

## Bay Mills casino case set for December argument before US Supreme Court

Written by Administrator  
Friday, 18 October 2013 09:30 -

---

LANSING -- Attorneys for the state of Michigan and for an Indian tribe looking to re-open its casino in northern Michigan will have their moment before the U.S. Supreme Court in December.

Oral arguments in Michigan v. Bay Mills Indian Community are set for Dec. 2, as the Bay Mills tribe [asks the justices](#) to uphold a Sixth Circuit Court of Appeals ruling which granted the tribe permission to operate the casino. State regulators challenged in federal court the tribe's authority to open a casino in Vanderbilt in the northern Lower Peninsula, more than 100 miles from its reservation in the Upper Peninsula.

Attorney General Bill Schuette's office has argued the tribe violated federal law regarding Indian gaming by opening a casino on land outside the tribe's reservation. The tribe's attorneys have argued that by purchasing the land using trust funds, the casino site became tribal lands and therefore eligible for gaming. The tribe also maintains that it is entitled to sovereign immunity from being sued by Michigan, a position the U.S. Solicitor General agreed with in advising the court not to take up the case.

The case has drawn interest from other states where tribes operate casinos. The attorneys general of Alabama, Alaska, Arizona, Colorado, Connecticut, Georgia, Hawaii, Idaho, Kansas, Louisiana, Montana, Nebraska, North Dakota, Rhode Island, South Dakota and Utah filed a joint "friend of the court" brief in support of Michigan's argument, and the attorney general of Oklahoma filed a separate brief also supporting Michigan.

The states argue that federal courts have jurisdiction to consider whether or not the tribe has violated federal law and that Indian tribes are not entitled to immunity from suits filed by state governments.

"The lower court has extended the law of tribal immunity further than this court's precedents warrant or that the principles that undergird the doctrine allow," one of the briefs argues.

The Bay Mills tribe has already discussed plans to open additional casinos in Port Huron and Flint Township, but those plans were halted by the suit over the Vanderbilt site. The tribe does

## Bay Mills casino case set for December argument before US Supreme Court

Written by Administrator

Friday, 18 October 2013 09:30 -

---

operate two casinos in the Upper Peninsula.

A ruling in the case will likely take several months after oral arguments are completed.

*Brian Smith is the statewide education and courts reporter for MLive. Email him at [bsmith11@mlive.com](mailto:bsmith11@mlive.com)*

*or follow him on*

*[Twitter](#)*

*or*

*[Facebook](#)*

**Read more** [http://news.google.com/news/url?sa=t&fd=R&usg=AFQjCNHqLv6dp-o6Na15v0vd37uYtr3K5w&url=http://www.mlive.com/news/index.ssf/2013/10/bay\\_mills\\_casino\\_case\\_set\\_for.html](http://news.google.com/news/url?sa=t&fd=R&usg=AFQjCNHqLv6dp-o6Na15v0vd37uYtr3K5w&url=http://www.mlive.com/news/index.ssf/2013/10/bay_mills_casino_case_set_for.html)