



Mashpee Wampanoag Tribe

2020-RES-027

APPROVAL OF MASHPEE WAMPANOAG TRIBE DECLARATION OF A STATE OF EMERGENCY IN RESPONSE TO FAILURE OF TRUSTEE RESPONSIBILITY AND THREAT OF RESERVATION DISESTABLISHMENT

WHEREAS, the Mashpee Wampanoag Tribe (the “Tribe”) is a federally-recognized Indian Tribe with a duly-enacted Constitution; and

WHEREAS, the Mashpee Wampanoag Tribal Council (the “Tribal Council”), the governing body of the Tribe, deems it essential, and is empowered, under Article VI, § 2.A. of the Mashpee Wampanoag Tribal Constitution to promote and protect the health and general welfare of the members of the Tribe; and

WHEREAS, the Mashpee Wampanoag Tribe recognizes the importance of being well prepared for any emergency which may face the Tribe and threaten the well-being and security of the Tribal nation; and

WHEREAS, it has long been held that an undisputed trust responsibility exists between the United States and Indian tribes that ensures the protection of Tribal sovereignty and imparts the obligation on the federal government to protect and provide for the well-being of tribes; and

WHEREAS, although Congress holds plenary powers over Indian affairs pursuant to the Constitution of the United States, the Department of Interior, by and through the Bureau of Indian Affairs (“BIA”), serves as federal trustee with the mandate to uphold its duties to tribes; and

WHEREAS, despite this undisputed federal trust responsibility, on March 27, 2020, the BIA advised the Tribe of a directive issued by the Secretary of the Interior to take the Tribe’s land out of trust and to disestablish the Mashpee Wampanoag Reservation;



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WHEREAS, the Department of Interior has violated its trust responsibility and subjected the Tribe to further abuse and devastation by taking such action during a world-wide pandemic, COVID-19, that threatens to crush governments in its wake; and

WHEREAS, the imminent threat that the Mashpee Wampanoag Reservation could be disestablished has created a STATE OF EMERGENCY; and

WHEREAS, a declaration of the STATE OF EMERGENCY will put the Secretary of Interior, the federal government, the President of the United States, the United States Congress, the Commonwealth of Massachusetts, Indian Country and the citizens of the United States of America on notice of this grave injustice and our federal trustee's complete failure to uphold its trust responsibility; and

WHEREAS, Tribal Council hereby desires to authorize the Tribal Council Chairman, or authorized designee, to take such other actions as are reasonable or necessary in furtherance of the execution or performance of this declaration of STATE OF EMERGENCY.

BE IT RESOLVED, the Tribal Council hereby approves the issue of this declaration that there now exists in the Mashpee Wampanoag Tribe a STATE OF EMERGENCY.

BE IT FURTHER RESOLVED, the Tribal Council desires to approve and authorize the Chairman of the Tribal Council, of authorized designee, to take all necessary action to ensure the implementation of the STATE OF EMERGENCY; and

BE IT FINALLY RESOLVED, the Chairman of the Tribal Council, or his designee, is hereby authorized to take all necessary action to ensure this declaration of STATE OF EMERGENCY, is effective immediately and shall remain in effect until notice is given, pursuant to the judgment of the Chairman of the Tribal Council, or his designee, that the STATE OF EMERGENCY no longer exists.

All resolutions or parts of resolutions inconsistent with this resolution are repealed. This resolution is effective immediately and shall continue in effect during the entire Grant period from the date below pursuant to the authority vested in the Tribal Council pursuant to Article VI, §§ 2.A. and D of the Constitution of the Mashpee Wampanoag Tribe.



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CERTIFICATION

We, the undersigned Chairperson and Secretary of the Mashpee Wampanoag Tribal Council, do hereby certify that the Tribal Council is composed of 13 members of whom 11, constituting a quorum, were present at a meeting thereof, duly and regularly called, noticed, convened, and held on the 30th day of March, 2020, and that the foregoing resolution was duly adopted by the affirmative vote of 10 members, with 0 opposing, and with 1 not voting.

DATED this 30th day of March, 2020.

A handwritten signature in black ink that reads "Cedric Cromwell".

Cedric Cromwell, Chairman
Mashpee Wampanoag Tribal Council

ATTEST:

A handwritten signature in black ink that reads "Ann Marie Askew".

Ann Marie Askew, Secretary
Mashpee Wampanoag Tribal Council