



National
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Mashpee Wampanoag Tribe Threatened with Land Disestablishment, Tribal Leaders Step in to Address Ongoing Land Issues and Threats to Sovereignty

On Friday, March 27, 2020, the Secretary of the Interior notified the Mashpee Wampanoag Tribe that he has ordered the disestablishment of the Tribe's reservation, an act that would take Mashpee's tribal homelands out of trust status. This action is being taken despite Interior's prior commitment that no such action would be taken until litigation defending the status of the Tribe's reservation is resolved. This surprise action is a devastating blow to not only the Mashpee Wampanoag Tribe but all of Indian Country, particularly during the COVID-19 pandemic, and violates the federal government's solemn trust responsibility to safeguard tribal nations and their lands.

"The steps being taken right now – in the middle of a nationwide pandemic – to disestablish our reservation and take our land out of trust has created a crisis on top of a crisis. Our land is sacred. It's where our people receive health services. It's where our children attend our language immersion school. It's where we are building houses for our citizens. Taking our land is a direct attack on our culture and our way of living," said Mashpee Wampanoag Tribal Chairman Cedric Cromwell. "We now have no choice but to divert precious resources from COVID-19 to address this unwarranted attack on our sovereignty. This is an unconscionable act that's ushered in a new termination era, and it is the latest evidence of the erosion of the Department's willingness to act consistent with its trust duties to protect tribal lands."

The land within the Mashpee Reservation has been Mashpee Wampanoag land since time immemorial, and was set aside in trust to serve as a permanent homeland for present and future generations of Mashpee citizens. Last week's misguided decision undermines the Tribe's ability to continue to self-govern, provide vital programs and services to its citizens, and protect its traditional lands and cultural resources.

Last year, through a strong bipartisan vote, the House of Representatives passed H.R. 375 (companion bill, S. 2808), commonly referred to as the "Clean *Carcieri* Fix," which would have protected Mashpee's and other tribal

nations' rights to permanent homelands by resolving the damage caused to Indian Country by the Supreme Court's baseless 2009 opinion in *Carcieri v. Salazar*. Unfortunately, the Senate has so far failed to consider or take any action on this legislation, which is intended to restore certainty and fairness to all tribal nations in the land-into-trust process. For a decade, Indian Country has advocated that Congress address the *Carcieri* problem and that this should be achieved by (1) restoring the Secretary of the Interior's authority under the Indian Reorganization Act to take land into trust for all federally recognized tribal nations; and (2) reaffirming existing Indian trust lands, which NCAI noted in its [written testimony](#).

"Removing the homelands of established communities and villages endangers the very existence of an entire nation of people. This is unacceptable, and such an action during this pandemic is an outrage," said Kevin J. Allis, CEO of the National Congress of American Indians.

"At a time when tribal governments and their leaders are desperately working to protect the health of their citizens and the economic security of their communities in the face of the catastrophic COVID-19 pandemic, they shouldn't also have to contend with attacks on their tribal homelands from the very trustee that is legally obligated to protect those homelands," continued Allis. "Just like with the destruction of the sacred sites of the Tohono O'odham along the southern border, that of the Apache and Yavapai peoples at Oak Flat in Arizona, the endangerment of Bears Ears and Chaco Canyon, and the inability of our Native brothers and sisters in Alaska to take land into trust, this latest action illuminates a disturbing pattern: the federal government and this Administration's brazen assault on the right and ability of all tribal nations to sustain their cultures, identities, and ways of life through deep and abiding connections to their time-honored places."

"The action by this Administration in rendering such a decision is dishonorable and reprehensible on its face, but to do so when we are fighting a national pandemic is shameful. If there was any question before, it is clear that we are experiencing a crisis in Indian Country at this moment," said President Kirk Francis of USET's Sovereignty Protection Fund. "We must all come together, stand up, and fight to protect our inherent sovereign rights to and authorities on our own lands. Congress has had more than a decade to do the right thing. Baseless and nefarious challenges to our sovereign right to restore and rebuild our tribal nations, after decades and centuries of unjust actions that robbed of us of our lands and natural resources as the United States pursued its growth and expansion through a rationalization of manifest destiny, must come to an end. It is time that the United States Congress finally does the honorable thing and pass a clean *Carcieri* fix."

NCAI and the USET Sovereignty Protection Fund exist to strengthen and support tribal sovereignty for tribal nations such as the Mashpee Wampanoag and the 574 federally recognized tribal nations in the United States. We call upon our champions in the United States Senate to advance the passage of H.R. 375/S. 2808 with all due haste. Its passage would represent a monumental victory for Indian Country, as tribal land bases are integral to tribal sovereignty and economic opportunity.

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About the Mashpee Wampanoag Tribe:

The Mashpee Wampanoag Tribe, also known as the People of the First Light, has inhabited present day Massachusetts for more than 12,000 years. After an arduous process lasting more than three decades, the Mashpee Wampanoag were re-acknowledged as a federally recognized tribe in 2007. In 2015, the federal government declared 150 acres of land in Mashpee and 170 acres of land in Taunton as the Tribe's initial reservation, on which the Tribe can exercise its full tribal sovereignty rights. The Mashpee tribe currently has approximately 2,700 enrolled citizens.

About the National Congress of American Indians:

Founded in 1944, the National Congress of American Indians is the oldest, largest and most representative American Indian and Alaska Native organization in the country. NCAI advocates on behalf of tribal governments and communities, promoting strong tribal-federal

government-to-government policies, and promoting a better understanding among the general public regarding American Indian and Alaska Native governments, people and rights. For more information, visit www.ncai.org.

About the USET Sovereignty Protection Fund (USET SPF):

Established in 2014, the USET Sovereignty Protection Fund (USET SPF) is a non-profit, inter-Tribal organization advocating on behalf of thirty (30) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico. USET SPF is dedicated to promoting, protecting, and advancing the inherent sovereign rights and authorities of Tribal Nations and in assisting its membership in dealing effectively with public policy issues.