

Attorney General Challenges Casino Plans

Ponca Tribe Aims To Build Casino On Nebraska-Iowa Border

Jan. 30, 2009

OMAHA, Neb. -- The state attorney general has challenged a national commission's ruling that allows an American Indian tribe to build a casino on its land near the Nebraska-Iowa border.

Attorney General Jon Bruning said Thursday that Nebraskans don't want gambling in the state and the Ponca Tribe shouldn't be able to get around that. He said Nebraska has a stake in the matter because the state surrounds the boundaries of Carter Lake, and the only way to enter the city is on Nebraska roads.

"It's going to be our resources, our state patrol, our police who are going to have to deal with the problems on the doorstep of our state," Bruning said.

Carter Lake is on the Nebraska side of the Missouri River, just northeast of downtown Omaha.

While Nebraska doesn't allow casino gambling, Iowa does -- and that's where the Poncas want to build. The tribe has permission from the National Indian Gaming Commission to run a casino on five acres of trust land at Carter Lake, Iowa.

The chairman of the Ponca Tribe said on Friday that it is unfortunate that Nebraska is bringing court action. Larry Wright said he questions whether Nebraska has legal standing since the tribe's land is in Iowa.

Ponca Tribe Responds To Nebraska Lawsuit

Attorney General Jon Bruning Says Casino Would Use Nebraska Resources

Feb. 1, 2008

OMAHA, Neb. -- A casino fight in Carter Lake, Iowa, wastes taxpayer dollars, an Indian tribe said on Friday.

The Ponca Tribe issued a response Friday morning to a lawsuit filed Thursday by Nebraska Attorney General Jon Bruning.

Bruning said Thursday that Nebraskans don't want gambling in the state and the Ponca Tribe shouldn't be able to get around that. He said Nebraska has a stake in the matter because the state surrounds the boundaries of Carter Lake, and the only way to enter the city is on Nebraska roads.

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The tribe said the lawsuit is a waste of money, especially since the Poncas already have commission approval.

"More disturbing, however, is that the lawsuit has been accompanied by angry rhetoric, false stereotypes, and outright untruths," a statement said. "The state of Nebraska has trampled on the sovereignty of not only the Ponca Tribe but also the state of Iowa and the city of Carter Lake by attempting to force its particular view of gaming into the government to government relationship between the tribe and the state of Iowa."

Chairman Larry Wright Jr. said the tribe didn't try to establish gaming in Nebraska out of respect for Nebraska's views. But, he said, the tribe also has federally designated services areas in Iowa, where tribal and commercial gaming bring needed economic development to the region.

"The tribe takes issue with Attorney General Bruning's claim that 'the tribe just flat-out lied' about its intentions," Wright said in a news release. "The tribe exercised its sovereign right to change the use of its land when other economic development initiatives did not prove sustainable despite the tribe's best efforts."

Nebraska Governor Opposes Iowa Casino

May 20, 2008

OMAHA, Neb. -- Nebraska's governor and other politicians are voicing their opposition to a proposed casino in Carter Lake, Iowa.

The Ponca Tribe of Nebraska wants to operate the casino in Carter Lake, a section of Iowa that's only accessible by using Nebraska roads.

Gov. Dave Heineman wrote a recent letter to the Secretary of the Interior opposing the plan. He said the city of Omaha will be charged with providing the necessary infrastructure for the project. He also said a casino will exacerbate the social ills associated with problem gambling.

Heineman is concerned that Nebraskans will bear the burden of increased crime, homelessness and despair.

"I don't think he has any say. Why's that? We live in Iowa. I support Omaha, but what we do here in Iowa is no concern to Omaha," said one Carter Lake resident.

Omaha's mayor, and area senators have also voiced concerns about the casino proposal.

Omaha Council Opposes Carter Lake Casino

Ponca Tribe Wants To Build Casino

June 3, 2008

OMAHA, Neb. -- The Omaha City Council on Tuesday unanimously approved a resolution opposing a planned casino in Carter Lake, Iowa.

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The Omaha City Council approved a resolution to support Nebraska's federal challenge of the casino.

Iowa To Fight Ponca Tribe's Casino Plan

Officials Say They Were Told No Casino Would Occupy 5-Acre Plot

June 6, 2008

OMAHA, Neb. -- Iowa will fight a Nebraska-based Indian tribe's plan to put a casino in Carter Lake, Iowa, according to a news release out on Friday.

Iowa Gov. Chet Culver, Attorney General Tom Miller and Dean Lerner, the director of the Iowa Department of Inspections and Appeals, said they will seek a judicial review of the National Indian Gaming Commission ruling from the United States District Court for the Southern District of Iowa, in Des Moines.

The National Indian Gaming Commission approved a gaming ordinance last year, which had been submitted by the Ponca tribe that would allow the tribe to go forward with establishing a casino in Carter Lake.

Friday's news release said the Ponca Tribe had previously told Iowa officials that their Carter Lake trust lands did not qualify as gaming-eligible restored lands under federal law. Officials said they were told by the tribe that it intended to use the 5-acre Carter Lake plot for a health clinic and other tribal services, but never for a casino.

"We believe that the National Indian Gaming Commission mistakenly found that the tribal trust lands in Carter Lake were in fact eligible under federal law to be used for gambling," the news release said. "The National Indian Gaming Commission reached this conclusion despite the Ponca Tribe's representations to the contrary. We have therefore decided to challenge that approval in federal court litigation. It is appropriate for the State of Iowa to fully litigate the question of whether the Carter Lake trust lands truly qualify under federal law for gaming purposes, especially in view of the tribe's earlier promises that it did not intend to conduct gambling upon that land."

The Omaha City Council this week passed a resolution to fight the casino, and Nebraska Gov. Dave Heineman wrote a recent letter to the secretary of the interior opposing the plan. He said the city of Omaha will be charged with providing the necessary infrastructure for the project. He also said a casino will exacerbate the social ills associated with problem gambling.

Poncas Predict Iowa Casino Would Be Economic Boon For Region

Iowa, Nebraska Omaha Fight Plan

June 18, 2008

CARTER LAKE, Iowa -- The Ponca Tribe of Nebraska estimates that its proposed casino in western Iowa would create 1,800 jobs and be an economic boon for the region.

The tribe released its projections Wednesday amid mounting opposition from state officials in Nebraska and Iowa. Attorneys general in both states are seeking judicial reviews in Iowa federal court to halt the project.

The Poncas estimate that a casino on its tribal lands in Carter Lake would draw about 3 million visitors annually. The tribe also said the casino would increase the annual economic output of Iowa and Nebraska by nearly \$130 million.

Larry Wright Jr. is chairman of the Poncas' tribal council. He said the tribe shared their estimates after the state of Iowa refused repeated requests to meet with tribal leaders. He said the citizens of Iowa "need to understand what's at stake."

The state of Iowa said this month is plans to fully litigate the question of whether the Carter Lake trust lands truly qualify under federal law for gaming purposes. The Omaha City Council passed a resolution to fight the casino, and Nebraska Gov. Dave Heineman wrote a recent letter to the secretary of the interior opposing the plan.

Court Rules Against Nebraska On Ponca Casino In Carter Lake

Attorney General Can Appeal Ruling

July 25, 2008

Omaha Nebr. -- The federal government fired back Friday at Nebraska's efforts to keep a casino out of Carter Lake, Iowa.

The Department of Justice said the state has no legal standing to challenge the Ponca Tribe's plan to build the casino.

Federal authorities earlier approved the tribe's plan.

Nebraska Attorney General Jon Bruning filed a complaint against the tribe in U.S. District Court in Iowa. Bruning's office has until Aug. 4 to respond to the DOJ's statement.

The state of Iowa has said it plans to fully litigate the question of whether the Carter Lake trust lands truly qualify under federal law for gaming purposes. The Omaha City Council passed a resolution to fight the casino, and Nebraska Gov. Dave Heineman wrote a letter to the secretary of the interior opposing the plan.

Court Blocks Ponca Tribe Casino Plans

Ruling Overturns Authorization For Carter Lake Development

Nov. 29, 2008

COUNCIL BLUFFS, Iowa -- A federal judge issued a ruling to block the Ponca Tribe of Nebraska from building a casino in Carter Lake.

KETV NewsWatch 7 obtained documents showing that a judge in the southern district of Iowa reversed a decision by the National Indian Gaming Commission that approved the casino plans. The ruling said the commission lacked the authority to approve the plans. Attorneys general for Nebraska and Iowa, as well as the city of Council Bluffs, filed suit against the casino plan.

Leaders of a citizen's group opposed to the casino called the ruling "tremendous." They thanked Nebraska Attorney General Jon Bruning for filing the lawsuit.

Calls to the Ponca Tribe have not yet been returned.

Judge Refuses Request To Reconsider Iowa Casino

Jan. 23, 2009

OMAHA, Neb. -- A federal judge has refused to reconsider a ruling that bars the Ponca Tribe of Nebraska from building a casino in Carter Lake, Iowa.

The U.S. Department of Justice asked Judge Charles Wolle of the Southern District of Iowa to reconsider.

In November, Wolle reversed a December 2007 decision by the National Indian Gaming Commission that would have allowed the casino to be built.

Wolle wrote that the commission was not authorized to approve a casino for the 5-acre site because an agreement between the Bureau of Indian Affairs and the state of Iowa in 2003 took precedence.

The agreement said the land would not be used for gambling purposes.

The Justice Department had argued that Wolle misinterpreted the agreement.

Nebraska Attorney General Jon Bruning was pleased with the court's decision.

"A casino in Carter Lake would have directly affected Nebraskans," Bruning said in a statement.

"We're pleased with the court's ruling today, which reaffirms its previous conclusion that the Ponca Tribe should not be allowed to conduct gaming on its Carter Lake land."

Commission To Reconsider Carter Lake Casino Plans

Oct. 19, 2010

LINCOLN, Neb. -- The National Indian Gaming Commission will reconsider whether the Ponca Tribe of Nebraska can build a casino in Carter Lake, Iowa.

An opinion issued Tuesday by the 8th U.S. Circuit Court of Appeals said a federal judge was wrong to throw out the commission's 2007 decision that would have allowed the casino.

At issue is a 2003 agreement between Iowa and the Bureau of Indian Affairs that said the land would not be used for gambling purposes.

The tribe originally told Iowa officials that the land would be used for a health center. So, the commission said, it didn't consider the 2003 agreement when it approved development of the 5-acre site.

The Appeals Court said the commission should revisit the issue, taking the agreement into consideration.

The parcel of land in question sits just a few blocks east of downtown Omaha.

Opponents have argued that a casino in Carter Lake would bring Omaha more headaches, more traffic and more crime.

