

Oregon's civil laws do not apply to sovereign nations

SMOKING continued
from front page

The American Lung Association, at the prompting of Portland attorney John DiLorenzo of the firm Davis Wright Tremaine, has written a letter to Gov. Ted Kulongoski, asking that he require Oregon's nine federally recognized Tribes prohibit smoking inside their casinos.

According to a story in the Sept. 19 *Oregonian*, the smoking ban has resulted in million dollar losses in Oregon Lottery profits since it took effect in January.

Some speculate that gamblers have abandoned state video slots in smokeless restaurants and bars for Tribal ones where they can light up.

Tribal representatives, including Martin, say the smoking issue also could be a litmus test for how much jurisdiction the state has over Tribal casinos and prompts concerns about erosion of Tribal sovereignty.

Martin said that when Tribal ca-

sinos were built in Oregon, compact negotiations between the state and Tribes dealt with health and safety issues from construction standards to water quality to food quality to emergency preparedness.

Martin also cites the federal Indian Gaming Regulatory Act, which limits state-Tribal compacts to issues directly related to gaming activities.

"Smoking is not directly related to the operation of gaming activities, as are physical conditions of the casino structure, security and gaming operational issues," Martin said.

"The Oregon Indoor Clean Act is directed at employees, so it isn't the kind of standard meant to be applied to the public generally under the compact.

"The realities are that this is a jurisdictional issue between the state and the feds, and does the Oregon Indoor Clean Air Act apply to federal land even though we're in the state of Oregon?"

Martin said that the Confed-

erated Tribes of Grand Ronde's casino, Spirit Mountain, has been addressing the smoking issue by dividing the casino into smoking and non-smoking areas and installing state-of-the-art air systems.

In January 2009, Spirit Mountain spent approximately \$275,000 on an air filtration system to improve air quality on the casino floor.

Other Tribal representatives say that DiLorenzo is misreading the compacts and the legal status of Tribes.

DiLorenzo, whose firm represents restaurants and taverns that now feel disadvantaged by the smoking ban, said he decided to push the issue after reading Tribal compacts for an unrelated case. He contacted a lobbyist for the American Lung Association about pursuing a Tribal casino smoking ban and they hired his law firm, *The Oregonian* reported.

Anna Richter Taylor, Kulongoski's communications director, reiterated that the nine Tribes are sovereign nations and that Oregon's civil laws do not apply on Tribal lands.

However, she said Kulongoski has been a supporter of the state's smoking ban and that he has to negotiate with the Tribes regarding the issue.

"So there's a delicate balance he has to strike," she said. "The governor's preference on this issue is for the state to resolve this with the Tribes as opposed to dealing with this through litigation and the courts, which would ultimately be an expense to the taxpayers."

"We have been discussing this issue with the state," Martin said. "We've had conversations with the Governor's Office and are in the process of government-to-government talks about this issue." ■

Recycle center hours

The recycle center will be open during the following hours: 8 a.m. to 6 p.m. Tuesdays and Thursdays, and 8 a.m. to noon Saturdays.

We are sorry for any inconvenience this may cause you, but we have found it necessary to put tighter control on this service. **NO ONE IS ALLOWED TO DUMP PERSONAL GARBAGE OR YARD DEBRIS AT THE SITE.** If you see someone abusing this privilege, contact Mike Larsen at 503-879-2407. ■

Men's Group starting

The Behavioral Health Department is starting a Men's Group, which will be open to members of all Tribes.

Topics that will be covered include healthy relationships, communication skills, anger management, spirituality, emotional intelligence and how to live one's life from a place integrity and authenticity.

The Men's Group will meet every Thursday from 10 to 11:30 a.m. at the Behavioral Health Department at Health & Wellness.

A certificate of completion will be awarded to men who have completed the training. Transportation may be available for those in need.

Contact Tom Bender with any questions at 503-879-2067. ■

Elders Halloween & Jamboree
Saturday, Oct. 24
6 P.M. - 10 P.M.

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 we promise you a fright
 if you're brave enough to
 venture out*

THIS IS WHAT YOU WILL FIND:
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AND FOR THE BEST-DRESSED GHOULS AND GUYS - A PRIZE

Elders 55 and over
 Donations for prizes are needed
 Dinner will be a potluck so
 bring your best ghoulish dish

This event will be held at the Elders' Activity Center
For information call 503-879-2233