

Words on women come at a cost

By Jerry Reynolds
Indian Country Today

WASHINGTON — With Sen. Byron Dorgan fuming in the chairman’s seat, BIA top lawman Pat Ragsdale testified to the Senate Indian Affairs Committee June 19 that BIA law enforcement has limited resources of both personnel and funding.

They became more limited still following the Feb. 7 initial decision of Kelly M. Humphrey, administrative judge of the U.S. Merit Systems Protection Board, according to Leon Glenn. Humphrey found that BIA Associate Director of the Division of Law Enforcement Brent LaRocque’s “use of derogatory, gender-specific language, including ‘bitch,’ ‘stupid bitch,’ ‘those women’ and ‘complete waste of air’ in reference to the appellant [Agatha Tsosie], combined with his expressed intent to abolish the appellant’s position if he were ever given the opportunity, is direct evidence reflecting his discriminatory intent to take action against the appellant based on her gender.”

The action taken was to subject Tsosie and Stephanie Pretty Weasel (whose case the MSPB consolidated with Tsosie’s) to “reduction in force” retirements through gender discrimination. “The agency cannot show who made the decision to RIF the appellant[s], much less that its decision was bona fide [i.e., ‘for legitimate management reasons’].”

From the testimony among nine witnesses, Humphrey found that in 2002, LaRocque had more to say: “From now on, you women are not here to tell us what to do. You’re here so when we tell you what to do you just do it. Working with you is like working with the Taliban, and [Tsosie] is the head of the Taliban.”

According to a witness Humphrey relied on: “LaRocque used the word ‘whore’ when talking about women and made other negative comments about women. ... I [Humphrey] find that LaRocque’s denial of his involvement in the RIF of the appellant[s] is not credible ... several of the witnesses who testified at the hearing, including higher level management officials, testified that LaRocque is not a truthful or trustworthy person, and has lied on numerous occasions.”

LaRocque was the “No. 3” man in BIA law enforcement.

Ted Quasula, who retired in 2000 as the BIA director of law enforcement, said both Tsosie and Pretty Weasel were good people, though he knew Tsosie better in his time with the bureau.

“Anybody that knows Aggie, well, she’s quiet, respectable, hard-working, professional; all that good stuff.”

Glenn is not impartial. He retired in March as special agent in charge of a BIA law enforcement district, having heard his allegations against bureau management substantiated in testimony before the board on an Office of the Inspector General report, he said; and he still has issues with alleged damage to his reputation.

But Glenn wrestled successfully with budgetary issues in his half-dozen years as a BIA special agent in charge. He estimated the cost of BIA mismanagement in the MSPB matter, decided Feb. 7, at \$1 million. “I’d say that’s probably ballpark. ... That’s probably close.”

The cost includes approximately a year of back pay to Tsosie and Pretty Weasel; lengthy administrative leave for LaRocque; potential compensatory damages permitted by the judge; and attorney fees.

LaRocque declined to discuss his future or Humphrey’s findings. “I can’t comment on that. I wish I could.”

Casino expansion continues in lean times

Jon Ostendorff
Asheville Citizens-Times

NORTH CAROLINA — Harrah’s Cherokee Casino will move ahead with a \$650 million expansion despite a national downturn in the gambling industry, company officials said.

Casino companies from New Jersey to Louisiana and Mississippi have sought bankruptcy protection this year as a sour economy, airline troubles and \$4-a-gallon gas keep customers at home.

Harrah’s Cherokee — one of Western North Carolina’s largest employers with 1,800 workers — has had fewer customers and flat revenues this year, said Leeann Bridges-McHattie, vice president of marketing.

“We are definitely seeing the impact of the economic variables that are out there,” she said. “But if we were to take the mindset of putting things on hold, that would put

us behind.”

The casino, like other gambling companies, is betting on an economic turnaround in the next four years. An expansion scheduled for completion in 2012 will double its gambling floor space and turn Harrah’s Cherokee into a resort-like destination, company officials have said.

Casinos once were considered recession-proof. But this year has seen gambling stocks sink.

Las Vegas-based Boyd Gaming Corp. fell to \$12 a share from a high of \$54 last summer. Shares of casino giant MGM Mirage now trade below \$35 after a high of \$98 last fall, the Wall Street Journal reported last week.

The poor performance among casinos, once revered by investors for their ability to weather economic troubles, wasn’t lost on Harrah’s Entertainment CEO Gary Loveman.

The Eastern Band of Cherokee Indians pays Har-

rah’s to run its casino.

“This is the toughest environment we’ve faced,” Loveman said.

The Las Vegas-based operator, the world’s largest gambling company by revenue, lost \$47.8 million, or 26 cents per share, in the fourth quarter last year. Those figures compared with a profit of \$47.6 million, or 25 cents, a year earlier. The company went private last year in a \$17 billion equity buyout.

Indian-owned casinos did better than their commercial counterparts last year with 5 percent growth, the National Indian Gaming Commission reported in June.

In the past, tribal operations have enjoyed 15 percent growth.

Harrah’s Cherokee is in line with the trend, reporting a 5.6 percent increase in revenue with \$252.9 million in 2007 over \$239.3 million the year before, according to its annual community report.

Harrah’s Cherokee has no plans to reduce work hours despite the flat revenue stream, Bridges-McHattie said. She said the company is watching its expenses closely.

The casino gets the largest percentage of its customers from North Carolina and Georgia, from cities that are just a day’s drive from Cherokee. That means the Cherokee hasn’t been at the mercy of airlines.

The biggest reason the casino isn’t losing, despite the bad economy, is its location and nearby attractions, said James F. Smith, professor of economics at Western Carolina University.

“My hunch would be it’s probably for the same reason that the most-visited national park is the Great Smokies and the most-visited part of the National Park System is the Blue Ridge Parkway,” he said. “We are conveniently located to over 100 million people

without being so close that it is crowded. An awful lot of people can take a short, relatively speaking, trip here.”

Going ahead with the expansion is the right choice given the historical trend of economic downturns in the United States, he said. The nation has had two recessions since the Great Depression and the longest lasted only 16 months.

Part of the expansion Harrah’s Cherokee had been hoping for stalled on Thursday with a vote in Tribal Council, the governing body of the Eastern Band.

The 12-member Tribal Council had been expected to vote on a measure that would allow for a referendum on selling alcohol at the casino to attract more customers. Instead, the government tabled the discussion for 30 days. Alcohol sales are prohibited on the Cherokee Indian Reservation.

Quapaws hope to win with casino

By Tony Thornton
Oklahoman

OKLAHOMA — When the nation’s newest casino opens today, customers will exit the highway in Missouri, then park in Kansas.

But the only governments to reap the casino’s financial windfall are in Oklahoma.

Because the Quapaw Nation’s Downstream Casino sits (barely) in Oklahoma, the tribe is expected to generate at least \$1.5 million a year for Oklahoma’s public education system through a 6 percent “exclusivity fee” from profits off the casino’s 1,800 compacted games.

The biggest winner, however, will be the tribe and its 3,500 members.

The tribe plans to upgrade its health care and scholarship offerings with much of the revenue. New tribal programs also are planned, as are unspecified programs to help nearby residents in all three states with land touching the casino property, casino spokesman Sean Harrison said.

Construction took less than 11 months, which Quapaw Chief John Berrey said is a record for a project of its scope.

“It is unheard of in this business, opening ahead of schedule and millions of dollars under budget,” Harrison said.



Jeff Jones/Independent

Matt Penatac dances the duck and dive dance, a form of the men’s traditional dance, as he and other members of the Callin’ Eagle dance group from Window Rock, Ariz., perform Monday evening at the McKinley County Courthouse Square in downtown Gallup as part of the summer nightly Indian dances continuing through Labor Day.

Dealers complain about tip sharing

By Erica Jacobson
Norwich Bulletin

MASHANTUCKET, Conn. — Table game dealers at Foxwoods Resort Casino say they filed a complaint Friday with the Mashantucket Pequot Tribal Gaming Commission about a decision not to include tips earned by dealers at MGM Grand in a general sharing pool.

But a tribal spokesman said Friday night the commission has no record of the filing.

“Our tokens (tips) are our lifeblood,” George Taylor, a 14-year Foxwoods veteran and co-chairman of the token committee, said in a statement. “Our committee unanimously agreed that we could not stand by and allow Foxwoods management to take away our control of the tokens or divide one group of dealers against another.”

Tribal spokesman Lori Pot-

ter said she checked with the gaming commission’s attorneys Friday and no one could find such a filing.

“They haven’t filed anything,” she said. “As soon as they do, we’ll have a statement.”

About a month before the MGM Grand opened in mid-May, management announced tips from the new facility would be kept separate, a move Foxwoods dealers openly opposed.

Tips, or tokens, are distributed equally from a pool, based on the number of hours a dealer works, a system in place since Foxwoods opened and overseen by a committee elected by table game dealers.

The fate of an effort to organize 2,700 Foxwoods dealers under the United Auto Workers is still in the hand of the Washington headquarters of the National Labor Relations Board.

New dairies, feedlots banned on reservation

By Phil Ferolito
Yakima Herald-Republic

YAKIMA, Wash. — Responding to public outcry, Yakama tribal leaders have barred new dairies, feedlots or the expansion of either within the reservation.

The move comes after complaints from a group of residents on the reservation -- tribal members and nonmembers -- about a Sunnyside family’s interest in erecting a dairy just uphill from Toppenish Creek and the Toppenish National Wildlife Refuge.

The Tribal Council approved the measure late Thursday after meeting with tribal staff members about the possible effects such an operation would have on the environment, Tribal Council Chairman Ralph Sampson Jr. said Monday.

“The council was more of

the opinion that now is the time to do something,” he said.

Despite the move, the Sytsma family still hopes to persuade tribal leaders to allow their dairy on the 480 acres they own along Pump-house Road south of Harrah, said Stuart Turner, an agronomist helping them with the project.

The reservation is a checkerboard of tribal and nontribal land.

The Sytsmas want to put up to 7,000 cattle on that property; they say the operation would include state-of-the-art technology that would eliminate any adverse environmental impacts, Turner said.

The family plans to hold a public meeting in early August to explain the project in detail.

“We want folks to understand the science behind the proposal,” Turner said. “We

would like as many people as possible to come with an open mind.”

But it’s not just the Sytsmas’ project that critics are worried about.

They complain the reservation is becoming a new “stomping ground” for dairies and feedlots and fear that existing operations are poisoning the air and groundwater.

Tribal member Pam Wong is currently embroiled in a lawsuit against the owner of a feedlot that borders her Harrah home. She said the operation fouls the air, brings too many flies and is making her family sick.

Feedlot operators, however, say they are following all environmental regulations.

“I’m happy with what the tribe is doing because it’s a step toward preserving our reservation and protecting our resources,” Wong said.

Chief Illiniwek logo lawsuit dismissed

By Steve Bauer
Champaign News-Gazette

URBANA, Ill. — A federal lawsuit by Jack Davis, the designer of the Chief Illiniwek logo, against the Univer-

sity of Illinois Board of Trustees was dismissed today.

U.S. Central District of Illinois Chief Judge Michael McCuskey dismissed the suit, ruling that the federal court has no jurisdiction for the breach-

of-contract claim by Davis.

In 1980, Davis, a graphics designer and UI graduate, created the circle-shaped logo featuring an image of an American Indian man in headdress and chest plate. He was paid \$210

by the university for the logo.

In March 2007, Davis applied for and was rejected for a trademark. The U.S. Patent and Trademark Office ruled the university already registered the logo.

In January, Davis sued the

university, claiming there had been an oral agreement with former UI associate athletic director Vance Redfern that if the logo was rejected or discontinued by the trustees, it would revert to Davis.