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American Indian Culture and Research Journal

Title

The Mashpee Indians: Tribe on Trial. By Jack Campisi.

Permalink

<https://escholarship.org/uc/item/51t2b084>

Journal

American Indian Culture and Research Journal , 16(2)

ISSN

0161-6463

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Publication Date

1992-03-01

DOI

10.17953

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1987), the Point Hope native "L. K.," recorded by J. VanStone ("The Autobiography of An Alaskan Eskimo," 1957), or Chester Seveck, another well-known Eskimo reindeer herder from Kivalina (*Longest Reindeer Herder*, 1973). In the amount of contextual explanation and discussion of issues relating to recording cross-cultural life histories, it is actually closest to M. Blackman's *Sadie Brower Neakok, An Iñupiaq Woman* (1989). Although as a female and an officer of justice in Barrow, Sadie experienced a very different life from that of Kusiq, both individuals stand as leaders and inspirations to their peoples.

All of these autobiographies and others, like that of Nathan Kakianak of St. Lawrence Island (C. Hughes, *Eskimo Boyhood*, 1974) or Larry Matfay of Kodiak (M. Rostad, *Time to Dance*, 1988), are invaluable in giving us a native point of view about Eskimo cultural history. There are also some splendid autobiographies of Canadian Eskimos. In particular, *Kusiq* supplements the archaeological, ethnographic, and historical reports by Murdoch, Rainy, Larsen, Giddings, Milan, Spencer, VanStone, Nelson, Chance, Burch, Bockstoce, and other scholars who have worked in Northwest Alaska. Quite beyond that, it is an absorbing book for the general reader, for whom the editor says it was chiefly designed.

Catharine McClellan

The Mashpee Indians: Tribe on Trial. By Jack Campisi. Syracuse, NY: Syracuse University Press, 1991. 168 pages. \$18.95 text edition.

This well-researched and highly informative book has two parts: The first is a detailed synopsis of the court trial that resulted from the tribe's 1977 lawsuit to recover more of their lands; the second part traces much of the tribe's history, with an emphasis on recent developments.

The author relates how, during the trial, the attorneys for the defense (the non-Indian developers and homeowners of the town of Mashpee, Massachusetts) were able to deny the objectives of the plaintiffs (the Mashpee Indians) by raising the question of whether the Mashpee Indians really are a tribe. This dubious question became the central issue of the trial.

Campisi presents ample evidence that the Mashpee Indians are indeed a tribe. Not only can they trace their ancestry back at least 350 years, but today they are recognized as an Indian tribe by other

Indians and by the commonwealth of Massachusetts. It would be extremely difficult for any impartial, open-minded reader to conclude that these Indians are not a tribe. To this observer, the entire trial was nothing more than a complete farce, based on pure nonsense. Campisi says that the jury and even the judge became confused. The trial was a waste of time and the taxpayers' money. Therefore, to continue to deny these Indians the benefits of federal recognition, which they so richly deserve, is an outrage; and to base this denial on the outcome of such a trial seems absurd.

As Campisi demonstrates, the Mashpee Wampanoag have been working hard in recent years to regain some of their ancestral lands, a portion of which they wish to preserve in its natural state. The tribe has made it clear that they want no monetary settlement. To charges by local non-Indian realty agents and bankers that the Wampanoag lawsuit could have reduced the town to an "economic wasteland," tribal chairman Peters responded that these were scare tactics aimed at inflaming public sentiment against the Indians. He also said that the realtors were "scaring the hell out of the people" and were telling them that "everyone will lose their house. That is just not so. We stated that we don't want the homes or the land of the individual landowners in Mashpee." Samuel Allis of the *Boston Globe* wrote that what the Indians wanted was the undeveloped land that is currently owned by large landowners and developers.

Besides claiming land that the Indians had held for many centuries, the suit was aimed at the great amount of non-Indian growth in Mashpee in recent years. In 1975 alone, the population had doubled. As always, the Indians were very much concerned with the environment and wanted to curb as much non-Indian development as possible. They were only trying to win back a portion of what was originally theirs and had been unjustly taken from them.

Campisi relates the outcome of the trial—the Indians' defeat. Attorneys for the non-Indians managed to convince the all-white jury that the Mashpee Wampanoag are no longer a tribe. The attorneys used the argument that through intermarriage, the Mashpee have evolved into a mixed race; and they contended that this mixture annulled the Indians' present status as a formal tribe. If they could not prove their existence as a tribe in a United States district court, the suit would not be covered by the provisions of the 1790 act. Peters regarded this position as "preposterous," and Campisi presents a powerful refutation of the non-Indian argument in his book.

Unlike most Native Americans, the Mashpee Indians were never placed on a federal reservation, and most of them, through the years, have been integrated into the non-Indian population. However, this has not taken away their status as Indians, because they are direct descendants of Indian tribal members. Moreover, many Indian people all across America have left their reservations to seek better economic opportunities in urban areas. Should all these members of diverse Indian tribes be regarded as having lost their identity as Indians just because many of them have intermarried and are living in basically non-Indian communities? Why should the Mashpee Indians be singled out as a "nontribe?"

Campisi shows conclusively that the Mashpee Wampanoag have been Indian tribal members since at least 1790; by contemporary definitions of an Indian, there should be no question as to their tribal status. It is manifestly unfair to deny federal benefits to this group of Indians simply because they, through no fault of their own, have not been formally land based by the federal government.

Allis pointed out that, in claiming title to 13,780 acres of land in their lawsuit, the Mashpee Wampanoag had repeatedly assured individual non-Indian landowners that they need not worry about losing their homes and buildings. The attorneys for the Indians said that the Wampanoag did not want to take away land on which houses were built. Nevertheless, as Campisi relates, the suit caused considerable controversy and resentment on both sides. In an article in the *Boston Herald*, Thomas Sullivan and Earl Marchand wrote that the suit expressed not so much a desire to assign responsibility for the present situation as the need to recognize the moral and legal right of the Indians to recover that which they believe is rightfully theirs, both by virtue of aboriginal ownership and by the 1790 act of Congress. When asked why the Wampanoag had filed their lawsuit, chairman Peters explained that his people have different values from those of non-Indians. The Indians want to recover some of their lands so that they may use and preserve them in traditional Indian fashion, rather than being forced to live as non-Indians.

Joseph Rosenbloom and Milton Travers agree that most of the few survivors of the Wampanoag came together to live in the Mashpee area by the late seventeenth century, to form a "plantation" that was recognized by the colonial government as Indian property in perpetuity. Campisi points out that in 1870, the town of Mashpee was incorporated by the commonwealth of Massachusetts, and, since then, the Indians have lost most of what little

land they had left, especially during the years of the Great Depression when they were unable to pay their taxes. The Wampanoag, like other New England Indians, have not spoken their native language since colonial times, nor have they selected their sachem (chief) and medicine man by birthright, as they once did. Virtually all of them are now of mixed blood, as are many members of other tribes.

Ever since the first white contact, the Wampanoag have been forced to make tremendous sacrifices. Now, in attempting to recover some of their lost lands through the courts, they are having to endure severe criticism. The Wampanoag recently have been bold enough to take steps to assume their rightful place in contemporary American society. They are demanding their right to retain or to reconstitute their native culture, and they have stressed the importance and dignity of being Indian. (And yet their suit failed, because the jury found that they were not members of an Indian tribe!)

Today, these Indians, like all others, have desires that include the following:

1. Respect as a people of worth, dignity, and intelligence
2. Equal opportunity
3. Freedom to work things out for themselves
4. A better chance for their children
5. Direct aid from the federal government to Indian communities
6. An end to exploitation of both human and natural resources
7. The right to regain their culture and their native languages
8. The right to regain more of their lands, in place of monetary settlements
9. Freedom to develop their own resources and communities
10. Self-determination

As Campisi points out, the Mashpee Wampanoag are laying strong emphasis on the differences between Indian and white value systems. These Indians are at last exercising Red Power in taking the initiative to improve their situation; they also are participating in pan-Indianism, banding together with other Indian groups to accomplish common objectives. Unlike most other American Indian groups, the Mashpee Wampanoag are faced with the additional challenge of having to prove their legal status as an Indian tribe. However, for the first time since the dark ages

of allotment, American Indians, including the Wampanoag, are expressing at least a modicum of optimism for the present and hope for the future. Despite the outcome of this particular trial, they are still heartened by recent small gains and by land and monetary settlements of a few of their claims. Of course, they still have a long way to go.

At least we can be grateful for their new fighting spirit as it expresses itself through the long-overdue Red Power movement. As we have seen, they are finally beginning to take the offensive. The Wampanoag must not allow this temporary setback to deter them from fighting on to achieve their much-deserved objectives. Like other tribes, these people must continue to struggle for their very survival as Native Americans.

John S. Foote

Suggestions for Further Research

Akwesasne Notes 8:3 (early autumn), 1976.

Akwesasne Notes 8:5 (mid-winter), 1976–77.

Akwesasne Notes 9:1 (early spring), 1977.

Allis, Samuel. "Legal Point: Are Wampanoags Indians?" *Boston Globe*, 26 September 1976.

Idem. "Mashpee Organizes to Combat Indian Claims," *Boston AM Globe*, 3 January 1977.

Idem. "Realty Agents, Indians at Odds over Suit to Reclaim 16,000 Acres on Cape Cod," *Boston AM Globe*, 25 September 1976.

"Court Upholds Indians in Cape Cod Land Suit," *Boston Herald*, 29 September 1976.

Dumanoski, Dianne. "Battling to Regain a Lost Past," *Boston Phoenix* 4:34, 26 August 1975.

Debo, Angie. *A History of the Indians of the United States* (Norman, OK: University of Oklahoma Press), 1970.

McBride, Stewart Dill. "Vineyard Town Votes to Return Tribal Land," *Christian Science Monitor*, 13 December 1976.

Prucha, Francis Paul. *American Indian Policy in the Formative Years: The Indian Trade and Intercourse Acts, 1790–1834* (Cambridge, MA: Harvard University Press), 1962.

Idem. *Documents of United States Indian Policy* (Lincoln, NE: University of Nebraska Press), 1975.

Rosenbloom, Joseph. "Indians Get Right to Sue in Mashpee," *Boston PM Globe*, 1 March 1977.