

LANDSCAPES OF BELONGING: WHITE POSSESSION AND SETTLER  
SUBJECTIVITY IN MASHPEE, MASSACHUSETTS

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A Thesis submitted to the faculty of  
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In partial fulfillment of  
the requirements for  
the Degree

Master of Arts

In

Women and Gender Studies

by

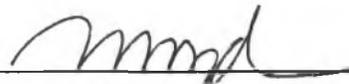
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San Francisco, California

May 2019

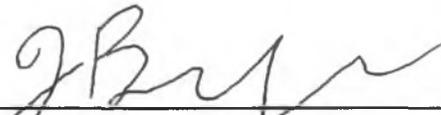
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I certify that I have read *Landscapes of Belonging: White Possession and Settler Subjectivity in Mashpee, Massachusetts* by Erika Christine D'Andrea, and that in my opinion this work meets the criteria for approving a thesis submitted in partial fulfillment of the requirement for the degree: Master of Arts in Women and Gender Studies at San Francisco State University.



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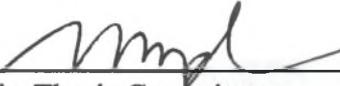
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LANDSCAPES OF BELONGING: WHITE POSSESSION AND SETTLER  
SUBJECTIVITY IN MASHPEE, MASSACHUSETTS

Erika Christine D'Andrea  
San Francisco, California  
2019

Mashpee, Massachusetts is unique amongst coastal areas in New England. This is due to the fact that the Mashpee Wampanoag Tribe retained partial sovereignty and land-use rights in Mashpee from the pre-colonial era to the mid-20th century. Beginning in the 1950s, however, developers took interest in Mashpee and transformed the landscape into recreational-residential resorts, attracting an influx of new white residents. In 1976, the Mashpee Tribe filed suit for the return of their land, to the widely publicized outrage of the town's white newcomers. How did the 1976 land suit reinforce the settler colonial logic that links whiteness and property? How are geographies of belonging, comfort, and leisure formed on this land? In this thesis, I use this case study to explore how white subjectivities materialize through ideologies of US exceptionalism, Indigenous assimilation, and property ownership.

I certify that the Abstract is a correct representation of the content of this thesis.

  
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## Introduction

Growing up in the Boston area, I became familiar with the question: “Where do you summer?” To “summer,” an act so naturalized over time as to become a verb, refers to the tradition of white wealthy families in New England returning to specific regions, often on the coast, for their summer vacations. The action of “summering” traces back centuries, a privilege financially viable only for upper-class, white, Anglo-Saxon Protestant families in New England (Conforti 2). As whiteness came into the selective reach of people with Irish, Italian, and Eastern European descent in the early 20th century (Roediger), so too did the action of “summering.” By the early 21st century, New England families of European-descent readily participated in the action of “summering,” owning or renting properties in coastal regions such as Gloucester, Cape Cod, Nantucket, Block Island, Newport, or Martha’s Vineyard.

How did the tradition of summering become solidified as an entitlement to select white New Englanders? To approach this question, I will use the town of Mashpee, in Cape Cod, Massachusetts, to examine vacationing locales as infrastructures that shape ideas of belonging in New England societies. Cape Cod is a region known for beautiful beachside towns that see hundreds of thousands of seasonal vacationers each summer (Cape Cod Chamber of Commerce). Mashpee is unique amongst coastal areas in New

England, due to the fact that the Mashpee Wampanoag, indigenous to the coastal region, retained partial sovereignty and land-use rights from the pre-conquest era to the late 20th century. In addition, much unlike the predominantly white coastal regions such as Martha's Vineyard, Nantucket, Provincetown, or Newport, Mashpee maintained an Indigenous and Black majority until the mid-20th century. Beginning in the 1950s, however, an influx of white newcomers arrived in Mashpee, and the Mashpee Wampanoag found their ancestral land under threat of rapid redevelopment. Developers constructed a massive coastal community called the New Seabury Resort, blocking the Mashpee Wampanoag from accessing traditional hunting and fishing grounds. To the widely publicized shock of the white newcomers, in 1976 the Mashpee tribe filed suit for the return of 16,000 acres of the town of Mashpee (Clifford 277). After 41 days in court in 1977, an all-white jury ultimately found that the Mashpee's mixed-race makeup and discontinuous history of tribal governance signified that the community was no longer an Indian tribe and thus had no legitimate tribal claim to their land (Mazer 304).

Legal scholars, anthropologists, and historians have written about the 1976 case extensively-- painstakingly analyzing court documents, interviewing tribal members, and uncovering hundreds of years of history in order to understand how the tribal legitimacy of the Mashpee came to be questioned and negotiated in court. *Mashpee Tribe v New Seabury Corporation et al* raised numerous theoretical questions with which scholars have grappled such as: what is a tribe, and whose definition does the court observe?

(Campisi) How can a group of people not constitute tribe at one point in history and then constitute a tribe at a later date? (Brodeur) Must Indigenous nations maintain racial “purity” in order for their sovereignty to be recognized by the United States? (Kauanui)

Building off of questions posed by previous scholars, I use 1970s Mashpee as a rich case study to analyze white subject formation and ideologies of settler belonging. My thesis asks the following: How does the law protect whiteness as a form of property itself? How have the entitlements of whiteness and settler subjectivity been stabilized and destabilized with the town’s changing political and geographic development? How do colonial notions of time and space organize the Town of Mashpee and produce geographies of comfort, leisure, and belonging for select white settler subjects?

To begin tackling these questions, it is crucial to foreground how private property rights have been solidified through an ongoing process of settler colonialism. Indigenous studies scholars Maile Arvin, Eve Tuck, and Angie Morrill write, “within settler colonialism, it is exploitation of land that yields supreme value. In order for settlers to usurp the land and extract its value, Indigenous peoples must be destroyed, removed, and made into ghosts” (Arvin, Tuck, Morrill 12). These scholars understand settler colonialism to be an ongoing “structure of society” that shapes social, political, and geographic landscapes (ibid 12). Identifying this process as historical and ongoing destabilizes the perceived naturalness of settler colonial property rights and casts doubt on what “ownership” means, and to whom. Rather than universal, inalienable, or natural

entitlements, private property rights are designed to be selectively granted and denied according to the profit interests of the U.S empire. In this thesis, I draw upon Angela Robinson's use of term "settler affect" to refer to the sentimental sedimentation of settler colonial power (Robinson 5 February). In doing so, I explore the ongoing effects of settler colonialism and white supremacy by making visible the sentimental landscapes of belonging that each project extends.

The often paradoxical discursive positioning of Indigenous people by white actors in 1970s and 1980s Mashpee illuminates how the desires of white settler subjects are mediated and solidified through logics that shift over time to optimize ideal sentimental landscapes of settler belonging. As demonstrated in *Mashpee Tribe v. New Seabury Corporation*, for example, the ideological figuring of the Mashpee Wampanoag people as inevitably disappearing was deeply connected to the settler colonial agenda of land privatization and development. As I will show in chapter one, *Mashpee Tribe v New Seabury et al* implemented logics of racial purity and cultural authenticity as a means to protect the unquestioned territorial belonging of white settler subjects. While the trial arose as a dispute over physical space in Mashpee, it is crucial to recall that boundaries of inclusion and exclusion were set through notions of both space and time. A closer look at the temporalities of settler colonialism grants us a fuller understanding of settler affect's authority. Rifkin theorizes that time is not a homogeneous evenly unfolding line, but rather, time is made up of "varied temporal formations that have their own rhythms,

patterns of consistency and transformation that emerge imminently out of the multifaceted and shifting sets of relationships that constitute those formations” (Rifkin 2). Following Rifkin, I conceive of time not as a uniform movement along a single axis, but rather, as a set of temporalities that are informed by structures of power that shift and transform relationships. The temporalities produced by U.S. settler colonialism, or settler temporalities, produce a unique timeline, with each event on the timeline participating in a trajectory of events that together constitute American progress (Rifkin 2). This timeline is not static but malleable: certain events are included in the timeline of American history according to the changing desires of the U.S nation state. Bruyneel articulates that settler temporalities are ideologically authoritative: colonial time produces “temporal boundaries” that define “advancing” society against “static” people, granting ideological belonging to settler subjects and rendering indigenous subjects out of place. (Bruyneel 171). These analyses are crucial to my study as I examine local-level discourse throughout the *Mashpee* trial years that not only positioned the Mashpee people as temporally out of place, or static in history, but also positioned colonialism as a finished project, suggesting that the land claim itself was a hindrance to the stable trajectory of American progress.

The year that *Mashpee Tribe v New Seabury Corporation* arose, 1976, is a particularly rich historical moment for the analysis of settler temporalities. As I demonstrate in chapter two, the bicentennial and the post-civil rights era brought about an

opportunity to reassert settler temporalities and to reauthorize a stable settler affect. This thesis illuminates how logics of settler time shift and contradict themselves in ways that best protect settler belonging. As such, I conceptualize settler time as a structure that underlies, maintains, and produces stable landscapes of settler affect. As Byrd suggests, these often paradoxical settler temporalities are not an exception, but the rule. For example, settler temporalities not only position Indigeneity as perpetually antiquated and out of place, but they also harmfully incorporate Indigeneity into a U.S national identity despite sovereign differences. Byrd writes, “since the creation of the United States as a political entity, American Indians have existed in a space of liminality, where what was external was repeatedly and violently reimagined and remade as internal in order to disavow the ongoing colonization of indigenous peoples that is necessary for the United States to exist” (Byrd 136). White actors throughout the *Mashpee* trial positioned colonialism as a finished project and disavowed the continued political presence of Native people. In calling upon these ideologically authoritative settler temporalities, white actors justified their ongoing occupation of Mashpee Wampanoag land.

Along with theories of settler temporality and settler affect, theories of whiteness and property also ground my thesis. Hong explores how possessive individualism and American freedom are liberal tenets constructed through racialized ideologies and granted selectively to white subjects. I call upon these theories in the first two chapters of my thesis, where I demonstrate how resentful homeowners’ calls for “universal rights”

and “American Freedom” were coded expressions that actually demanded the restabilization of white supremacy and settler occupation. In *The Ruptures of American Capital*, Grace Hong examines the “propertied individual” defined through Lockean principles by the citizen/subject’s ability to own (Hong). In theory, the state universally distributes property rights, thus creating equal subjects under the law. However, as Hong articulates, though liberal messaging implies universal access to property ownership, the ideal subject was white, anglo-saxon, and male. In fact, Hong adds, “universally propertied individuals,” that is, unmarked white men, gained their freedoms through the unfreedom of racialized Others (11). In an analysis of *The Adventures of Huckleberry Finn*, for example, Hong demonstrates how the fate of the freed slave, Jim, is construed as dependent upon the moral journeying of a white, male counterpart: Huck Finn on his own pursuit of free will. Through this analysis, Hong notes, “freedom, defined in liberal democracy as the ability to exercise one’s will without influence from [O]thers, needs an antithetical analogue: enslavement” (19). Hong’s analysis is crucial because it destabilizes the universality of U.S possessive individualism by revealing its racialized historicity-- American freedom was defined by one subject’s (the white subject’s) freedom to unrestrictedly explore territory (defined by the absence of Indigenous people) and freedom to own property (defined by the enslavement of Africans). Hong’s analysis is particularly useful in revealing how notions of universal rights and property rights function to protect non-universal freedoms of whiteness.

*Mashpee Tribe v New Seabury et al* is regarded by scholars as a court case that called into question the identity of the Mashpee Tribe (Carillo, Campisi, Brodeur). Chapter one of this thesis, however, asks how the trial produced the Mashpee Tribe as an oppositional figure against which white American identity could materialize. Scholars across disciplines explore how white Americans come to “define themselves by what they [are] not” (Deloria 3). Deloria, who documents histories of white Americans “playing Indian,” illuminates how American whiteness becomes legible through racialized and gendered depictions and reenactments of “the Indian” (Deloria). As I show in the first two chapters of my thesis, white actors in Mashpee called forth a figure of the “noble savage,” a concept that “juxtaposes and conflates an urge to idealize and desire Indians and a need to despise and dispossess them” (Deloria 4). Representations of the Mashpee Tribe throughout the trial and in the years following were puzzling and often contradictory. It was through these obscure and shifting depictions of an ideal opposite, I show, that white actors achieved national belonging, territorial rights, and the exclusive-use privileges of whiteness.

Similarly, in “The Spirit of Liberalism,” Da Silva examines U.S nationalist writings that emerged at the turn of the twentieth century. Da Silva finds that Anglo-Saxon and other white European immigrants that followed came to signify the ideal subject, transparent “I,” the actualizer of the principles of self-determination and freedom of the growing U.S. nation-state. In contrast, these writings produced Indigenous people,

Black people, and Asian people as “affectable subjects” who were either irrelevant to nation-building projects or doomed to perish (Da Silva 202). Da Silva writes, “the writing of blackness and Africinity [become] signifiers of an affectable consciousness fully outer-determined, that is, to the tools of productive nomos and the institutions and actions of transparent subjects of whiteness” (Silva 209). The self-determined individual came into being partly through his necessary counterpart-- an affectable, “outer-determined,” non-white antithesis. Freedom, individualism, and self-determination, therefore, must be looked at in their historical entirety: these were tenets of liberalism defined to grant white men the right to exercise free will over their property, namely enslaved Africans. Property rights and freedom are discursively universalized in order to disavow this racialized history, but the scholars cited above remind us that the ideologies of possessive individualism and American freedom are crucial to the formation of white subjectivity.

Similar to Da Silva’s study of the nationalist narrator, Lee finds that orientalist representations in San Francisco’s Chinatown illuminate the core desires of the gazing, authoritative subject. In his examination of imagery depicting San Francisco’s Chinatown, Lee finds that “desire” and “difference” are two “organizing motifs” of a tourist’s gaze (Lee 7). The tourist is understood here as a visitor who witnesses and “desires” that which is “different” from themselves. Ahmed reiterates that the action of gazing is itself a reflexive defining gesture: “desire confirms that which we are not (the object of desire), while it pushes us toward that ‘not’” (Ahmed 114). Gazing subjects are

defined as authoritative, proximate, and white in the process of defining what they are not: inferior, Other, and racialized. These theories of desire and difference will be crucial to my study of cultural objects and representations of the Mashpee people that emerged during and after the 1976 trial. In understanding representations of the Other not as static truths but as a historically specific perspectives, I examine the “needs, desires, and assumptions” of the one who Otherizes, the one who gazes (Lee 8).

The power to define has complex political meanings for Indigenous nations in North America, which have had to meet the state definition of Indigeneity in order for their sovereign rights to be recognized. As Barker recalls, the process of state recognition has been predicated on both the “cultural authenticity of a certain kind of Indigeneity” (Barker 3) as well as “racialized essentialism and authenticities” (Barker 7). As I demonstrate in chapter one of this thesis, logics of cultural authenticity reduce wide definitions of Indigeneity to an ideal, stereotypical essentialized subject. Similarly, logics of racial purity and blood quantum imagine Indigeneity to be defined by blood (biological ancestry) and deny the legitimacy of other forms of tribal inclusion. These biases was apparent throughout the *Mashpee* trial in various places: the legal defense employed logics of cultural authenticity, demanding that the Mashpee have a distinct language and continuous history of traditional cultural practices intact in order to prove their Indigeneity. In addition, the defense employed logics of the “racially pure” Indian,

arguing that Mashpee's mixed-race makeup discounted them from tribal status (Mazer 286).

In considering how white settlers in Mashpee came to justify their ownership of Native land, we must first consider how Native identity has been constructed as an illegitimate, disappearing minority. Historians and anthropologists who study the Mashpee Wampanoag have documented a long history of intermarriage between whites, neighboring Indigenous peoples, and Black people. As I will elaborate on in the first chapter, throughout the 1976 trial, the defense capitalized on this mixed-raced makeup as a means to diminish the sovereign rights of the Mashpee (Trial Transcript). Kaunui writes, "mixed racial family histories have been routinely evoked to disqualify Natives who don't measure up for entitlements and benefits; thus this "inauthentic" status of Natives is both a desired outcome of assimilation and also a condition for dispossession" (Kaunui 10-11). As Kaunui notes, by capitalizing on the "dilution" of Indigenous blood, settlers are more able to justify their rational ownership of land.

While "whiteness [is] figured as a solvent, selectively assimilating indigeneity" in state recognition processes, Blackness figures differently (Kaunui 24). Significantly, throughout the 1976 trial, the defense placed greater emphasis on the intermarriage between Indians and Blacks than on intermarriage with whites and other Indigenous peoples (Brodeur 59). Kaunui asserts that the (de)valuation of "Black blood" in the United States continues to prevail, and often at the expense of both Black individuals as

well as of indigenous people of Black ancestry. Just one drop of “Black blood” in a person has historically signified their “disenfranchisement, exclusion, and lack of access to U.S. national and state governments” (Kauanui 17). And for Indigenous people of Black ancestry, Black blood “more often than not precluded one’s ability to successfully claim Indian identity” (Kauanui 24). Possibly the most publicized declaration of this sentiment was shared by Donald Trump. During congressional hearings on gambling in the early 1990s, Trump stated that the Pequots (an Indian tribe of the federal state of Connecticut) “don’t look like Indians to me... they don’t look like Indians to Indians. You go to Connecticut and look, they don’t look like Indians” (Lacroix 120). As demonstrated here, logics of blood quantum have been used as a political tool to both assert the inferiority of people with Black ancestry and to diminish the legitimacy of Indigenous existence and sovereignty.

The racializing logics in *Mashpee* not only served to subjugate racialized Others. but they also functioned to confirm the identity of the authoritative settler subject. Reardon and TallBear elaborate on one of the key privilege of whiteness: the privilege to define who reaps its rewards, and who is excluded from such rewards (Lipsitz 2006). Reardon and TallBear’s analysis focuses on instances in which white scientists employed logics of ownership in their use of Native DNA for their own research, such as in the Geographic Project and in a study conducted by Arizona State University on the Havasupai Tribe. Reardon and TallBear ask, “how did anthropologists and later human

geneticists come to understand Native cultures and then biologies as part of the proper inheritance of whites and thus that which scientists had the right to control and study?” (Reardon and Tallbear 235) In parallel to this question, I might ask the following: how did white settlers and defendants in *Mashpee* come to understand Mashpee land as their proper inheritance of which they had the right to alter and destroy? The history of white individuals and institutions using institutional power to define the identities of racialized Others serves to shape present-day white subjectivities-- the ability to define and control non-white Others is something that must be defended if the privileges of whiteness are to be passed on.

There is much to be gathered from the reflexive nature of the defining gaze. The gazing subject (the colonial court and defendants in this case) hold power to define those who are gazed upon. At the same time, the gazing subject is defined in opposition to the difference depicted in the Other. This relationship prompts the following: how do narratives of the “obliteration” of Indigenous people “enable the actualization of the U.S. American subject?” (Da Silva 206) Jean M. O’Brien grapples with this inquiry in her study of the writings of 19th century New England historians. She writes, “the story of ‘disappearance’ allowed [New Englanders] (a racially and morally ‘pure people’) to claim Indian landscapes, to justify their ‘benign possession’ of Indian homelands, to assert the ‘justice’ and ‘glory’ of their military and ideological encounters with Indians, and unambiguously to establish themselves and their social order as exclusive and

dominant” (O’Brien 429). In producing representations of Native people as “disappearing,” O’Brien finds, white New Englanders constructed an ideal settler subjectivity whose glorified, rational existence justified the occupation of Indigenous land.

Orientalist representations of racialized groups and nostalgic depictions of violent histories reveal much about the desires of the white settler subject. Representations of Indigenous people as traditional, uniquely connected to nature, and firmly located in the past are stereotypes that prevail in Mashpee and in U.S. dominant culture (Barker 2). The town of Mashpee, for instance, boasts a cheerful image of the Mashpee Wampanoag, despite the municipality’s historical role in furthering the tribe’s dispossession. The town government pridefully advertises a yearly “Indian Powwow,” and imagery that evokes pan-Indigenous fantasy can be seen throughout Mashpee (Mashpee Wampanoag Tribal Pow Wow). Newspaper articles that cover Mashpee-related news identify the Mashpee Wampanoag as “the tribe who greeted the Pilgrims,” inviting a reader’s nostalgia for the colonial past (Mandhai n.p.). These representations of authentic indigeneity are strategic positionings: settler subjects use stereotypical notions of the traditional, racially pure Indigenous tribe (that is necessarily a figment of the past) as a means to dismiss the ongoing political and sovereign desires of present-day Indigenous people.

Sturken examines the temporality of this uneven gaze, finding that subjects of U.S. patriotism act as “tourists of history,” gazing into the past from the perspective of a

tourist outsider. Sturken finds that the “innocent pose and distance position” of the tourist is a useful metaphor to describe the American subject’s situated relationship to history-- disconnected from and unaccountable for the violent actions of nation (Sturken 10). Structures of disavowal that deny colonialism’s ongoing violence allow for the uncomplicated occupation of settler subjects. Who is the white New Englander if not for the gentle Wampanoag Indian of the past? Sturken finds that kitsch objects allow “comfort cultures” to be commodified and stabilized in mainstream American life (Sturken 25). Kitsch objects arose alongside the historical emergence of “mass production of modern culture” and they are often described as “banal, trite, predictable, and in bad taste” (Sturken 20). Yet, Sturken finds, kitsch objects importantly convey sentimentality by smoothing over the traumas of history. That is, they provide a consumable feeling of nostalgia or melancholy without evoking the intensity of loss. Kitsch objects that relate to this study include headdresses, mascots, or native figurines, objects that signify Indigeneity that allow U.S settlers to ideologically distance themselves from the violent history they are maintaining. Sturken writes, “Most kitsch conveys a kind of deliberate and highly constructed innocence, one that dictates particular kinds of sentimental responses and emotional registers. It is meant to produce predetermined and conscribed emotional responses, to encourage pathos and sympathy, not anger and outrage” (21-22). As Sturken highlights, kitsch objects uphold authoritative structures of feeling. Kitsch objects produce a culture of comfort that invites settler

subjects to maintain an innocent relationship to history. As I will elaborate in chapter three of this thesis, architecture and symbolism in Mashpee invited white settler tourists to experience a sense of nostalgia toward the colonial past, despite the fact that tourists actively participated in the violent colonial process of Indigenous land dispossession.

Legal scholar Jeffrey Dudas explores instances like *Mashpee* in which white actors took this frustrated sentiment into legal action, mobilizing what he calls a “politics of resentment” (Dudas 724). In the post-civil rights era, conservative activists launched counter-mobilizations against treaty rights claims of Indigenous nations “in the name of equal rights” (Dudas 725). Dudas finds, “broad-based resentment over the gains of historically powerless Americans is a pillar of contemporary American polity” (Dudas 725). Following Dudas, I explore articulations of outrage and resentment that emerged in *Mashpee* for what they reveal about the core entitlements of the white settler subject.

Other scholars have found that the repeated historical act of white settlers granting and denying the privileges of whiteness to racialized groups has solidified a core aspect of white settler subjectivity: whiteness itself has become a form of property worthy of legal protection (Lipsitz, Harris, Moreton-Robinson). Using various legal cases, including *Mashpee Tribe v New Seabury Corporation et al*, legal scholar Cheryl Harris demonstrates how U.S courts have systematically enforced the right to exclude, “determining who was or was not white enough to enjoy the privilege accompanying whiteness” (Harris 1737). Whiteness, then, can be understood as a form of property that

gives its owners certain citizenship rights and belonging that gain value precisely because they are not universally available to all. Aileen Moreton Robinson adds, “as a form of property, whiteness accumulates capital and social appreciation as white people are recognized within the law primarily as property-owning subjects. As such, they are heavily invested in the nation being a white possession” (Moreton -Robinson xix). Following Moreton-Robinson, I examine instances of outrage expressed by white residents, especially those whose properties were under “threat,” as demonstrations of the white settler subject’s “possessive investment in whiteness” (Liptsitz).

The final component of my thesis asks the following: how do fantasies of belonging manifest materially in the spatial organization of settler societies? Ahmed finds that when an orientalist gaze views racial Others as spatially located in the distance, whiteness becomes conceived of as “proximate.” As such, Ahmed suggests, “whiteness becomes what is ‘here,’ a line from which the world unfolds, which also makes what is ‘there’ on ‘the other side’” (Ahmed 121). Following Ahmed, I will use geographic literature to consider how the spatial restructuring of Mashpee rendered the white newcomers “insiders” in the town, making these newcomers “legitimate” (i.e. white) subjects entitled to property rights and collective belonging. I will focus the decade of rapid development between 1960 and 1980, when the town’s geography shifted to accommodate thousands of white newcomers. As these newcomers became permanent residents and property owners in Mashpee, developers designed the town’s shopping

center, Mashpee Commons, to mirror the aesthetic layout of a historical colonial town center and to evoke a sentimentality of settler belonging. As such, white property owners maintained a tourist gaze toward Mashpee's history in a way that aided the revaluation and commodification of land.

While critical geographers have interrogated and theorized the significance of race and identity in their analyses of space and place, little geographic theorization of whiteness existed until 1990s. Alastair Bonnett identified this lacuna in 1997 in his chapter entitled "Geography, 'race' and Whiteness: Invisible Traditions and Current Challenges." In this piece, Bonnet observes how geographic analysis of race has historically inquired about marginalized ethnic groups. The paper illuminates the erasure of whiteness within geographic inquiry and introduces theories of the social construction of whiteness to the field of geography. Geographers Dwyer, Jones, Harris, Shaw, Bonds, and Inwood have since taken up this task, using a geographic approach to theorize the complex process of white racial formation. Their work is based on the geographic theory that space itself is culturally constructed and constantly changing rather than natural or static. Bonds and Inwood write, "geographers illustrate that landscapes do not merely reflect racial patterns, but are a fundamental component of processes of racialization... whiteness and landscapes naturalize exclusions and privilege" (Bonds and Inwood 717-718). As demonstrated here, geographers view space as a medium through which power and privilege are unequally distributed. Reflecting Ahmed's theory of whiteness

discussed above, geographers have found that a prevailing epistemology of whiteness is the identity's "non-relationality," or the "self-actualized achievement, realized in the absence of an Other" (Roediger 1992, Dwyer & Jones 212). In geographical terms, white "non-relationality" suggests that white subjectivity is constructed through an ideological and often spatial distancing from a racialized Other. As liberal ideologies invisibilize this process of racial distancing and hierarchization through discourse of equality, diversity, and multiculturalism, geographic inquiry becomes a particularly useful method to identify the spatial distancing that serves to reify racial inequality. The root of this analytical questioning, Dwyer and Jones suggest, is as follows: "why, if there is no difference between us, is there so much distance between us?" (Dwyer & Jones 213). My own work will follow this line of inquiry, interpreting the New Seabury resort as a landscape of leisure and comfort which marked safety, privacy, and order as epistemologically authoritative against and distant from a racialized Other (Dwyer & Jones 213).

Other geographers have analyzed how colonial geographies ideologically grant authority to whiteness and inferiority or Otherness to non-white groups (Shaw 852). My thesis follows these scholars in challenging the supposed "opaqueness" and "invisibility" of whiteness, instead highlighting geographies in which whiteness has been discursively active, consolidating spaces and differentially producing racial meaning. Harris examines early processes of colonial dispossession in British Columbia, pointing to the ways that

land allocation and geographical redistribution reified colonial systems of signification. Harris writes, “moral justification for dispossession lay in a cultural discourse that located civilization and savagery and identified the land uses associated with each” (165). Harris uses space as a useful text to explain how material dispossession extended the ideological reaches of colonial power. Developers similarly deployed racialized ideologies during the development process of the 1970s in Mashpee. New Seabury developers justified their occupation of Indigenous land by discursively figuring it as “ramshackle,” “useless,” and “empty.” Following this initial dispossession, developers designed infrastructure to produce phenomenological conditions that enable a continued justification of settler occupation. New infrastructure in Mashpee, for instance, catered to the emotional registers of ideal settler subjects, “naturalizing understandings of the U.S settler histories and white entitlement” (Sturken 726). Developers designed New Seabury to be a residential and recreational haven, clustering homes around golf courses, ponds, tennis courts, and coastal access. For middle aged, white, wealthy, prospective homeowners, such luxuries are practically figured as given.

It takes a wide range of mechanisms to justify the continued occupation of native land. Throughout my thesis, I explore how processes of racialization, a possessive investment in whiteness, and a defining orientalist gaze solidified entitlements of white settler subjects in Mashpee. In addition, I explore how these entitlements manifested geographically, understanding space as an active agent in manifesting a sense of white

settler belonging. Using a variety of cultural objects such as newspaper articles, housing advertisements, maps, photographs, and transcripts of meetings, I explore how notions of entitlement and belonging in Mashpee tell a larger story about the core desires of the white settler subject. Settler affect regimes allow settler subjects to distance themselves from a violent past and to absolve themselves of their responsibility in upholding a violent present.

### **Chapter One: Racial Purity Politics and Cultural Authenticity**

*Mashpee Tribe v. New Seabury et al.* emerged during a “relatively favorable period for redress of Native American grievances in courts” (Clifford 277). The civil rights movement of the 1960s brought about widespread mobilization for Indigenous sovereignty and civil rights. Following this period of consciousness-raising and activism, many eastern tribes, who had not been granted reservation status like western tribes, brought sovereignty claims to the Bureau of Indian Affairs during the 1970s. Indigenous groups in New England such as the Passamaquoddy and Penobscot of the federal state of Maine, pursued legal action for the return of ancestral lands. Like the Passamaquoddy and Penobscot, the Mashpee Wampanoag used the Non-Intercourse Act of 1790 as the legal basis for their land claim. The act states, “no sale of lands made by any Indians, or any nation or tribe of Indians within the United States, shall be valid to any person or persons, or to any state, whether having the right of preemption to such lands or not, unless the same shall be made and duly executed at some public treaty held under the authority of the United States” (Brodeur 4). Under this premise, the Mashpee claimed, over two centuries of land purchases were illegal and thus subject to reversal since they had occurred without explicit permission from the United States Congress (Clifford 278).

Without the status of a federally recognized tribe, the defense argued, the Mashpee Wampanoag had no official claim to the land stated in the lawsuit (Campisi 17). The appointed judge Walter J. Skinner concurred. Thus, the 1976 case changed in nature.

The Mashpee Wampanoag were to demonstrate their legitimate claim to the land by proving that they were, in fact, a Indian tribe (Brodeur 3). The suit culminated in forty-one days of in-court testimony in 1977. The judge ultimately determined that tribal status could be proven by the following: a continuous history of self-government, language fluency, distinct cultural traditions, geographic specificity, and distinct racial identity (Carillo 524).

While governance, language, and geographic specificity were debated in the courtroom, the categories of race and cultural identity were most prominently contested. Omi and Winant's *Racial Formation in the United States: Third Edition* shows us how racial ideas change over time according to hegemonic ideologies. They suggest that racial meaning and signification are manifested in bodies through the process of racialization. They define racial projects, which "capture the simultaneous and co-constitutive ways that racial meanings are translated into social structures and become racially signified" (Omi and Winant 109). Legal proceedings, such as *Mashpee Tribe v New Seabury et al.* or other court cases that grant or deny privileges based on race, are examples of racial projects that gradually inform the changing racial formation of whiteness, Blackness, and Indigeneity. As I will expand upon later in this chapter, racial projects like *Mashpee* can emerge as "racist" "if [they] create or reproduce structures of domination" (Omi and Winant 128). This theoretical framing is useful as we explore how

the court selectively implemented racializations of Blackness and Indigeneity to define the Mashpee people in order to create and reproduce the authority of settler colonialism.

These racializations emerged as the 1976 trial commenced, with the legal defense positioning the Mashpee as either disgruntled, racially pure Indians of the past, or as not-Indian-enough to deserve sovereignty. While the simultaneous too Indian/ not Indian enough divide seems paradoxical, scholars of settler colonialism demonstrate how the racialization of Indigenous people has historically served the territorial-expansion goals of the settler state. Wolfe writes, “the primary motive for elimination is not race (or religion, ethnicity, grade of civilization, etc.) but access to territory. Territoriality is settler colonialism's specific, irreducible element” (Wolfe 388). Here, Wolfe reasserts territoriality as the main objective of settler states, and racialization, among other methods, becomes a tool by which settler states protect one of the core entitlements of the settler subject: land. In defining the racialized Other as excluded from the privileges of territory and private property-ownership, the gradual process of settler colonialism also serves to solidify a stable, white, property-owning subject. Reardon and Tallbear expand upon this concept, adding that racialization of a Native Other is a core aspect of settler subject formation. They write,

not surprisingly, these rights and privileges [of whiteness] include the right to control the legal meaning of group identity, including the identities of others (e.g., blacks and Native Americans) whose racialization and subordination as

“other” is necessary to solidify the exclusive parameters of whiteness. If whiteness and the property and privileges that it encloses are to be effectively defended, its owners must also claim the right to define the others who are not white and who therefore should not access its privileges. (Reardon and Tallbear s235)

Reardon and Tallbear suggest that a core entitlement of whiteness is the privilege to define Others as not-white, that is, the privilege to decide who is deserving of the advantages that whiteness insures. Wolfe, Reardon, and Tallbear demonstrate how the racialization and Othering of Indigenous people has been used to both further the territorializing goals of the settler state as well as define the parameters of inclusion into whiteness. Ahmed’s phenomenological approach is also useful to further clarify how the racialization of non-white others serves to consolidate a stable white subject. As I discussed in the introduction, Ahmed demonstrates how the defining white subject is positioned as “proximate” against the distant, racialized object of definition. This approach is particularly useful to this chapter as I frame the *Mashpee* trial as a racial project, one that both reproduces histories of racial domination as well as naturalizes the rationality of the defining white gaze.

Like the racializing narratives used to disqualify Indigenous people from rights, assimilation narratives also disavow the cultural presence of Indigenous people and further protect the territorializing goals of the settler state. As I show in the second

section of this chapter, throughout trial proceedings, the court repeatedly searched for a certain type of Native person: one whose cultural authenticity could be proven by demonstrating traditional dance, music, language, food, and attire that are characteristic of stereotypical, imagined Indians. Joanne Barker elaborates on how the notion of cultural authenticity influences state recognition processes, where state recognition of Indigenous rights become predicated upon “costumed affiliations” (Barker 3). When state recognition processes use logics of cultural authenticity to grant or deny rights to Indigenous people, the sovereignty and self determination of Indigenous people are legitimized. In this process of selective recognition, the settler state maintains the power to define the type of Indigeneity it sees fit for its own purposes: an Indigeneity that is temporally located in the past and is non-threatening to the present and future territorial-expansion goals of the settler state.

As I will demonstrate in the following sections of this chapter, the logics of racial purity and cultural authenticity were tools used by the state to uphold colonial conceptions of land and time that protect the territorializing goals of the United States. The mapping of borders and boundaries on land is necessary for colonial space-making, where land is imagined to be a asset capable of financial growth. This conceptualization of land as a commodity thus influences the state’s decision to selectively grant and deny land to Indigenous people, as seen in *Mashpee*. Likewise, settler temporality authorizes a normative, singular timeline of imperial, nation-building events that constitute American

progress and positions the sovereign claims of Indigenous nations as anachronistic and illegitimate (Rifkin 3). Indigenous epistemologies of land and time contradict these colonial ideologies. Leanne Simpson's "Land as Pedagogy," for example, illuminates the diverse epistemological meanings of land. Using various examples to illuminate land's animacy, and to describe human interaction with land not as hierarchical, but as reciprocal, Simpson destabilizes the settler settler colonial logic that conceptualizes land as a commodifiable object to be owned (Simpson 166). In *Braiding Sweetgrass*, Robin Wall Kimmerer also articulates an alternative to the settler colonial norm of using of natural resources as commodities. This land epistemology understands human's relationship to land as one of gift-giving, rather than extraction (Kimmerer 27). Like Simpson and Kimmerer's critique of the authority of colonial land epistemologies, Rifkin destabilizes the authority of settler temporalities by foregrounding Indigenous epistemologies of time. In *Beyond Settler Time*, Mark Rifkin uses the term "temporal sovereignty" to describe the multiple temporal orientations that Indigenous communities have in relation to history, the ongoing present, the territories they occupy, and territories from which they have been displaced (Rifkin 3). The *Mashpee* trial (discussed here in chapter 1), the local-level conflict that stemmed from it (discussed in chapter 2), and the redevelopment projects that occurred in the town (discussed in chapter 3) demonstrate the tensions that emerge when colonial notions of time and space conflict with Indigenous epistemologies of time and space. In taking a closer look at these conflicts, this project

focuses on making visible the phenomenological landscapes of settler colonialism that often go unseen by being equated with the normal.

### **I. The Proximity of Whiteness**

In the following section, I highlight aspects of *Mashpee Tribe v. New Seabury et al* where logics of racial purity and cultural authenticity were implemented as a means to protect the privileges of whiteness itself, as well as the territorial goals of the white settler subject. The jury selection process that preceded the trial is particularly illuminating as it exposes how race and culture figured into the court's perception of bias and impartiality. Throughout the jury selection process, the court asked potential jury members a wide range of questions to determine impartiality, and the plaintiffs and defense then decided whether to accept or challenge the jury members. In the following excerpts, I show how whiteness was conceptualized by the court as proximate, the position from which rational decisions are made, while racialized "Indianness" signified deviation and impartiality. First, I find it significant that jurors were asked if they had any Indian ancestry (seen as a potential bias in this case) but were not asked if they had any white ancestry. Of all the potential jurors who were questioned, only one (Ernest Middleton) disclosed Indigenous ancestry. The questioning went as follows:

The Court: Do you have any Indian ancestry yourself, so far as you know?

Mr. Middleton: I think my mother's background, or something like that.

The Court: Your mother's background is what?

Mr. Middleton: I think she is Indian. I can't really recall.

The Court: Do you have any recollection of whether she is Indian or not?

Mr. Middleton: I really don't. She is dead, anyway.

The Court: Would the at least suggestion of some Indian background affect your ability to

act as a fair and impartial juror in this case?

Mr. Middleton: No, your Honor.

The Court: Excuse me?

Mr. Middleton: It wouldn't (Trial Transcript, day one)

In this questioning, the appointed Judge, Walter Skinner, asked the potential juror to disclose any Indian ancestry. The persistent questioning (the judge asked three times, in various ways, for a clear answer about Middleton's ancestry) demonstrates the court's high valuation of Indian ancestry as a potential bias. The interaction also exposes the court's preoccupation with a stable, blood-defined notion of indigeneity; that is, a person either is Indian based on ancestry, or is not. The questioning illuminates a tension that we will see come up repeatedly throughout the 41 days of trial. The court defined Indian-ness based on blood ancestry that often contradicted the realities of many people's life history and self-definition. The court (Judge Skinner) ultimately found that Mr. Middleton was impartial. The defense, however, challenged this jury member (conceptualizing the juror's Indian ancestry as a bias) and Mr. Middleton was not

selected. Here, it is important to note that the all-white jury that was selected did not have to disclose whether their white identity would affect their ability to act as fair and impartial jurors. This absence naturalizes whiteness as the position from which rational decision-making comes, rather than acknowledging the identity's power-laden historicity.

In addition to questioning jurors about their own Indian ancestry, the court asked potential jurors about their participation in "Indian causes," but, of course, not about their participation in any white causes (Trial Transcript). Jurors were asked the following series of questions:

Do you feel that Indians as a group have been unfairly treated in the past?

Do you feel any personal responsibility to make a decision in this case other than that which the evidence would indicate, to correct the general wrongs that Indians have suffered?

Have you ever been a member of a group which has supported or was sympathetic to Indian causes? (Trial transcript)

Here, in conceptualizing one's support of "Indian causes" as potential for dismissal based on bias, the court reveals its own goal to protect the authority of settler time and affect.

First, the critical reader understands "Indian causes" to be the work done to liberate Indigenous people from settler colonialism's oppressive rule through sovereignty and antiracism. White causes, then, are understood to be the unmarked work done to maintain settler colonial rule and white supremacy, the silent work done to uphold a stable settler

affect regime. But, of course, the jurors' own whiteness or support of white causes were not seen as conflicts of interest. The court reduced whiteness to an apolitical norm, invisibilized the constant work done to maintain the white supremacist status quo, and further granted authority and rationality to whiteness. Paradoxically, the court both acknowledged the historical injustices experienced by Native people ("do you feel that Indians as a group have been unfairly treated in the past?"), but simultaneously positioned the ongoing resistance to injustice ("Indian Causes" referencing the Indian rights movement that coincided with the Civil Rights movement) as anti-American. It is here that the court revealed its reliance upon the authority of settler time, where Indigenous rights became indicative of counter-progress, and one's support of such counter-movement becomes indicative of anti-American bias. As I elaborate on in the following chapter, the bicentennial in 1976 marked a revitalization of patriotic American nationalism. The court's equation of Indian causes with anti-American sentiment defines Indigenous sovereignty as an oppositional figure against which ideal white American identity can materialize.

## **II. Racial purity and Blood Quantum**

With whiteness conceived of as rational, proximate, and impartial, the court implements tools of racialization and subordination to define other groups as not-white -- effectively defining the parameters of whiteness itself. As Kauanui suggests, quantifying the blood of Indigenous people, as we see through the metaphors of racial dilution that

emerged repeatedly in *Mashpee*, has been a tool to protect the capitalist expansion goals the United States. The one drop rule, which was established to protect and advance the property line of white slave masters, also enforced the territorializing goals of white settler subjects by denying Indigeneity and its accompanying sovereign rights to Indigenous people with mixed Black heritage. Meanwhile, “white blood” marked an evolution or assimilation into Americanness, also disqualifying Indigenous people from sovereignty rights.

*Mashpee* was by no means an exception to this historical trend: right off the bat, Blackness and whiteness were differently positioned as dilutions to Indian purity. During the jury selection process, for example, the court asked potential jurors some iteration of the following question: “would you be able to accept somebody as a member of an Indian tribe who didn’t look like an Indian, who looked like a white person or a black person, by reason of intermarriage?” (Trial Transcript). While this line of questioning asserts the court’s intention of dismissing jury members who might hold racial stereotypes about Indigenous people, the phrasing shows a continued investment in the concept of racial purity. The phrase, “as a result of intermarriage, he didn’t look like an Indian” still asks the potential juror to call forth an image of a stable Indian, one with stereotypical racial features. The judge confirmed this bias by declaring the following juror, John Linton, “indifferent” (unbiased and suitable for jury work). The juror’s essentialized understanding of Indian racial identity is demonstrated in the following exchange:

The Court: Would you conclude that a person is or is not an Indian on the basis of his appearance?

Mr. Linton: I guess if you're talking about a pureblooded Indian, I would expect to see somebody that has a distinct appearance. Over time, I'm sure that's been watered down by intermarriages.

Here, Mr. Linton calls forth an image of a stable Indian, one whose distinct appearance is characteristic of an undiluted bloodline. The metaphor of dilution is used here to position Indianness as inevitably disappearing through a gradual process of intermarriage. In declaring this potential juror as impartial, the court acknowledges the validity of concepts of purebloodedness. The court upholds the regulatory system of settler colonialism that grants and denies rights to Indigenous people based on historically constructed racial purity politics.

The racial projects that have historically denied Indigenous people based on blood dilution and assimilation narratives are different than racial projects that have served to disenfranchise Black people in the United States. These two racial formations emerged in various ways throughout the trial, often in tandem or against one another to reassert the authoritative and territorializing role of white settler subjects. See, for example, the following questioning of the potential Juror, Gary Johnson:

The Court: "If a person were to testify that he was an Indian, but as a result of intermarriage with others he didn't look like an Indian, would that affect your willingness to believe he was, in fact, an Indian? For instance, if a person looked either white or black, would you be able to accept him as an Indian if he said his ancestors were, in fact, Indians?"

Mr. Johnson: "I wouldn't really know how to answer that because I am sort of prejudiced towards black people. I don't think I'd see black people as Indians" (Trial Transcript).

The Court: You don't think you'd see black people as Indians. Well then, I guess a fair number of Indians, I'm told, do look like black people, so I'll excuse you.

Here, in the admittance, "I am sort of prejudiced toward black people," the potential juror reveals how Black people in the United States have been racialized as inferior or undeserving of rights. One might assume this racial formation to be completely separate from the racial formation of Indigeneity, but, in fact, these two racializations work in conjunction here: the juror's anti-Black prejudice influenced his participation in the racial project that discursively dilutes the racial purity of Indigenous people to advance the settler state. The judge's response is also illuminating. He responds, "well then, I guess a fair number of Indians, I'm told, do look like black people, so I'll excuse you." First, the judge positions Indians and Black people as distinct categories, where one stable category can "look like" another but the can't possibly exist simultaneously. Second, the phrases, "I guess" and "I'm told" are quite revealing, in that they portray that the judge himself is less than convinced about the existence of Black Indians.

Johnson's admittance to anti-Black prejudice was very honest, and he was dismissed because of it. But how many of the selected jury members upheld a quieter anti-Black prejudice throughout the trial? Anti-black racial prejudice, I would argue, was and still is to this day an existing weight on the consciousnesses of many white Bostonians. It can be assumed that the all-white jury, all-white defense, white judge, and

white townspeople witnessing this trial in 1976 were aware of the nationally publicized desegregation busing attempts and resulting violent riots that ensued in Boston most notably in the years between 1971 and 1977. Publicity of Boston's profound segregation and anti-Black discrimination reached a dangerous climax at the exact historical moment in which *Mashpee Tribe v. New Seabury et. al.* took place. While *Mashpee* was widely understood and historically theorized as an "Indian land claim suit," the backlash against the Mashpee Wampanoag people in the 1970s as well as the dismissal of the Mashpee's legal claim can be identified as reflecting the anti-Black sentiment prevailing in white communities of Boston's historical moment. The tremendously violent backlash against Black youth entering supposedly "white" schools in 1971 can perhaps illuminate the underlying logic driving the outrage of white townspeople when Black Mashpee Wampanoag people claimed the town's land.

Despite this unnamed bias, an all-white jury was selected and the trial began with questions of racial purity, ancestry, and blood prevailing throughout the 41 days of trial. Throughout the trial, witnesses from the Mashpee Wampanoag Tribe were asked by the defense to describe the "amount" of Indian blood they had. Take, for example, the following excerpts from two cross-examinations, in which the defense attorney James St. Claire questioned Mashpee Wampanoag Tribal members Earl Mills and William Mills:

Q (St. Claire): Now, sir, in terms of your own ancestry, can you tell us what percent of Indian ancestry you have?

A (E. Mills): I don't understand that question, the percent of Indian ancestry.

Q: Percent of Indian blood, does that make it more meaningful to you?

A (E. Mills): Well, I give blood practically three or four times a year. (17-15) And if I had a percent of Indian blood, then there are people running around with Indian blood in them. But I really don't consider my blood separate. (Trial Transcript, Day 17)

Q (St. Claire): Before I forget it, sir, do you claim to be a person of Indian ancestry?

A (W. Mills): Yes, I do.

Q: Do you know how much Indian blood you have?

A(W. Mills): No, I do not.

Q : Do you know, in fact, that you do have Indian blood?

A(W. Mills): I've always accepted it as a fact.

Q: Do you know that you do?

A(W. Mills): Yes.

Q: I see. [...] (Trial Transcript, Day 27).

Here, the tension between St. Clair's insistence (asking the ancestry question multiple times) and the witnesses' repeated refusal ("I don't understand that question," "no, I do not") again shows where the court's investment in blood definitions of Indigeneity contradicted notions of Indigenous self-definition. Earl Mills' response points to the absurdity of blood quantum's prevailing authority: if it really was blood that defined Indigeneity, couldn't the recipients of his blood donations then also be recognized as Indian? However, the defense, whose main objective was to prove the Mashpee's non-Native status, repeatedly tried to depict mixed-ancestry to prove their lacking of indigeneity. Andrea Smith calls this a "genocidal logic" (Smith 68). Kauanui follows, writing that blood quantum creates an "'inauthentic' status... a condition for sovereign dispossession in the service of settler colonialism" (Kauanui 25). In describing the genocidal logic behind blood quantum, Smith and Kauanui reassert the main object of

blood purity politics: to render indigenous people absent in order to establish the territorial authority of the settler state. These excerpts expose a federal-legal system that is concerned with proving enough percentage of mixed ancestry to disqualify Indigenous people from sovereignty rights.

### **III. Cultural authenticity**

Like blood quantum, logics of cultural authenticity are used to position Indigenous people as gradually disappearing. Deeply connected to the racialization projects that imagine Indigeneity to be dilutable into eventual whiteness, cultural assimilation narratives conceive of Indigenous people as inevitably assimilating into non-Native American people. These assimilation narratives rest upon the stability of settler temporalities, where the changing cultural practices of Indigenous peoples become equated with the supposed modernization and assimilation of Indigenous people. It is crucial to recall that these narratives are political projects: colonialism requires the aboriginal land claims of Indigenous nations to be absent in order for the continued occupation of land to be justified. These logics can be observed throughout the court proceedings, particularly in cross-examinations from the legal defense. The defense asked Mashpee residents questions about their knowledge of various obscure cultural practices that were more characteristic of a stereotypical, pan-Indian identity rooted in the past rather than of an Indigenous people who have adopted many ways of life that are similar to their non-Indigenous neighbors. The court's persistent questioning about the

Mashpee's cultural practices falls into an extinction narrative. If the Mashpee were positioned as losing all of their traditional cultural practices, this stood as proof of their non-tribal status.

To begin this line of questioning, Campisi writes, the defense hired an expert witness, a sociologist, who was to travel to Mashpee before the trial to gather evidence of the Mashpee's socio-political way of life by surveying the area and interviewing tribal members (19). Jean Guilleman, an anthropology PhD student at Boston College, was hired for the job. Unsurprisingly, the Mashpee people refused to willingly participate in these interviews, but when the legal defense ordered subpoenas, the plaintiffs had no choice. Over 80 depositions occurred before the trial began, and, Campisi writes, "the plaintiffs were required to answer a host of questions that seemed invasive, meaningless, or irrelevant" (20). One theme emerged throughout these depositions was the defense's interest in the witnesses' participation in nature-based activities. Fishing, hunting, planting, camping-- the defense seemed practically obsessed with learning about these practices. This is not a coincidence: the settler imagination has equated authentic Indigeneity with a connection to nature and rurality (Deloria 106). The following excerpt from a deposition of Janet Hendricks, a Mashpee woman, demonstrates this investment.

Q (Guilleman): Did you indicate that you also participated in fishing?

A (Hendricks): Yes.

Q: What did you mean by that, Miss Hendricks?

A: I do a lot of fishing myself.

Q: What kinds of fishing do you do?

A: I do white croach fishing, blue fishing, (31-26) striper fishing, herring, any kind of fish there is to be caught.

Q: Do you fish off the beach or on a boat?

A: Both, mostly off the beach.

Q: When on a boat, whose boat do you use?

A: A friend.

Q: Do you do this fishing with members of the tribe?

A: Well, yes, some of them are members, yes.

Q: Some of them are not members?

A: Right.

Q: Fishing, am I correct in my understanding, is not a tribal exercise, but is something you can do because you like to do it?

A: Well, it's something that we've always done. (Trial Transcript, day 31)

In this exchange, Guilleman is particularly interested in Hendricks' fishing practice.

Guilleman asks Hendricks to describe how she fishes, what she fishes for, and who she fishes with. Fishing is used here as evidence (or lack of evidence) of this Indigenous woman's cultural connection to nature. The question, "fishing, am I correct in my understanding, is not a tribal exercise, but is something you can do because you like to do

it?” is also very illuminating. The passage suggests that presumably, Guillemen was not convinced that Hendricks’ fishing practice was a distinct Mashpee cultural practice, but rather, that fishing was for Hendricks just a hobby that any other non-Indigenous American could maintain. This exchange is particularly illuminating in that it highlights the paradoxical position in which Indigenous people exist in settler imagination. Settler authority searches for an authentic Indian whose practices have remained intact from the past, while simultaneously disavowing Indigenous cultural identity in its present form.

The questioning regarding the Mashpee’s connection to nature continued. For example, the defense asked Hendricks to describe what types of activities her sons were interested in. The exchange goes as follows:

Q: Are either of your sons interested in (31-40) what I will call for shorthand Indian activities?

A: Yes.

Q: What did they do to express that interest that you may know about?

A: Well, they both fish and hunt, they both like to do that. They both like to do gardening. The youngest one, he likes living out in the woods every chance he gets, even during the wintertime. They both have done it since they were small, real small.

Q: What is Indian about that, a lot of Boy Scouts like to do that too.

A: Well, they weren't Boy Scouts, I taught them how to live in a tent and to do on their own.

Here, the shorthanding of "indian activities" is particularly telling. Shorthanding itself allows for details to go unsaid by assuming that the listener has a shared knowledge of the implied meaning of the abbreviated term. The shorthanding of "indian activities" assumes a universalized understanding of what these activities might imply, and draws from settler imaginations that position Indians as inherently connected to nature. The interviewee knows what the interviewer is looking for and responds by describing activities that might be understood as characteristic of this imagined Indian, such as fishing, hunting, gardening, and camping. The following question, "what is Indian about that?" is also significant to this analysis. The use of the word "Indian" as an adjective demonstrates how a cultural identity has been reduced in the interviewer's imagination to a description of a set of stable traits. Here, activities become "Indian," not people. The question also highlights the double-bind in which the Mashpee witness is caught: Hendricks is put into the impossible position of having to prove an Indianness defined by a settler authority, an Indianness that is positioned as inevitably disappearing in the process of assimilation. The phrase "a lot of boy scouts like to do that" illuminates this impossibility. First, in equating the Mashpee boys' participation in nature-based activities to the American tradition of Boy Scouting, Guilleman aims to rhetorically position the boys as assimilated, modernized, and de-indigenized. Ironically, however, and seemingly

unknown to Guilleman, the Boy Scouts of America was an organization founded by white American men who were explicitly interested in appropriating Indian traditions and acting out Indian roles (Deloria 106). In *Playing Indian*, Philip Deloria demonstrates that the early founders of American boy scouting were interested in creating experiences for boys that evoked “authentic Indian” experiences such wilderness survival and self-governance (Deloria 107). So, while Guilleman aims to delegitimize the authentic Indigeneity of the Hendricks’s boys by equating them to Boy Scouts, the Boy Scouts organization itself was designed to evoke authentic Indigeneity. This irony makes visible the paradoxical position that Indigenous people often occupy within settler imaginations. Guilleman searched for an authentic Indigeneity as proven by the subject’s innate connection to nature, only to deny the Indigenous subject a cultural identity on the basis of his assimilation. As this history and this exchange demonstrate, settler colonial ideologies create notions of Indigeneity in complex, often contradictory ways that best serve the desires of white settler subjects. Standing an expert witness for the defense, Guilleman ultimately used these paradoxical logics to protect the defendants’ continued occupation of land.

Puzzling logics continued throughout the trial as the legal defense demanded that Mashpee Tribal members provide evidence of distinct cultural practices such as music, food, dress, and language. Some questions positioned Indigeneity as a stable archetype, where Indigeneity could be proven by a knowledge of stereotypical Indian traits rather

than by self-definition. I group these questions into a single category called Proof of Stable Indigeneity. Other questions asked Mashpee Tribal members to differentiate their own cultural practices from a Pan-Indian culture or white American culture. I group these questions under the category called Specificity of Cultural Practice. The below table demonstrates the two categories of questioning.

<b>Proof of Stable Indigeneity</b>	<b>Specificity of Cultural Practice</b>
Did you participate in any of the Indian dancing?	What is a Wampanoag Indian as opposed to any other Indian or as opposed to any non-Indian?
Do you know any Indian dances?	Are there any distinctive features of that regalia that differs, so far as you know, from any other similar group?
Do you speak any Indian languages?	Do you consider that your garden is uniquely different from the garden of other persons without a reputation for Indian ancestry?
Do you go out to restaurants?	Now, quahog chowder, you say, you think is uniquely Indian?
Does anyone in your family speak any Indian language that you know of?	How does quahog chowder differ from potato chowder?
Do you know if anyone in your family knows any Indian dances? (Day 31, 16)	Now, you think that herring roe is uniquely Mashpee?
You don't speak any Indian dialects, do you?	Did you, as you walked around the town, did you hear modern-day music? Rock music for example?

Under the first category, Proof of Stable Indigeneity, the defense asked questions about the Mashpee people's specific knowledge of language, cuisine, art forms, and regalia. Such questioning demonstrates how Indigeneity has gained a "costumed affiliation" in settler imaginations (Barker 3). These questions reduce authentic Indigeneity to traits (dialect, dance, regalia) that settler temporalities relegate to the past. This temporal investment is demonstrated in the question "Do you go to restaurants?" which rhetorically equates authentic Indigeneity with pre-industrial ways of life. In addition, the question "you don't speak any Indian dialects, do you?" reveals a skepticism that perhaps underlies all of the questions. The negative framing reveals how the speaker assumes an inevitable disappearance of cultural practices that would signify a complete assimilation.

Under the second category, Specificity of Cultural Practices, the defense more explicitly asserts an assimilation narrative. The question about rock music, for example, temporally positions Indigeneity against the present by suggesting that rock music and authentic Indigeneity cannot exist simultaneously. In addition, while the first list of questions reifies a stable Indigenous archetype, the second list demands that Mashpee people prove their authenticity by demonstrating how they deviate from such stereotypes. The comparative questions such as, "how does this differ.." "as opposed to" or "what is unique about.." ask the Mashpee people to differentiate themselves from a stereotypical, pan-Indian identity. The specificity of the questions, such as requesting information about the uniqueness of chowder, the details of one's garden, or the variation in one's regalia,

leave very little room for a correct response and instead frame Mashpee culture as fatefully assimilated. Observing the two lists next to one another reveals how paradoxical settler ideologies make possible the comfortable belonging of white settler subjects in the United States. Narratives that position Indigeneity as authentic only the past and simultaneously imagine Indigeneity as destined for assimilation in the future protect the uncomplicated occupation of settler subjects. As such, these assimilation narratives uphold a stable settler affect and enable the political goals of the territorializing settler state.

### **Conclusion**

The United States Court remains deeply invested in protecting the imperial goals of the nation state. In *Mashpee Tribe v New Seabury Corporation et al*, for example, defendants implemented blood purity politics and logics of cultural authenticity to protect their territorial entitlements to 16,000 acres of Mashpee Wampanoag Tribal land. The way in which the court positioned the Mashpee Tribe as not-Native-enough to deserve sovereign rights makes visible the process of white power consolidation that is often invisibilized by being ideologically naturalized and unquestioned. As I show in this chapter, the process of delegitimizing the Native identity of the Mashpee Tribe reaffirmed the social identity of white residents. First, in implementing racializing logics that denied the Mashpee Tribe's sovereign rights on the basis of their mixed-race status, the court protected one of the historical entitlements of white settler subjects: to define

Others as non-white and thus to define the parameters of whiteness itself. Second, the court positioned the Mashpee Tribe as destined for assimilation, a mythology that allowed white settlers to maintain an innocent role in their ongoing occupation of Indigenous nations. The court both reflected and reasserted the authority of settler time, reaffirming the dominant belief that 1) “authentic” Indigenous people have gradually disappeared and 2) the damages of colonialism are over. These assimilation narratives memorialize Indigeneity despite the ongoing political and territorial presence of Massachusetts tribes. In the following chapter, I explore the backlash that emerged on the local level in Mashpee during the trial years. Frustration and resentment that emerged throughout this period, I argue, demonstrate what happens when white settler subjects perceive a disruption to the stability of settler temporalities and settler affect. These ruptures make visible the often hard-to-see phenomenological structures that strengthen and maintain the ongoing project of settler colonialism that is the United States of America.

## **Chapter 2: Local Level Tensions and the Disruption to Settler Affect**

The Mashpee land claim clouded the titles of the entire town's real estate, stalled development plans, and prevented the sale of homes for the duration of the three-year trial period. Because of these effects, tensions heightened in the town: non-Indian homeowners were outraged by the sudden threat to their property rights (Mazer 245). Settler affect regimes typically naturalize white settler occupation as common sense. But in this historical moment in Mashpee, decolonial resistance challenged white settler belonging. Outrage and resentment, I suggest, emerged when settler subjects perceived a disruption to stable settler affect and temporality. Dudas describes the politics of resentment as a post-civil rights sociopolitical climate characterized by (1) "resentment towards increased political participation of the historically marginalized" and (2) "allegations that these historically marginalized Americans are making illegitimate claims for special rights" (723). The politics of resentment that emerged in 1970s Mashpee not only reflected anxieties of the the post-civil rights historical moment but also demonstrated a continued investment in imperial desires of settler colonial state. A close reading of these expressions demonstrate how resentful non-Indigenous actors rhetorically positioned the Mashpee claim as a threat to American private property rights and to whiteness itself, ultimately exposing the core desires of the white settler subject. These analyses are crucial to my study as I examine local-level discourse throughout the *Mashpee* trial years that not only positioned the Mashpee people as temporally out of

place, or static in history, but also positioned colonialism as a finished project, suggesting that the land claim itself was a hindrance to the stable trajectory of American progress.

### **I. Town Reports and the Hindrance to American Progress**

The Town of Mashpee positioned the *Mashpee* land claim as a hindrance to the town's financial growth and as a result, to the stable trajectory of American progress itself. The annual town reports in Mashpee are particularly informative texts in this analysis, as they project an image and overarching narrative of the state of affairs from the perspective of the town government. One overarching narrative was that the land suit directly harmed all town residents by bringing economic hardship to property owners in Mashpee. This narrative universalizes a feeling of homeownership resentment to all Mashpee residents. In doing so, it imagined Mashpee Wampanoag people as separate from the town polity, despite the fact that most Mashpee Wampanoag people had been official town residents for longer than white homeowners, and many were homeowners themselves. Another narrative positioned the land claim as a hindrance to the fruitful growth of the town. The town used the underfunded fire station to articulate these sentiments, using descriptions and images of the dilapidated station to represent the fatefully stalled economic progress of the town.

In the annual town reports from 1976 and 1977, the *Mashpee* trial years, the town writers position the land suit as the root cause of the town's disastrous financial decline. As seen in the opening statement of the 1976 Town Report, the Indian land suit is

positioned against a universal town interest. The report reads, “at this time, our much needed municipal buildings-- police, fire, highway garage and sub-fire station-- have not lost their priority but have been put on “hold.” This is because of the effects of the Indian land suit” (Town of Mashpee, 8). The writers of the report suggest that the land suit is to blame for the stalled construction of the Town infrastructure. The report continues, “as an outgrowth of the Indian suit, the Town was unable to finance the construction of the new Middle School until the state, by special, unprecedented legislation... guaranteed the bonds to the Town.” (10). In both of these excerpts, the Mashpee government conceptualizes the land suit as an obstacle to town progress (represented here as town infrastructure such as the middle school, highway garage, fire station, and police stations.) In defining the town interests in opposition to the land suit, the town writers effectively write the Mashpee Wampanoag Tribal members out of the town polity.

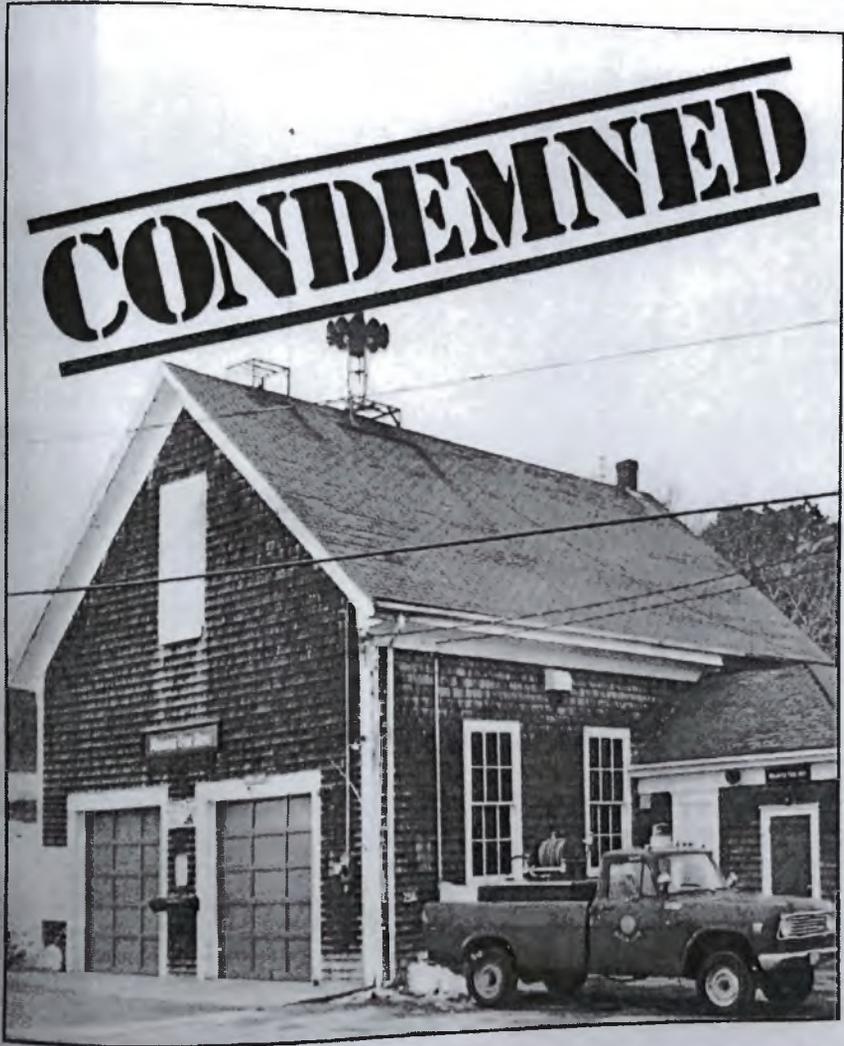
It is clear that the Town of Mashpee faced economic hardship throughout the trial years, but was it the land suit, or other circumstances, that caused these financial burdens? The American Friends Service Committee (AFSC), a Quaker organization, explored this very question in their 1978 report entitled *Report from Mashpee: A Study of the Impact of the Wampanoag Land Claim on the Economy of Mashpee, Massachusetts*. The report stemmed from AFSC’s concern about the rumors and exaggeration that prevailed during the trial years about the land suit’s role in financially burdening the town. In this extensive document, AFSC examined the financial state of the town during

the *Mashpee* trial years and produced a fact-based report that outlined the impact of the land suit on the town's economy ( i). In this report, AFSC debunks the myth that the land suit was the root cause of the township's financial crisis. Instead, they find that the town's most significant financial deficits were caused by the municipality's efforts to oppose the suit. Between 1976 and 1978, for example, the town spent \$400,000 on travel expenses, legal fees, and increased salaries for the two non-Indian selectmen who opposed the suit (19). In revealing that the town's largest economic deficit during the trial years actually derived from the town's own opposition to the suit, this report points to further questions: why was the Mashpee Wampanoag Tribe blamed for stalling the growth of the town? And what does this positioning reveal about the contradictory logics of settler colonialism?

As demonstrated in later town reports, the town writers imagined the non-Indigenous Mashpee residents to be innocent victims to an unjust attack on American liberty. The opening statement to the 1977 Annual Report, for example, painted an even more devastating picture than that of 1976. It declares, “[t]o the Citizens of the Town of Mashpee: It has been a long, difficult year. During 1977/78, we found it necessary to call seven town meetings in the continued effort to keep municipal governments functioning while defending our property rights against the Land Suit.” (7). To start off the 1977 town report with this sentence is certainly a powerful rhetorical choice-- the Town evokes an affect of devastation and decline to summarize the year in Mashpee. The language

invites a reader sympathetic to 1970s post-Civil Rights American conservatism. In addition, as this report came one year after the bicentennial, the town writers invite readers to renew their pride in the liberal ideologies of American freedom (one aspect being private property rights). The phrase “while defending our property rights,” warns readers that these rights may be under threat, a rhetoric characteristic of post-Civil Rights conservative equal rights activism. This language continues throughout, with the Town again focusing on underfunded infrastructure to represent the declining state of affairs. It reports, “the desperately needed Fire/ Police Stations have progressed to the point where specifications are ready for bidding... it is our feeling that the townspeople have suffered too long with inferior and dangerous emergency facilities.... It has been frustrating to see our departments desperately trying to provide improvements and move ahead, but ultimately being faced with the reality of no funds...” ( 7). A few phrases and words, such as: “*desperately* needed;” “the townspeople have *suffered* too long;” “*frustrating*;” and again, “*desperately*” evoke a landscape of despair, positioning the Town and a homogenized town citizenry as victims to the unfair economic impact of the land suit. The language projects a universal experience of suffering onto all Mashpee residents, despite the fact that 1977 might have offered a different sentiment of hopeful possibility to Town residents from the Mashpee Wampanoag Tribe. The front page of the 1977 Town Report, pictured below, perhaps captures this affective landscape most clearly.

**ANNUAL REPORT**  
Town of Mashpee  
1977



This cover image of the town report demonstrates how the editors chose to project an image of 1977 as a year of economic decline and stalled town progress. It is no coincidence that the town chose the fire station to stand in as representative of the state of affairs. U.S firefighters exist as noble, if not patriotic symbols of American heroism. A dilapidated fire station projects a nightmarish scenario: what is a small American town without its American heroes? Further, the bolded, large-font, capitalized text of “CONDEMNED” invites readers to imagine that this holy American tradition is under a serious threat and positions the townspeople as unfairly at risk of suffering from unequipped fire safety. The traditional style of the building and the placement of the firetruck in the foreground evoke a sense of small town nostalgia. In positioning this tradition to be under threat, the image stirs up the anxieties of white residents who are already under the impression that their town is under threat from the *Mashpee* land claim. In fact, this imagery on the front of the report paired with the language describing a town in financial crisis described in the above paragraphs indicates how the town perceived the *Mashpee* trial to be a rupture to the entire stability of American Progress. The observed sentiments of frustration, fear, and victimization, in effect attempted to reauthorize settler affect by positioning the land suit as destructive to the stable trajectory of Town progress and American progress itself. The town reports demonstrate how the preservation of white settler belonging is achieved through strategic manipulation of sentimental landscapes. Stable settler temporalities, and the ensuing phenomenological landscapes of

belonging that extend to settler subjects, are often hard to see and identify. In the case of Mashpee, the moment of rupture to settler authority brought about by the land suit makes visible the unnamed entitlements and structures of belonging that extend themselves to white settler subjects.

## **II. Homeowner Resentment**

White actors in Mashpee articulated their resentment during the trial years in many ways: New Seabury residents formed an ad-hoc association that gained support from conservative “equal rights” law organizations, town selectmen campaigned with express sympathies toward “suffering” real estate workers, and homeowners published furious opinion articles in local newspapers (Mazer 245). In this section, I highlight instances of “homeowner” resentment, where non-Indian actors responded to a perceived threat to their American right to private property. Immediately following the filing date of *Mashpee Tribe v New Seabury et al*, an ad hoc citizens group called the Mashpee Action Committee (MAC) formed, emerging in strong opposition to the Mashpee suit (Campisi 20). A coalition of 800 concerned property owners, MAC gained political support from a national organization called the Interstate Congress of Equal Rights and Responsibilities (ICERR). ICERR was established in 1975 in response to the rise of Indian rights cases during the 1970s and actively campaigned for anti-Indigenous legislation. ICERR launched counter-mobilizations against treaty rights claims of Indigenous nations “in the name of equal rights” (Dudas 725). Local Mashpee conservatives proudly adopted the

ICERR's patriotic rhetoric in response to the land claim. Mashpee Action Committee Chairman William S. Clendenin, for instance, wrote in a 1977 Boston Globe opinion piece, "we innocent homeowners, who are workers, taxpayers and retired senior citizens, do not believe that we should be held guilty for some possible injustice that took place more than 100 years ago." Clendenin exposes the authority of settler temporality by positioning colonialism as a finished project in the past ("some possible injustice that took place more than 100 years ago") and by absolving current settler subjects from their ongoing unjust occupation of Indigenous land ("we innocent homeowners"). Here, Clendenin adopts a tourist position to examine history, where a temporal distance from histories of violence grants innocence to the tourist observer. Second, appealing to a larger culture of resentment that characterized post-civil rights white America, Clendenin positions white homeowners as victims of reverse discrimination and special rights legislature. Dudas suggests that this rhetoric encourages American property owners to "understand themselves as defenders not only of their own self-interests but also, primarily even, as defenders of the core American values and ideals that are promoted by equal rights" (273). Dudas's point illuminates the core of Clendenin's positioning: the racialized historicity of possessive individualism disappears under the guise of American universality. Incorporating taxpayers, homeowners, and retired senior citizens under a universal umbrella of victimhood, Clendenin in fact argues for the protection of rights historically and exclusively granted to white men.

Emerging strongly in opposition to the Mashpee land suit, the town's white politicians began disseminating this "special rights" rhetoric to frustrated Mashpee homeowners. A closer look at their expressions of resentment towards the perceived threat to private property rights demonstrates a possessive investment in whiteness itself. The two white selectmen at the time of the suit, George Benway and Kevin O'Connell, quickly incorporated a New England branch of the ICERR and used their political platform to exacerbate the fears of white townspeople during and after the land suit (Mazer 235). Although the Mashpee people reduced their claim to eleven thousand acres to exclude private homes and lots, the politicians publicized the imminent possibility of the unfair giveaway of private lands that had been acquired hundreds of years ago (Clifford 283). On one occasion, for instance, the board of Selectmen organized a public forum with the Peninsula Council, the homeowners association for New Seabury residents. This association represented the greatest number of homeowners in Mashpee as well as a large percentage of the assessed valuation of the town. A bulletin posted in the *Falmouth Enterprise*, a local newspaper, advertized the meeting to New Seabury residents. It desperately stated, "failure to attend may put the fate of your home in Jeopardy" (Mazer 222). Reiterating this desperate sentiment, selectman O'Connell stated in a 1976 Boston Herald article, "If we accept the premise of the suit that more than 100 years ago the Indians lost their lands unfairly, then it is equally unfair today to take land away from somebody who wasn't there" (Sullivan and Marchand). In conceptualizing

land as “in jeopardy” or “under threat” of being unfairly taken from innocent homeowners, these expressions of resentment rhetorically position white settlers as unquestioningly deserving of property rights and entitled to the historical privileges of whiteness itself. The sentimentality of defensiveness evoked in these statements reveals the extent to which white settler belonging is embedded in dominant socio-political structures as an entitlement worth protecting. Berlant writes, “sentimentality is too often a defensive response by people who identify with privilege yet fear they will be exposed as immoral by their tacit sanction of a particular structural violence that benefits them” (Berlant 83-84). Following Berlant, I see sentimentality as a useful analytic to analyze the reactions to the 1976 land suit in Mashpee. Universal, power-neutral language of the law obscures the ways in which property rights have been granted to white people at the expense of non-white Others. Despite this abstraction, sentimentality makes visible the unequal structures of power from which white settlers passively benefit. A feeling of defensiveness points to a structure worth defending.

Throughout the duration of the case, white actors lingered on nightmarish scenarios of Native Americans demanding homes and taking over the town (Clifford 283). Selectman Benway, for example, whose frustrations stemmed from his own real-estate interests, took on this frustration throughout the trial years. Benway bought the business Kopp Realty in 1975, renaming it Kopp-Benway. The business was abruptly affected by the land claim before it even had much of a chance to get off the ground.

Because of the clouded land titles, Benway's business was faced with very little viable real estate. Business was dramatically affected, and the company was forced to downsize employees and faced challenges paying office rents. Selectmen Benway, frustrated with the suit's role in stalling his business' advancement, brought vocal opposition against the Mashpee suit to his political platform as a town selectman. (Mazer 211). In one particularly animated MAC meeting in 1977, Benway warned residents, "you and I are an endangered species," describing the Indian rights movement as a "cancer that could destroy the United States of America as we know it now and as it was conceived by our founding fathers" (Brodeur 6). Here, Benway marks the Indian rights movement as a disturbance to the stability of settler temporality and settler affect. Settler temporality asserts a trajectory of events that have supported the national achievements of the continually colonizing settler state. The term "founding fathers," for instance, marks a temporal initiation to American progress and renders all previous events outside of the nation's trajectory. Through such logics, the land claim is figured here as a threat to American identity itself, disturbing the stable trajectory of settler colonialism laid out by the founding fathers. In addition, appealing to the widespread frustrations of post-civil rights white America, Benway asserts one of the core desires of the white settler subject: to eradicate Indigenous people as a means to build the colonial nation-state.

The broader culture of race-based anxiety in Massachusetts during the 1970s underwrote the resentment surrounding the *Mashpee* trial. As discussed in chapter one,

post-Civil Rights resentment reached a climax in Boston during the 1970s, culminating most famously in the anti-busing riots. Just as racializing narratives and an underlying anti-Black bias informed the court proceedings, racial prejudice underwrote the panic and threat narratives displayed by white residents and sympathizers in Mashpee. Mazer documents especially heated 1977 Mashpee town meeting, for example, a Boston reporter exclaimed, “a Black lesbian with a feather in (her) hair, a Spanish surname, and a criminal record could take over the town” (246). This expression paints a caricature of a threatening racialized subject, one to enhance the already nightmarish imaginations of white Mashpee homeowners. Describing this imagined Mashpee Wampanoag person as Black, having Spanish ancestry, and a feather in her hair, the reporter uses these categorical exaggerations to mirror and enhance the public skepticism of the Tribe’s authentic indigeneity. In fact, the reporter strategically avoids naming person Native, Indian, or Indigenous, suggesting she is only Indigenous based upon the costumed affiliation of “a feather in her hair,” a tactic that again invites the listener to call into question the Tribe’s legitimate tribal status. In describing this imagined Mashpee Wampanoag person to have a criminal record, the reporter indulges more of the white listener’s fears. As I will discuss in the following chapter, redevelopment efforts in Mashpee were fueled by the developer’s goals to “bring Mashpee up a few notches”-- coded language that reveals the white public’s underlying prejudice against non-white, non-wealthy inhabitants (Brodeur 37). This comment strengthens the ongoing racial

project that imagines Blackness to signify criminality, a project enforced state institutions such as the police and perpetuated by popular culture. The choice to describe this figure as “lesbian” undoubtedly is a choice to spark fear and discomfort in the respectable white wealthy homeowners of Mashpee. As Barker describes, the acceptance of Indigeneity into settler imagination is dependent upon the Indigenous subject’s ability to obey the rules of settler temporality, cultural authenticity, and heteronormativity (14). Describing the imagined Mashpee Wampanoag person as lesbian, the reporter positions the Mashpee Wampanoag Tribal members as oppositional or even threatening to the heterosexual norms of U.S settler society.

The exaggerated language in these expressions of resentment demonstrate exactly the kind of emotional experience that white people often display when they are challenged on their normally unquestioned “sense of ownership and the right to exclude” (Pulido 811, 812). These expressions persisted throughout the trial years, appearing most unrestrictedly in op-ed pieces and letters to the editor in local newspapers. In a 1977 Boston Globe letter to the editor, for example, one disgruntled Cape Cod resident stated, “I wonder why in 1977 we are confronted with the sins of our great-great-grandfathers? Clearly, the Wampanoags may have authentic land claims. However, are we responsible for events that occurred over 150 years ago?” (Cay). This statement illustrates how non-Indian property owners were outraged by the idea that they should be held responsible for the violences of colonialism. As discussed in the

introduction, settler affect regimes depend upon the notions that 1) the violences of colonialism are positioned solidly in the past and 2) that Indigenous people can only take place in the state's future "if they cease to politically exist" (Robinson Feb 5). Here, this disgruntled homeowner perceives a disruption to settler affective regime, a regime that positions settler colonialism as a finished project and thus allows for continued guilt-free settler occupation.

In another letter to the editor, which I have attached as a photograph below, Selectmen Benway and O'Connell wrote to *Time Magazine* to dispute *Time's* portrayal of their position on the land suit. In this letter, they denounce their negative portrayal in the media which positions them as anti-Indian, asserting that they respect the plaintiff's "legal right to bring suit." Then, they use the letter to clarify that it is their sole intention to protect the property rights of Mashpee residents. They write, "it is unconscionable for individual citizens to be forced to assume the liabilities for acts of our State and Federal Governments 200 years ago. No present resident of Mashpee was here then to violate anyone's rights." At this point in the chapter, this language is familiar: again, the politicians reassert the stability of settler temporalities, where the temporal positioning of colonialism as a finished event of the past protects the uncomplicated and continual occupation of present-day settler subjects. And again, the selectmen ask for the protection of "individual citizens," in effect universalizing the rights of possessive individualism

and obscuring the fact that these rights were defined by the racialization of Black and Indigenous people and exclusively granted to white men.

There is more to gather from this letter than just the text, however. The visual details of this letter--more specifically, the juxtapositioning of the text against the official town letterhead-- highlights a paradox: there is a distinct reverence for the historically located Mashpee Wampanoag people and a simultaneous disavowal of their political presence. As such, these details reveal the Mashpee government's efforts to stabilize settler affect, which positions Indigenous affect as out of place and apolitical as a means to justify the territorial occupation of the settler state. The letter, which I attached below is the original letter that the selectmen mailed into *Time Magazine*, printed with the official letterhead and town seal of the Town of Mashpee.



# Town of Mashpee

SELECTMEN'S OFFICE  
MAIN STREET  
MASHPEE, MA 02649  
477-0222

KEVIN D. O'CONNELL  
477-0222  
GEORGE A. BENWAY, JR.  
477-1208  
ROBERT A. MAXIM  
477-0222  
FRANK E. HICKS  
EXECUTIVE SECRETARY  
477-0240

November 16, 1976

Editor  
Time, Inc.  
Time & Life Building, Rockefeller Center  
New York, New York 10020

Gentlemen:

As Selectmen, we read with interest your article concerning the Town of Mashpee and the suit brought by the Wampanoag Tribal Council, Inc.

We have no dispute with the Plaintiff's legal right to bring suit; however, our town and its citizens, Plaintiff and Defendant alike, are suffering undue and unjustified financial hardships and mental anguish. It is unconscionable for individual citizens to be forced to assume the liabilities for acts of our State and Federal Governments 200 years ago. No present resident of Mashpee was here then to violate anyone's rights. However, there are two responsible entities which have existed in perpetuity since that time; the Commonwealth of Massachusetts and the United States of America.

If, in fact, there were any wrong committed, it is those governmental embodiments who must step forth now and assume their responsibilities pending the outcome of due process of law. The present situation is one of non-participants in an alledged crime being compelled to serve a sentence; this, quite frankly, is preposterous.

Very truly yours,

*George A. Benway, Jr.*  
George A. Benway, Jr., Chairman

*Kevin D. O'Connell*  
Kevin D. O'Connell  
Board of Selectmen



In the image above, the town seal depicts a figure dressed in flowy clothing, wearing a feathers, and carrying a bow and arrow. As discussed in the previous chapter, this imagery of pan-Indian regalia represents the settler state's desire to mark an "authentic" Indian subject that can only exist in the past. Above this Indian figure is a disembodied arm, raised up and carrying a sword. This image is said to represent the military strength of Miles Standish, a military official hired by the British to protect Plymouth Colony (Houghton). The Latin words surrounding the image in banners declare, "by the sword we seek peace, but peace only under liberty." The statement paradoxically imagines peace to coexist with violence. In addition, the statement suggests that peace is attainable "only under liberty," which points to a notion of freedom that characterizes U.S nationalism. Referring back to Hong and Da Silva, the U.S national tenet of possessive individualism depends upon the paradoxical coexistence of peace and violence: the concept of U.S liberty was solidified by the repeated achievement of white male freedoms at the expense of nonwhite Others. Observing the seal as a complete work,

including the Native figure, the sworded arm, and the Latin declaration, the critical reader interprets a message of settler paternalism: the town polity romanticizes the military and produces a false narrative of imperial protection. As discussed in the introduction, Byrd notes that this process of discursively incorporating Indigenous nations into U.S national identity disavows the ongoing process of colonialism. The seal makes visible the process by which settler states violently reimagine Indigenous people to be internal, despite sovereign differences. If the town of Mashpee is “honoring” Native culture (as the town seal represents), how can the non-Indigenous residents be guilty of their continued occupation of Mashpee Wampanoag land?

While the letter itself stands as a demand for the protection of settler land rights (“it is unconscionable...”), one final detail, seen at the bottom of the document, demonstrates a contradiction. The official town document, asserting the town’s pride in its Indigenous history, proudly states: “LAND OF THE WAMPANOAGS.” Despite the white selectmen’s dismissal of the Mashpee Wampanoag Tribe’s sovereign rights in the letter’s actual text, this letterhead demonstrates the opposite: the town polity itself recognizes the Tribe’s territorial belonging. The juxtaposition of these two contradictory motives on a single letter illuminates the many paradoxical mechanisms used by settler states to maintain stable conditions of settler affect. The Mashpee town government selectively includes notions of Indigeneity into the town imagination to allow white

settler subjects to maintain guilt-free occupation and to remain complicit in the territorializing project of the nation.

### **Conclusion**

As my analysis of the expressions of resentment surrounding the *Mashpee* trial demonstrate, settler temporalities authorize settler subjects to defend the stable unfolding of American progress while positioning alternative sovereign claims as antiquated and out of place. As such, settler time is one structure that maintains the status quo of settler colonialism, that helps to extend affective landscapes of belonging to white settlers and allows white settlers to maintain a guilt-free occupation of colonized land. Because of the ways in which settler time normalizes and legitimizes the imperial agenda of the United States, the work done to maintain deeply unequal conditions of settler occupation and capitalist expansion can be particularly difficult to see, especially by settler subjects who are implicated in such a project. It is only through a rupture in the status quo, such as the controversy of the *Mashpee* trial, that this often unseen work becomes visible. The expressions of resentment toward the sovereign claims of the Mashpee Wampanoag Tribe demonstrate what happens when settler time and stable settler affect rupture. This disruption makes visible the ways in which land has been solidified as an unalienable entitlement to white settlers at the expense of racialized Indigenous people. In illuminating the constructedness of settler time, my work interrogates settler affect and disrupts its privilege as an inevitable truth. In the following chapter, I continue my

exploration of settler affect by exploring how this status quo manifests spatially. I demonstrate how the redevelopment projects such as the New Seabury Resort and Mashpee Commons evoke neocolonial imaginations of space and become a means to actualize the comfortable occupation of settler subjects.

### **Chapter three: Landscapes of Leisure and Colonial Place-Making**

As I have discussed in previous chapters, settler affect undergirds daily life in settler societies, rationalizes territorial expansion, and justifies settler belonging. And, it often does so quietly. Colonial structures of belonging are maintained and upheld by various discrete mechanisms, some of which I have explored in this thesis: the law (conceived of as objective and rational), the temporality of American Progress, and racial difference. As these mechanisms repeatedly grant exceptional rights to settler subjects over time, settler affect becomes naturalized as a norm. As I have suggested in chapter two, disruptions to stable settler affect are useful sites of analysis in that they illuminate the constructedness of such authority. The 1976 Mashpee Wampanoag Tribal land claim, for instance, disrupted a stable sense of belonging that white residents had grown used to. It was this disruption that made visible the power that settler ideologies maintain in producing notions of white entitlement and private property. Another useful site to study the normalizing authority of settler colonialism is space. During a period of rapid redevelopment in the 1960's and 1970's, for example, the entire geography of Mashpee shifted to center the commercial, social, and political needs of new white residents. The final component of my thesis responds to the following: how do fantasies of belonging manifest spatially in the organization of settler societies?

In the first section, I summarize how the town's spatial layout shifted through redevelopment efforts in the 1970s and 1980s. I explore how the shifting geography

reflected and accommodated the desires of a new population of white settler subjects, whose desires for leisure activities, privacy, and commercial resources began manifesting in material space. As such, I demonstrate how geographical changes figured whiteness as proximate, and in turn, ideologically distanced and delegitimize the ongoing physical and cultural presence of the Mashpee people. In the second section, I examine how the infrastructure of the newly developed New Seabury Resort catered to the leisure fantasies of white, wealthy, nuclear families. I suggest that the planned recreational design of the resort produced a landscape of disavowal, allowing white townspeople to maintain a sense of entitlement and belonging in their continued occupation of Indigenous land. In the final section, I look at Mashpee Commons, an outdoor-air shopping center designed to evoke a colonial-style town center. I demonstrate how the mall's infrastructure explicitly caters to the colonial fantasies of settler subjects while rendering Indigenous affect as extinct or out of place.

### **I. Landscapes of Belonging in Mashpee**

In the period between 1960 and 1980, the town of Mashpee underwent large-scale redevelopment. The first of these drastic shifts was the construction of the New Seabury resort, whose meticulously planned homes, golf courses, and greenways rapidly expanded in the southern, coastal-facing portion of the town. The second drastic shift responded to first: at the centrally-located Pine Tree Rotary, freshly-built municipal and commercial buildings popped up to replace old buildings that were historically positioned

in the town center to the north. The following geographic history demonstrates how town authorities and private developers spatially organized Mashpee to accommodate a new population of middle-upper class voters and consumers. Closer analysis finds that such geographic shifts enabled white belonging by making absent the ongoing presence of a racialized Other.

To understand the impact of these historic shifts, it is important to imagine the demographic and geographic state of Mashpee before redevelopment. In the decades prior to 1960, the town of Mashpee had a steady but small year-round population of 350 non-white inhabitants and less than 100 white inhabitants. Campisi documents that due to various land transfers between the 1800s and the early 1920s, the majority of the non-white inhabitants, most of whom were Mashpee Wampanoag people, lived inland, away from the southern, coastal-facing portions of the town. By the 1950s the Mashpee people mostly lived along two roads in the Northeastern section (Campisi 147). Most Native Mashpee residents as well the town's public and cultural resources could be found along Route 130. Such meeting places included the fire station, town hall, post office, church, and a Mashpee-owned grocery store (Mazer 110). You can see this area, known pre-1960 as "town center" marked in blue on Figure 1: *Town of Mashpee, Main Roads, Waterways, and Adjacent towns* depicts Route 130 (Appendix 1, Ludtke 322).

Besides the humble town center, the rest of Mashpee remained relatively undeveloped. This was rather extraordinary, considering the large amount of waterways

such as coastline, ponds, and rivers in Mashpee. In surrounding towns, this water-facing property gained high value on real estate markets in the early 20th century and was quickly developed (Carillo 542). But unlike other areas on the Cape, Mashpee could not be as easily accessed by main highway or direct ferry from the Boston metropolitan area. For these reasons, Mashpee was geographically isolated and held a small but steady year-round population (Mazer 109). In the mid-1950s, however, this shifted when Massachusetts finished the construction of the Mid-Cape Highway and Route 3. The completion of these highways made it possible for people to drive from Boston to Mashpee in under an hour and a half. The relatively isolated town of Mashpee was suddenly within a commutable distance to Boston, a geographic shift that attracted the attention of wealthy elite from Boston. The finished highways also brought the coastal town to the attention of developers, leading to a massive period of redevelopment all throughout South Cape Cod (Mazer 109).

In 1960, New Seabury developers constructed the very first model homes in the resort for hopeful homeowners. The resort, marked in red in Figure 1 (Appendix 1), quickly expanded, becoming the nation's largest Master Planned Community (MPC). Unsurprisingly, the luxury-style community attracted an overwhelmingly white population to Mashpee. Many became year-round residents while others had a seasonal presence. Drastically different than the small population of majority non-white residents in 1960, the 1970 census showed a much larger population of 1288 residents,

representing 982 white and just 306 non-white people (Clifford 279). The newcomers were significantly more affluent than the earlier Mashpee residents as well, as represented by the price tags on their newly constructed homes in the New Seabury resort. In 1970, for example, Mashpee had the largest number of houses valued over \$50,000 and under \$10,000 on all of Cape Cod (Carrillo 543).

In her study of Mashpee, legal scholar Jo Carrillo rightfully titles the demographic of incoming Mashpee residents “a new local regime,” a governing force that consolidated political control. And, as the reactions to *Mashpee Tribe v Town of Mashpee* that I reviewed in chapter two demonstrate, this regime noisily took hold of town politics to demand property rights and improvements to town services. In the background of this (white) noise, developers and the town government furthered alternative methods of control: they began to manifest the desires of white newcomers in infrastructural development. The landscape of Mashpee steadily came to represent the prioritization of white settler freedom (exclusive use to private property, leisure, and capitalist growth). As discussed in the introduction of this thesis, Hong historicizes white settler freedom as an entitlement founded upon the ownership of enslaved Africans and the dispossession of Indigenous people. The abolition of slavery and the end to (explicit) U.S. settler expansion do not detach contemporary notions of freedom from its historicity. In fact, as the case of Mashpee shows, the freedom of select white settler subjects depended upon the subjugation of racialized Others.

A 1960 interview by a journalist, Paul Brodeur, of a New Seabury developer demonstrates this explicit prioritization. In this interview, the developer unabashedly shares the corporation's distaste of the "ramshackle" northern portion of town along Route 130 (where, as I described above, the Mashpee Wampanoag Tribe resided) (37). The New Seabury developer excitedly shares the corporation's plans to "bring Mashpee up a notch or two in the public's estimation" by "pull(ing) what now passes at the center of town down to the traffic circle on Route 28." In reference to the impact of the planned accommodations, the New developer assured, "there'll be parking problems, of course, but we'll handle them with lots of pavement" (Brodeur 37). While quotations like these might read as heartless, or even evil to the reader sympathetic to the Mashpee Tribe's ongoing fight, I find more depth to these comments. First, the developer's statements evoke feelings of certainty and entitlement, as well as a temporal sense of inevitability. It is clear from the developer's attitudes that redevelopment projects were to reflect the inevitability of American progress authorized by settler time: this land was always, and most certainly going to be developed. The temporal hegemony of American Progress is powerful: it demands a belief in the inevitability of expansion and thus enables white settler subjects to maintain a sentiment of entitlement in their occupation. In other words, the temporal structure that imagines development to be inevitable simultaneously produces an affective landscape of unquestioned belonging. The language of improvement seen here also marks a racial motive that often underwrote

redevelopment projects of the 1960s and 1970s in the United States (Aoki 36). In recalling that Mashpee was the only town on Cape Cod in the mid 20th century to have a Black and Indigenous majority, the developers' profit-oriented decision to "improve" Mashpee also signified a decision to whiten Mashpee.

The New Seabury developer's desires were achieved with ease. In 1967, the New Seabury Shopping Center opened up at the Pine Tree Rotary Circle, shifting the commercial center of town away from the Mashpee-occupied northern roads toward the white-occupied southern region (Mazer 110). It was no accident that the shopping center took on the name of New Seabury. In his book on the concept of place-making in master planned communities, Bohl writes, "the neighborhood shopping center had been named for a nearby MPC [Master Planned Community, New Seabury] that had sought to avoid being associated with the town of Mashpee; the developer felt that the association would hamper efforts to market the project to upscale Cape Cod homebuyers" (Bohl 165). Here, Bohl notes, the choice to name the shopping center New Seabury was tactical: it both catered to the comfort of new white homeowners who sought to physically distance themselves from the town's non-white population and furthered the capitalist agendas of developers who sought to accumulate the highest commercial profit as possible. The area marked in yellow on Figure 1 depicts the New Seabury Shopping Center at the Pine Tree Rotary. What "passed as the town center," in the northern portion of the town, as the developer stated, included a town hall, elementary school, and firehouse, buildings that

had historical and cultural importance to the Mashpees (Brodeur 37). Shortly after the opening of the New Seabury Shopping Center, the post office and the town's main freeway exit also shifted southward (Carrillo 543). By 1980, the elementary school and firehouse were closed in the "Indian" portion of Mashpee, and the town built a new elementary school and firehouse at the Pine Tree Rotary (Campisi 155). Facing the closure of these two important cultural centers, the Mashpee Wampanoag Tribal Council requested to lease the two empty buildings for office space in the early 1980s. The town selectmen, who represented a white majority for the first time in the town's history, rejected the request and demolished the town hall and the firehouse in the northern portion of the town, "eliminating two of the most important Indian institutions" in the community's history (Campisi 155).

An advertisement for New Seabury real estate (seen in Appendix 2) exemplifies how New Seabury strategically advertised towards a white clientele. The advertisement states, "Bob, Carol, Ted & Alice, we have a two bedroom suite for you" (Appendix 2). Referencing a 1969 drama/comedy film about two white couples who swap spouses in a consensual extramarital affair, this advertisement invites heterosexual white couples to fantasize about pursuing sexual exploits at New Seabury. The imagery of the advertisement depicts several leisurely activities that couples might pursue at New Seabury, such as a fun day of golfing or tennis, a romantic dinner date, or a relaxing day at the beach. But the advertisement goes beyond depictions of relaxation: it invites

potential buyers and renters to imagine New Seabury as an exciting location to indulge their sexual fantasies. The text states, “Make it New Seabury for your next pleasure trip... Swap partners on one of our 16 outdoor tennis courts” (New Seabury Corporation). As discussed above, New Seabury developers drew from colonial ideologies of *terra nullius* to position the land as “empty” for upper-middle class white residents to take. This advertisement, however, calls forth a different colonial ideology to invite white couples to feel a sense of belonging at New Seabury. As documented throughout colonial history, white settlers have achieved selfhood and belonging through the uninhibited exploration of sexual fantasies (Deer 32-33). In representing New Seabury as a location for white visitors to pursue sexual fantasies, the advertisement draws from a colonial trope of sexual exploration. Prospective white buyers and renters see themselves represented in the images displayed in the advertisement but they gain a deeper sense of belonging from the histories of sexual exploration that precede them.

Analysis of space and time makes visible the ways in which certain objects are put into the reach of ideal subjects. The infrastructural and geographical shifts described above demonstrate how the stable settler temporality of progress and improvement spatially manifested in the settler-occupied town of Mashpee. Figure 1 (Appendix One) has been useful to visualize how the new local regime of white voters exploited the north-to-south layout of Mashpee to place objects of leisure, commerce, and municipality into the reach of certain ideal subjects while geographically isolating the same objects from

racialized Others. The relocation of municipal and commercial services from the northern, Wampanoag-occupied region of town, toward the southern, white-occupied region of town spatially demonstrates the prioritization of the political and consumerist desires of white newcomers over the utilitarian and cultural desires of the Tribe.

## **II. Leisure Landscapes of New Seabury**

Building upon the above analysis of the effects of large-scale distancing projects, a site-specific study of the New Seabury resort closely details how notions of leisure and comfort spatially manifested in 1960-70's Mashpee. In 1960 the owners of the coastal-facing land, Malcom and Arnold Chace, hired the architect William Warner and developer Emil Hanslin to formally plan the seaside community (History, Peninsula Council). The village-style plan of New Seabury imagined each housing cluster to be centered around a recreational activity such as swimming, sailing, golfing, or horseback riding. In addition, the master architect gained national fame for the groundbreaking "environmental design" of planned communities. Instead of being built in gridlike organization, each home was uniquely designed in its plot to smoothly integrate into the surrounding natural environment. In close readings of history and marketing materials of New Seabury, I demonstrate how these design plans evoked the values private property (where land exists as a commodity to be owned) and leisure, called forth a stable settler temporality, and manifested affective landscapes of white settler belonging.

The seashore does not naturally or inevitably signify a site of ownership. Rather, land takes on meaning based on the desires of those who occupy it. As Carrillo writes, throughout the 20th century, the Mashpee people did not utilize the coastal-facing portion of the town for residential purposes. Instead, the tribe conceived of the coastal land as a utilitarian resource for fishing, shellfishing, haying, and hunting (Ludtke 20). As described in the previous section, the town's pre-1950 geographic isolation kept most of this southern-facing land undeveloped. Ludtke describes that despite the fact that most of Mashpee's coastal land had legally been in the hands of various non-tribal owners for about a century, the absence of physical developments on this land allowed the Mashpee Wampanoag to maintain utilitarian use of the coastal land (Ludtke 20).

But when construction of New Seabury began in the 1960s, the corporation placed no-trespassing signs around the entirety of its coastal land. In the process of commodifying coastal and water-facing land, New Seabury reasserted the ontological authority of colonial private property norms. New Seabury's initial development objective was, for example, "to build homes that live up to today's best standards--homes that are aesthetically satisfying, practical in everyday convenience, and enduring in investment value" (Ludtke 21). The no-trespassing signs and gates blocking non-residents from beach access made it possible for the value of coastal-facing homes accumulate over time. A few photos I took on a visit to the resort in February 2019, shown in Appendix Three, demonstrate how the exclusivity factor of New Seabury is

quite visible to this day. For New Seabury developers, exclusive, resident-only access to these pristine, “untouched” waterways was crucial for their business model. Rather ironically, Carrillo notes that the Mashpee’s careful utilization of the town’s shoreline for subsistence rather than residence made the landscape that much more marketable (Carrillo 544). The restrictions on coastal access presented a threat to how the Mashpee had historically utilized and culturally valued their coastal resources (Ludtke 26). The offshore shellfishing beds that were central to Mashpee subsistence were made inaccessible. It comes as no surprise, then, that it was the closing of these communal waterways that fueled the Mashpee to formally incorporate the Wampanoag Tribal Council, Inc and sue the corporation and the town for the return of 16,000 acres of land (Mazer 224).

The exclusive, resident-only restrictions on coastal land represented how settler epistemologies of individualism and wealth accumulation manifested materially in New Seabury’s development model. In fact, today’s laws in Massachusetts regarding tideland ownership date back to the colonial period. In the years between 1641 and 1647, the British colony of Massachusetts implemented a law that extended private property rights to the mean low tide mark (Public Rights Along the Shoreline). Demonstrating the colonial interest of commercial individualism, the Massachusetts colony implemented this law to explicitly incentivize private tidal landowners to build wharfs for private businesses (Public Rights Along the Shoreline). These antiquated and strict regulations

have held up until this day, granting Massachusetts coastal homeowners legal rights the entire beach right down to water's edge, and render any beachwalker a trespasser, even at low tide. These laws were effective in solidifying the lasting authority of colonial epistemologies that regard coastal land as a commodity useful for wealth-accumulation. In 1979, for instance, the coastal-facing New Seabury homes boasted the highest property values in Mashpee, with homes ranging from \$55,000 to \$250,000, the higher end of that range represented by waterfront units (Carrillo 542). These colonial legal structures denied any other possibility for land use outside of the colonial interest. The closing of the shoreline represented a fundamental epistemological discrepancy between white settlers and the Mashpee people: what the "coast" signified for the developers (investment value, commodifiable leisure) was completely different than what it signified for the Mashpee (subsistence, livelihood).

The investment value of New Seabury homes also derived from the home's proximity to the resort's various recreational activities. The masterplanner, William Warner, and the planning team designed eleven cluster-style residential villages, each of which was spatially centered around some waterway (coastal, pond, lagoon, river) and boasted a unique recreational purpose such as golf, tennis, swimming, boating, or horseback riding (Ludtke 20). Ludtke finds, "virtually all residents believe they bought a recreational community when they purchased their homes" (Ludtke 156). Figure 2, in Appendix Four, entitled "New Seabury Village Plan" depicts this spatial layout. I have

highlighted the golf courses in red, the cluster of six tennis courts in green, and the waterways in blue. This map depicts just half of New Seabury's current expanse, the northeast region of New Seabury that is blocked from the ocean by another private development, Popponesset Village. Despite this area's lack of direct ocean access, this map makes visible the strategic plan of New Seabury developers to orient residential units around specific leisure amenities provided by golf courses, tennis courts, or smaller water sources such as small bays, ponds, and coves. The southwestern portion (toward my blue arrow) directly affronts the Nantucket Sound and the Atlantic Ocean.

Similar to how the notion of leisure physically materialized in New Seabury's organizational layout, ideologies of privacy and security were central to the architectural design of the community. New Seabury's residential design plan aimed to make houses look like they had been "dropped onto the land," where houses appeared to be "naturally" settled in the environment's topographic and wooded land features. Ludtke found that residents appreciated this "landscape congruence," as the naturally curving land features provided them with more privacy than they might have in a grid-style neighborhood (Ludtke 146). Each plot of land was provided with a generous buffer between neighbors, and houses were even designed to deter neighborly encounters: the front door of one house was oriented away from the backdoor of another and living areas were placed in the rear of homes (Ludtke 146). Ludtke also describes how the open space provided by golf courses and walkways "function as buffer zones." New Seabury planners even

designed specific “reserved areas” as indicators of boundaries. Notice on Figure 2, (Appendix Four) these reserved areas are bolded in black. Ludtke writes,

Many feel that there is security in the land itself, i.e., in owning a piece of it in perpetuity, particularly if this piece affords a desirable level of separation and/or possibility of escape from neighbors, noise, and other socially generated disturbances. Investment in land is most often stated in economic terms, yet the desirability of placing self and possessions on a given type and size of territory is apparent. This proprietary relationship to land might be viewed as a form of totemic emblem which affirms the owner’s social identity (Ludtke 152).

Here, recalling that New Seabury’s residents were relatively affluent, well-educated and white (Ludtke 27), the spatial design of New Seabury also affirms this group’s social identity by denying access to others. In doing so, the spatial design of New Seabury also affirms this group’s historical entitlements: leisure (free will), privacy, safety, and a sense of belonging. Not only does exclusive-access land itself appreciate in economic value over time, but so too does the worth of those who occupy it.

### **III. Mashpee Commons and Colonial Place-Making**

Like the leisure economies constructed by the New Seabury Resort, landscapes of belonging emerged from the construction of a massive shopping center called Mashpee Commons. As described in the first section of this chapter, in the 1967, the New Seabury Shopping Center was built at Pine Tree Rotary (marked in yellow on figure 1), drawing commercial and municipal services closer to the town’s growing white and wealthy residential population. Cape Cod faced another residential boom in 1980, having three

times as many housing units in 1980 as it did in 1950 (Dunham-Jones, 98). Commercial developers capitalized on this growth, planning a massive mall to replace the New Seabury Shopping Center to cater to the growing consumer desires of Mashpee residents and residents from surrounding south-Cape Cod towns. In 1985, just about 10 years after *Mashpee Tribe v New Seabury Corporation*, commercial developers wrote the initial plans for this mall, to be called Mashpee Commons, which was designed to mirror the design principles of a traditional, colonial style, New England town Center (Bohl 164).

As I described in previous chapters, throughout the *Mashpee* court proceedings, white actors mirrored colonial ideology that imagines land to be devoid of Indigenous presence. Like the epistemological structure of settler time, the colonial figuring of land as empty (*terra nullius*) is an ideological mechanism used to further justify the occupation of settler subjects and expansion of the settler state (Moreton-Robinson, 30). The case of Mashpee Commons is useful to analyze the effects of this ideology, as developers and urban design scholars implemented notions of Indigenous absence to justify commercial growth. In the book *Place Making: Developing Town Centers, Main Streets, and Urban Villages*, for example, Charles Bohl studies the concept of place-making in development plans. Using Mashpee Commons as a case study of place-making, Bohl describes how designers conceptualized Mashpee as a “no growth” environment, suitable for the creation of a new town center (Bohl 168). Using the phrase “no growth” to describe place evokes three distinct colonial ideologies. First, it imagines

place or land to be something that gradually accumulates capital over time. Second, environments such as Mashpee that maintain an Indigenous presence are imagined to be empty if not producing the desired capital accumulation. Third, it calls upon settler temporalities that imagine capitalistic expansion as an inevitable, gradually unfolding timeline. Likewise, in the book, *Retrofitting Suburbia: Urban Design Solutions for Redesigning Suburbs*, for example, Dunham-Jones and Williamson write, “unlike other towns on Cape Cod, Mashpee does not have an established historical town center, healthy or otherwise. Its history was as an in-between place, comprised of Native Americans eking out a living by farming and fishing, and later, a series of small oceanfront residential areas” (Dunham Jones and Williamson 99). The first claim, that Mashpee was devoid of a historical town center, is incorrect. As stated in the first section of this chapter, prior to New Seabury’s development, the residential and commercial center of the town was located in the northern section of the town along Route 130 (Mazer 110, Appendix 1). Thus, in describing Mashpee as devoid of a town center “healthy or otherwise,” Dunham Jones and Williamson use rhetorical tools to produce an image of Mashpee being devoid of its ongoing commercial and cultural presence. Phrases like “in-between place” and “eking out a living” call forth the genocidal logics of colonialism that imagine Indigeneity as inevitably disappearing.

As the above statements demonstrate, the assumption of Indigenous absence underwrote the design plans of Mashpee Commons. The designers of Mashpee

Commons, for example, explicitly appropriated the pathways and trails created by the Mashpee Wampanoag Tribe in the design plan for the mall. They did so based on the premise that these trails were “ancient” and presumably out of use. In describing the design plan for Mashpee Commons, Dunham-Jones writes, “threaded through the area are traces of old Native American trails, indicated in the figure-ground diagram by narrow double lines. The demarcation of lots is heavily influenced by these ancient ways” (Dunham-Jones 102). The words “old” and “ancient” to describe the appropriation of these trails have a specific use: first, they call upon stable notions of settler time in order to position Indigenous people as having already disappeared. Second, in relegating Indigenous presence to the past, these words imagine the land to be empty for the taking (*terra nullus*). Sturken notes how this kind of nostalgic remembrance “smooths over over the intensity of the experience of loss” (Sturken 20). Framing these trails as “old” or “ancient,” the developers invite readers to imagine that these trails gradually went out of use with the gradual disappearance of the Mashpee Wampanoag Tribe, an inaccuracy that obscures the active role that white settlers had in dispossessing the Tribe from their land. The temporal distancing that allows developers to proudly defend their appropriation of Native American trails is the same logic that allows white settlers to proudly “honor” Native history with Indigenous headdresses at thanksgiving and Native mascots. Memorialization is one method through which American subjects distance themselves from the violent history they are maintaining. The maps in Appendix Five show how the

appropriation of these trails manifested into the physical layout of the mall. The first map is a 1985 field diagram of the area before construction of Mashpee Commons, with the Indigenous-made trails highlighted in red. The second map is of the final design plan of Mashpee Commons in 2005, again with remnants of the trails highlighted in red. Fulfilling the design plan quoted by Dunham-Jones above, these maps make visible how the developers of Mashpee Commons appropriated the already existing trails to define the contours of their commercial development.

Settler ideologies also manifested visually in the architectural design of the shopping center. Drawing upon Sturken's *Tourists of History*, I demonstrate how the nostalgic colonial design of Mashpee Commons invited settler subjects to view history from tourist position and allowed such subjects to remain innocent and unaccountable for the ongoing injustices settler occupation. As Bohl describes, Mashpee Commons developers aimed to create a sense of place based on that of a historic colonial town. Narrow streets, two story wood and brick buildings with shingled roofs, wide sidewalks, colonial adornment such as flags and steeples, and a central, plaza-like "town green" visually evoked a nostalgia for a colonial past (Bohl 165, Dunham-Jones 99). In Appendix Six, you will notice images that I took on my walk around the "town" on a visit in February, 2019. Mashpee Commons clearly not a remnant of the past-- but rather, was designed to *seem like* a remnant from the past. Despite the fact that Mashpee Commons was built in the late 1980s, the architectural design invites a certain familiarity

in the visitor, and tactfully so. Berlant writes, “sentimental politics generally promotes and maintains the hegemony of national identity form, no mean feat in the face of continued widespread intercultural antagonism and economic cleavage” (Berlant 128). As Berlant offers, affect and sentimentality reassert imperial desires and call forth a shared sense of national identity. It is no coincidence that this development was planned in the years following the 1976 land suit-- responding to the perceived disruption to stable settler authority, developers seized upon the opportunity reassert the rationality of colonialism through nostalgic renditions of a colonial past.

When social and political circumstances align to heighten the appeal for an “authentic” cultural experience, tourist placemaking becomes possible (Rast 33). The historical context of 1960s Mashpee led to one kind of place-making: post-Civil Rights resentment and a broad culture of anti-Black bias led New Seabury developers to ideologically and spatially distance the development from the tribal affiliations of Mashpee. This attitude was revealed in the developer’s decision to create a shopping center at the Pine Tree Rotary (distanced from the Tribal-occupied northern section of town) and to name the center “New Seabury Shopping Center” in order to differentiate New Seabury from the “Indian town” of Mashpee. But the 1980s historical context from which Mashpee Commons emerged provided an ideal alignment of circumstances for tourist placemaking: an unprecedented residential boom, the reigning ideology of neoliberal multiculturalism, and a solid ten year distance from the *Mashpee* trial’s race-

based tensions. Under these circumstances, the tourist mall of Mashpee Commons emerged as a site for the commercial articulation of the new desires of white settler subjects. A decision to associate the mall's name with Mashpee, for example, demonstrates the shifted desire for white residents to associate with the town's Tribal identity. By the early 2000s, Bohl writes, Mashpee Commons was increasingly being referred to just as "Mashpee," ultimately demonstrating how the development ultimately became equated to the identity of the town itself (Bohl 166). Under the appropriated Indigenous name Mashpee, the mall became a place for New England vacationers to manifest their desires for an authentic New England experience. Like Rast's study of San Francisco Chinatown, the case of Mashpee Commons demonstrates how tourist place-making relies upon idealized notions of authentic (often equated with racialized stereotypes) in order to authenticate the position of a gazing tourist subject (Rast 57). Through the naming of the mall and the appropriation of Mashpee trails, Mashpee Commons explicitly affiliates with a memorialized Indigeneity and stylistically evokes a colonial past. In doing so, the mall extends itself to an ideal white settler subject and reaffirms this subject's unquestioned belonging.

### Conclusion

Infrastructural changes between the decades of 1960 and 1980 produced affective geographies of comfort and belonging for white inhabitants in Mashpee, Massachusetts. By understanding whiteness as a “dwelling” that can be inherited, Ahmed writes that this dwelling “is a world shaped by colonial histories, which affect not simply how maps are drawn, but the kinds of orientations we have toward objects and others.” (Ahmed 126). As I have demonstrated in this chapter, the coastal region of Mashpee was brought physically within the reach of white settler subjects through various methods: the construction of highways, the privatization of coastal property, and the creation of consumer amenities. This coastal region also extended landscapes of belonging to ideal subjects, inviting a continued occupation through the promise of leisure and ease.

The gradual large-scale geographic shift of commercial resources from north to south, the construction of New Seabury, and the design of Mashpee Commons served to reaffirm settler belonging and in turn to stabilize settler affect regimes. For many reasons, Mashpee, one of the last undeveloped regions on Cape Cod and the only town with a distinct Indigenous community, was an ideal site for developers to develop and increase land value. As shown in this chapter, developers capitalized on unique sociopolitical contexts to market commercial amenities to the shifting desires of white settler subjects. In 1960, this context produced an ideological and physical distancing from the cultural affiliations of the Mashpee Tribe, as shown in the privacy-oriented layout of New

Seabury and promises of white exclusivity. In 1980, however, the sociopolitical context made proximity to a memorialized notion of Indigeneity highly marketable, as shown in the nostalgic design of Mashpee Commons.

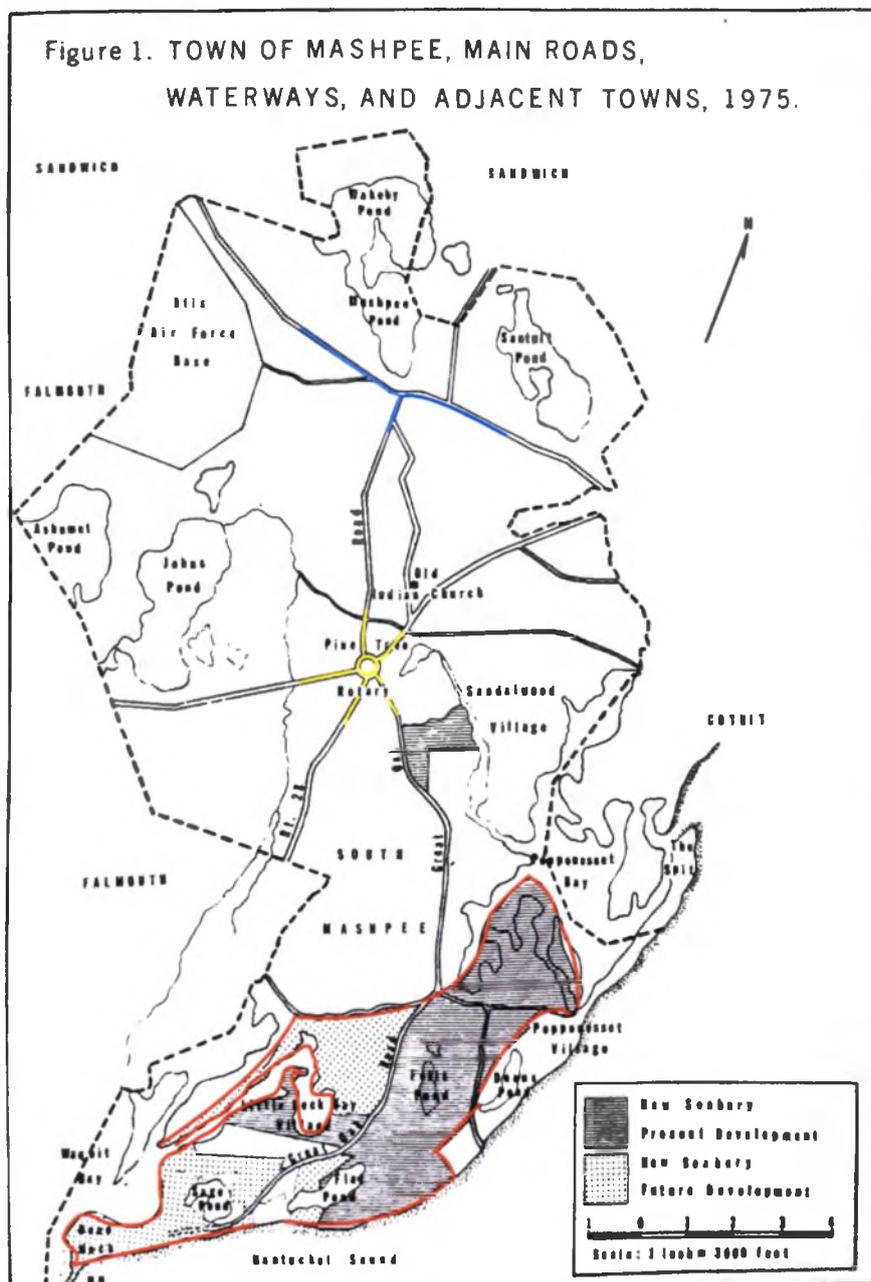
As I have demonstrated throughout this thesis, white supremacy and colonialism are socially constructed hierarchies that gain authority through processes of ideological normalization. As such, I began my thesis with the controversial court case *Mashpee Tribe v New Seabury Corporation* as it marked a specific rupture to the normal. The rupturing of stable settler affect catalyzed by the land suit made visible the temporal, physical, and sentimental structures of belonging that extend to white settler subjects. Chapter one of this thesis asked how the legal defense in *Mashpee* produced the Mashpee Tribe as an oppositional figure against which white settler identity could materialize. Using blood purity politics to discursively deny the Mashpee Tribe of their Indigeneity on the basis of their Blackness, the court positioned whiteness as the proximate position from which rational decision-making occurs and defended one of the core entitlements of whiteness: the privilege to define others as not-white. The legal defense implemented logics of cultural authenticity by calling forth stable notions of settler time to position the Mashpee Wampanoag Tribe as gradually assimilating and disappearing. By positioning the Mashpee Tribe as gradually disappearing, white settler subjects achieved a sense of self and a feeling of belonging on Indigenous land. Chapter two more closely examined this feeling of entitlement. Reflecting and amplifying the anxieties of white homeowners

and again calling forth the notion of settler time, leaders of the town of Mashpee positioned the land suit as a threat to white property rights and a hindrance to American progress itself. Town reports, newspaper editorials, and letters-to-the editor during the trial years depicted puzzling, often contradictory representations of the Mashpee Tribe: a simultaneous celebration of the town's Indigenous history and a disavowal of the Tribe's land claim. Chapter three further analyzed the ideological complexities of settler affect by demonstrating the strategies used by developers in Mashpee to extend spatial and sentimental landscapes of belonging to white residents and tourists. During the 1970s the white elite of New Seabury achieved a sense of belonging in Mashpee by ideologically and physically distancing themselves from the Mashpee Wampanoag Tribe. By the 1980s, however, white residents and tourists gained a new sense of belonging as the redevelopment and commercialization of Mashpee Commons satisfied colonial fantasies and provided a palatable and touristic experience of Mashpee's colonial history.

I understand the structures that uphold white supremacy and settler colonialism to be particularly difficult to identify and dismantle given the privilege they maintain as the status quo. When individuals and courts defend white property rights as though they are inevitable to the future of American progress, white settler belonging is made common sense over time. I have identified the constructedness of ideologies such as the notion that land is a commodity to be owned, the "disappearing Indian" narrative (O'Brien), and the temporal notion of American progress and I illustrated how each ideology granted

white residents in Mashpee a sense of selfhood and belonging in Mashpee, Massachusetts during the 1970s and 1980s. Under the belief that white supremacy and settler occupation should not remain hidden under the abstraction of common sense, I have used this thesis to point to some of the ideological structures that do the work to maintain settler belonging.

Appendix 1: Town of Mashpee, Main Roads, Waterways, and Adjacent Towns, 1975 (Figure 1)



Appendix 2: New Seabury Advertisement, 1977

# Bob, Carol, Ted & Alice, We have a two bedroom suite for you..

June 10 through Labor  
Day from \$50 per night

Make it New Seabury on Cape Cod for your next pleasure trip. Get "teed-off" on your choice of two 18 hole golf courses. Swap partners on one of our 16 outdoor tennis courts. Dunk your bikini in the Gulf Stream warmed waters of Nantucket Sound. Cut in on a dance at the Inn and Country Club or under the stars at Popponesset Inn. Re-fuel in two convivial cocktail lounges. Snuggle down for the night in your choice of a luxurious, oceanfront condominium apartment. Choose 1, 2 or 3 bedroom units. All with kitchens.

\*\*\*\*\*  
**New Seabury<sup>o</sup> on Cape Cod**

Please send us your new 16-page Resort Guide.

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

Zip \_\_\_\_\_ G

Mail coupon to: New Seabury,  
Drawer AA, Mashpee, MA 02649

Or call (617) 477-9111 for reservations.



Appendix 3: Photos of Exclusive-Use Restrictions in New Seabury



Appendix 4: New Seabury Village Plan (Figure 2)

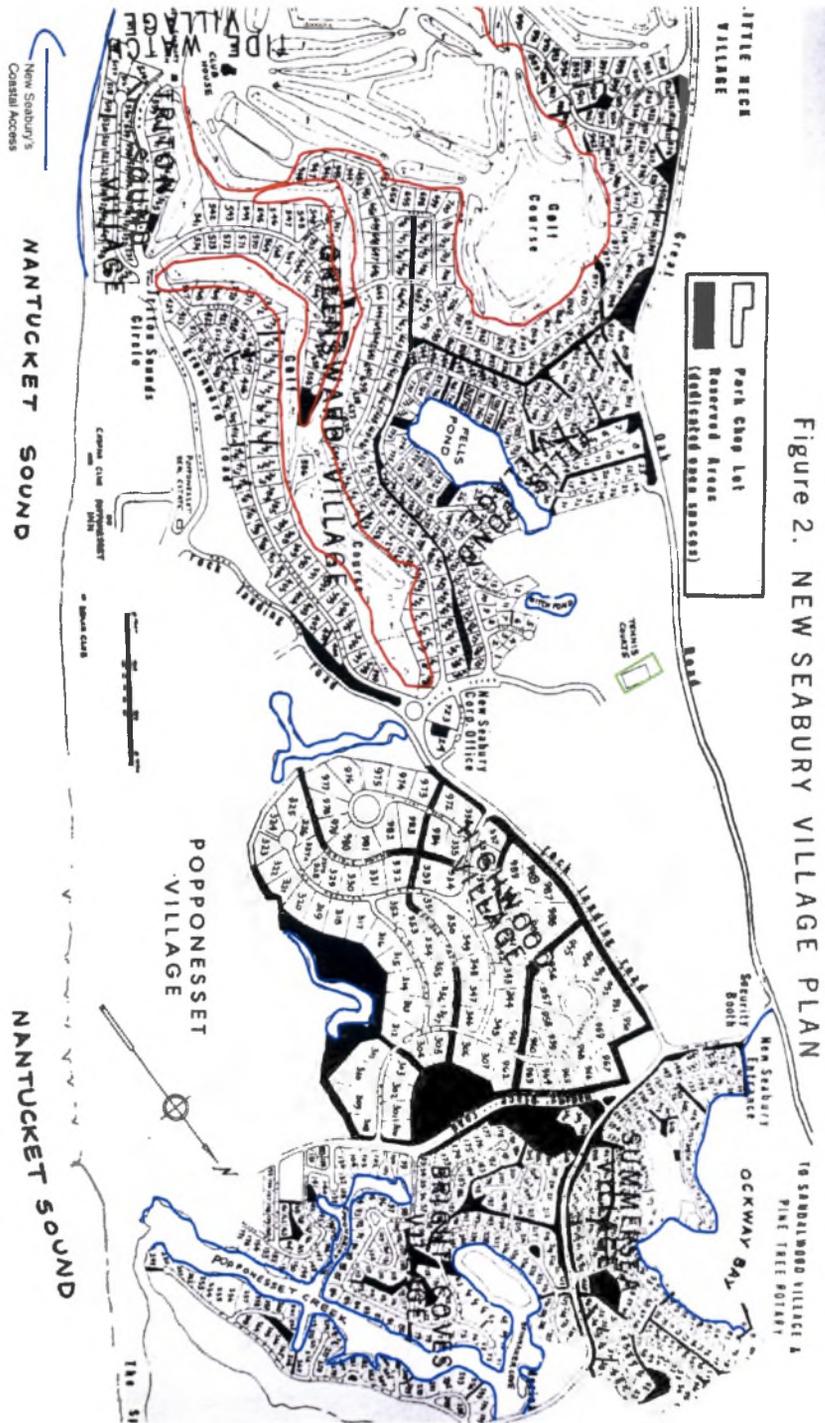
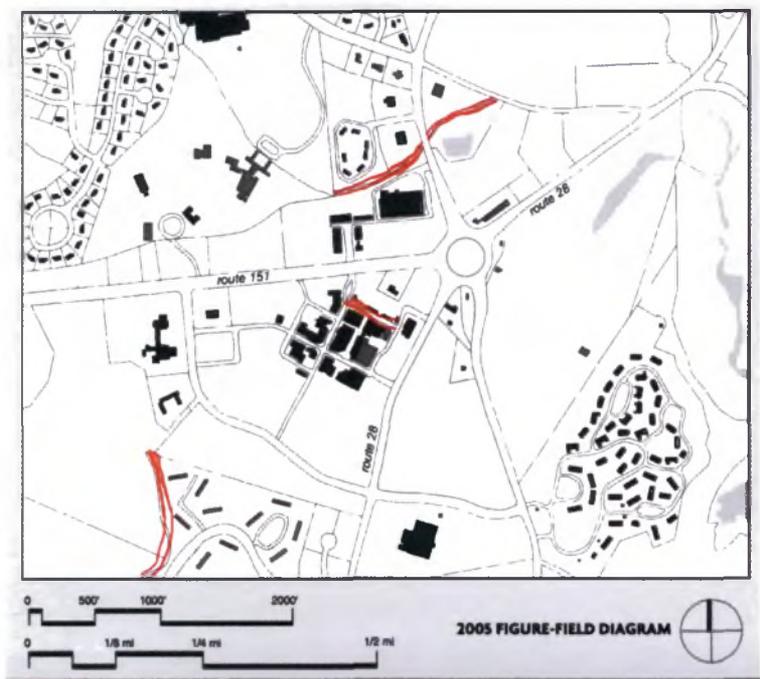
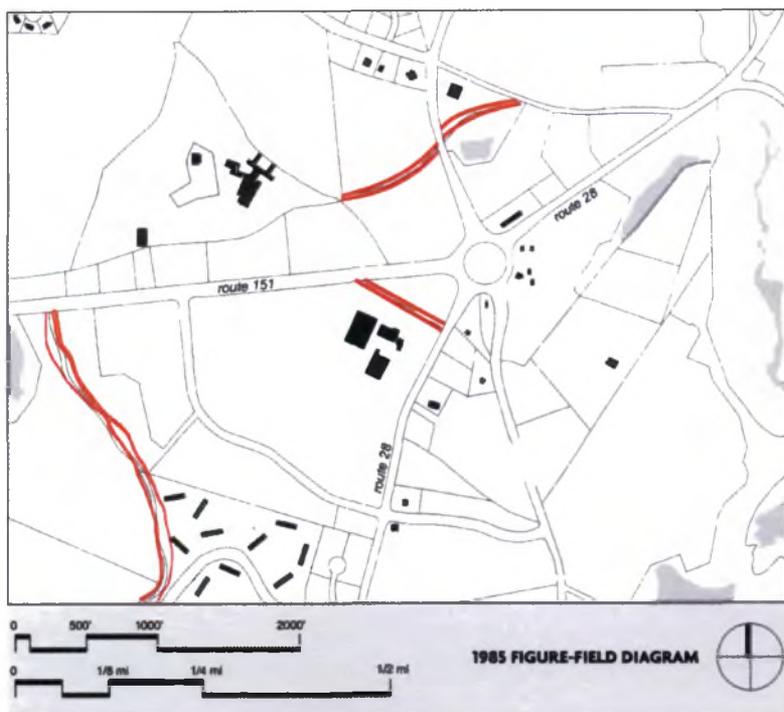


Figure 2. NEW SEABURY VILLAGE PLAN

Appendix 5: Appropriation of Indigenous Trails in Mashpee Commons



Appendix 6: Photos of Mashpee Commons and Colonial Place-Making



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