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March 3, 2010

Mashpee Wampanoag Tribal Council
Mashpee Wampanoag Tribe
P.O. Box 1048
Mashpee, MA 02649

Re: Draft 2010-ORD-00_, Amendment to 2008-ORD-002, Mashpee Wampanoag Tribal
Judiciary

Dear Tribal Council:

Synopsis

Notice is hereby given pursuant to Article IX, § 3(2) of the Constitution of the Mashpee Wampanoag Tribe, that the Mashpee Wampanoag Tribal Council is proposing to adopt 2010-ORD-00_, Amendment to 2008-ORD-002, Mashpee Wampanoag Tribal Judiciary.

The purpose of the Ordinance is to provide all Mashpee Wampanoag Tribal Court Judges with the express power to impose a civil fine on any person that commits perjury in any proceeding before or ancillary to the Supreme Court and lower courts of the Tribe. The Mashpee Wampanoag Tribal Judiciary Ordinance, Chapter 1, § 3(g)-(k) is amended by inserting new definitions for "Perjury" and "Supreme Court," and by redesignating the subsection designation lettering following the insertions. The Judiciary Ordinance also amends Chapter 2, § 4(h)(1) and § 4(h)(2) to expressly provide the Mashpee Wampanoag Supreme Court and District Court Judges with the power to impose a fine not to exceed five hundred dollars (\$500.00) on those persons that commit perjury during or ancillary to a proceeding before either court.

Any person interested in obtaining the ordinance in its entirety may contact Marie Stone-Lopez, Secretary to the Mashpee Wampanoag Tribal Council at 508-477-0208, or P.O. Box 1048, Mashpee, MA 02649.

Written comments may be submitted by mail to Marie Stone-Lopez, Mashpee Wampanoag Tribal Secretary, P.O. Box 1048, Mashpee, MA 02649 or e-mailed to MStone@mwtribe.com.

Introduction

Tilden McCoy, LLC has been asked by the Mashpee Wampanoag Tribal Council to assist in drafting an amendment to 2008-ORD-002, MASHPEE WAMPANOAG TRIBAL JUDICIARY (Judiciary Ordinance). We have prepared a draft ordinance for Tribal Council's review, attached hereto. This memorandum addresses sequentially each section of the proposed amendment.

Description of the Ordinance

TITLE AND ENACTING CLAUSE

The title of the draft ordinance is "2010-ORD-00_, AMENDMENT TO 2008-ORD-002, MASHPEE WAMPANOAG TRIBAL JUDICIARY." The wording of the title is consistent with 2007-ORD-001, Establishing Format of Ordinances and Resolutions (as amended).

An enacting clause gives force to the law by stating the legal authority. The enacting clause for this Ordinance is "The Mashpee Wampanoag Tribal Council does ordain as follows:"

Sections 1. and 2. FINDINGS, AUTHORITY, AND PURPOSE

Section 1 describes the findings of the Tribal Council that lend authority and validity to the establishment of the Ordinance.

Section 2 describes the authority pursuant to which the Ordinance is passed and the purpose of the Ordinance. The authority for this Ordinance is found in Article V, § 3, Article X, § 9 and Article VI § 2.A. of the Mashpee Wampanoag Constitution. The purpose of this Ordinance is to provide all Mashpee Wampanoag Tribal Judges with the express power to impose a civil fine not to exceed five hundred dollars (\$500) on any person that commits perjury in any proceeding before or ancillary to the Supreme Court and lower courts of the Tribe.

Section 3. AMENDMENTS TO THE JUDICIARY ORDINANCE

Section 3 amends Chapter 1, § 3(g)-(k) of the Judiciary Ordinance by striking "(g), (h), (i), (j) and (k)" and in substitute thereof inserting and redesignating the following subsections to read "(i), (j), (k), (l) and (m)," respectively. Section 3 also amends Chapter 1, § 3 by inserting new subsections 3(g) and 3(h) to define "Perjury" and "Supreme Court," respectively.

Section 3 also amends Chapter 2, § 4(h)(1) and § 4(h)(2) by listing the express power of the Supreme Court Judges and District Court Judges to impose a civil fine not to exceed five hundred dollars (\$500.00) on any person that commits perjury as defined within the Ordinance.

Section 4. REPEALER

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

Section 5. SEVERABILITY

If any section, subsection, paragraph, sentence, or other portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

Section 6. EFFECTIVE DATE

This Ordinance shall take immediate effect and be enforced from and after its passage and publication according to Tribal law.

With kindest regards,

/s Mark C. Tilden

Mark C. Tilden

MCT/bt