IN THE
HO-CHUNK NATION TRIAL COURT

Mr. Chloris Lowe Jr.,
Enrollment #439A001593;
Mr. Stewart J. Miller
Enrollment #439A002566,

Plaintiffs,

v.

Ho-Chunk Nation Legislature Members
Elliot Garvin, Gerald Cleveland, Myrna Thompson,
Isaac Greyhair, Dallas White Wing, Kevin Greengrass,
and Clarence Pettibone in their official capacity and
individually; and Ho-Chunk Nation Election Board,

Defendants.

Case No.: **CV 00-104**

ORDER

(Determining Constitutionality of the Proposed Redistricting/Reapportionment Scenario)

INTRODUCTION

The Court must determine whether the legislatively approved redistricting/reapportionment proposal satisfies the appellate standard. The Court performed such inquiry at the April 23, 2001 *Hearing*. This *Order* proves, in part, a memorialization of that *Hearing*.

PROCEDURAL HISTORY

The Court recounts the procedural history in significant detail in its *Order (Implementation of Appellate Standard)*, CV 00-104 (HCN Tr. Ct., Mar. 30, 2001). For purposes of this decision, the Court notes that the defendants, by and through Ho-Chunk Nation Department of Justice [hereinafter DOJ] Attorney John S. Swimmer, filed the *Defendants' Notice and Motion for Extension* accompanied by the *Defendants' Notice and Motion for Expedited Consideration* on April 17, 2001. In response, the Court entered its April 18, 2001 *Order (Granting Extension)*, providing the defendants until April 19, 2001 to submit the required redistricting/reapportionment proposal(s).

On April 18, 2001, the plaintiffs, by and through Attorney Gary J. Montana, filed the *Motion for Attorney Fees and Costs*. Subsequently, the defendants timely filed the April 19, 2001 *Defendants' Memorandum in Support of Redistricting Proposal* accompanied by the HO-CHUNK NATION LEGISLATIVE RESOLUTION 04-04-01 F [hereinafter LEG. RES. 04-04-01 F]. The Court convened the previously scheduled *Hearing* on April 23, 2001 at 9:00 A.M. CST. *See Order (Implementation of Appellate Standard)*, p. 17. The following parties appeared at the *Hearing*: Attorney Gary J. Montana, plaintiffs' counsel; District 1 Legislator Elliot Garvin; District 1 Legislator Isaac Greyhair; District III Legislator Dallas White Wing; District IV Legislator Myrna Thompson; and DOJ Attorney John S. Swimmer, defendants' counsel. Others in attendance included: District 1 Legislator Robert Mudd, District 5 Legislator Kathyleen Lonetree-Whiterabbit, District 5 Legislator Karen Martin, DOJ Attorney General Gary Brownell, Legislative Attorney William Boulware and Legislative Attorney Michelle Greendeer. Thereafter, the defendants properly filed corroborative documentation on April 27, 2001 as

ordered by the Court at the April 23, 2001 *Hearing*.

APPLICABLE LAW

CONSTITUTION OF THE HO-CHUNK NATION

Article IV – General Council

Section 2. Delegation of Authority. The General Council hereby authorizes the legislative branch to make laws and appropriate funds in accordance with Article V. The General Council hereby authorizes the executive branch to enforce the laws and administer funds in accordance with Article VI. The General Council hereby authorizes the judicial branch to interpret and apply the laws and Constitution of the Nation in accordance with Article VII.

Section 3. Powers Retained by the General Council.

(b) The General Council retains the power to review and reverse actions of the Legislature except those enumerated in Section 4 of this Article. The General Council shall return such reversals to the Legislature for reconsideration consistent with the action of the General Council. The General Council retains the power to review and reverse decisions of the Judiciary which interpret actions of the Legislature. The General Council does not retain the power to review and reverse decisions of the Judiciary which interpret this Constitution.

Article V – Legislature

Section 4. Redistricting or Reapportionment. The Legislature shall have the power to redistrict or reapportion including changing, establishing, or discontinuing Districts. The Legislature shall maintain an accurate census for the purposes of redistricting or reapportionment. The Legislature shall redistrict and reapportion at least once every five (5) years beginning in 1995, in pursuit of one-person/one-vote representation. The Legislature shall exercise this power only by submitting a final proposal to the vote of the people by Special Election which shall be binding and which shall not be reversible by the General Council. Any redistricting or reapportionment shall be completed at least six (6) months prior to the next election, and notice shall be provided to the voters.

Article VI – Judiciary

Section 4. Powers of the Judiciary. The judicial power of the Ho-Chunk Nation shall be vested in

the Judiciary. The Judiciary shall have the power to interpret and apply the Constitution and laws of the Ho-Chunk Nation.

Article VIII – Elections

Section 5. Eligible Voters. Any member of the Ho-Chunk Nation who is at least eighteen (18) years old and who meets all the requirements established by the Ho-Chunk Nation shall be eligible to vote.

Article X – Bill of Rights

Section 1. Bill of Rights.

(a) The Ho-Chunk Nation, in exercising its powers of self-government, shall not:

(8) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

HO-CHUNK NATION RULES OF CIVIL PROCEDURE

Rule 31. Required Disclosures.

(A) Disclosures. Except to the extent otherwise stipulated or directed by order, a party shall, without waiting for a discovery request, provide to the other parties.

(5) judicial notice shall be taken of and required disclosures shall be made of official documents, public documents, documents subject to public inspection, document and materials of non-executive session, governmental minutes and recordings of a governmental body pursuant to the HCN OPEN MEETINGS ACT OF 1996.

Rule 53. Relief Available.

Except in a *Default Judgement*, the Court is not limited to the relief requested in the pleading and may give any relief the evidence makes appropriate. The Court may only order such relief to the extent allowed by Ho-Chunk Nation enactments. The Court may order any party to pay costs, including filing fees, costs of service and discovery, jury and witness costs. Findings of fact and conclusions of law shall be made by the Court in support of all final judgements.

CONSTITUTION OF THE WISCONSIN WINNEBAGO NATION

Article V – Nominations and Elections

Section 3. For the purposes of the first election the Black River Falls Area, consisting of Clark, Eau Claire and Jackson counties, shall elect three members to the business committee; the Wisconsin Dells Area, consisting of Wood, Juneau, Adams, Columbia and Sauk counties, shall elect three members to the business committee; the La Crosse-Tomah Area, consisting of La Crosse, Monroe, Vernon and Crawford counties, shall elect one member to the business committee; the Wittenberg Area, consisting of Marathon and Shawano counties, shall elect one member to the business committee; and three members will be elected at large from outside the above areas to the business committee; thereafter, 2/3 of the membership shall be elected from these areas and 1/3 shall be elected at large. The area elected members shall represent their respective areas until their successors have been installed. (Amend. II, approved Sept. 6, 1967.)

FINDINGS OF FACT

1. The parties received proper notice of the April 23, 2001 *Hearing*.

2. The defendants presented evidence to support their assertion that Revised Scenario 1A represented the culmination of discussion and debate within legislative and legislative subcommittee meetings from the January 25, 2000 legislative meeting thereon.[1] *See Hearing*, CV 00-104 (Log of Proceedings Electronically Recorded, April 23, 2001) pp. 1-4; *Submission of Documents Requested at Hearing on April 23, 2001* (April 27, 2001) [hereinafter *Defendants' Documents*], Attachment Nos. 3, 14-36; *Defendants' Notice and Brief in Support of Redistricting Proposals* (Dec. 8, 2000) Exhibit A: August 21, 2000 Special Administration Meeting minutes; and *Defendants' Notice and Filing of Submission of Final Redistricting Proposals* (Dec. 1, 2000).

3. The defendants presented evidence to support their assertion that Revised Scenario 1A

[1] The Court notes that the defendants have resurrected the second incarnation of Scenario 1A for judicial review. *See Order (Determining Constitutionality of the Proposed Redistricting/Reapportionment Scenarios)* CV 00-104 (HCN Tr. Ct., Dec. 21, 2000) [hereinafter *Constitutionality II*] pp. 6-7, 9-11, 13 and *Order (Determining Constitutionality of the Proposed Redistricting/Reapportionment Scenarios)* CV 00-104 (HCN Tr. Ct., Dec. 14, 2000) [hereinafter *Constitutionality I*] pp. 8-9, 15. To avoid confusion, the Court directs the defendants to properly identify the current proposal as Revised Scenario 1A prior to its inclusion on the upcoming Special Redistricting Election notice(s) and ballot. The Court addressed the

represented the culmination of discussion and debate within area meetings from the April 13, 2000 Milwaukee Area Meeting thereon. *See Hearing*, CV 00-104 (Log of Proceedings Electronically Recorded, April 23, 2001) pp. 1-4 and *Defendants' Documents*, Attachment Nos. 37-73.

4. Revised Scenario 1A divides the State of Wisconsin into four (4) Districts with a fifth District encompassing all areas beyond the geographical boundaries of Wisconsin. The five (5) Districts contain the following proportion of enrolled tribal members to legislative representative(s), including the rounded percentage deviation from the ideal legislative apportionment of 552 constituents per legislative representative. *See* LEG. RES. 04-04-01 F, p. 2.

District 1:	1,247 enrolled members
	3 Legislators
	Ratio: 1 Legislator for 416 enrolled members
	Deviation: -25%
District 2:	551 enrolled members
	1 Legislator
	Ratio: 1 Legislator for 551 enrolled members
	Deviation: 0%
District 3:	486 enrolled members
	1 Legislator
	Ratio: 1 Legislator for 486 enrolled members
	Deviation: -12%
District 4:	1,932 enrolled members
	3 Legislators
	Ratio: 1 Legislator for 644 enrolled members
	Deviation: +17%

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constitutionality of Revised Scenario1A under the prior standard in *Constitutionality II*.

District 5: 1,856 enrolled members

3 Legislators

Ratio: 1 Legislator for 619 enrolled members

Deviation: +12%

5. The following chart represents a comparative analysis of the No Action or No Change Scenario (the *status quo* derived from the CONSTITUTION, ART. V, Sec. 4) and Revised Scenario 1A:

	No Action or No Change Scenario	**Revised Scenario 1A**
District 1 Apportionment: Legislator to Eligible Voters and Deviation from Ideal	1:392 (-29%)	1:416 (-25%)
District 2 Apportionment: Legislator to Eligible Voters and Deviation from Ideal	1:538 (-3%)	1:551 (0%)
District 3 Apportionment: Legislator to Eligible Voters and Deviation from Ideal	1:202 (-63%)	1:486 (-12%)
District 4 Apportionment: Legislator to Eligible Voters and Deviation from Ideal	1:382 (-31%)	1:644 (+17%)
District 5 Apportionment: Legislator to Eligible Voters and Deviation from Ideal	1:1,001 (+81%)	1:619 (+12%)
Maximum Disparity between Legislative Districts	*Districts 5 & 3* (144%)	*Districts 1 & 4* (42%)
Minimum Disparity between Legislative Districts	Districts 2 & 1 (26%)	Districts 2 & 3 or 5 (12%)

6. The Ho-Chunk Nation Legislature [hereinafter Legislature] purported to "justify equal representation disparities based on legitimate considerations or rational policy pronouncements. . . ." LEG. RES. 04-04-01 F, p. 2.

7. At the April 23, 2001 Hearing, the defendants requested that the Court take judicial notice of the

CONSTITUTION OF THE WISCONSIN WINNEBAGO NATION, ART. V § 3 that served as the previous constitutional provision regarding the composition of the legislative districts. *See Hearing*, CV 00-104 (Log of Proceedings Electronically Recorded, April 23, 2001; 10:26:46) p. 7. The Court extended such notice as required by the *Ho-Chunk Nation Rules of Civil Procedure*, Rule 31 (A)(5), recognizing that the constitutional framers chose not to incorporate the percentile mandates into the CONSTITUTION OF THE HO-CHUNK NATION [hereinafter HCN CONSTITUTION]. *Id.*

DECISION

The Court necessarily begins its inquiry at a different point than before the entry of the appellate decision by the Supreme Court of the Ho-Chunk Nation [hereinafter HCN Supreme Court]. The HCN Supreme Court supplanted this Court's plain intent analysis of the HCN CONSTITUTION, ART. V § 4 with its interpretation of the plain meaning of the provision. *Decision*, SU 00-17 (HCN S. Ct., Mar. 13, 2001) pp. 6-7. The HCN Supreme Court focused solely on the plain meaning of the "in pursuit of" phrase, presumably acknowledging the clear import of "one-person/one-vote representation." *Id*., pp. 6-8 *quoting* HCN CONSTITUTION, ART. V § 4. The HCN Supreme Court offered no analysis regarding the origin of the latter phrase, but recognized its obligation to afford judicial protection to "constitutionally protected rights." *Id*., p. 8 *quoting Reynolds v. Sims*, 377 U.S. 533, 566 (1964). This Court provided some insight into the historical roots of the one person, one vote principle, but shall offer further commentary in light of the defendants' seeming insistence of advocating usage of an inappropriate rational basis level of judicial scrutiny. *See Order (Implementation of Appellate Standard)*; *see also* LEG. RES. 04-04-01 F, p. 2.

The constitutionally protected right to which the HCN Supreme Court refers is the "fundamental," *Reynolds*, 377 at 561-62, "inalienable," *Id*. at 565, and "basic," *Id*. at 566, right to vote. *Id*. at 554-56, 561-63, 565-68, 581, 584. This constitutionally protected right "can be denied by a debasement or dilution of the weight of a [person's] vote just as effectively as by wholly prohibiting the free exercise of the franchise." *Id*. at 555; *see also Id*. at 556, 561-63, 565-68, 581. The United States Supreme Court [hereinafter U.S. Supreme Court] designated the right to vote as a fundamental right by determining whether "there is a right to [vote] explicitly or implicitly guaranteed by the Constitution." *San Antonio School Dist. v. Rodriguez*, 411 U.S. 1, 33 (1979).

"While the right to vote in federal elections is conferred by Art. I, § 2, of the Constitution, the right to vote in state elections is nowhere expressly mentioned. It is argued that the right to vote in state elections is implicit, particularly by reason of the First Amendment . . .," *Harper v. Virginia Bd. of Elections*, 383 U.S. 663, 665 (1966), and "because it is 'preservative of other basic civil and political rights.'" *San Antonio*, 411 at 114 (Marshall, J., dissenting) *quoting Reynolds*, 377 at 562 *quoting Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886). However, the U.S. Supreme Court's conferral of a fundamental right to vote in state elections has received some criticism. For instance, Justice Thurgood Marshall emphasized that "it cannot be denied that . . . the exercise of the state franchise . . . [is] not fully guaranteed to the citizen by our Constitution. But th[is] interest[ ] ha[s] nonetheless been afforded special judicial consideration in the face of discrimination because [it is], to some extent, interrelated with constitutional guarantees." *San Antonio*, 411 at 103 (Marshall, J., dissenting). Some justices have levied essentially the same criticism against the finding of a fundamental right to vote in federal elections "[f]or 'the Constitution of the United States does not confer the right of suffrage upon any one. . . .'" *Kramer v. Union School Dist.*, 395 U.S. 621, 639-40 (1969) (Stewart, J., dissenting) *quoting*

Minor v. Happersett, 21 Wall. 162, 178 (1875).

The differing origins of the federal and state rights of suffrage account for the diverging levels of judicial scrutiny applied within the caselaw. *See Order (Implementation of Appellate Standard)*, pp. 4-9. The accommodation afforded to the states for protection of the fundamental right to vote in state elections derives from the unique historical analysis and interpretation of the U.S. Supreme Court. *See Id*. The Court, however, no longer needs to involve itself with this type of inquiry since it is directed to abide by the plain language.

The HCN Supreme Court has identified a fundamental right deserving of judicial protection. The HCN CONSTITUTION not only includes an Equal Protection Clause,[2] but also explicitly secures the right to vote to all eligible voters. HCN CONSTITUTION, ARTS. VIII § 5, X § 1 (a)(8). Furthermore, the stated consequence of the right to vote is explicitly phrased in terms of "one-person/one-vote representation." *Id*., ART. V § 4. Therefore, the HCN CONSTITUTION, unlike the U.S. CONSTITUTION, is not susceptible to attack on the grounds that the asserted fundamental right does not clearly appear within the text of the document.

The appropriate level of judicial scrutiny for examining a denial of a constitutionally protected fundamental right is firmly established. "Unquestionably we have held that a government practice or statute which restricts 'fundamental rights' . . . is to be subjected to 'strict scrutiny' and can be justified only if it furthers a compelling government purpose and, even then, only if no less restrictive alternative is available." *Univ. of Cal. Regents v. Bakke*, 438 U.S. 265, 357 (1978). Despite the level of clarity

[2] The Court earlier acknowledged that it would have arrived at the same result, i.e. requiring the attainment of substantial equality through reapportionment, under its plain intent interpretation had it performed its analysis through examination of the tribal Equal Protection Clause. *Constitutionality II*, p. 11.

involved, the defendants continue to urge the application of a rational basis analysis.[3] The level of constitutional judicial scrutiny applied by courts within a given context is firmly established in federal jurisprudence. Simply, "if a law neither burdens a *fundamental right* nor targets a suspect class, [courts] will uphold the legislative classification so long a it bears a rational relation to some legitimate end."[4] *Romer v. Evans*, 517 U.S. 620, 631 (1996) (emphasis added).

However, the HCN Supreme Court does not prescribe the appropriate level of scrutiny to apply for protection of the explicit constitutional right to vote, i.e. fundamental right, found within the HCN CONSTITUTION. Instead, the HCN Supreme Court directs the Legislature "to pursue the objective of one person, one vote representation by means of a 'diligent, serious and continuous effort.'" *Order (Implementation of Appellate Standard)*, p. 15 *quoting Decision*, p. 6. As a result, the Legislature is not required to propose "the *best* plan to promote this objective, but *any* plan that furthers that objective." *Decision*, p. 6 (emphasis in original). The acceptability of presenting *any* scenario to the voters does not allow the Court to employ strict or rational basis scrutiny. Ultimately, the majority of eligible voters choosing to vote in the upcoming Special Redistricting Election determine the constitutional substance of the Nation's fundamental right to vote. If those voters reject Revised Scenario 1A, then the Legislature must attempt to intuit the level of dilution or debasement of the vote, i.e. a denial of the right to vote, *see supra*., which the majority of eligible voters electing to vote find acceptable.

If not obvious, the Court respectfully disagrees with the appellate standards and the consequence(s) of their application. The disagreement arises from emphasizing the need to apply a

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[3] The Court previously determined that Revised Scenario 1A did not satisfy rational basis scrutiny, although when viewed in conjunction with the necessary "as nearly as practicable" component. *Constitutionality II*, pp. 10-11; *see also Order (Implementation of Appellate Standard)*, p. 9, 11, fn. 7.

[4] The defendants unconvincingly, and incorrectly, argue for the retention of the rational basis test due to the absence of any suspect classifications. *Defendants' Memorandum in Support of Redistricting Proposal*, CV 00-104 (April 19, 2001) pp. 4-5.

plain language interpretive approach, yet continue by viewing the words devoid of established contexts; imparting a 'plain meaning' to a group of words by importing a wholly unrelated definition, *see Order (Implementation of Appellate Standard)*, p. pp. 13-14, fn. 10; and embracing federal principles, but not their commonly understood ramifications. The HCN Supreme Court acknowledges the presence of a fundamental right, but then seemingly abrogates the judiciary's obligation to fully protect that right. The courts possess the sole authority to interpret and apply the HCN CONSTITUTION, but, in this instance, that function is largely surrendered to the Legislature and a majority of an active segment of eligible voters.[5] HCN CONSTITUTION, ARTS. IV § 2, VII § 4. In a companion case to *Reynolds v. Sims*, the U.S. Supreme Court addressed this specific situation.

> An individual's *constitutionally protected right to cast an equally weighted vote* cannot be denied even by a vote of a majority of a State's electorate, if the apportionment scheme adopted by the voters fails to measure up to the requirements of the Equal Protection Clause. Manifestly, the fact that an apportionment plan is adopted in a popular referendum is insufficient to sustain its constitutionality or to induce a court of equity to refuse to act. As stated by this Court in *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 638, 'One's right to life, liberty, and property . . . and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.' A citizen's constitutional rights can hardly be infringed simply because a majority of the people choose that it be. We hold that the fact that a challenged legislative apportionment plan was approved by the electorate is without federal constitutional significance, if the scheme adopted fails to satisfy the basic requirements of the Equal Protection Clause, as delineated in our opinion in *Reynolds v. Sims*.

Lucas v. Colo. Gen. Assembly, 377 U.S. 713, 736-37 (1964) (emphasis added).

The Court fully recognizes that the Ho-Chunk Nation is under no compulsion to apply the reasoning of the U.S. Supreme Court, but the HCN Supreme Court pronounced that "'a denial of

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[5] Moreover, the Ho-Chunk Nation General Council does not possess the authority to overturn a constitutional interpretation of the judiciary. HCN CONSTITUTION, ART. IV § 3 (b).

constitutionally protected rights demands judicial protection; our oath and our office requires no less of us.'"[6] *Decision*, p. 8 *quoting Reynolds*, 377 U.S. at 566. The constitutionally protected right in question logically triggers the above-stated analysis when accepted in terms of its plain language. And, while the HCN CONSTITUTION does impart the ultimate ability to adopt a redistricting/ reapportionment scenario to the voters, it does not vest the authority away from the judiciary to assess the constitutionality of the proposals in accordance with the accepted standards for protecting fundamental rights. HCN CONSTITUTION, ART. V § 4; *see also Decision*, pp. 4-5. The principle of one person, one vote represents an ideal that cannot realistically be attained, and, therefore, the federal, state and Ho-Chunk governments all continue *to pursue* this elusive goal. The act of pursuing the ideal, and the manner in which such act is undertaken, should not prove the sole focus of judicial scrutiny.

Revised Scenario 1A does satisfy the appellate standard articulated by the HCN Supreme Court. *See Findings of Fact* 2-5. **THEREFORE, THE COURT ORDERS** the Ho-Chunk Nation Election Board [hereinafter Election Board] to post notice of the Second Special Redistricting Election on or before June 2, 2001 and hold such election on or before July 7, 2001.[7] The Election Board shall include Revised Scenario 1A and the option, "I reject Revised Scenario 1A, and direct the Ho-Chunk Nation Legislature to submit a different final redistricting/reapportionment proposal for vote by the eligible voters," on the Special Redistricting Election ballot. The Court requires the Election Board to submit a

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[6] The Court reiterates the obvious fact that "the constitutional framers deliberately incorporated [the aforementioned] fundamental precepts of representative democracy as acknowledged and articulated by the [U.S. Supreme Court] into the [HCN] CONSTITUTION." *Order (Implementation of Appellate Standard)*, p. 4; *see also Constitutionality II*, p. 11 and *Order (Partial Dismissal of Claims)* CV 00-104 (HCN Tr. Ct., Nov. 3, 2000) p.p. 9-10.

[7] The Court earlier noted its preference to combine the Second Special Redistricting Election with the General Run-off Election scheduled for June 5, 2001 to avoid unnecessary costs for the Nation. *Hearing*, CV 00-104 (Log of Proceedings Electronically Recorded, April 23, 2001; 10:44:10) p. 9 and *Hearing on Remand*, CV 00-104 (Log of Proceedings Electronically Recorded, Mar. 23, 2001; 11:22:30) p. 1. The Court will not insist on this timeline since it has not witnessed any efforts to inform the voters of the upcoming special election within the *Hoc□k Worak* or other public postings.

draft notice and ballot for judicial review prior to the respective posting and printing for assurances of clarity.

IN ADDITION, the defendants shall inform the tribal membership of the consequences of the instant case within the next published issue of the *Hoc□k Worak*. The explanation shall include, at a minimum, proper citation to and the entire text of the CONSTITUTION, ART. V, Sec. 4, highlighting the sentence, "The Legislature shall redistrict and reapportion at least once every five (5) years beginning in 1995, in pursuit of one-person/one-vote representation." CONSTITUTION, ART. V, Sec. 4. Also, the defendants shall indicate that the holding of the Court and partial affirmance of the HCN Supreme Court centered upon the basic truism that "the Legislature cannot redistrict and reapportion by not redistricting and reapportioning." *Constitutionality I*, p. 11; *See also Order (Granting Plaintiffs' Motion for Summary Judgment)* CV 00-104 (HCN Tr. Ct., Nov. 13, 2000) pp. 1-2, 9-10. Finally, the defendants shall advise the membership that the decisions in the instant case may be viewed and/or obtained at the Ho-Chunk Nation Tribal Court or on the internet at www.ho-chunk.com/Government/dept_court_page.htm.

IT IS SO ORDERED this 4th day of May, 2001 at the Ho-Chunk Nation Trial Court in Black River Falls, Wisconsin from within the sovereign lands of the Ho-Chunk Nation.

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Hon. Todd R. Matha
HCN Associate Trial Judge