

HARVARD PROJECT ON AMERICAN INDIAN ECONOMIC
DEVELOPMENT

Inventory Assessment

Mashpee Wampanoag Tribe

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The Harvard Project on American Indian Economic Development
Native Nations Institute

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EXECUTIVE SUMMARY

Misko Beaudrie led this Inventory Assessment. The final report was written by Misko Beaudrie with assistance from Kenny Grant and Nathan Overmeyer. Misko Beaudrie carried out the interviews on which much of the report is based with assistance from Kenny Grant and Megan Hill who provided crucial perspective on a number of issues. Skawennio Barnes participated in research discussions, helped to create a framework for the report, and assisted on an early draft of the assessment. Joe Kalt, Miriam Jorgensen, and Kenny Grant provided commentary, corrections, and essential input during the project. Marie Stone from the Mashpee Wampanoag Tribe provided indispensable help with information and logistics for the Tribe.

We thank all those who provided input, information, and assistance to us. In particular, we thank the Mashpee Wampanoag citizens and employees who shared their views and experience with our team.

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MASHPEE WAMPANOAG TRIBE

NATION BUILDING INVENTORY ASSESSMENT

EXECUTIVE SUMMARY

In January of 2009, the Mashpee Wampanoag Tribe contracted with the the Harvard Project on American Indian Economic Development ("Harvard Project" or "HP") at Harvard University and Native Nations Institute (NNI) at the University of Arizona ("HP/NNI") to complete a Nation Building Executive Education Session on March 30-31, 2010 and an Inventory Assessment. The process can be challenging as it requires a tribe to not only commit scarce resources but, more importantly, to think systematically about the role and effectiveness of its governing structures. The Mashpee Wampanoag Tribe ("Mashpee" or "Mashpee Wampanoag") is to be credited for deciding to move forward with nation building, including the dedication of its staff and the willingness of its public officials and citizens.

The Inventory Assessment's primary purpose is to assist the Mashpee Wampanoag in understanding the extent to which its existing public institutions are capable of meeting the needs of the Tribe's citizens. In so doing, it poses questions related to purpose, goals, impacts, and limitations. The reason is quite straight-forward: These governing structures affect how a tribe exercises its sovereignty in practice and, thus, are fundamental to a nation's overall well being.

This Inventory Assessment involved the collection and review of those critical documents that guide Mashpee's governmental and administrative functions. Members of the HP/NNI team interviewed Tribal citizens, selected department representatives, and members of the Tribal Council. Additionally, surveys were sent to department heads, of which six were completed. Due to the limited number of meetings the HP/NNI team was able to have with the citizens of Mashpee, including public officials, the scope of our assessment is constrained and its observations must be considered within those constraints.

This report provides historical background on the Mashpee Wampanoag Tribe, reviews the Tribe's current institutional structure and administrative functions, summarizes the observations of the HP/NNI team, and presents general recommendations the team believes the Mashpee Wampanoag might consider as it acts to improve its governance system. Our recommendations fall into three primary areas: effective use of existing resources, increased accountability, and community engagement. We provide a brief summary of them below.

These conclusions are offered with respect for the challenges confronting any tribe (or polity) in the position of the Mashpee Wampanoag Tribe, a long-standing people who only recently received Federal recognition. Federal recognition can provide opportunities for assistance to tribal governments in meeting the needs of its nation's citizens; it concomitantly brings tremendous demands upon a nation's public institutions as the government and, by extension, its agencies are forced to build the infrastructure required to obtain such assistance. Those challenges reflect the broader demands faced by a government in establishing effective and capable institutions that earn the trust of the nation's citizens and the respect of those with whom it will engage.

The Mashpee Tribe has an incredible resource in its citizens. Throughout our work with Mashpee we were impressed and moved by the energy, commitment, and spirit of the people. From our conversations it was evident that Mashpee citizens, elected officials, and administrative staff hold a strong desire to see their nation succeed. Several departments noted positive morale and employee dedication amongst their greatest strengths. Consistent with that desire is the impression that the Tribe, its citizens as well as its elected officials, rightly desire to create those institutions, programs, and policies needed to address the challenges faced by the Nation and improve the cultural, social, economic and political well being of its citizens.

It is not clear, however, which goals are most important, how those goals are established, how a particular initiative fits into the broader goals, and how any particular outcome is measured. This concern speaks to how those employees are directed in their efforts to build the institutional capacity universally recognized as being both desired and needed. While many actions are being undertaken by the tribal government, all of which in some way serve to advance some goal that would serve to better the Mashpee Tribe, it is not evident how those goals are currently being defined, actions prioritized, and outcomes measured. Without a strategic plan, broader tribal vision, and/or mission statement, it is very difficult to assess how well the tribal government is meeting the demands of its citizens. This limits the degree of legitimacy conferred upon current activities, in the sense that there is no point of reference as to where or on what the focus of the tribal government should be. Operationally, it leads to confusion of roles; potential overlaps in program design and efforts; and a relative lack of transparency regarding inputs and outcomes.

The key ingredients of good governance are the existence of and adherence to foundational governing documents. These documents provide guidelines to the different branches of governance and set expectations to which tribal members may hold their government accountable. They also can serve to provide a commonly agreed upon direction for the Tribe's activities, so that the activities and priorities of the government actually coincide with the needs of the people. These documents are essential to providing a preliminary understanding as to who the Mashpee Wampanoag are, what their core values and guiding principles are, where they focus their energies, and what they stand for as a tribe.

BACKGROUND

STATEMENT OF GOALS

Just four years ago, in 2007, the Mashpee Wampanoag Tribe received federal recognition. At that moment, the governing body of the community fully took on the vast responsibility of developing public institutions capable of serving the needs of the people. At this time, an inventory and assessment of existing public institutions is crucial as the Tribe strategizes next steps, providing insight into current opportunities and potential areas of improvement.

The report includes an account of the facts regarding the Tribe's inventory of nation-building infrastructure, a qualitative assessment of effectiveness, and suggested recommendations moving forward. The primary focus is on strengthening and, thereby, promoting institutional capacity and effectiveness.

ABOUT THE HARVARD PROJECT AND THE NATIVE NATIONS INSTITUTE

Founded in 1987, The Harvard Project on American Indian Economic Development (Harvard Project) is housed within the Malcolm Wiener Center for Social Policy at the John F. Kennedy School of Government, Harvard University. Through applied research and service, the Harvard Project aims to understand and foster the conditions under which sustained, self-determined social and economic development is achieved among American Indian nations. The Harvard Project's core activities include research, advisory services, executive education, and the administration of a tribal governance awards program. In all of its activities, the Harvard Project collaborates with the Native Nations Institute for Leadership, Management and Policy at the University of Arizona.

The Native Nations Institute for Leadership, Management, and Policy (NNI) was founded in 2001 by the Morris K. Udall and Stewart L. Udall Foundation and The University of Arizona as a self-determination, self-governance, and development resource for Native nations. NNI's mission is to assist in the building of capable Native nations that can effectively pursue and ultimately realize their own political, economic, and community development objectives. This effort, which we call nation building, is the central focus of NNI's programs. NNI is an outgrowth of the research programs of the Harvard Project on American Indian Economic Development.

MASHPEE WAMPANOAG TRIBAL HISTORICAL OVERVIEW

The Mashpee Wampanoag have a rich history that has endured nearly four centuries of colonization. Ever since the Mashpee became one of the first Native American nations to come into contact with Europeans in the 17th century, they have dealt with imposed influences on their Tribe. Wampanoag, meaning "people of the first light" or "people of the dawn", is a name that once applied to 69 tribes of the entire Wampanoag Nation, with a geographical area stretching from contemporary Provincetown, MA to Narragansett Bay. Now, the Mashpee share that title with only one other federally recognized tribe—the Wampanoag Tribe of Gay Head (Aquinnah).

The Wopanaotak language became the first American Indian language to utilize an alphabetic writing system. In the Harvard Charter of 1650, the College committed itself to "the education of the English & Indian Youth." In the years that followed, several Wampanoag students studied at Harvard's Indian College. The memory of these graduates lives on today at Harvard University, which honored Joel Iacoomes, one of the first Native Americans ever to attend Harvard College, with a posthumous degree at its 2011 Commencement exercises.

The Wampanoag expanded upon this educational foundation, writing numerous documents in their own native language—hundreds of which still survive. The revitalization of their indigenous language after 150 years of dormancy attests to Mashpee's resiliency. The Wôpanâak Language Reclamation Project (WLRP), a nonprofit dedicated to this task since 1993, and their cofounder and director, Jesse 'little doe' Baird, were recently honored with the MacArthur Foundation's Genius Award for their efforts in indigenous language preservation. Wôpanâak is the first language with no living native speakers to be reclaimed by an American Indian people.

Starting in 1763, Massachusetts denied self-government to the Tribe through the appointment of non-tribal overseers who conducted affairs on behalf of Mashpee. The Mashpee were inspired by William Apes, a Pequot preacher who believed the states' actions were illegal, and the Tribe subsequently demanded redress against their unjust treatment. In March 1834, the Massachusetts's Legislative Joint Special Committee on the Mashpee Indians gave Mashpee the "status of a district, and the Indians were granted the right to elect selectmen, who would exercise their duties as overseers" (Nielson 1985, 416). Despite a lack of full-fledged sovereignty and civil rights, these events mark a triumphal period in Mashpee history and a rare success in a narrative of long sought reversals for American Indians.

By the late 1860s, a debate arose between traditionalists and modernists in the community, some of whom wanted to sell land and vote in federal and state elections. A hearing was called in 1869 for a vote to remain as an Indian District, which was upheld by Mashpee. Nevertheless, a Massachusetts General Court changed the status to a town and allowed land sales (Peters 2003, 53). Although the Tribe ran the town and the municipalities, the majority of the land eventually "changed hands with whites" (Peters 2003, 54). For the next century, members of the Mashpee Tribe would serve in elected municipal positions within the township.

During this period, the town "did not engage in any sustained economic development" and subsequently went bankrupt in 1933: "The state appointed the Mashpee Advisory Committee to oversee the town government leaving the tribe once again under the Overseer-ship of another external entity of control" (Peters 2003, 56). This lasted until 1965 and provided the opportunity for real estate development, including housing that became home to hundreds—though none of the residents were Mashpee Indians. The formerly Indian-run town transitioned to one in which "key political positions" were lost to the increasing power of the non-Indian population.

In 1976, the Mashpee Wampanoag Tribal Council, Inc. filed suit in federal court against the Town of Mashpee to regain 16,000 acres of land. However, the ensuing trial became one "whose purpose was not to settle the question of land ownership but rather to determine whether the group calling itself the Mashpee Tribe was in fact an Indian tribe, and the same tribe that in the mid-nineteenth century had lost its lands through a series of contested legislative acts" (Clifford 1988, 179). The grounds for the suit came from the Non-Intercourse Act of 1790, which was "designed to protect tribal groups from spoliation by unscrupulous whites" and "declared that alienation of Indian lands could be legally accomplished only with permission of Congress" (Clifford 1988, 179). Ultimately, the non-Native jury's verdict was that the Mashpee Wampanoag people were "not a tribe in 1790, were a tribe in 1834 and 1842 but not a tribe in 1869 or 1870" (Peters 2003, 58). Because it was deemed that the Tribe was not consistently organized as such, the court found that they could not sue for land.

CURRENT CONTEXT: THE MASHPEE WAMPANOAG TODAY

For nearly three decades following the late 1970's trial, the Mashpee Wampanoag fought to obtain federal recognition as a sovereign Native American Nation. A congressional act offered to extend self-government through federal recognition to Mashpee, along with 500 acres of land, in exchange for relinquishing any future claim to lands, as well as hunting and fishing rights. The Tribe voted to reject any settlement that limited their sovereign rights and would adversely affect future generations. The Massachusetts Appeals Court and the Supreme Judicial Court made a unanimous decision favoring fishing rights for the Mashpee in 1995. "The Appeals Court decided the 1727 and 1742 treaties with the British Crown applied to the Mashpee Wampanoag, adding, 'they possess aboriginal rights to fish even in the absence of treaty protection'" (d'Errico 2011). This was a remarkable victory for the Mashpee and reaffirmed the legitimacy of their earlier decision to maintain their fishing rights and decline the congressional settlement. A little

over a decade later, on February 15, 2007, the 32-year struggle for self-governance culminated in recognition for the then 1,453 tribal citizens (Ryan 2007). Thus, the Mashpee Wampanoag Tribe became one of two tribes east of the Mississippi River to gain acknowledgement without waiving any aspect of its sovereignty.

Mashpee Wampanoag Tribe's contemporary governing body consists of the Tribal Council, which has both executive and legislative duties. It is composed of both popularly elected representatives and traditional leaders. The 13-member council is composed of members of the tribe who are registered to vote, 11 of whom, including a Chairperson, Vice-Chairperson, Secretary, and Treasurer, are elected by a majority vote of all registered tribal voters and serve staggered, four-year terms. In addition, a Tribal Medicine Man and Tribal Chief are council members selected by the general tribal membership according to tradition and can serve without limit. Monthly "General Tribal Membership" meetings are open to all tribal members (Mashpee Wampanoag Constitution, art. VI, sec. 1).

Alongside the Tribal Council is the separate but equal branch of the Tribal Judiciary, composed of a Supreme Court and Lower Courts as designated by the Tribal Council. Tribal Judges are appointed by six or more votes of the Tribal Council. Lower Court judges have five-year appointments, while Supreme Court judges are appointed for staggered terms of eight years (Mashpee Wampanoag Constitution, art. X, sec. 1).

The tribal administration consists of a number of tribal departments serving primarily in the capacity of providing social and public services to community members. Community involvement in the governance of the tribe is primarily through ad hoc committees.

Since 2007, the Tribe has been involved in negotiations with the Commonwealth of Massachusetts over a proposed casino compact. The Commonwealth, however, has failed to enact legislation required to expand gaming (Myers 2011).

KEY STAKEHOLDERS

Mashpee Wampanoag Community

The Mashpee Wampanoag Tribal Council and Tribal Administration are accountable first and foremost to tribal members. These individuals are the recipients of tribal services and serve to confer legitimacy on the activities of the governing body of the Tribe. Maintaining engagement and support by the nation's people, as well as staying in tune with their needs, is crucial.

Other Governments

The Tribe has to manage relationships with a number of different governments. These include municipal and county governments, the Commonwealth of Massachusetts, the Federal government, and other tribes. Intergovernmental relations are complex and variable. It is important to identify whether tribal initiatives are likely to encounter support, opposition, or indifference from other governments that are nearby or with whom the Tribe needs to work. Mashpee's Government must remain attuned to the interests of each of these stakeholders, as well as potential points of collaboration.

Bureau of Indian Affairs (BIA)

The Bureau of Indian Affairs in Washington, DC is the authorizing body that manages federal recognition of the Tribe. It also provides resources and sets certain standards and guidelines for federally recognized American Indian tribes and Alaska Natives in the United States. Presently,

the BIA is a primary provider of funds coming into the Mashpee Tribe. The question for consideration is how can Mashpee move out of a dependent and reactive relationship with the federal government and move toward a self-determined and proactive mode of self-governance.

Creditors

The Tribal Council needs to be in tune with its creditors and sources of financial resources. This may come in the form of foundations, government agencies and, in the case of Mashpee Wampanoag, investors as well as Arkana Limited.

INSTITUTIONAL INVENTORY

Research from across Indian Country—and around the world—shows that legitimate and effective governing institutions are the foundation for successful economic and community development. Successful governing institutions are characterized by political stability, arms-length business operations, non-politicized court decisions, and an efficacious administration. Governments with these characteristics do better at channeling a nation's energy, ideas, and other resources into achieving its vision of the future.

The key ingredients of good governance are the existence of and adherence to foundational governing documents. These documents provide guidelines to the different branches of governance and expectations with which tribal members may hold their government accountable. They also can serve to provide a commonly agreed upon direction for a tribe's activities, so that the activities and priorities of the government actually coincide with the needs of the people. These documents are essential to providing a preliminary understanding as to who the Mashpee Wampanoag are, what their core values and guiding principles are, where they focus their energies, and what they stand for as a tribe.

Since its inception as a federally recognized tribe in 2007, the Mashpee Wampanoag Tribe has made great progress in developing its governance and a functional tribal administration capable of providing services to community members. This is evidenced by its inventory of governing and other foundational documents:

- Constitution
- Audits
- Employee Handbook
- Ordinances and Resolutions
- Organizational Structure / Chart
- Tribal Court Survey and Code of Ethics

Progress, however, requires additional work that can expand this list. This work includes not only technical or operational guidelines, but interactions with and amongst the citizens of the Tribe to better understand and prioritize the efforts of the Tribal Government. In particular, these are among the documents that were not available at the time of the Inventory Assessment:

- Vision and/or Mission Statement for Mashpee
- Tribal and Agency-Level Strategic Plans
- Annual Reports
- Financial Operation Manuals

This assessment of the current inventory will provide some direction as to which areas the Tribe may chose to focus on in the future.

CAPABLE TRIBAL ADMINISTRATION

FRAMEWORK

A capable tribal government implements its decisions promptly and effectively, provides efficient management of programs and services, and gets things done. It hires, retains, and relinquishes its employees based on merit and performance, through an open and transparent process. It invests in and encourages employees to develop their skills.

To assess the functionality and capability of tribal administration, a framework informed by core nation building principles developed by the Harvard Project and principles of creating public value are applied here.

Core Nation Building Principles

At the heart of the Harvard Project are more than two decades of systematic, comparative study of social and economic development on American Indian reservations. What works, where, and why? Among the key research findings:

Sovereignty Matters. When Native nations make their own decisions about what development approaches to take, they consistently out-perform external decision makers on matters as diverse as governmental form, natural resource management, economic development, health care, and social service provision.

Institutions Matter. For development to take hold, assertions of sovereignty must be backed by capable institutions of governance. Nations do this as they adopt stable decision rules, establish fair and independent mechanisms for dispute resolution, and separate politics from day-to-day business and program management.

Culture Matters. Successful economies stand on the shoulders of legitimate, culturally grounded institutions of self-government. Indigenous societies are diverse; each nation must equip itself with a governing structure, economic system, policies, and procedures that fit its own contemporary culture.

Leadership Matters. Nation-building requires leaders who introduce new knowledge and experiences, challenge assumptions, and propose change. Such leaders, whether elected, community, or spiritual, convince people that things can be different and inspire them to take action.

Recently, Indian nations have moved aggressively to take control of their futures and rebuild their nations, rewriting constitutions, reshaping economies, and reinvigorating Indigenous communities, cultures, and families. Today, they are creating sustainable, self-determined

societies that work in all dimensions—economic, social, and political. We are excited to see the Mashpee Tribe moving in this direction.

Transformation is always accompanied with questions of process. What's the secret of successful performance? Is it luck? Is it leadership? Is it education? Having the right resources? Being located in the right place? Is it picking a winning economic project that provides hundreds of jobs and saves the day? How can we account for these breakaway Native nations? Is there an approach that offers promise throughout Indian Country? Yes, there is and it is radically different from the approach that dominated both federal policy and tribal efforts for most of the twentieth century.

In our work with tribal nations across Indian Country, we have found that of these two approaches, one works, and the other doesn't. We call the one that doesn't work the *standard approach*. Our version of it is broadly based on federal and tribal practices developed during the twentieth century and still prevailing in many Native nations today. We call the one that works the *nation-building approach*. It is being invented by Native nations, and our version of it is based on extended research on the breakaway tribes whose economic performances have been so striking over the last twenty-five to thirty years. These findings are found in *Rebuilding Native Nations* and used throughout this report as a framework upon which Mashpee can build (Jorgensen 2007).

THE STANDARD APPROACH

The standard approach to development of Native nations has five primary characteristics: (1) decision making is short term and nonstrategic; (2) persons or organizations other than the Native nation set the development agenda; (3) development is treated as primarily an economic problem; (4) Indigenous culture is viewed as an obstacle to development; and (5) elected leadership serves primarily as a distributor of resources.

These characteristics provide an overall description of what federal and tribal development efforts, regardless of intent, frequently have looked like.

The Standard Approach

- Decision making is short term and nonstrategic.
- Someone else sets the development agenda.
- Economic development is treated as primarily an economic problem.
- Indigenous culture is viewed as an obstacle to development.
- Elected leadership serves primarily as a distributor of resources.

The development process under the standard approach sees economic development as a very different sort of problem. Economic development is approached by tribal government as if it were just another program, and development efforts tend to follow the six-step process.

The Six-Step Development Process under the Standard Approach

1. The council, chair, president, or chief tells the planner to identify business ideas and funding sources.
2. The planner applies for federal grants and chases other outside sources of funds.
3. The nation starts whatever it can find funding for.
4. Politicians appoint their supporters to run the funded projects.
5. Elected leaders micromanage enterprises and programs.
6. Everybody prays that something works.

What is significant about the standard approach is what it *doesn't* include. The first is *strategic* goals. In focusing on short-term increases in jobs and income, the development conversation tends to ignore longer-term questions about the sort of society the Native nation is trying to build and how that might be affected by different development strategies.

Second, this conversation typically ignores *political* issues. By this we mean the organization of government and the environment of governing institutions in which development has to proceed. Can the tribal courts make decisions that are free of political influence? Can the legislature keep enough distance from tribal businesses to allow them to flourish? Are the appropriate codes in place, are they fair, and are they enforced? In short, are tribal governance institutions adequate to the development task? In its focus on economic factors, the standard approach ignores institutional and political issues and thereby misses entirely the key dynamic in economic development. What's the alternative?

THE NATION BUILDING APPROACH

The nation-building approach has a twin focus on asserting Indigenous rights to govern themselves and building the foundational, institutional capacity to exercise those rights effectively, thereby providing a fertile ground and healthy environment for sustained economic development.

There are five primary characteristics of the nation-building approach: (1) Native nations comprehensively assert decision-making power (practical sovereignty, or self-rule); (2) nations back up decision-making power with effective governing institutions; (3) their governing institutions match their own political cultures; (4) decision making is strategic; and (5) leaders serve as nation builders and mobilizers. Distinctively, the nation-building approach sees the challenge of development as one of creating an *environment* in which development can take hold rather than an endless chase after funding and projects.

The Nation-Building Approach

- Native nations assert practical sovereignty.
- Native nations back up sovereignty with effective governing institutions.
- Governing institutions match Indigenous culture.
- Decision making is strategic.
- Leaders are dedicated to nation building.

The two approaches described represent opposite ends of a continuum. Some nations are closer to one end, stuck in the standard approach to development. Others are closer to the other end, engaged in rebuilding themselves. Still others are somewhere in the middle. A tribe moving toward the nation-building approach can profitably ask where it presently stands. The table below suggests a scale for self-assessment along four dimensions of self-governance: governing institutions, business and economic development, intergovernmental relations, and leadership.

Standard Approach

Nation-Building Approach

Institutions are unstable, viewed with suspicion by the people, and incapable of exercising sovereignty effectively.	<i>Governing Institutions</i> →	Institutions are stable, fair, legitimate in the eyes of the people, and capable of exercising sovereignty effectively.
Tribal government hinders development through micromanagement, politics, and overregulation.	<i>Business and Economic Development</i> →	Tribal government clears the path for development through appropriate rules and even-handed enforcement.
Tribal government is dependent on federal funding policies and hostage to federal decisions.	<i>Relations with Other Governments</i> →	Tribal government has the resources and capabilities to make its own decisions and fund its own programs.
Elected leaders are preoccupied with quick fixes, crises, patronage, distribution of resources, and factional politics.	<i>Elected Leadership</i> →	Elected leaders focus on strategic decisions, long-term vision, and setting good rules, and they bring the community with them.

ASSESSMENT

1. STRATEGIC DECISION-MAKING

Governments are indispensable tools that communities use to achieve their goals. You cannot know if your nation or community has a capable or appropriate governing system until you know what it is you are trying to achieve. What kind of nation or community do you want for your children and their children ten, fifty, or a hundred years from now? Until you decide where you want to go, it is difficult to figure out how to get there. The process of decision making is a strategic one and involves a shift

- from reactive thinking to proactive thinking (not just responding to crises, but trying to gain some control over the future);
- from short-term thinking to long-term thinking (generations from now, what kind of society do you want?);
- from opportunistic thinking toward systemic thinking about larger goals (focusing not on what can be funded, but on whether various options and strategies fit the society you're trying to create);
- from a narrow problem focus to a broader societal focus (fixing not just problems and projects but society and its cultural, social, political, and economic health).

In this move toward nation building, it will be important to understand and define the nation or community that you are serving. Who is the “self” in self-governance? Does the Mashpee Wampanoag Tribe seek to serve the people living within Mashpee, MA? Tribal members spread throughout the United States? Public institutions that may serve all Wampanoag peoples?

Understanding *who* the government is meant to serve will be the first step toward good governance. Will it serve only enrolled members based on the requirements set forth in the constitution, or will it also include non-enrolled family members as serviced by the health department? Who are the Mashpee Wampanoag Tribe's citizens?

Change requires a nation to determine long-term objectives, identify priorities and concerns, and take a realistic look at the resources the nation has to work with and the constraints it faces. The result is a set of criteria by which specific development options can be analyzed: Does this option support the nation's priorities, fit with its assets and opportunities, and advance its long-term objectives? If not, what will and what can the tribe reasonably manage to undertake right now.

Without a strategic plan, broader tribal vision, and/or mission statement, it is very difficult to assess how or if the tribal government is meeting its stated goals. Without strategic direction, there is no benchmark or guide for what sorts of activities the government should prioritize and pursue. This limits the degree of legitimacy conferred upon current activities, in the sense that there is no point of reference as to where or on what the focus of the tribal government should be.

The HP/NNI researchers find that these questions are difficult to answer due, in part, to the fact that the documents made available to the Harvard Project for this report do not seem to demonstrate an obvious strategic plan, vision, or community-defined set of goals against which

their existence and operations could be assessed. Because many of the Tribe's programs are funded through grants, such as the Native American Graves Protection and Repatriation Act (NAGPRA) and the Workforce Investment Act (WIA), for example, and because the programs are run primarily on the basis of the guidelines set forth by the granting agency, it does not seem that there is an apparent sense of community ownership over government programs. They undoubtedly provide some level of relief to those in need or otherwise fill some goal. Without benchmarks against which to assess their existence, however, we are uncertain if these departmental activities exist because they were the easiest grants to secure, or if they were particularly distinct community needs.

While there is seemingly no visible mission, vision or strategic plan, there are ample opportunities that tribal leadership may take advantage of to secure the legitimacy of government activities, community ownership, and prioritization of government opportunities. The monthly general meetings, as well as the committee structures with volunteers, provide opportunities within the current context of the tribe to begin to more effectively engage with tribal members to determine the desired strategic direction, vision, and mission.

2. CLEARLY DEFINED ROLES

For some nations, operating from the standard approach, elected leadership serves primarily as a distributor of resources. In other nations, elected officials will serve as everything from a marriage counselor, an ATM, to a mediator. When tribal leadership is concerned much of the time with distributing resources: jobs, money, housing, services, favors, and so forth they are not able to focus on the critical task of good governance.

The recent economic downturn has placed incredible pressure on governments around the world to provide essential services to their citizens, and tribal nations are no different. The temptation to replace long-term investments with immediate fixes, however, can be a hazardous tradeoff. Decisions to create jobs for tribal members based on need or want over ability, or to divert tribal resources to a popular event rather than much needed infrastructure, positions the government as a pipeline for resources rather than a force for rebuilding the nation.

Like tribal businesses, tribal programs thrive when there is a degree of separation between politics and program management, and where there are clear roles for elected officials, appointed personnel, and civil service staff. Elected officials have a strategic role to play, while department administrators and managers should be free to apply their skills and expertise in day-to-day program operations.

For Mashpee, it seems as though roles are sometimes not clearly defined within and across departments. Additionally, few departments had written goals or strategic missions upon which job descriptions and responsibilities could be based.

It appears that there is very little independence for tribal departments and that much of the work is centralized. For example, in 2009-ORD-005 Mashpee Wampanoag Language Department, the ordinance indicates that the Tribal Council shall approve all programs and projects. This structure fails to recognize that when departments can clearly delineate their purpose, goals, and review process for achievement, then there can also be independence for those departments to operate according to the guidelines established by department heads and with approval from appropriate leadership. Such independence encourages initiative, respects program leadership, and frees the Council to do their jobs while trusting that program leaders will be accountable for their productivity in meeting agreed upon goals.

3. EFFECTIVE CHECKS AND BALANCES

Effective checks and balances are assured through the separation of powers within the government and through measures of accountability and transparency.

In the context of the Mashpee Wampanoag Tribe, there is a constitutional separation of powers between the Tribal Council, which serves in executive and legislative capacities, and the Tribal Court System, or the judiciary. Tribal Justices may be removed with cause based on the affirmative vote of a simple majority of the Tribal Council. According to the Chief Judge, Henry J. Sockbeson, the court, to the Tribe's credit, has operated free of interference or influence from the Tribal Council. Based on the experience of other tribes, however, the HP/NNI team notes that tribal judiciaries are generally stronger when removal of tribal judges (see (Article X, Tribal Judiciary, Section 5 of the Mashpee Wampanoag Tribe's Constitution) is based on an affirmative vote of a supermajority, rather than a simple majority, of the entire tribal council.

While its desire to create needed services to its citizens is beyond doubt, the Mashpee Wampanoag Tribe seems to have limited mechanisms to ensure operational and programmatic accountability. While there are opportunities for tribal members to participate in monthly meetings, the process by which significant major decisions are brought before the community for debate prior to approval appears uncertain and, at times, inconsistent. Moreover, the lack of a publicly available annual report and tribal budget, make it infeasible for community members to understand where tribal resources are being expended and to judge whether those expenditures match their expectations and priorities and, hence, the public interest.

Ensure that a clear annual report for the tribal budget is regularly and readily available to Mashpee citizens. This will instill confidence that the government is operating as leadership has stated it will. Similarly, departmental budget and spending also need to be clearly established and consistently accounted for. Time and again, we find that transparency, although often seen initially as threatening, improves council and program operation by removing grounds for rumor and misinformation as the means of affecting change.

4. EFFECTIVE USE OF CAPACITY

A nation can have a strategic direction, a high degree of self-determination, and an effective and legitimate governmental organization but still stumble when it comes to nation building. Other important keys to strengthening governance are human capital and citizen engagement.

Change requires that a community's leaders determine long-term objectives, identify priorities and concerns, and take a hard-nosed look at the assets the nation has to work with and the constraints it faces. The result is a set of criteria by which specific development options can be analyzed: Does this option support the nation's priorities, fit with its assets and opportunities, and advance its long-term objectives? If not, what will?

Mashpee seems to be struggling with administrative and programmatic effectiveness due to lack of clear organization. There are inconsistencies between policy and implementation along with inconsistent recording mechanisms across departments. Several interviewees mentioned following procedures that were thought to be "simply understood" but not otherwise recorded or transparent. An example cited concerned hiring policies. It was thought to be the case that drug testing was mandatory for all new hires, and that seemed to be the policy many people believed to be true. In fact, however, it is not required in the employee handbook. Certainly, social norms have a role to play; not every concern, operation, or rule need be recorded. That said, well-functioning public institutions that rest on social norms rather than explicit and transparent

rules tend to be the exception as the lack formal guidance gives rise to confusion with and inconsistency in the application of standards.

From our conversations it was evident that there is a strong desire held by Mashpee citizens and staff to see their Nation succeed. These attributes can be exhausted through mismanagement and haphazard administrative guidelines, or they can be channeled into established roles that have clear guidelines for all to know and follow. An example of the dedication of Mashpee officials can be found in several instances where people take on responsibilities beyond their position and often limits in order to get the job done. Such committed service, however, cannot successfully be maintained without decrease in performance and impacts on a person's health.

As summarized in the tables below, Mashpee does not lack departments and committees. The challenge is to maximize the contribution of each to the Nation.

Departments:	
Buildings and Management	Education Department
Educational Development Program	Employment and Training
Finance	Health
Housing	Human Services
Membership	Natural Resources
Office Services	

Committees:	
Cultural Events	Economic Development
Education	Elders Judiciary
Elections	Enrollment
Ethics	Historic Preservation Services
Housing Commission	Language
Meeting House Church	Museum
Nashauonk Mittak (Newsletter)	Personnel
Tribal Elders Council	Youth Committee
Youth Council	

Some departments seem to be the result of an ordinance, whereas it is unclear, because of the lack of documentation, how others developed and who supports them. Additionally, some departments are instructed to work with committees, but it is unclear how that relationship is defined, whether committees are active, and if this interaction occurs. Again, a clear

organizational structure, mission, goals, and review process that yields measureable results will allow for better overall efficiency and success.

With over a dozen tribal departments and committees, it is apparent that some are more developed than others. The tribal health center and housing departments, for example, seem better established and more capable of delivering on their mandates. At the same time, others function minimally as committees. In the face of limited human capital and capacity, Mashpee has been rapidly expanding the number of departments and services offered. While the desire to meet the needs of its citizens is understandable, it seems as though the lack of priority or governmental focus in the creation of new departments has impacted the quality of service. An example could be service programs and/or departments that have been created but then close due to lack of funding or staffing. Furthermore, it was noted by several citizens that departments are often understaffed, making it difficult to manage the workload efficiently and successfully.

The fact that very few departments have developed policies and procedures beyond the guidelines set by a founding grant or ordinance is a cause for further examination. An important question to consider is whether or not the departments take on those activities for which monies are available or do they seek funding to match the Nation's priorities and serves community-defined goals. Toward this end, it may be helpful for department heads to continue to undertake an inventory of capacity and resources which would serve to prioritize departmental needs and goals. This may allow the Tribe to better understand what, at present, it can and cannot do. At the same time, developing clear strategic plans and an interdepartmental organizational system that could operate across all departments, programs, and offices holds promise of improved program performance. Such steps would support the creation of a Mashpee-specific system of operations and a pathway by which future incremental expansion can occur within a solid framework of procedures that meet the highest priorities of tribal citizens.

There is evidence of overlap across departments, with multiple departments addressing the same public needs. For example, at least three different departments appear to be addressing educational needs: the Mashpee Wampanoag Educational Development Program, the Tribal Education Department, and Employment and Training (WIA). It is, however, unclear as to whether or what extent each department's goals, missions, and priorities are complementary to or in competition with the other two. This is consistent with the statement from a program director that noted that there are no interdepartmental meetings where directors can share the actions of their respective departments and, thereby, make more effective use of the Tribe's scarce resources through better interdepartmental coordination. Another individual stated that the only way people can learn about what is going on in departments or committees is by attending the general meetings. Even then, however, there is no protocol that requires or creates a standard for those who attend to report any business, and general meetings are not conducive to exchanges of ideas and plans between program professionals.

It was believed by some that departments operate divorced from one another such that several will each fund and support a particular program independently, rather than pool their resources in order to create a stronger and more dynamic program. Again, we turn to organization strategy and management to help create a better system for communication and partnership. As stated earlier, this challenge does not appear to be caused by lack of initiative, or even capacity, but rather the lack of any system which would allow for guidance, prioritization, and, where appropriate, the sharing of resources. When directors know what their colleagues are doing they can help each other problem solve, share knowledge and expertise, offer support, serve as a check, form essential collaborations, and avoid duplication.

A good example for knowledge sharing can be found within the Tribal Justice and the Elders Judiciary Committee (EJC). This collaborative partnership has an established and well functioning administrative and organizational structure that is doing great work. They have completed citizen surveys to inform the work they do and are in the process of finalizing a Code of Ethics that will guide the implementation of their shared strategic mission. It was noted by a council member that their work on the Code of Ethics was inspiring and a good model for others to follow.

A question then is, should the Tribal Council or Administrator urge or require all departments create a Code of Ethics, or other guidelines for that matter? If so, there will need to be a process in place to follow. In fact, it was also stated that, while the Tribal Council at one point did have a Code of Ethics, it had not been used or referenced in a long time. Experience across tribes suggests that Codes of Ethics for government officials, agreed on and adopted by tribal governments in full view of their citizens, are not "window dressing." Instead, they add to the sacred trust that citizens put in their government officials as servants of the public interest.

5. FINANCIAL RESOURCES AND MANGAGEMENT

Two important aspects of nation building are (i) expanding the financial resources that are under the nation's control and (ii) improving tribal government's capacity to manage its financial resources productively and with integrity. Self-determination depends in part upon Native nations having financial resources that are under their own control. A Native nation can take over the administration of federal programs, but this typically gives the nation little ability to determine what the programs look like or whether the policies that drive those programs are appropriate. Hence, the challenge is to build the nation's own programs according to its own priorities.

To the extent that Native nations escape dependence on other governments for support, they become free to do things in their own ways and for their own purposes. At the same time, financial resources are of limited use if a tribal nation cannot manage them effectively. Both its own citizens and outsiders have to believe that the nation's financial processes are reliable and trustworthy.

Financial resources and management are important considerations due to the fact that the more dependent the nation is on other governments' funding, the more it will be hostage to other peoples' decisions. When the nation has funds that it controls, it can use those funds to support its own priorities, from language revitalization to buying land, from legal defense to running its own courts and schools, from long-term investment to business development.

In the standard approach, someone other than the Native nation sets the development agenda. Some of the same factors that discourage strategic thinking also give non-Natives much of the control over the nation's development agenda, leading to a top-down, imposed-from-outside development approach. In addition, the pressure for quick fixes encourages tribal leaders to search for dollars—any dollars—that might be used to employ people or start enterprises. The development strategy often becomes "we'll do whatever we can find funding for." As tribes search desperately for dollars to maintain reservation communities and programs and cope with the destructive effects of poverty, opportunism replaces strategy: the dollars matter more than the fit with long-term tribal needs, objectives, cultures, or circumstances.

In the nation-building approach, Native nations back up Indigenous control with effective governing institutions. Rights of self-determination and self-rule are not enough. If sovereignty is to lead to economic development, it has to be exercised effectively. This is a matter of governing institutions.

Why should governing institutions be so important in economic and community development? Among other things, governments put in place the rules of the game—the rules by which the members of a society make decisions, cooperate with each other, resolve disputes, and pursue their jointly held objectives. These rules are captured in shared culture, constitutions, bylaws, and other understandings about appropriate distributions of authority and proper ways of doing things. They represent agreement among a society's members about how collective, community life should be organized.

In other words, having effective governing institutions means putting in place rules that encourage economic activity that fits the community's *shared* objectives. Whatever those objectives might be, several features of institutional organization are key to successful development.

- Governing institutions must *be stable*. That is, the rules don't change frequently or easily, and when they do change, they change according to prescribed and reliable procedures.⁷
- Governing institutions must *protect day-to-day business and program management from political interference*, keeping strategic decisions in the hands of elected leadership and putting management decisions in the hands of managers.
- Governing institutions must *take the politics out of court decisions* and other methods of dispute resolution, sending a clear message to citizens and outsiders that their claims and their investments will be dealt with fairly.
- Governing institutions must *provide administration that can get things done* reliably and effectively.

Mashpee's sources of public revenues appear to be sourced primarily from federal government grants and from loans made to the Tribe by third-parties. Both sources are administered under the control of the Tribal Government, generally, and the Tribal Council, in particular.

This situation presents at least two challenges to the citizens of Mashpee Wampanoag. First, it places the Tribe in position of being dependent on external sources and their priorities. What gets funded, and, hence, the services that are provided, tends to be driven by the agendas of the funders rather than the goals of the Tribal Government and the needs of the citizens.

Second, and more systemically, it calls into question the separation between "government" and day-to-day "administration." To the extent that the Council holds both governmental *and operational* authority for interacting with investors/creditors and economic development initiatives, it provides strong incentives for political agendas to override the legitimate economic, financial, and operational needs of (proposed) programs and enterprises. It has been the experience of the HP/NNI researchers that transparency of funding and separations of the legitimate political objectives of tribal leaders and day-to-day management and administration plays a significant and important role in protecting the respective interests of the citizens, elected officials, and managers. It thereby serves to promote both political and programmatic stability.

This increases the opportunity for successful, self-directed socio-economic growth and wellbeing.

These challenges are illustrated by the lack of transparency associated with revenues flowing to the Tribe from non-Federal sources. It was unclear to the HP/NNI and to some of those we interviewed how these funds are expended, given that Tribal departments seem to be funded with Federal and other grants, or what strategic goals were being achieved. With no annual budget available, as indicated by the 2007–2009 auditor’s reports, it is unclear how government funds are disbursed, their effectiveness, and the extent to which they are appropriately managed. It is our recommendation that Mashpee review the structure of the Finance Department, how funds are managed, and what sort of policies and procedures govern tribal assets and resources. Are there proper systems in place that allow for transparent and regulated financial management? Is the day-to-day management and administration of the Tribe separated from politics?

In the economic arena, Mashpee may want to consider setting up an independent Development Corporation under Harvard Project principles of Board independence. Of course, Mashpee has a legitimate need for privacy in its interactions with investors. This demand can best be met through the formation of a separate development corporation, established under the principles of Board independence. An independently chartered Board would then be better positioned to conduct private and confidential business “around business.” This would, in turn, free elected officials to focus on addressing critical issues related to mission, goals, and operational improvements, as well as managing the external relations important for successful economic and community development.

SUGGESTIONS FOR ACTION

Mashpee citizens voiced strong support for their Tribe’s work toward nation building. There is a unified desire to create better systems of management and governance to positively affect their community’s overall health. Citizen buy-in is essential as development initiatives benefit from citizen support. Such support creates public trust, strengthens community, provides social capital, and allows for the proactive determination of the Tribe’s future. Toward this end, citizen participation in both the creation and implementation of target goals is critical.

What Mashpee decides for the future of its people is indeed important. Equally important, however, is *how* the Nation decides to pursue and build that future. Strategic, results-focused governance, committed accountability with transparent processes can significantly improve the success of Mashpee’s endeavors to serve its citizens.

Several recommendations emerge from this Inventory Assessment. Again, we acknowledge the limited nature of our preliminary engagement with Mashpee and the constraints that puts on our ability to provide detailed recommendations. We make these recommendations as “food for thought” suggestions. Mashpee is a self-determined Nation, and it will be up to Mashpee to choose the paths that best meet the community’s needs and objectives.

1. ENSURE EFFECTIVE USE OF EXISTING RESOURCES

Government officials everywhere are looking for the best performance systems. It’s what good leaders do; they look for solutions to problems that exist within their communities. The challenge of improving the performance of service programs and departments is to find the right

system that works for Mashpee Wampanoag. This requires constant attention and perseverance. It must allow for tracking funds and measuring the effectiveness of public monies. It must be transparent to the citizenry. Like all systems, adherence must be non-discriminatory.

This development—the move to practical sovereignty—turns out to be a key to sustainable development for two primary reasons. First, practical sovereignty puts the development agenda in Native hands. When federal bureaucrats, funding agencies, or some other outsiders set the Native development agenda, that agenda inevitably reflects their interests, perceptions, and cultures, not those of Native nation citizens. When decisions move into tribal hands, agendas begin to reflect tribal interests, perceptions, and cultures. Top-down, imposed strategies are replaced by strategies that rise up out of Native communities themselves, tuned to local conditions, needs, and values. Clearly identify what criteria are critical to the building of the Mashpee Nation.

2. INCREASE ACCOUNTABILITY

Self-governance means accountability. It marries decisions and their consequences, leading to better decisions. In the standard approach to development, outsiders make the major decisions about strategy, resource use, allocation of funds, and so forth. But if those outsiders make bad decisions, they seldom pay the price. Instead, the Native community pays the price. This means that outside decision makers face little in the way of compelling discipline; the incentives to improve their decisions are modest. After all, it's not their community's future at stake. But once decisions move into Native hands, then the decision makers themselves have to face the consequences of their decisions.

Once they're in the driver's seat, tribes bear the costs of their own mistakes, and they reap the benefits of their own successes. As a result, over time and allowing for a learning curve, the quality of their decisions improves. In general, Native nations are better decision makers about their own affairs, resources, and futures because they have the largest stake in the outcomes. This is evidenced by Mashpee's unwavering resolve to stand firm in their pursuit of federal recognition without compromising their full sovereign rights. How can this stalwart self-determination that so powerfully represents Mashpee as a nation be inserted as a backdrop across its governing institutions?

Elected officials, program managers, and tribal administrators should focus on the creation of those outcomes that positively promote the social and economic wellbeing of the citizens they serve. Toward this end, the Tribe needs to ensure that appropriate incentives, capacity, and resources are in place so that decision makers are supported in the important work they do. Truly effective programs are more likely to emerge when decision makers are held accountable to and by those whose lives and living conditions are at stake. Ultimately, the question to be asked is how to improve the lives of Mashpee Wampanoag citizens.

3. ENGAGE COMMUNITY IN GOVERNMENT REVIEW AND STRATEGIC DIRECTIONS

When addressing challenges, one strategy is to start with what can be changed relatively soon or with relative ease. Changes do not have to happen all at once and an action plan should be developed for priorities. Building a track record of change is a means of measuring performance

and sharing with stakeholders that change is possible, which may push them to want to be more involved.

It may be helpful for the Tribe to take leadership in engaging community members, the beneficiaries of the activities of the Tribe, and in analyzing the actual effectiveness of current governance in practice. This will facilitate the identification of strengths, weaknesses, and opportunities as well as legitimize the process. Some components can also include creation of a Vision, Mission, and Core Values or Guiding Principles. This will help to identify priorities for the Mashpee Wampanoag.

Another strategy is to conduct a strategic planning session with the community, or with significant parts of it. Such a session can help you decide where you want to go and what your priorities are, and it can get more of the community engaged in changing things. While strategic planning is crucial, implementation and review are equally important components of the cycle.

SUMMARY OF SUGGESTIONS

This section collects in one place the suggested recommendations made in the preceding sections.

Strategic Decision-Making

1. **We suggest** that Mashpee clearly define who the Mashpee Wampanoag are and who makes up the community they will serve. Will it be limited to enrolled citizens only, or will it also include family members who may not be enrolled?
2. **We suggest** a more formal and regular process of review and reporting be established to oversee the activities of all the departments.
3. **We suggest** that Mashpee engage in strategic planning both for the overall tribal government and at the level of the individual departments and committees.

Clearly Defined Roles

4. **We suggest** that departments clearly delineate their purpose, goals, and review process for achievement. Only then can there be independence for those departments to operate according to the guidelines established by department heads and with the approval appropriate leadership.

Effective Checks and Balances

5. **We suggest** that Mashpee strengthen the constitutional separation of powers between the Tribal Council and the Tribal Court System by amending their Constitution (Article X, Tribal Judiciary, Section 5) so that removal of Tribal Judges is by an affirmative vote of a supermajority rather than at least seven members of the entire Tribal Council.
6. **We suggest** that an annual report for the tribal budget is regularly assembled and made readily available to Mashpee citizens. Such an effort will instill confidence that the government is operating as leadership has stated it will. Similarly, departmental budget and spending also need to be clearly established and consistently accounted for.

Effective Use of Capacity

7. **We suggest** that the Mashpee channel their current strengths into established roles that have clear guidelines for all to know and follow. Mashpee should seek to improve administrative and programmatic effectiveness by formalizing recording mechanisms across departments.
8. **We suggest** that Mashpee create a clear organizational structure, mission, goals, and review process that yields measureable results to allow for better overall efficiency and success. To this end, we suggest that inconsistencies be eliminated between how a department is mandated by ordinance to be organized and how it actually is organized.

9. **We suggest** that an inventory of capacity and resources be completed. Establish top priorities and figure out what the Tribe can manage to tackle right now. Start small with a clear plan and organizational system that will operate across all departments, programs, and offices. With those essential programs in place figure out what works well and what needs adjustment. Create a Mashpee system of operations to become institutional and then begin to expand slowly as your human capacity and resources grow and allow for building sturdy departments with solid procedures that meet the highest priorities of tribal citizens.
10. **We suggest** that Mashpee create a better system for communication and partnership by utilizing a better organization strategy and collaboration. This could possibly take the form of interdepartmental meetings. This challenge is not due to lack of initiative or capacity, but rather too many hands seeking to help with little coordination and guidance. When directors know what their colleagues are doing, they can help each other problem solve, share knowledge and expertise, offer support, serve as a check, and form essential collaborations.

Financial Resources and Management

11. **We suggest** that Mashpee separate the “politics” from the “business” by forming a business development corporation with an independent Board and set rules that allows elected leaders appropriate oversight and corporation managers the flexibility needed to react to the needs of the businesses. It may be that the Tribe establishes two such corporations, one for gaming and one for all other enterprises.
12. **We suggest** that Mashpee review the structure of the Finance Department, how funds are managed, and what sort of policies and procedures govern tribal assets and resources. Are there proper systems in place that allow for transparent and regulated financial management?

APPENDICES

APPENDIX A: MASHPEE INVENTORY

Key Documents	Mashpee Documents Received
Constitution	Constitution
Ordinances, Laws, By-Laws and Codes	By-laws 2007 Ordinance for Tribal Housing Department 2008 Ordinances for Tribal Judiciary 2009 Ordinances and Bylaws 2007 Resolutions Table of Contents 2010 Resolutions <i>Not received:</i> Resolutions: 2008, 2009 Ordinances: 2007 (complete), 2008, 2010 No codes
Planning Documents	N/A
Strategic Planning	N/A
Vision and Mission Statement	N/A
Documents outlining significant policies impacting the organization and how it operates	Mashpee Wampanoag Housing Department Procurement Policy
Organizational structure charts	2009 Committee Chart 2009 Business Organizational Chart (with Departments and employees) 2009 Tribal Council Organizational Chart <i>No department level organizational structure charts received. Charts that were received do not necessarily reflect current functioning Departments or Committees.</i>
A list of approved organizational policy manuals	Employee Handbook
Organizational review / assessments	N/A

Annual Reports	<u>Financial Reports:</u> Year ended December 31, 2007: Independent Auditor's Report Year ended December 31, 2008: Independent Auditor's Single Audit Report Audited Financial Statements Year ended December 31, 2009 Single Audit Report Audited Financial Statements No annual reports issued.
Enterprise Information	N/A
A list of inter-governmental agreements, brief description of scope	N/A
Socio-economic information about the tribe	N/A
Other	Surveys: Tribal Court Health Department NAGPRA Tribal Enrollment Tribal Office Management Workforce Investment Act Planning documents: BIA Transportation Plan IHS Supportable Services Final Report

APPENDIX B: MASHPEE TRIBAL COUNCIL RESOLUTIONS

2010 RESOLUTIONS

Resolution No.	Resolution Name	Date Passed
2010-RES-001	Revocating charter for and approving dissolution of Mashpee Wampanoag Tribal Gaming Authority	1/13/10
2010-RES-002	Retention of attorney Howard Cooper	1/20/10
2010-RES-003	Retention of Wakeby Eric & Associates	1/20/10
2010-RES-004	Retention of consultant Maria Turner	1/20/10
2010-RES-005	Advisory opinion re clarification resolution	2/10/10
2010-RES-006	Approving second amendment to loan agreement with Arkana Limited and Related amended and restated promissory note	2/3/10

2010-RES-007	Legal services agreement with Tilden McCoy LLC	2/3/10
2010-RES-008	Administration for Native Americans (ANA) grant submission	2/24/10
2010-RES-009	Consulting agreement with Attagum Construction Company	2/24/10
2010-RES-010	Legal services for tribal housing project with Goulston & Stoors, LLC	2/10/10
2010-RES-011	Norfolk Ram Group LLC engagement	3/4/10
2010-RES-012	United States Department of Agriculture Grant Application	2/24/10
2010-RES-013	Contracting for construction for cemetery road project with ARRA and/or E31 funds	2/24/10
2010-RES-014	Engineering contract for tribal housing project with Bracken Engineering Inc.	3/4/10
2010-RES-015	Authorization of ARRA road and bridge repair and restoration funding under 638 contract	3/17/10
2010-RES-016	Mashpee Wampanoag Tribe security analyst consultant engagement	2/24/10
2010-RES-017	Pre-College initiative grant Native Tribal Scholars Program	2/24/10
2010-RES-018	Sage Software and Soft Trac LLC	2/24/10
2010-RES-019	Waiver of appraisal as found in 25 CFR Part 169.12	2/24/10
2010-RES-020	Mashpee Wampanoag Tribal/Elders van	2/24/10
2010-RES-021	Ocean edge resort conference services for the Harvard Project	3/4/10
2010-RES-022	Learn and Serve America grant application submission	3/4/10
2010-RES-023	Mashpee Wampanoag Tribal Council to fund operation costs for Tribal Judiciary Government Branch	3/29/10
2010-RES-024	Consulting agreement with Christine Grabowski	3/10/10
2010-RES-025	Approving third amendment to loan agreement with Arkana Limited and related additional promissory note	3/10/10
2010-RES-026	Authorization of ARRA Road and bridge repair and restoration funding under direct services	3/10/10
2010-RES-027	Authorization of ARRA-IRR maintenance funding under P.L. 93-638 for road maintenance and associated activities	3/10/10
2010-RES-028	Approving form of tribal council member confidentiality agreement and obligating tribal members to sign the same	3/10/10
2010-RES-029	2nd Consulting agreement with Attagum Construction Company	3/10/10
2010-RES-030	Approving third amendment to loan agreement with Arkana Limited, amendment to note and issuance of an additional promissory note	3/26/10

2010-RES-031	Approving documents related to settlement with TCAM, LLC and related matters and actions	3/25/10
2010-RES-032	Approving documents related to settlement with TCAM, LLC and related matters and actions	3/26/10
2010-RES-033	Advisory Opinion certification resolution	3/26/10
2010-RES-034	Confirming, ratifying and approving documents related to settlement with TCAM, LLC and related matters and actions and ratifying and superseding prior resolution regarding the same	3/29/10
2010-RES-035	Confirming, ratifying and superseding advisory opinion certification resolution	3/29/10
2010-RES-036	Confirming, ratifying and approving third amendment to loan agreement with Arkana Limited, amended and restated note and issuance of an additional promissory note and ratifying and superseding prior resolution regarding the same	3/29/10
2010-RES-037	Fishing, hunting and gathering rights policy of the Mashpee Wampanoag Tribe	4/7/10
2010-RES-038	National Congress of American Indians membership	4/7/10
2010-RES-039	Confirming, ratifying and approving letter agreement constituting fourth amendment to loan agreement with Arkana Limited	4/14/10
2010-RES-040	Claude Boudwin Accountant	5/12/10
2010-RES-041	Approving revised letter agreement constituting amendment to loan agreement with Arkana Limited and finding no requirement for gaming license in connection therewith	5/12/10
2010-RES-044	Authorizing United States Department of Agriculture ARRA community facilities direct loan application for the construction of the Mashpee Wampanoag Tribal Government Center	6/2/10
2010-RES-045	Amendment (extension) to agreement with Native American Rights Fund (NARF)	9/29/10
2010-RES-046	Authorizing MWTC approval of USDA letter of conditions and attachments	9/8/10
2010-RES-047	Rescission of election to participate as a registration jurisdiction under the Adam Walsh Child Protection and Safety Act of 2006	6/30/10
2010-RES-048	Ratification of enrollment ordinance of the Mashpee Wampanoag Tribe	7/21/10
2010-RES-049	Ratification of the ordinance for conduct of elections and election committee responsibilities	7/21/10
2010-RES-050	Fall River Land-into-Trust Resolution	7/21/10

2010-RES-051	Amendment to 2010-RES-043, reaffirming an express power of the Chief Judge	8/11/10
2010-RES-052	Old Indian Meetinghouse Committee	8/11/10
2010-RES-053	Request to enter into a 638 contract for IRR funding for design, construction, maintenance and planning for 2010-2014	8/11/10
2010-RES-054	MWTC Vice-Chairman and MWTC Secretary pay performance raise	8/18/10
2010-RES-055	Approving fifth amendment to loan agreement with Arkana Limited and related amended and restated promissory note	8/18/10
2010-RES-056	Appointment Tribal Repatriation Officer	9/29/10
2010-RES-057	Retention of Tom Saunders, consultant for tribal education advocacy and training	9/29/10
2010-RES-058	Tribal housing department procurement policy	9/29/10
2010-RES-059	Mashpee Wampanoag tribal housing commission memorandum of agreement between the tribe and Mashpee water department for connection approval and permitting	10/7/10
2010-RES-060	Approving purchase of option of certain land located in Fall River, MA and Freetown, MA.	9/29/10
2010-RES-061	Approving term sheet and related documents for the purchase of certain land located in Fall River, MA and Freetown, MA and financing the same by Arkana Limited	10/7/10
2010-RES-062	Approving sixth amendment to loan agreement with Arkana Limited, second amended and restated consolidated note, acknowledgment in the purchase agreement and the option agreement and the formation of MA corporate or limited liability company entity and related matters; approving and ratifying all prior actions related to loan from Arkana	10/20/10
2010-RES-063	Mashpee Wampanoag Housing Department Indian community development grant	10/20/10
2010-RES-064	Mashpee Wampanoag Indian Fishing, hunting and gathering rights enforcement and retention of attorney, Howard Cooper	11/10/10
2010-RES-065	Resolution to contract with clover co. inc. for granite buck laying proposal for old Indian Meeting House	11/10/10
2010-RES-066	Authorization of 2008 CITGO Fund, use for 2010 weatherization and rehabilitation program	11/10/10
2010-RES-067	Authorization and provisions for the incurrence of indebtedness for the purpose of providing a portion of the cost of constructing the Mashpee Wampanoag Tribal Government and community center building	11/10/10

2010-RES-068	Authorization to enter into agreement with Epsilon Associates, inc.	11/10/10
2010-RES-069	Approving modifications to previously approved sixth amendment to loan agreement with Arkana Limited and related second amended and restated promissory note that among other things extend maturity of loan from Arkana Limited	12/29/10

***what is a quorum? Some resolutions passed with less than 50% of tribal council members. See res 044, res-054

***conflicts of interest – council members making resolutions that affect themselves

2007 RESOLUTIONS

APPENDIX C: MASHPEE WAMPANOAG TRIBAL ORDINANCES

2009 ORDINANCES

Ordinance No.	Ordinance Name	Date
2009-ORD-001	To amend enrollment ordinance of the Mashpee Wampanoag Tribe	2/25/09
2009-ORD-002	Natural resources department	3/23/09
2009-ORD-003	Regulating adoption, amendment or repeal of ordinances and resolutions	5/6/09
2009-ORD-005	Mashpee Wampanoag Language Department	6/10/09
2009-ORD-006	Mashpee Wampanoag Tribal Education Department	7/15/09
2009-ORD-007	Meetings of the Tribal Council	11/18/09
2009-ORD-008	Commercial transactions ordinance	12/16/09

Quorum – 7 members present for ordinance, 9 for resolution. 7 affirmative votes needed to adopt an ordinance. An affirmative vote of at least a majority of members of Tribal Council present is necessary to adopt a proposed resolution.**

APPENDIX D: DEPARTMENTAL OVERVIEW QUESTIONNAIRES

Mashpee Inventory Assessment

Name _____

Name of Dept. _____

What is the role of your Department?

When was your Department created?

What is the mission/vision of your Department?

What documents inform/shape the work of your Department?

What is the employee structure?

What are the measures of success/review?

What are the sources of funding?

What is the annual budget?

What does your Department do well and why?

What are areas of improvement and why?

How are disputes resolved?

What has been the impact of the Department?

What are areas for present and future growth?

Who does your Department serve and how?

What percentage of Mashpee citizens uses the Department?

Additional Comments:

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