

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

NARRAGANSETT INDIAN TRIBE,  
ACTING BY AND THROUGH THE  
NARRAGANSETT INDIAN TRIBE  
TRIBAL COUNCIL

C.A. No

V.

MATTHEW THOMAS

**VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT**

**PRELIMINARY STATEMENT**

1. This is an action brought by the Narragansett Indian Tribe (“NIT”), by and through the Narragansett Indian Tribe Tribal Council (“Tribal Council”) to verify that the elections that took place in 2016 were, in fact, done in accordance with the established rules and regulations set forth NIT and on file with the BIA.

**JURISDICTION**

2. This action arises under the Rhode Island Indian Claims Settlement Act (the Settlement Act) 25 U.S.C. §§ 1701-1716 & 28 U.S.C. 1332 (Diversity). There is a present and actual controversy between the parties.

**PARTIES**

3. Plaintiff, Narragansett Indian Tribe, is a group of Native Americans indigenous to the land that is now the state of Rhode Island. Tribal Council, is a duly created governing body, created under the Constitution and By-laws of NIT and elected by the members of NIT to lead and govern the tribal members, as well as adhere to Traditional, Cultural, and organic lore/law.

4. Upon information and belief, Defendant, Matthew Thomas (“Defendant Thomas”), is a resident of Charlotte County, Florida.

#### **GENERAL ALLEGATIONS**

5. On July 30, 2016 a tribal-wide election was conducted in compliance with federal, state, local laws.
6. On August 17, 2016 the Tribe Election Committee (“TEC”) communicated the results of that election to the Bureau of Indian Affairs (“BIA”). In the same correspondence, TEC certified that there were ***no appeals to the 2016 election.*** (Emphasis added)
7. On October 1, 2016, pursuant to the Constitution and By-laws of NIT, and after required notice to the tribe, at an open meeting the Tribal Council and body voted to impeach Defendant Thomas, effectively terminating his employment with NIT and removing him as Chief Sachem.
8. The impeachment process followed every applicable internal rule, policy, and procedure that NIT has promulgated through its own self-governing powers.
9. The impeachment immediately relieved Defendant Thomas of his duties and obligations as Chief Sachem and immediately revoked any authority Defendant Thomas had to conduct business on behalf of NIT.
10. Defendant Thomas has refused to turn over the necessary paperwork and access to Tribal Council so that they may oversee tribal operations and begin the process of electing a new Chief Sachem.
11. Defendant Thomas continues to conduct tribal business, including but not limited to: illegally creating tribal government groups and appointing members of the tribe to such

groups, relinquishing certain powers of a Chief Sachem to members of the tribe not eligible to have such powers, and receiving and authorizing the expenditure of tribal funds.

**COUNT I**

**DECLARATORY JUDGMENT THAT THE 2016 TRIBAL COUNCIL WAS VOTED IN ACCORDING TO THE ESTABLISHED AND ACCEPTED RULES AND REGULATIONS GOVERNING TRIBAL ELECTIONS**

12. Plaintiff reallege and incorporate paragraphs 1 through 11 of this Complaint as if fully set forth in this Count I.
13. Plaintiffs bring this cause of action against the Defendant and seek that as a matter of law, the TEC properly conducted a tribal-wide election in 2016. Further Plaintiff seek preliminary and permanent injunctive relief enjoining Defendant Thomas from continuing to act on behalf of NIT as Chief Sachem.
14. Plaintiff has a real, tangible, and protectable interest in the ability to self-govern the tribe, as absent a Chief Sachem the Tribal Council, becomes the Executive Body responsible for the operations and obligations of NIT.
15. Plaintiff have a real, tangible and protectable interest as elected officials to assume the authority vested in them by the body of NIT.
16. A real and actual controversy exists between the parties as to the authority to govern NIT.
17. Accordingly, Plaintiffs are entitled to declaratory judgment, as a matter of law, that according to the established rules and regulations, policies and procedures, Constitution of NIT and By-laws they are in fact the ONLY tribal council for the Narragansett Indian Tribe.

**RELIEF REQUESTED**

**WHEREFORE**, the Narragansett Indian Tribe Tribal Council respectfully prays for Judgment in its favor declaring the 2016 election as valid pursuant to relevant rules and regulations already set forth by NIT.

Dated: November 17, 2016

Respectfully submitted,  
TRIBAL COUNCIL OF THE  
NARRAGANSETT INDIAN TRIBE

By and through its council,

/s/ MISTY G DELGADO, ESQ.

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**VERIFICATION**

I, DOMINGO MONROE, FIRST COUNCILMAN FOR THE NARRAGANSETT INDIAN TRIBE TRIBAL COUNCIL, STATE UNDER OATH THAT I HAVE REVIEWED THE ABOVE MOTION AND TO THE BEST OF MY KNOWLEDGE, ALL FACTS HEREIN ARE TRUE.

/s/ DOMINGO MONROE

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DOMINGO MONROE

Subscribed and sworn before me this 17<sup>TH</sup> day of November, 2016.

Notary Public   
Commission Expires: 11.10.18