

village view

by Andrea Leonard

Most Cape Codders have followed with interest the court case of the Wampanoag Indian Tribe claiming rights to much of the land in the town of Mashpee.

Some of us have friends among the non-Indian population; some have friends among the native population; some even have friends on both sides of the controversy. All appreciate the problems the suit has brought to Mashpee residents.

Deciding who's right is now up to the courts.

Projecting into the future, however, let's consider what might happen if the Wampanoags win their case.

It's possible the courts will decide all the lands within the boundaries of the Town of Mashpee rightfully belong to those who can prove Indian ancestry. While doing so could be a difficult task for many, what will the Indians gain if that were to happen?

Surely non-Indians now owning property must be recompensed should their property be taken from them and turned back to the Wampanoags. Should this be the outcome, the cost will be staggering; it will have to be borne by the federal government for no lesser entity could handle the outlay without facing bankruptcy.

Furthermore, if a precedent is set in the Mashpee case, groups of Indians in other parts of the country will file similar suits to regain possession of disputed property.

Aside from costs, though, what might then become of the land turned back to those who feel entitled to it? How might ownership be determined? How divided?

Since it seems inconceivable the acreage would be parcelled out on the basis of degree of Indian-ness, it might be ruled Mashpee should become an Indian Reservation where only people capable of proving Indian lineage would be permitted to live. The town's lands would then be communal property, owned by all and yet by none as individuals, property which could be neither bought nor sold.

It might be, to settle the question, Congress would vote to take the entire town as part of the National Seashore and administer the area under the Park System just as are the thousands of acres in lower Cape towns.

Appropriate arrangements have been made in those towns to permit property owners to retain life rights to their real estate with the land eventually to pass to the Park System.

The town might become part of Otis Air Force Base, a small portion of which lies in the Town of Mashpee. If this came to pass, present owners of Mashpee property could lose their land by eminent domain.

They would, of course, be paid just compensation. Residences of New Seabury might become government-owned communities to house employees administering the National Cemetery scheduled for development at Otis.

Should the government take title to the property, Mashpee could become a focal point for meetings and conventions, a federally-owned Mecca for "brass".

Possibilities are remarkably varied. The town might become a "model city," administered federally, with integrated housing for all income brackets, with retirement homes for the elderly, and offering any number of projects designed to alleviate social problems.

It could be that Mashpee will, at some future date, prove to be a profitable investment for government. Its ocean beaches, if developed, would attract tourists just as those of the lower Cape do. Tourists spend millions of dollars on Cape Cod each year.

The many beautiful fresh water ponds, the acres of underdeveloped woodlands, the windswept hills, the meandering streams and peaceful valleys could result in gaily jingling cash registers throughout the county.

Because Mashpee is largely undeveloped and contains many square miles of undisturbed woodlands, and because of its central location in the Mid-Cape, it's conceivable hospitals will eventually build near New Seabury.

Both Barnstable County and Cape Cod Hospitals are now compressed into inadequate acreage. Should these facilities, at some time in the future, perhaps when we have a national health system, recognize the space limitations of their present locations in Pocasset and Hyannis, they might build in Mashpee.

They might lease the land over a long term from whichever entity holds title whether the Indians, the government,

or the Town of Mashpee itself, should court decisions of the future make that feasible.

The present hospital buildings in Pocasset and Hyannis? With continuing population growth both could retain their present function as health-care facilities and serve as satellites to the new principal hospitals. The present New Seabury residences, of course, might house professional staffs, medical offices, and special treatment centers.

What seems unlikely to happen is that the Wampanoags will successfully defend their suit and gain complete control of all the undeveloped land in Mashpee to do with as they see fit. Population pressures alone would threaten such a waste of liveable space.

We live, here in southeastern New England, in the most densely populated part of the country. With each passing day there are more people to house, more to feed, more to educate, more to transport, more to provide with needed services of all kinds.

Historically, as well as by laws of physics, empty spaces tend to be occupied. Mashpee, as well as other towns on the Cape, has experienced an unprecedented growth and building boom during the recent decades.

Ways land is used vary from place to place, but there are few parts of the nation where attractive pieces of real estate aren't being used for one purpose or another.

Permitting liveable land to lie fallow presents inherent dangers to its possessors; as space becomes scarcer and pressures to spread out and have a bit of breathing space increase each year, chances of Mashpee remaining as it is today become smaller and smaller.

Mashpee may never be the same again as it was on the day the Indian suit was filed; it probably won't. And it seems unlikely it'll ever again be the exclusive land of the Wampanoags, to have and to hold, undisturbed by encroachments of some sort.

In the end, none of these suggested possibilities may become realities. As yet, no one knows what will happen. Whatever decisions are handed down by the courts, however, it's probable that in time the Town of Mashpee will be opened for the use of all our people, to be shared and appreciated by Americans of whatever lineage.