

FILED
01-22-2024
CLERK OF WISCONSIN
SUPREME COURT

IN THE SUPREME COURT OF WISCONSIN
No. 2023AP1399-OA

REBECCA CLARKE, RUBEN ANTHONY, TERRY DAWSON, DANA GLASSTEIN,
ANN GROVES-LLOYD, CARL HUJET, JERRY IVERSON, TIA JOHNSON, ANGIE KIRST,
SELIKA LAWTON, FABIAN MALDONADO, ANNEMARIE MCCLELLAN, JAMES
MCNETT, BRITTANY MURIELLO, ELA JOOSTEN (PARI) SCHILS, NATHANIEL SLACK,
MARY SMITH-JOHNSON, DENISE (DEE) SWEET,
AND GABRIELLE YOUNG,

Petitioners,

GOVERNOR TONY EVERS, IN HIS OFFICIAL CAPACITY; NATHAN ATKINSON,
STEPHEN JOSEPH WRIGHT, GARY KRENZ, SARAH J. HAMILTON, JEAN-LUC
THIFFEAULT, SOMESH JHA, JOANNE KANE, AND LEAH DUDLEY,

Intervenors-Petitioners,

v.

WISCONSIN ELECTIONS COMMISSION, DON MILLIS, ROBERT F. SPINDELL, JR.,
MARK L. THOMSEN, ANN S. JACOBS, MARGE BOSTELMANN, AND CARRIE RIEPL, IN
THEIR OFFICIAL CAPACITIES AS MEMBERS OF THE WISCONSIN ELECTIONS
COMMISSION, MEAGAN WOLFE, IN HER OFFICIAL CAPACITY AS THE
ADMINISTRATOR OF THE WISCONSIN ELECTIONS COMMISSION; ANDRÉ JACQUE,
TIM CARPENTER, ROB HUTTON, CHRIS LARSON, DEVIN LEMAHIEU, STEPHEN L.
NASS, JOHN JAGLER, MARK SPREITZER, HOWARD L. MARKLEIN, RACHAEL
CABRAL-GUEVARA, VAN H. WANGGAARD, JESSE L. JAMES, ROMAINE ROBERT
QUINN, DIANNE H. HESSELBEIN, CORY TOMCZYK, JEFF SMITH, AND CHRIS
KAPENGA, IN THEIR OFFICIAL CAPACITIES AS MEMBERS OF THE WISCONSIN
SENATE,

Respondents,

WISCONSIN LEGISLATURE; BILLIE JOHNSON, CHRIS GOEBEL, ED PERKINS,
ERIC O'KEEFE, JOE SANFELIPPO, TERRY MOULTON, ROBERT JENSEN, RON ZAHN,
RUTH ELMER, AND RUTH STRECK,

Intervenors-Respondents.

**MOTION BY NON-PARTIES MIDWEST ALLIANCE OF SOVEREIGN
TRIBES AND LAC DU FLAMBEAU TRIBE FOR LEAVE
TO FILE AN AMICI BRIEF**

Barry J. Blonien
David M. Oppenheim
BOCK HATCH & OPPENHEIM, LLC
203 N. LaSalle St. Ste. 2100
Chicago, IL 60601
(312) 658-5500
barry@classlawyers.com
david@classlawyers.com

*Counsel for Proposed Amici Curiae
Midwest Alliance of Sovereign Tribes
and the Lac du Flambeau Tribe*

Non-parties Midwest Alliance of Sovereign Tribes and the Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation (“Lac du Flambeau Tribe”), through counsel, hereby move the Court for leave to file the attached non-party *amici* brief in support of the Wright Petitioners’ proposed remedial map (known as the Wright Map), pursuant to Wis. Stat. § 809.19(7) and this Court’s December 22, 2023 Order in *Clarke v. Wis. Elections Commission*, No. 2023AP1399-OA. In support of this motion, proposed *amici* submit the following:

1. The mission of proposed *amicus* Midwest Alliance of Sovereign Tribes, or MAST, is to advance, protect, preserve, and enhance the mutual interests, treaty rights, sovereignty, and cultural way of life of the sovereign Nations of the Midwest throughout the 21st century. MAST coordinates important public-policy issues and initiatives at the state, regional, and federal levels; promotes unity and cooperation among member Tribes; and advocates for member Tribes.

2. MAST is headquartered in Gresham, Wisconsin, and represents 35 sovereign Tribal Nations of Wisconsin, Minnesota, Iowa, and Michigan. Altogether, MAST represents nearly 134,000 American Indian people. All but one of the 11 federally recognized Indian Tribes in Wisconsin are MAST members. They are:

- the Bad River Band of the Lake Superior Chippewa Indians of the Bad River Reservation;
- the Ho-Chunk Nation;
- the Lac Courte Oreilles Band of Lake Superior Chippewa Indians;
- the Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation;

- the Menominee Indian Tribe;
- the Oneida Nation;
- the Red Cliff Band of Lake Superior Chippewa Indians;
- the Sokaogon Chippewa Community;
- the St. Croix Chippewa Indians; and
- the Stockbridge Munsee Community.

3. The Lac du Flambeau Tribe is a MAST member and seeks to participate as a proposed *amicus* to voice the Tribe's support for the Wright Map.

4. The Lac du Flambeau Tribe and MAST's other member Tribes have a strong interest in maps that promote fair and effective representation for everyone, including Wisconsin's American Indian citizens. The proposed *amici* have special knowledge and experience bearing on the matter, and the points raised in the attached brief are of significant value. *See Wis. S. Ct. I.O.P. III.B.6.c.*

5. The proposed brief does not repeat arguments made by any of the parties. Rather, it provides critical context for the importance of preserving Wisconsin's Indian reservations as legitimate, long-standing sovereign communities of interest by any remedial redistricting map that this Court adopts. MAST's proposed brief discusses the particular interests of Tribal members residing on Indian reservations. The proposed brief further explains why the only way to ensure responsive representation is to preserve Wisconsin's Indian reservations as communities of interest within state assembly and senate legislative districts.

6. This motion is timely filed in accordance with Wis. Stat. § 809.19(7)(c) and this Court's December 23, 2023 Order addressing the filing of non-party briefs.

WHEREFORE, the Midwest Alliance of Sovereign Tribes respectfully requests that the Court grant this motion for leave to file the accompanying non-party *amici* brief.

DATE: January 22, 2024

Respectfully submitted,

Electronically signed by
Barry J. Blonien

Barry J. Blonien
David M. Oppenheim
BOCK HATCH & OPPENHEIM, LLC
203 N. LaSalle St. Ste. 2100
Chicago, IL 60601
(312) 658-5500
barry@classlawyers.com
david@classlawyers.com

*Counsel for Non-Parties and Proposed
Amici Midwest Alliance of Sovereign
Tribes and the Lac du Flambeau Tribe*