



## The Navajo Nation Council - Office of the Speaker

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September 2, 2008

**FOR IMMEDIATE RELEASE**

### **Navajo Council members dismayed with President Shirley's veto of Tobacco-Free Act**

*"This might be a gambling business we are building, but that sure doesn't mean we should gamble with the health of the Navajo people." — Thomas Walker Jr., chair of the Health & Social Services Committee*

**WINDOW ROCK, Ariz.** — The Health & Social Services Committee of the 21<sup>st</sup> Navajo Nation Council are dismayed with President Joe Shirley Jr.'s veto of the Navajo Nation Commercial Tobacco-Free Act of 2008, which would ultimately ban smoking at the upcoming Fire Rock Casino in Church Rock, N.M.

"We feel strongly his decision to veto this legislation was a reaction to Navajo Gaming Enterprise's issued statement that 40 percent of Navajo jobs would be compromised if this act was passed," said Thomas Walker Jr., council delegate for the chapters of Bird Springs/Leupp/Tolani Lake and chair of the HSSC. "He is failing to see the overall impact on the Navajo people."



Nearly two weeks ago, Robert Winters, CEO for Navajo Gaming Enterprise (NGE), created a stir when he announced nearly half of the proposed jobs at the casino would be cut if a ban on smoking was passed.

The committee invited Winters to a meeting on Wednesday where he provided a report on this stance with the ban. The committee concluded Winters arbitrarily chose a presumptive figure of 40 percent as a tactic to force people into leaning toward a smoking casino. Winters provided no data as to how that percentage was formulated.

"Mr. Winters was professional and respectful when he presented his report," Walker said. "But the bottom line is he is using bullying tactics to get his way. A 40 percent cut in Navajo jobs is his bargaining chip to get a smoking casino, but yet he is not giving adequate data to support his numbers."

Walker said Winters had plans in the works for a smoking casino months ago.

"He had a smoking casino designed before he even asked the Navajo Nation if we wanted a smoking casino," Walker added. Winter explained to the committee that the NGE has already borrowed money from loan entities to install a \$300,000 smoking ventilation system and a retraction of this loan would reflect poorly on the enterprise and the Nation.

The committee said this matter is an internal issue the NGE must deal with and it is their responsibility to make those business corrections if the Council decides to pass the act.

"Mr. Winters is a CEO with 30 years of experience in the gaming industry," Walker said. "Surely he can find a way to resolve this matter."

Winters has continually reported to the committee and the media that 50 percent of casino income is generated by smokers, and if smoking is not allowed, patrons would deter from going to the casino; however, research proves otherwise.

According to a study conducted by the University of California-San Diego, 40 percent of non-smoking gamblers in California told researchers they would gamble more if casinos were smoke-free, and 70 percent of smokers would continue to gamble at the same pace even if they were forbidden from lighting up in a casino. In addition, a survey of more than 1,700 Southern California

gamblers released in July 2008 by J.D. Power and Associates concluded that 85 percent would prefer a non-smoking environment at their casinos.

"It is blatantly clear the majority of the general public, non-Native and Native, want smoke-free casinos," Walker added. The committee is also concerned about the health of future Navajo casino workers. There was discussion regarding a man named Vincent Rennich who was diagnosed with lung cancer after working as a card dealer at a New Jersey-based casino for more than 20 years. Rennich had never smoked before in his life, but the second-hand smoke brought upon the life-threatening disease. Rennich is now making it his life's work to make casinos smoke-free.

"The story is not unique," Walker said. "The committee has learned there are thousands of casino workers nationwide who are petitioning to have their work environments smoke-free. Mr. Winters hails from New Jersey and I am certain he is aware of this."

The committee questioned whether a similar situation could happen on the Navajo Nation and the conclusion was "yes."

"There is no arguing the casino will create much needed jobs and this is a great thing for our people; however, we must think about the Navajo woman who might have to work a 10 hour shift. She will have no choice, but be exposed to second-hand smoke. What if this woman is a mother and has to go home and breastfeed?" Walker said. "We have to think about those things. We would not be protecting the best interest of our Navajo people if we didn't."

Evelyn Acothley (Bodaway-Gap/Cameron/Coppermine) said the Nation is always scraping for funding for health care services, and the Nation holds a stance that healthcare is a priority, but allowing smoking to be exposed to Navajo employees does not fall in line with that view.

"Smoking studies consistently find that smoke-free policies lead people to smoke less," Acothley said. "Let's set an example as the largest Native American tribe in the United States and ban smoking in our casino."

Despite Winters' argument that only 20 percent of the casino will be smoking and a ventilation system will be installed, research done by the committee shows these systems are ineffective.

"We cannot argue with the studies," Acothley added. "This so-called state-of-the-art system is not going to protect people from breathing in over 4,000 harmful chemicals."

In his veto message, President Shirley raised concerns about the act, questioning whether it would infringe on tobacco use for ceremonial purposes — this surprised the committee.

"For President Shirley to ask whether this legislation would negatively impact the use of tobacco for religious or ceremonial purposes is illogical," Walker said. "The Navajo people, especially those who are required to enforce the law, are intelligent enough to distinguish the difference between using tobacco for prayer and for recreational use."

Walker said there have also been a number of tobacco ad campaigns geared specifically towards Native American communities, especially towards youth for years. The message of these ads has been "use tobacco in a sacred way."

"We understand that President Shirley has a number of things to grapple with as a leader and the question of economic effects was bound to be raised," Walker said. "But rather than react to Mr. Winters' statements of adverse economic impacts as a result of this act, he should take a look at the whole picture and make the right decision to pass this legislation."

The committee will ask the 21<sup>st</sup> Navajo Nation Council to override President Shirley's veto and plan to present data, which clearly contradicts Shirley's veto assertions at the next Council session.

"This might be a gambling business we are building, but that sure doesn't mean we should gamble with the health of the Navajo people," said Walker.

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