

The Supreme Court announced Monday morning it would not hear an appeal from the Osage Nation in its lawsuit against the Oklahoma Tax Commission.

“I am disappointed with the Supreme Court’s decision to allow a clearly wrong decision to stand, but this does not end the Osage Nation’s efforts to protect our homelands,” Osage Nation Principal Chief John Red Eagle said. “We will continue to exercise our inherent rights as a sovereign nation.”

In 2010, the 10th Circuit Court of Appeals ruled against the tribe’s claim that Congress never disestablished Osage County as a reservation and that tribal citizens who live and work within the county boundaries are exempt from state income taxes as per federal law. The suit against the Oklahoma Tax Commission was originally filed in 2001.

The May 2010 ruling placed the status of three of the tribe’s casinos in limbo. The Million Dollar Elm casinos in Tulsa, Skiatook and Ponca City are on land that is not held in trust by the federal government, which is a requirement in states where gambling is illegal. The tribe submitted an application to the Department of the Interior earlier this year to place the casinos’ land in trust, but a decision has not been made yet.

“No tribal programs, services or business enterprises are affected by today’s ruling,” Red Eagle said. “The Osage Nation will continue to operate programs and services that benefit not only Osage tribal members, but also our local communities and the state of Oklahoma.”

Earlier this year, the Supreme Court requested an opinion from the office of acting Solicitor General Neal Katyal. In the brief filed with the court earlier this month, Katyal’s office recommended that the court deny certiorari, but commented that it was unclear whether Congress disestablished Osage County as a reservation.

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