



## Mashpee Wampanoag Tribe

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### 2010-ORD-002 AMENDMENT TO 2008-ORD-002, MASHPEE WAMPANOAG TRIBAL JUDICIARY ORDINANCE

#### TABLE OF CONTENTS

Section 1.	Findings
Section 2.	Authority and Purpose
Section 3.	Amendments to the Judiciary Ordinance
Section 4.	Repealer
Section 5.	Severability
Section 6.	Effective Date

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The Mashpee Wampanoag Tribal Council does ordain as follows:

#### **Section 1. FINDINGS**

The Mashpee Wampanoag Tribal Council finds as follows:

- (a) The Mashpee Wampanoag Tribe (Tribe) is a federally-recognized Indian Tribe with a duly-enacted Constitution.
- (b) The Mashpee Wampanoag Tribal Council, the governing body of the Tribe, deems it necessary to provide Mashpee Wampanoag Tribal Judges (Tribal Judges) with the power to impose a civil fine on any person that commits perjury in any proceeding before or ancillary to the Supreme Court or lower courts of the Mashpee Wampanoag Tribe (Tribal Courts) by amending 2008-ORD-002, Mashpee Wampanoag Tribal Judiciary Ordinance (Judiciary Ordinance).
- (c) Article V, § 3 of the Constitution provides that the Tribal Judiciary, as established in Article X, shall be vested with all of the Tribe's judicial powers.
- (d) Article X, § 9 of the Constitution provides that Tribal Council shall implement the constitutional Article governing the Tribal Judiciary by ordinance.
- (e) Article VI, § 2.A. of the Constitution further provides that Tribal Council shall, among other things, promote and protect the peace, morals, political integrity and general welfare of the Tribe and its members.



# Mashpee Wampanoag Tribe

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## Section 2. AUTHORITY AND PURPOSE

(a) **Authority.** The authority for this amendment is found in Article V, § 3, Article X, § 9 and Article VI, § 2.A. of the Mashpee Wampanoag Constitution.

(b) **Purpose.** The purpose of this amendment is to provide all Tribal 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.

## Section 3. AMENDMENTS TO THE JUDICIARY ORDINANCE

(a) **Amendment to Chapter 1, § 3(g)-(k).** The Judiciary Ordinance, Chapter 1, § 3(g)-(k) is hereby amended as follows:

Strike "(g), (h), (i), (j) and (k)" of Section 3 and in substitute thereof insert and redesignate them to read "(i), (j), (k), (l) and (m)" respectively; insert a new subsection 3(g) to read as follows: "(g) "Perjury" shall mean any person who knowingly makes a false statement under oath, whether verbal or in writing, or procures or induces another person to do so, in any proceeding before or ancillary to the Supreme Court and lower courts of the Tribe."; insert a new subsection 3(h) to read as follows: "(h) "Supreme Court" shall mean the Supreme Court of the Mashpee Wampanoag Tribe as established under Article X, § 1(a) of the Mashpee Wampanoag Constitution."

(b) **Amendment to Chapter 2, § 4(h)(1).** The Judiciary Ordinance, Chapter 2, § 4 (h)(1) is hereby amended as follows:

(M) Have the power to impose a civil fine not to exceed Five Hundred dollars (\$500.00) on any person committing perjury.

(c) **Amendment to Chapter 2, § 4(h)(2).** The Judiciary Ordinance, Chapter 2, § 4 (h)(2) is hereby amended as follows:

(O) Have the power to impose a civil fine not to exceed Five Hundred dollars (\$500.00) on any person committing perjury.

**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



## Mashpee Wampanoag Tribe

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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.

Passed by the Mashpee Wampanoag Tribal Council on June 2, 2010.

### 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 9, constituting a quorum, were present at a meeting thereof, duly and regularly called, noticed, convened, and held on the 2<sup>nd</sup> day of June, 2010, and that the foregoing Resolution was duly adopted by the affirmative vote of 7 members, with 1 opposing, and with 1 not voting.

DATED this 2<sup>nd</sup> day of June, 2010

Cedric Cromwell, Chairman  
Mashpee Wampanoag Tribal Council

ATTEST:

Marie A. Stone, Secretary  
Mashpee Wampanoag Tribal Council



## Mashpee Wampanoag Tribe

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### CERTIFICATION OF POSTING

This is to certify that the Ordinance titled 2010-ORD-002, Amendment to 2008-ORD-002, Mashpee Wampanoag Tribal Judiciary, has been posted in accordance with 2009-ORD-003, Regulating Adoption, Amendment or Repeal of Ordinances and Resolutions.

DATED this 2<sup>nd</sup> day of June, 2010.

Cedric Cromwell, Chairman  
Mashpee Wampanoag Tribal Council

ATTEST:

Marie A. Stone, Secretary  
Mashpee Wampanoag Tribal Council