

## Bay Mills case headed to U.S. Supreme Court

By Shannon Jones  
Bay Mills News

BAY MILLS — Despite a recommendation from the U.S. Solicitor General advising against it, the U.S. Supreme Court announced on June 24 that it is taking on the Bay Mills Vanderbilt Casino case. Arguments will be made during the fall 2013 term.

initially opened the Vanderbilt Casino in November 2010 after it purchased the land, a former travel center included, with money set aside by Congress in the Michigan Indian Land Claims Settlement Act. The tribe contends the Vanderbilt property is tribal land, which can be legally gamed upon under the Indian Gaming Regulatory Act.

The casino, located just north of Gaylord, operated with 84

slot machines until it was shut down by injunction in the spring of 2011. The tribe appealed, and on Aug. 15, 2012 the U.S. Court of Appeals for the 6th Circuit reversed the trial court decision, declaring that the district court did not have jurisdiction under the Indian Gaming Regulatory Act and that the tribe had sovereign immunity.

The state, however, continued to fight, seeking U.S. Supreme

Court review in October 2012. The casino has remained closed since 2011.

Michigan’s Attorney General Bill Schuette issued a statement about the ruling claiming the case “sets the stage for an important discussion about the states’ ability to halt the unrestrained expansion of off-reservation tribal casino gambling.”

The heart of the Supreme Court case puts the question of

tribal sovereignty in front of the highest court in the land.

“Bay Mills Indian Community is deeply concerned by the U.S. Supreme Court’s decision to review this case, as it is in any case where it appears the Court may examine the doctrine of tribal sovereign immunity,” said Tribal Chairman Kurt Perron. “We remain confident that the nation’s highest court will agree with our position.”



**DEDICATED** — A new fire hall rises from the flames of controversy on the site that once held Iroquois Grocery and a landmark tree. An open house and rib barbecue preceded the dedication ceremonies on July 13. Many community members were on hand to admire the new building and praise the dedication and service of the all-volunteer crew. The project was seven years in the making and was completely paid for by savings made by the Bay Mills Township Board — no tax hike and no loan — pointed out Asst. Fire Chief Ray Baker, also a board member. The 86’x68 building houses all the equipment, plus provides storage and kitchen and shower areas for the crew. The wainscoting and the kitchen cabinets were made by township employee John Morrison from wood saved from the downing of the pine tree. A plaque was presented to Morrison at the ceremonies, dedicating the kitchen to him. Above, the crew L-R: Fire Chief Dan Wilcox, Rachel Kronemeyer, Ben Zoppa, Darryl Cameron, Jack Kronemeyer, Kevin Chamberlain, Baker and Jason Teeple. Below, following a tradition at fire hall dedications, the crew pushes a fire truck into the bay. SHAR MYERS/BAY MILLS NEWS



## Program brings homes to Bay Mills

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BAY MILLS — Fourteen new homes have found their way to Bay Mills tribal members, thanks to the U.S. Dept. of Housing and Urban Development. The mobile homes, valued at approximately \$42,000 each, are former federal emergency housing units.

Tribal Chairman Kurt Perron learned of the program online and filled out an application. “A few months later the homes were offered to Bay Mills and began arriving in the fall,” said Perron.

The homes are three bedroom units, approximately 14 feet wide, built to code and insulated, with all units having A/C units. Many of the homes are brand new units.

First priority was given to Bay Mills tribal elders in the selection process. Elders received the homes for free as long as they were used as a primary residence and resided in for at least seven months each year over the next five years. Once the residency requirement is complete, the title will be turned over to the homeowner. The remaining homes were offered to low-income tribal members on a case-by-case basis, and to those who agreed to make the home their primary residence and reimbursed the cost of transportation to the tribe, approximately \$5,000.

According to Dan Tadgerson, Perron’s executive assistant, the tribe has already put in for another 20

homes. HUD will continue to award homes over a staggered period to those tribes who applied for the housing until a maximum of 20 is reached for each tribe who filled out requests during the next award period. As homes become available, HUD will continue the program.

“It’s been a great relationship working with HUD and we hope to continue it into the future,” said Tadgerson.

The responsibility and cost for transporting the homes is the tribe’s expense, but tribes are allowed to use Indian Housing Block Grant program funds, tribal funds, or any other available monies to pay for the transport.

HUD first began allocating mobile homes to tribes in 2005 after a large number of housing units remained unused following Hurricane Katrina. Initially, 1,000 homes were allocated to tribes. From 2005 to 2009, more than 100 tribes put in requests for homes totaling a need of more than 5,000 homes.

As demand persisted, HUD began to work to distribute more of its unused inventory. In February of this year, HUD announced it would be taking applications from tribes for the excess trailers once again and 95 tribes put in a request.

As of press time, Bay Mills Public Works was working closely with new homeowners who were continuing to have their foundations completed and utilities connected, with many near completion.

## Work being done to preserve ‘Old Indian Burial Ground’

BAY MILLS — The week of July 8, passersby may have noted people digging in the Old Indian Burial Ground on Lakeshore Drive, which is normally closed to visitors. As Bay Mills Indian Community’s Tribal Historic Preservation Officer, Paula Carrick hired Sacred Spaces LLC, through a THPO grant, to restore the limestone headstones in the cemetery, many of which had become cracked and broken and fallen to the ground. Carrick began by searching the burial ground with a probe, looking for fallen headstones that had become scattered and buried underground through the years, assisted by Angie and Richard Johnson.

Pictured at the right (L-R), Andrea Klinken and Laura Ghedotte, after cleaning and leveling the headstone, are putting the puzzle back together, while tribal historian, Wanda Perron, far right, relates the family connections and history of those who lay beneath the headstone.

There are several names on the marker, but the most legible belongs

to Philetus Foster, who was a captain on the Great Lakes. He was born Feb. 27, 1857 on Sugar Island and died Dec. 30, 1933 in Bay Mills Mission. He married Rose Ann Boudrie in 1900 on Sugar Island. Their daughter Agnes married Francis “Pontie” LeBlanc in 1929 and many of their descendants still live in Bay Mills Indian Community. Other names on the headstone are obscured by missing pieces, but appear to be Catherine and James.

This is but one of the many headstones being discovered and restored during the project, each with its own story to tell. Sacred Spaces specializes in historical graveyard preservation and restoration and is dedicated to keeping gravesites historically correct with the greatest respect possible. Carrick said they are the only such business in Michigan.

The purpose of the effort is to protect the headstones, which were falling to pieces, and once intact, to preserve the tribal history they reveal. Documentation will provide a before and after view.



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