feast in April. This trip also gave me the opportunity to gauge the interest of some of the foundations in funding reservation based initiatives.

Joint MTE/MTL Meeting on May 23, 2005:

The Menominee Tribal Legislature passed Emergency Ordinance 05-02, repealing the earlier Emergency Ordinance 05-01 that was passed at a recessed meeting on May 9th. Ordinance 05-

02 provides for the harvesting of white pine, the shelter wood first cut and final cut with some key stipulations. This action was taken only after the Legislature met in joint session with Menominee Tribal Enterprises and they formally took action to allocate up to \$465,036 toward pine regeneration. In respect to white pine, the Legislature stipulated that harvesting can only occur providing that there is proof that the areas harvested are “regenerating at a rate of one thousand (1,000) seedlings, of which 400 to 600 are “white pine, per acre; or MTE provides proof that it has set aside adequate monies to replant in these areas at a rate of one thousand (1,000) seedlings, of which 400 to 600 are white pine, per acre.” This proved to be a difficult and extended debate for the Legislature, though, we made significant progress, including receiving the assurance that money is actually allocated toward a comprehensive regeneration plan; and that there are reasonable buffer zones established between harvesting activity and any wetlands, streams, rivers, paved roadways and identified archeological sites. In addition, the Legislature stipulated a communications protocol between MTE and MTL, stipulating that MTE has seven business days to provide the Tribal Chairman with information that is requested on behalf of the Legislature, failure to do such will result in the Legislature suspending their forestry operations sub-contract. These actions mean that the loggers can resume work effective immediately.

In a related action, on May 9th, the Legislature took action to amend the current Forest Management Plan, so that it will have a role in approving all remaining prescriptions under this plan. Clearly, this was an intense investment of time and energy, but proved to be worthwhile in terms of policy reform and the Legislature educated itself on the role and responsibility it has in respect to forest management issues. In addition, this dialogue will help inform the development of a new Forest Management Plan, which is now underway.

Finally, let me commend the Menominee loggers for both their patience and guidance these past several weeks, especially Mr. Lee White and Mr. Jeff Dixon. Clearly, the loggers were caught in the middle of this challenge and they steadfastly attended all of our meetings and continually provided input, while voicing their concerns. The entire Legislature appreciates the time, commitment and knowledge that all these men and women provided our deliberations. Thank you.

Assembly Leader Gard Introduces new Gaming Legislation for Wisconsin:

Assembly Leader Gard introduced legislation that would enable the Wisconsin Legislature to stop any new off reservation Indian casinos. At this time, he is currently looking for co-sponsors in the Assembly.

We oppose this legislation for the following reasons:

1. This changes the rules in the middle of the process. We have invested at least two years of time and money following the federal, state and local rules for developing a casino. It would be unfair and costly to change that process now.
2. This legislation would have the impact of forcing our Tribe to negotiate with 132 separate legislators. Politics would surely creep into the process.
3. The authority for Menominee to site a casino in Kenosha was negotiated with former Governor Tommy Thompson in 2000. It has been in our compact since that time. There is no compelling reason to undo the Thompson compact now.
4. Kenosha and Southeastern Wisconsin will lose the ability to create more than 3,000 full-time, family-supporting jobs, hurting the economy of that whole region.
5. The current compact would provide the state with nearly \$150 million in just the first five years our Kenosha facility is in operation.
6. This is not about oversight. Oversight can be had without the Legislature having the power to veto.

The leadership of the Menominee Tribe recognizes the significant role that the State Legislature plays in discussing and debating important issues of the day. For that reason, we have worked to meet with interested state legislators to keep them informed of the progress we have made with Kenosha and we will continue this important dialogue that in the weeks and months ahead.

Overview of NII JII Trial:

On May 9, 2005 the trial of RAP I, Inc. v. NII-JII Entertainment, LLC, Morgan F. Murphy, Jr., Morgan Murphy III, Robert Boyle and Paradise Key Management Co. commenced in Kenosha County Circuit Court. RAP I, Inc. was a company that invested in NII-JII Entertainment, LLC during the Tribe's first Kenosha casino project. RAP I and other investors constituted the plaintiff class in this class action lawsuit. The defendants in this case include NII-JII Entertainment LLC, the company which was to develop and eventually manage the first Kenosha casino project; Paradise Key, the management arm of NII-JII; Morgan Murphy Jr.; Morgan Murphy III; and Robert Boyle.

The plaintiffs alleged that the management of NII-JII, namely Paradise Key and Morgan Murphy, Jr., failed to disclose relationships Mr. Murphy had with persons associated with organized crime in Chicago. The plaintiffs alleged that these relationships eventually led to the failure of the initial attempt to build a casino in Kenosha, because Tribal, Federal, and State regulatory agencies would not license individuals with ties to organized crime.

The trial lasted approximately two weeks and included testimony from two members of the plaintiff class as well as the three named individual defendants. Each side also presented expert witnesses to give their opinions on technical and legal matters. The case was given to the jury earlier this week and they reached a verdict in the late afternoon on May 24th. The defendants were found to have misled investors, conducted securities and mail fraud, as well as other infractions. According to the Milwaukee Journal, the jury awarded a total of \$242 million. The Milwaukee Journal reports that of this amount, \$21.5 million is to go to the plaintiffs, and the remainder will go to NII-JII, the corporate entity. It was also alleged to have suffered from Murphy's alleged failure to disclose the information. According to newspaper reports, the defendants have stated that they will appeal this verdict. This has no impact on our current Kenosha Project, for the Menominee Tribe terminated our relationship with all these parties and withdrew the land-into-trust application relating to this effort. Our current land-into-trust application filed with the BIA is a whole new project with different partners. I know some members were confused and I thought it was important to clarify this point.

Employees Recognitions and Achievements:

Maehnowesekiyah Receives Major Award:

At the statewide WAAODA conference, the Maehnowesekiyah Program was voted Program of the Year. Congratulations to Betty Jo Wozniak and her staff for providing this distinction to the tribe and for providing quality services to our members who seek their assistance.

Employees Recognized for 25 Years of Service to the Menominee Tribe:

Please join me in congratulating Menominee Tribal Employees who have given at least 25 years of service to the tribe. We remain grateful for their loyalty and commitment. The following employees will be recognized today at 2:00 p.m. in the MTL boardroom. They are listed by seniority:

Gloria Miller; Karen A. Waukau; Christina Lawe; Elmira J. Waupoose; Elaine F. Peters; Jerry Nunway; Bernard J. Kaquatosh; David P. Hoffman; Mary La Marche; Renita L. "Pat" Corn; Patricia J. Duquain; Sheldon J. Webster; Albert J. Fowler; Mariann J. Moesch; Gail L. Bowman; Pamela T. Waupekenay; Stephen A. Eisfelder; Mark K. Waukau, Sr.; David A. Waupoose and Duane M. Waukau.

In addition, the following employees were recognized earlier this month: Kathleen Kaquatosh; Virginia A. Nuske; Gary A. Schuettpelez; Genevieve M. Tomow; Mary L. Husby; Jerry L. Waukau and Barbara Tourtillott

Higher Education Achievements:

I would also like to recognize the following directors who have received advanced degrees: James Reiter, JoAnn Eisfelder, Lynette Miller, Annette Warrington and Twila Peters. I would also like to recognize James Horton and Yvette Snow, who received their undergraduate degrees.

Congratulations to MIHS Golf Team:

The MIHS Golf Team advanced to Sectionals for the first time in the school's history! Team members Mason Miller, Jake Pecore, Joseph Besaw, Aaron Waukau and Marcus Waupoose are to be congratulated, along with their coach Wayne White. Their achievement only reinforces the school pride that was built up earlier this year when the MIHS Basketball team moved on to Sectionals.

Community Lacrosse Game on Friday, May 27th:

Please join the Menominee Tribal Historic Preservation Office for the PAHKAHATUAN (Lacrosse) Community Game on Friday, May 27th beginning at 1:00 p.m. This game is being dedicated for the sick, loved ones who have passed away or anyone who needs encouragement. Lacrosse is played for healing, safe journey, prosperity, protection or in memory of a deceased loved one. After the game there will be a community feast. Our gratitude goes out to the Historic Preservation staff for all their hard work on this project.

Congratulations to our Graduates:

I wanted to take this opportunity to congratulate all of our graduates, both young and old in achieving yet another goal in your lives. You and your families are to be commended for your discipline and determination. In the midst of celebrating your milestones, please be safe and responsible in the coming week and summer. Job well done!

In closing:

I apologize for not getting this update out earlier, though, as you can tell, the Legislature has been busy on several fronts and I want to thank them their hard work. I also want to thank Vice-Chairperson Annmarie Johnson for representing the Legislature at the Veterans of the Menominee Nation Pow wow; Secretary Theodore Warrington for representing us at the Wisconsin Department of Transportation's Tribal Agreement signing ceremony; and Legislator Gary Besaw for attending the National Congress of American Indians/National Indian Gaming Association's Task Force meeting on Off-Reservation Gaming.

Finally, I want to commend the Menominee Tribal Police Department for all their efforts in recent weeks and for effectively working with neighboring jurisdictions in curbing crime on the reservation.

Take care and have a safe and enjoyable holiday weekend.

Sincerely,

Michael Chapman
Chairman