Laws Benefiting Mdewakanton Indians Did Not Create Money-Mandating Duty

In *Wolfchild v. United States*, the Federal Circuit held that nineteenth-century laws authorizing the U.S. Department of the Interior to spend funds for the benefit of certain Indians did not create a money-mandating duty owed to them or their descendants.

This case concerned a dispute over revenues derived from lands held in trust by the government for the benefit of three Indian communities in Minnesota. From 1889–1890, Congress passed three laws authorizing the Interior Secretary to spend funds for the benefit of a group of Mdewakanton Indians, a band of Minnesota Sioux. The Secretary used funds to purchase land in Minnesota that it held in trust for the benefit of this group of Indians. Over time, three Indian communities formed on the land, though not all members of these communities were descendants of the original beneficiaries. In 1980, Congress declared that it would only hold these lands in trust for the benefit of the three communities, and, shortly, Interior disbursed the land revenues directly to the communities. In 2003, descendants of the original Mdewakanton beneficiaries sued the United States, alleging that the government breached fiduciary obligations owed to the descendants in disbursing proceeds from the purchased land to the three communities, instead of them. The Federal Circuit ruled against the descendants in 2009, but on remand the Court of Federal Claims found the United States liable to the descendants for pre-1980 land revenues.

Last week, the Federal Circuit reversed this judgment, affirming its earlier decision that the 1889–1890 laws did not create a money-mandating duty for the benefit of the original Mdewakanton Indians. The court stated that although the acts authorized the Secretary to generate revenues from these lands for the beneficiaries, "mere authority to generate leasing revenues does not carry with it any obligation to do so." The court also held that the descendants' claims were barred by the Indian Tucker Act's six-year statute of limitations. The court concluded that the Indian Trust Accounting Statute, which provides that the statute of limitations runs for claims "concerning losses to or mismanagement of trust funds" only after an Indian receives an accounting, did not apply to the descendants' claims because the revenues disbursed to the communities were not trust funds.

The opinion can be found here.

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