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BY:  
JENNY MILLER

# THE MILLERIST

WHERE GOOD, HONEST OSAGES COME TO READ

## Wind Farm Issue

It is apparent that the topic of interest today is the Wind Farm issue. I have received some telephone calls and e-mails from Shareholders on this matter and due to the interest, I have put together this newsletter explaining what I believe to be the fuel that has started this sure to expand fire intended to devour the Osage Mineral estate as a result of incompetency, greed and corruption.

## Tangled Web

A couple of points I would like to share with you on this matter is that this is a real issue with the Osage and it has become a tangled web that will now take time to unweave. This problem stems from the Gray Administration pressing the new law passed by the U.S. Congress, H.R. 2912 (P.L. 108-431). The reason I say this is that the Osage Tribe is unique from other tribes in the country because of the personal property rights of the Osage Shareholders when it comes to minerals. Other tribes do not have personal property

rights; instead, the other tribe's minerals are in fact owned by the tribes (all inclusively). This is not the case with the Osage Tribe. Minerals rights are "Personal Property Rights" of the Osage Shareholders.

Clearly in the law, H.R. 2912 (P.L. 108-431), the U.S. Congress was completely aware of this difference between the Osage and other tribes and they wrote the law accordingly. It is the Bureau of Indian Affairs itself along with the new incompetent Osage Leaders who are digging this hole for the Shareholders. The BIA I believe is doing so in hopes of ridding itself from continuing its fiduciary duties to which it is legally bound to carry out and the Osage leaders are doing so out of ignorance and greed as they assist the BIA in their quest to be released from it's (the BIA's) trust responsibility.

The Osage leaders as you have witnessed are still not aware of the ramifications of their acts of incompetency which is why they sought

assistance from the BIA when the Wind farm issue arose. The BIA is in fact promoting the leasing of land for wind farms and other alternative energy projects and the BIA still purposely fails to distinguish the Osage from other tribes.

In short I believe this to be a scam intentionally set up by the BIA and supported by the incompetency of the Osage Leaders and until we get this in a court of law and settled once and for all, the shareholders will continue to have their assets diminished at the hand of the Osage leaders as they use shareholder money to pay for lawsuits with no merit which we have and will continue to witness with the likes of this current lawsuit against the wind farm company today. Recall that Red Eagle and Galen Crum have both vowed to appeal this case (all at the shareholder's expense) and recall how the Reservation Case ended up. It was lost, costing the tribe over one million dollars.

**Jech (Shareholder)  
Lawsuit**

The Jech (Shareholder) lawsuit is the only recourse for shareholders at this point because this lawsuit is against the BIA for failing to carry out its fiduciary duties to the Shareholders and ignoring the 1906 Act. Examples of the BIA's failures are as follows:

- 1) Failing to recognize and uphold the 1906 Act
- 2) Failing to protect the Osage Mineral Estate and defend the Osage Shareholders in testimony during a field hearing in Tulsa Oklahoma in March 2004.
- 3) Failing to recognize the illegal implementation of the Osage Nation Constitution.
- 4) Failing to protect the Osage Mineral Estate and defend the Osage Shareholders during the Osage Reform era in 2004, 2005, 2006.
- 5) Failing to oversee elections in 2005, 2006, 2010.

### **The Real Reason**

It is because of the uniqueness of the Osage tribe and the Mineral Estate that opening membership

and crafting a new form of government has never been an option. The 1906 Act was written for legal members of the Osage Tribe ONLY. Members of the Osage Tribe again being Osage Indians who own a headright share in the Osage Mineral Estate. At the same time, the U.S. Congress crafted the Council form of government for LEGAL MEMBERS OF THE OSAGE TRIBE ONLY for the protection of the shareholders.

Because this new form of government and opening of membership was implemented illegally, the house has been built on sand and will fail. Until the Osage leaders resolve to correct this situation in a legal and business like manner, there will be dissension among the Osage people at a cost of both monetary and moral value.

### **A Solution**

One solution is a Constitutional Convention held and written with the approval of Shareholders only, voted on by shareholders only and governed by Shareholders only.

The majority of Osage Shareholders have no desire to deny non-shareholders from participating in Osage government affairs FOR

OTHER PURPOSES--  
OTHER THAN MINERAL  
AFFAIRS.

The majority of Shareholders welcome non- shareholders, most of which are their very own children and grandchildren, in having the right to vote in other affairs; in fact, opening membership for other purposes is not an issue. The issue is that the deciding leaders of mineral affairs cannot be voted into office by non-shareholders according to federal law which is what makes this new government illegal because non-shareholders were allowed to vote at a time when they had no legal voting power.

The reality is that according to federal law still today, the legal members of the Osage tribe according to federal law are Osage Indians who own a headright share in the mineral estate. The legal form of government was crafted by the United States Congress and still today holds as the legal form of government consisting of a chief, assistant chief and 8 council members voted for by Osage Shareholders only. Therefore, unless and until the legal members (Shareholders) have an opportunity by way of a Constitutional Convention, to create a constitution, vote on it by themselves, ratify it

by themselves and implement it by themselves will there be a viable or legal form of government in place for the Osage.

A way this can occur is for the Shareholders to hold on to their Council form of government, holding their place at the top of the pyramid and trickling authority down to a governor or other authority over OTHER AFFAIRS (other than mineral affairs) while the top of the pyramid consisting of a chief, assistant chief and 8 council members retain control of the Osage mineral estate and are voted for by shareholders only thereby preserving the council form of government for the protection of the shareholders and the mineral estate. The governor could then be voted for by shareholder and non-shareholder as could the legislature as is carried out by state governments for OTHER purposes such as health, education, gaming enterprises, etc.

Be aware that this example is just that, an example of what could be done. I imagine there are Osages out there with excellent ideas of which would be solutions to this problem. A problem it is however and one that must be resolved if we as Osages

hope to have a successful future for our children.

### **Chatter from OSA Forum**

These very issues were recently discussed on the Osage Shareholders Forum. I am providing part of a discussion I had with some anonymous poster regarding How and why I ran for Congress in 2010.

**From:** Jenny Miller

**Date:** 14 Jan 2012

### **Comments**

Key word is TRIBE. Osage TRIBE of Indians is defined as Osage Indians who own a headright share in the Osage Mineral Estate while at the same time were recognized to have inherent sovereignty as a TRIBE of Indians. This is the law, "is the law," "is the law." Known as Federal Law written by the United States Congress which has "plenary" power over Indian affairs.----- H.R. 2912 merely REAFFIRMED that the Osage TRIBE has the inherent right to craft its own form of government and determine its membership IF THE TRIBE WISHED TO DO SO. There was no mandate. This was a mere reaffirmation of the interpretation of the 1906 Act and the law ALSO clarifies that ONLY Osage Indians who own a headright share in the Osage Mineral Estate are MEMBERS of the

TRIBE on the very day the law was written and signed on December 4, 2004. ----- The Osage Nation was NOT recognized whatsoever in H.R. 2912 because IT DID NOT EXIST and only illegally exists today because of an illegal ratification of an illegal constitution voted on by illegal voters who had no voting power at the time of its implementation.

### **Re: TO: 12.71.202.154----- H.R. 2912 Word for Word**

**From:** Jenny Miller

**Date:** 14 Jan 2012

### **Comments**

(3) Today 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.

### **Re: TO: 12.71.202.154----- H.R. 2912 Word for Word**

**From:** Anonymous

**Date:** 17 Jan 2012

### **Comments**

how did you run for office or why did you run ?

### **How and Why I Ran for office in 2010**

**From:** Jenny Miller

**Date:** 17 Jan 2012

### **Comments**

I couldn't be more pleased that you asked that question. If you care to look at my campaign platform and campaign information it is still available at my website. It can be found in the Archive Section of the site along with many newsletters and documents that are consistent with my stand on these issues today.-----In answer now to your question; my platform in 2010 is as follows and not one thing in it would change if I were to run again in 2012 however; due to the erroneous actions since that time, several additions would be added:-----  
(1) Hire an auditing firm to perform forensic audits in every department of the Osage Nation-----  
(2) To inventory and assess all Osage Nation equipment-----  
(3) Remove all Mineral Trust concerns from the Osage Nation Constitution and return it to the governance of the Osage Nation Minerals Council, thereby the Osage Shareholders-----  
(4) Implement a referendum vote for a Constitutional Convention-----  
(5) Encourage Congress members to accept a \$10,000.00 decrease in annual salary-----  
(6) Encourage the Executive

Branch to accept decreases in annual salaries-----  
(7) Implement a spending freeze on all government spending with the exception of salaries, health care, education, audits and other existing obligations-----  
(8) Adopt the Native American Civil Rights Act into the Osage Nation Constitution.--  
(9) Create on the job training programs to bring Osages into the work place.--  
(10) Repair damaged relationships within the Osage and throughout the country as a result of this current administration.-----  
(11) Restore our image as an honorable respectable tribe of Native Americans.-----  
End of platform for 2010-----  
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In short, this platform scared the current elected officials so badly due to the threat of holding them accountable and decreasing their income, they campaigned against me for fear I may actually get in and tear down their playground.-----This is a good example for the 2012 voters to see and understand why it is so important that they keep up with what is going on and who is serious about following the law and protecting the mineral estate. Uninformed voters are a danger to the future of the Osage Tribe and the Osage Nation. We must get people in office who are going to

work for the people, not themselves and not their family members, but for the good of all Osage people.

-----End of Forum Posts---

### **Access Information**

<http://www.jenny2010.com/>

[http://www.osageshareholder.org/disc85\\_frm.htm](http://www.osageshareholder.org/disc85_frm.htm)

<http://osagemineraltrustprotection.com/faq.html>

e-mail:

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phone: 918-260-5712

### **Shareholder Lawsuit Info**

The Shareholder lawsuit sits in Denver at the 10<sup>th</sup> Circuit Court of appeals. This action has a continual flow of charges for attorney fees and costs. There can be no doubt that all shareholders have a vested interest in supporting this lawsuit and there can be no doubt that your dollars are needed to sustain the longevity of the case.

To ensure your contributions to this cause are applied properly to the billing, send your payments directly to the law firm.

Barrow and Grimm, PC  
Attorneys for Osage Shareholders

110 W. 7<sup>th</sup>, Suite 900  
Tulsa, Ok 74119-1044

Or

Credit Card Payments will be taken over the telephone by calling Barrow & Grimm's accounting department:

918- 585-1600

Information, explanation, news articles, newsletters and actual documentation can be found at my website according to linked categories. You are urged to visit the site and become informed on these very important and threatening issues.

**ON v. Wind Capital Group**  
**Court Documents**

Judgment of the Case ordering that Osage Nation recover nothing and the action be dismissed on the merits and that Wind Capital Group recover costs from the Osage Nation –Dec. 20, 2011 and the Findings of Fact and Conclusions of Law – Dec. 20, 2011 can be found on the HOT TOPICS AND NEWSLETTER links at [www.jenny2010.com](http://www.jenny2010.com)

Jenny Miller  
January 18, 2012