



Mending fences

Most sovereign nations value diplomacy, compromise and neighborliness.

The Aquinnah Wampanoag on Martha's Vineyard is asserting rights that flow from its designation in 1987 as a federally-recognized tribe. More power to tribal members.

The problem lies in the fight they picked.

The tribe built a shed and dock on its land on the shore of Menemsha pond but didn't get the required - and customary - environmental reviews or building permits from the Gay Head town authorities. When sued, the tribe claimed sovereignty - a government-to-government relationship - that comes with tribal status. The tribe won its first court case in Dukes County Superior Court, but last week that was reversed by the Supreme Judicial Court.

The court looked mainly at the paper trail, not the larger issue of sovereignty. When the soon-to-be recognized tribe staked out its land claim and established a nonprofit corporation in 1983, it negotiated with the town and agreed specifically to follow the rules that affect all other corporations in the commonwealth in general and local zoning in particular. The court ruled that subsequent federal tribal recognition didn't make the earlier promise go away.

The recent history of this new wave of tribal recognition in New England - sprawling casinos imposed on sleepy, unprepared townships - raise legitimate fears that a tribe might use its new power to thumb its nose at its neighbors. That's probably why the Town of Gay Head got specific promises from the tribe on land-use issues, and the tribe willingly signed.

And why not? Environmental reviews and zoning protect everyone.

Land use is a lingering sore spot in Mashpee, where another band of Wampanoag are pursuing tribal status. In the 1980s, the Mashpee tribe effectively tied up deed status in the rapidly growing town with a land-claim lawsuit. Builders still resent it, and town fathers (they've often been one and the same over the years) haven't decided whether federal status will help or hurt the town.

The Aquinnah Wampanoag aren't helping their sister tribe by drawing this particular line in the sand. Tribal council chairman-elect Donald Widdiss talks of taking the issue to the U.S. Supreme Court.

For a tribe that commands 500 acres at the far end of an island threatened with overdevelopment, that seems in no one's interest. The tribe should consider using its resources to mend fences with fellow islanders, not build them higher.

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