

## Stockbridge-Munsee tribe sues Wisconsin over Ho-Chunk casino expansion

Written by Administrator

Wednesday, 19 April 2017 11:11 -

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The Stockbridge-Munsee Community of Wisconsin operates the North Star Mohican Casino in Bowler. (Photo: File/Press-Gazette Media)

MADISON – An eight-month fight over a casino escalated into a lawsuit Wednesday, with one tribe asking a federal judge to block the Ho-Chunk Nation from adding slot machines to its Wittenberg gambling hall until the litigation is resolved.

The Stockbridge-Munsee Community, which operates a casino nearby in Bowler, sued the state and the Ho-Chunk over the planned expansion in federal court in Madison.

"We don't relish having to take this step, but do so to protect our sovereign right to self-determination," Stockbridge President Shannon Holsey said in a written statement.

The Stockbridge [has signaled its plans](#) for weeks and last month announced it would [withhold a nearly \\$1 million payment](#) to the state because it believed Wisconsin regulators were not holding the Ho-Chunk to the terms of its casino agreement with the state.

State and Ho-Chunk officials have said they are confident the Ho-Chunk's plans for its expanded casino can move forward.

The Ho-Chunk opened a casino in Shawano County in 2008 as an "ancillary facility" that the tribe is allowed to have under a compact it reached with then-Gov. Jim Doyle in 2003. Last fall, the Ho-Chunk began a \$33 million expansion to add a hotel and 250 more slot machines to its casino there.

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In the lawsuit, the Stockbridge contend the Ho-Chunk is [not allowed under federal law to operate a casino on the site](#), even though it has been doing so since 2008. Even if a casino is allowed there, it [cannot be as extensive as the Ho-Chunk plan](#) because it is supposed to be a secondary facility, the Stockbridge argue.

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Gov. Scott Walker's administration is at the center of the dispute because it is responsible for enforcing provisions of the agreements between the state and the tribes over their casinos.

Stockbridge officials say they [would lose \\$22 million a year](#) in casino revenue if the expanded Ho-Chunk casino opens. That would devastate the tribe because it uses casino profits to fund public works projects and medical care and other services for the tribe's 1,470 members.

The suit seeks an order declaring the Ho-Chunk plans violate federal law and its casino agreement with the state. Along with the lawsuit, the Stockbridge asked a judge to prevent the Ho-Chunk from adding slot machines to the 502 it already has as the lawsuit plays out — a process that could take years.

The state has sided with the Ho-Chunk, prompting the Stockbridge to declare that it would withhold its payment of \$923,000 due in June.

Tribes in Wisconsin pay a share of their casino profits each year under a deal that ensures the state won't allow other types of gambling that could compete with tribal casinos.

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A key question in the lawsuit centers on how long the Ho-Chunk has possessed the land where its casino is located. Properties that tribes acquired before October 1988 can easily be used for gambling, while land obtained after that needs special permission that the Ho-Chunk has not received for the site in question.

A church gave the property to the Ho-Chunk in 1969 with a requirement that housing be built on it within five years. No housing was built and the Ho-Chunk lost the land in 1974, the Stockbridge argue.

The Ho-Chunk got the land back in 1993, according to the Stockbridge. That is significant because land acquired by tribes after October 1988 can be used for gambling only in limited circumstances.

The Ho-Chunk claim it has continuously possessed the land since 1969.

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