

# Chairman's Update

## Getting to the heart of the matter in our Vanderbilt gaming litigation

**By Bryan Newland**  
*Bay Mills Tribal Chairman*

In November 2010, Bay Mills opened a new gaming facility in the Village of Vanderbilt. That gaming facility has been the source of great controversy here in Michigan, and great frustration for many of our community members.

The State of Michigan filed a lawsuit against Bay Mills shortly after the Vanderbilt Casino opened, and a Federal District Court ordered the Tribe to close the Vanderbilt Casino. The case eventually reached the Supreme Court. But, the Supreme Court did not decide whether our Tribe was allowed to operate a gaming facility in Vanderbilt. Instead, the Court looked at whether the State of Michigan was allowed to file a lawsuit directly against the Bay Mills Indian Community.

In 2014, the Supreme Court ruled that Michigan could not bring its lawsuit because Bay Mills is a sovereign government which is immune from lawsuits, like state and federal governments. The Court dismissed the State of Michigan's lawsuit, but did hold that Michigan could arrest and prosecute Bay Mills tribal members who violated state law outside of our reservation.

Despite all of the controversy and litigation, no court has ever actually decided whether Bay Mills is authorized to exercise jurisdiction over our lands in Vanderbilt. That may change soon, as a United States District Court is now considering this very question.

Vanderbilt is located within the lands our tribe ceded to the United States through the 1836 Treaty of Washington. Our tribe exercises jurisdiction over lands throughout the ceded territory – including Vanderbilt – by regulating hunting, fishing, and other activities by Bay Mills tribal members.

In 1997, Congress enacted the Michigan Indian Land Claims Settlement Act, or "MILCSA." MILCSA was enacted to make sure that Bay Mills was able to access the funds that were promised by the Federal Government

to purchase lands that we ceded. MILCSA allows Bay Mills to use those funds to purchase lands, and states that those lands "shall be held as Indian lands are held."

There is no argument that our Tribe has a connection to the lands in Vanderbilt, as we ceded those lands to the United States through the Treaty of 1836. There is no argument about whether Bay Mills exercises jurisdiction over those lands, as we actively regulate hunting and fishing activities of our members in and around Vanderbilt. And, there is no question that MILCSA allows Bay Mills to acquire lands with settlement funds and to hold those lands "as Indian lands."

The District Court will issue a ruling soon to decide whether the State of Michigan's original argument is correct. If the Court rules in our favor, we can proceed to a trial and finally have the opportunity to make our case in a court of law – nearly a decade after this controversy began.

After all this time, we simply want the opportunity to make our case and to be heard.

There has been a lot of opposition to Bay Mills' efforts to expand our gaming operations. As one federal court recently held, most of that opposition is not based on the law. Instead, according to the court, it is based on a desire to prevent competition in Michigan's gaming market.

Bay Mills pioneered Indian gaming in Michigan, by opening the first tribally operated casino in the State more than three decades ago. Since then, a half-dozen new tribes have been recognized in Michigan. Each of Michigan's twelve tribes has developed its own gaming facilities, and the City of Detroit is now home to three large casinos.

Bay Mills is in the small minority of Michigan tribes that do not operate a single gaming facility outside of their original reservations.

Bay Mills fought (and won) the legal battles that paved the way for other tribes to develop multiple casinos near busy highways and growing cities. We do not begrudge those tribes their successes. Instead, we only seek the opportunity to compete under existing laws.

I am grateful that we may finally have the opportunity to be heard in Court, and that we may finally bring this long period of uncertainty to a close.

*Please check out our tribal website, and my official Tribal Chairman Facebook Page, for regular updates about what is going on here at Bay Mills. And, please don't hesitate to call, email, or stop-in to share your thoughts, questions, and concerns with me – I work for you. Miigwetch! You can reach me at 906-248-3241 or bnewland@baymills.org. My official Facebook Page is "Bay Mills Indian Community Tribal Chairman."*

**WEDNESDAY. SEPT. 12**

# TRAUMA INFORMED CARE

**1 p.m. to 4 p.m. at BMCC, Room 110**  
**Resilience: The Biology of Stress and the Science of Hope.**

Trauma occurs way too frequently in our Community. Please attend this 3-hour course on how to heal from the Trauma we face as a Community and learn how to move forward. Hope to see you there!

**Great Information for Everyone**

**Corrie Reil is  
Presenter, MI  
DHHS**

**Learn how to heal  
from Trauma**

**Open to the Public**

**Snacks will be  
provided**