

This is the basic story of the Mashpee Tribe (Historically they were the tribe which greeted the Pilgrims at Plimouth in 1620.) as it fought for recognition as a Native Tribe in the U.S. - in three installments.

- Basic history of their claim (Cape Cod Times)
- Announcement of success in achieving recognition (Boston Globe)
- Part of FBI investigation into influence peddling (Los Angeles Times)

While one may want to look at the Mashpee Tribe as having done something wrong in the process – it is more likely that white America was allowing a system to exist where money speaks in the Nation's Capitol.

Los Angeles Times, fall 2007

FBI Follows Money in Tribe's Beltway Success

■The Mashpee gave tens of thousands to lobbyist Jack Abramoff and California Rep. Pombo.

By Richard A. Serrano and Judy Pasternak, Times Staff Writers

MASHPEE, Mass. "Everybody got something.

The Mashpee Wampanoags, famed for greeting the Pilgrims at Plymouth, will be named a nationally recognized tribe " a designation they sought for 30 years so that they could benefit from federal aid programs.

Jack Abramoff, the lobbyist embroiled in a Washington corruption scandal, and his firm championed the Indians' cause and pocketed tens of thousands of dollars in tribal money.

And Rep. Richard W. Pombo (R-Tracy), chairman of the influential House Resources Committee, landed a lucrative source of political donations: the small group of Native Americans whose ancestral lands are about as far from his Northern California district as one can get in the United States.

The trifecta of money, politics and power that quietly came together over the last several years has attracted the attention of a federal law enforcement task force investigating the burgeoning Abramoff scandal.

FBI officials have visited the tribal offices here to obtain financial documents, and other task force investigators in Washington are reviewing what role political leaders and others played in the Mashpee's success.

Where the investigation will lead is unknown. But several people close to Abramoff have pleaded guilty in other aspects of the wide-ranging scandal. And in recent days, several Capitol Hill lawmakers, including Pombo, have returned donations from Abramoff or turned the money over to charity.



"OUR FRIEND": The Mashpee have given tens of thousands of dollars to PACs controlled by Pombo, pictured this fall, foreground.

Officials do know that the flow of cash from the Mashpee to Abramoff and Pombo is a textbook example of the kind of cases of alleged influence-buying that the task force is assembling.

But what investigators want to determine is whether the Mashpee episode crossed the line into criminal behavior, as other Abramoff ventures allegedly did.

Those involved say no laws were broken and instead tell the story of one of America's most fabled Native American tribes and how the Mashpee have petitioned for government recognition for three decades.

Unlike other tribes that hired Abramoff, the Mashpee weren't in the casino business; gambling is illegal in Massachusetts. The tribe sought official recognition to qualify for a raft of federal benefits.

After years of languishing on a long list of tribes seeking Interior Department designations, the Mashpee Tribal Council concluded that its efforts were going nowhere.

So three years ago, the tribe began spreading tens of thousands of dollars around Washington.

It appeared to work. On Oct. 1, in a settlement of a lawsuit against Interior Secretary Gale A. Norton, the tribe was placed on "active" consideration status for recognition.

After a final round of reviews, the Mashpee will probably be officially recognized by March 30, 2007.

The settlement would permit the Mashpee to seek a casino license if Massachusetts legalizes

gambling.

Tribal Council President Glenn Marshall and tribal chief Vernon Lopez acknowledged in separate interviews that their unconventional strategy had paid off. "Sometimes," Lopez said, "it's necessary to go out of your way to get some of the things you need."

Pombo, whose congressional district straddles California's Central Valley, was clearly their biggest champion.

Now in his seventh term, he went to Washington on the cusp of the GOP revolution in Congress and soon hitched himself to Rep. Tom DeLay, the Texas Republican who became House majority leader.

Their friendship was born of a shared conservative ideology. Like DeLay, Pombo has worked to reduce government regulations and to cut taxes and spending. And he has strongly advocated private property rights, sometimes to the chagrin of environmentalists.

DeLay sponsored Pombo's successful 2003 drive to become chairman of the Resources Committee, which oversees Native American affairs. The post was seen as a coup for Pombo. One disgruntled rival for the chairmanship publicly attributed Pombo's rise to his fundraising prowess.

But the Capitol Hill landscape has sharply altered since. DeLay is fighting money-laundering charges in Texas and has had to leave his House leadership post. Abramoff reportedly is near a plea agreement with federal prosecutors. And Pombo, through his work on behalf of the Mashpee, has attracted investigators' attention as well.

Pombo, 44, did not reply to several requests for interviews this week.

His Resources Committee spokesman, Brian Kennedy, said the chairman had simply been trying to draw attention to "the poster tribe on the need for reforming the recognition process."

Kennedy said Pombo first learned of the Mashpee when the son of Pombo's chief of staff learned during a school project that the tribe that greeted the Pilgrims had been trying since 1975 to win federal recognition. "That's sort of how the chairman got engaged," Kennedy said.

The Mashpee also were getting to know Pombo.

According to tribal spokesman Scott Ferson, half a dozen tribal leaders attended several Pombo fundraisers and eventually wrote \$2,000 personal checks to the lawmaker's Rich Political Action Committee.

In all, at least \$20,000 in Mashpee money flowed into Pombo's coffers soon after a September 2003 meeting the congressman had with Norton and R. Lee Fleming, who oversees the Native American recognition program.

The two-week run of donations accounted for about 5% of Rich PAC's roughly \$400,000 in revenue for the 2003-04 election cycle, according to two databases of political contributions.

Said Ferson: "Contributions to political candidates are perfectly legal" and Pombo became our friend."

According to two people familiar with the 2003 meeting "one who requested anonymity because of the investigation" Pombo was forceful in asking whether the government was "holding things up unnecessarily" against the Mashpee.

The other person, Robert E. Jordan III, the Washington lawyer representing the Mashpee, said Pombo "was pressing his views."

"My impression was he was genuinely aghast at the glacial pace of the whole recognition process and thought something ought to be done," Jordan said.

Norton's office said it could not recall the meeting, and Fleming did not return phone calls.

But Fleming has publicly defended the way his office handles the often-cumbersome recognition process. He has said his staff is too small to handle all the petitions from various tribes, and that some requests entail up to 30,000 pages of documents for review.

The federal recognition process traditionally has been a lengthy one. The government reviews a tribe's history and ancestry as well as the genealogy of its members to determine whether it is a bona fide Native American tribe. A federally acknowledged tribe is eligible for special housing, education, healthcare and other federal programs.

In his advocacy for the Mashpee, Pombo led a special committee hearing in 2004. He was seeking support for a bill he sponsored allowing tribes that had petitioned for recognition before 1988 "the year of an explosion of Indian casinos and of tribes' petitions for federal recognition" to be moved to the head of the line. The still-pending bill would apply to about a dozen tribes, including at least two from California, according to Interior Department records.

Pombo called it "unconscionable" that the Mashpee had not already gotten what they wanted. He added: "The tribe is being told it may have to wait 10 or more years for a decision. The tribe could wait a half-century before obtaining a final determination."

At the 2004 hearing, Pombo called Tribal Council President Marshall as his first witness.

"We loaned the Pilgrims the moorings to land their boats, and we have been paying for it ever since," Marshall testified. He added: "It has taken me a long time to understand the workings of the government."

This spring, Marshall and other tribal members made more payments, including at least \$20,000 to two political committees controlled by Pombo.

The congressman has come under fire in recent months from a fellow Californian on the House Resources Committee, George Miller (D-Martinez), who has strongly urged the chairman to hold hearings and investigate Abramoff's alleged lobbying improprieties on behalf of other Native American tribes seeking help for casinos.

In the latest in a series of letters, Miller told Pombo this month: "The American people need to know, and deserve to know, the impact that lobbyists and their allies within Congress and the administration have had on public policy and the public interest."

But Pombo has largely deflected Miller's concerns. Instead of opening his own investigation into Abramoff, he forwarded Miller's letters to federal prosecutors. "Any allegations of criminal matters of this sort are best addressed by the Department of Justice," he told Miller.

Abramoff and his colleagues also were working behind the scenes for the Mashpee.

Ferson said tribal leaders contacted Abramoff and his associates because "we knew he was the go-to firm." The tribe paid the lobbyists \$40,000, much of it from Detroit casino developer Herbert J. Strather.

Ferson said Strather knew when making the donation that gambling was illegal in Massachusetts. Strather did not return repeated phone calls.

Documents released by the Senate Indian Affairs Committee show Abramoff at work for the Mashpee. In a December 2002 e-mail, Michael D. Smith, one of Abramoff's associates, advised his boss that the government had "unfairly held them up" for recognition "mirroring the questions Pombo would later pose in his meeting with Norton.

Three months later, Abramoff e-mailed one of Norton's former political aides, advising that "this regards the tribe in Massachusetts, and is quite urgent. Let me know if you think this is something we can raise urgently" with officials at Interior.

The strategy to spend money on politicians and lobbyists has troubled some tribal members.

"I think it's disgusting," Stephanie Tobey-Roderick said. Abramoff and Pombo "were obviously taking money for their own political gain. It's all crooked. It's all messy."

When the tribe filed its petition for recognition in 1975, it wanted federal housing, education and healthcare assistance.

Though the Mashpee effort predated the casino boom, their lawyer said they "would probably be interested" in a gaming license if the state law was ever lifted.

Times staff writer Walter F. Roche Jr. contributed to this report.

Mashpee tribe wins federal recognition

Status likely to fuel push for a casino

Glenn Marshall , council chairman of the Mashpee Wampanoag , told tribal members the news yesterday. (VINCENT DeWITT/ASSOCIATED PRESS)

By Andrew Ryan, Boston Globe Staff | February 16, 2007

The Mashpee Wampanoag tribe won federal recognition yesterday as a sovereign Native American nation, capping a 32-year legal battle that probably will intensify efforts to bring casino gambling to Massachusetts.

Glenn Marshall , tribal council chairman, answered the phone at 5:10 p.m. and put the call from the Bureau of Indian Affairs on speaker so two dozen tribal elders could hear the news, said Scott Ferson , tribe spokesman. Outside tribal headquarters on Cape Cod, 500 people waited in a tent ready to celebrate.

"It was something that was thoroughly expected," Ferson said in a telephone interview, "but then in the moment, it carried great suspense."

The federal government acknowledged that the Mashpees had existed as a distinct community since the 1620s. Their ancestors befriended the Pilgrims 400 years ago and, according to tradition, participated in the first Thanksgiving, in 1621.

The recognition of 1,453 tribal members makes them eligible for millions in federal benefits and could open the door to a casino in Massachusetts. The tribe has already made it clear it would like to build a gaming center south of Boston, a move that would have to be approved by state lawmakers. Federal recognition increases the pressure on Governor Deval Patrick , who has appointed a study group to give him recommendations on gambling in about six months.

Patrick telephoned the tribal council to extend his congratulations moments after Marshall received the news, Ferson said. The governor and the tribal council chairman agreed to further talks as the Mashpees begin taking land into trust, Ferson said. They did not discuss casinos or gambling, he said.

"For a tribe that greeted the Pilgrims when they landed on the shores of Massachusetts, this recognition is long overdue," Patrick said in a statement. "I look forward to working with the tribe to move Massachusetts forward." ■

TRIBAL RECOGNITION: FIRST OF THREE-PART SERIES

The long path toward recognition

By [SEAN GONSALVES](#) and [JAMES KINSELLA](#)

STAFF WRITERS, Cape Cod Times

MASHPEE - Patricia Oakley, genealogist to the Mashpee Wampanoag, is seeking connections.

Sifting through dusty documents in the state archives, poring over birth certificates and marriage licenses, she looks for links from the present to the past, for chains that connect modern-day members of the tribe to their ancestors.



It's the job of Patricia Oakley, tribal genealogist for the Mashpee Wampanoag, to search birth certificates, marriage licenses and archives for links from the present to the past to satisfy the criteria for federal recognition. (Staff photo by VINCENT DEWITT)

Those connections will help determine the future of the Mashpee Wampanoag. By the end of the year, almost four centuries after the Mayflower voyagers first set foot on Cape Cod, the "Land of the First Light," the descendants of those who greeted the Pilgrims may finally know if they will be officially acknowledged as a historic Indian tribe.

A hint of that decision was expected to come Friday.

That's when the short-staffed Bureau of Indian Affairs, which has had the Mashpee Wampanoag petition for federal recognition in its offices for six years, had been ordered by an impatient federal court to issue a preliminary ruling on the matter. A final decision was due by Dec. 21.

But an appeals court Monday stayed the order until a government appeal could be heard.

"Any delay at this point is frustrating," said Glenn Marshall, president of the Mashpee Wampanoag Tribal Council.

But the Wampanoag have fought too long to give up now.

"This is about validation," Marshall said. "It's about the United States government saying: 'You know what? We agree with you. You are who you say you are, and you have contributed to this country's growth.'"

For other members of the tribe, who have found it difficult, if not impossible, to live in a town where housing prices are skyrocketing along with growth rates, federal recognition is about survival, opening the door to federal funds for housing, education and health care and establishing a relatively tax-free land base from which to set out on a path toward economic self-sufficiency.

Federal recognition, Marshall said, would be "an ending of one part of our history and the start of another."

Should recognition come to pass, it will be because of something more than records and research. It will be because of the stories told by one generation to the next.

For Patricia Oakley, it will be because of her mother's story.

town, with a population of less than 500, mostly Wampanoag. Transformed from a state Indian district to a town in 1870 by an act of the state Legislature, the Mashpee of Hazel's youth was still locally governed by tribal members.

■ When Hazel Oakley, Patricia's mother, was a youngster in the 1930s, Mashpee was truly an Indian

Those were the days when Route 130 was called Upstreet or Downstreet, depending on which way you were headed.

The Attaquin Hotel was then open for business. Surrounded by thousands of acres of wooded land, with Mill Pond and the Mashpee River herring run nearby, the hotel provided lodging for some notable guests, including Daniel Webster and President Grover Cleveland.

The town didn't buy its first police cruiser until 1955, and had a part-time police force until 1960, when Hazel Oakley's husband, Wilbur, was hired as its first full-time police chief.

Several years later, the town elected its first non-Wampanoag selectman. Things were beginning to change.

New Seabury, one of the Cape's premier private seaside resort communities, was beginning to grow. Developers started buying up property, building homes and businesses where Wampanoag had once freely roamed.

And people began to come in big numbers. In 1970, the population had increased to 1,288. Thirty years later, it would soar to almost 13,000, making Mashpee one of the fastest-growing towns in the state. Of those 13,000, only 800 are Wampanoag, living in homes in and around Mashpee. The tribe itself owns a 58.7-acre parcel off Great Neck Road South, 32 acres off Sampson's Mill Road, and two other small parcels.

But tribal members were worried about the effect of development on their traditional way of life long before the development spurt of the '80s and '90s.

In 1974, a year after Hazel's daughter Patricia graduated from high school, Hazel joined other tribal leaders - including Russell and John Peters, Amelia Bingham, Joan Avant-Tavares and Earl Mills - to form the Mashpee Wampanoag Tribal Council.

Two years later, tribal attorneys filed a suit in federal court seeking to reclaim the entire town of Mashpee, arguing that Indian land had been illegally transferred to non-Indians in violation of the federal 1790 Non-Intercourse Act, which prohibited the sale of Indian lands without the permission of the federal government.

The suit, which clouded property titles and drove a deep wedge between Wampanoag and non-Wampanoag in town, was eventually dismissed in 1978, when a jury determined the Wampanoag were not a tribe and therefore had no standing to sue.

Federal recognition establishes a "government-to-government" relationship between historic tribes and Washington, giving the tribes a measure of self-governance apart from state and local authority.

The tribe had prepared a petition seeking federal recognition before the land suit trial, according to Jim Peters, nephew of the late tribal leader Russell Peters. But the judge in the land suit case,

concerned over the effect the suit was having on property titles, declined to delay the trial long enough for the Bureau of Indian Affairs to make a decision.

Now, however, with the dismissal of the land suit the Wampanoag thought would stem development, the tribe turned back to the matter of getting recognized by the federal government.

■To meet the seven stringent criteria of the Bureau of Indian Affairs' newly formed federal recognition process, the Mashpee Wampanoag of Hazel Oakley's generation had to prove that they had maintained a continuous communal link to the Wampanoag of yesteryear.

It was a task made more difficult by centuries of co-mingling with non-Wampanoag people.
Hazel Oakley



Glenn Marshall, president of the Mashpee Wampanoag Tribal Council, says federal recognition would be "an ending of one part of our history and the start of another."
(Staff photo by VINCENT DEWITT)

herself was a great-great granddaughter of the prominent 19th century Baptist preacher Blind Joe Amos, and she spoke of the difficulty of living in two worlds.

"I'm a Christian Indian," she told the Cape Cod Times in 1996. "Our people always knew there was something there besides themselves - a being. When they were told about Christ, they thought that was it.

"I don't condemn anyone who wants to be traditional, as long as they respect the traditional way," she said. "You've got to practice what you believe in. You can't say, 'I'm an Indian, and that's it.'"

Hazel Oakley died in September 1999 at the age of 75, having been the tribe's historian and genealogist for more than two decades. Three years before her death, she trained her daughter Patricia to continue her work piecing together the tribe's chain to the past, link by link.

■The tribe's initial petition for recognition, assembled without the help of scholars, was filed in 1990 after years of painstaking research based on documents from the archives of the National Seashore in Eastham to Plymouth Bay Colony records.

But it was not enough. In 1991, the Bureau of Indian Affairs sent the tribal council a letter saying there were "obvious deficiencies" in the argument that the Wampanoag functioned as a tribal entity throughout the 20th century. The deficiencies, Jim Peters recalled, were noted particularly in the areas of genealogy and documentation

Under the leadership of the Harvard-educated tribal president Russell Peters, tribal researchers went back to work.

Selectman George "Chuckie" Green, tribal council vice president at the time, remembers the monotonous investigative work required, fishing for obscure documents and hard-to-find newspaper accounts.

"It was a lot of work, but we did what we had to do," he said.

Satisfied that they had plugged the holes in their petition, Green and Russell Peters traveled to the Bureau of Indian Affairs headquarters in Washington in January 1996 and delivered several boxes of vital records to add to the hundreds of pages of documentation the tribe already had submitted.

That was enough. Less than a month later, the agency deemed the petition "ready for active consideration."

And then the petition sat. And sat.

In the meantime, the tribe kept compiling information, adding to their case. They hired Steve Austin, a former Bureau of Indian Affairs researcher, as a consultant. He spotted problems with two of the bureau's seven criteria: The tribal council needed more evidence that the Mashpee Wampanoag had maintained a separate social community and that their leaders continued to exert political leadership over tribal members.

Those two criteria were often the stumbling block for tribes in the East who, in contrast to Western tribes, had long lived in the midst of a non-Indian community.

Austin began knocking on doors. He interviewed Wampanoag who had served on the tribal council. He spent hours in the living rooms of people representing the tribe's major family lines. He interviewed tribal members who didn't live in Mashpee but who considered it their home.

"It was not a random sample," Austin said. "We use a 'snowball sample': One leads to another."

In fact, there are a number of cultural markers Mashpee Wampanoag can point to as evidence that they functioned as a tribal entity from the 1900s to the present.

Tribe member Jessie "Little Doe" Fermino, a Massachusetts Institute of Technology-trained linguist, teaches courses on the Wopanaak, or Wampanoag, language, one of 33 variations of the Algonquin language spoken by Indians living along the eastern seaboard of North America before the arrival of Europeans. Verifiable existence of a native tongue is "strong evidence for tribal continuity," according to the Bureau of Indian Affairs.

Also, Mashpee is home to three buildings listed on the National Register of Historic Places that are Wampanoag landmarks: the Avant House on Route 130, now home to the Wampanoag Indian Museum; the Old Indian Meeting House; and the South Mashpee School, a one-room former Indian schoolhouse recently refurbished by the Mashpee Women's Club.

And then there is the annual and popular pow-wow, which the tribe has held on the Upper Cape every year for the past 89 years. A three-day cultural festival that attracts Indians from other tribes as well as thousands of spectators, the pow-wow focuses on traditional ceremonies featuring tribe members in full regalia singing ancient songs and dancing to native drums.

As for the matter of demonstrated tribal leadership, it is necessary to show only that there are and have been leaders within the tribe who, over time, have influenced the behavior of other members.

The Mashpee Wampanoag can count among their ranks supreme medicine man John "Slow Turtle" Peters, who died in 1997. Slow Turtle, first executive director of the Massachusetts Commission on Indian Affairs, was instrumental in getting state legislation passed that became the model for the federal Native American Graves Repatriation Act, requiring museums and other institutions to return skeletal remains and cultural artifacts to Indian tribes.

The federally recognized Pequot tribe in Connecticut, which has tapped the cultural knowledge of Mashpee Wampanoag in building the nation's largest Native American museum, had two bronze busts made in the likeness of Slow Turtle.

The Pequots aren't the only ones who consider the Mashpee Wampanoag a tribe.

As a boy growing up in Oneida Indian nation east of Syracuse, N.Y., Keller George, president of the United South and Eastern Tribes Inc., a coalition of the 24 federally recognized tribes in the Bureau of Indian Affairs eastern region, remembers going to gatherings and seeing the Mashpee people there.

"I was a kid," he said. "I didn't know what federal recognition meant. I never knew they weren't federally recognized. I just knew they were Indian people."

The decision on whether to grant the Wampanoag federal recognition should depend on the question, "Do other tribes in the area know them?" George said.

"I've heard of the Mashpees all my life," he said. "They're one of the historic tribes."

Indeed, Narragansett Tribal Council member and tribal historic preservation officer John Brown said his Charlestown, R.I.-based tribe, which has federal recognition, has "blood ties" to the Mashpee Wampanoag that go back to the 1600s.

"There is no way not to recognize these people as a historic Indian tribe with ties to the land, and as a people who have maintained their culture, their tradition and their heritage," he said.

But will the Bureau of Indian Affairs agree?

■The bureau certainly has had the time to consider the petition thoroughly.

The Mashpee Wampanoag have always been put "on the back burner" by the bureau, according to Joan Avant-Tavares, president of the tribal council for three terms in the 1980s. She has watched as other tribes have moved past hers for recognition determination.

"That bothered me a lot," Avant-Tavares said.

The bureau, representatives of which declined to speak to the Times, has seen its funding cut in recent years even as the number of recognition petitions has increased. In response, the bureau decided to give priority to its services to existing tribes.

U.S. Rep. William Delahunt, D-Mass., who represents the Cape and islands, said he would support increased funding for the bureau. In the meantime, he considers its delay in deciding on the Wampanoag to be "insulting."

He also said other tribes "seem to receive a more expedient response" to their petitions.

According to the November 2001 General Accounting Office report, since 1978, when the bureau established its criteria for federal recognition, 250 tribes have submitted petitions.

Of those, 14 have been granted recognition and 15 have been denied. Another 12 tribes received recognition from the Department of the Interior or Congress.

Of those tribes who submitted petitions to the Bureau of Indian Affairs after the Mashpee petition, , at least five have been moved ahead of the Wampanoag in the bureau recognition queue.

But the Mashpee tribe is not alone when it comes to seeing decisions delayed.

The Cowlitz tribe of Washington state submitted its initial letter with the bureau in 1978 and its petition in 1987, according to Steve Beckham, a professor at Lewis & Clark College in Portland, Ore., who has done research for the tribe. The bureau began active consideration in 1994, and the Cowlitz tribe was recognized by the federal government in 2002.

The Chinook tribe of Washington submitted its petition in 1987. Four years later, the bureau began active consideration. The tribe is still waiting. The bureau began actively considering petition of the Duwamish of Washington in 1992. Recognition was granted to that tribe in 2001, then revoked in September.

"I have watched an entire generation of Duwamish, Cowlitz and Chinook tribal members die while waiting for action on their petitions by this inefficient office," Beckham said. "The process is flawed and unconscionable for its dilatory ways."



To meet the seven criteria of the Bureau of Indian Affairs' federal recognition process, the Mashpee Wampanoag had to prove that they had maintained a continuous communal link to the Wampanoag of yesteryear. Existence of a native tongue, demonstrated tribal leadership, and cultural markers such as the annual pow-wow are "strong evidence" according to the Bureau of Indian Affairs.

Both Delahunt and U.S. Sen. John Kerry, D-Mass., have tried to persuade the bureau to not to let the process drag any longer.

The Mashpee Wampanoag, Delahunt said, "deserve an answer."

"The community at large deserves an answer."

■ The reaction of the community at large to the question of federal recognition for the tribe is not completely clear.

Selectmen Kenneth Marsters, a local developer, and David Leveille, a semi-retired former Nynex executive, are concerned about whether the tribe would then re-open its land suit, a possibility that the suit's original judge, Walter J. Skinner, seemed to acknowledge when he said a jury verdict against the tribe wouldn't rule out a reopening of the suit if the Wampanoag gained recognition.

Justice Department lawyers and Bureau of Indian Affairs representatives discussed that question at a recent meeting attended by Leveille and Marsters in Washington, D.C. But Leveille said he didn't think they came up with any answers.

"Some were not sure, others were adamant that with federal recognition, the slate is wiped clean and that the lawsuit could be revived."

For several years now, tribal leaders have said repeatedly that if the tribe is granted federal recognition, the land claims made in the suit would not be pursued.

The notion that the tribe would try to take land from private property owners is a scare tactic being used by opponents of the tribe, Marshall said.

According to legal research by Hale & Dorr, the firm that represents the town of Mashpee, a newly recognized tribe can seek a "Tribal Land Acquisition Area" from the federal government.

The tribe would say which parcels it wants to obtain and for what purposes.

If the federal government agrees, it can take the land into trust. The tribe can use its own money, or money provided by the federal government, to buy the land, which then is owned by the federal government on behalf of the tribe.

Land suit aside, there are other potential ramifications to consider should the tribe gain federal recognition. For example, would local and state police have authority on tribal land?

According to the town's counsel, crimes committed by tribe members on tribal land are punished under federal law in federal court. States can only prosecute tribe members for crimes committed outside of tribal lands.

Tribal courts preside over most civil cases involving a tribe member arising from actions, such as contracts signed or businesses run, on tribal land.

The tribe isn't looking to have its own police and fire department, Marshall said. In fact, he said, because federally recognized tribes are eligible to receive surplus federal vehicles as well as federal funds for law enforcement programs, the entire town of Mashpee could benefit.

Ironically, it is this type of benefit that concerns tribal council board member Ramona Peters.

She views federally recognized tribes as wards of the government.

Seated on the shores of Mashpee Pond in the early days of spring, carving a groove into a wooden board for her sailboat, Peters brushed a mosquito from her arm, careful not to crush the insect.

"People say federal recognition will give us sovereign nation status. That is not true," she said. "A sovereign nation can negotiate treaties with other countries and engage in commerce with other nations. We won't be able to do that. There are conditions that come with being federally recognized."

Nevertheless, Peters realizes that recognition would be a tool to protect the environment and provide much-needed resources.

"I have deep gratitude for the past members of the tribe who served as leaders to maintain our independence and dignity as a tribe," she said. "I can only hope that we will follow their footsteps with the same integrity as caretakers of the land and the people in this new form of tribal government."

Seven criteria for federal recognition

■ A group of Indians must have been identified as a group or community by people outside the tribe from 1900 to the present.

■ The petitioning entity must demonstrate it has maintained a continuous community from the time the tribe first had contact

with non-Indians.

■The petitioning group must demonstrate there are and have been leaders within the tribe who, over time, have influenced the behavior of other members. For example, leaders who resolved conflicts or helped decide an Indian building should be restored.

■The petitioning group must submit a copy of its governing document, or, if it does not have one, a statement describing tribal membership criteria and the membership application process.

■The petitioning entity must show that its current members are descendants of historic tribes or tribes that joined together as one political group.

■The petitioning group must demonstrate that the majority of its members do not belong to another federally-recognized tribe.

■The petitioning group must prove that it has never been terminated by legislation.

Recognition timeline

■1975: Mashpee Wampanoag Tribal Council submits a letter of intent to petition for federal recognition.

■1990: Mashpee Wampanoag tribe submits a petition for federal recognition to the Bureau of Indian Affairs.

■1991: Bureau responds to the petition with a letter citing deficiencies. The bureau wants more genealogical information and more evidence of the tribe as

a community.

■1996: Tribe responds to the letter, adding information to address the deficiencies. Bureau places petition on "ready for active consideration" list.

■2001: A federal judge orders the bureau to make a preliminary finding on the Mashpee Wampanoag petition by June 21, 2002, and a final finding by Dec. 21, 2002.

■2002: On June 10, an appeals court stays the judge's order until a government appeal can be heard.
