

Sovereignty: Law, not Politics

With a briefcase full of pleadings and a pocketful of hope, the Wampanoag Tribe of Aquinnah (Gay Head) and its Lexington attorney Douglas J. Luckerman are now marching the sovereignty case down the road to the United States Supreme Court. It will not be known for ninety days whether the nation's highest court will take the case, but meanwhile this is a good time for all sides in the dispute to pause and consider not only direction but philosophy.

Embedded in so much of the debate and discussion is the suggestion that this is a political issue, or that people may choose which way to go based on some moral right or wrong. Roderick L. Ireland, the sole dissenting and incidentally sole minority justice in the Massachusetts Supreme Judicial Court, fed the perception when he wrote: "I stand with the Wampanoag Tribal Council." Unfortunately, many tribal members and Aquinnah residents have bought into the message, allowing emotion to trump clear thinking.

In truth the sovereignty case is not a matter of morals or politics - it is singularly a matter of law. In 1983 the people of Aquinnah, including the members of the tribe, signed a pact. It was not done in some back room, but rather after long debate and heartfelt negotiations. Townspeople voted on it, the legislature voted on it, there were congressional hearings and people testified. Everybody had lawyers - good lawyers.

Later, the agreement needed judicial interpretation and now the Massachusetts Supreme Judicial Court has provided the necessary guidance.

Mr. Luckerman is by all accounts an excellent attorney, but at this juncture tribal leaders should be questioning where the lawyering stops and the political agenda begins. Mr. Luckerman has promised years in the courts for the case, and it is unclear to what end.

It is time for the town and the tribe and the taxpayers to lay down their weapons - read: attorneys - and figure out how to work together for the good of all.

A far less grand approach, and far more can be accomplished.

