Pamunkey tribe withstands challenge to recognition

TIMOTHY C. WRIGHT | FOR THE WASHINGTON POST

Kolton Wallace, 1, and Bradley Dixon, 4, try for a close look at a deer presented by the Pamunkey tribe in November to Gov. Terry McAuliffe in a ritual that began 333 years ago.

Appeal by California group was last hurdle to federal benefits

By Joe Heim
The Washington Post

A group challenging federal recognition of Virginia's Pamunkey Indian tribe has lost its case before the Interior Board of Indian Appeals.

The decision, which was made Jan. 28 but not widely shared until Monday, removes the final legal hurdle standing in the way of the Pamunkey's decadeslong quest to attain coveted federal status.

The tiny tribe east of Richmond, which claims Pocahontas as an ancestor, will now receive all of the benefits and rights of federally recognized tribes. It can, if it chooses, pursue casino gambling in a state that has long opposed it – something that the tribe has considered in the past.

The Pamunkey applauded the quick ruling in a statement released through its lawyer, Mark Tilden: "The tribe can now move forward in its new chapter as a federally recognized Indian tribe," the statement read.

Tribal leaders had worried that the challenge by Stand Up for California, a small nonprofit opposed to unlimited expansion of tribal gaming, would mean a delay that could last years. Instead it lasted just a few months.

In July, the Pamunkey became the first Virginia tribe to win federal recognition from the U.S. Bureau of Indian Affairs. The 200-member tribe celebrated, but recognition was put on hold in October when Stand Up for California, which seeks to impose stricter guidelines for tribal recognition, issued a challenge to the Pamunkey decision.

Stand Up for California's founder, Cheryl Schmit, had teamed with casino giant MGM in 2014 to oppose the Pamunkey's attempts to gain recognition. MGM, which is opening the $1.3 billion National Harbor casino and resort in Maryland's Prince George's County later this year, has voiced opposition to any casinos being built in neighboring Virginia.

In its October challenge, Stand Up argued that the Pamunkey did not meet requirements for recognition, saying that current tribe members are not descended from Indians and that there were questions about whether the tribe operated as a functioning political entity.

But in its ruling, the Indian appeals board said that Stand Up had no standing to challenge the tribe's new status. "Stand Up," it said, "fails to articulate any type of factual interest that we believe was intended to be covered by the acknowledgment regulations, nor does Stand Up allege that it is adversely affected by the Assistant Secretary's determination to acknowledge the tribe."

The board also disagreed with Stand Up's assertions that federal recognition for the Pamunkey would have "significant impacts to the state and local government jurisdictions, surrounding communities, property owners, businesses, Indian and non-Indian individuals, and federally-recognized Indian tribes as well."