Indian Affairs - Office of Public Affairs

Media Contact: Nedra Darling, OPA-IA Phone: 202-219-4152
For Immediate Release: March 31, 2006
Print PDF

WASHINGTON – Interior Associate Deputy Secretary James E. Cason today issued a proposed finding to acknowledge the Mashpee Wampanoag Indian Tribal Council, Incorporated, (Mashpee) as an Indian tribe. The 1,462-member tribe is located in Barnstable County, Cape Cod, Mass.

The Federal acknowledgment regulations (25 CFR Part 83) require that a petitioning group meet seven mandatory criteria for the Department to find that a tribe has continuous existence. The evidence reviewed for this proposed finding showed that the Mashpee petitioner met all of the criteria under 83.7(a) through (g).

Under criterion 83.7(a), external observers identified the petitioner and its ancestors as an American Indian entity of Mashpee Wampanoag Indians on a substantially continuous basis from 1900 to the present.

Under criterion 83.7(b), the evidence demonstrates that the current group and its ancestors maintained a community distinct from that of other populations near the town of Mashpee, Mass., since the 1600s. The petitioner also provided evidence to show that consistent social interactions and relationships have existed among the group since that time to the present.

Under criterion 83.7(c), the evidence shows that the current group and its ancestors maintained political authority or influence over its members as an autonomous entity since first sustained contact. The exercise of political authority has taken many forms including political control of the town of Mashpee by the group to 1974 and by having an incorporated council to the present.

Under criterion 83.7(d), the petitioner presented a copy of its governing document and its membership criteria.

Under criterion 83.7(e), the petitioner submitted a membership list that identified 1,462 members and documented that about 88 percent of its current members have ancestors who were a part of the historical Mashpee tribe enumerated in a State report by John Milton Earle in 1861. Based on precedents in previous findings, this is sufficient to meet the requirements of 83.7(e).

Under criterion 83.7(f), the petitioner demonstrated that its membership is composed principally of persons who are not members of any federally acknowledged North American Indian tribe.

Under criterion 83.7(g), the evidence demonstrates that neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

The petitioner, interested parties and the general public have 180 days from the date of publication of the Notice of Proposed Finding in the Federal Register to provide comments to the Department. This proposed finding is based on the evidence available at this time and may be changed or modified by new evidence or analysis available for the Final Determination.

This evaluation has been considered under time-frames set by a court-approved negotiated settlement

agreement, which did not otherwise affect the Department's standard review of the evidence or the mandatory criteria.

Visit https://www.bia.gov/as-ia/ofa to view the proposed finding.
