

Cultural Survival

Indigenous Peoples' Rights

<https://www.culturalsurvival.org/news/federal-court-backs-mashpee-wampanoag-tribe>

Campaign and Advocacy

On June 5, 2020, the Mashpee Wampanoag Tribe in Massachusetts celebrated a victory in federal courts. The [decision from a Washington D.C. district](#) court stated that [a 2018 decision](#) by the U.S. Department of Interior that the Tribe was not under federal jurisdiction in 1934 for purposes of the Indian Reorganization Act was arbitrary, capricious, an abuse of discretion, and contrary to law.

On March 27, 2020, in the midst of responding to the COVID-19 pandemic, Mashpee Wampanoag Tribe Chairman Cedric Cromwell was informed by the Bureau of Indian Affairs that the Tribes reservation would be disestablished as ordered by the Secretary of the U.S. Department of the Interior, David Bernhardt.

The Tribe, which has occupied the same land for over 12,000 years, has faced countless challenges to sovereignty since the arrival of the Pilgrims. Actions taken by the Secretary of the U.S. Department of the Interior, David Bernhardt, marked a great step backward in the protection of tribal sovereignty and rights. [Not since the termination era of the mid-twentieth century has a Secretary taken action to disestablish a reservation.](#) said Mashpee Wampanoag Tribe Chairman Cedric Cromwell.

In 2018, the Trump administration initiated the process to remove the land from trust, but the 2020 order from Secretary Bernhardt removed all the reservations 320 acres of land from the control of the Mashpee Wampanoag Tribe.

The Tribe filed several lawsuits to counter the decisions of the Trump administration. On February 27, 2020, the federal appeals court upheld a decision that argued against the reservation being in trust.

Another lawsuit has proven more successful, with the D.C. District Court finding the opposite. To quote Judge Paul Friedman, [because the Secretary of the Interior's September 7, 2018 Record of Decision is arbitrary, capricious, an abuse of discretion, and contrary to law, the Court remands the matter to the Secretary of the Interior for a thorough reconsideration and re-evaluation of the evidence before him consistent with this Opinion, the 2014 M-Opinion, M-37209 its standard and the evidence permitted therein and the Department's prior decisions applying the M-Opinion's two-part test.](#)

The next step is for the Department of the Interior to draft a new plan for Mashpee Wampanoag land that follows the judgement made. In the meantime, the Tribe continues to ask Congress to pass the Mashpee Wampanoag Tribe Reservation Reaffirmation Act (HR.312), which would permanently protect the Tribes land. Despite having bipartisan support it remains stuck in the Senate.

[While we are pleased with the courts findings.](#) Cromwell said in a recent statement, our work is not done We will continue to work with the Department of the Interior and fight them if necessary to ensure our land remains in trust.

[Protecting Sacred Shinnecock Hills](#)

[20 Calls to Action that Honor Indigenous Rights: An Open Letter to the Biden-Harris Administration on Presidents Day](#)

[Gwich'in Steering Committee Responds to Trump's Sale of Sacred Lands in the Arctic Refuge](#)

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Cultural Survival envisions a future that respects and honors Indigenous Peoples' inherent rights and dynamic cultures, deeply and richly interwoven in lands, languages, spiritual traditions, and artistic expression, rooted in self-determination and self-governance.

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