

THE WISCONSIN WINNEBAGOS, 1963-2000: A PROBLEM IN DECOLONIZATION

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ABSTRACT

This paper narrates and interprets the experiences of the Wisconsin Winnebagos as they formed an effective tribal government and moved toward economic self-sufficiency, 1963-2000. Their progress depended on a singular mixture of political and economic choices that included a strategic, highly profitable but risky, turn to casino gaming as a prime source of income. Their story demonstrates the continued usefulness of the term "Political Economy." It illustrates afresh the ways in which government and the material organization and functioning of a society remain tightly intertwined. It also illuminates the limitations that circumscribe nation-building and the achievement of self-sufficiency by a largely traditional society that is contained within, subject to the control of, and a *de facto* internal colony of a larger, conquering, dominant external nation state.

January 19, 1963 dawned with thermometers in Black River Falls, Wisconsin, recording the coldest temperatures in the nation. Yet a stir of excitement circulated as a frigid wind blew over drifted snow. By day's end a process initiated with the 1934 passage by Congress of the Indian Reorganization Act (IRA), granting federally recognized indigenous peoples rights to form their own limited governments and to incorporate federally for business purposes, had culminated for one of the United States' most poorly treated native groups. The Hocaq Wazija Hacı (Wisconsin Winnebagos)¹ in their first official political step decisively approved a constitution and by-laws that, with the Secretary of the Interior's assent, defined them as a nation with their own government.²

This referendum was emblematic of the tenacity of a people whose survival into the 1960s

was a near miracle. Some 330 years earlier, their forbears were the most fearsome warriors in Wisconsin. They then may have been the largest of any area tribe, 25,000 to 40,000 strong. The years following initial contact with Europeans, in 1634, brought one catastrophe after another. All neighboring tribes save the Menominee were implacably hostile. Old World disease, advancing European trade and political rivalries dislocating eastern tribes reduced them by 1642 to 400 or so souls living in the vicinity of the lake bearing their name.³ Their numbers rose afterward, but never to former levels. Treaties imposed by the United States, 1816-1865, forcibly removed them from Wisconsin in turn to Iowa, Minnesota, South Dakota, then Nebraska. Each move reduced their land base. About half the tribe, who came to be known as the treaty-abiding faction, bowed to federal pressure and now occupy a small reservation in northeastern Nebraska. The rest, despite repeated military removals, destruction of their villages and sacred objects, and attempts by corrupt federal officials to replace defiant traditional chiefs with pliable figureheads, pursued a forty-year, fugitive existence in the woods and on the fringes of their old Wisconsin haunts. Finally on January 18, 1881, sympathetic whites moved Congress to pass the Winnebago Homestead Act. It let them enter homesteads, exempt from alienation and state taxation for twenty-five years. They thus gained a legal right to remain in Wisconsin, but without a reservation.⁴

The 1963 vote reversed earlier decisions and showed striking maturation in tribal thinking. Twice in the 1930s, after the IRA's passage, the district superintendent from the Bureau of Indian Affairs' (BIA's) Tomah, Wisconsin, office attempted to persuade the tribe to create a constitutional government. Neither effort persuaded tribal members to act. They objected that the IRA provided no funds with which to purchase lands, failed to meet the need of Indians for jobs, and that creation of a government might create additional obligations for them while claims for unpaid annuities due them from the United States remained unsettled. Failure to act, rather than outright rejection of

proposals to form a government, at least left the door open for later, successful efforts to organize.

Here matters rested until after World War II. The Winnebagos, scattered as single families or in small clusters around homesteads between Wittenberg, Wisconsin Dells, Black River Falls, and La Crosse, had adapted the old village/band organization to new conditions. Bonds of kinship, friendship, and common culture still provided a basis for connection. But they lived without the cohesion that a tribal government or reservation might have provided. They continued a way of life perfected during the preceding seventy-five years. Dwelling in canvas or tarpaper-covered wigwams, they planted small gardens in the spring, worked as migratory pickers of various vegetables and fruits grown by whites through the summer, sold colorfully-dyed hand-made black ash baskets to tourists in season, and returned home to collect their own produce and hunt for wild game for winter sustenance. They used communal water wells, and outdoor privies as toilets. While politically unorganized, they were able to take advantage of certain New Deal programs. Between 1935 and 1937, the BIA constructed 22 and repaired 54 more Winnebago homes.

World War II brought more changes. The tribe's enduring core warrior ideal led nearly every able-bodied adult male to enlist, as happened again in Korea, and later in Viet Nam. Off-reservation experiences in the armed forces became major educational influences, implying that learning from the outside world could be used to better the condition of the tribe. Returning veterans formed an association to assist with burial costs and sponsor social events. Highly successful, it flourished under a leadership that drew from all three religions within the tribe, the traditional Medicine Lodge, the Native American Church (NAC), and Christianity. The GI Bill and religious bodies paid the cost of college educations for a growing cadre of youth, whose tribal ties remained strong enough to draw them home and apply what they had learned to communal needs. Once back, they found a people increasingly appreciative of the value of education.⁵

In this environment the passage of the Indian Claims Act of 1946 was galvanizing. Tribal leaders, after several preliminary meetings, convened a general assembly on June 15, 1949, to deal with the claims question. Participants decided to create a committee and employ counsel to pursue tribal claims against the US. In April, 1951, the Superintendent of the Great Lakes Agency of the BIA wrote his superior that another meeting, looking toward further organization, was scheduled. He believed that the tribe was “too scattered to be organized as a group” and thus ought not be “brought under the I.R.A.” Even so, the May 29, 1951 gathering took several important steps. It enlarged the claims committee from five to nine, provided for election of one at-large member and others from defined Wisconsin Dells, Tomah-La Crosse, Black River Falls, Wittenberg, and Wisconsin Rapids districts, and renamed it a Business Committee. The group gained duties, to compile a tribal roll and solicit funds to cover its expenses. These decisions indicated that it would now function over the longer term, possibly assume more new tasks and mature further as a political entity.⁶

Few records have surfaced of either general tribal or Business Committee meetings for the 1950s, almost none for the period 1954-1960. Through 1953 there were about one general assembly and one Business Committee meeting annually. Substantively, the only significant decision was to grant the Business Committee “more power,” including specifically that to “function for the Tribe on any question or situation without calling a special” tribal conference. Activity centered on resolving the claims against the federal government, and the closely related task of completing tribal rolls to use in determining membership and eligibility to share in any claims awarded. In May, 1970, the Nebraska and Wisconsin Winnebago, having consolidated their claims, accepted a \$4.6 million settlement. Federal authorities forbade consideration of the 1837 treaty forced on tribal delegates sent to Washington, D.C. with directions to yield no land. The United States held this

group hostage until winter's approach and concern for families forced it cede 8.7million acres. Even then, it was lied to and told that the treaty gave eight years, rather than eight months, to remain in Wisconsin.

Meanwhile, the limited span of Business Committee functions had spurred dissatisfied tribal members to form in 1957 a rival group, "Winnebago Tribal Affairs." The BIA Great Lakes Area Superintendent considered this to be a "rump" group whose "main purpose" was to "exert pressure on local governments and at the State level to obtain benefits for Winnebagos who do not live on tax free land." He reported that it was soliciting funds to enable it to provide more services to the tribe than could the Business Committee—including taking advantage of surplus food programs, and higher education policies and relocation and vocational programs of the Agency.

The eruption of factionalism over how best to meet tribal needs was resolved at a June 8,1960, tribal assembly called by the chair of the Business Committee. The body made several decisions. One was to elect five men to sign contracts with the claims attorneys. Included were the chair and secretary of the 1950s Business Committee, two founders of Winnebago Tribal Affairs, and the chair of an informal tribal group in Chicago. Another was to cut the Business Committee from nine to five members and place under it the concerns of Winnebago Tribal Affairs. Its duties thus extended to social services, welfare, and economic and political development.⁷

John F. Kennedy's presidency brought a sea change. The new president appointed an Indian Task Force. He named Wisconsinite and Winnebago friend Philleo Nash Commissioner of Indian Affairs. Sympathetic Stewart Udall became Secretary of the Interior. Concurrently, a new activism animated indigenous Americans. Perhaps its most influential expression was the mid-1961 American Indian Chicago Conference, sponsored by University of Chicago Anthropologist Dr. Sol Tax. Tax was a proponent of "action anthropology," which held that a given population should

identify its own needs and remedies for them. Assisting Tax was Dr. Nancy Oestreich Lurie, an Ethnologist who was to spend her entire life studying the Winnebagos. Before the meeting, the tribe had been isolated from larger currents of pan-Indianism. Their thirty-three Wisconsin representatives were the largest delegation by far. As attendees they developed contacts with many important groups, including the National Council of American Indians (NCAI). Events unfolded rapidly after the conference.

On September 9, 1961 a general tribal meeting drew inspiration directly from the “Declaration of Indian Purpose” adopted at the Chicago gathering. That document had specifically identified the Winnebagos as victims of a “callous and unjust” federal policy that had left them with only scattered homesteads on their traditional lands after a majority of the tribe had been placed on the Nebraska reservation. The assembly created a Provisional Wisconsin Winnebago Business Committee (WWBC) of fifteen members to replace the existing committee of five. Its immediate goals were to create a constitutional structure to manage tribal affairs under the IRA and advance efforts to settle tribal claims and finish the tribal rolls. Intermediate aims included surveying the health, education, and welfare needs of the tribe.⁸ The ultimate objective was to use the new structure to meet those needs. A later tribal meeting on October 21 unanimously approved the proposal.

In composing the new WWBC, leaders strove for broad representation, in deference to the tribe’s traditional structure of twelve clans and its current distribution of a bit less than 25 percent of its members each to Christianity and the NAC and a slight majority to the Medicine Lodge. The Rev. Mitchell Whiterabbit, of the United Church of Christ (UCC) Indian Mission at Black River Falls and one of at least two orthodox Christians and members of the Buffalo clan, remained chairman. Helen Miller, one of at least five members of the Bear clan and four of the NAC, and a teacher by profession, stayed on as secretary. There were also at least six adherents of the Medicine

Lodge, two members of the Deer clan, and three of the Eagle clan. All members were professionals, tradespeople, laborers, or homemakers. Evidence as to affiliations of the remainder is lost.⁹

Early in WWBC deliberations former NCAI Executive Director of Helen Peterson persuaded the committee that organization under federal law offered greater protections than did action under state authority. These included power to override the Secretary of the Interior's actions relative to tribal assets, legal preservation of tribal sovereignty, and the right to apply for a federal charter of incorporation. She noted that every time tribes had organized under state auspices they had "lost ground and I don't mean just land; they've lost also services, benefits, and sovereignty as tribes." They had lost, too, any advantages remaining in a special relationship with the national authority.

Immediately after Peterson's visit, the WWBC began work to organize under the IRA. The "group . . . sacrificed their time and what money they had for the welfare of their people." It "didn't matter if they were from Dells, Tomah, Wittenberg, or Black River Falls. They packed their own lunches, used their own gas . . . were given no pay and put in long hours." They met "in places all over the state. Their offices were in their vehicles, with boxes of files in the back seat or filling the trunk." Funds were scanty, the treasurer reporting at a tribal meeting of August 15, 1953, a bank balance of only \$160.63. The Committee worked quickly through three draft constitutions, using expert advice from other tribes, interested organizations, and the BIA to craft a document that would meet Agency standards. Still, there were last minute delays. In October, 1962, Interior Department officials questioned whether the tribe, with no reservation, could organize under the IRA, and whether it still held recognized standing. Research discovered a forty acre parcel of hitherto unknown trust land about eight miles east of Black River Falls. William Sam had homesteaded this land under the Act of 1881. It passed to his wife after he died about 1888. She died childless and intestate about 1892. In 1951 the BIA became aware of this long-forgotten "forty," and secured a

Jackson County, Wisconsin Probate Court order escheating it to the United States “to be held in trust for the Winnebago Indians of Wisconsin.” This tiny plot satisfied the requirement that the tribe have trust lands that could be considered a reservation. A 1937 internal memorandum to the Secretary of the Interior proved that the Wisconsin Winnebagos had not abandoned their tribal relations or status. A 1912 Act of Congress requiring a new census of the Nebraska and Wisconsin branches of the tribe, and a 1928 law granting the Court of Claims authority to adjudicate claims that “any band” of the Winnebagos might lodge against the United States made them “either . . . an organized band or tribe” for purposes of organization and land purchase. Adding a preamble, limiting spending to budgets, permitting land purchases with tribal restricted funds (with assent of the Secretary of the Interior) and otherwise more closely following the U.S. Constitution removed further obstacles. Former Acting Commissioner of Indian Affairs William Zimmerman, Jr., who helped draft the document, took it to the Secretary of the Interior at his own expense as the tribe lacked funds to reimburse him..

Once the BIA consented, on December 3, 1962, to permit a tribal vote on the constitution, the WWBC launched an intensive educational effort to win support for its proposal. The Committee circulated flyers, and held area meetings and discussions, to allay concerns and stir voter support. The effort was so successful that the balloting was almost anticlimactic. The vote, 514-5, was over-whelmingly favorable in all six polling places, with more than 40 percent of eligibles casting their ballots in an outpouring of support. The Secretary of the Interior approved the constitution on March 19, 1963. When formal word of approval reached the WWBC in April, the tribal paper, the *Wisconsin Winnebago*, drummed the news in a special edition reprinting the letter of approval in full.¹⁰

The 1963 constitution was notable for several reasons. First, it was a written document

fashioned to govern an oral culture. Second, it was modeled on US, rather than tribal, practices. A preamble stated that the tribe adopted it “in order to form a more perfect organization, secure our rights, safeguard our interests, perpetuate our traditions and tribal existence, and secure the blessings of democracy for ourselves and our posterity” Third, the WWBC became the governing body, with jurisdiction over tribal trust lands, authority to tax, make laws, set budgets, conclude contracts, buy and sell property, remove members, and an obligation to meet at least quarterly. It contained the usual officers, with the usual duties, and could set future tribal membership requirements. Four districts in a fourteen-county area of Wisconsin selected nine of its twelve members. Members residing elsewhere in the United States chose three at-large. Terms were four years. A majority of the committee constituted a quorum, and decisions were to be made by majority vote. The chairman conducted meetings but voted only to break ties. Tribal membership was limited to people with at least 25 percent Winnebago blood as determined by reference to the 1881 federal population count. A meeting of the full tribe, termed a “General Council,” was to occur at least yearly. This body was to act as a representative structure for the whole people and react to WWBC measures by majority vote if a quorum of 10 percent of the eligible voters attended. Upon petition of 20 percent of the voters, special General Councils were to be held. Through election, and provisions for removal from office for stated reasons, the WWBC was expected to conduct the public affairs of the tribe, particularly with the external world, responsibly.

The 1963 Winnebago constitution broke sharply with tribal custom. It created a *democratic* government, while traditionally decisions had been made by *consensus*. Bands constituting villages had discussed matters of concern until the clan heads reached an agreement satisfactory to all. These leaders then joined with their counterparts around a tribal fire to talk until they achieved consensus. In all instances, any adult was free to speak, within strict rules of protocol. Democracy

assumes conflict and that any minority acts as a loyal opposition. Issues may be debated vigorously, but the majority prevails. Transfers of power, as majorities and minorities change, are orderly. Consensus is arrived at through listening, not through arguing views. It requires a search for agreement, not the defeat of opponents. It needs leaders skilled at finding common ground. Recognizing the threat of factionalism inherent in democracy, the constitution's framers had considered, until Helen Peterson said that doing so would raise church-state issues with the BIA, basing WWBC membership equally among the three religious faiths pervading the tribe, as a means toward cohesiveness and unity.

Although other writers, and even tribal members, have referred to pre-1963 meetings of the entire tribe as "general councils," I have avoided use of that term until now. The reason is that the Hocaqak language held words for a "meeting to speak" or "coming together to talk," but none for "council." Nor does Hocaqak contain a word for "court," as a court of law. Matters that Euro-Americans refer to courts were also treated in meetings to talk. Hence, the constitution did not create a judiciary, nor an executive branch. But as elders feared in the 1930s, organization under the IRA, intentionally or not, did undermine the culture. Worse, in a consensual society there is no place for a minority. If opinions forced an actual vote in either the WWBC or the General Council, unhappy minorities had but two options: leave, or obstruct. Both behaviors erupted often between 1963 and 2000.¹¹

As we have seen, economic interests— recovery of claims from the U.S. government — began the process ending with the political organization of the Winnebagos. The concerns of the original Claims Committee broadened over time to include health, education, and welfare. As it worked on a constitution, the Provisional WWBC also completed a second major project. This was a survey of tribal economic, educational, social, and health conditions, for use by the new

government in planning. Based on a January 29, 1962 prospectus prepared by Nancy Lurie and co-presented to the Committee by Lurie and Helen Miller on March 17, it won approval for submission for a Social Security Administration and Department of Health, Education, and Welfare (HEW) grant at a June 16 meeting in Wisconsin Dells. News of a grant of \$7,331, with a tribal match of \$2,479 and reservation of an additional \$7,500 of federal funds “to continue the research if for good reasons the cost of the project exceeds the requested amount before its completion” arrived on October 17. The approach, combining top-down initiative with a bottom-up survey of tribal households that drew on old participatory habits, was ingenious. The nation-building aims of the constitution and the study, both uniting political with practical economic and social ends, illustrated the usefulness to our discussion of the term, “Political Economy.” By joining core elements of traditional culture with these aims, to achieve both political self-determination and economic and cultural self-sufficiency and distinctiveness, they paralleled Frantz Fanon’s call to oppressed Third World peoples to rebel and “invent and . . . make fresh discoveries,” starting a post-colonial “new history of Man.” For present purposes, the study also set the stage for creating a tribal welfare state, as we shall see.

How ambitious a task this was the study showed. If a rural Winnebago household was among the “two of three which has a less than \$3,000 a year total income,” then likely “one out of five” of these dwelt in a “tarpaper” shelter or “a wigwam.” Among these, three of ten had no electricity, five of six had “no running water,” three of ten no manual water pump, three of four had outside toilets, and nearly all were heated with stoves or space heaters, not furnaces. Within the entire tribe, three of ten houses were neither owned nor rented by occupants, six of ten families owning land did not live on it (usually because of title uncertainties or inaccessibility), five of six male heads of household and eight of nine wives were without high school educations. Two of three

adult males lacked full-time employment, many being seasonal migratory farm workers. The work force was largely unskilled and had few opportunities. The 372 responding households ranked housing, education, employment and health and dental care as their greatest problems. Racial discrimination was a major issue.

As “bleak” as this picture was, the study concluded that the Winnebagos possessed strengths that held great promise for the future. One was optimism that the tribe would survive. Another was that so far the WWBC had escaped factionalism and still worked within the consensual tradition. This was true even when it dealt with financial matters. Consensual custom emphasized that a successful program to make the Winnebagos self sufficient must involve the whole group. Fortunately, the tribe had no wealth to fight over, and an ethic that favored generosity over accumulation or attempts to seek personal renown (for both of which the word “greedy” was used). A third was that although the 1949 Claims Committee had become moribund by 1960, a successor body emerged and added to its agenda the drafting of a constitution. Finally, the new constitutional government was well suited to handle external matters, while traditional bodies based on family and clan appeared to be moving toward acting on internal affairs in an emerging dualistic system.¹²

A follow-up study completed in 1966 showed some improvement in a desperate situation. Tribal land ownership had grown. Besides the initial forty acres in trust there had been a transfer by Black River Falls of thirty-nine acres in tax arrears during the depressed 1930s. This land, not in trust, ultimately became a site of Hocąąk tribal residential construction. The UCC Indian Mission donated 110 acres, which became trust lands in 1965. The WWBC purchased from a family one adjacent acre and placed it in trust, to create a contiguous plot. About the same time they bought from the mission for a token sum land to be used for pow wow grounds. This turned out to be county land, already off the tax roll, so there was no opposition to placing it in trust. Even so, title

complications were common and often hindered efforts to expand the tribal land base. They were among the reasons for which the 1966 supplement counted and mapped locations of tribal house-holds, to find lands in danger of loss through tax default and unused family lands that it might buy.

The 1966 study was revealing as to tribal health conditions. Living dispersed, the tribe had not kept records of population, which could only be estimated until a new roll was completed. What existed (besides the census of 1881 and an annuity roll of 1901) were family records. These resulted by 1966 in an list of 1,423. Absence of adequate statistical data forced reliance on anecdotal data as to health. Still, it was clear that inadequate water and sewerage provision created high risks for tuberculosis, smallpox, and typhoid fever. Tuberculosis (only a handful of tribal members had even been tested for it) seemed to be waning, but diabetes, cancer, and cardiovascular disease were common. Diet played a major role: nineteenth century rations of rancid bacon or pork, sugar, flour and salt, led to heavy consumption of “fry bread,” and other fat- and calorie-laden foods. Timidity around white people, stoicism as to pain, the belief that losing teeth and bearing children were natural and required no special care, and the ignorance of white health professionals as to how many Indians there were and where they lived all underlay prevalence of poor health. The conclusions of the 1966 continuation study reiterated those of that of 1963.¹³

Seymour Martin Lipset in *The First New Nation* proposed in 1961 that successful creation of democratic new nations involved four requirements. These were the establishment of a national authority accepted as legitimate, creation of national unity, origination of a new politics recognizing the rights of an opposition, and provision of “payoff” or benefits for the governed through the demonstration of effectiveness. Because Winnebago custom favored consensus rather than democracy, the third condition was not relevant. Excepting it, the Wisconsin Winnebago had by

the mid-1960s arguably satisfied for themselves the remaining three requirements for nation-building. The WWBC was functionally effective and usually acted by consensus. Its members were the core of the research team for the HEW self-study project. Lingering difficulties in creating a tribal roll had been resolved by a September 6, 1967 constitutional amendment allowing use as its basis of the government's 1901 annuity roll as well as the 1881 census. Early in 1967 the WWBC borrowed \$25,000 to hire expert witnesses to help resolve tribal claims against the United States. That June 24 it met with Nebraska Winnebago representatives to consider division of an award, tribal enrollment, and other matters. This conversation permitted an amicable division when the claim was finally settled.¹⁴

Concurrently, the new government began to obtain land for use in BIA housing projects. It brought 150 new acres in to trust at Black River Falls, including the mission church donation and one-acre purchase noted above. At Wisconsin Dells, the tribe acquired about 103 acres, adding early in 1967 fourteen acres in Wisconsin Rapids for tribal public housing. Later, eighty-five low-rent housing units rose on these lands. Progress in education was comparable. The WWBC in 1964 added to an existing annual Christmas vacation banquet program for junior and senior high school students and their families an annual student conference. Its purposes were to hearten high school dropouts and seniors to enter vocational or collegiate programs, and to teach study skills and improve student persistence in school. WWBC members personally met with students to offer encouragement. In 1965, the tribe began a summer all-Winnebago summer school at the Indian Mission. Working through an intertribal Community Action Program (CAP) discussed below, it later enabled children to participate in Headstart. It also encouraged tribal youth to attend Upward Bound programs at Wisconsin State Universities at Eau Claire and Superior, and at Ripon College, and a tutoring project at Wisconsin Rapids. It began, but could not because of limited funds long

continue, a file of student information, including dropouts, special needs, and all students enrolled in postsecondary education. These were modest results, but they included progress from last place to first among the fourteen tribes in the Great Lakes Agency of the BIA's area in terms of college enrollment, 1961-1964.

There was like progress in the areas of welfare, employment, and health. Provision of help in applying for public assistance and publicizing the services available began. There were an intensive health education campaign and a contract with the Public Health Service for improvements in plumbing and sanitation. The tribe aggressively pursued discrimination complaints, assisted members who had legal problems, and sponsored various social activities. It also acquired an unused school building adjacent to the mission church for a tribal community center, in February, 1965. That same month Nancy Lurie wrote proposing that the WWBC seek Office of Economic Opportunity (OEO) funding to recreate at Black River Falls a village depicting Winnebago life of old, as a living history museum that would attract tourists and create jobs. This memo appears to be the first expression of an idea that has still not been implemented.¹⁵

Meanwhile, the WWBC voted to join a coalition of Wisconsin tribes that separately lacked sufficient population to make them eligible for OEO funding but together could qualify. This was the Great Lakes Intertribal Council (GLITC), founded in 1961, to protect Indian rights, promote public understanding of Indian needs, and "do all manner of things necessary to improve the education, economic status, living environment, and general welfare of American Indians." With enactment of President Lyndon Johnson's "Great Society," the WWBC gained new means to tap federal funds to speed creation of a Winnebago welfare state. The GLITC became an instrument by which several tribes, themselves too small to apply for monies from the new federal programs, could combine to qualify. This arrangement further provided a tangible payoff to tribal members,

satisfying one of Lipset's criteria for creation of a successful new polity. Unfortunately, it also opened the first serious division since adoption of the 1963 constitution. The Winnebagos, more mature than the other tribes, were used to choosing only such programs as suited them, and to managing their affairs. Membership in an intermediary body with its own director, to whom tribal directors would report, was problematic. It threatened to "cream off tribal leadership and dissipate" their "energy." Within a year of joining the GLITC, in expectation that it would let the WWBC continue to act as before, a conflict flared over the CAP director's authority. Initially resolvable, it became by mid 1969 a factional dispute that paralyzed the Committee through non-attendance and obstructionism. Personalities, the fact that relatives of the CAP director held other tribal offices, and substantive disagreements stayed progress until changes in WWBC membership permitted its resumption.¹⁶

Advances over the next thirty years were striking, especially since the tribe suffered ongoing discrimination and two major and a number of minor crises that would have shattered a less resilient people. Fortunately, the aims of the 1963 constitution still commanded general support that overrode divisive forces. Commitments to improving education, health, welfare, job opportunities and strengthening cultural heritage remained strong.

Title IV of the 1972 Indian Education Act authorized federal funding for local schools and "Indian tribes, organizations, and institutions" to meet the "special educational needs" of Indian children. By 1974 there was a tribal Indian Education Committee. Local bodies formed in Baraboo and Pittsville in 1976. Others followed, in Tomah and Wisconsin Dells, and in Black River Falls by 1977. In 1976, summer Upward Bound Employment Programs began operating. Planning began in 1977-78 for the Wisconsin Winnebago Education Board. It evolved into a Council in 1985 and the Wisconsin Indian Education Association in 1986. By the '90s the tribe offered full scholarships

to all members pursuing college and post graduate degrees, eight study centers, and six Head Start programs. Sadly, underprepared tribal staff members had by then let Head Start decay into a baby-sitting service.¹⁷

In November, 1989, the tribe opened a health clinic in Black River Falls. There, members could obtain medical, dental, and vision care at no charge. The tribe established a health board in 1992. Two years later Carol Rollins won the Indian Health Service's award as tribal sanitarian of the year. She earned this recognition for the excellence of two environmental health profiles and a series of reports addressing a wide range of health, sanitation, and safety issues. Meanwhile, all tribal members sixty or more years old ("elders") received free health insurance covering 100 percent of all doctors', hospital, dental care, vision, and prescription drug costs. A similar plan covers employees who are tribal members. Visiting nurses serve throughout central Wisconsin. Nutritional, fetal alcohol syndrome, substance abuse, diabetes education, and physical fitness efforts thrive.

Tribal social services, focusing on welfare needs, were no less impressive. As early as 1978 the WWBC formed an Aging and Social Services Sub-Committee. By 1986 it was considering a program for women to assist victims of abuse. Other efforts aimed to prevent adolescent pregnancy, preserve families, promote child welfare, and ensure through a Tribal Aging Unit that elders received proper care and nutrition at five elder meal/social centers. Most striking of the benefits offered through the WWBC related to housing. The Committee created a housing authority in Tomah in 1967, to seek grants for and to oversee low-rent housing. It added authorities for Wisconsin Dells and Wittenberg in 1973, and Black River Falls in 1975, as its rental holdings multiplied. Other programs oversaw road maintenance and utilities on tribal lands. The greatest housing venture was a home ownership program, announced in January, 1995. Unique among the country's Indian

tribes, it began with an initial appropriation of \$10 million for thirty-year, 3 percent loans or outright grants to pay off mortgage balances on homes. The funds were allocated on the basis of a detailed point system. Where loans were made, repaid principal entered a revolving loan fund. The result was that applying elders received grants up to \$100,000 for either construction or pay-off of mortgages. In 1999, \$8,000 grants were added for furniture, and later grants for homes were increased to \$125,000.¹⁸

Meanwhile, efforts began to protect and preserve the tribal culture and heritage. As early as 1962 the tribe was asking the BIA for historical records of land holdings. It expanded the Black River Falls cemetery in 1979, and got a BIA appraisal of its real estate and a further report on the status of tribal lands in 1981. In 1989 it began to investigate mounds associated with tribal history, later extending research to identification and location of old family burial plots. Earlier, in 1975, the Winnebago Cultural Preservation & Research, Resource Center Development Project started up. Within a year, its project to preserve and teach the tribal language was well under way, and a lexicon had been created. Preparation of a dictionary followed in the 1980s. During the next decade a full-fledged Hocak Wazijaci Hacı Language and Culture Program began instruction. Total expenditures on language preservation and instruction exceeded \$6.6 million by 2000. Creation of a Ho-Chunk Heritage Preservation department in 1997 brought the collection, display and storage of artifacts, and collection of old photographs and personal papers. Limited funds have prevented erection of a proper, temperature- and humidity-controlled storage facility, and cataloging of collected items is lagging. However, presentations have been developed and offered in schools and for the public.¹⁹

All of these ventures required money. Into the mid 1980s the WWBC and tribal programs operated hand-to-mouth, relying almost wholly on BIA and other federal programs for services and

funding. For many years the WWBC rotated its meeting locations, because it lacked a regular office. Then, after a temporary stay at Wisconsin State University at Stevens' Point, it moved to rented facilities in Tomah, then to Black River Falls. Grants awarded under the Indian Self Determination and Educational Assistance Act of June 4, 1975, became a major force in tribal operations. This measure shifted administration of services to tribes from the BIA to tribal governments, which were authorized to apply for contracts underwriting educational, job-training, planning and other services that would create jobs. An amendment to the same measure allowed similar contracting with the Department of Health, Education and Welfare for tribal activities meeting housing, social services, health, and welfare needs. Subsequent legislation, such as the Indian Self Governance Demonstration Project Act of October 5, 1988, authorizing five-year program planning grants to a limited number of tribes, the Tribal Self Governance Act of October 15, 1994, and the Native American Housing Assistance and Self Determination Act of October 26, 1996 were key among measures that continued to shift provision of services to tribes through contractual arrangements with the United States.²⁰

Despite these sweeping changes in federal policy, it was not until 1988 that the WWBC finally adopted a broad economic development plan. It aimed for full employment by 2000. The strategy was to leverage limited tribal resources by maximizing outside funding such as grants, loans, industrial revenue bonds, venture capital, "and innovative financing for economic development." Of tribal income 10 percent was to be invested in medium and long term securities that would yield a return. Diversification into "Manufacturing, retail, agri-business, and tourism" was a specific goal. The plan also aimed to recruit non-tribal businesses into "tribal enterprise zones, malls, new developments" and induce members to create small businesses. It intended to minimize risks, advance the tribe toward self-sufficiency, create a tax base, and triple tribal land holdings.²¹

Nearly twenty years before, with Indian Mission aid, the WWBC had started a sewing project, to employ women. In the mid '80s, taking advantage of an agreement with Wisconsin that refunded to them 70 percent of state excise taxes on tobacco products sold on trust lands, it opened smokeshops at Baraboo (1982), Tomah (1983), and Black River Falls (1983). By 2000, the tribe owned five petrol and convenience/tobacco outlets. The WWBC formed an Economic Development Task Force in 1990. They launched numerous other ventures in the '90s. Included were Winnebago Pharmaceuticals (May, 1991), to distribute medicinals to Indian tribes. It was to begin with over-the-counter drugs, add prescription items, and then enter manufacturing as it matured. Also in May 1991 the tribe bought Hamm's Meats, a custom processor in Mauston, Wisconsin. Two months later it acquired QED, a textile silk screening firm, renaming it WinTex (for Winnebago Textiles) to produce garments with Indian design themes. It occupied part of a business incubator building erected in partnership with Black River Falls. So did Geographic Information Systems (GIS), a computer-based overlay mapping system soon joined the list. In June, 1993, the WWBC added a travel plaza at Oakedale. It acquired the Dane County (Madison) Holiday Inn for \$1.3 million in October, 1994. It also created a Small Business Development Fund to make loans to tribal members for business start-ups. Hospitality holdings expanded to include several motels, among them the Madison Ramada Inn, by June, 1995. The Wonk Sheek Trading Company, a storage/distribution firm incorporated the same year. On August 8 the tribe bought the 188-acre Nine Eagles dude ranch, with a half mile of frontage on the Wisconsin River above the Dells. A small business loan a year later aided tribal members form the Ho-Chunk Federal Credit Union. The tribal government in 1997 paid \$1.8 million for Crockett's RV Resort, at the Dells. A year after, they formed the Ho-Chunk Construction Company, and then in 1999 the Four Winds Insurance Agency to sell benefit plans.

The results of these efforts were mixed. Winnebago Pharmaceuticals failed in 1993. Hamm's Meats and the Oakedale Travel Plaza followed in 1995. WinTex was by 1997 an in-house printing service, and GIS a unit of the Tribal Lands Office. The sewing operation died. The Ramada Inn closed in 1998. Wonk Sheek never got off the ground. Four Winds Insurance ended up managing the tribal benefits plan, rather than selling insurance profitably. Nine Eagles sat idle. Poor management, and revenue skimming in the case of the Ramada Inn, underlay these failures. The credit union, construction company, Holiday Inn, some other motels, and Crockett's survived.²²

Gambling was the remaining and main source of tribal income. National attitudes toward gambling softened beginning in the 1970s. The appetite of state and local governments for new revenue sources led them, increasingly, besides relaxing restrictions on charity raffles, bingo, and so on, to sponsor lotteries. Indian tribes were not far behind in opening bingo and poker halls. The Supreme Court, 1978-1987, in several rulings, held that state and local jurisdictions had no power to prohibit or regulate gaming on tribal trust lands. As early as 1978, WWBC members Nettie Kingsley and Carol Funmaker LaMere began a determined effort to open a tribal bingo facility. Our story really begins, however, in the 1980s.²³

On July 9, 1983, John B. Koberstein became tribal attorney and recommended that the WWBC contract with Ho-Chunk Management Corporation (HCM) to write a \$300,000 matching grant proposal to the Department of Housing and Urban Development (HUD) for the design and erection of a bingo hall at Lake Delton, near Wisconsin Dells. The tribal match was to come from smoke shop profits. For the five-year life of the contract, HCM was to manage the facility, provide security and free legal services, employ only Winnebagos, and prepare them to operate it. For writing the HUD proposal, HCM was to receive \$27,000, and for its management services, 25 percent of net receipts. HUD approved the grant, and construction proceeded rapidly. But relations

between Koberstein and the WWBC deteriorated. The contract with HCM had been awarded without competitive bidding. It became known that Koberstein was the sole owner of HCM. On November 12 the bingo hall opened. The same day the WWBC terminated Koberstein as tribal attorney, voided the HCM contract, and resolved to bar him and two associates from tribal lands. On November 27, it adopted a bingo ordinance allowing only licensees to operate on tribal trust property. Koberstein had applied on August 23 for federal approval of his management contract but had opened before receiving a response. Now he refused to vacate the hall or close it.

Three years of litigation followed, after the WWBC on December 8 sued for an order to keep Koberstein off tribal land. When the dust settled, the WWBC was in a shambles. Conviction for a felony cost chairman Kenneth Funmaker, Sr., who had negotiated the contract, his post. In 1984 longtime member George Whitewing, one of seven people targeted for removal by petitioners calling for a special General Council, resigned. In the 1995 election voters ousted six Committee incumbents alleged to be close to Koberstein. A reconstituted WWBC removed new chairman Merlin Redcloud, Jr., Parmenton Decorah, Jesse Littlegeorge, and James Greendeer. Replacements included a fervent opponent of contracts that exploited Indians, JoAnn Funmaker Jones, sister of the former chairman. Before the flap ended, the Department of the Interior had thrice disapproved Koberstein contracts. He foiled these actions by replacing HCM with Eagle Feather Management Corporation, and a contract slightly fairer to the tribe. By the time the July 23, 1985, contract was disapproved, he had substituted for it an employment agreement not subject to BIA review. The courts had dismissed his and the WWBC's off-setting damages suits, "with prejudice." They had also ruled that they had no jurisdiction to determine the proper composition of the WWBC. The BIA held that only the WWBC could interpret the tribal constitution and decide who were proper Committee members. The Interior Department in 1986 wisely issued guidelines for approving tribal

bingo management contracts.²⁴

The “bingo war” augured of worse to come. Koberstein during his brief tenure had identified serious problems facing the WWBC. In a September 2, 1983 letter, he warned that the tribe had an inadequate financial records system. It had also been placing in grant applications an inadequate overhead rate of only 10 percent, resulting in cost overruns. Unless practices changed, further grants could bankrupt it. Too, it had handled grant administrative cost overruns by shifting funds between approved line items. It could thus end up owing the United States a good deal of money. “Much of this debt,” he wrote, “due to maladministration could be written off if the Tribe would only get its financial house in order.” Ending the “financial mess” required immediate limitation of spending to budgets, auditing all spending since July 9, 1983, halting any excess spending revealed by the audit, and assigning highest priority to implementation of a financial management system. An attached letter from an accounting firm proposed creation of systems to manage payables, receivables, and bank accounts, and hiring a chief financial officer directly responsible to the WWBC.²⁵

The Committee responded promptly. Changes in the gaming environment, cash flow problems associated with a business downturn at the end of the 1980s, and related internal turmoil vexed it well into the ‘90s. In 1988, to assist tribes attain economic viability, blunt state government resistance, and protect tribal gambling from the influence of organized crime, Congress passed the Indian Gaming Regulatory Act. It created a presidentially-appointed National Indian Gaming Commission (NIGA) to oversee tribal casinos. It defined three classes of gaming and regulation. Class I included traditional Indian games and was subject only to tribal regulation. Class II involved bingo, which lay under oversight of both the states and tribes with bingo halls. Class III encompassed all other forms of gambling, and was subject to regulation by the tribes and the NIGA.

Tribes could operate Class III games only after negotiating compacts with the states, which were required to negotiate in good faith, in which they resided. These enabled states to recover costs associated with providing security for and overseeing Indian gaming. Wisconsin's anti-gambling Governor Tommy Thompson staunchly resisted negotiating a compact, even though Badger State voters had amended the state constitution in 1987 to create a state lottery and legalize dog track racing. Then 1991 brought a court order to negotiate in good faith, and an opinion from a new state attorney general opening Wisconsin to Indian gaming. Hard negotiations finally brought a compact with the Winnebagos on July 11, 1992. Of Class III games it permitted only slot machines, and poker and blackjack and their electronic versions. Slot wagers could not exceed \$5.00, bets at table games a maximum of \$500. Minute regulations covered all aspects of gaming. The tribe was to reimburse the state its costs for the first full year of gaming at the annual rate of \$25,000. After all of Wisconsin's tribes had compacts, a pro-rata formula divided \$350,000 total costs among them. In 1989 the Winnebagos elected six WWBC candidates who were outspoken advocates of Class III gaming: Douglas Greengrass, John Mann, Evans Littlegeorge, Parmenton Decorah, Greg Littlejohn, and Dwight Steele. Soon their bloc voting earned them the epithet "six pack."²⁶

When the compact was finally signed, the WWBC was again fractured. In 1989 it let a non-tribal member install video bingo games at Rainbow Casino in Nekoosa. The next April it reversed itself, after voting to use competitive bidding to select gaming vendors. In May, 1990, bypassing bidding, it contracted with Glenn Corrie's Jenna Corporation to place video machines in all three tribal bingo halls. The affair ended when Corrie, June 15, 1993, bargained a guilty plea for bribery, in return for a reduced sentence and cooperation with a grand jury investigating charges he corrupted members of the six pack to win his contract. Jenna was in bankruptcy following a \$2 million judgment against it favoring the tribe. Parmenton Decorah ultimately went to prison for

taking a \$50,000 bribe.

Meanwhile, fire temporarily closed the Rainbow casino. Sheriff's deputies raided the Ho-Chunk Casino in the Dells, removing seventy-five electronic gaming machines and two poker tables installed before there was a state compact. There were forcible seizures of several tribal office buildings in 1991 by supporters of WWBC chair-elect JoAnn Jones, armed stand-offs between rival factions, and arson that damaged the Ho-Chunk bingo hall. A tribal treasurer took \$60,000 to pay due bills without WWBC approval. The tribe bought out management contracts with former Green Bay Packer Max McGee's WinAMax for \$4 million, and Golden Nickel Casinos/Gaming Corporation of America in January, 1995, for \$42 million. Unable to outvote the six pack, Jones and her five adherents boycotted WWBC meetings, leaving the six pack to act as if it were the tribal government although it was not a quorum. She proclaimed an emergency that gave her full authority to govern.

After report from field investigators of a visit to tribal offices, the BIA Area Manager on January 28, 1992, wrote WWBC Vice Chairman John Mann that he was recommending designation of the WWBC as "high risk" and revocation of tribe's "mature" contract status. Effectuated in February, this step made the tribe ineligible for U.S. grants, technically placing it in BIA receivership. Wittenberg Area representative Dallas White Wing on February 20, in an action that made him an unsung hero as were his sister Ona White Wing Garvin and their father, George, began to attend WWBC meetings so that it had a quorum for the first time in over a year. Now legitimized, the WWBC stripped Jones of all power save that to preside over its meetings, unless by resolution it specifically granted further authority. She was later assigned to lead constitutional revision as the crisis cooled. Its major legacy was a new constitution, by which the tribe became the Ho-Chunk Nation.²⁷

The new organic law repeated the aims of that of 1963 while trying to remedy its obvious defects. A special tribal election of May 27, 1994, approved it, as did Assistant Secretary of the Interior for Indian Affairs Ada Deer on November 1. Thus ended a process begun in February, 1988 and derailed weeks later by infighting over Class III gambling and then by recession-born cash-flow problems. The WWBC reactivated it March 6, 1992. On the 18th, JoAnn Jones became chair of the Constitutional Reform Sub-Committee. It was charged, like its forerunner, to make decisions “(by consensus).” With help from the Great Lakes Indian Law Center and consultants, work proceeded quickly.

The resulting document contained major changes. It created a four-branch government. It emphasized that the General Council, composed of all eligible tribal voters and required to meet at least yearly, held “all inherent sovereign powers” of the nation. It could “set policy for the Nation,” “review and reverse actions of the Legislature” (except personnel decisions) and rulings “of the Judiciary which interpret actions of the Legislature” (but not those interpreting the constitution). The legislature, still composed as had been the WWBC, retained the powers of the WWBC including protection of “Ho-Chunk religious freedom, culture, language, and traditions”; promotion of tribal “health, education, charity” and “such other[s] . . . as may contribute to the social advancement” tribal members. The Executive added a new officer, a president who chaired legislative sessions but had no veto power, and such departments as the legislature might create. The Judiciary included a trial, an appellate and a Supreme Court, with jurisdiction over all controversies arising under the tribal constitution including contested elections. There was inclusion of the U.S. bill of rights, and a requirement for open legislative meetings save for executive sessions. Unmentioned but very powerful was a “traditional court,” composed of clan elders who could resolve disputes brought to it, and offer advice that elected officials disregarded at great risk.

Its proceedings are confidential, oral, by consensus and without written records. It is a vital living link with ancient tribal customs.

The legislature gradually resumed consensual practice, by the time the constitution went into effect on November 1. Hence the implied contradiction between a majority structure and tribal practices remained a potential source of difficulty. Key framers, among them JoAnne Jones, Mary Natani, Ona Garvin, and Dallas White Wing may have expected the General Council to function as had old tribal “meetings to talk,” with a revival of the system of clan leadership and the practice of achieving consensus in it of clan leaders. Things did not work out that way. Progress was sufficient to induce the Secretary of the Interior to restore “mature” and end the tribe’s “at risk” status in March, 1995. But the General Council, rarely able to muster quora until the legislature offered participants \$100 and a free meal, became for a decade a turbulent and unruly body in which shouting, fist-fighting, over-speaking, partisan actions by the presiding officer, and worse prevailed despite the best efforts of bear clan members to exercise their historic policing functions. Both of the first two presidents failed to complete their terms. Chloris Lowe, Jr., suffered removal for taking kickbacks from a company that was engaged in building construction for the tribe. His successor Jacob Lonetree met the same fate after wrecking a tribal vehicle while drunk and demonstrating what many people thought was incompetence. The election in 2001 of Troy Swallow, a person of integrity and ability who favored conciliation and shared planning for the future brought a more hopeful note. It appeared that he might actually become the first tribal president to complete his term.²⁸

By 2000, the Ho-Chunk people had traveled far toward building a nation. Their new government contained ten executive departments, administration, business, education, health and social services, heritage preservation, justice, labor, personnel, treasury, and housing and public

works. Their courts were functioning, as was the legislature, with increasing effectiveness. Wade Blackdeer, Robert Mudd, Clarence Pettibone, and Dallas White Wing—whose bluff manner, huge size, casual dress, and habit of feigning sleep at meetings led many people to underestimate him—until he asked the hard questions and encouraged courageous action, were among their most effective legislators. A multimillion executive facility in Black River Falls that 20 units and 250 employees occupied in November, 1997, joined ancillary and district offices. They paid to members in 2000 \$53 million in per capita distributions from tribal enterprise profits, while providing services discussed above.

Tribal gross income in 2000 neared \$400 million. The net from the Ho Chunk Casino in Wisconsin Dells was \$90 million, Majestic Pines at Black River Falls, \$25 million, Rainbow Casino \$20 million, convenience and petrol outlets about \$1 million, and federal grants \$5.5 million, for a total of about \$140 million. The hotels, gift shops, and four bingo halls all lost money. Recently expanded, in 1998, the Ho-Chunk Casino was the fourth largest Indian-owned casino in the United States, with 100,000 square feet of gaming space, 2,748 slot machines, 51 tables, a 315-room lodge, and several food services. The tribe held about \$90 million in managed long-term investments, and \$50.7 million more in a trust funds invested from per capita payments due children, to accumulate until they reached the age of eligibility to receive the money. Tribal enterprises employed 3,600 people, a quarter of them Ho-Chunk. Economic impact included over \$40 million in vendor payments, \$50 million in payroll, \$177,000 in property taxes, plus local fees for services, and employee income taxes and spending. The tribe was the 71st largest employer in Wisconsin. In counties where it conducted business, welfare rolls fell by 25 percent, joblessness from 8 to 4 percent.²⁹

Problems accompanied these successes. One was Wisconsin public opinion about Indian

gaming. There was a push in 1993 for a referendum on it. The Wisconsin Tavern Owners' League continues to press for the right to operate slot machines. Donald Trump and his allies have periodically attempted to halt Indian gaming. The state took a much harder line in negotiating a new round of compacts in 1998. The Ho-Chunk were still barred from adding a casino to the Madison bingo hall. Their new compact required them to pay, instead of a few thousand dollars a year, \$6.0 million for the year ending June 11, 1999, \$7.5 million for each of the next two years, and \$8.0 million for each of its last two years. The tribal economy remained highly sensitive to business fluctuations since it depended mostly on discretionary spending on gaming, especially summer discretionary spending at the Dells.

The land base exceeded nine thousand acres by 2000, a third of it in trust with applications for trust status for another third under review. This was far too little to sustain an enrolled membership exceeding 6,100, or even the half living in the 14-county area of Wisconsin. The roster of members with university or professional degrees is growing, but slowly. In the meantime, given a controlling desire to provide jobs, the Ho-Chunk, instead of firing poor-performers, tended to rotate them to new posts. What outsiders would term nepotism, or make-work, may be seen among the Ho-Chunk as an expression of the primacy of communal and family loyalties. The persisting warrior ethic deters males from seeking paying jobs, as does lack of education and skills. Half the tribal youth in Wisconsin drop out of school. A 1995 tribal census found that 33.3 percent of Ho-Chunk heads of household in the state were jobless. In Jackson County, the figure was 43.6 percent. Of state Ho-Chunk households 71 percent lived below the poverty line, and 44 percent were headed by a female parent. Fewer than 200 tribal members were fluent in the language—the key to preserving the culture since language not only expresses, but shapes, thought and reflects values. Domestic and substance abuse were common, although fetal alcohol syndrome was

eliminated. Type II diabetes afflicted 39 percent of the Ho-Chunk over forty years old, and 30 percent of the whole people. Morbid obesity affected 44 percent. As for housing, the tribe operated 92 rental units in 1998, with a waiting list of 76. The Home Ownership Program provided 37 houses and had a waiting list of 90.

Behind these challenges lie others. One is that the new Republican administration, when it turns to Indian policy, is unlikely to support tribal self-determination, self-sufficiency, and sovereignty. Another is population. Tribal projections see population leveling off around 2015. My own analysis suggest that that is unlikely. Because of outmarriage, the average blood quantum of members has fallen from 55 to 33 percent in 20 years. If this trend continues, membership will implode by 2015, as the average blood quantum falls below the required 25 percent. A third originates in per capita payments and the persistence of the warrior ethic: both deter males from seeking jobs, fostering a new form of dependency. A fourth is financial: cost overruns to enlarge the Ho-Chunk Casino to its present size forced borrowing of \$90 million. The tribe must repay from its investment portfolio and gaming profits. Debt principal fell below \$80 million in 2000, but the future remains challenging.

The Ho-Chunk have made a nation within a nation in a generation. They have begun a new way, as Fanon proposed for Third World peoples. They have bent capitalism to serve communal needs, despite geographic separation and President Chloris Lowe's call to distribute 80 percent of net income per capita and reserve only 20 percent for programs or investment. For them government, business, communal concerns, and all aspects of life overlapped. Where they erred, they made corrections. What corruption there was, was puny when compared with other Third World countries, or even the young United States.

Yet they remain a *de facto* colonial people, economically and politically. They are subject

to loss of any residual sovereignty by Congressional fiat, and are but a tiny component of the U,S, economy., They have replaced an old dependence, on the BIA, with a new one, on jobs and services provided by the tribe as well as per capita distributions of gaming profits. Their social, health, and educational situation in many ways resembles that of a Third World nation or, better, that of an urban American ghetto despite the great progress they have made. What has sustained them to this point is unusual intelligence and sheer determination. That determination was reflected in an autumn, 2001 conversation between the director of the tribe's convenience stores and related enterprises, a consultant to its president, and a federal grant recipient who was trying to persuade them to join a consortium of social service agencies. The tribal officer listened, then said "We only want to be left alone."³⁰ One wishes them success. The loss of their culture would make humanity much the poorer. Meanwhile, their struggle illustrates the difficulty of emerging from colonial status.

POSTSCRIPT

This paper functions as a preliminary outline for what will be the second volume of a two-volume history of the Ho-Chunk. The first will treat the period from initial contact with Europeans in 1634 to the passage of the Indian Reorganization Act in 1934. The second treats the period discussed here. While both volumes will research standard primary and secondary sources, both also represent, to the best of my knowledge, the first history of an indigenous American population involving unrestricted access to tribal archives.

As the present volume is shaping up, it promises to contain 5-6 chapters. Of these the first three are now crafted. Chapter 1, *WÁÁKŠÍK TE HIKIPÁ WIRA* : THE HUMAN BEINGS AND BROAD KNIVES MEET—A COLLISION OF CULTURES (pp. 5-27) treats relevant ethnographic, anthropological, and linguistic problems involved in fashioning a written history of a people whose mental habits still reflect those of an oral culture and a language entirely unlike English, as well as

the cultural clashes that emanated from these problems and the very different conceptions on human relations, property, and so on characteristic of Europeans and the Winnebago (Ho-Chunks) in particular. Chapter 2, *HONJÉ STOOKÍ WIRA: GATHERING THE PEOPLE* (pp. 29-66) pursues the story from the passage of the Indian Reorganization Act through post World War II developments that culminated in the adoption of the first tribal constitution. Chapter 3, *HOORERERA: BEGINNINGS* (pp. 67-126) traces and assesses the problems faced by and the accomplishments of the Wisconsin Winnebago Business Committee, 1963-1970. Archival materials are quite slim for the 1970s through the mid 1980s, but I envision a chapter sketching developments through that period and perhaps up to a financial crisis that beset the tribe around 1988. There will be a further chapter centering on the period 1988 through the adoption of a new constitution in 1994, and a final chapter carrying the story to the last year of the twentieth century, 2000. These chapters are as yet untitled. The entire MS, with a probable epilogue will likely run to around 300 pages, including maps and perhaps 5 to 6 pages of photographs, plus a bibliography of 30 to 40 pages and an index.

NOTES

1. "Hock" is pronounced "HoChaunk"; "Wazija," "Wahzeejah"; and "Haci," "Hah-chee." Spelled variously in English over the years, Hock is only now receiving written form with standardized rules of spelling and grammar. It means "The people of the sacred or mother tongue, living among the pines." This recalls that the Oto, Iowa, Missouri and perhaps the Ponca, Omaha, and Quapaw all devolved from the Hocąąk and speak their language, which is related to Lakotah.

2. Franklin Park, IL, *Wisconsin Winnebago*, April, 1963; Ruth A. Gudinas, "Wisconsin Winnebago Political Organization Structure/Cultural Incompatibility and Organizational Effectiveness" (Unpublished doctoral dissertation, University of Chicago, 1971), 99-107. I.R.A.:

Francis Paul Prucha, *Documents of United States Indian Policy*. Third Edition (Lincoln: University of Nebraska Press, 2000), 223-29; *U.S. Statutes at Large*, 48:984-88.

3. French traders and rival tribes named them “Winnebago,” meaning “people of the stinking waters,” as an insult.

4. United States 46 Cong., 2 Sess., *Senate Report No. 253* (Serial Set Vol. 1893); *Revised Statutes of the United States*, 2289, 2302, 1884, July 4, Chapter 180, post p. 31; Charles J. Kaplan, *Indian Affairs, Laws and Treaties*, 7 vols. (Washington: Government Printing Office, 1904-1940; 1904) 1: 23-26; Sonofsky, Chambers, Sachse & Enderson to Wisconsin Winnebago Business Committee, Memorandum No. 172-95, October 23, 1995, 9-10, Tribal Records Office (TRO), Ho-Chunk Nation Executive Facility, Black River Falls, Wisconsin. In 1915, after a decade when many homesteads were lost, protection against alienation was restored. History, Publius V. Lawson, “The Winnebago Tribe,” *Wisconsin Archeologist* (3: 1907), 6: 90-93; Bacqueville de la Potherie, Claude Charles Le Roy, *The Indian Tribes of the Upper Mississippi Valley . . .* Emma H. Blair, ed., 2 vols. (Cleveland: Arthur H. Clark, 1911, 1912) I: 293; Paul Radin, *The Winnebago Tribe* (Lincoln: University of Nebraska Press, 1971) 5-6 and passim; Nancy Oestreich Lurie, “Winnebago,” Bruce Trigger, vol. ed., *Northeastern*, William G. Sturtevant, series ed., *Handbook of North American Indians*, 20 vols. (Washington: Smithsonian Institution, 1978) 15: 690-707; Douglas Steeples, “Youths, Elders, and the Future of the Hochungra” (Unpublished paper, 2001), TRO. Treaties, Mark Diedrich, *Winnebago Oratory: Great Moments in the Recorded Speech of the Hochungra, 1741-1887* (Rochester: Coyote Books, 1991); Mark Wyman, *The Wisconsin Frontier* (Bloomington: Indiana University Press, 1998), 148, 155, 215-17, 1220, 233, 241-42, 244.

5. Fear that an IRA government would destroy traditional culture, author’s interview with Ona White Wing Garvin, September 20, 2001. Also George William Thatcher, “The Winnebago

Indians, 1827-1932" (Unpublished thesis, University of Wisconsin, 1935) 203-09; Nancy Oestreich Lurie, "The Winnebago Indians: A Study in Cultural Change" (Unpublished doctoral dissertation, Northwestern University, 1952), esp. 252-78; Gudinas, "Wisconsin Winnebago," 68-88, re housing progress quoting from BIA District Superintendent at May 1938 tribal meeting in *Minutes* of same; May 28, 1938, 82, n. 1; Helen Miner Miller, Nadine Day Sieber, and Nancy Oestreich Lurie, *Historical Background of the Wisconsin Winnebago People*. Rev. Ed. (N. p.: Wisconsin Winnebago Business Committee, 1965), 3-4.

6. Gudinas, "Wisconsin Winnebago," 86-88, letter from J. C. Cavill to Don C. Foster, April 6, 1951, quoted, 87; *Minutes*, Claims Committee, March 14, 1952, TRO.

7. E. J. Riley to Robert D. Holz, March 17, 1960; Gudinas, "Wisconsin Winnebago," 89-100. A published letter from Helen Miner Miller, secretary during the 1950s and still a key tribal leader, implies that she may hold a set of records. If so, they are not open to researchers. See Black River Falls, *Hocak Worak*. Late July, 1993, TRO. There are also in private hands two boxes of papers of the Rev. Mitchell Whiterabbit. Dr. Lurie's papers will pass to the tribal archives at her decease but will remain under seal for twenty years. Author's interview with Lurie, September 3, 2001.

8. *Minutes*, tribal meetings September 9, October 21, 1961, TRO; Gudinas, "Wisconsin Winnebago," 96-101.

9. Interviews with Steve Funmaker and Nettie Kingsley, September 13, 2001; Preston Thompson, Jr., November 14, 2002. I cannot identify Angelo LaMere's and Lorraine Winneshiek's clans and Mary Natani's religion.

10. Quotations, Jackson County, Wisconsin *Deeds Book* 164: 20, re Allotment 148, Homestead Certificate No. 5288, under the Act of 1881, re the SE 1/4 of the NE 1/4, Section 24,

Township 21 north, Range 3 west, Wisconsin. The land was probated on April 9, 1951, the trust order signed in Washington, D.C. that day, and recorded by the Jackson County Register of Deeds on February 27, 1962. Also Nadine Day Sieber, Nancy Lurie, and Wisconsin Winnebago Research Team, "Continuation of Report on Wisconsin Winnebago Project: Contribution of Community Development to the Prevention of Dependency" (N.p.: n.p., 1966). Memorandum of the Solicitor General to the Secretary of the Interior, copy attached to Sonosky, Chambers *et al.* Memorandum 172-95 to WWBC, October 23, 1995. Also WWBC *Minutes*, April 14, 1962 re Zimmerman; November 24, 1962; quotation, WWBC, *Hocak Worak*, June 6, 2000; *Wisconsin Winnebago*, April, 1963 for results at all six polling places and names of additional leaders, including Wilbur Blackdeer, Frank Thunder, Ruby S. Lincoln, John Stacy, Chauncy Hopinka, Lyle Greendeer, John Winneshiek, and Helen Johnson, among others. Bank balance, *Minutes*, tribal meeting August 15, 1953. All TRO.

11. The contradiction between a majoritarian constitution and traditional Winnebago decision-making is the central point of Gudinas, "Wisconsin Winnebago." She rightly saw, especially 9-18, 115-36, 255-65, the systems as irreconcilable. Democracy and conflict, Robert Dykstra, *The Cattle Towns* (New York: Knopf, 1971). Also tribal *Minutes* September 3, October 21, 1961, TRO. For Hocąk words for "councils" and "courts," author's weekly interviews with Preston Thompson, Jr., who is currently creating a written Hocąk, February-November, 2002.

12. *Minutes* Provisional WWBC, March 17, June 16, 1962; Prospectus, March 17, 1962, TRO; grant, *Wisconsin Winnebago*, November, 1962; Melen Miner Miller and Nancy Oestreich Lurie, "Report on Wisconsin Winnebago Project: Contribution of Community Development to the Prevention of Dependency" (N. p.: n. p., 1963), quoted 6. Frantz Fanon, *The Wretched of the Earth*. Constance Farrington, Transl. (New York: Grove Press, 1963), 315.

13. Nadine Day Sieber, Lurie and Wisconsin Winnebago Research Team, "Continuation of Report on Wisconsin Winnebago Project," 12-23 (Unpublished manuscript, Black River Falls, Ho-Chunk Nation, 1966), TRO.

14. Seymour Martin Lipset, *The First New Nation: The United States in Historical and Comparative Perspective*. (New York: Basic Books, 1963) 1-66; amendment, Joe Crawford, legal intern, to JoAnne Jones and members of the Committee on the Constitution, July 2, 1992, 7, TRO; Gudinas, "Wisconsin Winnebago," 90, 137, 141.

15. For discussion, Gudinas, "Wisconsin Winnebago," 142-65, quoted 165.

16. Gudinas, "Wisconsin Winnebago," 174-246, Lurie proposal, 163, memo to Carl Olien, Robert Smith, *et al.* of the OEO, March 17, 1967, quoted 174. Gudinas confuses consensus with unanimity. They differ, as Quakers know. By the 1960s old ways had weakened so far that Winnebagos resorted to fomenting "uproar" in meetings to block actions. Lurie to Gudinas, "Wisconsin Winnebago" (March 15, 1969), 226.

17. *U.S. Statutes at Large*, 86:335-343; Prucha, *Documents*, quoted 263-64; "History," *Contents*, TRO. 15-19, for sources. Author's interview with Ona Garvin re Head Start, November 8, 2001.

18. Homeownership program, *Ho-Chunk Wo-lduk*, Late January, Early February, 1994, Black River Falls, Wisconsin, *Hocak Worak*, April 17, October 12, 1999; other social services, *Minutes* of WWBC and legislature, executive session January 5, 1999 records of relevant offices, "History," *Contents*, esp. 19-20, 24-26, 29-30; all TRO. The tribe employed its first full-time dentist in 1999. That January, legislators approved purchase of the All-American (now Maplewood) Apartments in Black River Falls, for \$780,000, adding about fifty units to its housing inventory.

19. Mounds, Larry A. Johns, "Indian Mounds & Databases: A Modern Approach to Historic

Preservation.” Preliminary Report No. 1 (Unpublished manuscript, University of Wisconsin, 1990); WWBC *Minutes* and Resolution 11-04-89A; Robinson Johnson and Lavina Thorud, “Wisconsin Winnebago Lexicon,” June, 1976; Josephine White Eagle, “Winnebago Language Dictionary Preliminary Report, October 15, 1987”; Kenneth Funmaker, Sr., Hocak Wazijaci Language and Culture Program Mission Statement” (Unpublished manuscript, 1995), all TRO.

10. For these measures see respectively United States, *Statutes at Large*, 88: 2203-22-14; 102: 2296-2298; 106: 4526-4592; 108: 4170-4277; and 110 4016-4046. Also Francis Paul Prucha, ed., *Documents of United States Indian Policy*. Third Edition (Lincoln: University of Nebraska Press, 2000) 275-77; 322-24; 337-39; 353-56; 358-59.

21. *Ho-Chunk Wo-Lduk*, February 16, 1988.

22.. The only way to pursue these complicated stories is through the *Minutes* of the WWBC and successor Ho-Chunk Nation legislature, May, 1982-December, 2000. Also Chris Straight, Director of Planning Development Operations to Silas Cleveland, Director of Operations, Business, September 20, 2001, prepared for and in possession of the author.

23. *Bryan v. Itasca Co., Minnesota* (426 U.S. Reports, 1973), 326; *Seminole Tribe v. Butterworth* (650 Federal Reports 2d, 310) 1981, cert. denied (455 U.S. Reports 1020), 1983; *California v. Cabazon Band of Mission Indians* (480 U.S. Reports, 207-221), 1987; LaMere, *Ho-Chunk Wo-lduk*, February, 1994.

24. John P. Koberstein file, TRO. Quotation, *United States of America ex rel. Wisconsin Winnebago Business Committee v. John P. Koberstein and Ho-Chunk Management Corporation* (Fed. Dist. Court, W. Dist. of Wisconsin, case no. 84-1768, ORDER, March 14, 1985; WWBC membership, *Wisconsin Winnebago Business Committee v. John P. Koberstein . . .* [et al.] (Fed. Dist. Court, W. Dist. of Wisconsin, case no. 86-C-299-S), DISMISSED June 11, 1986.

25. John B. Koberstein to WWBC, September 2, 1983; Suby, Von Haden and Associates, S.C., CPA, to Wisconsin Winnebago Business Committee, August 25, 1983; in Koberstein file, TRO.

26. *U.S. Statutes at Large*, 102: 2467-76, in Prucha, *Documents*, 322-24; "Wisconsin Winnebago Tribe and State of Wisconsin, Gaming Compact of 1992" (Unpublished manuscript, Madison, June 11, 1992), TRO.

27. Daniel F. Gordon *et al.*, , to Earl J. Barlow, February 6, 1992 (re visit to WWBC Offices); Robert R Jaeger, to Earl J. Barlow, January 24, 1992; . . . to John Mann, to George Garvin, to Greg Littlejohn, all January 28, 1992; *Minutes*, WWBC, 1989-February 20, March 24, 1992; *Ho-Chunk Wo-lduk*, 1988-early April, 1992; Corrie-Jenna Corporation files, WinAMax Files, and Golden Nickel Casino/Gaming Corporation of America Files; all TRO, all hold federal court records, newspaper clippings, and other pertinent material; personal interview with Dallas White Wing, October 23, 2001.

28. *Minutes*, WWBC, February 10, March 6, quoted March 10, 1988, March 6, 1992; *Minutes*, Constitutional Reform Subcommittee, March 10, 1988, January 16, 1983-September 17, 1994, passim; *CONSTITUTION OF THE HO-CHUNK NATION*(N.p., n.p., n.d.), quoted 3, 6; *Minutes*, Ho-Chunk Nation General Council and Legislature; *Ho-Chunk Wo-lduk*, January, 1987-June, 1997; *Hocak Worak*, January, 1997-December, 2000; Brenda Walhovd to JoAnn Jones, March 15, 1995; Mary Natani, "THE ORGANIZATION OF THE WISCONSIN WINNEBAGO: An Historic Perspective" (Unpublished manuscript, undated), all TRO; interview with Ona Garvin, November 7, 2001.

29. Executive building, *Ho-Chunk Wo-lduk*, late September, 1993, late August, 1994, November 3, 1995; Ho-Chunk Nation, *1999/2000 Annual Report, 2000/2001 Annual Report* (Black

River Falls: Ho-Chunk Nation, 2000, 2001); “P.R. Cheat Sheet” (N.p: n.p., n.d.); *Ho-Chunk Wo-ludk*, Early January, August, 1994, Early August, 1995.

30. Quotation, Ona Garvin, November 8, 2001. Compact of 1998, “MEMORANDUM OF UNDERSTANDING REGARDING TECHNICAL MATTERS,” (Unpublished document, December 11, 1998), TRO; tribal conditions, “Ho-Chunk Nation Overall Strategic Plan—2001—” (Unpublished notebook), TRO; population, Steeples, n. 4., *supra*.

REFERENCES

Franklin Park, IL, *Ho-Chunk Wazee Jachee rlda*, April, 1962, *Wisconsin Winnebago*, November, 1962, March, 1963, later Tomah and Black River Falls, WI, various titles including *Ho-Chunk Wolduk* and *Hocak Worak*.

Gudinas, Ruth A. “Wisconsin Winnebago Political Organization Structure/Cultural Incompatibility and Organ-izational Effectiveness.” Unpublished doctoral dissertation, University of Chicago, 1971.

Gaming Corporation of America, Jenna Corporation, Koberstein, WinAMax Files. Black River Falls, Wisconsin. Ho-Chunk Nation Executive Facility, Tribal Records Office (TRO).

Ho-Chunk Nation Overall Strategic Plan—2001—. Unpublished notebook. Ho-Chunk Nation. Black River Falls, Wisconsin, 2001. TRO.

Miller, Helen Miner, and Nancy Oestreich Lurie, “Report on Wisconsin Winnebago Project: Contribution of Community Development to the Prevention of Dependency.” N.p.: n.p., 1963; Nadine Day Sieber, Lurie, *et al.*, “Continuation of Report” Unpublished: Black River Falls, Ho-Chunk Nation, 1966., TRO.

Minutes. Ho-Chunk Nation legislature. November 9, 1994-December, 2000. TRO.

Minutes. Wisconsin Winnebago Business Committee. March 9, 1963-October 17, 1995.

TRO.

Prucha, Francis Paul. *Documents of United States Indian Policy*. 3rd ed. Lincoln: University of Nebraska Press, 2000.