

U.S. v. KING MOUNTAIN TOBACCO CO., INC. DECISION
9th Circuit, August 13, 2018:

FACTS: Tobacco company, owned by a Yakima Nation citizen, makes cigarettes using 54 % tobacco that is grown on allotted nation land, held in trust by US. The 9th Circuit affirmed the District Court holding that federal excise taxes still applied to these tobacco products.

DIRECT QUOTES FROM 9th CIRCUIT DECISION:

“After all, the federal government enjoys plenary and exclusive power over Indian tribes. *Bryan v. Itasca County*, 426 U.S. 373, 376 n. 2 (1976). And ‘[t]he right to tribal self-government is ultimately dependent on and subject to the broad power of Congress.’ *White Mountain Apache Tribe v. Bracker*, 448 U.S. 136, 143 (1980).” [p. 11.] . . .

“The objectives of allotment ¹ were simple: to extinguish tribal sovereignty, erase reservation boundaries, and force the assimilation of Indians into society at large. See, e.g., *In re Heff*, 197 U.S. 488, 499 (1905); *Blackfeet Tribe of Indians v. Montana*, 729 F. 2d 1192, 1195 (9th Cir. 1984) (en banc) (Observing that the ‘primary purpose’ of allotment was the ‘speedy assimilation of the Indians’), *aff’d*, 471 U.S. 759 (1985). [pp. 12 & 13]

¹ Here the Circuit is discussing the General Allotment Act of 1887, 24 Stat. 388.