

Senior Policy Advisor Makes Case for Seneca Nation

Posted By: Athan Kompos ▪ Date last updated: 9/14/2010 1:47:23 PM

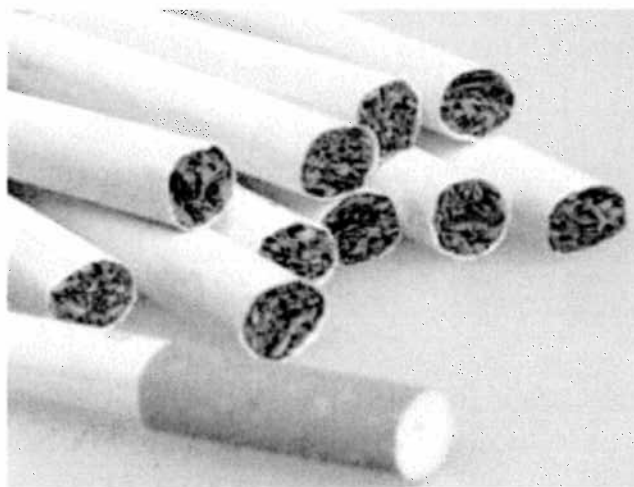
[Smaller](#)[Larger](#)[Print Article](#)[Close Page](#)

Photo Courtesy of Gannett News Service

The Seneca Indian Nation is federal court this afternoon making their case against New York state's plans to begin taxing smoke shop cigarette sales to non-Indian customers. The Nation's Senior Policy Advisor was the first to take the stand.

BUFFALO, N.Y. (AP) – The Seneca Indian Nation is federal court this afternoon making their case against New York state's plans to begin taxing smoke shop cigarette sales to non-Indian customers. The Nation's Senior Policy Advisor was the first to take the stand.

Robert Porter was the first to testify on behalf of the Senecas in front of Judge Richard Arcara. Judge Arcara will be hearing from several witnesses Tuesday before deciding whether to continue to block the state from enforcing new tax rules on the western New York tribe and the nearby Cayuga Nation, which joined the legal action.

Porter is the Senior Policy Advisor for the Seneca Nation, and previously served as the Nation's

Attorney General. According to Porter's testimony, the state's taxation plan goes against the Nation's "Import/ Export Law," which was drafted in 2006.

The state proposed a "New State Scheme" which would be a new policy enabling the state to collect tax revenue from tobacco products sold on Indian land. The scheme involves a tax-quota, allowing the Senecas a certain number of untaxed tobacco product before the state imposed taxes on the remaining supply.

Speaking on behalf of the Senecas, Porter argued that taxation method would pose "considerable damage to their economy." He adds the proposed tax scheme would cause more harm than good. "There is no mechanism in place to ensure the entire nation would be able to obtain tax free cigarettes," not just certain territories.

A temporary order is already in place, which bans NYS from collecting a \$4.35 per-pack tax on cigarettes sold by either the Seneca or Cayuga nations.

Meanwhile, a state appellate court in Rochester is also grappling with the issue. A decision could come anytime on whether the state can impose the \$4.35-per-pack tax on any of the nine New York tribes battling to preserve their tax-free cigarette businesses.

AP