

Disestablishment of the Mashpee Wampanoag Tribe's Reservation

The disestablishment of the Mashpee Wampanoag Tribe's reservation in April 2020 by the U.S. Department of the Interior (DOI) was a highly controversial decision rooted in legal, political, and historical complexities. Here's the background on this action:

1. Historical Context

- The Mashpee Wampanoag Tribe is a federally recognized Native American tribe with a long history in what is now Massachusetts. They are descendants of the Native Americans who interacted with the Pilgrims in the 17th century.

- Despite their historical significance, the tribe faced centuries of land dispossession and marginalization. They were granted federal recognition in 2007, which allowed them to pursue land-in-trust status for a reservation.

2. Land-in-Trust Status

- In 2015, under the Obama administration, the DOI took 320 acres of land into trust for the Mashpee Wampanoag Tribe, effectively establishing a reservation. This was done under the Indian Reorganization Act of 1934, which allows the federal government to hold land in trust for Native American tribes.

- The land was intended to support tribal self-governance, economic development, and cultural preservation. The tribe planned to use part of the land for a casino to generate revenue for tribal programs.

3. Legal Challenges

- The decision to take the land into trust faced legal challenges from local residents and non-Native landowners who opposed the tribe's plans for a casino. They argued that the DOI did not have the authority to take land into trust for the Mashpee Wampanoag Tribe because the tribe was not under federal jurisdiction at the time of the Indian Reorganization Act's passage in 1934.

- In 2016, a federal court ruled in favor of the plaintiffs, stating that the DOI had erred in taking the land into trust. The court did not immediately disestablish the reservation but sent the decision back to the DOI for reconsideration.

4. Trump Administration's Decision

- In 2020, under the Trump administration, the DOI issued a decision to disestablish the Mashpee Wampanoag Tribe's reservation, effectively removing the 320 acres from trust status. This decision was based on the interpretation that the tribe did not qualify for land-in-trust status under the Indian Reorganization Act.

- The decision was widely criticized by tribal leaders, advocates, and some members of Congress, who argued that it undermined tribal sovereignty and ignored the historical injustices faced by the Mashpee Wampanoag Tribe.

5. Ongoing Efforts and Reversal

- Following the disestablishment, the Mashpee Wampanoag Tribe and its supporters launched legal and political efforts to reverse the decision. In December 2021, the Biden administration reversed the Trump-era decision and reaffirmed the tribe's land-in-trust status, restoring the reservation.

- This reversal was seen as a victory for tribal sovereignty and a step toward addressing historical injustices.

6. Broader Implications

- The case highlighted the challenges faced by Native American tribes in securing and maintaining land-in-trust status, as well as the impact of changing political administrations on tribal rights.

- It also underscored the importance of federal recognition and the legal complexities surrounding tribal land rights in the United States.

The Mashpee Wampanoag Tribe's struggle for their land reflects broader issues of Native American sovereignty, historical land dispossession, and the ongoing fight for justice and self-determination.