

**GRAY ADMINISTRATION – ACTS OF DEFIANCE  
TIMELINE  
OSAGE NATION RESERVATION ---JURISDICTION  
ACT #3**

<p>March 3, 1905</p>	<p><b>FEDERAL LAW: 33 Stat. L. 1048</b>  The Secretary of the Interior shall reserve from selection and allotment lands including the town of Pawhuska except the lands occupied by the Indian School buildings, the agency reservoir, the Agent’s office, the Council building and the residences of agency employees, and a twenty acre tract of land including the Pawhuska cemetery shall be surveyed, appraised and laid off into lots, blocks, streets and alleys by said Town site Commission, under rules and regulations prescribed by the Secretary of the Interior, business lots to be twenty-five feet wide and residence lots fifty feet wide, and sold at public auction after due advertisement. The proceeds of such sale shall be placed to the credit of the Osage tribe of Indians, etc., etc.</p>
<p>June 16, 1906</p>	<p><b>FEDERAL LAW: 34 Stat. L. 267 (State of Oklahoma and Osage County)</b>   <b>Section 21.</b> That the constitutional convention may by ordinance provide for the election of officers for a full state government, including members of the legislature and five representatives a separate county, and provide that it shall remain <i>a separate county until the lands in the Osage Indian Reservation are allotted in severalty and until changed by the legislature of Oklahoma, and designate the county seat thereof, and shall provide rules and regulations and define the manner of conducting the first election for officers in said county.</i></p>
<p>June 28, 1906</p>	<p><b>FEDERAL LAW: 34 Stat. 539 - (3 land allotments of 160 acres each)</b>   <i>Fourth.</i> After each members has selected his or her second selection of one hundred and sixty acres of land he or she shall be permitted to make a third selection of one hundred and sixty acres of land. Each member of said tribe shall be permitted to designate which of his three selections shall be a homestead, and his certificate of allotment and deed shall designate the same as a homestead, and the same shall be inalienable (unable to be sold) and non-taxable until otherwise provided by an Act of Congress.</p>

The other two selections of each member, together with his share of the remaining lands allotted to the members, shall be known as surplus land, and shall be inalienable (unable to be sold) for twenty-five years, except as hereinafter provided.

**Seventh.** That the Secretary of the Interior, in his discretion, at the request and upon the petition of any adult member of the tribe, may issue to such member a certificate of competency, authorizing him to sell and convey any and all lands deeded him by reason of this Act, except his homestead, which will remain inalienable and non-taxable for a period of twenty-five years, or during the life of the homestead Allottee, if upon investigation, consideration, and examination of the request he shall find any such member fully competent and capable of transacting his or her own business and caring for his or her own individual affairs; provided, that upon the issuance of such certificate of competency the lands of such member (except his or her homestead) shall become subject to taxation, and such member except as herein provided, shall have the right to manage, control, and dispose of his or her lands the same as any citizen of the United States: Provided, that the surplus lands shall be non-taxable for the period of three years from the approval of this Act.

**Eighth.** There shall be reserved from selection and division one hundred and sixty acres of land on which the Saint Louis School, near Pawhuska is located, and one hundred and sixty acres on which the Saint John's School, on Hominy Creek is located. Said tracts of land are hereby set aside and donated to the order of the Sisters of Saint Francis; and said tracts shall be conveyed to said order, the Sisters of Saint Francis, as early as practicable by deed.

There shall also be reserved from selection and division forty-acres of land near Gray Horse, to be designated by the Secretary of the Interior, to John N. Florer, Walter O. Florer, and John L. Bird and said John N. Florer, shall be allowed to purchase said forty acres as the appraised valued and *proceeds of the sale will be placed to the credit of the Indians and be distributed like other funds provided for herein.*

**Ninth.** There shall be reserved from selection and division one hundred and sixty acres to conform to the public survey at the town of Gray Horse, including the Government doctor's building other valuable buildings and the cemetery, and the one hundred and sixty acres to conform to the public survey, adjoining

	<p>or near the town site of Hominy; said lands or tracts hereby set aside for the use and benefit of the Osage Indians, exclusively, for dwelling purposes, for a period of twenty-five years from and after the first day of January, nineteen hundred and seven: Provided, that said lands may, in the discretion of the Osage tribe, be sold under such rules and regulations as the Secretary of the Interior may prescribe; <i>and the proceeds of the same under such sale shall be apportioned and place to the credit of the individual members of the tribe according to the roll herein provided for.</i></p> <p><b>Tenth.</b> The Osage Boarding School reserve of eighty-seven and five-tenths acres, and the reservoir reserve of seventeen and three-tenths acres, and the agents residence reserve, together with all the buildings located on said reservations in the town site of Pawhuska, as shown by the official plat of the same, are hereby reserved from selection and division as herein provided; and the same may be sold in the discretion of the Osage tribe under the rules and regulations as the Secretary of the Interior may prescribe.</p> <p><b>Twelfth.</b> That the cemetery reserve of twenty acres in the town site of Pawhuska as show by the official plat thereof, is hereby set aside and donated to the town of Pawhuska.</p>
<p>March 3, 1909</p>	<p><b>FEDERAL LAW: 35 Stat. L. 778</b>  Chap. 256: An Act authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas and Osage Tribes of Indians in Oklahoma, and for other purposes:</p> <p>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Secretary of the Interior by, and he hereby is, authorized and empowered, upon application, to sell under such rules and regulations as he may prescribe, part or all of the surplus land of any member of the Kaw or Kansas and Osage tribe of Indians in Oklahoma: Provided that the sales of the Osage lands shall be subject to the reserved rights of the tribe in oil, gas and other minerals.</p>
<p>April 18, 1912</p>	<p><b>FEDERAL LAW: 37 Stat L. 86</b></p> <p>Sec. 6) That from and after the approval of this act the lands of deceased Osage Allottees, unless the heirs agree to partition the same, may be partitioned or sold upon proper order of any court of competent jurisdiction in accordance with the laws of the State of Oklahoma. Provided that no partition or sale of the</p>

	<p>restricted lands of a deceased Osage Allottee shall be valid until approved by the Secretary of the Interior.</p> <p>Sec.8) That any adult member of the Osage Tribe of Indians not mentally incompetent may dispose of any or all of his estate, real, personal, or mixed, including trust funds, from which restriction as to alienation have not been removed, by will in accordance with the laws of the State of Oklahoma.</p>
May 25, 1918	<p><b>FEDERAL LAW: 40 Stat. L. 561, 578</b></p> <p>That the Allottees of the Osage Nation may change the present designation of homesteads to an equal area of their unencumbered surplus lands, upon application to, and under such rules and regulations as the Secretary of the Interior may prescribe: Provided that each tract after the change and designation shall take the status of the other as it existed prior to the change in designation as to alienation, taxation, or otherwise, and that any order of change of designation shall be recorded in the proper office of Osage County: Provided further, that the Secretary of the Interior be, and he is hereby, authorized where the same would be for the best interest of the Osage Allottees, to permit the sale of surplus and homestead allotments, wholly or in part of Osage Allottees under such rules and regulations as he may prescribe and upon such terms as he shall approve.</p>
1981	<p><b><u>Montana v. United States</u> (Federal Case Law) 450 U.S. 544(1981)</b></p> <p>The Supreme Court held that when Congress allows non-Indians to purchase land on an Indian reservation, the tribe loses its exclusive control over that land.</p>
1993	<p><b><u>South Dakota v. Bourland</u>, 508 U.S. 679 (1993)</b>, the Court held that when Congress gives nonmembers the right to use reservation land, this “implies the loss” of the tribes right to exclude.</p>
1973	<p>United States Supreme Court ruled that Indians who live and work on the reservation may not be assessed state income taxes. (This is Gray’s angle. He wants Osages who work in Tulsa or anywhere else in Osage County to not pay Income taxes so he continues these irresponsible acts with the people’s money of over 1 million dollars so far to prove a point of which is not going to happen because he’s looking for a loophole within the U.S. Congress while all the while the answer is in the June 16, 1906 Federal Law which gave the legislative responsibility to the State of Oklahoma and of which they carried out in 1907, establishing Osage County. The only reservation we have is the hill, Pawhuska Camp, Hominy Camp and Gray Horse Camp. Anyone living at the camp and works for the tribe doesn’t pay state income taxes or property taxes.</p>

July 16, 2001	Osage Nation v. Oklahoma Tax Commission 01-CV-516-JHP-FHM - Denied –  30 <sup>th</sup> Council filed suit against the Oklahoma Tax Commission claiming that the entire 1.5 million acre reservation of yesteryear still existed.
June 2002	Jim Gray elected Chief of the 31 <sup>st</sup> Council and pursues suit against the Oklahoma Tax Commission.
March 11, 2006	<b>OSAGE NATION CONSTITUTION –ARTICLE II – TERRITORY AND JURISDICTION</b>  <b>Section 1.</b> Claims Osage Nation Territory to be the same as it was in 1865.  <b>Section 2.</b> Claims that this current Osage Nation Government has jurisdiction over all persons, subjects, property, and all activities that occur within the territory of 1865 affecting the rights and laws of the Osage Nation.  Section 2. goes further to claim that nothing in Article II shall be construed to limit or impair the ability of the Osage Nation to exercise its jurisdiction within or without its territory based Upon its inherent sovereign authority as a nation of Osage people.
June 2002-2009	Case goes nowhere and the attorneys, lobbyist, etc. line their pockets with the people’s money. Judges have denied the claims and ruled that the OKTC itself could not be sued but that the Individual Tax Commissioners could be sued. Gray sues the Individual Tax Commissioners. – Judge denies case again.
Dec. 11, 1008	Congress appropriates 1 million dollars to litigate the case. On approval \$498,000.00 is automatically drawn. \$502,000.00 (1/2 million) remains in reserve for future appropriation.
July 27, 2009	Gray announces he will take the case to the 10 <sup>th</sup> Circuit Court of Appeals in Denver, Colorado. Gray continues to claim that the United States Congress has never disestablished the Osage Reservation. Referring you back to the top of this timeline you’ll find on June 16, 1906 the Federal Law states that the

	reservation shall remain a separate county <i>until the lands in the Osage Indian Reservation are allotted in severalty and until changed by the legislature of Oklahoma, and designate the county seat thereof, and shall provide rules and regulations and define the manner of conducting the first election for officers in said county.</i> The United State District Court for the Northern District of Oklahoma denied the case because this function was carried out after lands were allotted and changed by the Legislature and Pawhuska was named the county seat of Osage County, Oklahoma.
Sept. 16, 2009	Case filed with the United States Court of Appeals for the 10 <sup>th</sup> Circuit in Denver, CO.
January 19, 2010	Debbie Atterberry, Congress person sponsored ONCR 10-04 to appropriate the remaining \$502,000.00 to the Chief in one lump sum. Congressman Supernaw questioned the idea of a lump sum and amended the appropriation to \$115,000.00. -- Jim Gray overwrote the appropriation not by veto but by pen and ink to make the appropriation the entire lump sum.
February 8, 2010	Another proposal was submitted, ONCR 10-27 and has gone to general order. This proposal allows for a revolving fund in an attempt to help the Congress make reasonable and informed decisions prior to appropriating the funds for litigation.
March 5, 2010	10 <sup>th</sup> Circuit Court of Appeals rules against the Osage Nation.

Though lengthy I hope you enjoy this report. Most of the Law before you is directly from the 1906 Act and enables you to see how Allotment was handled for the Osages. In order to keep it as concise as possible, there are a lot of interesting aspects left out but for the purpose of pointing out defiant acts by the Gray administration, I tried to keep it brief.

In order to keep focus on defiant acts of the administration, I believe it important to note that several interested groups across Osage County have involved themselves to include Oklahoma Farm Bureau, Oklahoma Cattleman's Association, and the Oklahoma Chamber of Commerce. This has been costly to the tribe not only monetarily but with regard to our reputation. The uproar has been so great that Senator Tom Coburn threatened to take what little sovereignty we have away if the tribe continues down this path.

It is necessary for all to know that what sovereignty we have is "quasi" which means "kinda, sorta" and that the United States Congress can terminate us as a tribe when and if they so choose. The end result of this lawsuit could be the demise of the tribe. Many times I have stated that defiance of the law will be the demise of the Osage tribe. I hope I'm wrong because there is a lot of defiance of the law taking place.

Jenny Miller  
Candidate for Congress

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