

## Tribe members seek stolen Mashpee land

By Stephanie Vosk  
Cape Cod Times

MASHPEE — Amelia and Steven Bingham, members of the Mashpee Wampanoag, have filed a land claim seeking all town- and state-owned land in Mashpee.

In a suit filed yesterday at the John Joseph Moakley U.S. Courthouse in Boston, the Binghams, who have no official role with the Mashpee Wampanoag, allege that land sold without consent of the tribe was taken illegally. Descendants are owed back rent with interest dating back to 1870, the year the town was incorporated, the suit alleges.

Town and state land accounts for about one-quarter of the 23.5 square miles of land in Mashpee. That would include town hall, schools and conservation land.

"It's a lot of land that we've spent taxpayers' dollars to obtain," Town Manager Joyce Mason said.

The mother and son, shunned two years ago by the Mashpee Wampanoag tribal council after they sued to review tribe finances, said they now seek justice. "If a wrong's been done, it has to be corrected," Steven Bingham said yesterday.

Town officials, tribe leaders and those who recall the first land claim 30 years ago downplayed the significance of the federal suit.

"This is a frivolous lawsuit," Selectmen Chairman John Cahalane said. "There shouldn't be much concern about it. Everybody has a right to bring a lawsuit, it doesn't mean it isn't a frivolous one."

Attorney General Martha Coakley's office, which would defend the state, had not been served with the suit by late yesterday and declined comment.

In 1976, the tribe sought the return of 11,000 acres of undeveloped land in Mashpee and named New Seabury and 145 other private land-owners who held title to 20 or more acres.

It cost the town alone \$500,000 to defend that claim, which was dismissed in 1978.

That suit stifled real estate sales until the 1980s, when the Supreme Court refused to hear the tribe's appeal. That suit created a bitter divide between tribe and non-tribe members that still lingers, in some quarters, to this day.

The Binghams filed their claim as descendants of the "South Sea Indians", another name for the Mashpee Wampanoag, and the name included on deeds granted to Indians by Shearjashub Bourne in 1685.

The tribal council has repeatedly said it would not be a party to land claims, council spokeswoman Gayle Andrews said. The tribe has signed an agreement with the town to that effect.

## Feds want to keep 3rd count in Pine Ridge slaying

STOUX FALLS, S.D. (AP) — One of the three counts against a man charged with the 1975 slaying of Annie Mae Aquash should not be dismissed because it ensures the defendants are treated equally, federal prosecutors argued in response to a request from John Graham's lawyer.

Graham and Richard Marshall have pleaded not guilty to charges they committed or aided and abetted the first-degree murder of Aquash on the Pine Ridge Indian Reservation.

They are scheduled to stand trial in

Rapid City starting Feb. 24 — which is 33 years to the day after her body was found.

Marshall was indicted in August, five years after Graham and Arlo Looking Cloud were initially charged.

Looking Cloud was convicted in 2004 for his role in Aquash's murder and sentenced to life in prison.

Witnesses at his trial said he, Graham and Theda Clarke drove Aquash from Denver in late 1975 and that Graham shot Aquash in the Badlands as she begged for her life.

Clarke, who lives in a nursing home in western Nebraska, has not been charged.

In court documents, prosecutors accuse Marshall of providing the handgun that killed Aquash. Graham has denied killing Aquash but acknowledged being in the car from Denver.

His lawyer, John Murphy, filed a motion to dismiss the third count against Graham that alleges jurisdiction over him based on his aiding and abetting Looking Cloud, Clarke and Marshall, all American Indians.

# The warrior president

AMERICAN LION  
Andrew Jackson in the White House

By Jon Meacham | Random House. 483 pp. \$30

WAKING GIANT  
America in the Age of Jackson

By David S. Reynolds | Harper. 466 pp. \$29.95

ANDREW JACKSON  
By Robert V. Remini | Palgrave. 204 pp. \$21.95

It was the summer of 1832, and President Andrew Jackson was fleeing the notorious Foggy Bottom humidity for his home in Nashville, Tenn. Somehow he misplaced an important cache of papers along Washington's Post Road; they either dropped from his saddlebag, were stolen by the livery hand or were left behind in a tavern. Writing to his private secretary, Jackson lamented that the missing papers were "of a private and political nature of great use to me and the historian that may come after me."

History will probably never recover those fumbled documents. But as three new books attest, Jackson left behind plenty of other material about a president determined to bring change to Washington. Many anxieties of his era are once again in the air: a hunger for economic reform, a banking crisis, mushrooming unemployment, friction between a belligerent White House and a suspicious Congress. So it's worth remembering that Jackson shaped the modern Democratic Party by taking on powerful bankers and widening participation in politics. But he also caused or at least contributed to a depression after he left office.

In American Lion, Newsweek editor Jon Meacham gives us the most readable single-volume biography ever written of our seventh president, drawing on a trove of previously unpublished correspondence to vividly illuminate the self-made warrior who "embodied the nation's birth and youth." Such new documents, many unearthed from the archives of the Hermitage, Jackson's Nashville estate, allow Meacham to offer fresh analysis on the central issues of his presidency: the so-called Bank War (in which Jackson abolished the government-controlled national bank) and the federal tariff on imports (which South Carolina tried to nullify, even threatening to secede).

While in the hands of a lesser writer this economics-laden history might glaze a reader's eyes, Meacham skillfully brings to life such long-forgotten characters as Nicholas Biddle (president of the Second Bank of the United States) and William B. Lewis (second auditor of the Treasury). American Lion explains why Jackson saw the federal bank as a threat: He was "an enemy of Eastern financial elites and a relentless opponent of the Bank of the United States, which he



believed to be a bastion of corruption." But he was not opposed to national authority in general. On the contrary, he "promised to die, if necessary, to preserve the power and prestige of the federal government."

In Robert V. Remini's Andrew Jackson (one in a series of slender books on "great generals," edited by Gen. Wesley K. Clark) the official historian for the House of Representatives expertly limns Jackson's qualities as a military leader. We learn how he drove the Spanish out of Florida and the Creek Indians into the ground. The Seminoles quaked at the mention of his name. He relished blood-soaked "encounters with the savages." His eyes were deep blue, his jaw jutting, his ambition cutthroat. It's the kind of rah-rah fare that war colleges love to teach. According to Remini, Jackson was an "inspirational" general, not a bureaucratic "organizer of victory type" like Eisenhower or Marshall. "Defeat was something he could not abide," Remini writes. "He demanded victory, and his soldiers did everything in their power to achieve it for him."

Because Jackson was an acclaimed Indian fighter and the hero of the American victory over a much larger British force at the Battle of New Orleans in 1815, historians have given his intellectual side short shrift. Meacham follows this pattern in his early chapters, which trace Jackson's route to the White House (and which owe a great deal to Remini's previous, award-winning, three-volume biography). We get up-from-the-hollow tales of Jackson's boyhood along the North and South Carolina border before the Revolutionary War. "I was born for a storm," Jackson once boasted, "and a calm does not suit me." Along with his brothers, he longed to be part of General Washington's fife-and-drum action. Orphaned at 14, he enlisted in the Continental Army as a courier, was captured by the Red Coats and was

lashed with a sword for refusing to clean a British officer's boots. From such stories, a portrait emerges of a fearless warrior ever ready to duel or brawl to protect his honor, the only U.S. president to absorb a bullet in a frontier gunfight.

Yet, in his later pages, based on his original research, Meacham tries to separate Jackson from his rough-and-tumble reputation and to present him in a more multi-dimensional way. While there are plenty of anecdotes in American Lion about racehorses, gambling, whiskey and women, it's Jackson's sensitive side that surprises the reader. Always, it seems, he was looking for affection (think: Bill Clinton). "He was gloomy when people left him," Meacham writes, "and he could be the most demanding of men, insisting that others bend their lives to his. His was an interesting kind of neediness, often intertwined with sincere professions of love and regard."

Not that Jackson was a kumbaya kinda guy. His will-for-power would have made Nietzsche flinch. While Emerson wrote of self-reliance and Whitman sung of self, Jackson dredged rivers and built roads. His spirit was as new as the country itself. He was a master of the veto. And the pocket veto. As David S. Reynolds, professor of history at the City University of New York, maintains in Waking Giant, Jackson did more than all his predecessors combined to strengthen the power of the presidency.

Unlike Andrew Jackson and American Lion, which are chronological biographies, Waking Giant is an intellectual history and group portrait of America turning from a republic to a popular democracy during the Age of Jackson. While Reynolds also grapples with Manifest Destiny, the Monroe Doctrine, abolitionism and European immigration with consummate skill, it's his depiction of an exploding popular culture that makes Waking Giant

Murphy argued the court doesn't have jurisdiction because Graham and Aquash were Canadian citizens and affiliated with Canadian tribes when she was killed and the law requires them to be members of a tribe recognized by the U.S. government.

Federal prosecutors disagree, saying that because Looking Cloud, Clarke and Marshall are legally Indians, the government has jurisdiction and the count against Graham ensures equal treatment of Indian and non-Indian defendants.

an unmitigated delight. The reader meets Transcendentalists promoting anarchic individualism, Mormons finding God's tablets and Mesmerists time-traveling. And it was Old Hickory who produced the now-familiar notion that charisma and log-cabin imagery are vital factors in a U.S. presidential election.

Clearly, as president from 1829 to 1837, Jackson changed American political culture by opening up our democracy. He insisted that the people were sovereign, their will absolute. He wanted all federal officials, even judges, subjected to direct election. "He was the people's president to a degree that few other presidents have been," Reynolds writes. "He not only provided a fresh spirit and language for average workers, he also made them feel more truly American than those they increasingly regarded as the idle rich." There was, however, a political cost. Jackson's audacity outraged his Whig critics, causing him to receive a congressional censure. Cartoonists portrayed him as King Andrew. His great rivals, Henry Clay and Daniel Webster, boasted that they deserved national gratitude for defending the Constitution against his crass usurpations.

Apparently, all that sniping is now over. Jackson's reputation is secure (just look at a 20-dollar bill or read Meacham's rapturous description of Jackson's statue watching over the Potomac tidal basin, "never blinking, never tiring.") Together, these three books remind us of Jackson's steely accomplishments, from paying off the national debt in 1835 for the only time in U.S. history (take that Obama and McCain!) to ordering armed troops to South Carolina when the state tried to nullify the tariff.

But the cult of Jackson should have limits. Unlike George Washington -- who freed his slaves in death -- Jackson was an unrepentant whipmaster. The inconvenient fact remains that his first significant act as president was passage of the Indian Removal Act, a genocide. The Trail of Tears makes Jackson an unsustainable hero in my eyes. There was a vileness to Jackson that shouldn't be glossed over by overly embracing the huzzas and tra-la-laboom-dee-ays of the era. Given my druthers, I prefer John Quincy Adams, an educated man with a human rights instinct. The storyline these three fine scholars are hawking is that Jackson epitomized a young, restless democracy; but he was also a bigot and a killer with blood in his eyes and malice in his heart, always warring against what he called "savage enemies." Crazy old Gutzon Borglum was right not to chisel his lean face onto Mount Rushmore.

Douglas Brinkley is professor of history at Rice University and CBS News's presidential historian.

## The Indian Wars have never really ended

By Jeffrey St. Clair  
Window Rock, Arizona.

WINDOW ROCK — The Navajo environmentalist Leroy Jackson had been missing for eight days when an anonymous tip led New Mexico state police to a white van, its windows concealed by towels and blankets, parked at a rest stop atop the Brazos Cliffs south of Chama, New Mexico. The doors were locked; a putrid odor emanated from inside.

Patrolman Ted Ulibari broke the driver's door window and looked inside. In the back seat, under a thick wool blanket, he found the sprawled body of Leroy Jackson. He had been dead for days.

Jackson was the charismatic leader of Dine CARE, an environmental group of traditionalists on the big Navajo reservation. He was also my friend. Jackson was on his way from Taos to Washington, DC, where he planned to confront the Clinton administration over logging in the old-growth ponderosa pine

forests in the Chuska Mountains, a mysterious and beautiful blue range that rises out of the high desert in northern Arizona and New Mexico. The Chuskas are a sacred place for the Navajo and Hopi, an earthly anchor of their complex cosmology.

Only days before Jackson disappeared, he had spoken out against the logging plans at a public hearing in Window Rock, Arizona. The Bureau of Indian Affairs (BIA) had just requested an exemption from the Endangered Species Act, which would allow the Navajo Forest Products Industries to clearcut the old-growth forest habitat of the Mexican spotted owl, a threatened species, in the Chuska Mountains near Jackson's home.

In the exemption request to the US Fish and Wildlife Service, the BIA had arrogantly claimed that because owls are "symbols of death" to some Navajo, the extirpation of the bird from reservation lands could be legally justified on religious and cultural grounds. During the hearing, Jackson eviscerated the Bureau

for promoting a racist ruse to sanction the destruction of sacred forestlands.

More critically, Jackson hinted publicly at possible corrupt practices by the tribal logging company and officials at the BIA. He urged the Navajo Nation to return to its traditional respect for the land and to support practices that preserved local jobs and forests.

Jackson's remarks were greeted with angry gestures and threats of violence from loggers and millworkers. He received threats from Navajo Forest Products Industries (NFPI) executives and from employees at the Bureau of Indian Affairs. Leroy and his wife Adella, a nurse, were rudely awakened by late-night phone calls threatening to burn down their home. Jackson dismissed them at the time, but these and other threats led many of Jackson's closest friends to conclude that he was assassinated because of his environmental activism.

Although initial reports indicated that blood, possibly in large

quantities, was found at the scene, state police later said that there were no obvious signs of foul play. A cursory autopsy ruled out most natural causes of death, including stroke, heart attack, and carbon monoxide poisoning. The results of a toxicology report showed trace quantities of marijuana and methadone in Jackson's blood and tissue. Even though Jackson was not a known drug user, the police swiftly dismissed his mysterious death as a drug overdose.

Jackson's friends claimed that the investigation into his death was cursory at best and pointed to irregularities and possible cover-ups. For example, the police refused to look into several credible reports that Jackson's van had not been parked at the Brazos overlook during the preceding week. The police also failed to photograph the crime scene or dust the van for fingerprints. For nearly a week, police left the van outside in a Chama parking lot before towing it to the crime lab in Santa Fe.

Although the New Mexico

state police told Jackson's wife, Adella Begay, that only a small amount of blood was found on a pillow near Jackson's body, a source who was at the scene shortly after the van was discovered said the interior "looked staged. His body was posed and there was blood on the carpets and the seats."

Responding to a request from Jackson's friends, Bill Richardson, then the congressman representing northern New Mexico, sent a letter to the director of the FBI asking the agency to investigate the circumstances surrounding Jackson's death. In his letter, Richardson noted the recent threats Jackson had received for his environmental activism and suggested that, "a major crime may have been committed." Ultimately, the FBI declined to launch an inquiry, citing that the state police had concluded that Jackson had overdosed on methadone.

At Jackson's burial, his friends vowed to continue the search for his killer and to intensify the fight to protect the old

forests on the Navajo reservation. "Those who killed Leroy thought they could silence him," said Earl Tulley, a traditionalist Navajo who co-founded Dine CARE with Jackson. "But they only made his cause stronger than when he was alive."

I met Leroy Jackson three times and talked to him often on the phone. We were friends. Kindred spirits. His voice radiated a rare combination of power, eloquence, and humility.

Leroy Jackson cared about his culture and the Navajo people as much as those forests on the slopes of the Chuskas. Indeed, for Jackson, the future of the Navajo forests was inseparably tied to the future of the Navajo people and their religion. That's what motivated his struggle.

The last time I spoke to Jackson was about two months before his death. He described in sharp detail plans by the Bureau of Indian Affairs and Navajo Forest Products Industries to clearcut much of the last remaining old-growth ponderosa pine forest on the Big Reservation.