

# Indian tribe wants Cape Cod as atonement for past sins

By NIKKI FINKE  
Associated Press

MASHPEE, Mass. — The Wampanoag Indians demanded 500 acres of lush, green forestland from this Cape Cod vacation spot last year, and they got it. Now the tribe wants the whole town.

"Even Peter Minit couldn't get us out of this mess," exclaimed one Mashpee official. But James St. Clair might.

The constitutional lawyer of Watergate fame has been retained, at an initial fee of \$65,000, to defend the town in a federal suit being brought by the Indians to recover 16,000 acres that was owned 100 years ago by their ancestors.

The court action already is turning Mashpee into an economic wasteland. Because of cloudy titles, mortgage loans are at a standstill, newly built homes can't be sold and school bond financing is in trouble.

"We've never known this kind of power. All of a sudden, we are guiding the destiny of the town," says Russell Peters, leader of the Wampanoag Indian Tribal Council.

The Wampanoags contend at least 15 per cent of Cape Cod was illegally seized from them by the 19th century maneuvering of the white man. Under the Indian Intercourse Act of 1790, land can not be taken from Indians without congressional approval. Congress has never okayed the Massachusetts taking of the Mashpee land.

It is this loss of ownership and lack of voice in the town — a town they claim to own — that the Indians are seeking to regain, believing a court battle may be the only way to prod the white man into recognizing their needs.

"We are supposed to subscribe to the Adam and Eve syndrome: that you are guilty for your father's sins,"

says Kevin O'Connell, Mashpee selectman and outspoken critic of the suit.

"We can't be held responsible for what our ancestors did to the Indians more than 100 years ago. We didn't wrong anyone. Now they want to come along and take away our homes, our businesses. Like hell they will."

The town, a 90-minute drive southeast from Boston, is in many ways a symbol of middle class success and a haven of the affluent. Just one community away, the Kennedy family maintains a sprawling summer home in Hyannis Port.

Property taxes are among the lowest in the state, and the 2,400 residents, whether year-round or summer, greet one another by first names. The Wampanoags — there are fewer than 300 of them — want to change all that.

Mashpee, with its desirable expanses of forests and post card panoramas of azure lakes and bays, has attracted land developers eager to satisfy the tastes of the wealthy.

Most of the new construction has taken place in the last six years, doubling the population and trimming the amount of undeveloped land in the town to just 16 per cent, compared to 20 per cent in 1970.

"The political and business forces are at work destroying Mashpee, trying to make it the fastest growing, most affluent and sophisticated community on Cape Cod," Peters complains.

Although only a handful of the tribe speaks the Wampanoag dialect, biweekly councils are held in a cleared patch of forest given to the Indians by the town last year as a peace offering. It didn't work.

The Indians' suit, when first disclosed in July, caused little ruckus among townspeople.

"Their reaction was 'Ha, ha, the

Indians have filed a suit. Well, nobody's laughing now," says Peters.

"It was much more far-reaching than people believed possible," O'Connell noted.

"We're not talking about desert in Nevada or mountains in Oregon. This is land where people have homes."

The suit is wreaking havoc on the town's financial future. Lawyers are reluctant to clear title to the land and, without the deeds, banks are not issuing mortgage loans.

"Right now, the real estate market in Mashpee is nonexistent for all practical purposes," says George Benway, one of the town's leading real estate agents and a Mashpee selectman.

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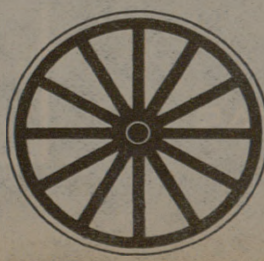
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