

- BIA vs. WIND FARMS
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BY:  
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# THE MILLERIST

WHERE GOOD, HONEST OSAGES COME TO READ

## BIA vs. Wind Farms

Here we go again, getting crosswise with the State, Federal and County governments because of our grandiose “self importance” complex. According to an article in the Osage News Online dated August 16, 2011, the NATION has gone running to whom else but the BIA for help regarding erection of Wind Farms in Osage County. Before all of you Shareholders get carried away believing this action is in your favor, I want to point out some real problems that need to be faced.

To begin with the article states: *“Proposed wind farm development in Osage County may interfere with the **Osage Nation’s mineral estate**, according to the Bureau of Indian Affairs.”*

The article continues by stating: *“In a letter sent to Osage County Commissioners and Osage Nation representatives, **the BIA stated the mineral rights in Osage County were retained by the Osage Nation in 1906** and that “the oil and gas estate is the*

*dominant estate and the surface is the subservient estate.”*

In paragraph 5 of the article, Red Eagle is quoted as follows: *“We have always been confident that the Bureau of Indian Affairs would **uphold its fiduciary responsibility**, as we’re pleased with their actions.”*

At the end of the article Red Eagle states: *“We’re taking measured steps toward appropriate court action to **protect the property rights of the Osage Nation and the ecosystem of the Tallgrass Prairie.**”*

### Tallgrass Prairie????

Folks, it really can’t get any better than this! This is how important our leaders think they are! The Tallgrass Prairie belongs to the Nature Conservancy for heaven sake! I mean... Really?

See:

[http://en.wikipedia.org/wiki/The\\_Nature\\_Conservancy](http://en.wikipedia.org/wiki/The_Nature_Conservancy)

It is because of this type of arrogance that these people think they are important

enough to tell such a respected and responsible group of people what to do! They said it, not me! Yes, I guess that they not only intend to take over the business of the Osage Shareholders but the global Nature Conservancy! I’m sure the likes of “Stormin Norman” Schwarzkopf will take orders from John Red Eagle and company without batting an eye.

### Cautionary Tale

To begin with the Mineral Estate is NOT the Osage Nation’s; it is the Osage Shareholders, the legal members of the Osage Tribe who own a headright share in the Mineral Estate. Then you have the statement by the BIA that says *“**the mineral rights in Osage County were retained by the Osage Nation in 1906**”* which is NOT true. The mineral rights in Osage County were retained by the Osage TRIBE in 1906 consisting of 2,229 Osage Indians who were allotted 1 full headright in the Osage Mineral Estate and 3 separate land allotments of 160 acres each. The so called Osage

Nation was non-existent in 1906. Then, Red Eagle makes the statement that the he was confident that the BIA would uphold its fiduciary responsibility but he doesn't say to whom, although he clearly means to the NATION.

Let me be clear. The Trust Fund management Code of Federal Regulations clearly states in 25 CFR 1200.2 the following: ***“Tribal Council means the elected or appointed governing officials of any tribe which is recognized by the Secretary of the Interior.”***

It is a documented fact that since 2004, when H.R. 2912 (P.L. 108-431) was signed into law, the Secretary of the Interior has taken the position that the De facto Osage Nation Government is to be recognized as the government to conduct the business of the Osage Mineral Estate and this in a nut shell is the purpose of the Osage Shareholder (Jech) Lawsuit.

It is because of the Secretary of the Interiors position on this matter that Shareholders have lost complete control over their mineral affairs and those affairs are being governed by people who were elected by shareholder and non-shareholder alike. Non-shareholders having no

business voting on or making any decisions regarding Osage Mineral Estate affairs but are in fact being allowed to as are Chief's and Assistant Chiefs who were not voted for by Shareholders only.

Furthermore, this document referred to as the Osage Nation Constitution of which was adopted by Shareholder and non-shareholder alike states: *“This tribe shall hereafter be referred to as the Osage Nation, formerly known as the Osage Tribe of Indians of Oklahoma.”* (Article I – Title)

To add insult to injury Article II of the document referred to as the Osage Nation Constitution states that: *the Osage Reservation consists of the land established in the Treaty between the United States of America and the Great and Little Osage Indians, September 29, 1865, Article 16 of the Treaty between the United States of America and the Cherokee Nation of Indians, July 19, 1866 and the Act of June 5, 1872 (An Act to Confirm the Great and Little Osage Indians a Reservation in the Indian Territory), and all other lands under federally-restricted status title to which is held by the Nation or the People, or by the United States in trust on*

*behalf of the Nation or the people, and any such additional lands as are hereafter acquired and similarly held by the Nation or the People or by the United States on behalf of the Nation or the People. Territory is defined as, but is not limited to, air, water, surface, sub-surface, natural resources and any interest therein, notwithstanding the issuance of any patent or right of way in fee or otherwise by the government of the United States of the Osage Nation, existing and/or in the future.”*

### **Not True-Hasn't been for years**

This de facto Government just spent over a million dollars in court claiming this nonsense only to lose the case which the loss was a dead cinch. The Supreme Court made the decision not to even give the case the time of day but nowhere do I see an amendment to this claim in the Constitution nor have I heard of anyone considering amending this claim. It is because of this continued defiance of the law that this de facto government intends to continue to claim of all things the air, water, surface and subsurface of the entire 1.5 million acres which is absolutely WRONG.

It should be clear to you, whether you are a shareholder or not but in particular if you are a shareholder, that the Bureau of Indian Affairs has been WRONG on many occasion therefore, because they have written this asinine letter claiming that the mineral estate belongs to the NATION and that REAL property owners cannot put a wind farm on THEIR property if they so choose; simply isn't going to fly in the courtroom. If this were actually the case, what is keeping these radicals from bulldozing every housing addition, farm house, barn and building within the confines of the great County of the Osage in the State of Oklahoma?

### **All I can Say**

All I can say about this continued display of incompetence is that if you value your interest in the Osage Mineral Estate and if you want to get control of your assets by fighting this fight against the BIA for their erroneous actions, you have no choice but the Shareholder lawsuit.

To do all you can to protect your assets, send payments to the Attorneys for the Shareholder Lawsuit:

Barrow & Grimm, PC  
Osage Shareholder Lawsuit

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

Credit Card Payments:  
918-585-1600

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### **Tomorrow**

I didn't intend to write a newsletter today but because of this Wind Farm nonsense, I felt a need to get this information to you.

Tomorrow the Mineral Council will meet at 10:00 a.m. Supposedly there will be an announcement regarding the Trust Case. Expect to hear from me regarding this meeting. I'm lead to believe there will be some interesting business coming out of the meeting.

There is also a report about a Travel Plaza Audit that came out "clean." I have questions regarding this as well. One should ask themselves why it is that an auditing firm from New Mexico was necessary when we have all kinds of firms within a 50 mile radius. Never mind that Jim Gray, Hepsi Barnett and others have strong ties to New Mexico not to mention some of the other questionable characters and businesses working behind the scenes of the Osage Nation Gaming Enterprises. Auditing firms can be paid under the table just like council men and women or even congress members,

chiefs, Senators and legislators.

To listen to the Mineral Council meeting tomorrow at 10:00 go to: <http://www.osage tribe.com/> See Quick Links at the right of the page and select: *Listen Live to Mineral Council*

### **One Last Thing**

No. I am not an advocate of Wind Farms. I personally do not like the idea mainly because of the fatal effects they have on wildlife. Another reason is the deterioration of the landscape. But I do believe if a farmer, rancher or any other land owner chooses to participate in a contract it is his right as an American Citizen.

There are ways of drilling oil these days other than sitting on top of the area in which the oil is located and there are ways to be compensated for the time and trouble it may take to use special means but that would be the surface land owners problem.

The main issue is that the Tribal Council and the control of Mineral Affairs of which were usurped by this de facto government must be returned to the Shareholders and federal laws MUST BE FOLLOWED.