

Lawsuit Over Property Taxes

INTRODUCTION

“A federal judge in Madison ruled on Friday [April 9, 2021] that reservation lands held by four Chippewa tribes in northern Wisconsin cannot be taxed by the state if they have been under Indian ownership since being allotted by the federal government. In November 2018, the plaintiff tribes sued former Wisconsin Governor Scott Walker, then-Wisconsin Secretary of Revenue Richard Chandler and 11 northern Wisconsin towns and their assessors in federal court over the state’s attempts to assess and tax property within the boundaries of their respective reservations.” ([Wausau Pilot & Review](#), April 10, 2021)

The actual [ruling](#) concludes:

The court will grant both the state’s and the tribes’ motions for summary judgment in part. Indian-owned real property on the tribes’ reservations is not taxable if it has been held in Indian ownership since allotment; the property is taxable once it passes to non-Indian ownership, even if it subsequently returns to Indian ownership. The court will enter judgment and close this case, but it will stay enforcement of the judgment for 30 days to give the parties the opportunity to appeal. The court will, if requested, grant a stay pending appeal for any portion of the judgment that is actually appealed. (pages 23-24)

BACKGROUND

On November 30, 2018, the [Lac du Flambeau Band](#), [Red Cliff Band](#), [Lac Courte Oreilles Band](#), and [Bad River Band](#) of Lake Superior Chippewa Indians filed a [federal lawsuit](#) claiming the State of Wisconsin, the Governor, and eleven towns (including the Town of Lac du Flambeau) and their assessors have been violating the [Treaty of 1854](#) by taxing reservation lands, and they want such taxation to end.

The [Lac du Flambeau Town Board](#), the town's attorney, and the town's assessor discussed the issue in closed session at a Special Town Board Meeting on Wednesday, December 19, 2018, at the Lac du Flambeau Town Hall. In open session following the closed session, town officials by motion directed the town's attorney to respond to the lawsuit ([Agenda](#), [Audio Recording](#), Minutes Pending).

In a [letter of January 30, 2019](#), the Tribe’s Director of Land Management expressed the Tribe’s position on an exemption from specific tax bills.

ADDITIONAL INFORMATION

The following sources provide information about the lawsuit.

>Courthouse News Service. "[Wisconsin Tribes Fight Tax on Reservation Land](#)" (December 3, 2018).

>Michigan State University College of Law, "Turtle Talk." "[Wisconsin Tribes Sue Wisconsin over Taxation of Indian Lands](#)" (December 3, 2018).

>Wisconsin Public Radio. "[Northern Wisconsin Tribes Sue State, Towns For Taxing Reservation Lands](#)" (December 10, 2018).

>Duluth News Tribune. "[Northern Wisconsin bands sue over land tax](#)" (December 10, 2018).

>Lakeland Times. "Tribes sue state, towns for assessing property taxes" (December 14, 2018, pages 1, 14-15).

TREATIES

The [Great Lakes Indian Fish & Wildlife Commission](#) website "...contains three versions of the 1836, 1837, 1842, and 1854 Treaties between the United States and the Ojibwe bands in which they ceded lands in northern Michigan, Wisconsin and Minnesota but retained the right to hunt, fish and gather on the lands they sold."

The "Wisconsin Magazine of History" includes an article by Benjamin G. Armstrong, [Reminiscences of Life Among the Chippewa](#) (page 287), who witnessed the making of the treaties.