

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DAVID LITTLEFIELD, MICHELLE LITTLEFIELD,)	
TRACY ACORD, DEBORAH CANARY, FRANCIS)	
CANARY, JR., VERONICA CASEY, PATRICIA)	
COLBERT, VIVIAN COURCY, WILL COURCY,)	
DONNA DeFARIA, ANTONIO DeFARIA, KIM)	
DORSEY, KELLY DORSEY, FRANCIS LAGACE,)	
JILL LAGACE, DAVID LEWRY, KATHLEEN LEWRY,)	
MICHELE LEWRY, RICHARD LEWRY, ROBERT)	
LINCOLN, CHRISTINA McMAHON, CAROL)	Civil Action No.
MURPHY, DOROTHY PEIRCE, DAVID PURDY)	1:16-CV-10184-ADB
and LOUISE SILVA,)	
Plaintiffs,)	
v.)	
)	
UNITED STATES DEPARTMENT OF THE INTERIOR,)	
1849 C Street, N.W., Washington DC 20240, SALLY)	
JEWELL, in her official capacity as Secretary, U.S.)	
Department of the Interior, 1849 C Street, N.W.,)	
Washington, DC 20240, BUREAU OF INDIAN)	
AFFAIRS, U.S. Department of the Interior, 1849 C Street,)	
N.W., Washington, DC 20240, LAWRENCE ROBERTS,)	
in his official capacity as Acting Assistant Secretary -)	
Indian Affairs, U.S. Department of the Interior, 1849 C)	
Street, N.W., Washington, DC 20240, UNITED STATES)	
OF AMERICA.)	
Defendants.)	
)	

**AFFIDAVIT OF CEDRIC CROMWELL
IN SUPPORT OF MASHPEE WAMPANOAG TRIBE’S MOTION TO INTERVENE**

I, Cedric Cromwell, hereby declare and state as follows based upon my personal knowledge:

1. I am the Chairman of the Mashpee Wampanoag Tribe (“Tribe”), duly elected in accordance with the Constitution of the Mashpee Wampanoag Tribe. As Chairman of the Tribe, I am also President of the Tribe’s Gaming Authority, created by ordinance of the Tribe and

authorized to regulate and manage the Tribe's Gaming Enterprise. Tribal Gaming Authority Ordinance 2013-Ord-001. I held these positions at the time the Department of the Interior ("Department") issued the Record of Decision ("ROD") on September 18, 2015 and since then up to the present day.

2. The Tribe has inhabited what is now southeast Massachusetts for more than 12,000 years and has been a good steward protecting the lands and its historical lineage. In February 2007, after 30 years of struggle, the Tribe achieved federal acknowledgement and immediately sought to rebuild its land base to support its tribal community.

3. On November 10, 2015, the Tribe conveyed its fee title to eleven (11) parcels of land located in the Town of Mashpee and seventeen (17) parcels located in the City of Taunton to the United States, to be held in trust for the benefit of the Tribe. These are the parcels that are the subject of the ROD and the Tribe is the beneficial owner of these lands. The subject trust lands are comprised of its aboriginal territory and provide the Tribe opportunities for economic development, self-determination, self-government and the overall betterment of its Tribal membership.

4. On December 30, 2015, these parcels of land were proclaimed by the Department to constitute the Tribe's initial reservation. 81 Fed. Reg. 948 (Jan. 8, 2016).

5. These events were welcomed and celebrated by the Tribe as a new day in tribal history. These events acknowledge and confirm the inherent right of the Tribe to govern itself and its members and provide greatly enhanced opportunities to protect its members going forward in all respects, governmentally, spiritually, culturally, and economically. The importance of the Tribe's newly declared reservation cannot be overstated: these very lands are the lands of our ancestors, literally hold the bones of our ancestors, and are nothing less than the Tribe's life blood.

6. Specifically, the trust parcels in the Town of Mashpee provide much needed governmental, cultural and historical services to the Tribe. The Tribal Government Center houses over 20 departments, including, but not limited to, Tribal Health, Education, Natural Resources, Tribal Court, Tribal Housing, Elder Services, Employment, Tribal Police. The Government Center not only assists Tribal members with job opportunities but employs 114 workers that serve the Tribal community as well as the community at large. The trust parcels include several sacred sites such as burial grounds and ceremonial grounds that are crucial to the Tribe's cultural and spiritual traditions. Additionally, the Indian Meetinghouse serves as a center for the cultural, physical, mental and religious health of the Tribe, which allows the Tribe's traditional and spiritual leadership opportunities to continue to preserve culture and traditions. Last, the Tribe has already commenced construction of a housing development that will provide Tribal members the opportunity to secure much needed affordable housing within its reservation.

7. Specifically, the casino development on the trust parcels in the City of Taunton will provide the economic engine that will provide additional jobs, income to the Tribe, and resources to improve the socio-economic status of tribal members. The poverty of our members is well documented in the ROD, as is the Tribe's operating budget deficit and limited ability to provide services to its members without the economic engine to be developed on the Taunton parcels.

8. As a result of the Department's decisions to accept the parcels into trust and declare the Tribe's initial reservation, these parcels became Indian country, resulting in a loss of local and state jurisdiction over the Tribe and its members' activities on the reservation. Consequently, the Tribe immediately after the ROD commenced negotiations with the City of Taunton and the Town of Mashpee to insure a smooth transition to the exercise by the Tribe of its jurisdiction and the continued availability of emergency and fire protection services to the reservation.

9. Besides the Tribe's strong spiritual and cultural ties to the land, the Tribe has a very substantial financial interest at stake, both with respect to existing future debt as well as potential future revenues that will will translate to economic development for an entire tribal community. If the land is taken out of trust, the Tribe will face a substantial financial loss, which represents a severe and debilitating threat to the economic development and overall prosperity of the Tribe.

10. On November 12, 2015, the Tribe and the City of Taunton executed a Memorandum of Understanding, under which the parties agreed to a mechanism for those governments' exercise of jurisdiction over the Taunton parcels, as prescribed by federal law. This Memorandum also set terms for the continued delivery of emergency and fire protection services to this portion of the Tribe's reservation. A true and correct copy of that Memorandum of Understanding between the Tribe and the City of Taunton is attached here as Exhibit 1. The term of the Memorandum of Understanding has since been extended twice by the parties and remains in effect. A true and correct copy of the first and second extension to the Memorandum of Understanding between the Tribe and the City of Taunton are attached here as Exhibits 2 and 3, respectively.

11. On January 11, 2016, the Tribe and the Town of Mashpee executed a Memorandum of Understanding, under which the parties agreed to a mechanism for cooperation in the exercise of those governments' exercise of jurisdiction over the Mashpee parcels, as prescribed by federal law. A true and correct copy of that Memorandum of Understanding between the Tribe and the Town of Mashpee is attached here as Exhibit 4. This agreement remains in full force and effect.


12. Following the proclamation of the reservation, the Tribe has become eligible for and actively pursued through applications for federal grants and other resources that are available to tribes that hold trust lands. These include, but are not limited to: additional funding

opportunities from the Bureau of Indian Affairs, Department of Justice, Housing and Urban Development and Indian Health Services to assist in construction of Indian housing and expansion of health, public safety, governmental and social services; Workforce Investment grants available from the Bureau of Indian Affairs for vocational training for tribal members on reservations, for which the Tribe currently has an application pending; and funding from the Environmental Protection Agency for necessary water quality program planning with respect to trust lands, for which the Tribe currently has an application pending. Collectively, these funding opportunities represent a potential value well in excess of 1 million dollars to the Tribe and would allow the Tribe to expand services and benefits to Tribal members that are now lacking for a membership that totals over 2,800.

13. On April 5, 2016, the Tribe broke ground on the Taunton parcels for the construction of the casino. Demolition of existing structures was completed and an upgrade of water and utility services commenced thereafter. At the time of this Court's Order of July 28, there were open trenches for the installation of new, larger water lines to be used on site and by immediate neighbors. In addition, the Tribe had just commenced excavation of the site for the foundation.

14. At a duly convened meeting of the Tribe's Gaming Authority held on August 4, 2016, the Authority voted to instruct the General Construction Manager of the casino site to limit on-site activities to those necessary to complete work in progress related to utility services and secure the site for purposes of safety and preservation of tribal materiel stored there. As of August 11, the site had been secured and all construction on-site activity suspended.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Executed this 12th day of August, 2016.


Cedric Cromwell, Chairman Mashpee
Wampanoag Tribe, President Mashpee
Wampanoag Tribal Gaming Authority