

## Appeals court rules tribes subject to federal labor law

WASHINGTON (AP)—Indian tribes are subject to federal labor law, an appeals court ruled Friday in a case that could lead to stricter labor protections—and more unions—at the nation's booming Indian casinos.

A three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit rejected arguments from a wealthy Southern California tribe that as a sovereign government, it should not be subject to those laws.

"Tribal sovereignty is not absolute autonomy, permitting a tribe to operate in a commercial capacity without legal constraint," said the opinion written by Judge Janice Rogers Brown.

The ruling stemmed from an organizing dispute at a casino run by the San Manuel Band of Mission Indians, 60 miles east of Los Angeles, where a union filed a complaint with the Na-

tional Labor Relations Board arguing that another union was getting preferential access.

San Manuel contested the complaint by asserting the labor board didn't have jurisdiction because federal law recognizes Indian tribes as sovereign governments.

The labor board disagreed in a 2004 opinion that, for the first time, said tribes are covered by the National Labor Relations Act that bars unfair labor practices and gives workers the right to organize and bargain with employers.

Connecticut sided with the NLRB and intervened in the case. The ruling has broad implications for both Connecticut Indian casinos, Attorney General Richard Blumenthal said Friday.

"This historic victory opens a new era for working men and women at tribal casinos in Connecticut and across the country," Blumenthal said. "While we re-

spect the principles of tribal sovereignty, this ruling guarantees basic rights deserve respect, no matter who the employee." Officials from Connecticut's two gaming tribes said they were just beginning to digest the 23-page ruling.

The Mashantucket Pequot have long advocated that Indian nations, as governments, should be treated the same as state and local governments in matters of law and policy, Arthur Henick, a tribal spokesman, told The Day of New London.

"Equity would dictate that the same exemptions under national labor law that are enjoyed by state and local governments should be applied to tribal nations as well," he said. "It is up to the tribal nation in this ruling to decide if it wants to seek further legal challenges under the law."

Mohegan Chief of Staff Charles Bunnell said Friday night that he had not yet read

the ruling, and said it may raise concerns if it threatens to erode tribal sovereignty.

"For us, is it something we're totally alarmed by? No," he told The Day. "We have been diligent in taking care of our employees and making sure they come first."

At stake are protections and bargaining rights for some 250,000 workers, most of them non-Indians, at the nation's 400-plus tribal casinos. The ruling comes as tribal gambling has exploded into a \$22 billion-a-year industry—richer than Las Vegas—with Indian casinos in 28 states.

A few tribal casinos in California are unionized, including San Manuel, but most workers at Indian casinos are non-union. Unions have been trying hard to make inroads with the growing work force but say they've had trouble without the protection of the National Labor Relations Act.

Even though San Manuel

employees already have joined Communications Workers of America, the ruling could undercut the tribe's ability to deal with the union on the tribe's own terms, which critics say favor the tribe. The tribe contends it treats its workers well, and employees at the San Manuel casino have praised conditions there.

"We are disappointed by the ruling today," said Henry Duro, chairman of the San Manuel tribe, which was backed in the case by the National Indian Gaming Association and leading tribes.

"We believe that these gaming projects help tribes to fulfill essential governmental functions by providing education, health care, housing, senior care and other key programs," Duro said. "Those are basic governmental obligations that could be impacted by this decision." A tribal spokesman said the tribe hadn't decided whether to ap-

peal. Jack Gribbon, political director for Unite Here in California, said the ruling came down on the side of "workers who are the engine behind the extremely lucrative tribal gaming industry."

If the ruling stands and tribes don't come to the table, "it creates the opportunity for a major clash, for disputes and unrest and picketing and striking," Gribbon said.

The appeals court said San Manuel read too much into the fact that the 1988 Indian Gaming Regulatory Act permits tribes and states to regulate Indian casinos. "It is a considerable leap from that bare fact to the conclusion that Congress intended federal agencies to have no role in regulating employment issues that arise in the context of tribal gaming," said the 23-page order.

Also on the appeals panel were Judges Stephen F. Williams and Merrick B. Garland.

## Washington gambling panel approves Spokane tribal compact

OLYMPIA, Wash. (AP)—The state Gambling Commission has endorsed a casino compact with the Spokane Indian tribe—a deal that will clear the way for expansion of tribal gambling across Washington if it wins final approval.

Gov. Chris Gregoire and the federal government are expected to OK the pact, which will allow the Spokanes to operate up to five casinos, with up to 4,700 video gambling machines and higher wagers allowed at some tables.

In the name of equity, the state will allow similar expansion for other tribes, commission members and the governor's office said after the 6-3 vote on the Spokane compact.

"Within a month, we will move to amend the other

tribes' compacts, providing largely the same features as the Spokane agreement," said Tom Fitzsimmons, the governor's chief of staff and an expert on tribal relations.

Statewide, the number of gambling machines at tribal casinos could rise from 18,225 to about 25,000, including the Spokane machines and modest increases at the other locations, he said.

Most tribes will be held to their current two-casino maximum, he said.

The deal will be ready for the commission's March 9 meeting, he said. Ratification of the Spokane pact by the U.S. Interior Department could take a year, he said.

The statewide approach "harmonizes" the compacts and sets fairly uniform treatment of tribal gambling, including the number of machines and cas-

inos and the bet limits, Fitzsimmons said.

Critics complained about expansion of gambling, addiction to gambling and other social problems, and the lack of revenue-sharing with the state.

The Spokanes are the last tribe in Washington operating without a compact with the state.

Twenty tribes operate 25 casinos, generating \$1.2 billion a year in revenue.

The tribe operates two casinos, one at Chewelah and the other at the confluence of the Columbia and Spokane rivers. The tribe wants to build a \$67 million casino-hotel near Spokane.

Several GOP lawmakers urged Gregoire to reject the compact, but she indicated she'll sign it.

## Cherokees approve \$2.5 million in disaster relief

TAHLEQUAH, Okla. (AP)—Cherokee councilors have approved \$2.5 million in aid for tribal citizens affected by January ice storms.

The funds were approved unanimously in a special session Friday and come in addition to \$200,000 appropriated for ice disaster relief last month. Families throughout the tribe's 14-county jurisdiction will be able to receive up to \$500 in disaster aid.

The area was declared a di-

aster by tribal, state and federal entities. Across the state, at least 32 deaths were attributed to the icy weather and more than 100,000 customers statewide were without power at one time.

In a letter to the tribal council, Principal Chief Chad Smith said more than 5,000 families had applied for aid.

"This was only with fliers and word-of-mouth notification" about the availability of tribal aid, Smith said in the letter.

He wrote, "We cannot help

everyone who has a need, but what we can commit to do is to assist those households most in need first."

Applicants can receive financial aid to pay heating bills, to buy generators and replace spoiled food, and to cover other expenses incurred because of the storm, officials said.

Smith said assistance will be based largely on income.

The tribal council's regular meeting remains scheduled for Monday.

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Informational exhibits

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Illustration by Paul Lanquist

## Tree from Western Wash. treaty site ruined in storm

NISQUALLY, Wash. (AP)—The last tree from the grove at the site where the first Indian treaty was signed in Western Washington is the latest identified casualty of stormy weather in recent months.

Until early December the dead Douglas fir snag was visible from Interstate 5 near Nisqually along Medicine Creek, also known as McAllister Creek, near this hamlet between Olympia and Tacoma.

Today the tree lies in pieces, the top bobbing in a side channel of the creek at high tide, another chunk lying on the shore and the once-regal trunk reduced to a jagged 20-foot stump.

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