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SENATOR PRAGUE: Thank you. Good afternoon,
Madam Chair and Commission members. Thank you for the
opportunity to address you today.

Recently I received a letter from an
exasperated Foxwoods Casino employee and she said to
me: Dear Edith, haven't spoken to you for a number
of months now. I hope you haven't forgotten

1 about the thousands of employees that work on a
2 sovereign nation. I have three questions for
3 you and every politician. Why do we pay state
4 tax? Why do we pay federal tax? Did I and
5 thousands give up their citizenship when we
6 became employees of a sovereign nation? Does
7 anyone care to lobby for these issues or does
8 all of this fall on deaf ears? We have to get
9 rights now. We can't wait any longer, someone
10 has to help.

11 I received this letter just about two
12 months ago. I don't know what to say to this worker.
13 One of the reasons I came here today to speak to this
14 Commission was to ask you how would you answer this
15 worker's questions.

16 My name is Edith Prague, and I live in
17 Columbia, Connecticut. I am serving my fourth year as
18 a State Senator for this area, and previously served
19 eight years as a State Representative. I'm the Senate
20 Chair of the Labor Committee for the Connecticut

1 General Assembly. My district stretches from just east
2 of Hartford to Salem, Connecticut, a stone's throw from
3 the Foxwoods Casino. And my district includes the town
4 of Montville where the Mohegan Sun Casino is located.
5 Foxwoods is in Mashantucket, the Reservation for the
6 federally recognized Mashantucket Pequot Tribe.

7 The Mashantucket Pequot's own and operate
8 Foxwoods Casino. The Mohegan Sun is the casino owned
9 by the Mohegan Indians but operated by non-Indians.
10 The name of the operating company is Trading Cove
11 Partnership. Foxwoods employs approximately 13,000
12 workers, the Mohegan Sun employs approximately 5,000
13 workers. Foxwoods is currently the world's largest
14 casino. The Mohegan Sun has announced plans for a
15 large expansion.

16 I am here today to testify primarily about
17 the impact of Indian gaming on employees of Indian
18 casinos owned and operated by tribes, where tribes have
19 claimed employees are exempt from federal and state

1 labor laws. In Connecticut, Foxwoods is the one casino
2 that fits this description.

3 Also in this panel we will hear from
4 Connecticut Attorney General Richard Blumenthal, who
5 will address a broader range of issues about how Indian
6 gambling has impacted Connecticut. Again I will focus
7 my testimony on employee rights at Foxwoods.

8 As I have already stated, Foxwoods and the
9 Mohegan Sun are not the same. Most significantly, from
10 my perspective, they have chosen markedly different
11 approaches to the employees at their casinos. The
12 Mohegan Sun has recognized the rights of their
13 employees to be covered under state and federal labor
14 law, including freedom from harassment and
15 discrimination, the right to be paid for all hours
16 worked, the right to use the State of Connecticut
17 Worker's Compensation system.

18 Foxwoods Casino has not. Foxwoods asserts
19 that workers are on sovereign land, and as such, have
20 no right to federal or state labor laws. For many

1 Foxwoods employees this has lead to a feeling of
2 helplessness and abuse. I know because some of these
3 employees call me.

4 Again, I strongly believe that the
5 treatment of workers at Foxwoods is unacceptable.

6 I just want to make it clear for the
7 record, however, that the effect of the two casinos has
8 not been all bad. Eastern Connecticut used to be
9 filled with manufacturing and defense industry jobs.
10 We lost many of those jobs and for several years the
11 people of Eastern Connecticut were hard pressed to find
12 work, especially work that included benefits. The two
13 casinos have stepped into the gap creating 18,000 jobs,
14 many of which provide benefits. In addition to job
15 creation, the casinos have contributed to the
16 Connecticut coffers and to many, many community
17 activities.

18 In 1997 alone, over \$200 million came into
19 the state's coffers. Since the onset of Indian casinos
20 in 1992 over \$630 million have been contributed to the

1 State of Connecticut helping relieve the tax burden on
2 our citizens.

3 I love this part of the world, and I want
4 what's best for both my constituents and for all the
5 people who live here including the two federally
6 recognized Indian tribes, the Mohegans and the
7 Mashantucket Pequots, but there has to be a balance.
8 Today at Foxwoods there is no balance. Federally
9 recognized tribes enjoy sovereignty which is guaranteed
10 under the Constitution of the United States. Along
11 with sovereignty there is a responsibility to maintain
12 a basic respect for human rights. That is the balance
13 we need.

14 The reason there is no balance at Foxwoods
15 is because of how the Mashantucket Pequots have chosen
16 their sovereign rights. The Mashantucket Pequots
17 gained federal recognition through a special act of
18 Congress passed in 1983. The Indian Gaming Rights Act
19 was passed in 1988. In ten short years, the issue of
20 sovereignty and what it means to not just members of a

1 federally recognized tribe but also to the people who
2 are affected by the actions of the tribe have been
3 pushed to the forefront in Connecticut.

4 Although the Mohegan Tribe has also opened
5 a casino and has also asserted its sovereign rights in
6 other areas, again let me tell you, that they have
7 agreed that workers are covered by state and federal
8 labor laws. And so they are not the focus of my
9 testimony today.

10 I am not opposed to sovereignty. I am
11 however opposed to a tribe using sovereignty as a
12 weapon to shield themselves from having to behave
13 fairly and decently with their workers. There are just
14 over 400 members of the Mashantucket Pequot Tribe,
15 there are just over 13,000 workers at Foxwoods Casino,
16 some of them may be Mashantucket Pequot, the great
17 majority of them are not. And what rights do these
18 workers have?

19 Current employee rights at Foxwoods are
20 very limited. Foxwoods has set up three arenas for

1 employee's problems. The first is called the Employee
2 Group Council. The second is the Board of Review. The
3 third has become the Tribal Courts.

4 I'm going to explain a little about my
5 understanding of these three arenas. Several years ago
6 Foxwoods allowed employees to set up the Employee Group
7 Council. The Council members are elected by their co-
8 workers. But unlike the Tribal Council or the
9 management of Foxwoods, this employee group council has
10 no right to enact laws, make policies, hire, fire, or
11 discipline managers or employees, or in any way
12 substantially decide what is right and wrong at
13 Foxwoods. Its mission is limited to providing input to
14 management about treatment on the job and helping
15 workers get through the system.

16 In 1994, Foxwoods set a board of review
17 process for employees who feel they were wrongfully
18 terminated or suspended. Three employees and two
19 supervisors sit on each board of review. The members
20 change from time to time. And the members are randomly

1 selected from the work force. It might be assumed that
2 the odd number is to prevent deadlock, so that
3 decisions might be clearly decided one way or the
4 other, but the decision of the Board of Review must be
5 reviewed by the CEO of the casino who has the power to
6 uphold or overturn what the Board of Review has
7 recommended.

8 If an employee does not like the final
9 decision of the CEO, she or he may take his case to the
10 Tribal Courts. The Courts will review the decision of
11 the CEO to see if it was arbitrary or capricious. But
12 will not substitute its own judgment for that of
13 management.

14 As of July 1997 a total of 81 terminated
15 employees had brought cases to the Tribal Court, only
16 two employees had won their jobs back. One of them
17 died before he could go back to work.

18 Employees must hire their own counsel if
19 they go to the Tribal Courts. Because of the extreme
20 limitation of damages under the Mashantucket system

1 virtually no attorney will take a case on a contingency
2 basis. This means employees who make an average of \$7
3 to \$12 an hour must find the resources while unemployed
4 to hire representation. Foxwoods does not experience
5 the same resource problem when it goes to hire
6 attorneys with over a \$1 billion dollars a year in
7 revenue it has been able to adequately represent itself
8 in each court proceeding.

9 It is my belief that these three arenas are
10 not enough. And let me explain why. I get calls and
11 letters in to my office from employees at Foxwoods.
12 They tell me of arbitrary treatment and violation of
13 worker's rights. When interviewed in a New York Times
14 article, one worker said: 'They do whatever they
15 please. They expect you to abide by their rules, but
16 they change them everyday.' Another worker said, in
17 that same article, that the air quality of the casino
18 was poor. She said that when she saw a doctor because
19 of a persistent cough, the first thing the physician
20 asked was whether she worked at Foxwoods.

1 A recent memo sent by the Employee Group
2 Council at Foxwoods to the CEO of Foxwoods Bud Sealy
3 said: `Dear Mr. Sealy, after reading the memo
4 concerning the air quality study, we the
5 Employee Group Council would like to express
6 our actual thoughts.
7 For a long time we have been concerned
8 about the air quality in our work place. Prior
9 to the issuing of the memo, we were not
10 consulted, we have not received regular
11 information on air quality. We believe that a
12 lot of problems currently exist and we have not
13 seen progress in curing these conditions.
14 Currently there are respiratory illnesses that
15 employees never had prior to working here.
16 On the Council itself, one former
17 marathon runner now needs an inhaler to breath
18 where he works. Another member has a recurring
19 eye infection. She no longer can wear her
20 lenses because of the air. Another member who

1 has a yearly physical is a volunteer fire
2 fighter has found a decrease in lung capacity
3 He does not smoke. The bar area has a problem
4 with molds growing and the drains need
5 cleaning. In coin impressment the employees
6 are subject to metal dust from spinning coins
7 that each employee inhales. One dealer was
8 told by her doctor that she would be on oxygen
9 in five years if she didn't get out of that
10 environment. The employees' cafeterias are
11 constantly smokey. The limousine area needs to
12 be tested along with other places where patrons
13 do not go. Workers who clean with strong
14 chemicals have read about possible kidney
15 damage on the bottles of the products that they
16 use.

17 All of these should be warning signs to
18 management. Just check the amount of money
19 paid to doctors and for prescriptions because
20 of respiratory illness in all departments. We

1 would appreciate in the future that you please
2 notify the Employee Group Council before
3 posting any notice with our name on it. We are
4 willing to work with you to solve these
5 problems. Sincerely, the Employees Group
6 Council.'

7 All of these problems raise questions which
8 are vital for you to answer in your report. Most
9 importantly what kind of a system governs and protects
10 the rights of workers on Indian reservations. Is that
11 system a fair one. Is it consistent with the
12 Constitution of the United States. I would suggest to
13 you that no matter what the framework you adopt, you
14 will find that workers at Foxwoods do not have adequate
15 legal protection. If you compare the rights of
16 Foxwoods employees to other employees who do not work
17 on federally recognized reservations, you will find
18 them lacking.

19 By way of example, I'm going to outline a
20 few of the basic rights that all other workers in this

1 country enjoy, and compare them to how Foxwoods
2 employees are treated.

3 CHAIRPERSON JAMES: Senator Prague,
4 unfortunately because of time constraints I'm going to,
5 I want to let you know that each of the Commissioners
6 has this in front of them in written format. And I
7 would ask that each of the other panelists, if you
8 would please summarize your remarks so that we could
9 have the opportunity to interact with Q & A.

10 And I did interrupt you, and you had about
11 fifteen seconds of your allotted time left. But I will
12 ask you if, at that point you could summarize.

13 SENATOR PRAGUE: On page 10, I would call
14 to your attention that the listing of Foxwoods workers
15 have no right to go to the Department of Labor for wage
16 and labor enforcement. Have no right to enforce an
17 environment free of harassment and discrimination.
18 They have no right to take their claims to outside of,
19 their worker's compensation claims outside to the state
20 courts who handle worker's comp. claims for the rest of

1 the employees in Connecticut. The head of the
2 Connecticut Trial Lawyers Association, Robert Reardon,
3 has said that he would not go into the tribal courts
4 system, he wouldn't participate in a system where I
5 can't get justice for my clients.

6 Under the Indian Civil Rights Act passed
7 over 30 years ago, the federal government applied the
8 Bill of Rights to federally recognized Indian
9 reservations. And this law requires that no Indian
10 tribe may make or enforce any law prohibiting the free
11 exercise of religion or abridging freedom of speech, or
12 of the press, or of the right of the people feasibly,
13 peaceably to assembly and to petition for a redress of
14 grievances.

15 I will sum up by calling your attention to
16 the United Nations Mandate. United Nations, the weapon
17 they call sovereignty that is sometimes used by one
18 tribe, and to quote Roland Harris who Chairs the
19 Mohegan Tribe, the problem of sovereignty is either it
20 can be used as a tool or a weapon. And when it's used

1 as a weapon it denies workers basic human rights as
2 outlined by the United Nations, the federal and state
3 government and even the Indian Civil Rights Act.

4 I'm here today not to ask you to end
5 sovereignty but to end the abuse of sovereignty. And
6 something must be done for the workers at casinos owned
7 and operated by federally recognized Indian tribes.

8 CHAIRPERSON JAMES: Thank you.

9 SENATOR PRAGUE: This complete disregard
10 for democracy can not go on.

11 CHAIRPERSON JAMES: Thank you. I do
12 appreciate that. I would remind the panelists that the
13 timer is over here to your left, and if you want to
14 keep a little bit of an eye over that way she can give
15 you a count down so that you're familiar with how much
16 time.

17 SENATOR PRAGUE: Is that ten minutes left
18 for me?

19 CHAIRPERSON JAMES: No. You hit stop about
20 ten minutes ago.

1 SENATOR PRAGUE: Thank you, Madam Chair.

2 CHAIRPERSON JAMES: You are more than

3 welcome.