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EDITORIALS

Two Governments, One Town

It was there all along - the doubt and disagreement among some members of the Wampanoag Tribe of Gay Head (Aquinnah) over the memorandum of understanding that was negotiated between the town and the tribe during a series of summit talks over the winter. In truth some tribal members trace their dissent back for more than twenty years, to the historic Indian land claims settlement agreement, signed in 1983 by town and tribal leaders, and later codified by an act of the Massachusetts legislature and the United States Congress. In that light, perhaps the move to table the memorandum on land use at the special town meeting last week comes as little surprise.

And so now the situation is this: in 1983 the Wampanoags signed a benchmark document in which they expressly agreed to abide by state and local zoning laws. Years in the making, the agreement was painstakingly framed and led to federal recognition for the Wampanoags, today still the only federally recognized Native American tribe in the commonwealth.

Because language in the settlement agreement was vague on the subject of sovereignty, a court case was inevitable. It finally came two years ago after the Wampanoags built a small shed and a pier on the tribally owned Cook Lands on Menemsha Pond without obtaining a building permit. The town sued the tribe, and the judicial test was on.

Last year the Massachusetts Supreme Judicial Court ruled that the Wampanoags had waived sovereign immunity, at least on the subject of land use, when they signed the settlement agreement. In short, the 1983 agreement trumped the doctrine of sovereign immunity, the court found.

Under court order to obtain a building permit for the shed and the pier, the Wampanoags complied.



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Going forward, some kind of peace accord was needed that would allow two governments to coexist in one small town, one that specifically addressed land use and building projects. This was the concept behind the memorandum of understanding. Crafted by town and tribal leaders and their respective attorneys, it was more a political document than a legal one, intended to act as a bridge between two governments, to respect the sovereignty of the tribe while at the same time preserving a sense of law and order.

With the vote last week, the peace accord is in danger of going up in smoke.

Looming as the elephant in the living room is a large community center nearly completed on tribal lands, a building that has gone up with no building permit from the town and no review by the Martha's Vineyard Commission.

Tribal chairman Donald Widdiss is on record saying that the tribe will apply for a permit once the memorandum is signed. But now the memorandum is on hold.

If it cannot be salvaged and the tribe refuses to apply for a building permit, then the town will have no choice but to follow the same course as it did with the shed and the pier - sue the tribe to force it to comply with state and local zoning laws. Which it agreed to do in 1983.

As the argument keeps going in circles, questions emerge about good faith and leadership on the part of the tribe. If tribal members have problems with the memorandum of understanding, they should address the problems and be up front about their intentions. If they want to challenge the 1983 agreement again, which now has the strength of the Massachusetts Supreme Court behind it, then they will have to do it in court, and at great expense to all sides.

At the end of the day two governments must still coexist in one small town. The memorandum of understanding is clearly a better way to build a bridge. But it is up to the tribe to shore up its half - and quickly, because the bridge is in serious danger of collapsing before completion.

Farm Day

Katama Farm on Saturday was the place to be: Kids were given




room to roam (and run and tumble and play), while parents waited in long lines for organic hamburgers and sweet corn. Near the towering silos, bales of hay ringed a makeshift stage where we heard the pluck and saw of the banjo and fiddle. And the main attraction: a trip through the corn maze, a five-acre labyrinth that begged the question: who thought to bring the ball of thread? Thankfully, beginner and advanced levels were offered.

This was Corn-A-Palooza, the latest event of the FARM Institute, the nonprofit group founded in 2000 with the mission of educating children and adults about sustainable agriculture through a working farm.

This summer on the broad, grassy Katama Great Plains, the institute has come into its own, flourishing under the stewardship of the Goldfarb brothers, Matthew as executive director and Rob as camp, communication and event director.

On Saturday evening, as a thin sliver of moon appeared, no one quite wanted the evening to end. Matthew Goldfarb began to round up volunteers to bring in bales of hay, another small example of the everyone-pitches-in philosophy that is the hallmark of the institute. Meanwhile parents stood talking in twos and threes in the gathering darkness, keeping tabs on their children by sound rather than sight as they streaked past like little comets, shouting and laughing and tumbling all the while.

We could only hope that everyone made it out of the corn maze.

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