



Wallace: Who's watching the store?

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by: [Harry Wallace](#) / Guest columnist

It is apparent that the concerted effort by the state of New York - specifically its attorney general, Eliot Spitzer; various counties' district attorneys; and the political supporters of the Association of Convenience Stores - have a concise strategy for attacking the sovereignty of Indian nations with regard to the sale of non-taxed tobacco and gasoline products on our territory.

Spitzer has found and utilized every indirect method at his disposal, fair or unfair, to interfere with trade and commerce on our land. The latest salvo is the agreement with Philip Morris to limit distribution to those businesses that the attorney general says are making Internet or mail-order distributions. Nowhere in this agreement is there a protocol as to how the attorney general makes that determination or whether there is in fact a dispute resolution process to challenge any arbitrary determination by the attorney general or Philip Morris.

It is my opinion that an all-out assault on retail outlets on Indian territory will take place. Despite Gov. George Pataki's pronouncement of a delay, despite the self-regulating actions taken internally by Indian governments (which Spitzer refuses to acknowledge), the assault will continue.

It is also apparent that those very nations who stand to lose more than their ability to sell have come up with no strategy to be proactive in this assault. What amazes me is that the non-Indian is supposed to have a short attention span, but we are the ones who have forgotten that it was the tobacco and gas shops that started our communities on the road to economic self-sufficiency as the states inexorably marched to higher taxes.

We have forgotten, in the pursuit of gaming heaven (and I have been guilty of this at times), how significant these shops were and are in providing employment opportunity, political muscle and government stability absent any input from federal, state or local authorities. How these shops, in my community, have promoted other business opportunities, the development of our native language and cultural program, and supported elementary and secondary educational opportunities for our children.

I was told recently that there would be an organizational meeting to plan opposition to Spitzer's actions after the lawyers had an opportunity to meet. Well, the lawyers met and nothing happened. If anyone in this struggle believes that the legal team is going to resolve this dispute without direct involvement from the people, they are misguided in the way people respond to challenges. When the Suffolk County police blockaded our territory in December 2005 and January, it was not the lawyers who persuaded the police to curtail their activity - it was the direct protest of the community. The lawyers solemnized the change in police activity afterwards. It is the diligence of the community that perpetuates our survival. No level of knowledge of law or the system will change that.

In my community, I have been threatened by the state, had guns pointed at my head, the tires on my car slashed and been subjected to a campaign to sully my reputation and identity: all in an attempt to neutralize the development of viable business opportunities on our territory. Despite these actions, our people have developed a system of doing business which for the most part is well-regulated. For us, there is no going back. We have no choice and we have nothing else to lose. Poverty is not an option.

Spitzer is making the same mistake previous administrations made - he doesn't talk to us, and he only makes threats. We are reasonable people, but we don't respond to threats very well. It is my sincere hope that we organize in a way that rallies the strength of our communities. If we don't, resistance is in our future.

An elder once told me they can't take away our sovereignty; we can only give it away. I am acutely aware of the recent setbacks in court decisions which affect land claims and jurisdiction. They are attacks on our ability to use the gains we've made to expand sovereign territory and restore land previously taken. That may ultimately be the struggle of the 21st century. But while we engage in this struggle, let's not forget that fundamentally, we need to be watching the store.

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