

TEMPER, TEMPER!

By:
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Tempers Flaring

Tempers are flaring and unruliness prevails due to the Supreme Court denying a hearing on the Osage Reservation Case. For many, facing reality and fact is unbearable. The ability to comprehend the writing on the wall is a distant fantasy for some and others just refuse to believe their own eyes. The Chief himself stated that he was in disbelief that the Supreme Court would allow a clearly wrong decision to stand. Naturally with leadership like this, one can only expect its followers to embrace that same disbelief.

Read it and Weep

Because I report the documented facts, I don't mind telling you if you don't already know, this administration, the last administration and all of their followers seem to blame me for the pitfalls of their irresponsible acts. For several years now I have reported "Defiant Acts" of the law that have been performed by this de facto Osage Nation Government. Whether they will ever learn to do

otherwise is unbeknownst to me.

Given the decision on the reservation case, I can't imagine that someone, somewhere in charge won't come to their senses and understand that Osages just like the rest of the world's population have to follow the law. In all actuality and anticipation, I must say that I expect the real hammer to fall when the Shareholder Lawsuit reaches the Supreme Court. Given the opinion of the Solicitor General on this unfounded reservation case the way has been paved for the Shareholders to regain control of their Mineral Estate. When that happens, perhaps those who continue to defy the law will be able to wrap their heads around how the concept of justice really works.

The Letter Does Say

A letter was written in 2005 to the BIA from Penny Coleman, Acting Counsel for the National Indian Gaming Commission. This letter seems to be the sand that the leaders of the Nation held their hats on.

Because proponents of this reservation case believed what they wanted to believe rather than practicing due diligence and common sense, they apparently gambled the Tribes casino life away on a wish list.

The letter (attached) clearly states in the first and second paragraphs:

"The National Indian Gaming Commission (NIGC) has examined the Indian lands status of fee land in North Tulsa, Oklahoma, and of trust land in Bartlesville, Oklahoma, on which the Osage Nation (Tribe) plans to conduct gaming. We understand that the Tribe intends to begin gaming on at least one of the parcels on August 3, 2005. We believe that the Tribe may conduct gaming on the parcels because they lie within the Tribe's reservation. Our opinion relies on several previous Department of the Interior documents that reference the Osage Nation Reservation. Consequently, we would appreciate your concurrence on our determination that the

parcels are within the Osage Nation's reservation.

As you know, the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 et seq. confirms a Tribe's right to game on lands within the Tribe's reservation boundaries. Based on the information we obtained, the following parcels meet the IGRA requirements for gaming."
-End Quoted Material -

Ms. Coleman did not deem the land in question legally available for gaming, she merely spoke of what she had read, made the information available to the BIA in her letter and asked the BIA for concurrence on her determination. The question is---Where is the response on this matter from the BIA?

The pertinent documents provided in Ms. Coleman's letter are listed.

The first is a Memo to the Commissioner of Indian Affairs from Nathan R. Margold, Solicitor written in 1935 regarding to a 1913 murder on the Osage Reservation and it states:

"The Solicitor determined that the lands are "tribal lands within the reservation boundaries"

and further noted that "[s]o far as I am advised no act of Congress has severed these lands from the reservation. In the absence of such Congressional action they not only remain within the reservation but also qualify as „Indian country" under the rule that, "Indian country" remains such until the Indian title is extinguished unless otherwise [sic] provided by Congress."

-End Quoted Material-

Well, so what? The 1906 Osage Allotment Act only took place 6 years before the murder took place. Unless the Osage who owned the land where the murder took place had sold his land in a period of 6 years, then the land was indeed considered "Reservation" because no doubt the owner was a Restricted Osage Indian with original allotment land thereby certainly included as the reservation, just like any ½ Osage Indian today who still owns original allotment land. If a murder of any human being is committed on restricted allotment land, the FBI will be called to handle the case. (even today)

Another document Ms. Coleman provided as an example is a map of Indian

Land areas published by the U.S. Department of the Interior of Indian Affairs (BIA) in 1992. Ms. Coleman points out:

"The map shows the Osage lands depicted as "Federal Indian Reservation" while every other tribe in Oklahoma is depicted as "Federal Indian Groups Without Reservation"

--End quoted material--

This should come as no surprise to anyone who understands the Osage Allotment Act. Of course the oil was reserved to the individual Tribal members. 1.5 million acres of Osage County Oklahoma is in fact the Osage Oil Reservation. (reserved oil, gas, and other minerals to be held in trust by the U.S. Government for individual members of the Osage Tribe ----Tribe being direct descendents of the Original Osage Allottees who own a headright share in the Osage Mineral Estate.

There are other examples provided by Ms. Coleman but they result in the same answer as the one regarding the map. The last example by Ms. Coleman has to do with a lease between John J. Allen, et al. This lease was approved by the

Superintendent Osage Agency in 2004:

“The sole purpose of this lease of the Bartlesville site is “for the purpose of conducting Class II gaming in compliance with the Indian Gaming Regulatory Act (hereinafter called IGRA), P.L. 100-497, as amended, with associated concessions and non-tobacco vending [sic] machine sales.” Art. 5.

The Tribe asserts that the BIA approval of a business lease on this site for IGRA gaming indicates BIA recognition of the Tribe’s right to game on the site.”
—end of quoted material—

Again, so what? The John J. Allen, et al. land leased is Restricted Indian Land and of course Restricted Indian Land considered “Trust Land” is approved for gambling. That is why there is no problem with the Bartlesville Casino. The problems are with the Tulsa, Skiatook and Ponca City casinos. Nowhere do I see any correspondence regarding the Skiatook and Ponca City casinos in Ms. Coleman’s letter.

Other letters out there?

In order for anyone to be able to make a clear, decisive statement regarding this casino

debacle, they have only to read the 1906 Act and allow themselves to come to terms that the only reservation that exists is the Osage Mineral Reserve, the Hominy, Grayhorse and Pawhuska reservations and the hill. This is where the true and exact law comes from therefore, had the leaders of the “great” Osage Nation been able to understand what the 1906 Act says, this disaster would never have come about. I would think that had the attorneys been on the up and up, they would have advised the clients of the Nation to abort plans to build these casinos.

Where are the other letters advising that the Nation go forward with Tulsa Casino? Where is the BIA’s response to Ms. Coleman’s letter? Where are the letters regarding the Skiatook and Ponca City casinos?

The Reality is

The reality is and the fact is that somebody somewhere dropped the ball either intentionally or out of complete ignorance.

Attached is a report written in December 2008 regarding the 1906 Act and the Reservation Case along with Ms. Coleman’s letter

that the nay Sayers are hanging their hats on.

1906 Act Prevails

There are many patterns of corruption before us. On the bright side, one good pattern we are seeing is that in the eyes of the REAL Supreme Law of the land, the 1906 prevails always.

Support the Shareholder Lawsuit. Send funds to keep the lawsuit strong thereby protecting yourselves from further corruption and threats.

Send payments to:

Barrow & Grimm, P.C.
Protection of Osage MT
110 W. 7th, Suite 900
Tulsa, OK 74119-1044

Or Pay Pal at:

<http://osagemineralstrustprotection.com/action.html>