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Provincetown, Massachusetts,
February 3, 1962.

Chairman of Joint Committee on Constitutional Law,
Massachusetts General Court,
State House, Boston, Massachusetts.

Mr. Chairman:

I represent the Committee for the Preservation of the Province Lands, and I wish to present testimony against House Bill #1934, which would modify and restrict the boundaries which the National Congress has established for the Cape Cod National Seashore. Our committee has a membership of 269 and it represents well over 40% of the taxable property in Provincetown.

First, I would like to point out that all matters concerning the National Park were aired and debated for nearly two and one-half years before final action was taken by the Congress. There were six congressional hearings, on the proposed park, three by the Senate and three by the House of Representatives. On at least three occasions the proper congressional committees came to Cape Cod and inspected the areas involved in the park. At the congressional hearings all shades of opinion were permitted expression, and all testimony was published and made available to everyone interested in the measure.

Among those appearing at the park hearings was Mr. Van Ness Bates, the author and chief proponent of the bill with which we are here concerned. At the House of Representatives hearing in Eastham, on December 13, 1960, he presented at length what is essentially the same plan for curtailing the park in the Provincetown area that we have have in the present bill. ~~Mr. Bates~~ went to the Park hearings in Washington with the same proposition. He had every opportunity to advance his view in the period before the National Seashore became chrystalized by act of the Congress. Assuredly, the committees were thouroughly informed of Mr. Bates' project at the time the Seashore bill was still pending. There is, in short, nothing new in the present House Bill #1934. We are, ~~in a sense~~, now raking over old coals.

There are a few ^{specific} points ^{1 1} I would like to make regarding the present bill as it touches the Provincetown area. In the first place the proposal to cut out of the National Seashore 900 acres of the most attractive part of the Province Lands is in direct contradiction to the will of the people of Provincetown, as expressed by an overwhelming majority in a vote taken at the Provincetown Annual Town Meeting of March 13, 1961.

The question voted on ^{at} ~~was~~ that meeting was worded as follows: Article 53, Section 4, "Are you in favor of legislation by the Commonwealth of Massachusetts which will enable the Town of Provincetown to acquire a portion of the State-owned or controlled lands for expansion purposes of a non-commercial nature?"

The area involved in the above question was about 1476 acres, and

it is defined in a document of December 28, 1960, addressed to the General Court, under the title "Report of a Special Commission Investigating and Studying the Conveyance of a Portion of the Province Lands to the Town of Provincetown!" It was stated by the Chairman of the Board of Selectmen at the Annual Town Meeting, before the vote was taken, that the vote, whatever its result, would be considered binding by the Board.

The vote gave a 144 to 61 defeat for the measure to acquire the Province Lands for the town.

Subsequently, on July 10, 1961, at a Special Town Meeting the citizens voted 80 to 34 to ask that ³⁸~~38~~ acres of the Province Lands be designated as the site for a marina, or harbor of refuge, for the Provincetown fishing fleet. This vote regarding a marina by no manner of reasoning can be made to justify the project before us, which is ^{to} deny to the National Park hundreds of acres of the Province Lands, including the woods back of Provincetown and the shore line west of Provincetown. The Marina project is in a different category from that promoted by Mr. Bates, in that there is a desire for a harbor of refuge in Provincetown, in that it would involve a relatively small area, ⁴⁰~~40~~ acres, according the published Bill #2686), and in that it could be realized within the framework of the National Seashore act passed by the Congress.

We may ask by what kind of reasoning and by what authority does Mr. Bates presume to advocate a measure so vitally affecting Provincetown and the National Park in this area? He is not and never has been a resident of Provincetown. He is not a resident of Cape Cod.

In May of 1960 Mr. Bates was for eight weeks employed by the town to draw up and publish certain plans for the commercial exploitation of the state owned lands, whose acquisition by the town he then advocated. He has not been employed by the town in any capacity since that time. We have, indeed, found it hard to discover in Provincetown at the present time any interest, let alone approval of, the project disclosed ⁱⁿ House Bill #1934 now before this Committee of the General Court.

In the issue of November 22 of a local newspaper a story (a copy of which is included with this testimony) appeared ^{about} a "Memorial to Congress", a version of House Bill #1934, with the comment that this material had been presented for the inspection of the Provincetown Board of Selectmen and that it had been given no consideration by the Board. An examination of the minutes of the meetings of the Provincetown Selectmen disclosed a reference to the Bates proposal, which is as follows: "Van Ness Bates Associates sent the Board a lengthy draft of a proposed Memorial to Congress in connection with the Cape Cod National Seashore, about which no action was taken". This notation is from the minutes of a meeting on November 13, 1962. (1961?) There is no mention whatever of Mr. Bates or his project in the minutes of subsequent meetings down to the present time.

We have brought out that the people of this community do not want any interference by private interests with the Province Lands and that the author of ^{House} Bill #1934 is acting without authority from Provincetown, ^{neither} private ^{nor} official.

We hope that your committee will agree that it is time to get along with the Cape Cod National Seashore without further attempts to restrict its area and to delay its realization.

Respectfully yours,

Ross Moffett

For the Committee for the
Preservation of the Province Lands