

**(4) Proposed Finding Documents**

- June 25, 1985

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**Evidence for Proposed Finding against Federal Acknowledgment**

**of the**

**Wampanoag Tribal Council of Gay Head, Inc.**

Prepared in response to a petition submitted to the Secretary of the Interior for Federal acknowledgment that this group exists as an Indian tribe.

June 25, 1985

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## INTRODUCTION

This report has been prepared in response to the petition received by the Assistant Secretary - Indian Affairs from the Wampanoag Tribal Council of Gay Head, Inc., seeking Federal acknowledgment as an Indian tribe under Part 83 of Title 25 of the Code of Federal Regulations (25 CFR 83).

Part 83 establishes procedures by which unrecognized Indian groups may seek Federal acknowledgment of an existing government-to-government relationship with the United States. To be entitled to such a political relationship with the United States, the petitioner must submit documentary evidence that the group meets the seven criteria set forth in Section 83.7 of 25 CFR. Failure to meet any one of the seven criteria will result in a determination that the group does not exist as an Indian tribe within the meaning of Federal law.

Publication of the Assistant Secretary's proposed finding in the Federal Register initiates a 120-day response period during which factual and/or legal arguments and evidence to rebut the evidence relied upon are received from the petitioner and any other interested party. Such evidence should be submitted in writing to the Office of the Assistant Secretary - Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245, Attention: Branch of Acknowledgment and Research, Code 440B.

After consideration of all written arguments and evidence received during the 120-day response period, the Assistant Secretary will make a final determination regarding the petitioner's status, a summary of which will be published in the Federal Register within 60 days of the expiration of the 120-day response period. This determination will become effective 60 days from its date of publication unless the Secretary of the Interior requests the Assistant Secretary to reconsider.

If at the expiration of the 120-day response period this proposed finding is confirmed, the Assistant Secretary will analyse and forward to the petitioner other options, if any, under which the petitioner might make application for services or other benefits.

### Notes to the Reader

#### Abbreviations Used in the Report

##### Organizational name changes for Acknowledgment Staff:

BAR Branch of Acknowledgment and Research (1984 to present)  
BFA Branch of Federal Acknowledgment (1981-1984)  
FAP Federal Acknowledgment Project (1978-1981)

BIA Bureau of Indian Affairs  
CPG Corporation for the Propagation of the Gospel  
GHWT Gay Head Wampanoag Tribal Recognition Petition  
MA or Mass. Massachusetts

NARA National Archives and Records Administration, Washington, DC  
RG Record Group (NARA records classification system)  
SPG Society for the Propagation of the Gospel  
WTCGH Wampanoag Tribal Council of Gay Head, Inc.

#### Explanation of 1871 Census

"1871 census" refers to Richard L. Pease's "Census of Inhabitants of Gay Head." The petitioning group refers to this census as the 1870 census or 1869/70 census. This report will refer to it as the 1871 census because the census does include one 1871 date in it and because it was published in 1871 as Appendix B of Pease's Report of the Commissioner Appointed to Complete the Examination and Determination of All Questions of Title of Land, and of All Boundary Lines Between the Individual Owners, at Gay Head, on the Island of Martha's Vineyard.

#### Chronological List of Organizations at Gay Head

**Gay Head Improvement Association:**

Established in 1914 by non-Indian property owners to protect their interests.

**Aquineah Council (c.1928-1935):**

Gay Head branch of Mashpee-based Wampanoag Nation, a pan-Indian organization.

**Howwaswee Council (1935-c.1954):**

Local Indian ceremonial organization which replaced the Aquineah Council.

**Aquinnah Club (c.1945-c.1955):**

Women's civic organization which led effort to bring electrification to town.

**Gay Head Civic Association:**

Civic improvement organization founded in 1950, which led drive to bring water to the Town Hall.

**Pawkunnawakutt Council (c.1954-1972):**

Indian ceremonial organization which replaced Howwaswee Council.

**Gay Head Improvement Association:**

Revived in 1955 by Indian descendants to promote civic activities and to foster an Indian identity.

**Gay Head Community Council:**

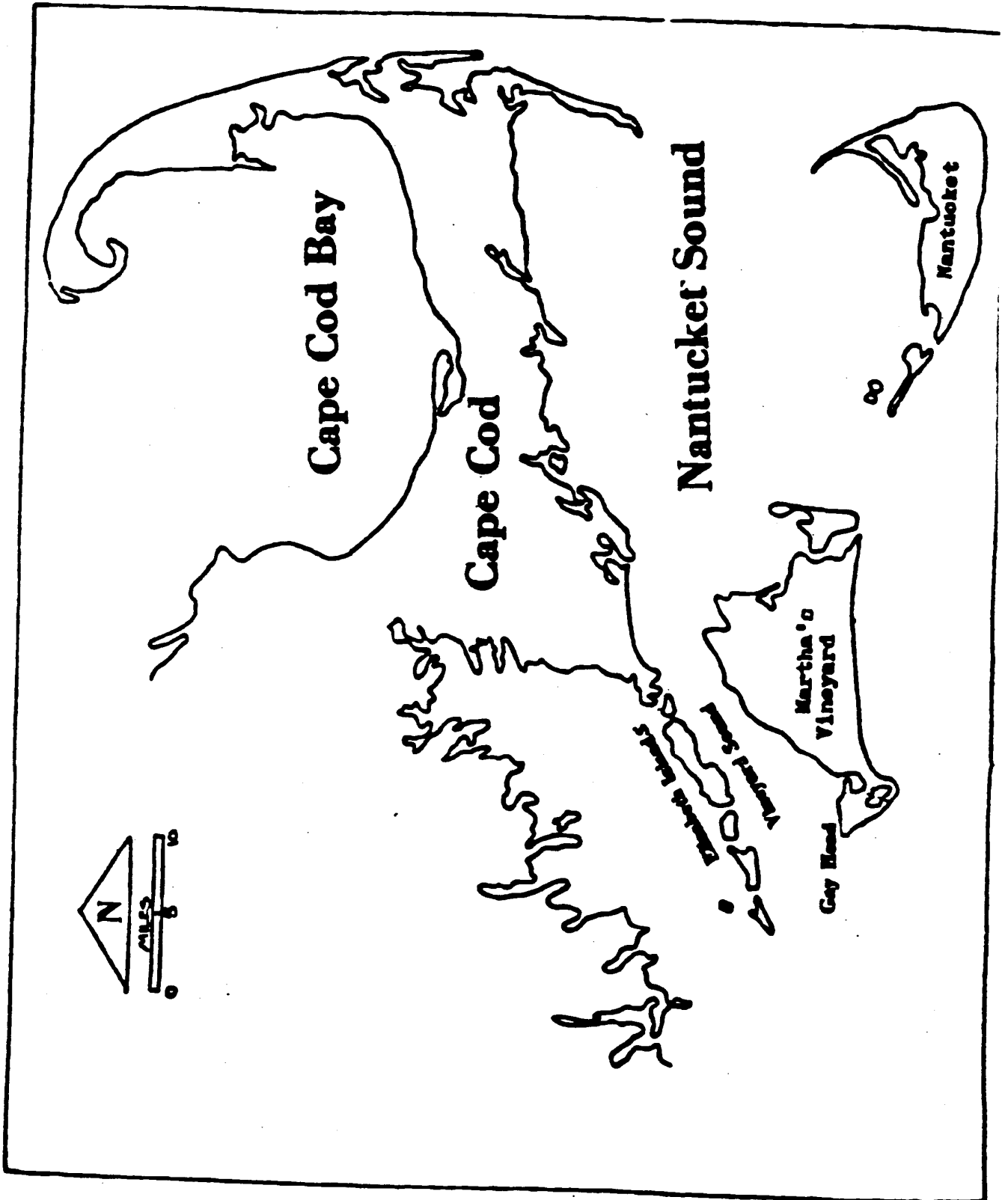
Established in 1966 and composed largely of non-Indian property owners who sought to reform town government.

**Wampanoag Tribal Council of Gay Head, Inc. (1972-):**

Petitioning group which claims to be the governing body of the Gay Head Indians. Incorporated Chief and Medicine Man from Pawkunnawakutt Council.

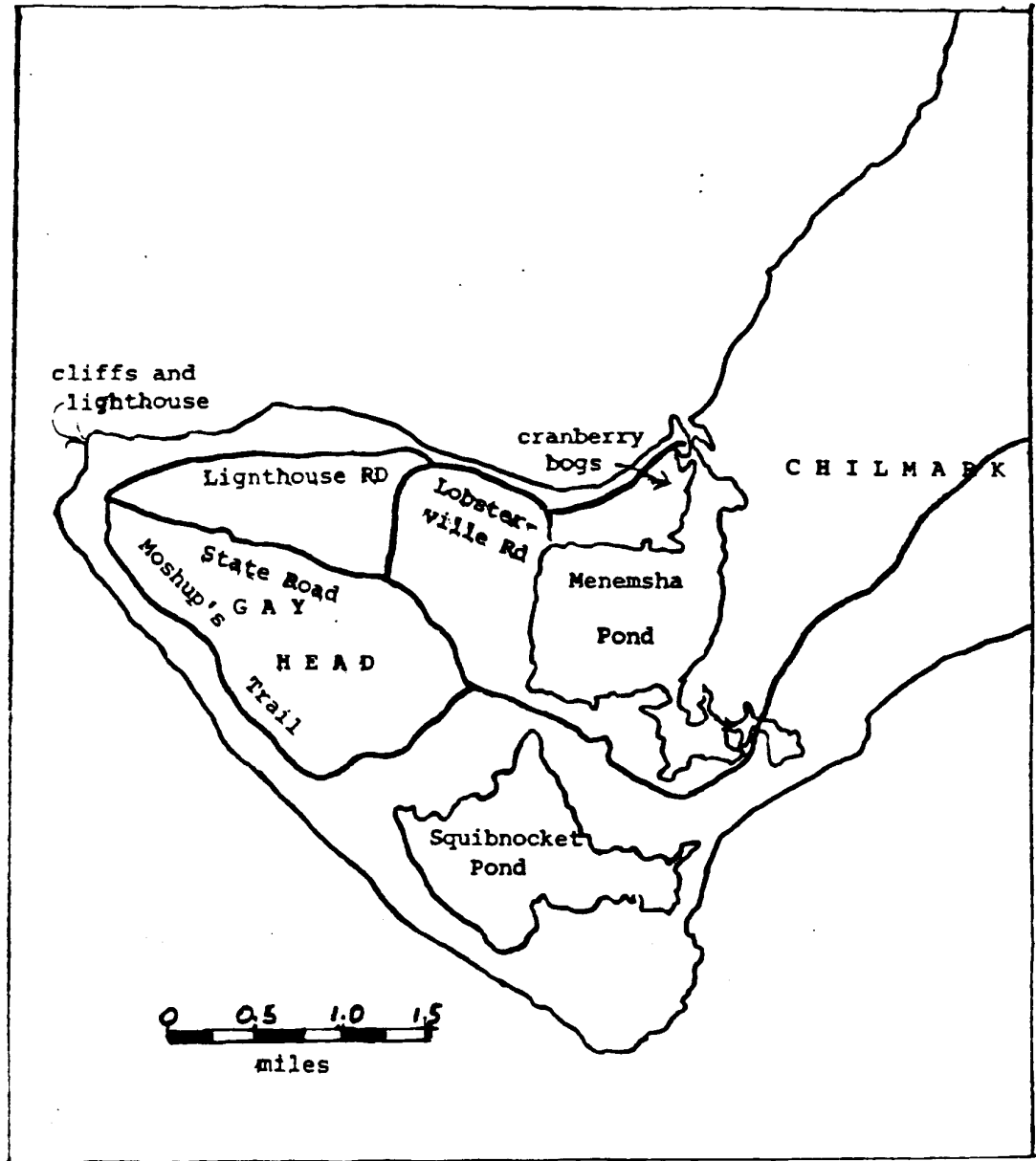
**Gay Head Taxpayers Association (1973-):**

Outgrowth of Gay Head Community Council which led fight for fiscal reform in town and came to represent interests of non-Indian property owners in land suit.





Map #2



SUMMARY UNDER THE CRITERIA (83.7 (a-g))

Evidence submitted by the petitioner and obtained through independent research by the Acknowledgment staff demonstrates that the Gay Head Wampanoags do not meet two of the seven criteria required for Federal acknowledgment. In accordance with the regulations set forth in 25 CFR 83, failure to meet any one of the seven criteria requires a determination that the group does not exist as an Indian tribe within the meaning of Federal law.

In the summary of evidence which follows, each criterion has been reproduced in bold face type as it appears in the regulations. Summary statements of the evidence relied upon follow the respective criterion.

**83.7(a) A statement of facts establishing that the petitioner has been identified from historical times until the present on a substantially continuous basis, as "American Indian," or "aboriginal." A petitioner shall not fail to satisfy any criteria herein merely because of fluctuations of tribal activity during various years.**

The Wampanoag Tribal Council of Gay Head, Inc., is based in the township of Gay Head, Massachusetts. Gay Head is a peninsula situated at the westernmost tip of Martha's Vineyard, the largest island in New England, which lies in the Atlantic Ocean approximately five miles off the southern coast of Cape Cod. The Tribal Council has only been in existence since 1972. Nevertheless, documentary sources clearly and consistently identify a group of Wampanoag Indian descendants as having lived in the general vicinity of the Gay Head peninsula from 1642, when Englishmen first settled on the island, to the present. The identification of a Wampanoag tribal entity at Gay Head was established in the colonial records of Governors Thomas Mayhew, Sr., and Mathew Mayhew (1642-1691) and in those of the Province of Massachusetts Bay (1691-1781). A Gay Head Indian tribal identification was also confirmed by church records, including those of the Baptist church organized in 1693, and in the records of two religious societies: the Corporation for the Propagation of the Gospel in New England, which maintained some control over the Gay Head Indians between 1711 and 1776; and the Society for the Propagation of the Gospel Among the Indians, which provided financial support for the Baptist ministry at Gay Head from the early 1800's until at least 1870.

Inhabitants of the Gay Head peninsula have consistently been identified as Indians or people of Indian descent in the legislative and judicial records of the Commonwealth of Massachusetts from 1870 to the present. However, the State did not officially recognize the existence of a tribal entity at Gay Head between 1870, the year in which Gay Head was incorporated as a town, and 1976, when the Tribal Council was recognized by the Governor as the governing body of the Gay Head Indians.

Gay Head Wampanoag descendants have also been identified as Indians in certain records of the United States Government beginning in 1799, when a Federal lighthouse was established at Gay Head. Indian descendants constituted the majority population at Gay Head on Federal census records compiled between 1870 and 1970, and on local censuses as early as 1792. Federal records also indicate that Indians from Gay Head were enlisted as surfmen in the U.S. Life-Saving Service (U.S. Coast Guard) after 1895, and enrolled at the Carlisle Indian Industrial School in Pennsylvania between 1905 and 1918.

More recently, Federal agencies such as the Department of Health and Human Services have provided project funding to the Gay Head Wampanoags based on their identification as Indians.

People at or from Gay Head were likewise positively identified as being an Indian group in travelers' accounts, local and regional histories, and travel guides; by anthropologists, historians, and other scholars; and in newspapers and other media.

The Gay Head Wampanoags have been identified as being an American Indian group from historical times until the present and therefore, meet the criterion 25 CFR 83.7(a).

**83.7(b) Evidence that a substantial portion of the petitioning group inhabits a specific area or lives in a community viewed as American Indian and distinct from other populations in the area, and that its members are descendants of an Indian tribe which historically inhabited a specific area.**

The Wampanoag Tribal Council of Gay Head is based on land which was traditionally and aboriginally Wampanoag. The area which now comprises the town of Gay Head has been viewed consistently throughout history as an Indian community or, more precisely since the late 18th century, as a community of "Indians and people of colour." This perception continues today, despite the fact that non-Indians now constitute the majority of its population. For much of its history the Gay Head community was accorded a special status by church and governmental officials because of its distinct Indian population.

The Gay Head Indians have continuously identified themselves as Wampanoag throughout history and have most often been referred to as Indians by the other residents of Martha's Vineyard. The Gay Head people are the only population on the island which has retained an Indian identity. Their social contacts were largely restricted to other Indian descendants, Blacks from down-island communities, and especially more recently, with Whites from off-island. Those Gay Head Indians who intermarried with Blacks or had Black ancestry were still generally regarded as being Indian as long as they remained on the island.

Since at least 1807, a substantial portion of the Gay Head Indian descendants have not resided in Gay Head or any other Indian community. In that year, James Freeman found approximately 41 percent of the Gay Head Indians to be absent from the Gay Head peninsula. The resident Indian population of the town of Gay Head declined by approximately 61 percent between 1900 and 1970. The current resident Indian population of 78, which has remained fairly stable over the past 40 years, represents only about 15 percent of the total membership of the Wampanoag Tribal Council of Gay Head. Not enough evidence has been found to conclude that cohesive tribal relations have been maintained since at least the 1930's, either within the local community or between those resident at Gay Head and the ever-growing number of non-resident Gay Head Indian descendants.

The Wampanoag Indian descendants have maintained a dispersed settlement pattern at Gay Head throughout history. In the past, communal endeavors and cooperative activity demanded greater communication and easy access to neighbors. A warren-like road system helped facilitate this communication.

Since the 1870's there has been a gradual disintegration of community cohesiveness and tribal organization. This breakdown was virtually complete by the 1930's. The loss of social cohesion was closely related to the economic shift from communal land holdings and communal work patterns to individual lands and competitive work systems. Communal agricultural and fishing activities disappeared almost completely by the 1930's. The reduction of the road system to four principal roads reduced the ease of physical access to neighbors and friends. The social focus thus shifted from communal group activities to immediate family and kin relations. The lack of commercial establishments or other informal meeting places for Gay Head Indian residents and the pattern of outmarriage to non-Indians and non-residents also contributed to the growing isolation of family units. This isolation, in combination with the dwindling Indian population and a clear shift in the Indian demographic concentration from on- to off-island, created a situation in which a substantial portion of Indian descendants no longer resided or participated in communal fashion at Gay Head.

Since the 1930's, the institutions which formerly provided for community cohesion and social contact have either disappeared or declined in importance. The post office closed in 1941 and the elementary school in 1966. The Baptist church has lost its social integrating function. Today, there is no establishment in Gay Head which serves as an informal meeting place where Gay Head Indians can visit. Neither is there any evidence of informal communication networks. Social ties are largely restricted to the nuclear family, and the off- and down-island Indian descendants do not maintain substantial ties with each other or with the individuals in Gay Head.

The Gay Head Indians do not have any events which are attended exclusively by their members. There are no community celebrations, homecomings, or other mechanisms for periodically renewing social relationships. The traditional Cranberry Day festivity, which has been observed annually each fall since at least the mid 19th century, is now attended by only a small number of members, consisting primarily of the group's leaders and their immediate families.

The Gay Head Indians maintain little social contact with each other outside of ties within immediate families. Neither do they have tribal institutions or events which serve to integrate the membership and maintain social contact. The decline in social cohesiveness was virtually complete by the 1930's, after communal economic activities and land-holding ceased, substantial migration off-island occurred, and the level of intermarriage within the group declined to almost none. While a small proportion of Indian families still reside within the historic Gay Head area, which is still identified as Indian, and some individuals are still identified as Gay Head Indians by non-Indians on the island, the absence of extensive social contact precludes the maintenance of tribal relations. We conclude, therefore, that the Gay Head Wampanoags do not meet the definition of community as required in criterion 25 CFR 83.7(b).

**83.7(c) A statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous entity throughout history until the present time.**

Aboriginal Wampanoag leadership was provided by an hereditary chief or sachem who made decisions in consultation with a council of male elders, war captains (known as "pinesses") and spiritual advisors (who were called "powwows"). In the pre-contact period—prior to 1642—Gay Head was one of four major sachemships on Martha's Vineyard. Nohtoaskaet was the sachem at Gay Head until about 1675. He was succeeded by his

son Mittark (1675-1683), who was succeeded by his son Joseph Mittark. No reference to the sachemship could be found after 1687, the year in which Joseph Mittark conveyed the Indian land rights at Gay Head to Governor Mathew Mayhew.

There is only one first-hand description of the political system or processes at work at Gay Head prior to 1827, and no well-defined leaders are apparent during the period from 1687 to 1870. However, there is evidence that the Gay Head Indians continued to maintain some political influence and authority over their members. These people periodically petitioned the General Court of the Province of Massachusetts Bay between 1691 and 1781, and the Corporation for the Propagation of the Gospel between 1711 and 1776. These petitions, which were most often generated by land problems or the actions of the colonial guardians, offer the only clues available regarding the nature of Gay Head political life in the 18th century. They suggest that the Indians may have acted as a general council, and that Christian spiritual leaders such as Zachariah Howwaswee may have also served as the political leaders of the community.

The State of Massachusetts imposed a guardian system over the Gay Head Indians between 1781 and 1814, and in 1785 group member Zachariah Howwaswee was appointed one of the guardians. As wards of the State, the Indians continuously petitioned the state legislature between 1785 and 1870. State records acknowledge that between 1814 and 1862, the Indian descendants at Gay Head had no state-appointed guardians and were essentially self-governing. Despite the autonomy of this so-called Indian "plantation," there is evidence that its governing structure was similar in many respects to other small Massachusetts towns. In 1862 the State imposed greater jurisdictional control over Gay Head by establishing it as an Indian district. An Indian district was viewed by state authorities as a transitional stage between plantation status and incorporation as a town, as well as between wardship for the Indians and citizenship. Full state citizenship was extended to the Gay Head Indians in 1869, despite the objections of their elected spokesmen. In 1870 the state incorporated Gay Head as a township, reportedly with the support of the majority of its Indian residents.

The precise nature of the town government between 1870 and 1955 is not known because the records of town proceedings no longer exist. The group's acknowledgment petition maintains that after incorporation in 1870 the "imposed" town governmental structure was adopted by the Indians as their governing body, so that in effect the town and the Indian government were one and the same until 1972, the year in which the Wampanoag Tribal Council was formed. However, the existing sources indicate that in substance and form this local government was indistinguishable from that of any other small New England town. Its focus was entirely on routine civil matters, and it took no official actions which might be interpreted as primarily benefiting the Gay Head Indians as a tribal group. It did not, for example, define or regulate group membership. There is some evidence, in fact, that it actually spurned Indian activities and identification and rejected formal alliances with other Indian groups and communities. Neither were its officers exclusively of Gay Head Indian descent. Between 1870 and 1972, at least 34 of the individuals elected or appointed to town offices were not Gay Head Indian descendants, although most were married to Gay Head Indians. Because there is no record of established membership criteria during this period, it is not known if spouses would have been considered members: some non-Indian spouses were admitted to tribal membership prior to 1870, but only Gay Head Indian descendants are currently eligible for membership. All of the town selectmen elected to office during this period were Gay Head Indians and group members have continued to constitute the leadership of the town government since 1972, the year in which the Wampanoag Tribal Council was formed.

While there is convincing evidence that group kinship ties played a crucial role in this local government, the town structure would have made for a peculiar kind of tribal governing body. Unlike any other tribal government, the town government was mandated by state law to accept legal responsibility for all residents of the township. This came to include an increasing number of non-Indians. The proportion of non-Indian residents grew from 13 percent in 1920 to 47 percent by 1970. At the same time, as a municipal polity, the local government had no legal authority outside of the town boundaries. Therefore, it could not legally maintain jurisdiction over the significant number of Gay Head Indian descendants who resided elsewhere, either permanently or temporarily (the resident Indian population decreased by 61% between 1900 and 1970). However, those non-residents who still held property or paid taxes in the town may have been affected by local government actions. State law also restricted the political participation of non-residents, since those Indian descendants who did not maintain residence at Gay Head at least part of the year were not entitled to vote there, either in the town meetings or during the general elections. Neither was any evidence found to indicate that the town officials exerted any informal political influence or control over the non-resident Gay Head Indian descendants, or that the non-residents participated in the political process within the town.

Again, because there is no record of established membership criteria during this period, it is not known if the non-resident Indian descendants were considered members. In 1807 non-residents were considered members. By 1861, however, they were generally excluded from claiming tribal rights such as land allotments. Since the formation of the Wampanoag Tribal Council of Gay Head in 1972, non-residents have comprised the vast majority of the group's membership.

Anthropologist Gloria Levitas, who conducted the most extensive ethnographic investigation of Gay Head, has concluded that with the imposition of town status upon their community in 1870, the Gay Head Indians lost their political autonomy as a tribal group. In 1934 the ethnologist Gladys Tantaquidgeon, in a special report to the Commissioner of Indian Affairs, identified the Aquiniah Council and not the town officers as representing the "tribal government" at Gay Head. The Aquiniah Council was the Gay Head affiliate of the Wampanoag Nation, a pan-Indian organization formed by the Indians at Mashpee, Massachusetts (on Cape Cod) in the late 1920's. In 1935 the Aquiniah Council was replaced by the Howwaswee Council, a local organization formed to compete rather than cooperate with the Wampanoag Nation.

There is no evidence that sustained political influence or authority was maintained in the community outside of the town government through any other formal or informal group process or structure. Neither does the group's petition make such a claim. The Aquiniah Council, identified by Tantaquidgeon as representing the "tribal government" in 1934, was soon replaced by the Howwaswee Council. The role of this latter council and its successor, the Pawkunnawakutt Council, which continued to exist in some form until 1972, was almost purely ceremonial. It is not known how much support these councils received from the community as a whole or from the larger group membership. The early membership of the Howwaswee Council was dominated by only two families, and some of its officers were not Gay Head Indian descendants.

The various civic organizations founded at Gay Head since the 1940's (the Aquinnah Club, the Gay Head Civic Association, the Gay Head Improvement Association, the Gay Head Community Council, and the Gay Head Taxpayers Association) have had some political impact within the community. However, all of these organizations have had limited objectives. They have all therefore been relatively short lived, many have had non-Indian support and membership, and none can be interpreted as being a tribal

governing body. As a pan-Indian leader and political maverick, Lorenzo D. Jeffers, who founded most of the local civic improvement organizations, exercised some influence and authority within the community and outside the town government. Yet, because his positions were often controversial and erratic, he did not muster enough support on a continuing basis to be considered a legitimate political leader of the Gay Head Indians.

The group's acknowledgment petition maintains that in 1972 the Wampanoag Tribal Council of Gay Head replaced the town government as the governing body of the Gay Head Indians. This council now claims to maintain political influence and authority over its 521 members. Yet, the town government did not change perceptibly in either form or actions from what it had been or done prior to the formation of the Tribal Council. Although non-Indians came to hold more town offices, the local government continued to be led by Indian descendants, many of whom were close relatives of the leaders of the Tribal Council.

Since its inception in 1972, the Wampanoag Tribal Council of Gay Head has elected officers, established by-laws and a membership roll, recorded its proceedings, and audited its finances. It has also directed a number of economic development projects; spearheaded group activities related to a land suit, a negotiated land settlement, and its petition for Federal acknowledgment; coordinated various community and group projects; and served as a liaison between its members and other agencies and organizations.

However, our research indicates that this organization does not have a substantial base of support in its claimed membership, either in Gay Head or elsewhere. The Tribal Council has not succeeded either in creating interest in the issues defined by its leadership as being important or in promoting attendance and participation in group activities. An analysis of political participation during the last five years reveals that not more than 22 members have attended any one of the annual meetings, and that a total of only four non-resident Gay Head Indians attended the annual meetings during this period. Two of the last five annual meetings have not had the established quorum of 15 members. Likewise, the quorum of 15 was only reached at about one-third of the 31 regular council meetings held between September of 1979 and March of 1985: the average attendance for these meetings was 14. The majority of those in attendance at these meetings were members of the president's family.

Communication from the group's leadership to its members is largely through the use of newsletters. No evidence was found that the business conducted at the council meetings was communicated through informal visitation or telephone networks. A sampling of group members who do not reside in Gay Head revealed that they knew little about the Council's activities; some did not even know that they were claimed as members or that their names were on the roll, although they offered no objections upon discovering this.

In contrast to the low participation and interest in Tribal Council affairs, the Indian descendants at Gay Head are not politically apathetic about town issues. Most of the eligible Indian voters attend the annual town meetings and vote in town elections. Indian candidates also continue to be elected to the three positions of selectman, although those elected since 1972 have had broad support in the town. These selectmen have represented the town as a whole and not just their Indian constituents. There is little evidence that they have voted along ethnic lines.

The Gay Head Wampanoags have not maintained tribal political influence or other authority over their members as an autonomous entity throughout history. Thus, we conclude that the petitioner does not meet the criterion established in 25 CFR 83.7(c).

- 83.7(d)** A copy of the group's present governing document, or in the absence of a written document, a statement describing in full the membership criteria and the procedures through which the group currently governs its affairs and its members.

The petitioning group submitted a copy of their present governing document adopted by the group on February 12, 1977. The governing document includes the procedures through which the group governs its affairs and its members and the criterion currently being used to determine eligibility for membership. The group also submitted the minutes of a general meeting of the membership held on March 3, 1980 which reaffirmed the membership criterion stated in the governing document. Therefore, we conclude that the Gay Head Wampanoags meet criterion 83.7(d) of the regulations.

- 83.7(e)** A list of all known current members of the group and a copy of each available former list of members based on the tribe's own defined criteria. The membership must consist of individuals who have established, using evidence acceptable to the Secretary, descendancy from a tribe which existed historically or from historical tribes which combined and functioned as a single autonomous entity.

A membership list dated May 1, 1983, was submitted with the Gay Head Wampanoag petition. This list was subsequently updated by a list dated June 1, 1985. For acknowledgment purposes, the total number of living members as of June 1, 1985, was 521. Seven former lists of members compiled in the 1970's and early 1980's were also submitted containing essentially the same family lines.

Ninety-eight percent of the group's members can demonstrate that they meet the group's membership criterion, i.e., that they descend from a Gay Head Wampanoag who appears on a census of the inhabitants of Gay Head, Massachusetts, published in 1871. Although the group has not attempted to trace their ancestry any further back than the 1871 census, there is documentary evidence to establish ancestry from the 1871 ancestor back to Gay Head Indians who appear on a list prepared in 1792. Evidence to connect the group's 1871 ancestors with the Gay Head Indians of 1792 was found in the personal notes of Richard L. Pease who was appointed by the Commonwealth of Massachusetts in 1866 to determine the boundaries of severally-owned and common land at Gay Head. Supporting evidence was found in land records of Dukes County, Massachusetts, vital records, and published material. This evidence also suggests that several of the 1792 ancestors were the descendants of the aboriginal inhabitants of the area at the time of English colonization. We conclude that the Gay Head Wampanoags meet criterion 83.7(e) of the regulations.

- 83.7(f)** The membership of the petitioning group is composed principally of persons who are not members of any other North American Indian tribe.

The members have no Indian ancestry that would make them eligible for membership in any federally recognized Indian tribe. Although in recent generations there have been instances where the group's members have married members of federally recognized tribes, descendants of these unions have not been enrolled as members of the petitioning



group. Therefore, we conclude that the Gay Head Wampanoag membership is composed principally of persons who are not members of other North American Indian tribes and that the group meets criterion 83.7(f) of the regulations.

**83.7(g) The petitioner is not, nor are its members, the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship.**

The Gay Head Wampanoags do not appear on the Bureau's official list of "Indian Tribes Terminated from Federal Supervision." No legislation is known to exist which terminates or forbids a Federal relationship with this group or its members. Therefore, the Gay Head Wampanoags meet criterion 83.7(g).

## ETHNOHISTORICAL REPORT ON THE GAY HEAD WAMPANOAG

The Wampanoag Tribal Council of Gay Head, Inc., is based in the township of Gay Head, Massachusetts. Gay Head is one of the three peninsulas situated at the westernmost tip of Martha's Vineyard, the largest island in New England, which lies in the Atlantic Ocean, approximately five miles off the southern coast of Cape Cod. The Indian name for this part of the island is "Aquinnah," which is said to mean "Place of the rising ground." The English named it Gay Head because of its distinctively high and multi-colored clay cliffs.

### SUMMARY OF EVIDENCE

The Wampanoag Tribal Council of Gay Head, Inc., has only been in existence since 1972. Nonetheless, documentary sources clearly and consistently identify a group of Wampanoag Indian descendants as having lived in the general vicinity of the Gay Head peninsula, on the westernmost tip of the island of Martha's Vineyard, Massachusetts, from 1642, when Englishmen first settled the island, to the present. The identification of a Wampanoag tribal entity at Gay Head was established in the colonial records of Governors Thomas Mayhew, Sr., and Mathew Mayhew (1642-1691) and in those of the Province of Massachusetts Bay (1691-1781). An Indian tribal identification was also confirmed by church records, including those of the local Baptist church organized in 1693, and in the records of two religious societies: the Corporation for the Propagation of the Gospel in New England, which maintained some control over the Gay Head Indians between 1711 and 1776; and the Society for the Propagation of the Gospel Among the Indians, which provided financial support for the Baptist ministry at Gay Head from the early 1800's until at least 1870.

Inhabitants of the Gay Head peninsula have consistently been identified as Indians or people of Indian descent in the legislative and judicial records of the Commonwealth of Massachusetts from 1781 to the present. However, the State did not officially recognize the existence of a tribal entity at Gay Head between 1870, the year in which Gay Head was incorporated as a township, and 1976, when the Wampanoag Tribal Council was recognized by the Governor as the governing body of the Gay Head Indians.

Gay Head Wampanoag descendants have also been similarly identified as Indians in certain records of the United States Government beginning in 1799, when a Federal lighthouse was established at Gay Head. Indian descendants constituted the majority population at Gay Head on Federal census records compiled between 1870 and 1970, and on local censuses as early as 1792. Federal records also indicate that Indians from Gay Head were enlisted as surfmen in the U.S. Life-Saving Service (Coast Guard) after 1895, and enrolled at the Carlisle Indian Industrial School in Pennsylvania between 1905 and 1918. More recently, Federal agencies such as the Department of Health and Human Services have provided project funds to the Gay Head Wampanoags based on their identification as Indian. People at or from Gay Head were likewise positively identified as being members of an Indian group in traveler's accounts, local and regional histories, and travel guides; by anthropologists, historians, and other scholars; and in newspapers and other media.

The Wampanoag Tribal Council of Gay Head is based on land which was traditionally and aboriginally Wampanoag. The area which now comprises the town of Gay Head has been viewed consistently throughout history as an Indian community or, more precisely since the late 18th century, as a community of "Indians and people of colour." This perception of it continues today, despite the fact that non-Indians now constitute the majority of its population. For much of its history the Gay Head community was accorded a special status by church and governmental officials because of its distinct Indian population.

The Gay Head Indians have continuously identified themselves as Wampanoag throughout history and have most often been referred to as Indians by the other residents of Martha's Vineyard, although some have tended to perceive them as being Black rather than Indian. The Gay Head people are the only population on the island which has retained an Indian identity. Because the Gay Head Indian descendants were regarded as subordinate to Whites in the social hierarchy of the Vineyard, they were subjected to racial prejudice and segregation. Social contacts were largely restricted to other Indian descendants, Blacks from down-island communities, and, more recently, with Whites from off-island. Those Gay Head Indians who intermarried with Blacks or had Black ancestry were still generally regarded as being Indians as long as they remained on the island. However, many Gay Head Indians who moved off-island found that their Indian identity was questioned by Whites, Blacks, and even other Indians.

Since at least 1807, a substantial portion of the Gay Head Indian descendants have not resided in Gay Head or any other Indian community. In that year James Freeman found approximately 41 percent of the Gay Head Indians to be absent from the Gay Head peninsula. The resident Indian population of the town of Gay Head declined by approximately 61 percent between 1900 and 1970. The current resident Indian population of 78, which has remained fairly stable over the past 40 years, represents only about 15 percent of the total membership of the Wampanoag Tribal Council of Gay Head. Not enough evidence has been found to conclude that cohesive tribal relations have been maintained since at least the 1930's, either within the local community or between the those resident at Gay Head and the ever-growing number of non-resident Gay Head Indian descendants.

Aboriginal Wampanoag leadership was provided by an hereditary chief or sachem who made decisions in consultation with a council of male elders, war captains known as "pinesses," and spiritual advisors who were called "powwows." In the pre-contact period (prior to 1642), Gay Head was one of four major sachemships on Martha's Vineyard. Nohtoaksæet was the sachem at Gay Head until about 1675. He was succeeded by his son Mittark (1675-1683), who was in turn succeeded by his son Joseph Mittark. No reference to the sachemship could be found after 1687, the year in which Joseph Mittark conveyed the Indian land rights at Gay Head to Governor Mathew Mayhew.

There is only one first-hand description of the political system or processes at work at Gay Head prior to 1827. However, there is evidence that the Gay Head Indians continued to maintain some political influence and authority over their members. These people periodically petitioned the General Court of the Province of Massachusetts Bay between 1727 and 1781, and the Corporation for the Propagation of the Gospel between 1711 and 1776. These petitions, which were most often generated by land problems or the actions of the provincial

guardians, offer the only clues available regarding the nature of Gay Head political life in the 18th century. They suggest that the Indians may have acted as a general council, and that Christian spiritual leaders such as Zachariah Howwaswee may have also served as the political leaders of the community.

The State of Massachusetts imposed a guardian system over the Gay Head Indians between 1781 and 1814, and in 1785 a group member named Zachariah Howwaswee was appointed one of the guardians. As wards of the State, the Indians continuously petitioned the Massachusetts legislature between 1785 and 1870. State records acknowledge that between 1814 and 1862, the Indian descendants at Gay Head had no state-appointed guardians and were essentially self-governing. Despite the autonomy of this so-called Indian "plantation," there is evidence that its governing structure was similar in many respects to other small Massachusetts towns. In 1862 the State imposed greater jurisdictional control over Gay Head by establishing it as an Indian district. An Indian district was viewed by state authorities as a transitional stage between plantation status and incorporation as a town, as well as between wardship for the Indians and citizenship. Full state citizenship was extended to the Gay Head Indians in 1869, despite the objections of their elected spokesmen. In 1870 the state incorporated Gay Head as a township, reportedly with the support of the majority of its Indian residents.

The precise nature of the town government between 1870 and 1955 is not known because the records of the town proceedings no longer exist. The group's acknowledgment petition maintains that after incorporation in 1870 the imposed town governmental structure was adopted by the Indians as their governing body, so that in effect the town and the Indian government were one and the same until 1972, the year in which the Wampanoag Tribal Council was formed. However, the existing sources indicate that in substance and form this local government was indistinguishable from that of any other small New England town. Its focus was entirely on mundane civil matters and there was nothing distinctively tribal or Indian about any of its official actions. It did not, for example, define or regulate group membership or take action to assert an Indian identity. There is some evidence in fact that it actually spurned Indian activities and identification and rejected formal alliances with other Indian groups and communities. Neither were its officers exclusively of Gay Head Indian descent. At least 34 of the individuals elected or appointed to town offices between 1870 and 1972 were not Gay Head Indian descendants, although most were married to Gay Head Indians. However, all of the town selectmen elected to office during this period were Gay Head Indians, and group members have continued to constitute the leadership of the town government since 1972, the year in which the Wampanoag Tribal Council was formed.

While there is convincing evidence that group kinship ties played a crucial role in this local government, the town structure would have made for a peculiar kind of tribal governing body. Unlike any other tribal government, the town government was mandated by state law to accept legal responsibility for all residents of the township. This came to include an increasing number of non-Indians. The proportion of non-Indian residents grew from 13 percent in 1920 to 47 percent by 1970. At the same time, as a municipal polity, the local government had no legal authority outside of the town boundaries. Therefore, it could not legally maintain jurisdiction over the significant number of Gay Head Indian descendants who resided elsewhere, either

permanently or temporarily (the resident Indian population decreased by 61% between 1900 and 1970), although those non-resident Indians who still held property or paid taxes in the town may have been affected by local government actions. State law also restricted the political participation of non-residents, since those Indian descendants who did not maintain residence at Gay Head at least part of the year were not entitled to vote there, either in the town meetings or general elections. No evidence was found to indicate that the town officials exerted any informal political influence or control over the non-resident Gay Head Indian descendants, or that the non-residents participated in the political process within the town.

Anthropologist Gloria Levitas, who conducted the most extensive ethnographic investigation of Gay Head, has concluded that with the imposition of town status upon their community in 1870, the Gay Head Indians lost their political autonomy as a tribal group. In 1934 the ethnologist Gladys Tantaquidgeon, in a special report to the Commissioner of Indian Affairs, identified the Aquiniah Council and not the town officers as representing the "tribal government" at Gay Head. The Aquiniah Council was the Gay Head affiliate of the Wampanoag Nation, a pan-Indian organization formed by the Indians at Mashpee, Massachusetts (on Cape Cod) in the late 1920's. In 1935 the Aquiniah Council was replaced by the Howwaswee Council, an organization formed at Gay Head to compete rather than cooperate with the Wampanoag Nation.

There is no evidence that sustained political influence or authority was maintained in the community outside of the town government through any other formal or informal group process or structure. Neither does the group's acknowledgment petition assert such a claim. The Aquiniah Council identified by Tantaquidgeon as representing the "tribal government" in 1934, was soon replaced by the Howwaswee Council. The role of this latter council and its successor, the Pawkunnawakutt Council, which continued to exist in some form until 1972, was almost purely ceremonial. It is not known how much support these councils received from the community as a whole or from the larger group membership. The early membership of the Howwaswee Council was dominated by only two families, and some of its officers were not Gay Head Indian descendants.

The various civic improvement organizations founded at Gay Head since the 1940's (the Aquinnah Club, the Gay Head Civic Association, the Gay Head Improvement Association, the Gay Head Community Council, and the Gay Head Taxpayers Association) have had some political impact within the community. However, all of these organizations have had limited objectives and have therefore been relatively short lived, many have had non-Indian support and membership, and none could in any way be interpreted as being a tribal governing body. As a pan-Indian leader and political maverick, Lorenzo D. Jeffers, who founded most of the local civic improvement organizations, exercised some influence and authority within the community and outside of the town government. Yet, because his positions were often too controversial and erratic, he did not muster enough support on a continuing basis to be considered a legitimate political leader of the Gay Head Indians.

The group's acknowledgment petition maintains that in 1972 the Wampanoag Tribal Council of Gay Head replaced the town government as the governing body of the Gay Head Indians. This council now claims to maintain political influence and authority over its 521 members. Yet, the town government did not change perceptibly in either form or actions from what it had been prior

to the formation of the Tribal Council. Although non-Indians came to hold more town offices, the local government continued to be led by Indian descendants, many of whom are close relatives of the leaders of the Tribal Council.

The Wampanoag descendants at Gay Head have been identified throughout history as being American Indians, and Gay Head has been consistently viewed as being an American Indian community. For nearly two centuries, however, a substantial portion of the Gay Head Indians have not resided in this community. There is not enough evidence to conclude that cohesive tribal relations have been maintained throughout history, either within the community or between the core group at Gay Head and the growing number of non-resident Indian descendants. Neither has enough evidence been found to indicate that tribal political influence or other authority has been maintained continuously over the Gay Head Indians since 1870.

## THE ABORIGINAL CULTURE PRIOR TO 1642

The Wampanoag were one of the principal aboriginal tribes of New England. Prior to European settlement, these Algonquian-speaking people were concentrated on a peninsula on the eastern shore of Narragansett Bay in what is now Bristol County, Rhode Island and the adjacent parts of Bristol County, Massachusetts. From this base the Wampanoag controlled much of the southeastern Massachusetts territory extending from the Bay to the Atlantic Ocean, including the islands of Martha's Vineyard and Nantucket. At one time they also held the Rhode Island portions of Narragansett Bay, but this was taken from them by their traditional enemy, the Narragansett, who occupied the western shore of the Bay (Hodge 1971:II:903).

Archeological evidence indicates that Indians were present on Martha's Vineyard as early as 2270 B.C., but the earliest known Wampanoag site there dates from around 1565 A.D. (Levitas 1980:71; Rithchie 1969). It is not known if any of the successive tribal groups who occupied the island prior to the 16th century were the ancestors of the present-day Wampanoag (Levitas 1980:74-75). Wampanoag culture was similar to that of other Algonquian-speaking peoples. The village was the basic sociopolitical and subsistence unit. These non-permanent communities consisted of several interrelated families. Ownership of land and other possessions was commonly based on the family unit, but individual ownership was also recognized. Leadership was provided by an hereditary chief or sachem, who made decisions in consultation with a council of male elders, war captains known as "pinesses," and spiritual leaders who were called "powwows" (Salwen 1978:166-167; Simmons 1976:220-221; Marten 1970:18). While in theory the Wampanoag were united into a single federation in which each local sachem owed allegiance to a more inclusive sachem, in practice centralized authority was merely symbolic and local communities were autonomous (Scaglione 1977:44). Nevertheless, the island Indians were enmeshed to some degree in the social and political world of the mainland Wampanoag (Levitas 1980:92).

Just prior to the English occupation of Martha's Vineyard in 1642, the island was divided socially and politically into four major sachemships, of which Gay Head or Aquinnah was one (Scaglione 1977:74). The best estimates of the pre-contact population suggest that there were as many as 3000 Wampanoag on the island at that time and that several hundred of these Indians were under the Gay Head sachem (Ibid.:47). While it is assumed that Gay Head was similar in most respects to the mainland Wampanoag villages, there are no first-hand descriptions of its political system during the early historical period.

The Wampanoag Indians at Gay Head possessed a unique set of beliefs in a mythological giant named Moshop, who was the hero of many origin stories about Martha's Vineyard and whose exploits are thought to account for many of the natural phenomena on the island. An early contact form of the Moshup legends, as told by Thomas Cooper, a half-blood Gay Head Indian, was first published in 1792. Although the stories have been altered and embellished over the years, a group member reported in 1973 that most Gay Head people continue to believe in these legends (Scaglione 1974:20-25; Vanderhoop 1973:44).

## COLONIZATION AND CONVERSION, 1642-1682

The earliest contacts between island Indians and Europeans are not known precisely. The English navigator Bartholomew Gosnold is generally credited with the European discovery of Martha's Vineyard in 1602, although Norse and Italian explorers may have made prior landings on the island (Banks 1966:I:58-59,64-66).

In 1611 an Indian named Epanow, who may have been either the sachem at Gay Head or a member of the sachem's family, and another individual named Coneconam were kidnapped by two English sea captains, Edward Harlow and Nicholas Hobson, and transported back to England. The Indians convinced Sir Ferdinando Gorges that there was gold on Martha's Vineyard. He outfitted an expedition to the island in 1614, for which Epanow and Coneconam served as guides. When the ship made its landfall, the Indians escaped. Five years later, Gorges dispatched Captain Thomas Dermer to explore the area. Dermer subsequently became involved in a skirmish with Epanow and suffered a fatal wound. This episode marked the last instance on Martha's Vineyard in which blood was shed between Indians and Whites (Attaquin 1970:34; Smith 1912:651; Banks 1966:I:67-70).

The English colonization of what is now Massachusetts began with the Pilgrim landing at Plymouth in 1620, and after 1630 there was a great influx of settlement into the Boston area. However, colonists were not attracted initially to Martha's Vineyard because of its sizeable Indian population and its relative isolation in case of native attacks. Around 1634 the Council for New England, which had held for 30 years a charter from the King of England to develop a vast region in America, decided to divide its remaining territory among its principal investors. A hazy knowledge of the actual coastal geography led to conflicting claims to the Vineyard between Sir Ferdinando Gorges and William Alexander, the Earl of Sterling. Intent on establishing a colony on the island, Thomas Mayhew, Sr., a member of the legislature of the Massachusetts Bay Colony, negotiated a grant of title from both of these gentlemen in 1641. Banks states that he also obtained a release from "the aboriginal owners." However, the details of these transactions with the Vineyard natives were never recorded (Banks 1966:I:84).

Mayhew in turn granted lands to other colonists and in 1642 sent his son, Thomas Mayhew, Jr., to establish a settlement on the eastern end of the island at present-day Edgartown (Ibid.:84-85). This date thus marks the beginning of sustained contact between Euro-Americans and the Wampanoag of Martha's Vineyard.

An individual named Nohtoaksaet was the sachem at Gay Head during the early contact period (until 1675). By the time of the Mayhews' arrival, the Indians of Martha's Vineyard represented a remnant population. Epidemics in 1617 and 1622 had decimated the mainland Wampanoag and the growing power of the Narragansett precluded the island bands from fleeing to other coastal areas (Levitas 1980:134,198). Their own population declined rapidly after 1642, due largely to the spread of yellow fever and tuberculosis. By 1675 the native population of the island had been reduced to approximately 700. With the exception of Gay Head, the sachemships eventually ceased to be political units. Local remnant bands tended to migrate to Gay Head and to coalesce with the relatively large Wampanoag population there. Mayhew's grant did not extend to the area occupied by the Gay Head Indians, and he was expressly



forbidden by royal order from invading their jurisdiction, although he was required to lend assistance to them if needed. Since Gay Head was the farthest island village from the Mayhews' settlement, it was less subject to their influence. The natives there were also reported to be the most intransigent of all the Vineyard Indians (Scaglione 1977:47-48; Levitas 1980:134,146,198).

Thomas Mayhew, Jr., began preaching his Puritan Congregationalist doctrine to the Wampanoag on Martha's Vineyard soon after establishing his settlement. He enjoyed early success by converting promising young men who then trained to become ministers themselves. However, the people at Gay Head resisted his missionary efforts and were in fact among the last Indians in what became Massachusetts to accept Christianity. Prior to his taking leave for a voyage back to England in 1657, Mayhew held a service at Ahquanpachebotton or the Place on the Wayside on what is now the West Tisbury-Edgartown road. This proved to be his last ministration to the Indians, since his ship did not reach England and was never heard from again. The Indians came to revere the Place on the Wayside for its connection with Mayhew, and they raised a pile of stones on the spot where he had preached. Local tradition has it that whenever tribal members passed by they added new stones to the pile. In 1901 the island chapter of the Daughters of the American Revolution dedicated a bronze tablet which was placed in a large boulder donated by the Gay Head Indians, to commemorate this historic site (Banks 1966:I:228-231; Attaquin 1970:33; Vanderhoop 1973:39; Vanderhoop 1904).

Thomas Mayhew, Sr., continued the work of his ill-fated son and enjoyed his greatest missionary triumph in 1663 when he converted Mittark, the son of Nohtoaksæet, the sachem at Gay Head. Although the powwows exiled this young man from the community, he returned three years later and succeeded eventually in bringing all of the Gay Head people to a "profession of Christianity" (Banks 1966:I:7,20). His efforts were sustained by a series of Indian lay ministers and teachers, and by 1698 the Congregational meeting house at Gay Head claimed 260 congregants (Hare 1932:213-214).

At about this same time, the Puritan establishment at Gay Head began to be challenged by a growing number of Baptist followers. Led by a series of Indian preachers, the Baptist congregation organized in 1693 (the first on the Vineyard) became by 1750 the dominant church at Gay Head (Levitas 1980:161). It now holds claim to being the oldest Indian Baptist church in North America (Mayhew 1956:125).

For forty years (1642-1682), the elder Thomas Mayhew ruled Martha's Vineyard like a feudal lord. Although provisions were made for a formal government under a General Court of representatives in 1653, Mayhew remained firmly in control (Levitas 1980:118). The colonies of Maine, New York, and Massachusetts all claimed sovereign control over the island, but Mayhew's title was confirmed and he was appointed governor of the Vineyard for life by New York Governor Francis Lovelace in 1671 (Banks 1966:I:147-149).

The Indians of Martha's Vineyard were inclined toward passivity in the face of colonization, perhaps because of their isolation from mainland allies, their fear of English power, and the effects of white man's disease on their culture.

In 1662 a Rhode Island merchant named William Brenton purchased title to Gay Head from Womsutta, a mainland sachem who was the son of Massasoit and the elder brother of King Philip, the most famous of the Wampanoag leaders. Brenton's deed was duly recorded in New York, but he never took up residence on the island, perhaps because the local sachem Nohtoaksaet refused to recognize this conveyance by a mainland chief (Banks 1966:I:7; Attaquin 1970:35).

Nohtoaksaet died sometime prior to 1675 and his younger son Mittark succeeded him as sachem of Gay Head in the absence of Ompohhannut, an elder brother. In 1675 Ompohhannut returned to claim the sachemship and a portion of the Gay Head land base as his birthright. Mittark, his counselors, and the common men of Gay Head worked in consultation to appoint a twelve-man jury to resolve these claims. All of the Vineyard sachems as well as people from the mainland were called upon to give testimony before this "General Court." Following these deliberations, the jury upheld Ompohhannut's right of succession and his entitlement to one-quarter of the Gay Head lands (Banks 1966:II:7-8). A written statement of this finding was deposited with the Dukes County deed records. This rare document provides the only description of political processes operative at Gay Head during the 17th century.

Ompohhannut never returned to Gay Head and it has been speculated that he may have been precluded from doing so by King Philip's War. This conflict began in the summer of 1675 when an influential Wampanoag sachem named Philip launched an attack against Puritan villages which soon escalated into a two-year war that spread throughout New England. In the end, the series of battles between the confederated Wampanoag, Narragansett, Nipmuc, and Pocumtuck and the colonists and their Indian allies left "King" Philip, 3000 other Indians, and 600 English colonials dead. Half of the towns in New England were damaged and most of the region's Indian tribes were compelled to forfeit their independence (Vaughan 1965:313-314).

The only significant effect King Philip's War had on Gay Head was to further isolate the community from the mainland Wampanoag (Levitas 1980:146). Despite the pleas of off-island relatives to join in the hostilities, the Indians on Martha's Vineyard pledged their loyalty to the English. Governor Mayhew made arrangements to employ an all-Indian foot company under Japheth Hannet to defend the island, and this policy served to maintain the peace. Hannet also served as a jurymen in the Ompohhannut claim and later succeeded Mittark as the native minister at Gay Head (Hare 1932:207-208; Attaquin 1970:35; Banks 1966:II:7-8; Vanderhoop 1904).

#### LAND CONVEYANCES, 1684-1690

Thomas Mayhew, Sr., died in 1682 and was succeeded as Governor by his grandson Mathew Mayhew. Mittark died the next year and was succeeded as the Gay Head sachem by his son Joseph Mittark. On October 20, 1684, this sachem conveyed by deed to Mathew Mayhew's brother John the neck of land known as Nashowaquidsee, which bordered Gay Head to the east (Mass. House 1856:6-7). Thomas Mayhew, another of Mathew's brothers, later reportedly purchased Squibnocket, another adjoining neck of land from "six sachems and six other Indians" (Ibid.).

In 1685 Governor Thomas Dongan of New York devised a plan to establish Martha's Vineyard as a manor with Mathew Mayhew as its lord, and then to purchase the title of Lord of the Manor from Mayhew, since Dongan could not invest himself with the title directly. This purchase also brought the territory of Gay Head within Dongan's possession (Banks 1966:I:174-177; Province of New York 1685).

On May 6, 1687, Mayhew, acting as Dongan's agent, purchased Indian title to Gay Head from sachem Joseph Mittark for £30. The resident Indians protested that this conveyance was in direct violation of a covenant drawn up by Mittark and some of his chief men in 1681, which declared that none of the lands under his sachemship could be alienated (Ibid.; Muttach 1681).

In his recent short history of Gay Head, Francis G. Hutchins has theorized that by this action Joseph Mittark quitclaimed his rights as overlord and abdicated his sachemship, thus "formally and actually terminating any tribal government at Gay Head" (Hutchins 1986:11). While this conveyance may well have ended the aboriginal Wampanoag form of government there, since no reference can be found to the sachemship after this date, subsequent evidence does indicate that the Gay Head Indians adopted other forms by which they continued to maintain influence and authority over their members independent of the control of any other Indian governing entity.

A manorial system was thus imposed on Gay Head and the Indians lost their land rights. Grants or leases of lands, usually in forty acre parcels, were made to various individual Indians in exchange for annual quitrents (token payments). In addition, the Indians as a group were compelled to pay a symbolic quitrent of ears of corn to the Lord of the Manor (Banks 1966:II:8-10). However, before Lord Dongan could create much mischief on the Vineyard, the "Glorious Revolution" in England overthrew King James and replaced him with a Protestant King and Queen, William and Mary. As an appointee of King James, Dongan soon lost his authority as Governor, although he continued to be the absentee landlord of Gay Head (Ibid. I:177-178).

#### UNDER THE PROVINCE AND "THE COMPANY," 1691-1781

The conflicting colonial claims to Martha's Vineyard were resolved once and for all in 1691 when the Crown detached the island from the jurisdiction of the Province of New York and placed it under the royal Province of Massachusetts Bay, which included the former colonies of Massachusetts Bay, Plymouth, and Maine. The Indians at Gay Head constantly complained to the new authorities about the illegality of Joseph Mittark's conveyance of Gay Head and Nashawaquidsee. As a result, the General Court (the legislative body) of the Province appointed a committee to investigate the matter in 1703. This committee concluded that Mittark's alleged covenant was a fraud after an Indian named Josiah Hosewit, who later became the Baptist minister at Gay Head, confessed that he had drafted the document sometime after Mittark's death. The Indians at Gay Head, who continued to believe that the document was genuine, were not content with this decision. Two years later they convinced the General Court to order a rehearing. However, this second investigation reached the same conclusion (Ibid.:II:10-11). Yet, Levitas holds that the timing of the 1681 covenant and the fact that it was probably made in response to the claims of the off-island Wampanoag rather than an

English attempt to purchase land tends to support the authenticity of the document (Levitas 1980:147-148).

In his capacity as steward for the absentee landlord Dongan, Mathew Mayhew continued to grant or lease the land at Gay Head to the Indians. The English residents of neighboring Chilmark purchased these lease assignments for petty amounts or confiscated them as payment for business debts. This led to a great deal of tension between the races, as the Indians deeply resented the loss of their land base (Banks 1966:II:10).

The land problem at Gay Head was gradually brought to the attention of the Corporation for the Propagation of the Gospel in New England, which was also known as "The Company." This organization was a missionary society for work among the Indians which was created by the English Parliament in 1649 and funded by the wealthy and influential men of Massachusetts (Levitas 1980:136). The Company managed in 1711 to secure title to Lord Dongan's holdings at Gay Head for £550. Although this purchase was made ostensibly "with the main design of benefiting the aboriginal natives," it merely continued to perpetuate the Indians' status as tenants on their own land. In 1714 the Company dug a ditch and erected a fence across Gay Head neck in order to exclude the public from the Indian community (Banks 1966:II:10-11).

Despite its altruistic pronouncements, the Company was determined nevertheless to gain some income from Gay Head and so permitted a Chilmark man named Ebenezer Allen to lease 600 acres of land there, including several Indian residences (Kellaway 1961:222). When Allen requested an additional 400 acres in 1724 (Allen 1724), the Indians complained vigorously. In light of this opposition and the continued protests against the open-ended leases arranged originally by Mathew Mayhew, the Company reached an agreement in 1727 whereby Abel Hosswit and nine other Gay Head Indian leaders agreed to release 800 acres of land in exchange for the Company's deed granting the remainder of the Gay Head land to the Indians for their sole use and undivided occupancy. This agreement contained a clause which provided that the Indians at Gay Head "shall always be under the direction, government, and stint of said Company" (CPG 1727; Banks 1966:II:11-12). This document was significant because it terminated the leaseholds which had resulted in a loss of land to the Gay Head Indians and gave the Indians a legal basis for their own occupation.

Members of the Indian community at Gay Head were inclined to make their grievances known to the Company by petitioning its commissioners in Boston. In 1738, for example, a number of Gay Head inhabitants requested the conviction of "several young men addicted to stealing sheep" and voted to have these young Indians punished by being deprived of their shares in the common land (CPG 1739).

In addition to being subject to the authority of the Company, the Indians at Gay Head were also considered to be wards of the Province of the Massachusetts Bay. In 1746, the colonial legislature, which was called the General Court, appointed three guardians to oversee the Indian lands on Martha's Vineyard (Province of Mass. Bay 1746).

The Gay Head Indians repeatedly petitioned the General Court, just as they had the Company commissioners, and it is these petitions which offer the only clues available regarding the nature of the Gay Head political system during the 18th century. The people at Gay Head brought complaints before the

General Court at least thirteen times between 1745 and 1767 (Province of Mass. Bay 1745a; 1745b; 1747a; 1747b; 1753; 1755a; 1755b; 1760; 1764; Proprietors of Gay Head 1747, 1749; Indian Inhabitants of Gay Head 1759; Indians of Gay Head 1767). Most of these grievances were generated by land problems or the actions of the guardians.

Three of the signed general petitions, those submitted in 1747, 1749, and 1767, remain extant (Proprietors of Gay Head 1747, 1749; Indians of Gay Head 1767). Each of these contains the names of both men and women. A title is not listed for any of the signers except Zachary Hosswit (a.k.a. Zachariah Howwaswee), who is listed as being a clerk on the 1749 petition. Thus it is not possible to identify a primary leader, and there is nothing to indicate that the aboriginal political system of sachems, pinesses, and powwows had continued.

The 1747 petition includes the names of 38 "Indian Inhabitants, Proprietors, and Owners" (Proprietors of Gay Head 1747), or approximately 28 percent of the total Indian population of 112 as counted by the guardians in that same year (Guardians for the Indians in Dukes County 1747). Since this number might reasonably approach the total adult population, it suggests that the Indians may have acted as a general council, at least for the purpose of petitioning the legislature. This is corroborated by the 1749 petition which contains 33 names and begins by stating that "The Poor Indian Proprietors of Gay Head met together and by a vote made this Humble petition" (Proprietors of Gay Head 1749).

The most prominent leader at Gay Head, at least as reflected in the meager colonial documents, was Zachary Hosswit (Howwaswee), who signed the 1747 and 1749 petitions and who was appointed by the General Court to be one of the three Vineyard guardians in 1774 (Province of Mass. Bay 1774). Hosswit was very much a part of the Protestant establishment at Gay Head, having been employed by the Company as a magistrate as early as 1733, and later as a schoolmaster and preacher (CPG 1729-1787). This suggests that the spiritual leaders in the community, perhaps in the tradition of Mittark, continued to have considerable political influence if not authority.

#### UNDER THE COMMONWEALTH, 1781-1814

The activities of the Company at Gay Head began to lapse as the American Revolution approached. Following the war, the British-based benevolent society found it expedient to shift its operations to Canada. Although the Company never formally conveyed its rights to Gay Head, the new state of Massachusetts assumed immediate jurisdiction over both its property and the Gay Head Indians after the independence of the United States was recognized (Banks 1966:II:13-14). In the early 19th century, a Society for the Propagation of the Gospel Among the Indians, which proposed to take over some of the functions of the old Company, was founded in America. The "Society," as it was popularly known, continually provided funding for the Baptist ministry at Gay Head.

In describing the state's relationship to the Gay Head Indians between the Revolutionary War and 1862, when Gay Head became an Indian District, the Massachusetts Supreme Judicial Court held that

the Indians and people of color constituting the 'Gay Head Tribe'. . . were in a certain sense wards of the Commonwealth, over whose property and persons supervision was exercised from time to time, and for whose protection against the dangers arising from improvidence and incapacity specific enactments were made (Mass. Supreme Judicial Court 1866:135).

During the period after the last guardians were appointed, the court observed that the Gay Head Indian proprietors "managed their own affairs, as well as those of a municipal as of a private nature" (Ibid.: 136). Yet Gay Head was never included within the limits of any township and full state citizenship was not extended to its Indian residents until 1869. As "involuntary wards of the State" they could not sell their land except to other Indians Of Gay Head, make binding contracts, or sue or be sued in the courts (Pease 1871:21).

Membership in the group was based solely on kinship. To be eligible one had only to descend from a Gay Head Indian. This ancestry could be either matrilineal or patrilineal (Ibid.). During certain periods of the group's history, non-Indian spouses and Indian spouses from other groups were accepted as Gay Head Indians (see Genealogical Report).

The Massachusetts legislature attempted to continue the guardian system, making its first appointments in 1781 (Mass. Resolves 1781), and Indians Of Gay Head continued to petition the General Court, as they did in 1785 after becoming concerned about the alienation of their land base (Ibid. 1785). In that same year a group member named Zachariah Howwaswee, who was also the Congregational minister at Gay Head, was appointed as one of the guardians (Ibid.).

In 1792 a group member named Moses Howwaswee conducted a census of Gay Head, which also included an estimation of individual blood quantum. This census shows a total resident population of 251, of which all but 15 were counted as "Natives." An analysis of the blood quantum estimates indicates that 46 percent of the Natives were full-blood Indians and that 54 percent were mixed-blood. Approximately 42 percent of the total Native population had some White ancestry and 28 percent had some Black ancestry. Among the 15 individuals who were considered as "Strangers Married Among Us," 4 were full-blood Indians of tribes or groups other than Gay Head, and 11 had one-half or more Indian blood (Howwaswee 1792).

These statistics indicate that a great deal of intermarriage had taken place in the century and a half since the Mayhews first settled the Vineyard. Intermarriage between Blacks and Indians was common in Massachusetts as early as the 17th century. According to the first authentic census of the Province, published in 1765, Dukes County, which was comprised of Martha's Vineyard, No Mans Land, and the Elizabeth Islands, contained 46 Blacks and 313 Indians (Woodson 1920:46).

There has been some speculation about the source of the Black population at Gay Head. One explanation is that former slaves who had shipped originally via the West Indies to work on the New England "plantations" had moved to the

island and intermarried (Levitas 1980:178). Another is that Blacks came to Gay Head as a result of the whaling industry. However, our genealogical research shows the Black ancestry to be more indirect.

In the latter half of the 18th century, a large proportion of the male Gay Headers shipped as mates aboard whaling ships, so many in fact that Indian whalers from any tribe or group came to be called "Gay Head" by their fellow crewmen. These men were highly regarded for their skill and daring and were favored by many captains as steersmen. Some Gay Headers eventually became first mates and a few even captained vessels between voyages (Poole 1968:122; Hohman 1928:50).

The whaling captains actively recruited for hands in ports throughout the world. Following the American Revolution, their crews began to contain a larger proportion of Blacks (Hohman *ibid.*). A recent study found that Black laborers comprised 8 percent of the whaling hands who shipped out of the neighboring island of Nantucket, the major New England fishery, between 1769 and 1776 (Vickers 1985:289).

Thus by its very nature the whaling industry probably brought seamen from all over the world to the ports of southeastern Massachusetts and increased the opportunities for intermarriage between "Natives" and "Strangers." The offspring of such unions at Gay Head were accepted as Indians and integrated into the community (Levitas 1980:178,204,251).

In 1796 the Commonwealth of Massachusetts recognized the autonomy of the Gay Head Indians by accepting the group's conveyance of a small tract of land to be used for the construction of a lighthouse (Mass. Resolves 1796). The State, in turn, conveyed this land to the United States, which erected the Gay Head Light in 1799. Shortly after assuming his duties as its first keeper, Ebenezer Skiff wrote his superior that "I have no neighbors here but Indians and people of colour" (Railton 1982a:104). He had previously been warned not to become a "retailer of ardent spirits" because it was feared that liquor would destroy the Indians (*Ibid.*: 95). In 1803 it was reported that Skiff's residence at the lighthouse was "about four miles from the nearest family of white people," and that he "had strictly conformed to the restriction respecting the retailing of ardent spirits" (Mayhew, et al. 1803).

The earliest extant description of the "great body of the Indians" at Gay Head was written by James Freeman in 1807. This writer noted that there were 142 "souls" resident there and about 100 absent; "some of whom are children put out to service in English families; and others whalemen." Of the Indians, Freeman noted nine men as being full-bloods and "still more of the women." The rest were described as being "intermixed, chiefly with negroes." They lived in "twenty-six framed houses and seven wigwags." Freeman noted further that every "native," whether resident or not, "is considered as a proprietor" and entitled to a land right in the common pasture (Freeman 1971:51).

In 1808 a church official named Elisha Clap wrote of the Reverend Zachariah Hosswit (Howwaswee): "I understand that his [Congregational] ministry. . . will soon become extinct. Only a few aged Indians, who do not understand English, attend his meeting, as he preaches in the native language. . . Mr. Jeffers, a Baptist, the other preacher in the place, draws most of the Indians. . . ." (Clap 1808).

Zachariah Howaswee and nine other Indians Of Gay Head, referring to themselves as "the few remaining Indians of Gay Head," petitioned the General Court in 1811 for the appointment of "some good and down right honest" guardians to correct what they saw as a deteriorating social situation at Gay Head. They blamed the fact that the group no longer got along "peaceably and well" on the "Negroes and Mulattoes [who] got in among us" (The Few Remaining Indians of Gay Head 1811).

In response to this petition, the General Court passed the first of a series of Guardian Acts designed to better regulate the Gay Head proprietors. This 1811 act authorized the guardians to allot land to each Indian family and to leave the remaining lands for the support of the indigent. According to Ebenezer Skiff, the lightkeeper at Gay Head, who often served as an informal intermediary for the Indians, the Howaswee petition was "fallacious" and the General Court's action was taken without consultation with the larger body of Gay Head inhabitants (Ebenezer Skiff 1823). When the others learned of this action they submitted their own petition refuting the claims of the Howaswee group, whom they characterized as being "a party detached from us." As to the earlier petitioner's claim to being "the few remaining Indians at Gay Head," this petition pointed out that three of the signers were of mixed-blood origin while, by their count, there were more than 48 adults who were full-blood Indians and over 100 who "descended from the aboriginals" at Gay Head. It further described Howaswee as an intemperate preacher and implied that in order to obtain liquor he had sold considerable land and had subsequently caused the Indians to be sued by a White man. Finally, the petition requested that the Governor affirm as guardians three men nominated by the group, all of whom were members of the non-Indian Mayhew family (Proprietors of Gay Head 1811).

#### SELF-GOVERNMENT, 1814-1861

The legislature apparently took no action on this petition, except to increase the powers of the guardians it had already appointed: authorizing them in 1813 to seize Indian livestock as payment for overdue rents (Mass. Acts 1813). The Gay Head Indians ignored the acts of 1811 and 1813 and continued to hold their lands in common. They also refused to recognize the authority of the guardians and eventually forced them to resign. Perhaps because of the remoteness of the Gay Head community, the State made no attempt to coerce the Indians into accepting its control. After 1814 it gave up on the idea of appointing guardians for Gay Head. As a result, the community was allowed to remain self-governing (Levitas 1980:173,175; Earle 1861:38-39).

Annual meetings were held at Gay Head at which leaders were chosen and issues regarding joint property were resolved. This local government also functioned to regulate the clay beds and the common pasture lands and to provide relief for the poor (Mass. Supreme Judicial Court 1866:130-131).

In 1823 the lightkeeper Ebenezer Skiff wrote that the community of Gay Head contained 2400 acres and that "There is no other Tribe of Indians within the Commonwealth that has kept the whole of its land as this Tribe has" (Skiff 1823). However, he also pointed out that "many artful plans have been contrived and many trials have been made to get some part of it out of their hands. . . ." Of the people themselves Skiff wrote that they were "a mixed



multitude of different colour" and that there were "but a few of the aboriginals" (Ibid.).

A special legislative committee studying the forms of Indian government in Massachusetts issued a report on Gay Head to the General Court in 1827. In describing the group government the committee wrote: "In respect . . . to their municipal affairs, the Indians have . . . assumed the business of self-government, and they now hold in their respective meeting or school houses, 'town meetings,' in which they choose a Clerk, Overseer of the Poor, [etc.] and audit with perfect regularity and sufficient intelligence all the accounts of the tribe . . . The women being proprietors, vote in like manner as the men." The report concluded that "The system of self-government which is thus in operation has so many advantages . . . that the Committee are decidedly of the opinion that it ought as far as practical to be retained . . ." (Mass. House 1827).

Perhaps as a result of this report, a Guardian Act passed in 1828, which severely limited the powers and activities of the Indian communities at Chappaquiddick and Christiantown, was never imposed on Gay Head (Mass. Acts 1828). The Gay Head Indians thus retained their independent political system, continued their isolationist policies, and only petitioned occasionally the General Court for support or relief. In 1838, for example, a petition signed by 53 Gay Head Indians requested that a law be enacted to prohibit the sale of liquor to Indians (Indians and People of Colour at Gay Head 1838). The next year a petition with 31 signatures requested that the legislature appropriate funds for the construction of a grist mill at Gay Head (Ibid. 1839). The General Court acted favorably on these petitions and passed enabling legislation in both cases (Mass. Acts 1838; 1839). Beginning in 1835, it also authorized appropriations for support of the Indian school at Gay Head (Ibid. 1835). This direct funding was continued by the legislature into the 1890s.

In 1839 the historian John Warner Barber wrote that Gay Head was "inhabited by descendants of the native Indians who own 2400 acres of land, most of which is under good improvement." "Within a few years," he continued, "the conditions of these people is much improved in point of temperance and general moral reformation. In this good cause, Simon Johnson and Zacheus Hauwassowee [sic] are actively involved" (Barber 1839). Zacheus Howwaswe was also the first signer of the 1838 and 1839 petitions, which may have been an indication of his political standing within the community.

Barber estimated the group population to be 235, and a special legislative committee counted 240 Gay Head Indians in 1838, approximately one-fourth of whom were reported to be employed as whalers (Ibid.; Browne 1838). Thus the 53 individuals who signed the 1838 petition and the 31 whose names appeared on the petition of 1839 may well have represented the vast majority of the adult Indians present at Gay Head.

In 1840 Ellis Skiff, who had succeeded his father Ebenezer as the lightkeeper at Gay Head requested that the Federal Government purchase a right of way from the lighthouse to its only source of water, a reservoir which had been constructed 30 years earlier by the elder Skiff. "The distance is about a half a mile across fields belonging to the Indians and people of Colour," wrote the younger Skiff, "one of which has fenced in the spring and has commenced ploughing the land all around the spring" (Skiff 1840). It is assumed that such a right of way was obtained.

A special legislative committee conducted an investigation of Gay Head and reported its findings to the General Court in February of 1849. The committee found that the population consisted of 162 "native" members, 12 "foreigners," and 10 men who were "at sea" (Mass. House 1849:18). "For about thirty years," wrote the committee, "they have been without a guardian, and the division of their lands, and indeed the whole arrangement of their affairs, except of the school money, has been left to themselves" (Ibid.:20). Approximately 1900 of the 2400 acres of land at Gay Head was found to be held in common without benefit of a statutory title. The Indians had continued the tradition of allowing any member to appropriate for their own use as much of the improved common land as needed (Ibid.:18-20). "The most singular and creditable fact in connection with this," the committee observed, "is that, while one proprietor has but half an acre, and another has over a hundred acres, there is no heartburning, no feeling that the latter has more than his share" (Ibid.:21).

In regard to economic activities, the committee found that the Indians sold between 150 and 300 tons of clay each year from the Gay Head cliffs, and harvested 150 to 300 bushels of cranberries. "When the berries are in the proper state to be picked, notice is given to the whole tribe, and, on a certain day, all who wish, go and pick all they can, each being entitled to the gathering of the day" (Ibid.). The committee also found that approximately \$235 was derived each year from pasture leases on the common lands and was "appropriated, under the direction of a committee, to public purposes, mainly to the support of the poor" (Ibid.).

There is evidence that by the 1850's the Gay Head Indians were electing three representative members to serve as "overseers" (guardians or spokesmen). In 1855 the three men who served in this capacity, Zacheus Howwaswee, Samuel Peters, and Aaron Cooper, petitioned the Commonwealth to survey the disputed boundary line between Gay Head and Chilmark (Howwaswee, et al. 1855). After a legislative committee appointed to investigate the matter concluded that the boundary first described in Mittark's deed of 1684 was valid (Mass. House 1956), the General Court officially delineated the Gay Head boundaries in 1856 (Mass. Acts 1856). In 1857 Isaac D. Rose, a non-Indian married to a Gay Head woman, served as the overseer (Overseers of Gay Head 1857).

An individual named John Milton Earle was directed by the General Court in 1859 to investigate the State's relationship with its Indians groups. In 1861 Earle submitted to the legislature the results of an extensive study on the social, political, and economic conditions of the Indians. Earle placed the Gay Head population at 204, of whom 10 were classified as "Foreigners," 12 were Indians born elsewhere who had intermarried, and the rest were "Natives." In addition, he found that there were 49 individuals who had moved from the Vineyard, primarily to New Bedford on the mainland, and who were therefore not recognized by the Natives "as having retained any rights, as members of the tribe" (Earle 1861:30-31).

Regarding the racial mixture of the community, Earle observed:

The people of Gay Head, like those of the other plantations, are a mixture of the red, white, and black races. They have, also, an infusion of the blood of the chivalry of the South, as well as of the Portuguese and Dutch, as might be inferred from the names of Randolph, Madison, Corsa, Sylvin, and Vanderhoop being found among

them. Nearly all of the young men, heretofore, have gone to sea, and many of them never return; some dying at sea, and others finding new homes in distant lands. The places of these are supplied by others, chiefly sailors, from abroad, who, getting acquainted with the Gay Head men at sea, come here, and marry Gay Head women, and settle here for life. By this continued efflux of native males, and influx of foreign males, the Indian names have almost become extinct, and but for two or three families, a list of their names would never suggest an idea of their aboriginal origin. The admixture is much like that of the other plantations, with, perhaps, a less infusion of the African than in some of them. A few are so strongly marked with Indian characteristics, as to induce the belief that they are very nearly of pure blood; but there are none so nearly white, as in some of the other tribes (Ibid.:34).

Earle not only found it remarkable that the land continued to be held in common without recorded titles or laws regulating transfer and descent, but also that the "whole civil polity of the tribe" was governed by its own independent law rather than those of the Commonwealth to which it was nominally subject. "This law is the unwritten tribal law," he observed, "which, from its apparently favorable working, is probably as well adapted to their condition and circumstances as any that can be devised. At any rate, they adhere to it with great tenacity, and are fearful of any innovations upon it" (Ibid.:33).

The local government which Earle described was similar in many respects to that of small Massachusetts towns: "The municipal organization consists, mainly, of three overseers, a clerk, treasurer, school committee, and committee on public lands, and by these their affairs are regulated and managed. The school committee performs the duties incident to such committees in the towns, and those of the prudential committee also" (Ibid.:40). Regarding Gay Head's relationship to the state government, Earle wrote: "The people have in former times, suffered so much from outward interference in their affairs, that they have become very fearful of it, and for that reason are always indisposed to make any want known to the legislature, lest it should be made the occasion of such interference" (Ibid.:37). Accordingly, he reported that the Indians had rejected the suggestion that they be enfranchised as citizens and incorporated as a town. Finally, Earle concluded that all knowledgeable parties concurred in the belief "that the present relations of the tribe to the rest of the community, and to the State, should remain unchanged" (Ibid.:43). Nevertheless, he recommended that the traditional practices at Gay Head and the running of the school should be given legal sanction and authority, that those who voluntarily withdraw from the community be prohibited from claiming residency rights or returning for support, and that all marriages, births, and deaths should be registered (Ibid.:44-45).

#### DISTRICT STATUS, 1862-1870

Some of Earle's recommendations were implemented in an act passed by the General Court in 1862. Section 4 of this statute clarified the legal status of the local government by establishing Gay Head as a district, identical in standing to the district which had earlier been established for the Indians at Mashpee. Gay Head was thus incorporated as a municipality and its residents

were afforded municipal rights and privileges. This law restricted municipal voting to resident male Gay Head Indians and Indian men from other groups within the state who were married to Gay Head women. Non-Indian men married into the community were also permitted to vote if approved by two-thirds of the other legal voters. The acting clerk at Gay Head was authorized to designate a convenient time and place for organizing a district government. A clerk for the district was also charged with establishing and maintaining a roll of all Indians Of Gay Head, a register of all marriages, births, and deaths, and a record of all land holdings and conveyances (Mass. Acts 1862). Subsequent documents indicate that the voters of the district held annual meetings and elected a clerk, treasurer, and at least two selectmen (Mass. Supreme Judicial Court 1866:131; Cooper, et al. 1869). The man who served as the district clerk in 1869 was Isaac D. Rose, a non-Indian who had previously served as the Gay Head overseer in the late 1850s (Cooper, *ibid.*; Overseers of Gay Head 1857).

The 1862 act also extended the rights of full state citizenship to all Indians within the Commonwealth except those at Gay Head or on the state's other six "Indian Plantations." These excepted Indians could also gain the rights of citizenship, however, if they took up residence within a town, registered their intent with the town clerk, and paid a poll tax, thereby giving up their legal status as Indians (*Ibid.*).

In the legal evolution of Massachusetts communities, a district was considered a way station between plantation status and incorporation as a town. For Indians, it was also considered a transition point between wardship and citizenship (Hutchins 1986:64). As a "body corporate and politic," Gay Head now had the power to own, purchase, and convey land, to sue and be sued in court, to enter into contracts as a community, and to be indicted for crimes as a corporation. However, it did not have the power to raise taxes (Levitas 1980:211,215).

The imposition of district status on Gay Head augured profound changes for the community. By increasing the power of elected officials and denying women the right to vote, it disrupted the egalitarian traditions of the Indians. It also established the groundwork for terminating their communal system of land tenure by hastening the development of a system of codified laws and recorded deeds (*Ibid.*:214-215). This change was made evident in 1866 when the Massachusetts Supreme Judicial Court ruled that the District of Gay Head was not the legal successor to the Gay Head Indians and was not liable for any debts or demands which existed against the Indians prior to incorporation. The court further ruled that prior to 1862 the Indians were incapable of contracting a debt for which they could be held liable without the consent of their guardian, and the fact that they had no guardian did not make them competent to enter into contracts (Mass. Supreme Judicial Court 1866:129). Ironically, Gay Head individuals had readily contracted for goods and services on credit prior to 1862, but district status virtually destroyed this freedom. Since it made the community liable for the individual debts of its residents as well as those contracted by the overseers, and since the community had no treasury, district status had the effect of drying up credit at Gay Head (Levitas 1980:213-214).

State intrusion in Gay Head affairs followed rapidly. In 1863 the General Court, following Earle's recommendation that state law be imposed on the existing land system at Gay Head, ordered that the boundary lines between

individual land users be ascertained (Mass. Acts 1863). Charles Marston was appointed to complete this work, and he began meeting with the Indian descendants at Gay Head soon after his appointment (Marston 1866). In response to complaints that dogs from Gay Head were ravaging sheep on the Vineyard, the General Court in 1864 extended the state laws concerning the protection of domestic animals to Gay Head, and for the purposes of enforcing this law deemed the District of Gay Head to be "a part of the town of Chilmark" (Mass. Acts 1864).

Charles Marston became seriously ill before completing his survey. However, he managed to establish the boundaries of many of the existing farms and homesteads at Gay Head. In 1866 the General Court confirmed the land titles he had established up to that time and ordered that these titles be deposited in the registry of deeds for Dukes County (Mass. Acts 1866). By this same statute, Richard L. Pease was appointed to continue Marston's work.

Subsequent to these enactments, the state government moved quickly to eliminate the peculiar legal status of its non-citizen Indians. Between January of 1867 and February of 1868, the House of Representatives ordered three special committees to study the feasibility "of removing the civil and political disabilities under which they are placed, and of merging them in the general community as citizens" (Mass. House 1867a; 1867b; 1868). Yet the legislature declined to take action until after Governor William Claflin, in his annual message to the General Court on January 9, 1869, strongly denounced this "political anomaly" and declared that "It should exist no longer." The governor further opined that:

These persons are not Indians in any sense of the word. It is doubtful there is a full-blooded Indian in the State . . . A majority have more or less the marked characteristics of the aboriginal race, but there are many without a drop of Indian blood in their veins. The marriage of a foreigner with a member of a tribe transforms the foreigner into an Indian. The result of this singular system has been a heterogeneous population, in which the characteristics of the white and negro races have already nearly obliterated all traces of the Indian (Claflin 1869).

Commenting on the governor's comments some 35 years later, a Gay Head Indian spouse named Mary A. Cleggett Vanderhoop wrote: "In the offspring of the intermarriages the strongest blood may show externally and the predominant features are those of either the white or the negro, but the Inner self, the ego, the soul, the mind, the living principle, is wholly and always and forever -Indian" (Vanderhoop 1904).

Three weeks after the governor's address, on January 30, 1869, the selectmen, treasurer, and clerk at Gay Head petitioned the General Court on behalf of "the citizens of the district," expressing the view that they did "not at present feel willing to assume the burdens of citizenship." This petition requested that they be permitted to maintain their status as an Indian district because: (1) without special state aid they would not be able to support their schools; (2) the Society for the Propagation of the Gospel would no longer provide for the support of their preacher because they would soon lose their "identity as Indians;" (3) they were too poor to survey, clear, and fence their lands on their own; and (4) they did not want to be incorporated into the town of Chilmark (Thomas Jeffers, et al. 1869). A few

weeks later, on March 3, the selectmen and 26 other district residents petitioned the legislature to protect their land rights in the cliff area (Cooper, et al. 1869).

In May of 1869, seven Gay Head residents petitioned the General Court on their own behalf, expressing their desire to become citizens and have all of the common lands permanently divided into individual plots (Rodman, et al. 1869). The seven petitioners included three men (two Indian and one non-Indian) who had married into the group, their Gay Head spouses, and a man of Gay Head ancestry who had been born and reared elsewhere. Thereafter a special committee completed yet another study of the legal status of the Indians and concluded, even without visiting Gay Head, that the state's Indian descendants were almost totally devoid of political or civil rights. As a solution to this problem, the committee proposed legislation which would grant full citizenship to all "Indians and people of colour heretofore known as Indians," including the right to hold fee simple title to allocated lands (Mass. House 1869). It also recommended that all of the Indian common lands be divided, except at Gay Head and Mashpee. Finally, it proposed special legislation to charter Mashpee as a town, but requested deferral of the land question at Gay Head until it had an opportunity to visit that district (Ibid.).

On June 23, 1869, the General Court enacted the recommended legislation (Mass. Acts 1869a), and in a separate act appointed a joint legislative committee to report on conditions at Gay Head (Mass. Acts 1869b). Thus the Indians at Gay Head were made citizens of the Commonwealth despite the objections of their elected officials.

The appointed legislative committee held meetings at Gay Head to discuss the objections expressed in the January 30 petition. The issue of enfranchisement having already been decided, the committee pledged continued Commonwealth support for the Gay Head school and expressed the hope that the Society for the Propagation of the Gospel would also continue to support the local ministry despite the fact that the Gay Headers were "no longer technically Indians." After taking further testimony, the committee concluded that the people of Chilmark were strongly "opposed to the annexation of Gay Head to them," and that the Gay Head citizens were "(with one exception) unanimous for a separate township" (Mass. Senate 1870). The accuracy of this statement has been questioned by Levitas in light of evidence that indicates continuing dissension in the Gay Head community over this issue (Levitas 1980:215-221). Nevertheless, the committee, in its report to the Senate on January 30, 1870, recommended that Gay Head be incorporated as a town (Mass. Senate 1870).

#### TOWN STATUS, 1870-1920

Following this recommendation, the General Court enacted legislation on April 30, 1870, which established Gay Head as a town (Mass. Acts 1870). Thus, the final "political anomaly" in the Commonwealth was eliminated and the Gay Head Indians were no longer officially recognized as a distinct tribal entity by the State. Gay Head was now incorporated as a township in the same representative district as Chilmark "with all the powers, privileges, rights and immunities, and subject to all the duties and requests" of all the other towns in the state. A mechanism was established for calling the first meeting to elect town officials, and for dividing the common lands and establishing individual boundaries. The law further authorized the construction of a road

from the Chilmark line to the lighthouse as well as provided continued support for the Gay Head school for a period of five years (Ibid.).

In accordance with this statute, the citizens of Gay Head met in August of 1870 to organize a town government and elect its initial officers. Over the course of the next century, this local government operated primarily through an extended kinship network of Gay Head Indian descendants. All of the selectmen and the majority of the other elected town officials were Gay Head Indians. Certain lineages were represented consistently and family ties were usually indicative of political alliances (Grabowski 1982:74).

Despite the enfranchisement of Gay Head Indians, the Commonwealth continued to recognize a special status for its Indian citizens. The state laws as codified in 1882, for example, continued to authorize payments to indigent Indians, to exclude Indians from the general restrictions placed on harvesting shellfish, and to provide for the prosecution of trespassers on Indian lands (Mass. Public Statutes 1882a; 1882b; 1882c). Although the General Court generally treated Gay Head like any other town without reference to its being a community of Indian descendants, it did acknowledge on occasion that there were Indians living there. On January 29, 1884, for example, Representative Chappelle of Boston moved to have a House committee consider a proposal for providing monetary awards to "those members of the tribe of Gay Head Indians" who had helped rescue the 30 survivors of the steamer City of Columbus, which had run aground near Gay Head during a storm on January 18 (Mass. House Journal 1884; Attaquin 1970:37-38; Mayhew 1956:127). The General Court authorized a payment of \$200 each to eleven Gay Head men (Mass. Acts 1884), and their heroism was also recalled to the credit of the town in 1891 when the legislature appropriated funds to repair the Gay Head school house (Mass. Acts 1891; Vineyard Gazette 1891). When town resident Edwin D. Vanderhoop was chosen in 1888 to represent Dukes County in the General Court, he was acknowledged to be the first Indian descendant ever elected to a seat in the state legislature (Hough 1975:123; Attaquin 1970:39; Vanderhoop 1973:14).

In 1871 Richard L. Pease completed his examination of land titles at Gay Head and issued a final report to the Commonwealth which included a census of the Gay Head membership. Pease counted 227 Gay Head Indians, of which 188 were native-born and 39 were born elsewhere. Although he had tried to be as meticulous as possible, he warned that his census of 1871 was only approximate since: "It is not an easy matter to enumerate all who ought to be numbered as Gay Head Indians, and none but those; for the rule has been, 'once a proprietor, always a proprietor.' Those who have left, either permanently or temporarily, claim still to belong to the tribe, together with the families of such as have them. Not a few lead a roving, unsettled life, seafaring men, often absent for years at a time, frequently without their friends knowing where they are" (Pease 1871:27). As if to prove his point, the Federal census of 1870 found only 160 residents at Gay Head, of whom 151 were listed as Blacks rather than Indians (Bureau of the Census 1870). Our genealogical research indicates that at least 15 Gay Head residents were missed by this Federal census.

After Gay Head was incorporated as a town, Richard Pease and his cousin Joseph Pease allotted portions of the common lands to community members. Plots were divided among individuals with each receiving scattered tracts with access to agricultural land, woodlots, or the beach (the rationale for individual allotments is now difficult to discern). However, the granting of fee simple

titles to individuals did not halt the communal exploitation of land and resources. Community members, including those without land of their own, were still given open access throughout the town to plant, hunt, fish, pasture livestock, and collect fruit. This communal ethic, which was viewed as being characteristically Indian by the Gay Headers, was even extended to the homesteads themselves, which were considered to be the joint property of all family members (Grabowski 1982:49,66). Some common land, including the cranberry bog, cliff, and Herring Creek areas, was left unallotted. Because Gay Head Indians made exclusive communal use of these areas, they came to assume that these lands belonged to them as Indians, when in fact they were the property of the township.

For the first time since 1711 the individual proprietors at Gay Head could now sell or mortgage their property at will. Some did choose to sell their homesteads to non-resident Whites and others lost their mortgaged land through foreclosure when debts to grocers and other merchants could not be paid (Levitas 1980:335,354). In 1879 a group of Chilmark fishermen began moving their summer marine operations to an area on the north shore area of Gay Head which came to be called Lobsterville (Ibid.: 262,266). As a result of these developments, there were 18 non-resident property owners at Gay Head by 1895, of whom 10 were from off island (Ibid.: 352). However, this gradual shift in land ownership, which continued into the 20th century, did not bring about a commensurate increase in the non-Indian population. In 1900, 32 of the 34 registered voters and 162 of the 173 residents at Gay Head were listed as being Indian (Town of Gay Head 1900; Bureau of the Census 1900).

Gay Head allottees tended not to will their property, so when they died their land interests were merely divided on paper among numerous heirs. The complex system of scattered land ownership thus took on some of the heirship characteristics common to Federal Indian trust allotments. However, in this case the problems were compounded by the fact that there were no restrictions against taxation or alienation and good written records of conveyances were not kept. Thus town officials always had difficulty collecting taxes and some heirs managed to use and even sell inherited land without the consent of other legal heirs (Levitas 1980:355-356; Grabowski 1982:66).

Farming declined at Gay Head after the land was allotted. As an alternative livelihood to whaling, which ceased to be important after the Civil War, Gay Head men gradually turned to commercial fishing (Levitas 1980:260). Others found employment at a local clay pit (Ibid.:274). In 1895 the U.S. Life-Saving Service (now known as the U.S. Coast Guard) established a station adjacent to the Gay Head lighthouse, and several local men enlisted as surfmen (U.S. Life-Saving Service 1899).

By the 1870's excursion steamboats were bringing mainland tourists in large numbers to Gay Head to see the spectacular multi-colored cliffs and the lighthouse. Some Indian descendants were able to profit from this boom, which lasted until 1890, by providing food, lodging, and transportation to the tourists (Mayhew 1956:127-128; Levitas 1980:327-328). However, the tour and steamboat operators chose to ignore the fact that Gay Head was an Indian town in their advertising (Levitas 1980:321). Likewise, out of a sampling of five travel guides to Martha's Vineyard published between 1874 and 1882, only one acknowledged that there were "remnants of the tribes living on the soil" (Shaler 1874:738-739). However, the author of this guide also observed that "the Indian blood has been almost washed away by the mixture of the negro and white races" (Ibid.).



Some of the demographic trends apparent at Gay Head in the late 1800's continued into the present century. There was a gradual decrease in the native population as the number of Indians who left the community increased. This resident population declined by 22 percent (from 162 to 126) between 1900 and 1920 (GHWT 1985:3), and by another 22 percent (from 126 to 98) between 1920 and 1940 (Ibid.). At the same time, non-Indians continued to acquire more land, gaining title to one-third of the Gay Head land base by 1915 (Town of Gay Head 1915). In addition, more and more non-Indian property owners began to take up residence within the community. In 1914 they formed the Gay Head Improvement Association to protect their interests (Levitas 1980:497). By 1920 they comprised 13 percent of the total population (GHWT 1985:3), and this proportion increased to 20 percent by 1930 (Ibid. 1930) and to 23 percent by 1940 (Ibid.).

Anthropologist Gloria Levitas, who conducted the most extensive ethnographic investigation of Gay Head, has concluded that with the imposition of town status upon their community, the Gay Head Indians lost their political autonomy as a tribal group (Levitas 1980:595-596). However, the acknowledgment petition maintains that after incorporation the imposed town government structure was adapted by the Indians as their governing body, so that in effect the town and the Indian government became one and the same. To demonstrate the political monopoly held by the group, the petition points out that every selectman between 1870 and 1982, with one exception, was a group member, and that "until recently, . . . [Indians] held every other elected office" (GHWT 1983:I:(c)8). While it is true that there was only one non-Indian selectman, non-Indians have consistently held positions in the local government since incorporation. A cross-referencing of lists of town officials with the group's ancestry charts indicates that between 1870 and 1972, the year in which the Wampanoag Tribal Council of Gay Head was formed, at least 34 of the individuals elected or appointed to town offices were not of Gay Head Indian descent. Lists of town officers for the period 1870 to 1899 are no longer extant, but state records indicate that the first man to hold the important position of town clerk was William D. Vanderhoop, a non-Indian, and that for the period 1873 to 1888, this post was held by Isaac D. Rose, a non-member mulatto who had previously served as an elected overseer and as the district clerk (Mass. State Vital Records 1841-1890). Between 1899 and 1920, five (5) other non-Indians were town officials, including Charles H. Ryan (cranberry agent, 1899-1901), Charles S. Hatch (auditor, 1910), William M. Marden (town clerk, 1921-1922), Merriam C. Hayson (library trustee, 1921-1922), and Harry W. Webster (constable, 1926) (Town of Gay Head 1899-1980). With the exception of Hatch, however, all of these individuals were married to Gay Head women.

The precise nature of the town government between 1870 and 1955 is not known because the records of town proceedings no longer exist. While there is convincing evidence that group kinship ties played a crucial role in this local government, the town structure would have made for a peculiar kind of tribal governing body. Unlike any other tribal government, the town government was mandated by state law to accept legal responsibility for all residents of the township. This came to include an increasing number of non-Indians. The proportion of non-Indian residents grew from 13 percent in 1920 to 47 percent by 1970 (GHWT 1985: 3). At the same time, as a municipal polity the local government had no legal authority outside of the town boundaries. Therefore, it could not legally maintain jurisdiction over the significant number of Gay Head Indian descendants who left the town to reside elsewhere, either permanently or temporarily (the resident Indian population decreased by approximately 61 percent between 1900 and 1970) (Ibid.). However, those

non-resident Indians who still held property or paid taxes in the town may have been affected by local government actions. No evidence was found to indicate that the town officials exerted any informal political influence or control over the non-resident Gay Head Indian descendants or that the non-residents participated in the political process within the town.

State law also restricted the political participation of non-residents. Those Indian descendants who did not maintain residence at Gay Head at least part of the year were not entitled to vote there, either in the town meetings or the general elections. The town's voter registration records for the period 1884 to 1916 indicate that in order to register in October of any given year, an individual had then to be resident in Gay Head and also to have resided there on May 1 of that same year (Ibid.: Exhibits).

During the first fifty years of the town's existence (1870-1920) the selectmen only petitioned the General Court on two occasions: in 1891 to request funds for school repairs (Mass. House 1891) and in 1896 to reestablish the Gay Head-Chilmark boundary (Thomas Jeffers et al. 1896). Thus there is virtually no evidence to indicate how the local government functioned for either the town or the group during this period. Knowledge regarding the status of the town government after 1920 can only be gleaned from indirect sources, since the official town records burned in a fire in the 1950s. Beginning in 1921, state records indicate that legislation was occasionally introduced in the General Court on behalf of the town, and from 1955 onward town meetings were routinely reported in the Edgartown newspaper, the Vineyard Gazette. From the perspective of these sources, the substance and form of the local government appears indistinguishable from any other small New England town, and it is difficult to characterize any of the actions of this governing body as being distinctively Indian or tribal. It did not, for example, take action to assert an Indian identity, define group membership, or perform traditional ceremonial functions. Its focus was entirely on mundane civil matters.

In 1916 the community opposed a bill generated in the General Court by non-Indian property owners to create a 100 acre state park at the Gay Head cliffs. Gay Head Indians called in the noted Sioux spokesman Dr. Charles Eastman to argue in their support at a local hearing and, as a result, were successful in getting the legislature to reject the proposal (Levitas 1980:415). Although this development was indicative of the community's Indian identity and its possible links to off-island Indians, there is no evidence that the town government was in any way involved.

Levitas and Grabowski have demonstrated how proud the Gay Head community was of its self-sufficiency and how it therefore worked to keep itself isolated from outside attention. This insularity was upset in 1918 when Lorenzo D. Jeffers, the most controversial political figure at Gay Head during this century, and the son of a former town selectman, pointed out certain irregularities in the town government to state authorities and asked that they take steps to provide better training for local officials. Although it was apparently Jeffers intent to establish himself as a mediator between Gay Head and the outside world and thus perhaps gain more state aid for Indians, Levitas reports that this move scandalized the town, not only because of the negative attention it drew, but also because the investigation ultimately implicated Jeffers' own father (Levitas 1980:405-406). Nevertheless, Jeffers was elected as a town selectman in 1920 and served in this capacity until 1926 (Town of Gay Head 1899-1980).

### INDIAN IDENTITY, 1900-1930

A sampling of local histories and travel guides published between 1908 and 1932 indicates that Gay Head was consistently identified as an Indian community (Hine 1908:202; Vineyard Gazette 1915; Eaton 1923; Vineyard Associates Publicity Bureau n.d.; Norton 1923; Goell 1925:10; Martha's Vineyard Chamber of Commerce 1930; Anonymous 1932). In a travel brochure published by the New England Steamship Company in 1923, William Pritchard Eaton wrote:

the Gay Head peninsula, by the way, is a separate township, almost entirely populated and administered by the last of the Indians who originally dwelt on the Island. They seem to have kept their native stock more pure than the Narragansetts of South County, Rhode Island, and it is a strange sensation to come out on the brow of the cliffs and see sitting there a group of children, silently waiting for you to buy one of the small jars they have fashioned out of the red and yellow clays--vessels that preserve intact the shapes designed by their remote ancestors (Eaton 1923).

Between 1905 and 1918, the United States Government also recognized at least six Gay Head boys as being eligible to attend the Carlisle Indian Industrial School at Carlisle, Pennsylvania (Carlisle Indian Industrial School 1905-1918). Of these known students, two eventually became town selectmen (Lorenzo D. Jeffers, 1920-1926, and Charles W. Ryan, 1935-1949), one the town clerk (Lyman B. Madison, 1923-1942), and another the Medicine Man for the Howwaswee Council (Napoleon Madison) (Town of Gay Head 1899-1980). The other student was Chester Cook.

The ethnologist Gladys Tantaquidgeon conducted field studies at Gay Head during the summers of 1928 and 1929. Although she found little evidence of the survival of aboriginal culture and was only able to collect a meager vocabulary of fewer than 100 Algonquian words, she maintained that the people she observed "may still be regarded as Indians" (Tantaquidgeon 1930:1-26). Anthropologist Gloria Levitas has concluded that Gay Head's Indian identity was sustained, despite the disappearance of native language and culture, by geographic isolation, by racial prejudice which prevented social and economic integration with the rest of the Vineyard, and by the fact that such an identity was good for the town's burgeoning tourist trade (Levitas 1980:448,470). She maintained further that although Tantaquidgeon had observed that some Gay Head Indians retained knowledge of Indian crafts, healing techniques, and superstitions as late as 1929, communal land use became the only trait which distinguished Gay Headers as being Indian (Ibid.: 381,470).

Most Gay Head Indians preferred to identify themselves as Wampanoag descendants and were publically referred to as Indians by most other island residents, although many tended to perceive them as being Black rather than Indian (Ibid. 32,331). Because the Gay Head Indians were regarded as subordinate to Whites in the social hierarchy of Martha's Vineyard, they became the subject of racial prejudice and segregation (Ibid. 61). For example, there was little social interaction and no intermarriage between Gay Head families and those in the neighboring town of Chilmark, and there was only one recorded marriage between a Gay Header and a White island native (Ibid.: 278,331,333). Thus, in the early 20th century, most social contacts

were restricted to other Indian descendants, and later with Blacks from the down-island towns of Oak Bluffs and Vineyard Haven, including with those Portugese known as "Bravas." Still later, the Gay Headers intermarried with Whites who had moved to the island. The Indian descendants tried very hard to distinguish themselves from Blacks in the eyes of island Whites, but did not always succeed in doing so (Ibid.:62). Those Indian descendants who intermarried with Blacks or had Black ancestry were still generally regarded as being Indians if they remained on the Vineyard. However, many Gay Headers who moved off-island found that their Indian identity was questioned by Whites, Blacks, and even other Indians (Ibid.:32).

Levitas was struck by the lack of community celebrations at Gay Head and speculated that the group's extensive off-island social ties may have eroded the internal cohesion of the community (Ibid.:384). The only enduring community celebration was the annual day-long cranberry harvest in October. The acknowledgment petition maintains that Cranberry Day "was, and continues to be an exclusively Gay Head Indian event" (GHWT 1983:I:67). Yet, it is curious that between 1899 and 1901 a non-Indian was chosen to be the Cranberry Agent, the town official whose duty it was to supervise the harvest (Town of Gay Head 1899-1980). As described below, one observer noted that by 1947 the festivities surrounding this event had much declined (Loveridge 1947).

The community Baptist church provided for a great deal of social cohesion at Gay Head (Tantaquidgeon 1934), but was not exclusively Indian. Non-Indians from Lobsterville attended services and contributed to the upkeep of the building, and exchange services were sometimes held with the White congregants of the Baptist church in Vineyard Haven (Vanderhoop 1973:31-32). During the 1920's and 1930's, summer residents from down-island also brought their "colored maids" to the Gay Head church (Grabowski 1982:2-3).

Twenty-three men from Gay Head served in the armed forces during World War I and one lost his life. In proportion to its size, Gay Head sent a larger percentage of servicemen to the war than any other town in New England. To commemorate its patriotism, Governor Samuel McCall dedicated a plaque in front of the town hall on April 6, 1918 (Attaquin 1970:40). However, neither the plaque nor the ceremony reflected the fact that all but one of the Gay Head men were of Indian descent.

During the 1920's Gay Head town officials petitioned the General Court on three occasions, and in each case favorable legislation was enacted. Laws passed in response to petitions in 1921 and 1923 authorized the town selectmen to regulate certain kinds of trawl fishing in town waters (Mass. House 1921; 1923; Mass. Acts 1921; 1923). In 1928 the legislature permitted the town to borrow money for the construction of a town hall (Mass. House 1928; Mass. Acts 1928).

During the first three decades of this century, several modern pan-Indian movements were organized by a number of acculturated Indian descendants who felt the need to establish a new Indian identity beyond their local tribe or group yet fully within the social order of the dominant culture (Hertzberg 1971:viii,299-301). In New England, as elsewhere, this phenomenon led those with Indian ancestry to renew their interest and activity in tribal culture, to create new pan-Indian organizations, and to seek ties to similarly motivated Indian groups through mutual activities such as powwows.

In the late 1920's, Lorenzo Jeffers, Harrison Vanderhoop, Napoleon Madison and some others of the so-called "cosmopolitan" Gay Headers (those who had spent considerable time off-island) became active in the Wampanoag Nation, a new pan-Indian organization formed by the Indians at Mashpee. This group sought to revive Wampanoag culture and to replace the territorial basis of the Indian communities at Mashpee and Gay Head with a tribal organization founded on common ancestry. It recognized Jeffers and Vanderhoop to be the chiefs of its local branch at Gay Head, which was called the Aquineah Council (Levitas 1980:411-412; New Bedford Standard Times 1934; 1935). According to one source, Jeffers successfully led a movement against the town government's reigning political faction in 1931 which led to its ouster (Vineyard Gazette 1931).

### THE 1930's

In the early 1930's the emergence of a new ethnic consciousness became apparent at Gay Head when some community members began sponsoring an annual powwow at the cliffs (Ibid. 1932). In 1933 a number of off-island Indian descendants were invited to a special powwow ceremony honoring Gay Head's superlative participation in World War I (Ibid. 1933). According to Levitas, this event marked the first time that the Gay Head Indians formally recognized their relationship to other Indian communities (Levitas 1980:380). In 1933 the community was also invited to send representatives to a ceremony dedicating the Bourne Bridge on Cape Cod. Although there is conflicting evidence on this subject, this event may have stimulated the formation of a local ceremonial organization at Gay Head, which may have either been the Howwaswee or Aquinah Council (See GHWT 1983:I:12). Yet the community as a whole and its town government ultimately rejected any formal pan-Indian alliances and spurned attempts to redefine the Gay Head Indian community in broader terms.

In 1932 the community denied the efforts of certain non-resident Indian descendants who attempted, with Lorenzo Jeffers' support, to gain voting rights at Gay Head (Levitas 1980:411-412). In 1934 it voted overwhelmingly against Harrison Vanderhoop in his bid to become a town selectman and refused even to reelect this pan-Indian supporter, who had worn Indian regalia to the town meeting, to the minor post of fish warden (Vineyard Gazette 1934). This rejection of Vanderhoop may have been related to his alliance with Jeffers in endorsing the idea of island merchants to create a national park at the Gay Head cliffs. Because of his stand on this issue, Vanderhoop was deposed as Chief of the Aquineah Council. His position was then assumed by Leroy W. Perry, the Gay Head preacher who was also the Tribal Chief of the Mashpee Indians and the Supreme Sachem of the Wampanoag Nation (Levitas 1980:413; New Bedford Standard Times 1935). Perry and the rest of the Gay Head community also declined to support Jeffers' idea to establish an Indian Day in Massachusetts (Levitas *ibid.*)

In a report submitted to Commissioner of Indian Affairs John Collier in December of 1934, the ethnologist Gladys Tantaquidgeon identified the Aquineah Council and not the town officers as representing the "tribal government" at Gay Head. In this same report, Tantaquidgeon estimated that there were 150 Gay Head Indians present in the community and 52 others who were considered "absentee" (Tantaquidgeon 1934).

A faction fight for leadership of the Wampanoag Nation in 1935 led Jeffers and Vanderhoop to organize a competing organization at Gay Head known as the Howwaswee Council. The formation of this council, which took its name from the old Gay Head family, permitted Gay Headers to assert their identity with cultural aspects they considered Indian and at the same time maintain their traditional independence. Harrison L. Vanderhoop, the deposed Chief of the Aquineah Council, was elected to lead this organization and became known as "Chief Nohono." Napoleon Madison, a supporter of Perry who had also served as the Medicine Man for the Wampanoag Nation, became the Medicine Man for this new council after Harold Manning resigned during his first year. Lorenzo Jeffers served as the Sagamore (Grabowski 1982:17; New Bedford Standard Times 1935).

The role of the Howwaswee Council, which continued to exist for 20 years, was almost purely ceremonial. It worked to assert a Wampanoag identity and establish ethnic pride in the community through activities such as local and off-island powwows, pageants, and other public events. While this council performed some of the ritualistic functions associated with traditional tribal governments, it operated outside of the political sphere of the town government. Of its initial 21 officers, however, 5 also served in minor town offices between 1935 and 1940 (Town of Gay Head 1899-1980). It is not known how much support this organization received from the Gay Head community as a whole: its early membership was comprised largely of two family lines, the Vanderhoops and the Jeffers. Two of its first officers were non-Gay Headers who may have also been non-Indians: Rachel Jeffers and a Mrs. Wessler (New Bedford Standard Times 1935).

Rachel Jeffers also served as town treasurer between 1938 and 1939, and Ruth Jeffers, another non-group member, served on the school committee (1931-1933) and as a library trustee (1930-1933) (Town of Gay Head 1899-1980). The town selectmen did not petition the General Court during the 1930's, but there were two events which focused outside attention on the town government during this decade. In 1936 Lorenzo Jeffers attempted to introduce partisan politics into the nonpartisan but traditionally Republican town council by offering a slate of Democratic candidates. After he was denied, he filed a complaint against Gay Head election officials in District Court, charging them with a violation of election laws. This move was apparently effective, for in 1937 a Democratic town committee was invited to present candidates at the annual town meeting (Vineyard Gazette 1936; 1937).

As has been previously noted, town officials refused to take action against Gay Head Indians whose property taxes were in arrears. In an effort to remedy this situation, the State attempted in 1938 to seize 45 parcels of Gay Head land as payment for delinquent taxes. By 1940, however, most of these seizures were disclaimed and only two parcels passed into town ownership through foreclosure (Levitas 1980:419).

The decade of the 1930's saw more Gay Head land pass into non-Indian ownership as the town became increasingly attractive as an isolated vacation community. Socialist writer Max Eastman, actress Margaret Webster, and playwright Lillian Hellman were among those who purchased land there. Communal activities among the Indian descendants declined and farming and stock raising disappeared almost completely by the end of the decade, while fishing and tourism continued to be important economic activities (Levitas 1980:358-359, 365-366). Between 1935 and 1940 the total resident population dropped by

approximately 20 percent, from 158 to 127 (Vineyard Gazette 1941a). Notwithstanding these developments, the Federal Writers Project guidebook to Massachusetts, published in 1937, stated that Gay Head was one of two places in the state where "the Indians have been able to preserve a semblance of their ethnic identity." It also observed that the Gay Head Indians "have kept their stock more nearly pure here than elsewhere" (Federal Writers Project 1937:26-27).

### THE 1940's

The coming of World War II hastened further the outmigration of Gay Headers, as many of the Indian descendants left for the armed services, college, or employment in defense plants or government relief projects. Outmarriage also continued to be the norm. By 1943 the Indian population had declined to just 77, down 21 percent from 1940 and 40 percent from 1930 (Levitas 1980:450, 493). This resident population would remain fairly stable over the next four decades, experiencing a net gain of only one individual between 1943 and 1985. Most of those who found success elsewhere never returned, although a number of college-educated women, most notably the daughters of Cummings A. Vanderhoop, were drawn back by strong family ties (Ibid.: 456-457). Three of these Vanderhoop daughters worked for the U.S. Indian Service in the 1940s; two with the Kiowa Tribe in Oklahoma and one at the Tacoma Indian Hospital in the state of Washington (Vineyard Gazette 1948).

Those Indian descendants who remained at Gay Head became active in new community projects. In 1941 a pageant based on the legends collected about the Wampanoag culture hero Moshup was staged at the cliffs, with proceeds going to a scholarship fund for Gay Head children (Ibid. 1941b). Although this pageant, which continued to be produced sporadically for 30 years, had a historic Wampanoag theme, it did not involve any traditional ceremonies, and non-Indians were among its regular participants (Levitas 1980:367-368). It has also been observed by one scholar that the modern legend of Moshup is quite different from that which was originally published in 1792 (Scaglione 1974). A group of women also organized the Aquinnah Club in the 1940's to promote community interests and provide new social opportunities. This organization, which spearheaded the effort to bring electrification to Gay Head, was led by Ruth Jeffers, who was not a Gay Head Indian descendant (GHWT 1983:I:(b)14).

No documentation could be found regarding the activities of the town government during the 1940's and the selectmen did not petition the General Court during this decade. The only record available are lists of town officers, from which it can be deduced that at least two were not Gay Head Indian descendants: A.J. Saunders (town treasurer 1944-1945, 1947-1949, and assessor 1946-1951) and Richard Kestenbaum (fire warden 1946-1947, and constable 1947) (Town of Gay Head 1899-1980). Kestenbaum was married to a Gay Head Indian woman.

In 1947 Dr. Henry Collins of the Smithsonian Institution claimed that the Indians at Gay Head represented the purest Indian strain in the East. "Among these Gay Head people," he stated, "are individuals with features more characteristic of the general American Indian type than the traditional picture of Algonquins" (Loveridge 1947). A Providence, Rhode Island reporter, commenting on Collins observations, also wrote that the Indians at Gay Head

"conduct their own affairs" and make "a not insignificant profit" from non-Indians by selling fish, pottery, and moccasins and providing other goods and services. However, he concluded that "the tribal organization is tending to disintegrate" and cited as evidence the decline of the Cranberry Day festivities and the fact that a powwow had not been held in a dozen years (Ibid.).

### THE 1950's

During the decade of the 1950's, both the Indian and non-Indian population at Gay Head increased: the former by 8 percent and the latter by 35 percent. By 1960, non-Indians constituted 25 percent of the total population (GHWT 1985: 3).

The Howwaswee Council was reorganized at some point in the early 1950's and renamed the Pawkunnawakutt Council, after an early appellation for the Gay Head Indians. Donald Malonson was elected Chief of this new organization and Napoleon Madison continued as Medicine Man. In the meantime, Lorenzo Jeffers, who reemerged in the 1950's as a controversial figure in Gay Head political life, claimed leadership of the Mashpee-based Wampanoag Nation following the death of Leroy Perry (GHWT 1983:I:(c)13, (b)15). In 1951 he was also elected to a town office for the first time since 1926, and he served as one of the town assessors, the highest paid position in town government, until 1964. Thereafter he also served as a town constable (1965-1967) (Town of Gay Head 1899-1980).

Due largely to the efforts of the Aquinnah Club, Gay Head received electricity for the first time in 1951 when power was extended to its public buildings and a few private homes (Vineyard Gazette 1951a). A Gay Head Civic Association, founded in 1950, also worked to bring running water to the town hall and school, and the proceeds of the 1951 and 1952 Moshup pageants went to this project (Ibid. 1951b; 1952).

In 1952 the Federal Government decided to relocate the Coast Guard station and lighthouse at Gay Head because of a serious erosion problem at the cliffs. The arrival of electricity rendered the famous Fresnal lens obsolete and it was thus offered to a museum. Because the light had been a major tourist attraction, Lorenzo Jeffers organized an alliance of down-island businessmen and "cosmopolitan" Indians like himself to fight to keep it at Gay Head. After this effort failed, he attempted to establish a museum at the cliffs to replace the Fresnal lens as a tourist attraction (Levitas 1980:481-484). Drawing support from the same cosmopolitan Indian descendants who had worked to bring electricity to the town, Jeffers formed a museum corporation in 1958 which opened a small exhibit area in the schoolhouse. This museum was called the Gay Head Museum of Whaling and Natural History, since its initial objects pertained to the town's maritime and geological history. Only later, after it was moved to the town hall and then to a building on the cliffs, were Indian artifacts and pottery added to its collections (Attaquin 1970:41-42; Mayhew 1956:126).

In 1955 Jeffers revived the old Gay Head Improvement Association to promote civic activities and to foster an Indian identity in the community. This organization sponsored the Moshup pageant in 1955 and donated the proceeds



toward the improvement of the town harbor. However, this association proved to be short lived (Vineyard Gazette 1955b).

Four bills were introduced in the General Court on behalf of the town of Gay Head during the 1950's. Three of these bills were generated by petitions from the town selectmen in 1953 and 1955 and dealt with fishing restrictions in town waters, and with the assessments made for the county sanatorium (Mass. House 1953a; 1953b; 1955). The fourth was introduced in 1959 at the behest of Lorenzo Jeffers and his supporters. It called for the creation of a special commission to investigate the feasibility of improving general conditions at Gay Head (Ibid. 1959). Although Jeffers stated that he merely wanted a general survey of the town's resources so that new opportunities might be considered (Vineyard Gazette 1959c), a Boston newspaper interpreted this action as seeking rights for the Gay Head Indians and the return of Gay Head to reservation status (Ibid. 1959b). Leery as ever of outside intervention, the town selectmen were disgruntled over the Jeffers bill and succeeded in getting the General Court to ignore it. As selectman Leonard Vanderhoop put it: "I don't think we want the state to step in here and tell us how to run our business" (Ibid.).

The lists of town officials indicate that at least five non-Indians served in office during the 1950's. These include the previously noted A.J. Saunders (assessor 1950-1951) and Richard Kestenbaum (auditor 1950-1958), as well as Jacquelyne Manning (tax collector 1952-1955), Phyllis Perry (school committee chairman 1953-1959) and Theodore Howell (assessor 1956-1959) (Town of Gay Head 1899-1980). All but Saunders and Howell were married to Gay Head Indian descendants.

From 1955 to the present, the proceedings of most of the annual and special Gay Head town meetings are known to us from articles that appeared in the Vineyard Gazette. The meetings held between 1955 and 1959 generally lasted for six hours and were marked by a great deal of decorum and a minimum of debate. In these meetings the town citizens addressed such issues as tax assessments, building codes and zoning, road construction and rights of way, tourism, improvement of the town harbor, and pest control (Vineyard Gazette 1955a; 1956a; 1956b; 1957; 1958b; 1959d; 1959e; 1959f). No one who did not already know that Indian descendants comprised three-fourths of the population of the town and also dominated its government would be able to glean even a hint of these facts from these proceedings.

However, the newspaper accounts do shed further light on the nature of Lorenzo Jeffers' political involvement in the community. While it is clear that the majority of the local Indian descendants disapproved of his efforts to link Gay Head to the extended world, the descriptions of the town meetings in the 1950's indicate that he did have community support for a number of his proposals which dealt with internal matters. His ideas to improve the town harbor and establish a museum, for example, received broad-based community endorsement (Ibid. 1955b; 1956a; 1959e). Like many other Gay Headers, Jeffers spent at least part of each year off-island. During the summer of 1959, for example, he was employed at Woods Hole, Massachusetts (Vandal 1959). While becoming more vocal in town affairs during the 1950's, he also managed to sustain his leadership in off-island Indian activities. In 1958 he served as Chief Medicine Man at the annual powwow of southern New England Indians at Mashpee (Vineyard Gazette 1958a), and in 1959 he was elected President of the Organization of Wampanoag Descendants, a new group that was also formed at

Mashpee. Mrs. Gladys Widdiss, the current President of the Wampanoag Tribal Council at Gay Head, was elected Secretary of this organization (Ibid. 1959a).

### THE 1960's

Between 1960 and 1970, the resident non-Indian population at Gay Head more than doubled (from 26 to 55) as more and more off-island people decided to build retirement homes there (GHWT 1985: 3; 1970; Levitas 1980:507-508). In contrast, the Indian population declined by 18 percent (from 77 to 63). During the early 1960's the non-Indian summer resident population began to surpass that of the resident Indian descendants. By 1970, non-Indians constituted 46 percent of the total year-round population. These newcomers tended to be affluent and politically active urban professionals. By the end of the decade of the 1960s, they posed a serious threat to the Indian descendants for control of the town government (Ibid.).

Despite these demographic changes at Gay Head, there were only three non-Indians who served in town offices during the 1960's: Phyllis Perry (school committee 1960-1961, 1964-1967), Theodore Howell (assessor 1960-1962), and John Gonsalves, Jr. (constable 1962-1965) (Town Of Gay Head 1899-1980). Yet evidence indicates that as the decade progressed Indian office holders were compelled to address an increasing number of issues which had been raised by their non-Indian constituents. In 1961, for example, the old problem of tax delinquencies emerged once again. Because the non-Indian residents generally sought to improve and expand town services, they were baffled by the traditional reluctance of town officials to collect property taxes from certain Indian descendants. Accordingly, Theodore Howell, one of the town assessors and a non-Indian, took the unusual step of publishing the list of delinquent taxpayers in the Vineyard Gazette (Grabowski 1982:70). Lorenzo Jeffers then petitioned the General Court, under the auspices of the Federated Eastern Indian League, of which he was President, to investigate tax procedures at Gay Head (Mass. House 1963a). The House of Representatives authorized the State Tax Commission to look into the matter, and it discovered that the uncollected taxes amounted to more than \$60,000, or \$10,000 more than the town's annual budget (Mass. House 1965). These problems were discussed at town meetings, but no corrective action was taken. Selectman C. Earl Vanderhoop told a state legislative committee that the town could run its own affairs without outside interference, and pointed out that although Jeffers was a town official, he was not a Gay Head taxpayer at that time, since his residence was in Quisset (Vineyard Gazette 1963b). Thirty of the town's Indian descendants then signed a petition in opposition to Jeffers' bill to investigate the tax situation. However, the state proceeded to look into these matters, and this ultimately resulted in twenty-five parcels of Gay Head land being sold to non-Indians for non-payment of taxes (New Bedford Standard Times 1967). The controversial Jeffers continued to serve as a town assessor until 1964 and was its constable between 1965 and 1967 (Town of Gay Head 1899-1980). In 1967 he was also the Supreme Sachem of the Wampanoag Nation and was living in Waquoit on Cape Cod (Jeffers 1967).

By the mid-1960's the beaches and cliffs at Gay Head were being overrun by hordes of college students and other summer visitors. In 1966 the town selectmen estimated that an average of 3650 people were visiting the cliffs on peak summer days (Vineyard Gazette 1966c). The town government was reluctant to establish restrictions because of the community's long tradition of open

access and its dependency on the tourist trade. A protracted struggle thus ensued between the resident Indian descendants and the non-Indian summer residents over the need to establish a public beach, improve tourist facilities, and allow access for tour buses. The year-round non-Indian residents also continued to voice complaints about the town's fiscal management. In 1966 the so-called "summer people," in alliance with some of the cosmopolitan Indian descendants such as Lorenzo Jeffers organized the Gay Head Community Council to address some of these issues (Ibid. 1966b).

The need to meet the increased demands of tourists and summer residents dominated the proceedings of the annual and special town meetings during the 1960's. Unlike the previous news coverage of these meetings, the Vineyard Gazette articles sometimes made specific reference to the fact that Gay Head had historically been an Indian community. Noting the reticence of the townsfolk about the upcoming annual election, a 1960 article observed that "the Indian town has preserved its traditional silence in this respect" (Ibid. 1960). In 1968 a reporter also likened the annual meeting to a traditional Indian "long talk" (Allen 1968). At the 1966 annual meeting, the townspeople discussed surveying the old Indian cemetery, and it was noted that the Indian stone artifact that had long been used by the moderator to call the meeting to order was replaced by a wooden gavel which had been used in the General Court and given to Lorenzo Jeffers by the Speaker of the House (Vineyard Gazette 1966a). In 1962 a number of Indian descendants at Gay Head petitioned the state Department of Public Works to hold a public hearing on the issue of gaining access to Squibnocket Pond, which lies between Gay Head and Chilmark. The petitioners wanted an exclusive right of way over privately held lands "inasmuch as many of them are of Indian extraction and remember the undeveloped areas as a portion of their former domain." A public hearing was held, after which the landowners provided an informal right of way to the petitioners and the State took no further action (Mass. House 1962c).

Thirty-two bills pertaining to Gay Head were introduced in the General Court during the 1960's, of which only one was petitioned for by the town selectmen. This bill requested authorization for the construction of access roads within the town and was not enacted (Ibid.:1966b).

Four of the bills requested by Jeffers dealt specifically with the Indian descendants at Gay Head. These included bills to authorize the town to convey the cliffs, cranberry bogs, and Herring Creek to these Indian people (Ibid. 1962a); to allow the Indian residents of the town to fish without a license (Ibid. 1964b); to authorize a special commission to study the advisability of returning former Indian lands to the town (Ibid. 1968b); and to authorize a similar commission to distribute all existing common lands to Indian heirs (Ibid. 1968c). In addition to the 32 bills for Gay Head, Jeffers also requested 4 bills on behalf of all of the Indians in the Commonwealth. These included legislation to permit the unrestricted use of dragnets and dredges by Indian fishermen (Ibid. 1964c); to authorize a special commission to investigate the problems and social conditions of all of the state's Indians (Ibid. 1964d); to restrict dragnetting and other trawling by power boats in the waters of Gay Head and Chilmark to Indian descendants (Ibid. 1964a); and to authorize a special investigation relative to the prevention of discrimination against the Indian people of Massachusetts (Ibid. 1968a).

The town government gave official support to only one of Jeffers' bills; a proposal to authorize the Massachusetts Department of Public Works to deepen

Herring Creek (Ibid. 1966a; Vineyard Gazette 1966a). As noted previously the town selectmen were openly critical of his request to have a special commission study the tax delinquency issue. In 1967 the town government also withdrew its support for Jeffers' museum plan (Ibid. 1967).

In 1960 the Gay Head museum had been moved to the cliff area, where it was housed in an old tourist inn. During that same year, Jeffers requested the state legislature to appropriate funds in support of his "Indian and Whaling Museum" (Mass. House 1960). In 1962, 1963, and 1967 he also succeeded in getting legislation introduced to transfer an acre of land at the cliffs for the use of the museum (Ibid.: 1962b; 1963b; 1967). The General Court took no action on these requests and in the meantime the museum was forced to close its doors (Attaquin 1970:41-42). Then in the summer of 1967 Jeffers called a special meeting to announce plans for a bigger and better facility. He also proclaimed that participation in this new project would be limited to those of Indian descent and that contributions would not be accepted from non-Indians, including Whites and "persons of color" (Levitas 1980:487). Jeffers also stunned the community by talking openly for the first time at Gay Head of "Red Power" (Ibid.).

In response to Jeffers' statements, a special town meeting was called. On the motion of Max Eastman, the town's best known non-Indian resident, the townspeople voted to request the state legislature not to support the Jeffers bill to give land to the museum. They also rebuked Jeffers and the other museum officials for not previously informing the town of their aims (Vineyard Gazette 1967). Jeffers vowed to "fight to the death," and wrote an editorial in the Vineyard Gazette explaining that the Indians had a right to the museum and that "the town has nothing to do with it" (Jeffers 1967). Left without support from either the town or the State, however, the museum was never reopened (Levitas 1980:487).

In 1966 the town of Gay Head was also compelled to close the one-room schoolhouse which had served as the community's elementary school since 1878. This came as a serious blow to the Indian descendants because the one-room schoolhouse had long been the most crucial institution in fostering an Indian identity in the town (Ibid.:488). It was here that Gay Head children learned from Indian teachers the rudiments of local history, Wampanoag legends, and arts and crafts which were considered to be traditionally Indian. The facility was closed because there were only three students and it would have cost the town \$18,000 a year to continue to teach them there (Attaquin 1970:43). Perhaps more than any other development, the closing of the school served to illustrate the effect of the continuing outmigration of Gay Head's native population.

The identity of the Indian descendants at Gay Head was positively reinforced in the 1960's when a local girl was runner-up in the annual Miss Indian America pageant (Levitas 1980:550). In 1961 several Gay Head Indians also took part in the American Indian Chicago Conference which had been organized by anthropologists in order to publicize Indian issues (Ibid.: 387). However, the community gained some negative attention in 1966 after a Boston television station aired a news feature which focused on the fact that Gay Head was the poorest town in Massachusetts, according to a state study. The documentary footage and the full-page newspaper advertisements which publicized the show both identified Gay Head as an Indian town, but gave a somewhat distorted view of the nature of its poverty. The newspaper ads, for example, described the

Indian descendants as being "a proud people having to sell trinkets to feed their children" (Vineyard Gazette 1968; West 1966).

This publicity aroused the wrath of the Gay Headers and they called a special town meeting. They then demanded a retraction from the television station and an answer to some of the distorted statements. In defense of the community, the Vineyard Gazette reported that there were only four people in Gay Head on old age assistance and only one who received Aid for Dependent Children (ADC) payments, and that the town had never expended more than \$500 a year for public welfare (Vineyard Gazette 1968).

### THE 1970's

Between 1970 and 1980 the Indian population at Gay Head increased by 19 percent (from 63 to 78). However, the non-Indian population was expanded by 177 percent (from 55 to 142). By 1980 non-Indians became the majority for the first time, constituting 65 percent of the community's residents (GHWT 1985: 3).

Between 1970 and 1972, when the Wampanoag Tribal Council was established at Gay Head, 18 non-Indians were elected or appointed to town offices. However, Indian descendants held the three selectmen posts throughout the decade (Town of Gay Head 1899-1980). In 1970 group member Thelma Weissberg became the first woman selectman (Meras 1970a).

Only two bills directly related to Gay Head were introduced in the state legislature during the 1970's. The General Court in 1970 approved a bill to transfer a parcel of land near the cliffs from Dukes County to the town for the purpose of constructing tourist facilities (Mass. House 1970). In 1971 Lorenzo Jeffers petitioned the legislature to authorize him to fish without restrictions in Gay Head waters (Ibid. 1971). This petition, which was never acted upon, proved to be Jeffers' last. He died on Cape Cod in July of 1974, having sold all of his property at Gay Head and having lost a suit to retain voting rights in the town (Levitas 1980:411-412).

The 1970 and 1971 town meetings dealt primarily with the continuing issues of tax collection and tourist facilities at the cliffs (Meras 1970a; 1970b; Vineyard Gazette 1971a; 1971b).

In 1972 a group of affluent non-resident property owners persuaded Senator Edward Kennedy of Massachusetts to introduce legislation in the U.S. Congress that would establish the beaches of Martha's Vineyard, Nantucket, and the Elizabeth Islands as a National Seashore under Federal control (Levitas 1980:438). This proposal caused alarm among the Indian descendants at Gay Head, who viewed it as a threat to the traditional common lands (Grapevine 1973a).

### FORMATION OF THE TRIBAL COUNCIL

In reaction to this so-called Island Trust Bill and the inroads already made by non-Indians in the community, a group of Indian descendants decided to establish the Wampanoag Tribal Council of Gay Head in 1972 in order "to assure that the identity of the Vineyard Indians, their history, culture and tribal

lands will be preserved" (Vineyard Gazette 1972b; Dumanoski 1975). This organization, which was incorporated under a state charter, adopted a formal governing structure consisting of four officers and a seven-member board. It also absorbed the ceremonial positions of Chief and Medicine Man from the old Pawkannawakutt Council. Beatrice Vanderhoop Gentry was elected its first President (GHWT 1983: I(c)14-15).

The acknowledgment petition holds that the Wampanoag Tribal Council of Gay Head replaced the town government as the group's governing body. Yet, the town government did not change perceptibly in either form or actions from what it had been prior to the formation of the Tribal Council. Although non-Indians came to hold more town offices, the local government continued to be led by Indian descendants (all but one of town selectmen since 1972 have been Indian). Many of the town leaders have also been closely related to the Tribal Council leaders. Levitas maintains that the new organization was created and led by the more cosmopolitan Indian descendants and that it took at least four years for most of the so-called "local" Indian descendants, who continued to control the town government, to support the Tribal Council (Levitas 1980:550-551,557). It is also curious to note that while the town government was, with one exception, always led by men, the initial officers of the Tribal Council and all of its subsequent presidents have been women (GHWT 1983:I:(c)14-15).

The new group organization focused on four objectives: to identify its members; to seek Federal acknowledgment; to obtain funding to support group activities; and to gain title to the common lands (Ibid.). Despite the fact that Lorenzo Jeffers had petitioned the General Court in 1962 to have the title to a portion of the common lands conveyed to the Indian descendants at Gay Head (Mass. House 1962a), it apparently came as a shock to many in the community to learn in the early 1970s that the common lands had legally belonged to the town since incorporation instead of the Indian descendants as they had always assumed (GHWT 1983:I:(c)14). Part of the motivation for creating the Tribal Council was thus to provide an incorporated body which could legally accept title to these lands (Ibid.:I(b)).

In the spring of 1973 an alliance of non-Indian property owners, summer residents, and the more cosmopolitan Indian descendants organized the Gay Head Taxpayers Association (Vineyard Gazette 1973b). This organization was an outgrowth of the financial committee of the Gay Head Community Council which had been established in 1966. It proved to be more antagonistic toward the local Indian descendants over issues related to the town's financial management (Levitas 1980:518). By August of 1973 the organization claimed a membership of 70 families, including Tribal Council President Beatrice Gentry, who served on the Board of Trustees, and Lorenzo Jeffers, who drew up a statement of the organization's purposes. However, only 23 of its initial members were Gay Head voters (Vineyard Gazette 1973c; Pollan 1973). When representatives of the Taxpayers Association asked to meet with town authorities, the selectmen denied their request (Grapevine 1973c).

In the summer of 1973 the Tribal Council took its concerns about the Island Trust Bill directly to Senator Kennedy. It asked for his support in its efforts to gain Federal acknowledgment and to protect the Indian and common lands at Gay Head (Ibid. 1973b). The Council reasoned that its chances of gaining title to the common lands would be enhanced if it could gain Federal recognition as an Indian tribe (Ibid.; 1973a). Senator Kennedy's staff

responded favorably to these requests and the Island Trust Bill was allowed to die. Legislation for Federal recognition, however, was never introduced (Levitas 1980:438,554).

The Tribal Council then sought to have a warrant article introduced at the annual town meeting which would transfer the common lands to its control. In the face of strong advance opposition from the local Indian descendants, however, this proposal was withdrawn (Ibid.:557; GHWT 1983:I:(c)16). Thus having exhausted legislative means for gaining title, the Tribal Council decided to take legal action.

### THE LAND SUIT

On November 28, 1974, Thomas Tureen, an attorney with the Native American Rights Fund (NARF), filed suit in U.S. District Court on behalf of the Tribal Council against the town of Gay Head for possession of approximately 238 acres of land (Vineyard Gazette 1981b). The town government introduced a motion to the court to have this suit dismissed, but the presiding judge refused to do so. The Indian descendants who were the town selectmen were thus placed in the awkward position of having to defend the town's interests against the Tribal Council (Dumanoski 1975). By the spring of 1975, fear had become widespread that the council's land claims would be extended to private lands throughout the Vineyard. This had the effect of placing a cloud on all land titles and thus freezing the up-island real estate market (Reston 1978b).

The tension caused by this situation persuaded even the most reluctant local Indian descendants that they should support the land transfer. Thus, on December 14, 1976, the town voted to turn its common lands over to the Tribal Council (Levitas 1980:557). However, the legality of this referendum was challenged by the town's own attorney and by the Gay Head Taxpayers Association, which argued before a Federal judge that the town's selectmen were not adequately representing non-Indian interests (Vineyard Gazette 1981b).

In the meantime, the Governor of Massachusetts signed an executive order in July of 1976 which stated that the "Tribal Council of Gay Head Wampanoag Indians are the recognized governing body . . ." of the Gay Head Indians (Grapevine 1976a). This same order gave all of the state's recognized Indians the right to use a reservation of land in the Freetown State Forest; a proposal which had been introduced initially by Lorenzo Jeffers in the 1930's (Ibid.)

The Tribal Council also succeeded in getting a number of its projects funded through Federal programs designed for Indians. For four years (1976-1979) the Economic Development Administration (EDA) provided an annual grant of approximately \$70,000 to expand and improve shellfish production at Gay Head (New Bedford Standard Times 1976; Vineyard Gazette 1977a; Breslauer 1979). Federal funds were also received for the weatherization of homes, for the establishment of a solar greenhouse, and for the development of a tribal management system and cultural enrichment program (GHWT 1983:I:(c)19; Dumanoski 1975; Levitas 1980:552). Federal funds made available under the Comprehensive Employment and Training Act (CETA) were used to hire temporary staff for the Tribal Council office and the shellfish project (Grapevine

1976a). At least two group members also received Federal Indian services as individuals during the 1970's: one was admitted to the Institute of Indian Arts in New Mexico and another received medical services at the Fort Duchesne Indian Health Clinic in Utah (WTCGH 1973).

In November of 1976 there was an abrupt shift of power in the Tribal Council from those Indian descendants who had a more cosmopolitan perspective to those who had a more local perspective. Beatrice Gentry and the other initial officers were ousted in favor of Winonah Silva and her supporters. In relation to the common lands dispute, this election also represented a shift in direction which reflected a deep schism within the Tribal Council. One observer saw this split as being between the local Indian descendants who favored negotiation and compromise with the Taxpayers Association, and the more cosmopolitan Indian descendants who wanted to press the Non-Intercourse Act claims for as much land as possible (Levitas 1980:560)

The Gentry faction did not accept defeat easily and continued to challenge the new group leadership. This produced a great deal of turbulence at Tribal Council meetings. Insults and racial slurs were tossed back and forth and at least two meetings ended in physical encounters (Ibid.: 561). One of the leading cosmopolitans found the head of a deer with a knife driven into it in her mailbox and implied to the press that it had been placed there by her political opponents within the Tribal Council (Vineyard Gazette 1981b). This split in the organization was also made apparent in August of 1977 after a draft of proposed legislation to give the Gay Head Indians exclusive fishing rights in Menemsha Pond was leaked to the press. This caused a furor among the non-Indian residents of Chilmark, who subsequently hired an attorney to represent their interests in the land claims. Tribal Council President Wenonah Silva charged disgruntled members of the group with orchestrating this embarrassing leak (Breslauer 1977; Vineyard Gazette 1977b).

In May of 1977 the Tribal Council announced that it would seek to acquire an unspecified amount of land in addition to the common lands through Federal legislation (Cabral 1977). Fearing the worst, the Taxpayers Association agreed to support a transfer of the common lands to the Indian descendants if the Tribal Council would accept zoning restrictions on these lands. The taxpayers did not want to see the common lands commercially developed or excluded totally from public use since they provided access to beach areas. Negotiations ensued along these lines but ultimately proved futile (Levitas 1980:557-558; Dumanoski 1975).

Both sides then appealed to Governor Michael S. Dukakis to intercede in the dispute. In June of 1977 he appointed the Dean of the Harvard Law School, Albert M. Sachs, to serve as the state's mediator (Reston 1977a; 1977b). Negotiations continued and on November 17, 1978, the details of a proposed settlement package were revealed. This tentative agreement called for the Tribal Council to receive title to the cliffs, the cranberry bogs, and adjacent beaches, three parcels of land formerly held by the bankrupt Strock Corporation, and the Cook property at the mouth of Herring Creek in exchange for its promise not to press further claims (Ibid. 1978b; Vineyard Gazette 1981b).

The dissident faction of the Tribal Council was highly critical of this proposed agreement. Its most militant spokesman was Frank B. James, a Gay Head Indian descendant who lived on Cape Cod. In a letter to the editor of the Vineyard Gazette he concluded "that if we accept this proposal as it now



stands, we are not following the original intent of the land suit: ownership and control of what was meant to be when the town of Gay Head was incorporated in 1870. We will be Gay Head Indians in name only" (James 1979).

This criticism and the reluctance of the Taxpayers Association to press for a resolution almost caused the negotiations to collapse in the spring of 1979. The split among the Indian descendants became so severe that the Tribal Council could not even agree to vote on the proposed settlement (Reston 1979).

On May 19, Gladys A. Widdiss was elected President of the council, thus keeping its control in the hands of the Silva faction (WTCGH 1979). Mrs. Widdiss continues to hold this office.

In an effort to force the Tribal Council and the Taxpayers Association back to the negotiating table, the town selectmen petitioned the U.S. District Court in December of 1980 to set a trial date for the six-year-old land suit (Vineyard Gazette 1981b). Thomas Tureen, the Tribal Council's attorney then sent to the Taxpayers Association a new proposal claiming additional property (White 1980).

By the spring of 1981 it became clear that a settlement was stymied on the question of beach ownership. The Taxpayers Association wanted the town to retain a fifty-foot strip for public access (Ibid. 1981a). On July 17, 1981, the Massachusetts Attorney General moved to intervene in the land suit on behalf of the town and the Taxpayers Association, which had been admitted as a third party in the litigation, and this motion was allowed. This action was seen as shifting the balance of legal power to the town by giving it the benefit of the State's substantial resources, while the Tribal Council continued to be represented by NARF on a pro bono basis (Ibid. 1981b).

On June 25, 1981, the Wampanoag Tribal Council of Gay Head petitioned the Bureau of Indian Affairs for Federal acknowledgment of its existence as an Indian tribe (Widdiss 1981). Federal recognition was viewed by all parties in the land suit as strengthening the Tribal Council's legal position (Bamberger 1983d).

In August of 1981 the town voted against an out-of-court settlement and at the same time declined to authorize the funds necessary for the town attorney to prepare for trial. As one Indian descendant put it: "I'd be paying to have someone defeat myself" (White 1981c). Later that month, Robert C. Hahn, a Boston attorney claiming to represent 43 members of the dissident Gentry faction, petitioned to intervene in the land suit, demanding that the entire town of Gay Head be conveyed to the Tribal Council (Vineyard Gazette 1981a). The Tribal Council then filed a motion opposing this intervention (White 1981d).

On September 28, 1981, the Tribal Council approved the negotiated settlement by a vote of 115 to 60 (Ibid. 1981f). Although the dissident faction claimed that the election had been illegal, it nevertheless dropped its motion to intervene in the land suit (Ibid. 1981e).

In December of 1981, Robert C. Hahn filed suits in the U.S. District Court in Boston on behalf of the Massachusetts Indian Heritage Committee, an organization formed by Frank B. James of the Gay Head dissident faction and John Peters of Mashpee. These suits claimed title to 27,000 acres of land in

Gay Head, Mashpee, and five other Massachusetts towns (U.S. District Court 1981). The Wampanoag Tribal Council at Gay Head was listed as a defendant in this litigation and charged with conducting an illegal election (White 1981g). This suit was dismissed a year later on the grounds that the plaintiffs had no legal standing as an Indian tribe (Vineyard Gazette 1982). Hahn then appealed this decision to the U.S. Court of Appeals and to the U.S. Supreme Court (U.S. District Court 1981).

#### A NEGOTIATED SETTLEMENT

Meanwhile, the out-of-court settlement negotiations continued in an atmosphere of "acrimony and confusion" (Bamberger 1983b). Political tensions reached a peak in August of 1983 after the Taxpayers Association placed a full-page advertisement outlining its views in the Vineyard Gazette. Among other things, this ad criticized the Tribal Council for failing to either prosecute the land suit or negotiate a settlement and for opening up a new arena by petitioning for Federal acknowledgment (Vineyard Gazette 1983a). The Tribal Council responded angrily in a position paper which appeared as a letter to the editor of the same newspaper (Malonson, et al. 1983), and the town selectmen called for a special meeting in order to allow both sides to explain its position. This emotion-packed meeting proved to be a major breakthrough in the negotiations, despite the fact that representatives of the dissident Gentry faction walked out in protest (Bamberger 1983c; 1983f). Within a month the Tribal Council drafted a new settlement document, the substance of which proved to be acceptable to the Taxpayers Association, the town, and the State. Ironically, this agreement was very similar to the one which Albert Sachs, the State's mediator, had first proposed in 1978 (Ibid.).

As a concession to the Taxpayers Association, the Tribal Council agreed to withdraw its petition for Federal acknowledgment until such time as a settlement was ratified. At the request of NARF (Locklear 1983), the Bureau of Indian Affairs suspended active consideration of the Gay Head petition (Elbert 1983), which had commenced on July 28, 1983 (Shapard 1983).

The dissident faction protested the new settlement proposal. One of its spokesmen, Helen Manning, stated at a Tribal Council meeting that "this document does not go far enough to accomplish what was originally intended in order to preserve and maintain Wampanoag culture and heritage for our future generations . . . We oppose and condemn majority rule which can relinquish and wipe away these essential facets of our history and culture against the will and consent of the minority" (Bamberger 1983c). The dissidents then proceeded to obtain a temporary restraining order in state court preventing the Tribal Council from signing a settlement. They also filed papers requesting that their names be dropped from the Tribal Council's membership rolls (Vineyard Gazette 1983b). However, there is no evidence that the Tribal Council ever took action on this request.

On November 8, 1983, the members of the Tribal Council approved the settlement proposal by a vote of 164 to 29, and it was also approved by the twenty-member board of the Taxpayers Association (Cooper 1983). After a Federal judge dismissed the temporary restraining order preventing the Tribal Council from signing an agreement (U.S. District Court 1983), representatives from the Council, the Taxpayers Association, the town, and the State signed formal settlement papers on November 25, the town having voted for ratification by a

margin of 92-13 (Bamberger 1983g). Robert C. Hahn, now claiming to represent 110 Gay Head descendents, appealed the Federal court order to the U.S. Court of Appeals (U.S. District Court 1983). A month later, he testified before the state legislature that the Tribal Council did not represent the interests of the dissidents (Vineyard Gazette 1983c).

In order to be implemented, the negotiated settlement required the statutory approval of both the Massachusetts General Court and the U.S. Congress, in part because it requested a Federal appropriation for the purchase of part of the lands. Accordingly, legislation was introduced in the Massachusetts Senate and in the U.S. House of Representatives in the spring of 1984 (Bamberger 1984a).

In May of 1984, representatives of the dissident faction met with Governor Dukakis to explain their opposition and sent a position paper to the General Court (Ibid. 1984b). The Massachusetts Attorney General had earlier written to legislative leaders that he considered the Wampanoag Tribal Council of Gay Head to be the viable and legitimate representative of the Gay Head Indians. He had also pointed out that of the 104 individuals who were listed as being members of the dissident faction, only 8 were Gay Head residents, while 18 claimed membership in a Christiantown Indian group, and 10 others in a Chappaquiddick group (Kiley 1984). On May 21, 1984, the U.S. Supreme Court dismissed without comment the dissident's suit to obtain all of the land at Gay Head (Boston Globe 1984).

Because settlement legislation was not enacted in 1984, bills had to be reintroduced in the 1985 sessions of the General Court and the U.S. Congress. On May 15, 1985, the Tribal Council requested the Bureau of Indian Affairs to place its petition for Federal acknowledgment on active consideration once again (Malonson, et al. 1985), and this was officially done on June 6 (Elbert 1985a). On June 27 and again on October 1, Robert C. Hahn requested the Secretary of the Interior to order the suspension of active consideration of the petition until a compromise could be worked out between the dissidents and the Tribal Council (Hahn 1985a; 1985b). He was denied both times (Elbert 1985b; Vollmann 1985). On September 18, the state settlement bill was signed into law by Governor Dukakis (Mass. Acts 1985). Action on Federal legislation is still pending.

#### FUNCTIONS OF THE TRIBAL COUNCIL

The Wampanoag Tribal Council at Gay Head holds monthly meetings for its officers and periodic meetings for its general membership. Since its inception in 1972, it has elected officers, established by-laws and a membership roll, recorded its proceedings, and audited its finances. It has also directed a number of economic development projects and spearheaded group activities related to the land suit, the negotiated settlement, and its petition for Federal acknowledgment. It has planned and coordinated community and group projects, such as cleaning up Lobsterville Beach, maintaining the Indian cemetery at Gay Head, and directing the Cranberry Day events (WTCGH 1983b; 1983c; 1984f). The Council has served as a liaison between its members and the Massachusetts Commission on Indian Affairs, the Mashpee Tribal Council, the Indian Task Force of Burlington, Vermont, and other agencies and organizations (Ibid. 1983c; 1983d; 1984b; 1985a).

The Tribal Council has been successful in obtaining governmental assistance from both Federal and state sources. In anticipation of the group's receiving Federal acknowledgment, the Indian Health Service granted it \$99,000 in 1984 to develop a needs assessment for a health services delivery system (Fleury 1984a; WTCGH 1984c). The Council created four administrative positions under this grant and conducted an extensive survey of the health needs of its membership (Ibid.; Fleury 1984b; Vineyard Gazette 1985).

In 1983 the Tribal Council also received a grant from the Administration for Native Americans (ANA) of the Department of Health and Human Services. This money was to be used to increase the effectiveness of the Council in addressing the social and economic needs of its members and to prepare its petition for Federal acknowledgment. The dissident faction sought to block this grant. In February of 1985, Robert C. Hahn filed suit against the Department of Health and Human Services charging, among other things, that the Tribal Council did not represent all of the Gay Head Indians and that the Federal Government had therefore violated its trust responsibility by funding one faction in an ongoing intertribal dispute. The U.S. District Court for the District of Columbia dismissed this complaint for lack of standing in August of 1985 (U.S. District Court 1985).

As of June, 1985, the Wampanoag Tribal Council of Gay Head claimed 521 members.

As noted previously in this report, the Federal census counted only 78 Indian descendants at Gay Head in 1980. Despite the fact that they are now the minority population, these people continue to view their town as an Indian community. This perception is also shared by outside observers. As Henry Hough, the late editor and publisher of the Vineyard Gazette and the island's most noted journalist, observed in 1970: "Gay Head today, is still at heart and in spirit an Indian town . . ." (Hough & Eisenstaedt 1970).

## ANTHROPOLOGICAL REPORT ON THE GAY HEAD WAMPANOAG

### INTRODUCTION

The Town of Gay Head on the western end of the island of Martha's Vineyard, Dukes County, Massachusetts is inhabited by two groups of people. One group is descended from the Gay Head Wampanoag Indians and the other is composed of non-Indians who began to move into the town of Gay Head in the early 1900's and who have become permanent residents in Gay Head. An increase in the number of non-Indians has shifted the long-held political base of the Gay Head Wampanoag and now the Indians are a minority in their own homeland. In response to these population and political pressures, some of the Gay Head Indian descendants have organized the Wampanoag Tribal Council of Gay Head (WTCGH) and have submitted a documented petition to the Bureau of Indian Affairs seeking recognition as a tribal entity.

This report is an anthropological evaluation of the group seeking acknowledgment. The first section will briefly examine the physical environment and the settlement pattern exhibited by the inhabitants of the town. Following that the population and membership of the group will be examined. Social relations will be discussed next before the past and present political organization of the group is described. Land tenure concepts will be examined. The summary will point out that the tribe existed until the 1870's. Since that time, due to a variety of factors, there has been a slow disintegration of community cohesiveness and tribal organization. By the late 1930's, the breakdown was virtually complete. While some vestiges of native culture are still present, the lack of any social cohesion or political authority of the WTCGH over their claimed members—not only those 78 in Gay Head but also those across the sound in southwestern Massachusetts—does not support a decision for Federal acknowledgment.

Since earliest historical times, the Gay Head Wampanoag (also called Pokanoket) have lived in Gay Head. The Gay Head Wampanoag, an Algonquin-speaking group, were related to other Wampanoag groups on Martha's Vineyard as well as to those occupying southern Massachusetts (Salwen 1978: 161).

The town of Gay Head had lands and resources which were less desirable to the early white settlers and, as a consequence, it was an area where the Indians could continue their lifestyle without the pressures faced by those Indians occupying more productive lands on the island or mainland. Gay Head harbors were not as suitable to the early white seafarers as were those in Edgartown or Vineyard Haven. The first name for Edgartown was "Great Harbor" (Banks 1966: I: 28). The stunted trees at Gay Head, largely scrub oaks, were of little commercial value and the soils in general were not as desirable as those elsewhere on the island. Places on the island where these resources were more attractive were occupied early by the whites, forcing the Indians living in those areas into greater social contact with the whites. The Indians at Chappaquidick, an island at the eastern end of Martha's Vineyard, were also physically isolated from the rest of the Vineyard, but the Chappaquidick Indians were in closer proximity to the early center of white population, Edgartown, and access to Chappaquidick was not difficult. Chappaquidick Wampanoag lands were divided in 1870 and the Chappaquidick

lost their distinctiveness as Indians; their area did not continue to be known as Indian lands as was the case with Gay Head. The Gay Head Wampanoag were more remote and less accessible. Even after their lands were divided in 1870, they continued to be known as Indians and their lands as Indian Lands.

Documents demonstrate that a group of Gay Head Wampanoag inhabited the present town of Gay Head from early historical times to the present (see Ethnohistorical Report on the Gay Head Wampanoag). Documents also provide information about the community's geography and these indicate that the settlement pattern is not much different today than it was in the past, i.e., dispersed, isolated and somewhat private.

## SETTLEMENT PATTERN

Beyond the historical record, the archeological evidence, although scant, suggests that the Indians on Martha's Vineyard lived as nuclear families in small oval to round houses on a seasonal basis. The floral and faunal remains from these small sites indicate that the people were hunters and gatherers of land and sea resources. The sites are scattered indicating that the houses were not in close proximity. This kind of settlement pattern, like Indians elsewhere in southern New England, is best described as dispersed (Salwen 1978: 160).

Maps also show Gay Head settlement patterns. One map published in April of 1776 (Atlantic Neptune 1776) depicts scattered dwelling sites mostly on the south coast side of Gay Head, although there are a few dwellings on the northeast side of town. A church is shown more centrally located. An 1858 map of Gay Head also shows scattered dwellings, but more houses are now located in central portions of the town and there are fewer shown on the south side. An intricate or warren-like road system is shown as well as approximate locations of dwellings with the names of the residents. Such a road pattern would have provided for easy access to neighbors and relatives. The school, the Baptist church, and a windmill, built in the 1840's were shown in a central location (Walling 1858).

A map published by the Old Colony Line Steamship Company is undated but probably dates to the 1870's. The intricate, warren-like road system still exists and the houses are scattered but adjacent to the roads. This road pattern makes Gay Head unlike other towns on Martha's Vineyard at this time.

When it was decided in the 1860's that the common lands of the tribe were to be divided in severalty, a survey and a map of the common lands and existing homesteads was ordered. This map shows scattered homesteads, with most of them being located on the south side of the town (Pease and Pease 1870).

Today, there are four principal paved roads in Gay Head: Moshup's Trail, which is the major access road on the southern side of Gay Head; State Road, which is an east-west road that traverses the central part of Gay Head; Lighthouse Road which is the northern equivalent of Moshup's Trail; and Lobsterville Road which branches to the north off State Road and joins Lighthouse Road at a point close to the coast (see Map #2). From this juncture, Lobsterville Road turns eastward among the sand dunes and cranberry bogs. Access to these main roads is by innumerable private driveways and an occasional older road such as Church Street.

While today Gay Head has no commercial establishments for its inhabitants, this has not always been the case. In 1907, some business were in existence. A city directory for this year displayed the ads for two grocery stores—P.A. Vanderhoop and Linus S. Jeffers and Company. The ads indicated that the stores had public telephones (Union Publishing Co. 1907). Also listed in the directory was a hotel and restaurant.

Shortly before the turn of the 20th century, Gay Head participated in the tourist boom which the entire island experienced. In response to the tourist trade, the Indians built a hotel to house and feed those who came to view the cliffs and the lighthouse with a famous lens. This was the Fresnel lens and it was so designed that its 1003 prisms could intensify the light of a candle creating a beam equivalent to 100,000 watts of electric power (Levitas 1980:319,330). During the tourist boom, another hotel and a

dance pavilion were built for the town's visitors. The steamship operations which brought the tourists to Gay Head from the mainland promoted tourism. Steamship operations to Gay Head ceased in 1907 (Ibid.: 325). The dance pavillion closed in 1912 (Ibid.: 325, 451), the last grocery store closed in the 1930's, and the last hotel closed in the 1940's.

Except for the small, Indian-operated souvenir shops, refreshment stands, and restaurant at the cliffs, all designed to serve the tourists, there are no other commercial establishments in Gay Head. Shopping for groceries requires trips to Chilmark or to further down-island towns such as Vineyard Haven, Oak Bluffs or Edgartown. Some shopping could be done on the mainland where the prices are cheaper. Before the paving of State road in 1938 and improved transportation, it was likely that shopping would take place in New Bedford across Vineyard Sound in southeastern Massachusetts. Fish and any surplus crops, such as cranberries, would be taken there to market. Trips to the mainland at the time were made by catboats (Ibid.: 267).

The small cluster of public buildings consisting of the town hall, fire station and old school building—now a library—form the center of Gay Head. To a stranger who might have expected a bustling business center as found in the down-island towns, there is little to call attention to the fact that this is the center of the town.

The dispersed settlement pattern in Gay Head has provided for privacy and isolation. In the past, the scattered houses were intricately connected with a warren-like road system which would have facilitated communication and social interaction between friends and neighbors. The change from this profusion of small interconnecting roads to basically four main roads which are accessed by private drives has greatly reduced the ease of physical access to neighbors and friends. Likewise, the disappearance of all commercial establishments (except those small souvenir shops which serve the tourists) serving the local inhabitants has contributed to the isolation of the inhabitants and reduced social interaction and communication.



## INDIAN POPULATION AND MEMBERSHIP

This section will briefly examine the Gay Head Wampanoag criteria for membership and population through time. It will be noted that there are two periods of relative population stability on Gay Head, one spanning from 1807 to 1930 and another starting in the 1950's and extending to the present. Membership criteria changed in the past making it difficult to know precisely who was being included in the earlier population counts. The Federal census only includes the Indians resident in Gay Head. Today, the WTCGH claims 521 members, of whom 78 live in Gay Head.

While early colonial estimates of Indians on Martha's Vineyard ranged from 1500 to 3000, Levitas (1980: 90) demonstrates that it is reasonable to assume that in 1642 there were at least 3000 on the island. It was not until 1807 that population figures are given specifically for Gay Head (Freeman 1971). At that time 142 Indians were resident in Gay Head with about 100 absent. In 1849, the resident population was reported to be 162 with 12 "foreigners" and 10 men "at sea" (Mass. House 1849: 18). In 1870 there were 160; 1880 listed 161; 1890 listed 139; 1900 listed 173; 1905 listed 178; and 1915 listed 175 (Mass. House 1917). In 1910, 157 Indian residents are listed on the Indian census schedules taken by the Federal Government.

In the 1920 census, 126 Indians were listed as residing in Gay Head. The 1930 census listed 129; 1940 listed 98; 1950 listed 71; 1960 listed 77; 1970 listed 63, and 1980 listed 78.

The earlier population figures reflect some problems of who should be regarded as being a Gay Head Wampanoag. There are two issues—residency and spouses. While spouses generally have not been included as members, on certain occasions they have been.

In 1807, every native whether he lived off- or on-island was entitled to tribal privileges (Freeman 1971). By 1849, spouses of six Gay Head women who were either non-Indian or non-Gay Head Indians were involved in tribal affairs and signed a petition along with 11 Gay Head Wampanoag (Mass. House 1849: 87-88). It was also in 1849 that Gay Head Indians were complaining about children of Gay Head people who had left the island coming back and claiming tribal rights.

In the 1860's, membership in the tribe was generally limited to those Indians of known ancestry who lived in Gay Head. If Gay Head Wampanoags moved from Gay Head, they and their descendants were not recognized by the tribe and these persons lost all rights as members of the tribe (Earle 1861: 31, 38). In addition, those non-Indians who married into the group might be accepted as members of the tribe if the tribe thought it was to their advantage to concede this right (Ibid.: 31).

The 1870's division of common lands in severalty forced a decision on membership. Only members were entitled to lands, and residence was a major component. With rare exceptions, those who had left Gay Head were not given land (Pease n.d.).

Membership in the WTCGH as defined by their current by-laws is based on descent from the 1871 list of people who were considered to be Indians. It includes those descendants whose families have subsequently moved from Gay Head but it does not include spouses. When the WTCGH was formed in 1972, the issue of membership of spouses immediately arose. One member who later became president of the organization requested that spouses be included (Vineyard Gazette 1972b), but the officers made the decision not to include them.

In their petition for acknowledgment the WTCGH provided a list of 521 members, including years of birth and current state and city of residence when known. Of those on the list, 74 did not have year of birth and 27 did not have state and city of residence. There are 78 WTCGH members who live in Gay Head while 137 live elsewhere on the island, principally in the towns of Vineyard Haven or Oak Bluffs. Some 170 live in Massachusetts, with the majority of those in Massachusetts living across the sound in the southeastern part of the State. Another 110 live elsewhere in the United States. An overwhelming majority of the membership resides outside of Gay Head.

Until 1849, Gay Head Wampanoag membership was based on recognition by the group as being members; until that time residence was not the only criterion. In 1849, the Gay Head Wampanoags complained that non-residents' children were claiming tribal privileges. By the 1860's residence in Gay Head was virtually mandatory to share in tribal benefits, especially the division of communal assets. Today membership is based entirely on descent.

Since the WTCGH membership is scattered, social relations and communications are important for the maintenance of tribal affairs. Social relations and communication will be discussed in the next section of the report.

## SOCIAL RELATIONS

In this section of the report, patterns of social relations will be examined. These observations are based not only on field data but also on the work of Gloria Levitas. Gloria Levitas, an anthropologist, who is a summer resident at Gay Head, spent many years in research on the town. She presented her research as a doctoral dissertation at Rutgers University. She extensively examined the social relations of the Gay Head people and focused her work on the Indians. Levitas provides evidence for a social change from communal cooperation prevalent ". . .during the last third of the nineteenth century and the first decades of the twentieth. . ." (Levitas 1980: 282) to more individualistic behavior after that. During this time, agricultural activities as well as fishing appeared to demand communal participation. She quotes one informant who describes "'a turning' out time in the spring, when you'd put all the cattle in the south. . .way over there on the South Road—and let them go together. . .the whole town decided on where they's [sic] put the animals to pasture" (Ibid.: 282).

Formerly, plowing of the fields was also a communal affair and tribal lands could be claimed by enclosing. This communal way of life began to disappear with the allotment of land in severalty in 1870. In those activities, e.g. pasturage, plowing and trap fishing which required community participation, Levitas notes that vestiges of the social/communal system persisted until the 1920's or 1930's (Ibid.: 221). Cranberry Day in the fall was also cooperative and the Indians would turn out to harvest the cranberries. Any excess berries were taken to the mainland and sold with the proceeds being used to care for the indigent and poor.

The shift in importance of communal relations appears to have had an economic and technological base. During the first quarter of this century, communal farming and grazing declined. The change from cooperative trap fishing—requiring 30 to 40 men to build the traps, maintain the nets and harvest the fish—to competitive boat fishing, a more mechanized activity requiring small crews, was also a factor in this change (Ibid.: 393). These changes led to a greater social and economic differentiation in the community since those who owned the boats and fishing-related machinery received a larger percentage of the proceeds.

At the turn of the century, there were still mechanisms encouraging social cohesion. The post office, established in 1873 by the Federal Government, provided a focus for activity. It was a meeting place for friends and neighbors and a source for casual gossip, but Federal consolidation in 1941 closed the facility and the inhabitants at Gay Head had to go to Chilmark for their mail. Later, in 1952, rural delivery was instituted in Gay Head (Ibid.: 451). In the first decade of this century, there were two grocery stores operating in Gay Head which provided a place for people from various sections of town to meet, and one of them also served as the post office.

The Gay Head Baptist church, the oldest Indian Baptist church in the country, provided a meeting place for that portion of the community which participated in church affairs. It served as a means of social control with its censure power and as a focus of cooperative activity when painting or repairs were needed. The church has declined in social importance to most Gay Head families. In a recent visit to the Gay Head Baptist Church, the Bureau's research staff noted that the service was attended by a small congregation of 19 people composed largely of older Indians and older non-Indian residents. There were also six non-Indian visitors to Gay Head. A Gay Head Wampanoag spouse and three of her daughters were the only younger people. The minister, who is

non-Indian, had come to Gay Head to present the service. Refreshments were served after the service, but most people left quickly after a short period of greetings and polite conversation. The small number of largely older people attending church is a phenomenon which Levitas also noted in the 1970's. She reports that ". . .an ordinary Sunday sermon rarely attracted more than ten or fifteen people—generally the oldest members of the community" (Ibid.: 495-496). In 1985, the church was being prepared for painting. Upon inquiry it was learned that the work was contracted out, with most of the money for the work coming from the non-Indians of the congregation. Although the church served a socially integrating function in the past, it no longer has that role.

The school in Gay Head was once part of community activities, but it too has lost that function. In the 1920's, Gay Head Wampanoag high school students were bused to other schools on the island. In 1966, the grade school was closed and now all the children are bused to other schools. No longer do school activities provide a focus in the community.

Today, the Gay Head Wampanoag have no events that are attended exclusively by their members. This lack of any mechanism to renew social relations periodically has been observed by Levitas. She states "the lack of community celebrations is striking, and. . .[her] notes support a hypothesis, suggesting that internal cohesion, measured in terms of community sociability had declined. . ." (Ibid.: 384). During her research on Gay Head, Levitas collected a complete file of Gay Head-related social events which were recorded in the Vineyard Gazette for 1950. An analysis of these newspaper clippings reveals that for that year only five of 428 social events were community-wide. She also noted that trips to the mainland were mainly for shopping and the visiting of relatives. She concludes that community sociability was not as important to the Gay Head Wampanoag as the maintaining of kin and friendship ties outside of Gay Head (Ibid.: 384).

Prior to 1939, Cranberry Day was a communal Gay Head Wampanoag affair. On the appointed day, generally in October, the Gay Head Wampanoag Indians would gather to harvest the cranberries. The women would cook the food and all would participate in the harvest. It generally was an all-day affair. According to the acknowledgment petition, it still is a kind of homecoming and social renewal. The 1939 hurricane did irreparable damage to the bogs and they no longer produce as they once did.

The Acknowledgment staff notified the WTCGH president that one of the investigator's visits would coincide with Cranberry Day. It was anticipated that off-island WTCGH members would attend and they might be interviewed. The events started when about 20 Gay Head Wampanoag school children arrived by bus at the Town Hall. The children listened to a talk about Gay Head Wampanoag history and then had a walking tour of the old cemetery. They were then taken to the cranberry bogs. The WTCGH president explained the procedure for picking. Prizes—various Indian-style trinkets—were offered for the most berries picked. At a signal, the children began picking. Lunch was served afterwards. For some of the children, this was their first visit to Gay Head, and others said they had not been there since they were very small. This indicates that down-island families do not visit in Gay Head often. At the bogs there were approximately 10 Indian adults but no members from off-island. One of the officers of the group who attended is from Oak Bluffs. The group's attorney was also present.

That evening there was a gathering at the Town Hall to which the public was invited. Tables displayed items of interest to Gay Head Wampanoag residents, e.g., family photograph albums, Indian artifacts collected in the vicinity, and fired and unfired pottery made of clay from the cliffs. The evening started with a showing of home

movies which recorded various family activities. There were scenes of graduations and weddings. It was apparent that these functions were attended by a relatively small gathering of immediate families. Following the video tape showing, one of the council members told a few Wampanoag myths. Refreshments followed. Those attending the evening function were largely those who serve on the council board of directors, their spouses and children. At least one non-Gay Head white couple who were vacationing at Gay Head attended.

The poor attendance at Cranberry Day indicates that this celebration no longer has the socially integrating functions it once had. Although it follows an earlier format, e.g., picking cranberries and eating dinner at the bogs, the event now serves as an Indian heritage day to reinforce Gay Head Wampanoag Indian identity.

Funerals can be events promoting community solidarity. In Gay Head, however, funerals generally were not community affairs and they are attended primarily by the family and friends of the deceased. Some Gay Head Indians, residents of Vineyard Haven, reported they would attend funerals held in Gay Head if the deceased was a relative or close friend. During this interview, the pronoun "they" was used consistently in referring to the Indians in Gay Head, indicating that there was no feeling of association or identification with the Indians there.

Along with the lack of strong community celebration to promote cohesiveness, a pattern of outmarriage has contributed to the individualistic character of the community. Since the 1930's, nearly all Gay Head Wampanoag marriages have been to non-Gay Head Indian partners. While the Gay Head Wampanoags have been traditionally Baptists, some of these marriages have been to non-Baptists.

Levitas points out that other changes have occurred that have promoted family isolation and decreased social cohesion. Before television there was more family social interaction, especially between children and adults. Children, before television, would be entertained by the adults relating local legends and ghost stories. Some of these had Indian themes. Today the children watch television or go to the down-island skating rink or movie houses. Some children have joined island-wide scouting activities and thus have widened their peer groups (Ibid.: 495). Since none of these activities is available in Gay Head, the children are transported to the other towns by their parents.

Another factor that could affect social cohesiveness is the off-island migration in the summer, which was mentioned by the researcher for the petition. No evidence was found of an extensive pattern of this type.

There were instances in which individuals who had second homes in Gay Head moved into their smaller summer homes and rented their larger winter homes. Some Gay Head Wampanoag maintain homes both on the mainland as well as in Gay Head and commute back and forth. In winter, some Gay Head Indians who run shops at the cliffs close them and move off island. These are not regarded as widespread patterns but reflect more particularistic behavior. Levitas' discussion of the employment of Gay Head Wampanoag men does not report any seasonal migration of workers.

The whites who have recently established residence in the area tend to be affluent professionals who first began to vacation in the town and later decided to build homes there and move to the town. Many have substantial homes. Since they moved to the town for privacy and relaxation, they—like the Indians—have the same isolated settlement pattern. These newcomers are concerned that should the Indians win their

land suit, their isolation will be destroyed and/or that an "undesirable" business such as a fish processing plant will be established.

The social relations of the Gay Head Wampanoag and their non-Indian neighbors is not extensive. Both groups, while they interact in political matters, limit other social contacts. White neighbors of the Gay Head Wampanoag think of them as racially mixed. The Indians have intermarried with whites, blacks, and other Indians. They are phenotypically diverse. The blood degrees of Gay Head Wampanoag on a list prepared in 1792 by a Gay Head Indian shows over half of the members with various degrees of mixed blood. The racial background of the Indians and the socio-economic differences between many of the local Indians and their new, white neighbors contribute to the maintenance of social boundaries. While some visiting between the Gay Head Wampanoags and their white neighbors occurs, it is not especially common.

In any society, informal and less obvious communication networks can exist enabling an individual to be aware of important social or group issues without their attending meetings or participating in group activities. An attempt was made to determine if such informal networks existed among the Gay Head Wampanoag. Considering that some down-island Gay Head Wampanoag know so little about WTCGH affairs, it is suspected that if a telephone network exists, it does not appear to be inclusive. Those on the Board of Directors and some dissident members maintain telephone communication with their respective groups. Brothers and sisters seem to maintain close telephone contact and they can generally tell what their siblings might be doing on a particular day, but they seem to know little about activities in other families. If informal communication networks exist, they are so subtle that such network have not become evident even after a great deal of research. Neither Levitas, Grabowski, nor Campisi, all anthropologists who have studied the Gay Head Wampanoag, has specifically described or implied any such informal system operating.

Evidently, communications of council matters with members has been largely by newsletters. The idea of a newsletter was not discussed until 1975 (WTCGH 1975). This suggests that prior to the newsletter, information about the group's activities had a limited distribution and was not being disseminated widely to its members. Even the newsletter has not been wholly effective in generating substantial interest in council matters, since some Gay Head Wampanoags interviewed said that they received the newsletter but they did not pay much attention to it.

The Gay Head Wampanoag were not isolated from the early pan-Indian movements. One of its first expressions in Gay Head came after the Governor of Massachusetts, Sam McCall, honored Gay Head with a plaque of recognition honoring the fact that more men from Gay Head, in proportion to its population, served in World War I than men from any other town in Massachusetts. There was no mention of the fact that most of these men were Gay Head Indians. The town corrected this oversight fifteen years later (1933) by awarding itself with a plaque honoring these men and their Indian heritage (Levitas 1980: 372). At this event, many Indians from off-island attended and many, including some Gay Head residents, wore plains Indian-type costumes. Some wigwams or Indian houses were constructed at the Head. For a few days these ceremonies "recreated a sense of community" (Ibid.: 380). This was not entirely a Gay Head Indian affair since some of the off-island Indians were involved in the planning. This plaque ceremony honoring the Indian ancestry of the Gay Head men may have been influenced by the creation of a branch of the Wampanoag council in Gay Head in 1928 (Ibid.: 392).

In Levitas' discussion of pan-Indianism she refers to the types of Indian personalities found in situations of acculturation presented by George and Louise Spindler (1957:147-

157). These are (1) native types, (2) marginal or transitional men, and (3) reaffirmative native types. She states:

One group are 'native types' who present to the outside world an air of equanimity in the face of change and its insults that make social intercourse pleasant. Such people accept their fate and tend generally to avoid actions that might arouse anger and hostility. Native types seem to be those whose local anchorage is secure; they generally have lived in the community much of their lives, and maintain local rather than extralocal networks (Levitas 1980: 397).

She quotes the Spindlers in describing marginal or transitional men as:

. . .marked by at least one feature held in common: they are still fundamentally Indians in basic psychological structure, if this structure is badly corroded by regressive breakdown. . .represented particularly in the loss of emotional controls that are so important in the traditional setting. These transitional people are unpredictable. . .They are the unknown quantity in tribal decision-making and shift abruptly from one stance to another in general councils where problems of tribal policy are thrashed out. . .(Ibid.: 155-156).

The third group is called 'reaffirmative native types.' These men and women hope to recreate community sentiment. They are frequently. . . people who have had contact with whites through college or the army and who have been unable to adapt and return to their natal homes or traditional primary groups to seek affirmation in ceremonial forms (Ibid.: 398).

In applying this model to the Gay Head Wampanoags, the "native types" appear to have predominated in Gay Head during the time of the town's incorporation and up to the time between the wars. They were content in their self-identification as Indians and they saw little need for programs promoting Indian arts and crafts or Indian heritage (Ibid.: 399). The "reaffirmative native types" are preponderant in Gay Head today and were emerging as a force in the 1920's and 1930's (Ibid.: 399).

Levitas categorized Lorenzo Jeffers, a controversial man, as fitting the marginal man concept (Ibid.: 402). This gentleman, a former student at Carlisle Indian School in Pennsylvania, was a community activist and invoked considerable change and/or controversy in Gay Head. He was active in off-island pan-Indian organizations; encouraged State involvement in training of town officials; brought the "irregularity" in town management to the attention of State authorities; was President of the Federated Eastern Indian League in 1961; introduced the two-party system into the community; was elected head of the Pokonoket or Wampanoag Council in Mashpee on the mainland; attempted to get voting rights for those non-residents who paid taxes to the town and some who claimed voting rights on the basis of kinship; attempted to establish a reservation on the town's cliff lands which were viewed as an economic resource by the town; and was involved in numerous other controversial endeavors.

The town clearly denied him and his expression of "Indianism." In 1974, his

. . . funeral was an interesting event—particularly because it differed considerably from the funeral of another man who died the following year, and the disparities indicated the nature of the social and symbolic ties of. . . [reaffirmative native types] and locals to the community. . . [his] funeral was attended only by his close relatives and numerous off-islanders. The church was filled beyond capacity, although no other members of the local community were present. Among the off-islanders who came to pay their respects were several Indians of other northeastern tribes, and a great many representatives of state and county government. An elaborate floral arrangement in the form of an Indian. . . [headdress] was laid on the grave. The Lord's Prayer was read in Algonkian, and there were telegrams from Ted Kennedy and other officials of the Democratic party, and from prominent leaders of the national Indian movement.

The second funeral was held for a fisherman—the son of a native prominent in town affairs. The local community turned out in force —along with many of this man's friends from other island communities, and a few off-island friends and relatives. The service was Christian and no Indian symbolism was in evidence. (Ibid.: 614)

Funerals for less prominent people are attended largely by immediate families and friends.

Among other things that Jeffers introduced to Gay Head was a museum. In 1952, Jeffers proposed a "Museum of Gay Head History" (Ibid.: 484). It had exhibits in various buildings in Gay Head. In 1963, Jeffers changed the name to "Gay Head Museum of Indian and Whaling History" (Ibid.: 485-486). He shocked the community in 1967 by first closing the museum and then having a community meeting in August and announcing there would be a newer and better museum. One condition he required for participation in the new museum organization was that one had to have Indian "blood" and that any financial contributions from "white persons or persons of color" would be rejected (Ibid.: 486). It was at this meeting that the first mention of Red Power was made. The new corporation never reopened the museum. By openly rejecting non-Indian support for this museum, Jeffers did bring to the attention of Indian residents in Gay Head the fact that they were losing control over the community (Ibid.: 487).

One of the organizations that assisted Jeffers in his original museum endeavors was the Aquinnah Club. This organization, composed of both Indians and non-Indians, was active for a short period of Gay Head's history (Ibid.: 499). In coalition with some of the summer residents, this organization was instrumental in bringing electricity to the town. One hot day in July of 1951, when the town hall was totally filled with 100 or more town people who had come to listen to representatives from the electric company explain why the town did not have electricity, the generator supplying power for the electric fans "failed." Everyone stayed until the power company officials agreed to provide power to the town. On issues critical to the town, the community development organizations composed of both Indians and non-Indians have always worked as teams.



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## Summary

Though communal activities were common at the turn of the twentieth century, a change to privacy and individualism has taken place. The change from communal land holdings and communal work patterns to lands held in severalty and individual and competitive work styles has eliminated the Indian's social cohesiveness. The decline of the importance of the church, the 1938 hurricane which destroyed the productivity of the cranberry bogs, and the lack of any Indian or non-Indian social institutions which would promote cohesiveness has created a highly individualistic community where the principal ties are to the nuclear family.

Various Indian organizations have been in existence in Gay Head at various times since the 1920's. It was the activities of Lorenzo Jeffers which eventually led the "reaffirmative native types" in the community to create a new organization—the WTCGH—whose petition for Federal acknowledgment is under review and evaluation.

As will be seen, the lack social cohesion within the Indians' community is reflected in the Gay Head Wampanoac Tribal Council's inability (1) to create sustained interest in issues defined by the officers of the group, and (2) to promote attendance and participation in the group's activities.

## POLITICAL ORGANIZATION

In this section of the report, the political organization of the Gay Head Wampanoag will be reviewed briefly. An historical approach will be taken starting with the earliest records and continuing to the present. A tribal political system existed up to the 1930's, but the breakdown of the system began after the 1870's division of the common lands. During the 1900's, the slowly changing socio-economic system of the Gay Head inhabitants contributed to the decline. Today, the town is the only governmental organization in Gay Head and the WTCGH is an organization without broad support in its claimed membership.

In aboriginal times, the Gay Head Wampanoags were organized socio-politically by extended family units. The families were led by a council of elders and a chief or sachem. While some disagreement exists among observers (see Winslow 1910: 345; or Maeswoms 1909: 109) over inheritance versus election to the position of sachem, both could have been involved. While the chief or sachem position normally was based on heredity, his authority could only come from consensus of the people. It is likely that if a leader was unpopular he could be replaced. Similar situations existed elsewhere, e.g., Northwest Coast, Southeastern Indians, where "hereditary chiefs" could be deposed (Duffield 1983: 9-10). At any rate, the leader's power was "circumscribed and dependent upon the consent of the members of the village as well as the leaders ability to persuade" (GHWT 1983: I: 9).

Martha's Vineyard in late aboriginal and early historic times was divided into various geopolitical divisions (Banks 1966: I, Map, p. 40). Banks describes four sachemships or independent governmental units in existence on Martha's Vineyard and he notes (1966: I: 40) that the sachems and leaders were not always from the Vineyard.

In 1675 a dispute arose over the sachemship between Mittark and his elder brother Ompohhannut. The chief men of the island formed a council including some from the mainland (Banks 1966:I: 40) and decided that Ompohhannut was entitled to lands in Gay Head. The interaction of these various chiefs demonstrates that a political system was in operation that loosely tied together various political subdivisions. Although they were interdependent, there was no centralized authority over these alliances (GHWT 1983: I: 10). This type of group interaction may have been reinforced by intermarriages between Gay Head Wampanoag and other Martha's Vineyard groups and those from the mainland Wampanoags as well.

After the 1680's when Joseph Mittark, the last sachem of record of Gay Head, "sold" the lands of Gay Head to Thomas Dongan (see Ethnohistorical report on the Gay Head Wampanoag), the governance of the group evidently was in the hands of a council with a spokesman. In 1727 Elish Coshoman and 10 others were involved in a property transaction in Gay Head with the Corporation for the Propagation of the Gospel also known as "The Company" (Dukes County 1859-1895). That same year another land transaction was recorded granting land to that same organization by Peter Ohquonut and others. It was in 1727 that the problems associated with the Company's leasing of lands in Gay Head to Ebenezer Allen culminated. By these agreements, the Gay Head Wampanoags allowed the Company to lease 800 acres to Allen. The rest of the lands in Gay Head were considered as property of the native inhabitants. Since there is no clear designation of leaders involved in these property agreements and the two agreements in the same year were initially signed by different individuals, it suggests that the group was operating by consensus with no specified leader.

In January of 1746 the Massachusetts House of Representatives, perhaps in partial response to two petitions from the Gay Head Indians, appointed three guardians for the tribe. At the same time the House appointed guardians for all the Indian plantations in Massachusetts (GHWT 1983: I: 27).

Several complaints against these overseers were received by the colony and one petition received in 1749 was signed by 34 members of the tribe (Ibid.: 28). The tribe continued to submit complaints even after the Revolutionary War. During this time, two Indian names are prominent, suggesting they were formal or informal leaders. These two individuals were Zachariah Howwaswee and Josef Pomel. In 1785, Howwaswee was appointed by the colony as one of the overseers at Gay Head.

During the 1700's, the tribe acted autonomously, retaining the prerogative of political decision making. The fact that in 1796 they transferred title to the land to the State which in turn transferred the land to the Federal Government for a lighthouse shows that the Indians controlled the lands in Gay Head. The decision-making process at this time was shared by both males and females.

In the 1810's, some dissension among the Gay Head Indians appears. Led by Zachariah Howwaswee, ten men and women who claimed to be "the few remaining Indians of Gay Head" petitioned to have overseers appointed. This claim may have been in response to the large number of intermarriages that had taken place (Howwassee 1792; GHWT 1983:I:34).

The main body of Gay Head Wampanoag Indians challenged Howwaswee and his group's petition (Ibid.: 35). The main body in their petition listed their choices for guardian, treasurer, and clerk. By 1810, the Gay Head Indians had a lawyer to help them defend challenges that had been made to ownership of some of their lands. In 1827, their system of government is described and it appears to be an informal town structure. In that year they were holding town meetings in which one member presided. They had selected a clerk, overseer of the poor, and other officers. In addition they had audits of the tribal accounts. Women voted in these elections as well as the men (Mass. House 1827: 9-10).

In 1849, a committee investigating conditions at Gay Head reported:  
For about thirty years, they have been without any guardian, and the division of their lands, and indeed the whole arrangements of their affairs, except of the school money, has been left to themselves. None of the lands are held, as far as we could learn, by any title, depending for its validity, upon statute law. The primitive title, possession to which has been added enclosure, is the only title recognized or required. The rule has been that any native could, at any time, appropriate to his own use such portion of the unimproved common land as he wished, and, as soon as he enclosed it with a fence, however a frail structure, it belonged to him and his heirs forever. That rule still exists (Mass. House 1849: 20-21).

Another study of Gay Head was reported by John Milton Earle in 1861. He reports:

The municipal organization consists, mainly of three overseers, a clerk, treasurer, school committee, and committee on public lands, and by these their municipal affairs are regulated and managed. (Earle 1861).

In 1862, the Massachusetts legislature allowed its Indian citizens to be enfranchised as long as they would follow certain procedures for registration. This same legislation created Gay Head as an Indian district (Massachusetts Act 1862: 149). The Indians were not willing to follow the procedures outlined for enfranchisement and the problem of equality, as seen by the State, was still not resolved. Another study was made which recommended full citizenship for all Indians and the division of common lands (GHWT 51).

These actions prompted controversy within the group at Gay Head. In response to the division of Gay Head lands in severalty and enfranchisement, petitions came from opposing groups. One group was requesting the action and the other side was opposing it. In 1869, the selectmen Aaron Cooper, Thomas Jeffers and Isaac Rose (a non-Indian married to a Gay Head Indian woman), petitioned the House of Representatives to allow Gay Head to remain a district for a few more years and not be enfranchised. They claimed that they could not support the schools and could not fund the minister. They also pointed out that the survey of land boundaries was not complete and they did not want to be included with the town of Chilmark. The petition stated that this position was unanimously approved at a town meeting held January 1, 1869.

While this decision may have been unanimous in January of 1869, by May a petition to the House of Representatives signed by eight Gay Head inhabitants requested enfranchisement and division of the common lands. This petition was signed by Abram Rodman, Rosanna G. Rodman, James Diamond, Abiah Diamond, Josiah Jered, Samuel P. Haskins, John Randolph and Serena Randolph. Levitas (1980:216) points out that Abram Rodman was a Narragansett born in Rhode Island, James Diamond was born in Waterford, New York, and John Randolph was born in Santo Domingo. Each of their respective wives was born in Gay Head.

This did not settle the problem. By the following year several more petitions were filed. On September 1, Isaac Rose had evidently had a change of mind and with others submitted a petition to the Judge of Probate requesting the "set off"; i.e., division of the common lands. Seventeen people signed this petition including nine women. Isaac Rose and James Diamond were the only non-Gay Head Indians to sign the petition.

To counter the September 1 petition, another was filed September 7, 1870, directed to the Judge of Probate Court; it was signed by 16 inhabitants of Gay Head. This petition requested the judge not to take action on the petition of Rose et al. Four of the signers were not born in Gay Head—Johnson Peters, George J. Belain, William A. Vanderhoop and William Jeffers.

The controversy continued. On October 17, 1870, a third petition was sent to the Judge of Probate supporting the division of the lands. This petition contained six signatures, including those of two who were non-Gay Head Indians but who were spouses of Gay Head Indians. One was Abram Rodman, a signer of the May petition, and the other was William Jeffers who originally opposed the division of lands but now was supporting it.

This controversy of the land division and the incorporation of the town is poorly known and no records of the specific issues exist for the opposing positions. It does not appear that either group desired more land. Common lands could be claimed by enclosure by those who wanted it. Also, the controversy did not involve solely the issue of economics because many of those who signed the petitions, either pro or con, were

successful farmers. The fact that two individuals who originally opposed the division shifted their positions to favor the division suggests that the issues were more subjective. Bad feelings must have been generated within the community. Serena Randolph, who supported the division and enfranchisement, was very unhappy. Later she is quoted as saying "I wished I had never set foot on Gay Head" (Levitas 1980: 216).

This controversy does illustrate that the loose consensual form of Gay Head government was not strong enough to handle an issue of such magnitude, especially when feelings were so divided. The division of land and the creation of the town did initiate the gradual disappearance of their tribal way of life.

In 1870, once the town system was in place, Gay Head became involved more directly with the government of the State. However, from the date of the town's incorporation until 1955, the history of the town government is not well known, since the town records were destroyed by a fire in that year. What is known has to be reconstructed from external sources. It is known that the first town clerk was William A. Vanderhoop, who was against the division of the lands. He was succeeded in this post in 1873 by Isaac Rose, who was for the division of the lands. Rose held this post for 15 years. In 1910, Charles S. Hatch, a carpenter who was living in Gay Head but who was white and unmarried was elected auditor. At the time, there were 13 people living in Gay Head who were non-Indians and not married to Indian spouses (Bureau of Census 1910). Considering the fact that the population during the town's early history was largely Indian, the low number of non-Indians in office is not surprising.

#### WTCGH Political Organization

The WTCGH organized in November 1972, operates under by-laws adopted by the group in February 1977. There are regular monthly meetings as well as an annual meeting which is generally held in November. Their by-laws allow for special meetings when necessary. The meetings are open to their membership and occasional guests. They meet at various places in Gay Head, but for the most part they utilize the centralized location such as the Town Hall. This is within a 1.5-mile radius of all Gay Head. They have never met outside of Gay Head in towns such as Oak Bluffs or Vineyard Haven, nor have they met on the mainland where a large percentage of their membership resides.

Attendance at these meetings is very low and represents a very small number of their 521 members. At their best-attended annual meeting in the last five years, there were 22 people present. During these years, seven people have attended all five annual meetings; two have attended four of the meetings; and three have attended two of the meetings. Twelve people have attended only one of the last five meetings. Of those attending, 17 are from Gay Head, three are from Oak Bluffs, and one is from Vineyard Haven. The latter two towns are about 20 to 17 miles respectively from Gay Head and there are 137 members living in the down-island towns. Four people who live off-island attended during this period. Of these four, two are children of a former president and one is presently a board member. Only one of the off-island people has attended two meetings—this person's mother lives in Gay Head and is a former president.

Council meetings are generally held monthly. During the period between September 1979 and March 1985, minutes and attendance sheets for 31 meetings were examined. During this six-and-a-half-year period, the meetings with the highest attendance were in January 1981 and October 1983; at both there were 19 members present. During this period 25 different people who attended were from Gay Head, nine were from other

towns on Martha's Vineyard, eight were from Massachusetts and three were from Rhode Island. During these years there were 18 others who were either visitors, spouses, or members whose addresses were not known. Of those from Rhode Island, two are children of the previous president and another attendee is a sister to one of the original founders of the organization who presently lives in Gay Head. The average number in attendance was 14.

Using these same records, quorums at the meeting can be examined. At the regular or council meetings, a quorum of 15 members is required to conduct business. At two-thirds of the meetings, a quorum was not present. Of the last five annual meetings, three had a quorum. The majority of those in regular attendance are members of the same family. Those most consistently present include the current president; her three sons, one of whom is the tribal coordinator; the president's brother who is the honorary chief, and his wife who is a board member.

Considering the low attendance at the regular or annual meetings, it would be expected that for group cohesiveness that council issues would be disseminated and discussed in some manner. As previously mentioned, the WTCGH sent out newsletters but no informal network for disseminating information exists. During telephone and personal interviews conducted by the Acknowledgment staff with WTCGH members living in Oak Bluffs or Vineyard Haven, some said they knew little, if anything, of what was going on. One person did not know if he was even on the membership list. Another said that he did not know he was a member until he started getting mail and yet another said he was not interested in the group and never attended the meetings.

#### Town of Gay Head Government

The government of the town of Gay Head is structured by the laws and regulations of the Commonwealth of Massachusetts. The town documents were destroyed so that much of its early history has to be reconstructed using sources such as newspapers, county or State documents and oral history. There is nothing in these documents indicating that the town functioned in any manner different from other New England towns. Throughout its early history, the town officials were largely Indians, but some non-Indians were elected to town office. Today, while many of the elected officials of the town, including the selectmen, are members of the Gay Head Wampanoags, the current moderator who chairs the meetings and makes appointments to various committees is non-Indian.

Non-Indians who have been residents of Gay Head since 1972 and who have lived elsewhere in New England where there are town governments report that they see no difference between the town of Gay Head and other New England towns. They point out that Indians and non-Indians work on various committees together and that one of the Indian selectmen has a strong following of younger non-Indian residents in the community. These informants did not feel that the Indians "controlled" the town. When questioned about their use of the term "Indian community," they explained that the term meant those year-round residents who had been there a long time and who were racially different.

The poorly attended WTCGH meetings contrast with the well-attended town meetings and town elections. The turnout of Indian voters and the number of Indians who hold town office indicate that the Indians are not politically apathetic in town issues. While

there is no readily available list indicating the number of Indians versus non-Indians in attendance at town meetings, judging from newspaper reports both groups are represented. In 1974, 50 voters were at the town's annual meeting (Vineyard Gazette 1974). In 1975 there were 119 registered voters, and at least 55 attended the town meetings. In 1976, 34 voters were present at the town meeting (Grapevine 1976b).

In the town's annual election, which is held at a different time than the town meetings, good turnouts are recorded. In 1973, there were 133 registered voters, both Indians and non-Indians. That year, 103 ballots were cast in the annual elections (Vineyard Gazette 1973a). In 1976, there were 109 voters casting ballots in Gay Head (Vineyard Gazette 1976). Turnouts of this magnitude would suggest considerable participation of the Indian inhabitants in town affairs. Newspaper accounts, in quoting various people attending the meetings, indicate that the Indians are actively involved in the town's operation.

There is no strong evidence that action taken on issues faced by the town splits along racial lines or that non-Indians believe that the Indians, working as a cohesive group, are attempting to control the town. In February 1975, the town's Indian selectmen were faced with a proposed agenda article, "To see if the town will vote to refuse to authorize the selectmen to extend any funds in the defense of the action of the Wampanoag Tribal Council of Gay Head, Inc., versus the town of Gay Head" (Vineyard Gazette 1975). Two of the three Indian selectmen refused to allow it to be added to the agenda on legal grounds, while the third Indian selectman felt it should be added. A WTCGH spokesperson said that the article was drafted to permit an opportunity for debate (*Ibid.*). Before the meeting, the town's Indian moderator resigned. In response to these actions, a WTCGH spokesperson commented, "It seems to me they don't want to have the action discussed at all. . ." (Grapevine 1975a).

The issue was so heated that by the time of the annual meeting, several procedural mistakes were made. The new moderator was improperly selected, five of the seven finance committee members (only two of the committee members were Indians) had resigned, and apparently the town agenda had not been properly reviewed. After the meeting began all of these problems surfaced and the town's people voted 28 to 21 to adjourn without considering the agenda. Tempers ran high and there were sharp words between various town officials regardless of whether they were Indian or non-Indian (Vineyard Gazette 1975).

This event did make clear that the Indians of the GHWTC felt that the town was not under Indian control. In a letter to The Grapevine they listed 25 people in town government who were not Gay Head Indians. Some of those listed were spouses of Gay Head Indians (Grapevine 1975b). This case shows that the town's Indian officials were acting on behalf of the town and that their decisions were not made along racial lines.

In 1973, a political group called the Gay Head Taxpayers Association was formed. This group was composed principally of non-Indian residents and it included several Gay Head Wampanoags, including some on the board of directors of the WTCGH. This newly formed group felt that the town's financial procedures were inadequate and unfair. They focused their attention on the high real estate assessments, the town's expenditures, and procurement procedures. It should be pointed out that the town officials who were responsible for these activities had no specific training. They kept records in a manner that made analysis of expenditures difficult. In analyzing the town's finances Levitas had to use a variety of sources to compile figures for 1968, 1971, and 1976. Her study

shows that the high real estate tax assessments were necessary and were due to: (1) the relatively small number of landowners in Gay Head compared with other Vineyard towns; (2) the costs of programs mandated by the State; and, (3) the costs of services to the town demanded by the taxpayers (Levitas 1980: 517-534). In response, many paid their back taxes. The audit report recommended that the town treasurer, who at the time was a non-Indian, take action for foreclosure.

The town at various times in the past has not collected taxes in arrears. A state audit in 1969 reported that some real estate taxes were outstanding and dated as far back as 1945. Some motor excise taxes were as much as 16 years delinquent. It is apparent that the town had not been rigorous in attempting to collect these back taxes. During the town audit, letters were sent to some taxpayers requesting confirmation of the past-due amounts.

In response to previous pressures from the State in 1938, some Gay Head Wampanoag lands had been sold for failure to pay taxes (ibid.: 419). This action created hard feelings in the community. For many of the delinquents, however, the problems concerning their lands were resolved and the owners were able to retain their property.

#### Summary

In the Gay Head Wampanoags' early history, there was a political system headed by a chief or sachem. In the late 1600's the position of chief disappeared, and by the early 1700's a consensual form of government was in place. This type of government was easily integrated into the New England form of town government. By 1827, the group was holding town meetings. In 1870, this form of government was severely tested when the common lands were divided in severalty and the Indians fully enfranchised. Apparently, the group was divided on these issues. When the tribal government was formalized as a New England town government in 1870, the group began to lose its political autonomy (ibid.: 595-596).

As a town Gay Head had authority over its non-Indian residents and, moreover, was precluded from exerting authority over Indians who were non-residents and who did not own or share in the ownership of property in the town. By the 1930's a considerable number of Gay Head Indians were living elsewhere. Non-residents were precluded from voting in the town elections or town meetings. There is no evidence to indicate that an informal political system operated to give non-resident Indians a voice in the town's operations.

There is no evidence that the WTCGH formed in 1972 had its origins in the town government, as the petition claims, nor any other organization of which there is a record. It did install in the ceremonial positions of chief and medicine man, the two men who had been active in these positions in earlier Indian organizations which became defunct (Vineyard Gazette 1972). The evidence suggests that the WTCGH exerts little influence over its 521 claimed members. In fact, there appears to be little participation of members who live in Gay Head. The present group's leaders are predominantly from one family. The founding group which is no longer active in council affairs, was also predominantly from one family. The level of participation in WTCGH affairs contrasts sharply with the interest the Indians display in the town government. The WTCGH is an organization without a substantial base of support in its claimed membership, either on- or off-Island.



## LAND TENURE CONCEPTS

The history of land and land ownership concepts among the Gay Head Wampanoag is poorly recorded. Some of these concepts can be partially reconstructed by examining the reactions of the Gay Head Wampanoag to land transactions. It will be seen that some Indian concepts which existed earlier are still part of the Gay Head Indians' cultural inventory.

Martha's Vineyard was claimed in 1642 when young Thomas Mayhew took "possession of the island" (Banks 1966: I: 87). With possession of the land by the Mayhews, the English concepts of land and land ownership confronted those held by the Indians. The Indians did learn that non-Indians coveted the land and that they were not aware of the Indians' required consensual agreement before land rights could be transferred. Early title to the island was clouded, and the colonies of Maine, New York and Massachusetts claimed sovereign control (Banks 1966: I: 147-149). New York's Governor appointed Thomas Mayhew to Governor of the island for life in 1671 (Banks 1966: I: 147-149). In 1662, Wamsutta, a mainland Wampanoag sachem sold Gay Head to William Brenton, a Rhode Island merchant. What rights Wamsutta was transferring is unclear. What is clear, however, is that the Gay Head Wampanoag did not believe the right to possession was included. The sachem at Gay Head, Nohtoaksaet, refused to recognize this sale (Banks 1966: I: 7). In 1648, the Gay Head sachem, Joseph Mittark, a grandson of Nohtoaksaet, sold Nashowaquidsee to John Mayhew, a grandson of Thomas Mayhew (Mass. House 1856: 6-7). Nashowaquidsee or "Nashowa-aquiden-es-et" is a neck of land east of Gay Head, and situated between Menemsha Pond and Squibnocket Pond. A later sale of M'sque-puh-auk-et, the neck of land forming the south side of Squibnocket Pond, left the Gay Head Indians with the remaining lands which comprise the town today. There were no objections recorded to these two sales.

In May, Joseph Mittark sold Gay Head to Mathew Mayhew. The Indians protested this sale saying that Joseph's father, Mittark, wrote a covenant which said that the lands could not be sold. The covenant was subsequently declared a forgery by a commission of non-Indians, so the lands were regarded as having been legally transferred from Gay Head Wampanoag ownership. Mathew Mayhew leased the lands to the Indians. It is not clear whether he was leasing to individual Indians or to the tribe, since various problems developed which included the seizing of some of the Indian leases by non-Indians for non-payment of debts. Having become aware of the land problems of Gay Head, a missionary society known as the Corporation for the Propagation of the Gospel (i.e., the Company) purchased Gay Head in 1711. The Company feared the ruination of the Indians if they were turned off their lands.

The Company, however, was also facing economic difficulties and was in need of some additional funds. For this reason, it leased 600 acres of Gay Head land to Ebenezer Allen. Since this lease included some Indian houses (Banks 1966: II: 10-11), the Indians objected. When Mr. Allen renewed his lease with the Company 10 years later, he was given 400 additional acres. This irritated the Indians and they caused Mr. Allen considerable grief: they tore down his fences and impounded his cattle (GHWT 1983: I: 24). Finally in 1727 the Company, faced with these problems, deeded all but 800 acres back to the Indians. It is unknown how the Indians related to the 800 acres of non-Indian land in their midst.

As part of the transfer of lands to Indian ownership, the Indians agreed to be under the direction of the Company (Banks 1966: II: 11-12), but they were also wards of

Massachusetts. In 1746 Massachusetts appointed guardians for the Indians. The guardians were to "allot to the several Indians. . .such parts of said lands and meadows as shall be sufficient for their particular improvement. . .and the remainder. . .shall be let out. . .and income thereof. . .shall be applied for the support of such of the proprietors. . .as may be sick or unable to support themselves. . ." (Prov. of Mass. Bay 1746).

This non-Indian approach did not solve the land or economic problems at Gay Head. Between 1745 and 1767, the Indians sent 13 complaints to the colonial government to request help in alleviating the hardships created by the guardians. The division of Indian lands is shown on an April 25, 1776 map of Gay Head (Atlantic Neptune 1776). The lands, largely on the south side of Gay Head, are shown with defined boundaries and indicate the presence of at least 16 dwellings. The centrally located areas and the cranberry bogs on the northeast coast were not divided. The cliff area, on the other hand, has defined boundaries but no houses. These land divisions are largely long, narrow rectangular areas which are perpendicular to the coast. After the Revolutionary War, the tribe controlled the lands in Gay Head. How long the rectangular-shaped land allocations remained is not known. By 1858, many of the homes were centrally located in Gay Head. A map published that year shows the houses along with the names of the owners.

When Gay Head was made into a town and the common lands were divided in severalty in 1870, the new lots were rectangular much like those shown on the 1776 map. The boundaries of the Indian homesteads, on the other hand, which were required by law to be left intact, were more irregularly shaped.

According to Pease (1871: 21-22), Gay Head Wampanoag could sell their land only to other members of the tribe. Nonetheless, some Gay Head Wampanoag lands were sold as early as December 1793 by Zachariah Howwaswee to John Allen (Howwaswee 1793). This property was described as being in Gay Head and south of the dwelling of Jonathan Cuff. While Indian to non-Indian land transfers may not have been accepted culturally, they did take place. However, the records do not indicate that it was especially common. They do not show that some Gay Head Indians owned land in Chilmark outside Gay Head boundaries. Land held in severalty was passed, following unwritten rules, from generation to generation, but by 1849 a state investigative committee noted in their report that "At Gay Head, particularly, serious difficulties are already arising, which threaten the introduction of litigation. . .," and one of their recommendations was the ". . .importance of confirming the title of the proprietors of lands held in severalty, and of fixing the law of division and descent" (Mass. House 1849).

After the survey and division of most of the common lands by Pease and his surveyor, John H. Mullin, in 1870, the deed books reflect not only the Indians selling land to Indians, but also their selling land in Gay Head to non-Indians. For the latter this was at a rapid rate. The Dukes County Grantor Index (Dukes County 1859-1895) indicates that one Hariph M. Smith acquired at least 97 lots in Gay Head in 1879. Ephriam Mayhew acquired seven lots in 1885 and 1889, and Horatio N. Pease acquired nine lots, most recorded in 1882. In addition to these, transfers to other non-Indians would have resulted in 15 percent of all the lots in Gay Head being owned by non-Indians by 1895. The transfer of this much land to non-Indians was not of appreciable concern to the Indians at this time. There is no indication that there was any attempt on the part of the Indians to stop or slow this rapid process of their land passing into ownership of non-Indians.

## Levitas' analysis of land transactions in Gay Head

. . . indicates that by 1895 at least eighteen non-resident taxpayers owned land in Gay Head. Of these, ten were off-islanders and eight came from other island towns. From 1870 to 1895 one hundred and forty-seven land transactions are listed in the Dukes County Deed Books. Approximately forty-two percent represent local transactions—sales or gifts of land by one Gay Header to another. . . The remainder of the transactions represent sales to non-Indians. Over one hundred such sales are recorded—although the number of purchasers (eighteen) remained small (Levitas 1980: 352-3).

Since the division of the lands in the 1870's, the Indians have more fully accepted the white concept of land ownership, but even today they are much more tolerant of trespass and believe in the right of access for everyone. Levitas comments:

In dividing the community up into lots the commissioners did not concern themselves with such matters as roads or access to roads. As a consequence, many lots actually had no access to the road—a problem that created no difficulties as long as owners did not bar access to abutting owners. Because of its corporate nature, the community lacked traditions prohibiting trespassing, and as a consequence Indian owners rarely attempted to get legal documents guaranteeing them rights of access when they sold land to non-residents . . . White residents, following their custom, sometimes denied Indians access to their own land—making their property worthless (Ibid.: 351).

While Levitas reports some conflict and resentment developing in the community over land sales and trades, only individual and personal issues were involved. The resentment was not community wide. It was not until recently that the groups which wanted to provide a land base for claims to Indian ethnic status became angry with those who, for economic or personal reasons, were selling land in the community to outsiders (Ibid.: 356). The Gay Head Indians today still believe in the freedom of access to property, which includes access to the land of others. The remainder of their land concepts reflect non-Indian values. As a basis to implement recent legislation for a land settlement in Gay Head, the WTCGH agreed that all zoning of the town of Gay Head would apply to some of the lands which would be transferred to them. They also agreed that "all laws, statutes and bylaws of the Commonwealth, the town of Gay Head, and any other properly constituted legal body, shall apply to all settlement lands and any other lands now or at any time in the future by the tribal council or any successor organization" (Mass. Acts 1985). The Indians would retain title to the land but would not pay taxes on it. In lieu of taxes, the WTCGH agreed to make payments to the town for any improvements on the property.

## Summary

While the land in Gay Head was originally held in common, these common lands could be claimed by enclosure. These claimed lands, later called homesteads, could be passed to one's heirs or sold. While common land could be claimed, some was still shared in common. The right of access to all lands was an unwritten right.

When the common lands in 1870 were divided in severalty, the rights of access were still assumed. In the division, many of the parcels were land-locked. Without right of access, the division would have been unworkable. While memory deeds were prevalent prior to the land division, now land transfers are more likely to be legally recorded in the Duke's County Courthouse.

Today, except for the belief in freedom of access to land, the Gay Head Wampanoag share the same land concepts commonly held by the greater society. This is reflected in the WTCGH's acceptance of the terms of the agreement which led to the introduction of recent land settlement legislation in Congress.

## SUMMARY

Historical documents indicate that since the 1600's, Gay Head Wampanoag Indians have occupied the western end of Martha's Vineyard, an island south of Cape Cod, in Dukes County, Massachusetts. Today this area is the town of Gay Head. There are only four major roads in town, and the dispersed, relatively isolated houses of the Gay Head Indians are connected to the major roads by drives and/or some lesser, older roads. Owing to this old road system, the houses of the Gay Head Indians have always been somewhat removed from those of their neighbors. When non-Indians moved to Gay Head and built their homes, they followed the same dispersed pattern. There is no business center for the inhabitants of Gay Head. The only commercial establishments in town are for tourists. There is a cluster of small souvenir shops and refreshment stands at the cliffs where the tourists view the multi-colored geological strata that give the town its name. The settlement pattern at Gay Head sharply contrasts with the dense and more compact settlements found in other Martha's Vineyard towns. These down-island towns have commercial centers serving both residents and tourists.

While Gay Head may have been more heavily populated in colonial times, by 1807, only 142 Indians were living there with 100 more reported as being absent. Presumably these absentees were the fisherman and/or domestics who lived and worked off-island. Since 1807 there has not been any large fluctuation in the resident Indian population. In 1910, 157 Indians were listed on the Indian census schedule taken by the Federal Government. This is only 15 more than in 1807. During the 1930's, the Indian population in Gay Head began a decline, first dropping from 129 in 1930 to 98 in 1940. By 1950 only 71 were living there. Today there are 78.

While the Indian population declined, the non-Indian population increased. In the 1970's, the Indians comprised 53 percent of the town's population but by 1980, they accounted for only 35 percent. It was during the 1970's that the Wampanoag Tribal Council of Gay Head was formed.

The Wampanoag Tribal Council of Gay Head, the petitioning group, lists 521 members who are the descendants of Indians on an 1871 list prepared when the town was incorporated and the common lands were divided. At the time of the division, only those who were members of the group were entitled to lands. While spouses are not included in the current list of members, some spouses at the time of the division received land. Rarely was a non-resident Gay Head Wampanoag entitled to share.

Communal activities were dominant throughout much of Gay Head Wampanoag history, but this began to change after the division of the common lands. Communal activities included plowing, grazing, fishing, and picking of cranberries in the fall. Technological changes in fishing such as power boats with mechanical winches required less manpower to haul the nets and place the stakes or spiles which hold the nets. The demise of cash farming has eliminated the need for cooperative agricultural endeavors. Such changes have promoted a more competitive economic environment.

The Gay Head Wampanoag had only one annual communal social event—Cranberry Day. Prior to the 1939 hurricane which severely damaged the bogs, the Indian community on a designated day would assemble to pick cranberries and socialize. The surplus cranberries were sold to assist the town's indigent. This celebration has now changed. The day now functions as an "Indian Heritage Day." During this event, Gay Head Wampanoag children, most of whom are bused in from down-island schools, are instructed in Gay

Head Wampanoag history. They are taken to the remaining bogs to pick some cranberries. In the evening, a meeting held in the town hall reinforces the Indian background for the adults. On display are Indian artifacts including recently made pottery from the clay at the cliffs and pictures of Gay Head, including some family photograph albums. The event is not well attended.

At the turn of the century, the town had institutions which reinforced social interaction and promoted social cohesion. There was a church, a post office and two grocery stores. The post office was closed in 1941 and today the town has rural mail delivery. The grocery stores closed in the 1930's forcing the inhabitants to shop in other towns. The church has declined in social importance. In the past when the church building needed repairs or painting, the church membership would provide the labor. Today the church is poorly attended and any repairs or painting are contracted out.

In aboriginal and early historical times, the Gay Head Wampanoag Indians were governed by a sachem and a council. When the position of sachem disappeared from the system in the 1680's, the group was governed by a council with consensual decision making. There were times when the Gay Head Wampanoag had guardians and overseers, but by 1827 they were holding town meetings and had chosen their own officers such as clerk and overseer of the poor.

Following the Civil War, the State passed legislation to enfranchise the Indians and to bring them into the greater society by dividing their common lands. This provoked controversy among the Gay Head Wampanoag. Some of the Indians favored the action but others opposed it. By 1870, the town system of government was in place but from that date to 1956, records of the town's activities are scarce since the town's records were destroyed by fire. From 1870 to the present, most of the town officials have been Indians but non-Indians have also held office. In 1910 for example, an unmarried, non-Indian held the position of town auditor.

The Wampanoag Tribal Council of Gay Head claims to be the tribal government of the Gay Head Wampanoag. Membership in the group requires proof of descendancy from the 1871 list of Indians who received lands at the time of the division of the common lands. While the office of the Wampanoag Tribal Council of Gay Head is Gay Head, only 78 of their members reside in the town. There are monthly and annual meetings, and a core of about 10, generally officers, are regularly in attendance. Most of those who attend are from Gay Head, but there are over 100 eligible voters in the nearby down-island towns such as Oak Bluffs and Vineyard Haven. At the last five annual meetings, only three members from Oak Bluffs and one from Vineyard Haven were present. Four members from off-island attended during this period. The low level of participation in Gay Head Wampanoag Tribal Council affairs suggests that the council has little support from its claimed membership.

By contrast, the Gay Head Wampanoags who live in Gay Head are involved in town issues. Voting records indicate that during town elections there is a considerable turnout. In 1973, for example, there were 133 registered voters--Indian and non-Indian--and 103 voted. While Indian-related issues occasionally have been on the agenda for the town meetings, decisions do not follow ethnic lines.

Other indications that the town is not divided into Indian versus non-Indian are found in other political organizations. The Gay Head Taxpayers Association, when first formed in 1975, had both Indian and non-Indian members. In fact, some of the Indian members

were also founders of the Wampanoag Tribal Council of Gay Head. The principal concerns of the taxpayers organization at that time were focused on the town's financial procedures.

Belief in common accessibility to land is not shared equally between the Gay Head Wampanoag who live in Gay Head and their new neighbors. Prior to the 1870 division of the common lands, any member had the right to common land by enclosing or fencing the desired parcel, but the right of access would not be denied. Had this idea of the right of access not been widely shared by the Indians, the plat of the 1870 division of the common lands which created parcels without access to roads would have been unworkable. Today, with much of the land in town being owned by non-Indians, the issue of access creates some problems. Other than the accessibility issue, the Gay Head Wampanoag who reside in Gay Head share land concepts with the greater society.

In conclusion, there is no doubt that some Gay Head Wampanoag have lived in Gay Head since earliest historical contact. It is also clear that in colonial times they had a tribal organization which was governed by a chief or a sachem. By 1827, however, their government had evolved into an informal town system. This structure became formalized in 1870 when the Indians were enfranchised and their common lands were divided.

Prior to 1870, both the economy and technology of the Gay Head Wampanoags fostered a communal way of life. Cooperation was required in fishing, plowing and harvesting of cranberries. From 1870 to approximately the 1930's, communal activities slowly declined and with economic changes in farming and the technological changes, such as power-driven boats and winches in fishing, cooperative behavior disappeared. With the damage suffered by the cranberry bogs in the 1939 hurricane, their one communal social event ended.

With the demise of Cranberry Day and the lack of other institutions to promote social cohesion and to reinforce social interaction, the communal and cooperative way of life disappeared. Even other institutions such as the post office, grocery stores or other commercial establishments which could serve to promote social cohesion were no longer in existence. The only institutions which persisted as integrative mechanisms were the town and town government, and the latter served the entire community—both Indian and non-Indian.

Today, the Gay Head Wampanoag descendants are found largely on Martha's Vineyard and in southeastern Massachusetts. That 15 percent living in Gay Head are part of the town of Gay Head. The Wampanoag Tribal Council of Gay Head is not a tribal organization. It is an Indian descendency group based in Gay Head. As a descendency organization, its members share in their pride of Indian ancestors who once lived in Gay Head.

## GENEALOGICAL REPORT ON THE GAY HEAD WAMPANOAGS

### I. SUMMARY

The Gay Head Wampanoags are located in the Town of Gay Head, Massachusetts, on the island of Martha's Vineyard. Since the time of English colonization of the island in the mid-1600's, Gay Head has been recognized as a community of Indians or Indian descendants. Although a small number of the group's membership actually reside at Gay Head, the majority reside within easy commuting distance.

The present governing body of the Gay Head Wampanoags is of recent creation. It has set formal governing procedures and the criterion for membership in the group. However, the membership roll is an informal compilation. Families known to be of Gay Head Indian descent which could meet the membership criterion were automatically placed on the roll. In the few cases when the group did not personally know the family, documentation was requested in order for the group to investigate whether the families qualified under the criterion for membership.

The criterion for membership is descent from a Gay Head Wampanoag who appears on the 1871 census of Gay Head. No attempt has been made by the group to trace the ancestry of the group's membership any further back than to this census although the group is aware of which historical Gay Head Indian families are ancestral to the current families. There is documentary evidence to establish the ancestry of the group's membership back to Gay Head Indians who appear on a list prepared in 1792. Evidence to connect the group's 1871 ancestors with the Gay Head Indians of 1792 was found in the personal notes of Richard L. Pease who was appointed by the Commonwealth of Massachusetts in 1866 to determine the boundaries of severally-owned and common lands at Gay Head. Supporting evidence was found in the land records of Dukes County, Massachusetts, vital records of the state and towns of Massachusetts as well as in published materials. This evidence also suggests that several of the 1792 ancestors were descendants of the aboriginal inhabitants of the area at the time of English colonization.

There are no full blood Gay Head Wampanoags. The Gay Head Indians have always recognized the fact that they were of mixed ancestry but have always maintained their Indian identity. The marriage patterns of the Gay Head Indians from the late eighteenth century to the twentieth century reveal that the majority of non-Indian ancestry resulted from marriages with other Indians who were mixed bloods. The majority of marriages in this century have been with non-Indians coinciding with the diminishing number of other Indian residents on Martha's Vineyard and the movement of some of the members off Gay Head.

Although the present membership does have Indian ancestry other than Gay Head Wampanoag, none of the ancestry would make them eligible for membership in any federally recognized Indian tribe. In recent generations there have been



a few instances where the group's members have married members of federally recognized tribes. Descendants of these unions have not been enrolled as members of the petitioning group.

No evidence has been found indicating that the Gay Head Wampanoags ever had a relationship with the Federal government. The Gay Head Wampanoags do not appear on the Bureau of Indian Affairs' official list of "Indian Tribes Terminated from Federal Supervision." No legislation is known to exist which terminates or forbids a Federal relationship with this group or its members.

There were significant changes in the composition of the group in the nineteenth century. The report will discuss the apparent change in the historical criteria for membership as well as the disappearance of surnames of Indian origin that had been associated with Gay Head in the previous century. These changes in the nineteenth century do not negate the conclusion that the Gay Head Wampanoags are the present-day descendants of the historical and aboriginal group that inhabited Gay Head, Massachusetts.

## II. GOVERNING BODY

The governing body of the Gay Head Wampanoags is the Wampanoag Tribal Council of Gay Head organized on October 28, 1972 and incorporated under the laws of the Commonwealth of Massachusetts on January 10, 1973 (WTCGH 1972; 1973c). The governing document of the Tribal Council is a set of by-laws adopted by unanimous vote at a general meeting of the Tribal Council on February 12, 1977 (Ibid. 1977a; 1977b). The set of by-laws is a revision of by-laws adopted on January 6, 1973 (Ibid. 1973a; 1973b). A general meeting of the membership is held annually and special meetings of the membership are called periodically. A quorum for a general meeting is fifteen members including the officers.

Monthly meetings are held by the Board of Directors of the Tribal Council which includes the President, Vice-President, Secretary, Treasurer and seven directors. The officers are elected for a two-year term. Three of the directors are elected for one-year terms, two are elected for two-year terms and two are elected for three-year terms. Also serving on the Board of Directors are a Chief, a Medicine Man and an honorary director who hold these positions for life. The Chief and the Medicine Man are holdovers from a previous council and consented to serve on the Board of Directors at the organizational meeting of the Tribal Council (Ibid. 1972).

## III. MEMBERSHIP CRITERIA

The criterion for membership is lineal descent from a Gay Head Wampanoag who appears in the 1871 "Census of Inhabitants of Gay Head." This census was published as Appendix B in Richard L. Pease's Report of the Commissioner Appointed to Complete the Examination and Determination of All Questions of Title to Land, and of All Boundary Lines Between the Individual Owners, at Gay Head, on the Island of Martha's Vineyard (Pease 1871). This criterion is

set forth in the by-laws of the group:

The basis for membership is to be the 1870 census roll. Any person directly descended from a Gay Head Wampanoag on this roll automatically is eligible for life long membership in the Wampanoag Tribal Council of Gay Head, Inc. (WTCGH 1977b).

The criterion was reaffirmed by a general meeting of the membership held on March 3, 1980. However, the wording of the motion is confusing. The motion reads

That any Wampanoag tracing his or her ancestry back to the 1870 census of Gay Head, with that ancestor being recognized as a Gay Head Wampanoag Indian, shall qualify as a member of the Wampanoag Tribe of Gay Head for the purposes of Federal Recognition [sic] (Ibid. 1980).

Because the motion refers to the "Wampanoag Tribe of Gay Head," it is not clear whether this organization is identical to that represented by the Wampanoag Tribal Council of Gay Head. A statement made by the President of the Tribal Council at the same meeting implies a difference:

... the difference between Tribal and Tribal Council membership. Tribal council membership is voluntary and Tribal membership comes from the direct family line extending from the 1870 census (Ibid.).

BAR requested clarification of the meaning of the above statement. Members of the Board of Directors including the Tribal Council President who made the statement state that there is no difference between Tribal and Tribal Council membership. The statement was intended to mean that participation in the Tribal Council is voluntary.

#### Blood Degree

The Tribal Council has considered limiting its membership by using a blood degree requirement. A motion adopting such a requirement was passed in 1979. However, the motion has never been enacted. The current Board of Directors does not consider this motion as being properly adopted, and considers that the only requirement for membership is lineal descent from a Gay Head Wampanoag on the 1871 census.

The 1979 motion passed at a Tribal Council meeting at which an attorney from Native American Rights Fund was present reads

members of the Gay Head Wampanoag Tribe be 1/8th proven Gay Head Wampanoag blood given that members of the 1869/70 census and base roll are full-blooded (Ibid. 1979a).

In response to BAR's request for clarification regarding the blood degree motion, the Tribal Council President replied

1/8 blood quantum was never voted by a meeting of the regular membership of the tribe called for that purpose. Although discussed frequently and included in many discussions of the tribe and leadership ... the March 3, 1980 meeting is regarded as the official position of the tribe regarding the membership issue (Widdiss 1985).

The March 3, 1980 meeting referred to is the meeting where the membership reaffirmed the membership criterion of lineal descent from a Gay Head Wampanoag on the 1871 census.

#### IV. GROUP'S MEMBERSHIP

For acknowledgment purposes the membership consists of 521 members as of June 1, 1985. Two lists identifying the members of the group have been submitted as part of the petition. The first list, dated May 1, 1983, contained 496 members. No addresses were provided for any of the members. A request from BAR for addresses resulted in a second list dated June 1, 1985, which contained the names of 530 members. The second list contained 41 additional names. Six names that had appeared on the 1983 list were omitted. However, the omission of two of the names was an oversight, and the Tribal Council President stated that the two individuals should be considered as members. Because ten of the members appearing on both lists and one of the additional names on the 1985 list are noted as deceased, BAR concluded that there are 521 living members at the date of the 1985 list.

#### Analysis of Current Membership

Genealogical information concerning the majority of the members who appear on the 1983 roll was submitted on charts suggested in the Acknowledgment guidelines as the type to use for gathering the genealogical information needed to process a petition for Federal acknowledgment. The charts were prepared by one of the members who had been appointed "Genealogist" for the group. Further information requested by BAR was submitted by the Tribal Council President. In order to determine how the members traced back to the 1871 census, BAR staff prepared fifteen descendancy charts beginning with an ancestor who appears in the 1871 census.

The membership criterion specifically states that the ancestor on the 1871 census must be a Gay Head Wampanoag. However, the census does not clearly distinguish between Gay Head Wampanoags, other Indians, and non-Indians. The Tribal Council Board of Directors could not explain how they determine who is and who is not a Gay Head Wampanoag on the census. They maintain that they just "know," and if they are not sure they would "investigate."

To evaluate whether the members meet the group's own membership requirement, BAR interpreted a Gay Head Wampanoag in the 1871 census as one who

(a) was designated as Gay Head in the column "Tribe or Race" in the 1861 list of Indians prepared for the Governor and Council of Massachusetts under the Act of April 6, 1859 (Earle 1861);

and

(b) had at least one parent born at Gay Head according to Pease (Pease 1871).

At least one ancestor listed on each of the 15 descendency charts meets (a) and (b).

Of the 521 members, 513 (98% of the total membership) meet the group's membership criterion, i.e., that they descend from a Gay Head Wampanoag who appears on the 1871 census. There was insufficient information to determine whether two of the members met the group's membership criterion. Six members (1% of the total membership) were found not to be descendants of anyone on the 1871 census, and therefore, do not meet the group's membership criterion.

Depending upon their ages, members are as close as one generation or as far as five generations from the Gay Head Wampanoag ancestor on the 1871 census. The majority of the members appear to be three and four generations from the Gay Head Wampanoag ancestor. Intermarriage between families in the first and second generations occurred to such a degree that a majority of the members have at least two and probably three lines of descent back to someone on the 1871 census.

A geographical analysis of members addresses shows that over a third of the group's membership reside on the island of Martha's Vineyard and that almost three-quarters of the membership reside in Massachusetts within easy commuting distance from Gay Head.

Geographical Distribution of GHW Membership (Total: 521)

	# of members	%(rounded)
Massachusetts	385	74%
Total on Martha's Vineyard	215 (41%)	
Gay Head	78 (15%)	
Martha's Vineyard (excluding Gay Head)	137 (26%)	
Elsewhere in Massachusetts	179 (33%)	
Other than Massachusetts	110	21%
Addresses unknown	26	5%

Included in the documented petition were copies of the Town Clerk's Report from the Annual Town Reports of Gay Head, newspaper obituaries, Federal population census schedules, and records of the Gay Head Baptist Church. All these records were utilized to document selected lines of descent from the 1871 ancestor to the current member. The Town Clerk's Reports included the births, marriages and deaths reported to the Town Clerk in the particular year. Sixty out of 84 reports published from 1896 to 1980 were submitted. The Federal population census schedules are for the Town of Gay Head for the years 1870 (the first year Gay Head appears in the Federal census), 1880, 1900 and 1910 (the last census open to public inspection). The 1890 Federal population census was almost completely destroyed in a fire. The newspaper obituaries were clippings from a local Martha's Vineyard newspaper. All three sources provided evidence of family relationship. The church records basically provided death dates and evidence of marriage.

Field research was also undertaken to obtain further evidence to document selected lines. Research was done in the land and probate records of Dukes County (Martha's Vineyard), Massachusetts, the state copies of Massachusetts town and city vital records, Federal census records at the National Archives, and the collections at the libraries of the Dukes County Historical Society, the Daughters of the American Revolution, the New England Historic Genealogical Society and the Library of Congress.

The selected lines that were documented are representative of the 15 family lines charted on BAR's descendency charts. Included in these selected lines are all past and present Tribal Council Presidents. The total number of members whose ancestry was documented is 134. This is about one-quarter of the total membership (26%). Because virtually all of the remaining members are closely related to those documented selected lines, BAR concludes that the membership virtually consists of individuals who not only meet the group's membership criteria but can easily document their ancestry back to the 1871 ancestor.

#### Former Lists

As required by the acknowledgment regulations, seven former lists of members were submitted. All the lists were compiled in the 1970's or early 1980's although one of the lists is not dated.

Two of the former lists were compiled in 1979 for the purpose of submitting a proposed list to all the members so they could add the names of individuals not presently on the roll who would be eligible (WTCGH 1979c; 1979d). The first list which was prepared by the Tribal Roll Committee Chairman identifies 290 members. The second list prepared by a volunteer identifies 371 members. One name on the second list did not appear in the 1983 membership roll submitted with the petition but did appear as one of the additions to the 1985 roll. There are several names on the two lists that do not appear in either roll submitted as part of the petition. It was determined that these members were deceased by May 1983.

An 1978 list divides the membership by residence - Gay Head (86), Martha's Vineyard except Gay Head (148 but includes one with an off-island address and

several spouses of members), and off-island (134). The total number of members identified on this list is 368. The undated list is an address list identifying 371 members.

A copy of a demographic area profile sheet for Coalition of Eastern Native Americans done in 1974 was submitted. The profile sheet contained 234 names (the total given on the sheet incorrectly states 236). Also submitted were two lists of adult members. The first list, dated 1975, was prepared for the election of the Sachem of the Wampanoag Nation. This list included 234 names. The second list, dated 1981, was apparently prepared for the voting on the land settlement and contained the names of 287 members.

All the former lists contain essentially the same family lines. The additional members that do not appear on any of the former lists but do appear in the 1983 and 1985 membership rolls submitted for acknowledgment include families related to the families who appear on the former lists as well as children of individuals on the former lists.

#### Historical Lists

The group submitted with the petition two lists of Gay Head Indians prepared in the nineteenth century by commissioners appointed by the Commonwealth of Massachusetts to examine and report the condition and circumstances of the Indians living within Massachusetts. The first list, prepared about 1848, was submitted as part of the report published in 1849 (Mass. House 1849). The second list, prepared about 1858-59, was submitted as part of the report published in 1861 (Earle 1861). The two lists were utilized in determining the ancestry of the group's 1871 ancestors discussed later in this report. A copy of the 1871 census, the list used for the group's membership criterion, was also submitted.

#### Compilation of the Roll

The Tribal Council compiled the membership roll by contacting those families they knew to be eligible and requesting information on their immediate families. The Tribal Council also requested from these families addresses for their relatives who lived out of state in order that the Tribal Council could contact them. The relatives living out of state were then contacted for information on their immediate families and requested to provide the names of others who should be put on the roll. It is the opinion of the current Board of Directors that the 1985 roll plus the two members who were inadvertently omitted constitute the membership of the Gay Head Wampanoags. They believe that they had "pretty well contacted everybody."

There are no formal procedures for admission to membership nor are there any enrollment forms. The original by-laws of the Wampanoag Tribal Council of Gay Head, Inc., provided for a membership committee which would accept all applicants to be listed on the roll (WTCGH 1973b). The current by-laws do not mention a membership committee; however, Tribal Council minutes after the adoption of the revised by-laws do occasionally refer to a Tribal Roll Committee. The Tribal Council knows the ancestry of most of its members and therefore apparently felt there was no need for enrollment forms or to

require evidence to show that the member met the membership criterion. There have been a few instances where the Tribal Council was unsure whether the individual or family was descended from a Gay Head Wampanoag on the 1871 census. In these cases the Tribal Council requested documentation from the individual or family in order that the Tribal Council could investigate whether they did descend from a Gay Head Wampanoag on the 1871 census. Two families added to the 1985 roll required such an investigation. The file on one of the families was shown to the BAR genealogist. In the file were birth and marriage certificates documenting the family's ancestry to the ancestor on the 1871 census.

Active work on the membership roll began in the spring of 1973. At the March 24 meeting of the Tribal Council, a recommendation was made to have a membership drive to establish how many people belong to the "Wampanoag Council of Gay Head." It was further recommended that all members should make a head count of their individual families. The following meeting in April was conducted as a workshop on the membership list with each member assigned the task of identifying as many names in the Gay Head families as possible.

In 1974 the membership committee (also referred to as the "Census Committee") reported that

We are including all people from that time [the 1871 census] through the 4th generation to go on our tribal roles[sic]. After the fourth generation, the degree of Indian blood lessens, according to whether or not one marries an Indian or a non-Indian. It was decided that in no instance should the degree of Indian blood be less than one-eighth in order for that individual to be eligible for tribal benefits (Ibid. 1974).

As discussed above under membership criteria, the Tribal Council did pass a motion in 1979 requiring a blood degree of one-eighth given that the Gay Head Wampanoag ancestor on the 1871 census is considered full blood. However, this motion was never utilized and the present Board of Directors does not consider the motion as being properly adopted.

It was decided at the meeting of June 2, 1979 that the current incomplete roll should be typed and sent to all the members so they could submit names of individuals not presently on the roll who would be eligible for membership (Ibid. 1979c). Copies of two lists prepared for this purpose were submitted with the petition.

A form letter was sent to the members in 1980 requesting information on each family in order to complete the genealogical portion of the Acknowledgment petition. The letter also requested that the member include "any Gay Head Wampanoag people who may not be on the Tribal Roll and have had no contact with the Tribal Council or Gay Head" and provide any information that would assist the Tribal Council in contacting them (Widdiss 1980). A second form letter, dated 1982, was sent requesting that the member review the information the Tribal Council had collected on his or her family noting any additional information that should be included and the names of any family members that were not listed (Malonson 1982).

## Consent

It is not known how many of the members on the 1985 roll are actually aware that their names appear on the roll. Because there is no formal enrollment form, there is no record of the members' consent to being placed on the roll. The 1982 letter stated

If, for whatever reason, you do not wish to be included as a member of the Wampanoag Tribe of Gay Head in the Federal Recognition process, please notify the Tribal Council in writing stating your wishes. If no notification to the effect is received, we will automatically include your name on the membership roll. If your children are over eighteen years of age, they must write their own requests (Ibid.).

No evidence was presented to show how many letters were sent, who received the letters, and whether anybody made any formal response.

At a meeting with some of the dissident faction those in attendance indicated that they had no problems being listed on the membership roll but disavowed any association with the Tribal Council.

## V. HISTORICAL CRITERIA FOR MEMBERSHIP

Prior to the incorporation of Gay Head as a town in 1870, the Gay Head Indians were considered a distinct Indian group by the Commonwealth of Massachusetts. Group membership included the privilege to appropriate for his own use as much unimproved common land that the member desired. This land could be enclosed and passed on to his heirs (Mass. House 1849:20). The land could be sold to other members of the group, but it could not be sold outside the group (Earle 1861:38).

The term used to describe a group member was "proprietor." This term was borrowed from the English colonists who used the term to describe those who owned shares with others of undivided land granted by the colony. A description of those who were entitled to tribal privileges at Gay Head was made in 1807:

Every native, whether he lives off or on the island, is considered as a proprietor; and every child born to him is entitled to a right, which is equivalent to the pasture of three sheep (Freeman 1971:51).

If the definition of a proprietor was correct at that time, it changed significantly in the next forty years. By 1850 not all Gay Head Indians were automatically entitled to become proprietors. However, non-Gay Head Indians and certain non-Indians were being admitted as proprietors.

The report issued in 1861 concerning the number and condition of the Indians in Massachusetts contains a description of those who were entitled to the privilege of being a proprietor. A non-Gay Head Indian could be automatically admitted as a proprietor if he married a Gay Head Indian and settled in Gay Head. With the consent of the Gay Head Indians, a non-Indian



who married a Gay Head Indian and was permanently residing at Gay Head could become a proprietor. However, not all non-Indians were granted this privilege. According to the 1861 report, the Gay Head Indians

are very cautious in the concession of this right, as they are jealous of the influence of foreigners [i.e., non-Indians], having had much trouble with some of these who have intermarried with their women and settled amongst them (Earle 1861:32).

In 1849 seventeen proprietors of Gay Head signed a petition. Four of the proprietors were non-Gay Head Indians, one a foreign national, and one a non-Indian (Mass. House 1849:87-88). The petition indicates that non-Gay Head Indians and non-Indians were being admitted as proprietors by 1849. That not all non-Indians were being admitted as proprietors is substantiated by a deed dated that same year. In the deed, a non-Indian resident of Gay Head described himself as a non-proprietor while his wife is called a proprietor (Salsbury 1849). This non-Indian had been a resident of Gay Head since 1808 when he married a Gay Head Indian. Although a resident of Gay Head for forty-one years, he had never been accorded the privilege of proprietorship.

The act which incorporated Gay Head into a District in 1862 described the group as "the Indians and people of color constituting the Gay Head tribe of Indians." The provision regarding who would have the right to vote incorporated what had been reported in 1861 regarding tribal membership. Besides natives of Gay Head, those eligible to vote were Indians from other tribes in Massachusetts who were married to Gay Head women. Any other person whose permanent residence was at Gay Head and who was married to a Gay Head woman "shall have the right conferred on him by two-thirds of the voters of the district" (Mass. Acts 1862).

Besides admitting non-Gay Head Indians and non-Indians as tribal members, the other change in tribal membership was the exclusion of those who were Gay Head Indians but not residents of Gay Head. Apparently residency became an important factor in deciding who would become a proprietor. In 1849 the proprietors were complaining about the children and grandchildren of Gay Head Indians who removed off island coming back to Gay Head and claiming full group rights (Mass. House 1849:87-88). In the 1861 report are two lists of Gay Head Indians. The first list contained 204 individuals who were recognized as members of the tribe. The second list, titled "Supplementary List," contained the names of 46 individuals, all off island residents, who claimed to belong to the tribe but were not recognized as tribal members by those at Gay Head (Earle 1861).

Gay Head Indians who were not recognized as group members did share in the act which provided for the defining of the boundaries of land owned in severalty at Gay Head. However, these Gay Head Indians only received their share of the land as heirs of a deceased proprietor--not as proprietors in their own right. When the common land of Gay Head was divided in the 1870's, only those female Gay Head Indians who lived off Gay Head but still on Martha's Vineyard received any land. One Gay Head Indian who appeared in the 1861 Supplementary List was not added to those entitled to receive common land until he had demonstrated that he intended to make Gay Head his

permanent residence even though he was married to a Gay Head Indian who was already on the list (Pease n.d.).

#### Division of Common Lands

The 1863 and 1866 Acts provided for the confirmation of the titles and boundaries of severalty-owned land. The act incorporating Gay Head into a town provided for the division of common land at Gay Head if consented to by the majority of residents (Mass. Acts 1870). On December 5, 1870, the Probate Judge of Dukes County having received such assent appointed two commissioners to divide the common land and allot the land to the residents (Mayhew 1870).

One of the commissioners was Richard L. Pease. He had previously been appointed to succeed Charles Marston as the commissioner to confirm the titles and boundaries of severalty-owned land. His report regarding the earlier commission was published in 1871. In the appendix to this report is the census used by the Gay Head Wampanoags for their membership criterion. Referring to this census in his report, Pease stated that it "will be of great service in the work, yet to be performed, of dividing the common land" (Pease 1871:25).

Although Pease implies that his enumeration contained those whom he could identify as "Gay Head Indians," a study of this census, a later census submitted with the report concerning the division and allotment of common land, and the actual records of allotments show that he actually compiled his list based on the definition the Gay Head Indians used for tribal members as reported in 1861. Six of the 227 names listed in his 1871 census were not residents of Gay Head. Two resided at Chappaquiddick on Martha's Vineyard and four resided in towns on the Massachusetts mainland. In the actual allotment of common lands, the two who resided at Chappaquiddick did receive common land, but the four living on the Massachusetts mainland were omitted from the allotment. Thirty out of the 227 listed on the census did not share in the allotment of common lands. Fourteen were deceased by 1878, and 15 were found not to be residents of Gay Head (Pease n.d.).

The actual list of those who did share in the allotment of common land is found in the Dukes County Probate Records, volume 59, and in the Dukes County Land Records, volume 65. The list is also entitled "census of inhabitants of Gay Head" and is part of the report regarding the division and allotment of common lands filed at the Dukes County Registry of Probate. This census incorporates both individuals listed in the 1871 census as well as those who were determined to be heirs of severalty-owned land under the Acts of 1863 and 1866. These heirs were for the most part children and grandchildren of Gay Head proprietors who were living permanently off-island. They did not share in the allotment of common land.

Included in the list of those who did share in the allotment of common land were 29 additions to the 1871 census who were assigned census numbers 228 to 256. Twenty-one of the additions were children born between June 1871 and June 1877 to those on the 1871 census. Three of the additions were spouses of those on the 1871 census married after the census was compiled. Two of the spouses were non-Indians. The third spouse was of Gay Head ancestry who

was added to the list after he demonstrated to Pease that he intended to make Gay Head his permanent residence. Five other additions were all adult females of Gay Head ancestry residing elsewhere on Martha's Vineyard.

#### VI. GAY HEAD ANCESTRY

Notwithstanding the change in composition of tribal members in the nineteenth century to include non-Gay Head Indians and non-Indians, evidence indicates that the members of the Gay Head Wampanoags are the lineal descendants of the aboriginal tribe. The ancestry of the 513 members whose descent can be demonstrated from a Gay Head Wampanoag on the 1871 census was traced through the 1871 Gay Head Wampanoag ancestor back to the 1792 list of Gay Head Indians. Although the ancestry of the 1792 Gay Head ancestor was not traced, evidence suggests that these ancestors were the descendants of the aboriginal inhabitants of the area at the time of English colonization.

Although there was in existence in the early 1900's a manuscript containing the genealogies of the Indian families of Martha's Vineyard, this manuscript could not be located (Banks 1966:III, v). The personal notes of Richard L. Pease when he was commissioned to determine the titles and boundaries of severalty-owned land at Gay Head were used as the basis for establishing the ancestry of the 1871 Gay Head Wampanoag ancestor back to 1792. Supporting evidence was found in the land records of Dukes County, Massachusetts and local vital records as well as in published materials.

The 1792 list, prepared by a Gay Head Indian, is the earliest complete list located of the proprietors of Gay Head. The list gives the name of each proprietor, the degree of Indian blood, and the number of persons in the proprietor's household (Howwaswee 1792). Only one line was traced in the ancestry of the 1871 Gay Head Wampanoag ancestor. The majority of the membership will have more than one line that can be traced to 1792 due to intermarriage among the families. As an example, those members who trace back to John Occouch will also trace back to Thomas Cooper because their 1871 Gay Head Wampanoag ancestor married a descendant of Thomas Cooper.

The following table shows the breakdown in numbers and percentages (rounded) of the 513 members out of the total of 521 members who can trace back to the 1792 list.

Breakdown of the 513 members who trace to the 1792 list

1792 ancestor and degree of Indian blood	No. of Descendants	% of 513 members
Talknot heirs	192	37%
Thomas Cooper (1/2)	185	36%
John Occouch (full blood)	57	11%
Isaiah Howwaswee (full blood)	35	7%
Mercy Talman, wife of Isaac Johnson, a stranger, (15/16)	32	6%
Israel Amos (7/8)	11	2%

Of the 513 members, 320 (62%) can trace back to one of the proprietors on the list. One of the lines traced descends from Mercy Johnson, the second wife of John Occouch (Henry 1843; Morse 1843). However, it can not be ascertained whether Mercy Johnson, who was a Gay Head Indian, was married to John Occouch at the time the 1792 list was compiled. She is the ancestor of the one member of the 513 members not accounted for in the table given above.

In the above table, the "Talknot heirs" are the descendants of Margaret Talknot. The only Talknot (Tauknet, Tocknet, Tockquenett) on the 1792 list is Isaac Tockquenett, a full-blood Indian, with nine persons living in his household. He may be the male progenitor of the "Talknot heirs." However, there is a marriage record for Elisha Tauknet to Margaret Johnson in 1768 (Woods 1904:74). It is possible that Elisha was the direct male progenitor and Isaac a collateral ancestor who was designated the head of the Talknot household in 1792. One hundred sixteen of the members who are classified as descendants of the "Talknot heirs" also have a Howwaswee line. However, their Howwaswee line could not be traced back with any certainty to 1792.

Of the ancestors listed in the above table, BAR estimates that over half of the current membership in the Gay Head Wampanoags descends from Thomas Cooper. Thomas Cooper, born about 1732, was the source for the legend of Moshup, a mythical Gay Head demi-god, published by Bassett in 1792. Cooper claimed that his grandmother was "a stout girl, when the English came to the island" (Bassett 1792: 139). There is a tradition that his wife, Mary Herrie or Harry, was a descendant of the Sachem Mittark (Vanderhoop 1904). The line of descent from Mittark to Mary (Herrie/Harry) Cooper as given can not be verified; there appears to be a generation missing in the lineage. This couple had twelve children, and although the male line of this family died out about two decades ago, there are many who descend from female lines.

The Occouch and Howwaswee families were two of the oldest families of Gay Head. Both families were prominent in the affairs of the Gay Head

Congregational Church. Members of the Occouch family appear to be the descendants of Akoochuk (d. 1714) who married a daughter of Mittark (Mayhew 1727:102). In the eighteenth century the surname was spelt Akoochuck and Orkoochuch but was eventually modified to Occouch or Accouch.

Howwaswee is probably a variation of the surname Ossoit or Hosuwit. A Gay Head Indian named Zachariah Ossoit was living in the last decade of the seventeenth century (Mayhew 1727:197). A later Zachariah Ossoit/Oswait was the pastor at Gay Head (CPG 1729-87). The Zachariah Oswait, Jr., pastor at Chappaquiddick in 1771, is probably identical to the Zachariah Howwaswee who was pastor at Gay Head in 1792. The marriage record of the daughter of Rev. Zachariah Howwaswee in 1805 shows her surname as Horswet (Woods 1904:56). Moses Howwaswee, the compiler of the 1792 list, signed his name on 1785 petition as Moses Hoswisit.

Ninety-eight percent of the 521 members of the Gay Head Wampanoags are the descendants of the historical tribe as it existed in 1792. Over half of the membership (53%) can trace to one of three ancestors (Cooper, Howwaswee, or Occouch) who apparently descend from the aboriginal inhabitants of Gay Head at the time of English colonization. No effort was made to determine whether the other 1792 ancestors descend from the aboriginal inhabitants of Gay Head. However, because membership in the tribe was hereditary at this time, these ancestors should trace back to the aboriginal tribe.

## VII. MARRIAGE PATTERNS

The blood degrees given for the Gay Head Indians in the 1792 list show that over half of the Gay Head Indians were of varying degrees of mixed blood. In the preface to his 1792 list, Moses Howwaswee stated "we very much mixd on s'd Gayhead, but very few clear Indian families on S'd Gayhead" (Howwaswee 1792). In an 1811 petition, the group described themselves:

...there are no more than forty Gayhead Indians of full age which are considered as haveing no other than Indian blood and allowing all the said petitioners to be Indians there are more than a hundred Indians of Gayhead of full age and a greater number of Infants all of which descended from the aboriginals (Mass. Acts 1811).

Notwithstanding the diminishing number of full-blood Indians at Gay Head and the admittance of non-Gay Head Indians and non-Indians as proprietors, there was still a strong sense of Indian identity among the group which they did not want to lose. One of the reasons given for opposition to incorporating Gay Head as a town was "we shall soon lose our identity as Indians" (Jeffers, et al. 1869).

The introduction of non-Indian blood among the Gay Head Indians caused doubts among outsiders as to whether to classify them as Indians. This is evident in the Federal population census schedules. The first Federal census in which Gay Head appears is the 1870 census. Both the 1870 and 1880 censuses were taken by non-Indians who were not residents of Gay Head. In the 1870 census all the Indian families were classified as Black even though the choices for color included Indian (Bureau of the Census 1870: 703-704R). The

1880 census enumerator appeared to classify those members of the old historic Gay Head families as Indian although he was not consistent in that siblings were not all classified as Indians. The rest of the families were classified as Mulattoes (Ibid. 1880:532-533R).

The 1900 census and the 1910 census were taken by Gay Head Indians. All the Gay Head families are classified as Indian in both schedules (Ibid. 1900:204A-205B; 1910:213A-216B). In the 1910 census, the Gay Head families are enumerated on the special Indian schedules. With the exception of two individuals who were non-Indian spouses, all were assigned to the Pockonocket (i.e., Wampanoag) Tribe. The special Indian schedule also included proportions of blood degrees for each individual. Many have a high proportion of Indian blood recorded, but it can not be ascertained how this blood proportion was calculated. In at least one instance where all four of the grandparents were known for an individual, the actual degree of Indian blood was much lower than reported on the 1910 schedule. There does appear to be at least one individual who was a half-blood Indian and was so classified in the 1910 schedule.

How much non-Indian blood was introduced directly by intermarriage between Gay Head Indians and non-Indians before 1792 is not known. Studying the marriage patterns of the Gay Head Indians from the late eighteenth century to 1871 reveals that probably much of the non-Indian blood introduced into the Gay Head population resulted from intermarriage with mixed-blood Indians from other tribal groups. The largest percentage of marriages outside Gay Head in the period from about 1800 to 1871 were with members of other Wampanoag tribal groups - particularly those groups on Martha's Vineyard. As the population of the other island tribal groups diminished in the last half of the nineteenth century, so did the number of intermarriages among these groups and the Gay Head Indians. As a result of this intermarriage, the remnants of those other tribal groups still living on the island have more Gay Head ancestry than any other Indian ancestry and are enrolled as members of the Gay Head Wampanoags.

The actual number of marriages between Gay Head Indians and non-Indians in the period between 1800 and 1871 only accounted for approximately a quarter of the total marriages in this period. About half of the non-Indian spouses were foreign born. The percentage of marriages with non-Indians did not substantially increase until the twentieth century. Among the current group, the majority of marriages are with non-Indians. There have been a significant number of marriages with the Portuguese-American community in southeastern Massachusetts in current times. Historically Portuguese nationals have provided about half of the non-Indian spouses.

The apparent cause of the introduction of non-Indian blood among the Gay Head Indians was the lack of male Gay Head Indians for marriage partners. From the 1790's to the mid-nineteenth century there appears to be a disproportionate number of females among the Gay Head Indians. There were 57 females compared to 27 males listed as heads of household in 1792 (Howwaswee 1792). In examining the marriage records and intentions of marriage recorded in the Town of Chilmark, Massachusetts, from 1790 to 1849, 71 females could be identified as Gay Head or probable Gay Head while only 35 males could be so identified (Woods 1904). The most dramatic example of the decreasing native male population in this period is that of the 59 surnames of Indian

origins that appeared in 1792 list, only Occouch and Howwaswee appear in the 1849 list. The Occouch family had already died out in the male line by 1849 and the only Occouches listed are females (Mass. House 1849). Only one male Howwaswee was living in 1849 (Ibid.). He was the last male Howwaswee and he died in 1873 without issue (Howwaswee 1874).

One reason for the diminishing native male population was that most native males found employment as mariners. Many did not return (Earle 1861: 34). As a result, female Gay Head Indians had to look elsewhere for marriage partners. Because the largest percentage of marriages were to other Indians in the period from about 1800 to 1871, the female Gay Head Indians apparently sought marriage partners from those groups first.

#### Ante 1800 Marriage Patterns

In 1792 there are listed 15 "Strangers," i.e., not native Gay Head Indians, as head of households (Howwaswee 1792). These strangers had married Gay Head Indians and, as the following table shows, the majority of the strangers were mixed blood Indians.

#### Non-Gay Head Indian spouses listed in 1792 (Total: 15)

	No.	%
Full blood Indians	4	27%
Mixed blood Indians	9	60%
Non-Indian	1	7%
Foreigner	1	7%

Of the 15 strangers only 4 are known to have left descendants living at Gay Head in 1849. All four were mixed blood Indians. Three of them married (probably) full blood Gay Head Indians. Thomas Francis, originally from Rochester, Massachusetts, married a "Horsuet" in 1772 (Scott 1914: II, 184). Jonathan Cuff (a.k.a. Slocum), originally from Dartmouth, Massachusetts, married an Occouch in 1772 (Scott 1929-30: II, 450). Henry Dodge, origins unknown, also married an Occouch (Pease n.d.). Isaac Johnson, whose origins are also unknown, married a Talman who was 1/16th white (Talman 1805; Howwaswee 1792).

By the end of the nineteenth century the descendants of Francis, Cuff and Dodge living at Gay Head had died out in the male line. There are descendants of Isaac Johnson with the surname Johnson on the current membership roll of the Gay Head Wampanoags. This is the only surname from the 1792 list that is still extant among the current membership of the Gay Head Wampanoags.

#### 1800-1871 Marriage Patterns

A study was made of the marriage patterns of the Gay Head Indians who appear on the 1849 list and on the 1871 census. In determining whether a spouse was Indian or non-Indian, use was made of the 1861 list of Gay Head Indians which shows the tribe or race of each individual (Earle 1861). Further research was conducted with Pease's notes pertaining to the titles and boundaries of severally-owned land, vital records and Federal population census schedules in determining Indian or non-Indian origins. Two individuals were identified

as Indian in 1861, but this identification could not be substantiated in other sources. On the contrary, other evidence indicated they were non-Indians and were so classified in the table presented below. In compiling the following tables all known spouses of the Gay Head Indians who were in the 1849 and 1871 lists were taken into account. This included spouses deceased or divorced from by 1849 and 1871. There is an overlap in the two tables because Gay Head Indians living in 1849 appear in the 1871 list.

Marriage patterns of Gay Head Indians listed in 1849 (Total: 44)

Marriages between Gay Head Indians	15	34%
Marriages with other Indians	13	30%
Marriages with non-Indians*	7	16%
Marriages with Foreigners*	5	11%
Spouses whose origins undetermined	4	9%

Marriage patterns of Gay Head Indians listed in 1871 (Total: 66)

Marriages between Gay Head Indians	27	41%
Marriages with other Indians	18	27%
Marriages with non-Indians*	9	14%
Marriages with Foreigners*	7	11%
Spouses whose origins undetermined	5	8%

Post 1871 Marriage Patterns

Marriage patterns of the Gay Head Indians began to change in the twentieth century. Fifteen descendency charts were drawn up by BAR for the purposes of determining how the current membership descends from a Gay Head Wampanoag on the 1871 census. Using these charts a tabulation was made of 58 marriages that took place from about 1871 to about 1930.

Marriage patterns of Gay Head Indians who appear on BAR's descendency charts from about 1871 to about 1930 (Total: 58)

Marriages between Gay Head Indians	30	52%
Marriages with other Indians	4	7%
Marriages with non-Indians*	22	38%
Marriages with Foreigners*	0	0%
Spouses whose origins undetermined	2	3%

\*The term non-Indian is used to describe those born in the United States who have no Indian ancestry. The term Foreigner is used to denote those who were born outside the United States. Briggs (1849) and Earle (1861) use the term foreigner for both native born and foreign born non-Indians.



Two important changes in the marriage patterns of the Gay Head Indians took place in this time period. The first change is a substantial decrease in the number of marriages with other Indians. This decrease coincides with the decrease of non-Gay Head Indians residing on Martha's Vineyard. The second change is the increase in marriages with non-Indians. Marriages with non-Indians since 1930 have increased to such an extent that they account for almost all marriages since 1930. This increase coincides with the movement of many of the Gay Head Indians to other Martha's Vineyard towns and to the Massachusetts mainland.

#### Non-Gay Head Indian Spouses

The 1849 tabulation of marriage patterns shows that the second largest percentage of marriages were to other Indians. Of these 13 marriages, 8 (62%) of the 13 marriages were to Indians from other Wampanoag tribal groups on Martha's Vineyard. There were four groups in existence on the island around 1800. The two largest groups were the Chappaquiddick Indians and the Christiantown Indians. Two smaller groups of Indians lived in Edgartown at Farm Neck and in West Tisbury at Deep Bottom. Only one Farm Neck Indian (whose mother was a Gay Head Indian) is found among the marriages tabulated in 1849. This group apparently became extinct in the early nineteenth century since they do not appear in the 1861 list of Massachusetts Indians. No intermarriage is found among the Deep Bottom Indians in the 1849 tabulation. This group existed in 1861 and consisted of five families with a total of thirteen people (Earle 1861).

The Chappaquiddick Indians provided several male spouses introducing surnames that have been historically associated with Gay Head since the nineteenth century. Many of the current members of the Gay Head Wampanoags are descendants of Johnson Peters, a mixed-blood Chappaquiddick Indian, who married a Cooper. His daughters married their cousins, a Madison and a Belain, introducing those two Chappaquiddick names at Gay Head (Pease n.d.). All three surnames, Peters, Madison and Belain, appear in the current membership roll of the Gay Head Wampanoags.

At Christiantown in 1861 there were only 53 people enumerated as Christiantown Indians. They were either of the DeGrasse, Peters or James families. The DeGrasses descended from a Gay Head Indian who married a Christiantown Indian and settled at Christiantown. His stepson, William Jeffers, married a Gay Head Indian and settled at Gay Head founding a second family of Jeffers at Gay Head (Pease n.d.). Members of the James family were the descendants of a non-Indian, Thomas James, who married a Christiantown Indian, Judith Weeks. Of their six children, four married Gay Head Indians. Eventually one of their sons settled at Gay Head and his descendants are enrolled as members of the petitioning group.

By the early twentieth century the number of Chappaquiddick and Christiantown Indians still resident on tribal lands had diminished to a total of three families. At Chappaquiddick only two Indian families were left by the 1920's (Jeffers ca. 1973). Because of intermarriage with the Gay Head Indians over the generations, both families have more Gay Head ancestry than Chappaquiddick. The present day descendants are all on the Gay Head Wampanoag membership roll.

The last Christiantown Indians living at Christiantown were the Mingo family, descendants of the Christiantown Peters family (Banks 1966: II, Annals of West Tisbury, p. 133). The sole descendant of this family (whose mother was a Gay Head Indian) married a Gay Head Indian and lived at Gay Head until her death in 1967. She died without issue.

Although there are two instances of marriage with non-Wampanoag Indians in the nineteenth century, the majority of intermarriage with Indians other than those on Martha's Vineyard were with Wampanoag tribal groups residing along the coast of southeastern Massachusetts. The majority of these marriages were with the Mashpee Indians.

Mashpee families which intermarried with the Gay Head Indians included the Attaquin, Pocknet and Jeffers families. The surnames of Attaquin and Jeffers are found on the current membership roll of the Gay Head Wampanoags. The male line of Pocknets on Gay Head adopted the surname of Francis about 1900. The Jeffers are the descendants of Thomas Jeffers, the Baptist preacher, who settled at Gay Head in 1798. He was a Wampanoag Indian from Plymouth, Massachusetts who married a Mashpee Indian. Their son was assigned to the Mashpee Indians in the 1861 list of Gay Head Indians. All current members of the Gay Head Wampanoags who are descendants of Thomas Jeffers descend through this son who married a Cooper.

There is little evidence of intermarriage in the more recent generations of Gay Head Indians with the coastal Indian groups living in southeastern Massachusetts. There are reports that members have married into Indian tribes in Maine, Utah and California. However, these are very few in number (probably about five). Children from those marriages between Gay Head Indians and members of federally recognized tribes are not on the Gay Head Wampanoag membership roll. Apparently the Tribal Council believes that those children will be enrolled in their non-Gay Head Indian parent's tribe.

#### Non-Indian Spouses

There have been marriages between Gay Head Indians and non-Indians since the eighteenth century. The majority of non-Indians who married Gay Head Indians before the twentieth century were seamen. According to the 1861 report, these seamen became acquainted with Gay Head men at sea, came to Gay Head and married Gay Head women (Earle 1861:34). Such non-Indian surnames as Divine, Manning and Salsbury that appear in Gay Head in the first decade of the nineteenth century were probably introduced this way.

In four of the marriages with non-Indians and foreigners tabulated for 1849, both parties were residents of New Bedford, Massachusetts at the time of their marriage intentions (Howes 1932-41). All four Gay Head Indians were females and probably employed as domestics in New Bedford. Once married, three of the couples settled in Gay Head. The fourth couple remained in New Bedford although they are listed in the 1849 list of Gay Head Indians (in 1861 they appear on the supplemental list). Three of these marriages were with foreigners. Two of the men were from Surinam, including the male progenitor of the Vanderhoop family which is today the largest single family on the Gay Head Wampanoag rolls.

Of the two non-Indians appearing as heads of household in the 1792 list, one was a Portuguese national from the Cape Verde Islands. He apparently came to Martha's Vineyard in 1775 as a hired sailor. About 1778 he married a mixed blood Gay Head Indian and settled at Gay Head (Pease 1820). This is the first known instance of intermarriage with the Portuguese nationals from the Azores, Cape Verde and Maderia islands. The men from these islands signed on to fill out crews in American whaling vessels. They landed and settled in such whaling ports as New Bedford and Edgartown, Massachusetts. In the decades from 1870 to 1930 immigration from these islands greatly increased and the majority of the immigrants settled in already established Portuguese communities particularly in southeastern Massachusetts (Thernstrom 1980:814). As the Gay Head Indians moved into communities in southeastern Massachusetts in the twentieth century, there was considerable intermarriage with the Portuguese-Americans as evidenced by the surnames Andrada, Araujo, Cecilio, DeBettencourt, Gonsalves, Monterio, Moreis, etc., which appear in the descendency charts of the members.

#### VIII. FEDERAL RELATIONSHIP

The Gay Head Wampanoags do not appear on the Bureau's official list of "Indian Tribes Terminated from Federal Supervision" (Simmons 1985). No legislation is known to exist which terminates or forbids a Federal relationship with the group. In the first decade of the twentieth century, individual Gay Head Indians were admitted to Carlisle Indian Industrial School. However, these Gay Head Indians were admitted based on their Indian ancestry and not because the Gay Head Indians were federally recognized.

The Gay Head Indians were recognized by the Commonwealth of Massachusetts as an Indian tribe until 1870 when Gay Head was incorporated as a town. In July of 1976, the Governor of Massachusetts signed an executive order recognizing the Gay Head Indians as a tribe and the "Tribal Council of Gay Head Wampanoag Indians" as its governing body (Grapevine 1976a). State recognition has no effect on the Federal acknowledgment process.

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