

Show Me The Ox!

Statement on Crime and Public Rights on Cartwright Island.

by Rod Richardson

My father, Randy Richardson, used to take our family for picnics on Cartwright Island, an island south of and separate from Gardiner's Island, going back to the 1960's. Many East Hampton families have done the same, for centuries.

Now, when boaters stop by the Island, and their children play on the shore, one or two military-style patrol craft, with the word "SECURITY" prominently displayed, swing by to intimidate these families, threatening to call Marine Patrol. These employees of the Goelet family trust tell these families they are trespassing to even anchor there, or walk on the shore, because ***"the Gardiner's have a royal grant that gives them ownership of all of Cartwright Island into the water, as far as an ox can walk without getting it's belly wet."*** That is exactly what happened Saturday, the last day of June to several families that were anchored on the foreshore in 4 boats, who were told their children could not play on the foreshore, and that Marine Patrol had been called.



The Goelet family trust security forces stalking the boats anchored on the foreshore of Cartwright Island. They ran when we started filming them.

In my opinion this is regrettable, deceptive behavior. I have visited the Island at least once a year, all my life. A few years back, I heard security told people the water had to hit "the belly of a horse, 14 hands high." Now it's an ox.

So I say "Show me the ox!"

I asked security in the past, and again now, to show me the deed that grants ownership of Cartwright Island, or any part of the foreshore of any island. But despite an investment in security personnel and boats, they can't seem to afford to carry one piece of paper proving their ownership claim.

I have read every one of the royal grants for Gardiner's Island, and there is no ox or horse mentioned as a boundary marker. Nothing else in the grants gives them ownership of the foreshore, either. The "beaches" are not granted to the Gardiner's in their Dongan patent, or any other of several royal grants, confirming earlier grants. All such "beaches" are clearly marked as New York State property on the tax map, and all maps and charts show separate, distinct islands, separated by water, going back to the earliest 17th C. charts. (Beaches are specifically mentioned in the Dongan patent to the East Hampton Trustees, by contrast.) All the deeds refer only to Gardiner's Island.

According to my research Cartwright Island is not a private island owned by the Goelet family trust. I understand it to be owned by the people of New York, who have every right to visit and enjoy this local treasure. As with nearly every local beach foreshore not owned by the Town Trustees, the foreshore of Cartwright and Gardiner's Islands is New York State land up to the high water mark, often visible as a wrack line. The vast long, thin, low majority of the Island, where I was at the end of June, has no wrack line at all, because it is all below the high water mark. So low, in fact, that the center portion of the island, above where the alleged incident took place, lies underwater at high tide.



The center portion of the Island where the incident took place – so low and thin it had no wrack line – lies underwater at high tide.

That Saturday, my young daughter and I and some friends were paddle-boarding around Cartwright, when we came across Goelet security demanding others to leave. I stopped as the families told me what had occurred, and my daughter and friends paddled ahead. I told the families what I knew, and they said they suspected as much, and were glad for the friendly support.

A little ways ahead, my daughter and her friend had landed on the shore. The patrol craft made a b-line for them. I did not want my daughter threatened, intimidated or made to feel like she could never visit this beautiful shore. So I landed my paddle board and sprinted over toward them. I asked the security guard to address me, not my young daughter. I asked him to explain himself. He offered the same tale of the ox. I asked him to show me the deed proving this ownership claim, as I had in past encounters. He said he was only doing his job, and pointed to the "Private Land" signs on the foreshore.

I examined the sign, as he suggested, which prohibited fishing, which is allowed from the public foreshore. From past research, I know that this kind of sign falsely claiming ownership of the public foreshore and attempting to discourage the public from enjoying their rights, is deemed a "public nuisance" according to NYS Office of General Counsel enforcement guidance. I suspected it could also be considered unsightly litter improperly abandoned and spoiling a natural area. So I took the sign down, and departed, leaving it on the island, with the children now happily playing on the sand – very glad someone had stood up for them.



Yes, I moved the public nuisance that was preventing the children from playing on the public foreshore of the public island. I left it on Cartwright Island, and departed.

In my opinion, the Goelet's had me tracked down by Marine Patrol and filed trespass charges against me, only because I dared to question their security force regarding the basis for their claims – since as far as I know not one of the other families I saw on the same area that day have been prosecuted.

In my opinion, it is a waste of East Hampton Marine Patrol and judicial resources to have me arrested based on allegations that I was on what I understand is a public beach. This is especially so when (a) I simply asked for proof of their claims that they own into the water, (b) their security guard invited me to examine the sign closely, and (c) since such enforcement action is contrary to NYS enforcement policies, with respect to allegations of trespass on foreshore and intertidal land when proof of ownership is in doubt and not firmly established. Every Town official, Trustee, and public interest group concerned with civil rights and public access should denounce waste of taxpayer resources to enforce a complaint of trespass on the public foreshore and public land that is Cartwright Island.

The Goelets insist on making this a public matter, despite the fact that I offered to resolve this privately, as reasonable folks should do, and as is recommended by the OGC guidance. I reached out to them, via counsel, to say I would agree to never visit the Island again, if they would simply show me clear proof of ownership, as claimed. They refused to do so...

Now that this is public, I don't mind saying, I suspect the reason they refuse to show me proof of ownership is simple:

The Lord of the Manor has no clothes.

No ox either, for that matter.

The charges against me are without merit and contrary to the public's basic rights of access to the beaches.

In my opinion the Island needs a better local steward or trustee of the public trust, for it has none at present. Public rights and liberties are at issue. All stakeholders (Town Trustee and Board, CfAR, Surfrider, East Hampton Trails Preservation Society, SOFO, concerned local citizens, NYS, etc.) should be involved in the resolution of this public matter. But still, it should be done by conversations among reasonable people, with all facts on the table and available to the public.

Sunshine is a wonderful disinfectant.

Rod Richardson
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The police report to the press says I was on “Cartwright Shoal” described as part of Gardiner’s Island. But that is inaccurate and prejudicial, since I clearly was on Cartwright Island, which is recognized as such on all official maps and charts, and never shown as connected.