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# Native American Rights Fund

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June 6, 1977

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Solicitor Leo M. Krulitz  
U.S. Department of the Interior  
Washington, D.C. 20240

Dear Solicitor Krulitz,

I am writing on behalf of my client, the Mashpee Tribe of Mashpee, Massachusetts, to request that the United States institute litigation to enforce the Nonintercourse Act claims of the Tribe. The Tribe has asserted a claim to possession and damages for lands in Mashpee and Sandwich, Massachusetts, which were alienated from the Tribe in violation of the Indian Nonintercourse Act, 25 U.S.C. §177. This action is now proceeding in the United States District Court for the District of Massachusetts, captioned Mashpee Tribe v. New Seabury Corp., C.A. 76-3190-S. Substantial resources have been arrayed against the Tribe in this litigation, and the Tribe fears that it will be unable to adequately assert its claims under these circumstances without the assistance of its trustee, the United States.

*Have we  
any  
response?*

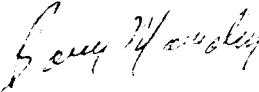
The Federal Government, as trustee for Indian lands, has historically provided an essential counterbalance to the inequality which generally exists between the Government's Indian wards and the private and local governmental interests which are frequently arrayed against them. In the pending litigation in Mashpee, the Tribe is facing the consolidated opposition of the State and local governments, the major private real estate developers, and a nationwide consortium of title insurance companies which hopes to use the Mashpee case to undermine all of the Nonintercourse Act claims raised in the Eastern states.

June 6, 1977

While the United States would not technically be bound by the outcome of the present litigation, as a practical matter this action is likely to be dispositive of the Government's ability to relitigate the issues in its own right. It is therefore essential that the Government act in time to intervene or consolidate its own claims with those of the Tribe. The District Court's ruling which rejected the defendants' motion to dismiss the action for failure to join the United States, expressly invited the United States to intervene in the pending litigation.

I have taken the liberty of enclosing a copy of the Tribe's memorandum to Justice William B. Gunter, which summarizes the Tribe's contentions with respect to the principle legal and factual issues. We will be pleased to provide any further data which you feel would assist the Department in making its recommendations. Please advise me as to how we can be of further assistance. Thank you for your attention.

Sincerely yours,



Barry A. Margolin  
Of counsel

7/15/75  
Code ~~880~~ 440  
Leo

RFD 4, Box 203A  
Middleboro, Mass. 02346  
July 7, 1975

Bureau of Indian Affairs  
Office of Information  
1951 Constitution Avenue, N.W.  
Washington, D. C. 20245

Gentlemen:

What is required of the Wampanoag Indian Tribe in Massachusetts to become eligible or obtain federal recognition: They have 55 acres of tribal land in the town of Mashpee and a 227 acre reservation held in trust for them in Freetown by the Commonwealth of Massachusetts. This is the tribe noted for Massasoit, King Philip, and others.

Could you help me locate several publications, their availability and cost?

- (1) Indian Affairs, Laws, and Treaties, a 4-volume book by Charles J. Kappler -  
Indian Land Cessions in the United States, by Charles C. Royce, 1900  
65¢
- (2) Vol. I - Executive Orders Relating to Indian Reservations from May 14, 1855 to July 1, 1912.
- (2) Vol. II - Executive Orders Relating to Indian Reservations from July 1, 1912 to July 1, 1922. 783-3238 275-3030

I would appreciate your help on the above.

Yours truly,

*A. I. Reese*

A. I. Reese

*Out of Print - Vol. 2 obtainable on reprint from Interland Publishing Co., 799 Broadway, N.Y., N.Y. 10003 for \$65 - will be reprinted and updated by Dept of Interior within the next few years.*

*Volumes were printed by U.S. Government Printing Office Washington, D.C. during 1922. (North Capitol St., between C & H. Streets, N.W.)*