

Company pays \$185,000 for harassment

The Daily Inter Lake

HELENA, Mont. — Les Schwab Tire Center will pay a Columbia Falls man \$185,000 and put corrective measures in place to settle a racial harassment lawsuit involving the tire company's Evergreen store.

The U.S. Equal Employment Opportunity Commission took the unusual step two years ago of suing Les Schwab for allowing racial harassment against Earle Nevins, an American Indian who was employed at Les Schwab's Evergreen tire center.

The commission charged that Les Schwab refused to stop Nevins' co-workers from calling him derogatory names and making insulting jokes about American Indians.

When Nevins, a member of the Blackfeet Tribe, complained about the daily harassment — which included racial slurs, jokes and name-calling — he was told his co-workers merely were engaging in "horseplay."

The commission further charged that Nevins was illegally fired in retaliation for repeatedly complaining about the harassment. When Nevins asked that managers begin documenting his complaints, he was fired four days later, in December 2004.

At the time, Nevins' wife was eight months pregnant and Nevins lost his health-insurance benefits as well as his job.

"I'm proud to have stood up for myself," Nevins said in a press release issued Tuesday by the commission. "I am very pleased with the settlement."

Les Schwab also agreed to establish anti-discrimination policies and procedures in its work force and provide anti-discrimination training to all employees at the Evergreen tire center on U.S. 2. The company will provide periodic compliance reports to the commission.

Jodie Hueske, a spokeswoman at Les Schwab's corporate headquarters in Prineville, Ore., said the company denies the federal agency's claims of discriminatory employment practices.

"The alleged events in this case reportedly occurred several years ago in a single store in Montana," Hueske said in a press release. "We deny any wrongdoing but are pleased to resolve this issue and end the expenses and business disruption created by litigation."

"Les Schwab has a 50-year track record of focusing on employees and customers over all other things. Our Code of Business Conduct establishes policies that provide employees with an environment free from any form of discrimination and harassment. We also have procedures in place to enable employees to anonymously report any type of employment concern without any fear of retaliation," Hueske said.

Les Schwab's diversity statement on its Web site notes that its commitment to diversity "goes beyond the basic requirements of the law. We strive to create an environment where everyone is welcome by treating all individuals, customers and employees alike, with the utmost respect, dignity and courtesy."

Nevins' case initially was investigated by the Human Rights Bureau of the Montana Department of Labor. The federal commission became involved after the state bureau found cause to believe illegal discrimination had occurred.

The lawsuit was filed in U.S. District Court in Montana. "We commend Mr. Nevins for the strength it took to bring his complaint of discrimination to the EEOC," commission regional attorney William Tamayo said in a prepared statement. "The commission is active in combating harassment and retaliation. Racial harassment by co-workers can rarely if ever be 'horseplay,' especially after an employee complains."

Badlands management could go to tribe

BADLANDS NATIONAL PARK, S.D. (AP) — The north end of this national park bustles with roughly a million tourists a year who pull over to view and photograph the majestic canyons, spires and tables, hike the trails and learn about fossils.

The park's mostly undeveloped and far less-traveled South Unit, which also boasts mile upon mile of moonscape-like vistas, lies within the Pine Ridge Indian Reservation. In the 1940s, the federal government seized it from more than 800 American Indian families for a military bombing and gunnery range that was used until the 1960s.

In 1976, the land was returned to the Oglala Sioux Tribe, which has since co-managed it with the National Park Service.

As that agency drafts its operating plan for the South Unit, it's thinking about returning complete control to the Oglala Sioux, which it has never done with a tribe.

"Many people want more tribal involvement and management and some want it turned over to the tribe," said Paige Baker, Badlands National Park superintendent.

"My job is to balance the Park Service mission and very strongly listen to what the tribe is suggesting and maybe do something that should have been done long ago."

Baker knows what it's like to lose land to a federal project.

He is a member of the Hidatsa-Mandan tribe of North Dakota. Around 1950, his family had to move to make way for the Garrison Dam.

Now, as an Indian managing the Badlands, he's asking tribal members how the South Unit should be managed.

"The thing we haven't done with each other is listen," Baker said.

The four concepts being discussed

would:

— Keep things the way they are with the Park Service and tribe co-managing the area;

— Have both contribute equal funding and staff to manage the South Unit;

— Let the tribe manage the unit with technical assistance from the Park Service;

— Turn over total management to the tribe and remove it from Park Service territory.

Either of the last two would require congressional approval.

Those also are the options most favored by tribal members, but with a transition period of several years and congressional funding, said Birgil Kills Straight, director of the Oglala Sioux Parks and Recreation Authority.

"That's what seemed to prevail," he said.

Most tribal members are cool to the idea of allowing mining or increased foot traffic on the land, Kills Straight said. Instead, likely uses would be expanded tourism, replacing grazing cattle with buffalo and perhaps allowing more — but controlled — access to some of the fossils, he said.

"Most people that we've had contact with would still like to keep the land as pristine or as environmentally safe as possible," Kills Straight said.

Some tribal members want to give the land back to the families displaced, said Clarence Yellow Hawk, chairman of the Oglala Sioux Parks and Recreation Authority board of directors.

Others who support turning the South Unit over to the tribe are concerned whether it would work, given the natural instability of tribal government, he said.

"I'm going to rely on my elderlies as to what direction to take," Yellow Hawk said.

If the South Unit were run by the tribe as a park, "that's another part of America that can be opened up and viewed and utilized for everybody," he said.

Comments from 14 public meetings this spring will be compiled into a document that will be the subject of another comment period before a preferred option is chosen.

The Badlands park is one of several places where the National Park Service has done more to accommodate tribal interests, said Robert Holden, deputy director of the National Congress of American Indians and a member of the Choctaw-Chickasaw tribe of Oklahoma.

"Tribes are getting a fair shot at being able to do this. I think it's commendable for the Park Service, and every effort should be made to make this happen," he said.

The government should return land that was taken from tribal members — often without consultation, Holden said, and turning over the South Unit to the Oglala Sioux Tribe makes sense because it has a vested interest.

"They would be careful in managing these areas. But they also know the areas from a traditional cultural standpoint. They know the critical habitat, the items of cultural significance, not only sacred sites but also plants and animals," he said.

The Park Service also co-manages with the Navajo tribe the Canyon de Chelly National Monument in Arizona, which is on tribal trust land, and works closely with Nez Perce tribal members who live in parts of the national historic park by that name in Idaho, Montana, Oregon and Washington.

"When we deal with tribes, it's a nation-to-nation relationship," said Jeff Olson, National Park Service spokesman.

Though the agency has other such arrangements with tribes, deauthorizing the South Unit of the Badlands and turning management over to the Oglala Sioux Tribe would be unique. But the way the land came into federal possession is also rare, said Sandra Washington, chief of planning and compliance for the Midwest Region of the National Park Service.

The government took the South Unit from individuals and returned it to the tribe only if it agreed to allow the National Park Service to manage the unit. The alternative was for the land to be auctioned, so tribal leaders took the safer route and agreed to the co-management plan, she said.

"To some degree they were over a barrel," Washington said.

Because of that uncommon history, the Park Service does not believe it would set a precedent if the South Unit were turned over to the Oglala Sioux Tribe, she said.

"What we'll do in our plan is to make a recommendation for the management structure of the park. Also in that plan we'll make decisions about how resources and the visitor experience should be managed if it stays within the system," Washington said.

Then, it's up to Congress, she said.

"This is one of the most important projects I'm working on now and probably one of the most important projects I've worked on in my lifetime," Washington said.

On the Net:

Badlands National Park plan: <http://www.nps.gov/badl/park-mgmt/planning.htm>



Associated Press

Dan Lien, then a South Dakota School of Mines & Technology student, works on The Big Pig Dig at Badlands National Park, S.D., in this undated photo.

Tribe misses deadline to pay state

By Jason Stein
Madison State Journal

MADISON, Wis. — The Ho-Chunk tribe missed an initial budget deadline Monday to pay an estimated \$72 million in gambling money that state officials are counting on to help balance an already stressed state budget.

It's now been more than two years since the tribe, locked in a legal battle with the state over its gambling compact, has made any of the disputed payments on its casino operations.

The lingering dispute raises the question of whether the state will receive nearly \$100 million in estimated payments expected by June 2009 in time to prevent a gaping hole in a budget that could force lawmakers to raise taxes, cut services or borrow money to make up the difference.

The missed deadline — Monday was the end of the first fiscal year of the current two-year budget — comes a little over a month after state officials approved a \$527 million budget fix to cover a shortfall caused by the souring economy.

"We're just anticipating that it will be paid by them," said Linda Barth, a spokeswoman for the state Department of Administration. "We

will try as outlined in the (gambling) compact to collect the money."

The dispute revolves around money that the state is seeking under a gambling compact Gov. Jim Doyle signed with the tribe in 2003 giving the Ho-Chunk perpetual gambling rights and additional games in exchange for much larger payments to the state. A state Supreme Court decision invalidated a similar compact with another tribe in 2004.

A request for comment from Ho-Chunk Nation officials was not returned Monday. Ho-Chunk officials have said that, because of the court decision, the tribe doesn't owe the amount the state is seeking but is willing to negotiate a new gambling compact.

When they put together the state's 2007-2009 budget last fall, Doyle and lawmakers figured they would receive \$72 million from the Ho-Chunk tribe by Monday and the nearly \$100 million by the end of the budget in June 2009. It is this later date that matters most because missing it would sink the whole two-year budget into the red. Right now, the state has enough money to pay what it owes without having to borrow or resort to other measures to raise short-term

cash, Barth said.

The disputed payments are estimates of what state officials expect the tribe to owe based on a percentage of its casino business. The Ho-Chunk tribe's gambling operations include a casino near Lake Delton and a bingo hall outside Madison.

The state is also still in negotiations with the Lac du Flambeau Band of Lake Superior Chippewa over payments officials believe the state is owed, Barth said.

Among other litigation, the state sued the Ho-Chunk Nation in federal court in Madison in 2005 to try to compel binding arbitration over the payments, which the tribe has opposed. The case is awaiting a decision from federal Judge Barbara Crabb. The tribe has also asked the U.S. Supreme Court to review the case, Barth said.

In 2003, Doyle and state Indian tribes negotiated new gambling compacts that brought the state bigger annual payments in exchange for allowing the tribes to offer Las Vegas-style games in perpetuity. But Republican lawmakers sued Doyle over the terms of the deals and the state Supreme Court invalidated some parts of the compacts, including the provisions that they never expire.

Oneidas vote to buy golf course

By Corinthia McCoy
Green Bay Press-Gazette

HOBART, Wisc. — The Oneida Tribe of Indians' General Tribal Council overwhelmingly supported an initiative to purchase Thornberry Creek Golf Course.

Out of the about 1,000 members who attended Saturday's meeting, about 30 opposed making an offer to purchase the land, said Bobbi Webster, tribal communications director.

It's unclear how much the tribe will spend to acquire the golf course, but tax records show the clubhouse parcel of the golf course is valued at \$4.3 million.

With the council's support, the tribe will go forward with the purchase, Webster said. "This would really be a great shot in the arm to our community and to our area," Webster said.

Webster said the current plan would be to maintain the 320-acre, 36-hole golf course, banquet facilities and pro shop as is and create a business plan for the property that is currently the

topic of a Chapter 11 bankruptcy proceeding with current owners, TCGC LLC, a company owned by John and Carol Schweiner.

The tribe currently owns about a quarter of the village of Hobart, where Thornberry Creek is located. With the purchase, the tribe would own 5,000 acres in the village. About a third of land owned by the tribe in Hobart has been placed in a federal trust and is tax-exempt. The tribe has proposed putting its remaining land through the federal trust process, which could take 10 years to complete.

Village leaders have expressed concern about possibly losing a chunk of its tax base. However, village President Rich Heidel said the village is not necessarily opposed to the tribe purchasing the land, as long as it is willing to pay the property tax and continue the golf course operations.

"In our view, no matter who owns the golf course, they are going to be required to operate it as a golf course and pay the property tax," he said.