

This report submitted January 15, 2010 by: Jenny Miller	GRAY ADMINISTRATION—ACTS OF DEFIANCE TIMELINE OSAGE NATION GOVERNMENT ACT #2
	RAILROADS IN THE NEW GOVERNMENT
BACKGROUND	<p>Frank Lucas, Oklahoma State Representative agrees to sponsor a Bill H.R. 2912 at the request of Jim Gray and the 31st Council of the Osage Nation. The purpose of this bill is to Reaffirm the Inherent Sovereign Rights of the Osage Tribe to determine its membership and form of government.</p> <p>A referendum vote was not made available for the Osage Shareholders to vote to change their form of government. According to the 1906 Act, the legal members of the Osage tribe are the descendants of the Original Allottees who own a headright share in the Mineral Estate.</p> <p>Rather than democratically pursuing this Act of the United States Congress, Gray and the 31st Council proceeded without the approval of the “Legal Members” (The Shareholders)</p>
DATES	
2004, 15 March	Osage Tribe gives \$2,000 to Frank Lucas as a political contribution (Check #1) Osage Tribe gives \$2,000 to Frank Lucas as a political contribution (Check #2)
2004, 15 March	A Hearing was held in Tulsa, Oklahoma before the U.S. House of Representatives on H.R. 2912. According to Jim Gray’s testimony, the 1906 Council form of Government was not Osage. According to the testimony of Council Member Mark Freeman, non-shareholders didn’t have membership cards. All Osages testifying at the hearing including Jim Gray, testified that because of the 1906 Act, non-shareholders were denied various federal services.
2004, 15 September	The Honorable Ben Nighthorse Campbell, Chairman of Indian Affairs, U.S. Senate, Washington, D.C. received the following cost estimate report for H.R. 2912 from the U.S. Congressional Budget Office: <i>H.R. 2912 would enable the Osage Tribe to determine the tribe’s membership roll and government rules in the same manner as other federally recognized tribes. In 1906, the Congress enacted the Osage Allotment Act that defined membership in the Osage Tribe. Under that act, Osage Indians may be legal members of the tribe and participate in the tribal government only if they are lineal descendants of the original enrollees under the 1906 act and own a share of the mineral revenues from the reservation. CBO (Congressional Budget Office) estimates that implementing H.R. 2912 would have no effect on the federal budget because federal agencies currently provide services to all Osage Indians and do not restrict services to those considered to be members of the tribe under the Osage Allotment Act. Enacting H.R. 2912 would not affect revenues or direct spending.</i>
2004, 15 September	United States Senate Report on Changes in Existing Law (1906 Act): <i>In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee finds that the enactment of H.R. 2912 will not effect any changes in existing law.</i>

H.R. 2912 was signed into law and is now Public Law 108-431 (P.L. 108-431)

PUBLIC LAW 108-431
108th Congress

An Act

To reaffirm the inherent sovereign rights of the Osage Tribe to determine its
Membership and form of government.

Dec. 3, 2004
[H.R. 2912]

*Be it enacted by the Senate and House of Representatives of
The United States of America in Congress assembled,*

SECTION 1. REAFFIRMATION OF CERTAIN RIGHTS OF THE OSAGE TRIBE.

(a) Findings.—The Congress finds as follows:

- (1) The Osage Tribe is a federally recognized tribe based in Pawhuska, Oklahoma.
 - (2) The Osage Allotment Act of June 28, 1906 (34 Stat. 539) states that the “Legal Membership” of the Osage Tribe includes the persons on the January 1, 1906 roll and their children, and that each “member” on that roll is entitled to a headright share in the distribution of funds from the Osage mineral estate and an allotment of the surface lands of the Osage Reservation.
 - (3) Today (Dec. 3, 2004) only Osage Indians who have a headright share in the mineral estate are “members” of the Osage Tribe.
 - (4) Adult Osage Indians without a headright interest cannot vote in Osage government elections and are not eligible to seek elective office in the Osage Tribe as a matter of Federal Law.
 - (5) A principal goal of Federal Indian policy is to promote tribal self-sufficiency and strong tribal government.
- (1) **MEMBERSHIP.**—Congress hereby clarifies that the term “legal membership” in Section 1 of the Act entitled, “An Act For the division of lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes”, approved June 28, 1906 (34 Stat. 539), means the persons eligible for allotments of Osage

Reservation lands and a pro rata share of the Osage mineral estate as provided in that Act, not membership in the Osage Tribe for all purposes. Congress hereby reaffirms the inherent sovereign right of the Osage Tribe to determine its own membership, provided that the rights of any person to Osage mineral estate shares are not diminished thereby.

- (2) GOVERNMENT.—Notwithstanding section 9 of the Act entitled, “An Act For the division of lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes”, approved June 28, 1906 (34 Stat. 539), Congress hereby reaffirms the inherent sovereign right of the Osage Tribe to determine its own form of government.
- (3) ELECTIONS AND REFERENDA.—At the request of the Osage Tribe, the Secretary of the Interior shall assist the Osage Tribe with conducting elections and referenda to implement this section.

118 STAT. 2610 Approved December 3, 2004

NOTE:

This law, P.L. 108-431 DID NOT REPEAL the 1906 Act. This law merely CLARIFIED (34 Stat. 539) in the 1906 Act in parts having to do with membership and form of government.

This law DID NOT make demands on the Osage Tribe, (Osage Shareholders) who on the very day of Dec. 3, 2004 were recognized in the law itself, written and approved by the U.S. Congress and Signed by the President of the United States that: “Today (Dec. 3, 2004), only Osage Indians who have a headright share in the minerals estate are “members” of the Osage tribe.”

This law merely states that the Osage Tribe (Shareholders aka “Legal Members”) had the inherent sovereign right to determine their own membership, provided that the rights of any person to Osage mineral estate shares are not diminished thereby.

The same principle applies in the law with regard to the form of government. This law merely REAFFIRMS the inherent sovereign right of the Osage Tribe which according to the law signed on the very day of Dec. 3, 2004 recognized the Osage Tribe to be the Shareholders aka “Legal Members” of the tribe, to form their own government if they wished to do so.

It was Jim Gray and the 31st Council who took away the “Legal Members” inherent sovereign rights when they failed to offer a referendum vote to change the membership and government. The “legal members” were given no choice.

Furthermore, not only were the “legal members” of the tribe denied their rights at this juncture, but when a vote was made available, non-shareholders were given the right to vote on the new form of government, once again denying and defying the law, Public Law 108-431.

In further defiance of the law, non-shareholders were allowed to vote for the Principle Chief and Assistant Chief who act in such a capacity over the Mineral Estate, leaving headright holders under Chiefs elected by non-headright holders which is contrary to the 1906 Act.

On more than one occasion, I corresponded with Jeanette Hanna of the Muskogee BIA Office regarding these matters and in particular (3) ELECTIONS AND REFERENDA. In one letter I received from Hannah, she states that the BIA wouldn't get involved unless there was evidence of an illegal election. At that time I sent her ample evidence and reports that revealed questionable acts during the 2006 election. No action was taken on this matter and today we face the upcoming election in June 2010 with great skepticism.

Given these facts, the odds were stacked against the “legal members” of the tribe. Because non-shareholders were given voting rights without the approval of the tribe, “legal members”, the Shareholders were out- numbered.

The results were inevitable.

Allow me to be clear on this matter. There are no sides to take on this issue except the side of the law. It is defiance of the law on the part of the Gray Administration from the day he was elected into office in 2002 that has led us to where we are today. Our reputation as a reputable tribe has been damaged. It is essential that we conduct ourselves in a reputable, businesslike manner and respect the laws in order to become self sufficient and respected in the business world.

It is of great importance that you, the Osage people, recognize the deception, the defiance and the inconsistencies practiced by this administration and that you understand that those in office such as Raymond Red Corn, Mark Freeman, Debbie Atterberry and Shannon Edwards continue to support this man.

I ask that you remember this when you vote in the 2010 election.

Jenny Mashunkashey Miller
Candidate for Osage Nation Congress, 2010

