

TRIBAL COMMUNITIES IN NEW YORK STATE

Frequently Asked Questions About Public Health

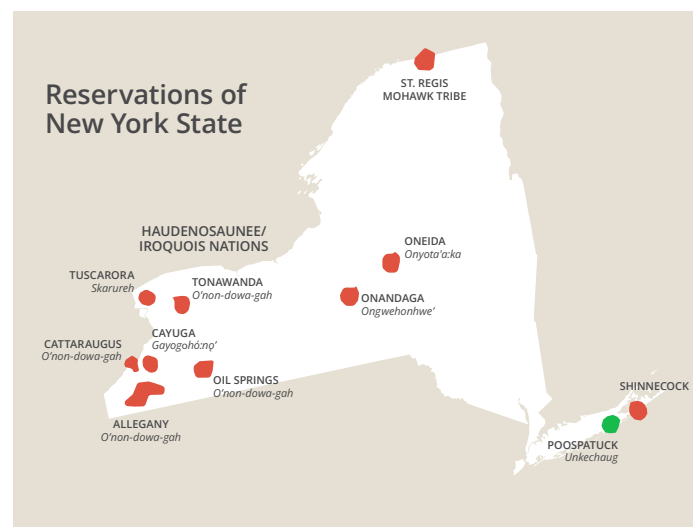


Indigenous communities have lived in what is now known as the State of New York since time immemorial.

Today, there are eight federally recognized Tribal nations in New York State, as well as several other Tribal communities with ties to the land.¹ This fact sheet answers commonly asked questions about how New York State and local jurisdictions can work with Tribal communities on public health issues such as commercial tobacco control. It explains the basic concepts of Tribal sovereignty and federal Indian law, provides a brief overview of the impact of U.S. law and policy on Native communities, and describes traditional tobacco practices.

Q: Which Tribal nations live in New York State? What does it mean to be a “recognized” Tribal nation?

A: The eight federally recognized Tribal nations located in New York State are the Cayuga Nation



of Indians,² Oneida Indian Nation of New York,³ Onondaga Indian Nation,⁴ St. Regis Mohawk Tribe,⁵ Seneca Nation of Indians,⁶ Shinnecock Indian Nation,⁷ Tonawanda Band of Seneca,⁸ and the Tuscarora Nation.⁹ In addition, the Unkechaug Nation of Poospatuck Indians has State recognition, explained below. Several other Tribal communities once located in the State were forced to move for various reasons, largely due to the violent invasion and colonization of the United States. Many Tribes still have ties to the land. These Tribes include the Cayuga Seneca Nation (Oklahoma), Delaware Nation

(Oklahoma), Delaware Tribe of Indians (Oklahoma), and Stockbridge-Munsee Band of the Mohican Nation of Wisconsin.

Federal “recognition” is a legal term that means the United States federal government recognizes a government-to-government relationship with a Tribe and that a Tribe exists politically in a “domestic dependent nation”¹⁰ status. Federally recognized Tribes possess certain inherent powers of self-government and are entitled to certain federal benefits, services, and protections because of this special trust relationship.¹¹ State tribal recognition does not offer a Tribal nation the same benefits as federal recognition but is an important acknowledgment of their tribal status and historical and cultural contributions.¹²

Q: What are the key concepts of Tribal sovereignty?

A: Tribal sovereignty set forth by federal Indian law is a complex topic made up of treaties, statutes, regulations, and case law. Federal Indian law can be inherently contradictory as federal courts interpret and reinterpret federal powers. Also, Federal Indian law can be Tribe- or community-specific due to various treaty obligations. However, several concepts can generally be applied throughout Indian country:¹³

Note

“Indian country” is a significant legal term that refers to the lands set aside for federally recognized Indian tribes. It includes reservations, fee land within reservation boundaries, dependent Indian communities, Indian allotments, and trust land. Generally, the designation of land as Indian country means that the tribe and the federal government have jurisdictional authority within its boundaries and the states are excluded.

1. Tribal sovereignty is inherent. Tribes were self-governing before colonists came to North America: they were inherently sovereign. The National Congress of American Indians describes the essence of Tribal sovereignty as the ability to govern and to protect the health, safety, and welfare of Tribal citizens within Tribal territories. **Tribal governments maintain the power to determine their own governance structures and enforce laws and policies through their Tribal court systems. Tribal nations exercise these inherent rights through the development of their own legal systems and by enacting criminal and civil laws for the protection of their community.**¹⁴ These laws include taxation and licensing, many of which can be employed to regulate the sale and availability of commercial tobacco products.

2. Under federal law, Tribes are recognized as domestic dependent nations. The Department of Tribal Governance at the University of Alaska Fairbanks describes this concept succinctly, “Tribes are domestic because they are within the boundaries of the United States. They are dependent because they are subject to the power and responsibility of the federal government. They are nations because they exercise sovereign powers over their people, property, and activities that affect them.”¹⁵
3. A third key legal concept of Tribal sovereignty is the federal Indian “trust responsibility.” The trust doctrine recognizes that the United States federal government has a responsibility to Tribes to respect and protect Tribal sovereignty. Moreover, it creates a federal legally enforceable fiduciary obligation¹⁶ to protect treaty rights and lands and provide services such as housing, education, and healthcare to ensure the survival and welfare of Tribal communities. The trust responsibility can be summarized as “the undisputed existence of a general trust relationship between the United States and the Indian People,” as noted in a Supreme Court decision in 1983.¹⁷

Q: What, in general, is the relationship between Tribal nations and state governments?

A: Generally, given the political independence and inherent sovereignty of Tribes, working with Tribal communities should be approached as working with an equal branch of government.¹⁸ However, relationships between Tribal nations and states are often very complex. One reason is that Congress and the federal courts have not fully addressed many key questions about Indian nation and state jurisdictional authority. Often Tribes seek to assert authority as domestic dependent nations, which can be a point of contention between state and Tribal governments as they compete for authority. Complicating the issue are the many cooperative agreements between Tribes and states, such as cross-deputization agreements between Tribal, local, and state law enforcement agencies, which can empower Tribal law enforcement officers to enforce law in Indian country regardless of the suspect’s affiliation with a Tribe.¹⁹

Self-governance as “domestic dependent nations” is the core of what sets Tribal nations apart from the United States federal government, as described by former U.S. Supreme Court Chief Justice John Marshall.²⁰ Yet, both the federal and state governments have a shameful history of failing to acknowledge Tribal sovereignty.²¹ Working effectively with Tribal partners requires an acknowledgment of this history and respect for a Tribe’s sovereignty and jurisdiction over the people and activities on its land.

Q: How has United States law and policy impacted Tribal communities?

A: U.S. law and policy affecting Tribal communities has evolved over the past two centuries, with case law continuing to shape the interpretation of federal Indian law to the present day. Even a brief look into the history of court decisions involving federal Indian law starting in the mid-1800s reveals the complex relationships between Tribal nations and the United States. The foundation of federal Indian law is based upon three cases classified as “The Marshall Trilogy,” spanning from 1823 to 1832: *Johnson v. M’Intosh*,²² *Cherokee Nation v. Georgia*,²³ and *Worcester v. Georgia*.²⁴ The principles established by these foundational cases are aboriginal land claims, Tribal sovereignty, and the federal trust responsibility (described above). Yet, despite the principles of Tribal sovereignty created by this trilogy of cases, U.S. law and policy towards Tribal communities has largely consisted of state-sanctioned genocide, forced removal, and cultural assimilation.

One of the most devastating policies of cultural genocide was the Civilization Fund Act of 1819, whose stated purpose was “guarding against the further decline and the final extinction of the Indian Tribes...”²⁵ The Civilization Fund Act aimed to “civilize” native people, ultimately leading to the residential boarding school era where native children were stripped of their identity, culture, and customs in an effort to “Kill the Indian, Save the Man.” In 1830, President Andrew Jackson signed the Indian Removal Act²⁶ into law, which was a forced removal of Native people from their lands within existing state borders. During this time, the Stockbridge Munsee Band of Mohican Indians was forced to leave New York State for Central Wisconsin, where they remain today. Forced removal of Tribes like the Stockbridge Munsee Band caused traditional practices to be altered or lost and languages eradicated, as Tribes had to adapt to survive in a new and foreign land.

The year 1883 saw the passage of the Code of Indian Offenses,²⁷ which made it a crime for Indigenous people to practice their ceremonial traditions. During this period, Tribal communities were largely denied access to their Indigenous medicines, one of which was traditional tobacco used in ceremony. As a result, many Native people turned to widely available commercial tobacco products, ultimately addicting them to deadly products like cigarettes. Today, American Indian and Alaska Native people (AI/AN) have the highest use rate of commercial tobacco products of any race/ethnicity. In 2020, more than one in four (27.1 percent) of AI/AN adults smoked cigarettes.²⁸ It was not until 1978, 95 years after its enactment, that the Code of Indian Offenses was repealed with the passage of the American Indian Religious Freedom Act.²⁹

Countless other federal policies throughout United States history have undermined Tribal sovereignty and identity, including the “Indian New Deal.”³⁰ Although this law allowed Tribes to create their own elected governments, it prevented traditional leaders like medicine men or Chiefs from being recognized by the U.S. federal government.

Federal laws and policies over the years have resulted in atrocities in Indian country that continue to impact the health and well-being of Native communities to this day. Self-governance in Tribal nations is essential to protect unique cultural practices and linguistic identities in the wake of federal policies aimed at eradicating Native communities’ traditional practices and lifeways.

Q: What’s the difference between commercial tobacco and traditional (or ceremonial) tobacco?

A: For many Indigenous communities, tobacco is a traditional medicine, used for millennia for ceremony, prayer, offering, and other practices. It is an integral part of maintaining a healthy and spiritual way of life. Generally, it is understood that if tobacco is used in positive ways, it has the power to heal and protect, but if abused, it has the power to harm.³¹ Traditional tobacco refers to the tobacco plant, *Nicotiana rustica*, in its purest form. Traditional tobacco can also be combined with traditional medicines, which vary by region throughout Indian country.

Teachings about traditional tobacco harvesting, preparation, and use also differ across Indian country. A common belief is that positive energy and good thoughts are linked to work with traditional tobacco.³² Many Indigenous communities also believe that the smoke from sacred tobacco carries prayers and intentions to the Creator or spirit world.³³ During ceremonial or traditional healing, traditional tobacco may be used in a pipe or fire; however, the smoke is not often inhaled.³⁴

When used correctly, traditional tobacco does not have an adverse health impact, unlike commercial tobacco.³⁵ Europeans brought commercial tobacco, *Nicotiana tabacum*, from the Caribbean as they began to colonize North America. This tobacco plant, harvested by enslaved people, fueled the expansion of the United States and is the main ingredient in today’s commercial cigarettes, cigars, and similar products. For more information about traditional tobacco, visit www.keepitsacred.itcml.org.



Q: Why do American Indian/Alaska Natives use commercial tobacco at such high rates?

A: Historically, tobacco companies have disproportionately targeted specific structurally disadvantaged groups of people to successfully increase their dependence on tobacco products.³⁶ Unsealed tobacco industry documents have revealed detailed strategies to exploit Tribal sovereignty by manipulating sacred tobacco use among Native Americans to increase sales of (and addiction) to commercial tobacco. The industry boosts promotions of these products on land to increase their profits. By circumventing tobacco taxes and smoke-free laws, the industry contributes to health disparities and smoking prevalence among Native Americans. Tobacco industry documents dating back to the 1980s reveal a strategy to take advantage of tribal sovereignty by reducing prices and promoting and saturating Tribal casinos with commercial tobacco products.³⁷ One of the most blatant ways the industry markets to Tribal populations is to exploit Native imagery to sell commercial tobacco products. Research shows that American Indians and Alaska natives are more exposed to commercial tobacco advertisements in stores than other non-Hispanic racial and ethnic populations.³⁸ The commercial tobacco industry continues to fund and sponsor ceremonies like powwows to promote its products and increase reliance on revenue generated by commercial tobacco sales.

These industry tactics have played an important role in the current health disparities experienced by American Indian and Alaska Native (AI/AN) communities. Historical trauma, racist policies of forced assimilation, and targeted marketing have all contributed to American Indians having the highest use rate of commercial tobacco products of any racial population in the United States. Unfortunately, limited data on commercial tobacco use exists for American Indian and Alaska Native people living in the United States; the State of New York also has

compiled little data in this area.³⁹ Of states that have compiled tobacco use data among this population, enormous use disparities are evident. For example, in Minnesota, 59 percent of American Indian Adults report smoking commercial tobacco⁴⁰ compared to 14.5 percent of Minnesota's overall adult population.⁴¹ Nationwide, 34.9 percent of American Indian/Alaska Native adults reported current use of commercial tobacco products in 2020.⁴² It is crucial that states collect such data so they can allocate appropriate resources to the communities most impacted by commercial tobacco use.

Q: What has led to commercial tobacco retailing on Tribal land?

A: Many factors, including those mentioned above, have resulted in the sale of commercial tobacco on reservations. To appreciate the context in which Tribal communities operate today, it is helpful to have a general understanding of the history of Tribal land. Indigenous communities in the U.S. were forced onto reservations beginning in 1851 when Congress passed the Indian Appropriations Act.⁴³ These designated reservation lands often had limited resources, which contributed to the economic challenges Tribes faced. What little land was given to Native communities was under the control of the U.S. government.

One of the most devastating U.S. policies for Native communities was the General Allotment Act of 1887,⁴⁴ more commonly known as the Dawes Act. This national policy authorized the U.S. President to survey Tribal land and divide it into allotments for Native individuals and families. The president could apply the act to reservations whenever it was thought to be advantageous. Tribal members were permitted to select land for themselves and their children or were assigned land by the government. If the amount of established reservation land exceeded the amount "needed" for allotment, the federal government could negotiate to purchase the lands from the Tribes and sell them to non-Indian settlers. As a result, 60 million acres of land were stolen for non-Indian homesteaders and corporations as so-called "surplus lands."

The federal government held these allotments in trust because they declared Native communities "incompetent"⁴⁵ to handle land affairs and thus retained legal title to the land. Consequently, Tribes could use the land but not sell or lease it without approval from the federal government. After 25 years, the allottees were given fee simple (or full) ownership of the land (in other words, all traditional property rights). These limitations were not in place for non-Native people who purchased the land.

"Safeguards"⁴⁶ were in place to protect Native rights to land but given these policies, the land holdings for Native people decreased from 138 million acres in 1887 to a mere 48 million acres in 1934. This happened because once allotted, the most valuable land was determined to be



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“surplus to Indian needs” and sold to whites. The Allotment Act aimed to assimilate Indigenous people to become farmers and conform to colonizer norms; it was expected that Tribal communities would begin farming on their “new” land. Native people were given no resources, farming equipment, or education, and often the land was unsuitable for crops. This was yet another policy that led to cultural genocide. The land allotment contributed to the loss of traditional lifeways and livelihoods, such as trading. To survive, families were forced to sell their land after 25 years (when they were granted ownership) to support themselves.

During the allotment period, the Secretary of the Interior was given authority to decide if a person was “competent to manage their lands.” If deemed incompetent, the Secretary would take the land out of trust, and in turn, the land would become taxable.⁴⁷ The Native landowners did not know when this was happening and would consequently have their land sold from underneath them for not paying taxes they did not even know were accruing. An estimated 27 million acres were apportioned this way.

The lack of economic opportunity throughout Indian country is profound. However, Tribal communities have found ways to provide resources like housing and healthcare through various enterprises — most familiarly, casino gaming. These businesses provide crucial infrastructure to Tribes as they generate

revenue to sustain their communities. At the same time, Tribal communities have provided strong leadership on public health efforts — as in protecting their communities from the dangers of flavored tobacco and vapor products and by raising the minimum legal sales age to 21 before it was federal law. For instance, the Saint Regis Mohawk Tribe is a leader in Indian country and New York State: it banned the sale and distribution of all flavored vaping products and raised the minimum age for vaping products to 21 in December of 2019.⁴⁸

Q: How does taxation on commercial tobacco products work on Tribal land?

A: Although Tribal nations reserve the right to sell commercial tobacco products to anyone, only enrolled Tribal members are exempt from paying the excise tax on these products. Tribes have the ability to impose their own tax on commercial tobacco products and often use the revenue generated from the sale of these products in the same ways state governments use them — that is, for public health initiatives, public safety, and infrastructure.⁴⁹ Complexities come into play when discord occurs between state and Tribal governments. State governments often want to collect the taxes that the Tribes omit due to their sovereign status. Sovereignty means that states do not have jurisdiction over Tribal lands; in fact, several courts have limited a state’s ability to enforce tax collection on a Tribal nation.⁵⁰ However, legal challenges continue to be brought, as in the tobacco tax case involving the Seneca Nation and the State of New York.⁵¹ A recent court decision interpreted New York state tax law to allow the state to tax cigarettes sold to non-Tribal members on Seneca Nation land.⁵² As a result, the Tribe purchases pre-taxed cigarettes in bulk to be sold to non-Tribal members.⁵³

Q: How can we help advance positive health outcomes in Indian country?

A: To advance positive health outcomes in Indian country, public health partners must be mindful of the history of Tribal nations and the context in which they exist in the United States. Working with Tribes is a community-centered endeavor and emphasis should be placed on fostering meaningful and trusting relationships. Like all communities, Tribal communities know what solutions will work best for them. Equitable public health policymaking is based on collaborations with all stakeholders and community members holding a variety of views. Examples can be found in the Sacred Traditional Tobacco for Health Native Communities infographic⁵⁴ created by the American Indian Cancer Foundation.⁵⁵ This type of approach allows Tribal communities to advance tailored and effective policy, systems, and environmental changes.

As the broader public health community continues to fight against the commercial tobacco epidemic, partnerships with Tribal communities need to be at the forefront of the work. For instance, adding the word “commercial” before the word “tobacco” is one simple way to recognize the important distinction between harmful products from the commercial tobacco industry and the traditional medicines used by Native communities. Another way that the public health community can begin to advance work with Tribal communities is by including American Indian/Alaska Native questions in data collection. Without adequate data, it is hard to justify resource allocation to many funders; thus, complete and accurate data compilation is a crucial step in addressing the needs of this population. Another useful approach to help this population successfully quit their use of commercial tobacco products is to provide culturally tailored resources and cessation services. A successful example of this is the American Indian Quitline developed with Tribal communities and the Minnesota Department of Health.⁵⁶ The Quitline offers up to ten calls providing tailored cessation services with a team of American Indian coaches who understand the culture and traditions of the community.

Additional Resources

Below are a few sources and websites with additional information about U.S. Indian nations and traditional tobacco:

- Keep It Sacred, National Native Network: <https://keepitsacred.itcmi.org>
- National Congress of American Indians: <https://archive.ncai.org/about-tribes>
- North American Quitline Consortium (information about cessation services for New York State Indigenous peoples): <https://www.naquitline.org/news/658992/Support-Available-for-NY-States-Indigenous-Peoples-to-Quit-Commercial-Tobacco.htm>
- Traditional Tobacco and American Indian Communities in Minnesota: <https://www.health.state.mn.us/communities/tobacco/traditional/index.html>
- Reclaiming Sacred Tobacco in Minnesota’s Indigenous Communities, full documentary: <https://www.youtube.com/watch?v=fhr9sy7ZgnY>

Contact us for assistance! If you’re working on New York State commercial tobacco control issues and need assistance, contact the Public Health Law Center at (651) 290-7506 or phlc.nys@mitchellhamline.edu.

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Endnotes

- 1 Throughout this document, terms such as "Tribe," "Tribal nation," and "Indian nation," are used interchangeably, since Indigenous communities in the United States and in New York State vary in their preferred self-designations. *See also* New York State Department of Environmental Conservation, Indian Nation Consultation (2024), <https://dec.ny.gov/about/dei/indian-nation-affairs>; *see also* the Onondaga Nation website: <https://www.onondaganation.org/aboutus>.
- 2 CAYUGA NATION, <https://cayuganation-nsn.gov/index.html>.
- 3 ONEIDA NATION, <https://www.oneidaindiannation.com>.
- 4 ONONDAGA NATION, <https://www.onondaganation.org>.
- 5 ST. REGIS MOHAWK TRIBE, <https://www.srmt-nsn.gov>.
- 6 SENECA NATION OF INDIANS, <https://sni.org>.
- 7 SHINNECOCK INDIAN NATION, <https://www.shinnecock-nsn.gov>.
- 8 U.S. DEP'T OF INTERIOR, INDIAN AFFAIRS: TRIBAL LEADERS DIRECTORY, TONAWANDA BAND OF SENECA, <https://www.bia.gov/bia/ois/tribal-leaders-directory/tribes/tonawanda>.
- 9 U.S. DEP'T OF INTERIOR, INDIAN AFFAIRS: TRIBAL LEADERS DIRECTORY, TUSCARORA NATION, <https://www.bia.gov/bia/ois/tribal-leaders-directory/tribes/tuscarora>.
- 10 U.S. DEP'T OF JUST., OFF. OF TRIBAL JUSTICE, *Frequently Asked Questions about Native Americans* (2023), <https://www.justice.gov/otj/about-native-americans#:~:text=What%20does%20the%20term%20'Federally,%22domestic%20dependent%20nation%22%20status>.
- 11 *Id.*
- 12 U of Arizona Native Nations Institute, Indigenous Governance Database, <https://nnigovernance.arizona.edu/state-recognition-american-indian-tribes>.
- 13 18 U.S. CODE § 1151.
- 14 NAT'L CONG. OF AM. INDIANS, TRIBAL NATIONS & THE UNITED STATES: AN INTRODUCTION (2020) <https://www.ncai.org/about-tribes#:~:text=The%20essence%20of%20tribal%20sovereignty,police%20departments%20and%20tribal%20courts>.
- 15 University of Alaska Fairbanks, *Tribal Governance: General Principles of Federal Indian Law*, <https://www.uaf.edu/tribal/academics/112/unit-4/generalprinciplesoffederalindianlaw.php#:~:text=The%20sources%20of%20federal%20Indian,executive%20orders%2C%20and%20judicial%20opinions>.
- 16 Christopher J. Allen, *What is the Federal Indian Trust Responsibility?*, U.S. DEP'T OF INTERIOR, INDIAN AFFAIRS (Nov. 08, 2017) <https://www.bia.gov/faqs/what-federal-indian-trust-responsibility>.
- 17 *U.S. v. Mitchell*, 403 U.S. 206 (1983).

- 18 See generally National Indian Health Board, *Health Equity in Indian Country*, https://www.nihb.org/docs/03212023/2023_CMS%20Health%20Equity%20Report_FINAL_508.pdf; Mn. Dep't of Health, *American Indian Tribal Governments*, <https://www.health.state.mn.us/communities/practice/resources/chsadmin/governance-tribal.html>.
- 19 NAT'L CONG. OF AM. INDIANS, TRIBAL NATIONS & THE UNITED STATES: AN INTRODUCTION (2020) <https://www.ncai.org/about-tribes#:~:text=The%20essence%20of%20tribal%20sovereignty,police%20departments%20and%20tribal%20courts.>
- 20 *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831).
- 21 Peter d'Errico, *Sovereignty: A Brief History in the Context of U.S. Indian Law*, ENCYC. MINORITIES AM. POL. 691-3 (2000), <https://www.umass.edu/legal/derrico/sovereignty.html>.
- 22 *Johnson v. M'Intosh*, 21 U.S. (8 Wheat,) 543 (1823).
- 23 *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831).
- 24 *Worcester v. Georgia*, 31 U.S. 515 (1832).
- 25 Indian Civilization Fund Act of 1819, 3 Stat. 516, Ch. 85 (1819).
- 26 Indian Removal Act of 1830, Pub. L. No. 21-148, 4 Stat. 411 (1830).
- 27 U.S. Dep't of Interior, Code of Indian Offenses (1885), <code-of-indian-offenses.pdf> (wordpress.com).
- 28 CENTERS FOR DISEASE CONTROL AND PREVENTION, *American Indian and Alaska Native People* (2024), <https://www.cdc.gov/tobacco/campaign/tips/groups/american-indian-alaska-native.html>
- 29 American Indian Religious Freedom Act, 92 Stat. 469 (1978), 42 U.S.C. 1996 et seq. COMPS-5293.pdf (govinfo.gov).
- 30 Indian Reorganization Act of 1934, ch. 576, 48 Stat. 984 (1934).
- 31 NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD, TRADITIONAL TOBACCO RESOURCE GUIDEBOOK https://www.npaihb.org/images/resources_docs/Resource%20Guidebook.pdf.
- 32 See NATIVE AMERICAN CANCER INITIATIVES, INC., <https://www.sbir.gov/sbc/native-american-cancer-initiatives>.
- 33 AMERICAN INDIAN CANCER FOUNDATION, <https://americanindiancancer.org>.
- 34 KEEP IT SACRED, NATIONAL NATIVE NETWORK: TRADITIONAL TOBACCO, <https://keepitsacred.itcmi.org/tobacco-and-tradition/traditional-tobacco-use>.
- 35 MINN. DEP'T OF HEALTH, *Traditional Tobacco and American Indian Communities In Minnesota* (2022), <https://www.health.state.mn.us/communities/tobacco/traditional/index.html>.
- 36 Lauren K. Lempert & Stanton A. Glantz, *Tobacco Industry Promotional Strategies Targeting American Indians / Alaska Natives and Exploiting Tribal Sovereignty*, 21 NICOTINE AND TOBACCO RESEARCH. 940-48 (2019). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6588391/#:~:text=Tobacco%20companies%20used%20promotional%20strategies,existing%20traditional%20uses%20of%20ceremonial>
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- 38 Dana M. Carroll et al., *Tobacco Industry Marketing Exposure and Commercial Tobacco Product Use Disparities among American Indians and Alaska Natives*, 55 SUBSTANCE USE & MISUSE 261-70 (2019). <https://www.tandfonline.com/doi/abs/10.1080/10826084.2019.1664589?journalCode=isum20&>
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- 40 AMERICAN INDIAN CANCER FOUNDATION, *Tribal Tobacco Use Project Survey: Findings from Minnesota American Indian Communities* (2013), <https://americanindiancancer.org/aicaf-project/tribal-tobacco-use-program>.

- 41 CENTERS FOR DISEASE CONTROL AND PREVENTION, *Behavioral Risk Factor Surveillance System, 2017 BRFSS Survey Data and Documentation* (2022) https://www.cdc.gov/brfss/annual_data/annual_2017.html.
- 42 Monica E. Cornelius et al., *Tobacco Product Use Among Adults — United States 2020*, 71 MORBIDITY AND MORTALITY WKLY RPT. 397-405 (2022). https://www.cdc.gov/mmwr/volumes/71/wr/mm7111a1.htm?s_cid=mm7111a1_w
- 43 Indian Appropriations Act of 1851, ch. 108, 9 Stat. 587 (1851).
- 44 Indian General Allotment Act of 1887, Ch. 119. § 1, 24 Stat. 288, *as amended*, 25 U.S.C. § 331 (1887).
- 45 *Id.*
- 46 *Id.*
- 47 25 U.S.C. 2201, ch. 383, 26 STAT. 794 (1891).
- 48 See Elliott Lazore, *Tribe Increases Minimum Purchase Age for Vaping Devices and Bans Flavored Products*, St. Regis Mohawk Tribe (Dec. 12, 2029), <https://www.srmt-nsn.gov/news/2019/tribe-increases-minimum-purchase-age-for-vaping-devices-and-bans-flavored-products>.
- 49 Hillary DeLong et al., *Common State Mechanisms Regulating Tribal Tobacco Taxation and Sales, the USA*, 2015, 25 TOBACCO CONTROL i32-7 (2016). https://tobaccocontrol.bmj.com/content/25/Suppl_1/i32#ref-11
- 50 See *Okla. Tax Comm. v. Citizen Band Potawatomi Indian Tribe of Okla.*, 498 U.S. 505 (1991); *Moe v. Confederated Salish and Kootenai Tribes of the Flathead Reservation*, 425 U.S. 463 (1976).
- 51 See, e.g., *Oneida Nation of N.Y. v. Cuomo*, 645 F.3d 154 (2nd Cir., 2011).
- 52 N.Y. TAX LAW, 60.20 § 471-c (2014), <https://www.nysenate.gov/legislation/laws/TAX/471-C>.
- 53 See Rochelle Alleyne, *Court Says It's Legal to Tax Cigarettes Sold to Non-Native Americans on Reservations*, SPECTRUM NEWS (June 7, 2018), <https://spectrumlocalnews.com/nys/central-ny/news/2018/06/08/court-rules-in-battle-over-seneca-nation-cigarette-taxes>.
- 54 AMERICAN INDIAN CANCER FOUNDATION, *Sacred Traditional Tobacco for Healthy Native Communities: A Balanced Community For Health Infographic*, <https://drive.google.com/file/d/1zKA2M8Eu6r9VAiiTo3rU0pRhj2V4Sijz/view>.
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- 56 *Mn. Dep't. of Health, The American Indian Quit Line, Quit Partner*, <https://quitpartnermn.com/american-indian-quitline>.