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End game: Gun Lake tribe will win casino

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By Nancy Crawley

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The Gun Lake casino is just over the horizon.

It's hard to believe anything else.

In a few months, the U.S. District Court of Appeals in Washington most likely will rule in the tribe's favor -- just as it has for two other West Michigan tribes.

That will knock down the last legal challenge to the Wayland Township casino.

Soon after, state lawmakers will probably give thumbs up to a revenue sharing agreement between the tribe and state -- one already signed by the governor.

But even without that compact, the tribe said it will proceed.

By next spring, construction should be under way on the \$200 million gaming house at the Bradley exit off U.S. 131.

Am I overstating the case? Not really. Even those who once opposed the casino concede the legal battle is a "field that's already been plowed."

The outcome got a lot easier to predict last week after tribal casinos won the second of the three almost identical legal battles.

Over the Fourth of July came news a Battle Creek tribe won in the U.S. Court of Appeals -- the same court where a New Buffalo tribe won a nearly identical case.

It's also the same court now considering the nearly identical Gun Lake case.

The score tells the story: With tribal casinos two for two, the third batter is at the plate with the same umpire still working the game. And here comes the pitch ...

The Gun Lake tribe is expecting the win.

"We anticipate a favorable ruling because of the precedent set by the two previous, germane decisions," John Shagonaby, vice chairman of Gun Lake Tribe, said in a statement.

The tribe could not help but point out the anti-casino lawyers, the same core group for all three cases, "have now lost at least seven different state and federal lawsuits."

Politicians in Lansing can read the score, too, well aware of how powerful a well-funded tribe can be.

Senate Minority Leader Mark Schauer said last week's ruling "foreshadows" what will happen in the Gun Lake case, and he anticipates lawmakers will back the compact.

"I expect we'll do that in the near term, especially now that the decision on the Battle Creek casino brings it to the forefront," the Battle Creek Democrat said.

The Gun Lake tribe is optimistic lawmakers will approve the compact because it is more flexible and

lucrative than previous tribal pacts.

It pays out a larger percentage of its earnings from slot machines to the state. Its requirement for exclusivity -- to prevent competing casinos -- is limited to nine counties, rather than the entire state.

It also requires gamblers be at least 21, rather than 18.

Never say die

Opponents, of course, aren't giving up.

Spokesman John Helmholdt said MichGO believes its appeal differs from the others because it claims federal guidelines changed between lawsuits, requiring a broader environmental-impact study. But that argument has not made any headway in lower courts.

By the end of this month, all briefs are to be submitted and oral arguments scheduled before a panel of three appellate judges.

A ruling could come soon afterward. In the other two cases, a ruling was handed down in matter of a few weeks.

Of course, opponents can claim their own success in delaying the casinos for years. But the game appears nearly over.

Battle Creek's tribe said it will begin construction this fall.

The New Buffalo tribe already has built its casino, which opens next month.

Now, it's almost time for the Gun Lake tribe to win its bet.

The Grand Rapids area soon will have its first casino.

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