USET SPF Alert: DOI Secretary Orders Mashpee Wampanoag Reservation Disestablished--Lands Taken Out of Trust March 28

Dear USET SPF Board of Directors and DC Tribal Reps,

For the first time since the termination era, the Department of the Interior has taken action to disestablish a Tribal reservation, ordering the homelands of the Mashpee Wampanoag Tribe taken out of trust. The order from Secretary David Bernhardt comes as the Tribal Nation works to respond to the COVID-19 public health emergency, during active litigation on the status of the land, and following the rescission of the 2014 Carcieri M-Opinion and the issuance of a new 4-part test to meet the definition of "under federal jurisdiction" in the Indian Reorganization Act.

In a message to Mashpee Wampanoag citizens, Chairman Cedric Cromwell, said, "Today's action was cruel and it was unnecessary. The Secretary is under no court order to take our land out of trust. He is fully aware that litigation to uphold our status as a tribe eligible for the benefits of the Indian Reorganization Act is ongoing. It begs the question, what is driving our federal trustee's crusade against our reservation?"

USET SPF shares in the outrage of the Mashpee Wampanoag at the shameful, inhumane, and regressive actions of this Administration. At a time when the whole nation, including Indian Country, faces the crisis and uncertainty caused by coronavirus, this Administration has acted unilaterally to further destabilize the Mashpee Wampanoag Tribe and all Tribal Nations. Tribal homelands are fundamental to our existence as sovereign governments and our ability to thrive as vibrant, healthy, self-sufficient communities. The disestablishment of the Mashpee reservation can only be interpreted as a hostile act—one aimed at undermining Tribal governments. USET SPF condemns the actions of the Department of the Interior, and calls upon all Tribal Nations and all justice-loving citizens of the United States to come together against the taking of Tribal homelands.

USET SPF President, Chief Kirk Francis, said, "The actions by this Administration in rendering such a decision are dishonorable in and of themselves, but to do so at a time when we are fighting a national pandemic is reprehensible. If there was any question before, it is clear that we are experiencing a crisis in Indian Country at this moment. We must all come together, stand up, and fight to protect our inherent sovereign rights and authorities in our own lands."

As you know, USET SPF has been advocating for a fix to the Supreme Court decision in Carcieri v. Salazar, since it was handed down in 2009. Carcieri has created a deeply inequitable 2-class system, in which some Tribal Nations have the ability to restore their homelands and others do not. This 2-class system serves to deny these Tribal Nations a critical component of the trust relationship, vital aspects of the exercise of inherent sovereignty, and the opportunity to qualify for several government programs. USET SPF continues to call for the immediate passage of a fix that contains the two features necessary to restore parity to the land-into-trust process: (1) a reaffirmation of the status of current trust lands; and (2) confirmation that the Secretary has authority to take land into trust for all federally recognized Tribal Nations.

USET SPF is working with Mashpee, as well as our partner organizations, to organize a firm and sustained response. We will continue to keep you apprised as the situation and strategy unfolds. In the meantime, we share the following statements and articles for your information:

Chairman Cromwell Message to Mashpee Citizens
WBUR Article
Boston Globe Article