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Restitution: The Land Claims of the Mashpee, Passamaquoddy, and Penobscot Indians of New England. By Paul Brodeur.

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of distinct Métis communities. This would have been more advantageously placed at the beginning of the book as it offers a more useful introduction than Marcel Giraud's foreword, which seems to have been included as a well-deserved credit for his seminal publication on the Métis published forty years ago.

Peterson and Brown have accomplished a not inconsiderable task: introducing a highly complex subject through a wide variety of perspectives and disciplines. All collections suffer from unevenness of writing and research efforts and uncertain continuity; however, in this case those disadvantages have been successfully held to a minimum. *The New Peoples* should stimulate further scholarship on a subject that will probably preoccupy the interest of more and more of those persons devoted to the study of the American Indian.

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Restitution: The Land Claims of the Mashpee, Passamaquoddy, and Penobscot Indians of New England. By Paul Brodeur. Boston: Northeastern University Press, 1985. 148 pp. \$18.95, Cloth.

Paul Brodeur, a staff writer for *The New Yorker* and author of three novels and four nonfiction books, has produced a fascinating, important, but ultimately frustrating account of New England Indian land claims. Divided into two parts, this brief volume offers a personalized narrative of the Mashpee township's Wampanoag Indians on Cape Cod and their struggle to validate a land claim of about 11,000 acres, followed by a slightly lengthier and vastly more complicated examination of the Passamaquoddy and Penobscot legal ventures, which aimed at gaining restitution for clouded land cessions totaling 12,500,000 acres, around two-thirds of the state of Maine. The only serious attempt to tie the two stories together appears in Thomas N. Tureen's six-page afterword that, with minimal alteration, would have made an excellent and needed introduction.

These two legal histories turn on provisions of the Non-Intercourse Act of 1790, passed by the First Congress to protect

Indian tribes through the prohibition of tribal land sales without the express approval of Congress of "some public treaty." The Wampanoags, now commonly called Mashpees and the related tribe of Nausets originally inhabited that part of Massachusetts known eventually as Cape Cod. Since the seventeenth century various peoples have immigrated there, intermarrying with these Native Americans and generating the racially mixed community whose polyglot ancestry proved to be a major issue in the 1970s and 1980s court cases.

Development of the Mashpee territory into a vacation and retirement community during the 1960s brought an increase of non-Indian population which came to outnumber and eventually to outvote the Mashpees and wrest from them control of local politics. Soon the Mashpees found themselves shut off from traditional livelihoods and customs as the newcomers erected fences and posted no-trespassing signs around beaches, waterways, and access routes to the ocean. Fighting back, the Indians incorporated themselves in 1974 as the Mashpee Wampanoag Indian Tribal Council to deal with local, state, and federal governments. Two years later, utilizing the legal services of the nonprofit Native American Rights Fund (NARF), the council sought recovery of 16,000 acres under the Non-Intercourse Act.

Mashpee Tribe v. New Seabury Corporation quickly led to acrimonious relations between the Indians and non-Indians. The Mashpees' mixed race character was cited as proof that these Native Americans were not really Indians and thus did not constitute a tribe. This was a crucial point since the Non-Intercourse Act only applies to recognized tribal units. Scholarly experts from a number of disciplines were called by both parties in the lawsuit to convince the trial jury that the Mashpees did or did not constitute a tribe as defined by the federal government during certain time periods of their past. The lawsuit was dismissed after a thoroughly muddled verdict of the jury, a decision upheld by the United States Court of Appeals in 1978. A second lawsuit brought by the Mashpees in 1981 also ended futilely. Despite the disappointment of these legal setbacks the revitalized Mashpees remain a viable community expressing a determination to remain in their homeland.

The more notorious Passamaquoddy and Penobscot claims cases in Maine began with a minor protest by members of the

Passamaquoddy tribe in 1964. Thanks largely to the efforts of attorney Thomas Tureen, these tribes successfully sued the occupants of the northern two-thirds of Maine finally, receiving \$81,500,000 in compensation and the right to acquire a permanent land base through the purchase of 300,000 acres of mostly corporate-held land. The myriad twists and turns of their legal odyssey, which came to involve state and federal politics, including presidential, senatorial and gubernatorial elections, makes for compelling reading. The complexities of the issues defy any kind of brief summation.

Brodeur relies heavily on quotations by Tureen to establish an amazingly lucid narrative. The careful reader might well ponder if this is oral interview material, edited or unedited, or was it taken from manuscripts written at various times. The author provides no clue as there are no footnotes or a bibliography, nor any sort of documentation offered. This is not to suggest that Brodeur's work is factually flawed, rather it signifies that *Restitution* cannot be judged to be the final or authoritative work on the subject. The author's prose style must be envied by the majority of scholarly writers. His narrative is full of graceful and penetrating descriptions and characterizations, while his judgment in allowing Tureen's words to carry the weight of explaining mindbending legal concepts was obviously correct. He showed restraint in personalizing his account and liberal interpretation so that charges of intrusiveness and condescension would be quibbling, and he also earns high marks for trying to present the Indian viewpoint throughout. Nonetheless, the reader closes the book wishing that Brodeur had documented his facts and assessments. A little research or willingness to let slick journalistic conciseness go in favor of full discussions of several important points—the extent of Maine residents' hostility toward the Indian claims and conflicts over political and legal strategy *within* the tribes, to mention only two examples—would have greatly enhanced a fine effort. Most readers will be only mildly interested in the athletic saga of Penobscot Louis Francis Sockalexis, who died in 1913, and would have appreciated more on the salient aspects of *Restitution's* engrossing text that comprises a significant addition to the literature of modern Indian legal history and politics.

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