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WHERE GOOD, HONEST OSAGES COME TO READ

Veto Tells the Tale

Congresswoman Alice Goodfox proposed a Bill (ONCA 11-78) to rescind the authority of the Osage Nation Treasurer to sign or endorse written instruments on accounts of the Mineral Council; to place full control of the mineral estate accounts with the Minerals Council; to declare an emergency and establish an effective date.

This legislation is a result of an Osage Nation Treasury debacle that led to a Congressional investigation of the Treasury department. It was determined that Osage Mineral funds amounting to \$300,000.00 were comingled with federal tribal funds and that at a later date, Mineral funds were transferred from one bank to another without the authorization of the Osage Mineral Council. Such improprieties are a result of this de facto government overthrowing the Osage Tribal Council form of government which is itself, a violation of federal law.

Congresswoman Goodfox's legislation details in two parts the following:

A. From the effective date of this Act, the Minerals Council shall have full and sole control over all Mineral Estate Accounts and shall have all authority to open, close, administer, deposit and draft upon those accounts.

B. The full control of Mineral Estate Accounts is placed with the Mineral Council, and the Treasurer of the Osage Nation shall have no signature authority on Mineral Estate Accounts pursuant to the exclusion provided for in Section 3-316 of ONCA 06-02.

Chief Vetoed It

Red Eagle on the other hand, has now given any doubters clear cut proof that this government intends to keep control of Mineral Estate affairs by vetoing this legislation. In his veto message, Red Eagle states on page 2, paragraph 8 the following:

“Under Article XV, Section 4, the Osage Minerals

Council is created as a minerals management agency recognized by the Osage Nation government as an independent agency within the Osage Nation, charged with the responsibility to administer and develop the Osage Mineral Estate, promulgate rules and regulations consistent with tribal law, consider and approve leases, and propose development of the Osage Mineral Estate. Minerals Council members are elected and swear an oath of office to always uphold and defend the Constitution. The Minerals Council is delegated no legislative or judicial power, and there is no provision in the Constitution for the Osage Minerals Council to control and administer minerals accounts via a separate treasury or accounting department, and if there were, separate checks and balances would need to be in place for the protection of the council members and the funds.

What Does the Law Say?

1906 Act

Sec. 9 That there shall be a biennial election of

officers for the Osage tribe as follows: A principal chief, an assistant succeed the officers elected in the year nineteen hundred and six, principal chief, and eight members of the Osage tribal council, to said officers to be elected at a general election to be held in the town of Pawhuska, Oklahoma Territory, on the first Monday in June; and the first election for said officers shall be held on the first Monday in June, nineteen hundred and eight, in the manner to be prescribed by the Commissioner of Indian Affairs, and said officers shall be elected for a period of two years, commencing on the first day of July, following said election, and in case of a vacancy in the office of principal chief, by death, resignation, or otherwise, the assistant principal chief shall succeed to said office, and all vacancies in the Osage tribal council shall be filled in a manner to be prescribed by the Osage tribal council, and the Secretary of the interior is hereby authorized to remove from the council any member or members thereof for good cause to be by him determined.

1978 Act

(Amend-1906 Act)

Be it enacted by the Senate and House of Representatives of the

United States of America in Congress assembled, That section 9 of the Act of June 28, 1906, as amended is further amended to read as follows: "There shall be a quadrennial election of the officers of the Osage Tribe as follows: A principal chief, an assistant principal chief, and eight members of the Osage Tribal Council shall be elected to succeed the officers elected in the year 1974 at a general election to be held in the town on Pawhuska, Oklahoma on the first Monday in June 1978 and on the first Monday in June of each fourth year thereafter, in a manner to be prescribed by the Secretary of the Interior and said officers shall be elected for a period of four years commencing on the first day of July following the election. In case of a vacancy in the office of principal chief or other officer by death, resignation, or otherwise, the vacancy shall be filled in a manner to be prescribed by the Osage Tribal Council. In the event of a common disaster and a quorum of five of the Osage Tribal Council does not survive, the Secretary shall appoint a principal chief and/or the number of councilmen necessary to complete a total of eight, to serve until the next quadrennial election. The Secretary is hereby

authorized to remove from the council any member or members for good cause, to be by him determined, after the party involved has had due notice and opportunity to appear and defend himself. The tribal government so constituted shall continue in full force and effect until January 1, 1984, and thereafter until otherwise provided by Act of Congress."

2004 Act

(a) Findings---The Congress finds as follows:

(2) The Osage Allotment Act of June 28, 1906, states that the "legal membership" of the Osage Tribe includes the persons on the January 1, 1906 roll and their children, and that each "member" on that roll is entitled to a headright share in the distribution of funds from the Osage mineral estate and an allotment of the surface lands of the Osage Reservation.

(3) Today (December 3, 2004), 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.

(1)MEMBERSHIP---

Congress hereby reaffirms the inherent sovereign right of the Osage Tribe to determine its own membership, provided the rights of any person to Osage mineral estate shares are not diminished thereby.

(2)GOVERNMENT---

Notwithstanding section 9 of the Act entitled, “An Act For the division of lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes”, approved June 28, 1906, Congress hereby reaffirms the inherent sovereign right of the Osage Tribe to determine its own form of government.

Note: This 2004 Act (H.R.2912-P.L.108-431) clearly identifies legal members of the Osage Tribe as being Osages who own a headright share in the Osage mineral estate. It clearly states that Osage Indians without a headright interest cannot vote in Osage government elections. This Act of Congress places no mandates on the legal members (Shareholders) but merely indicates that the Shareholders have an inherent right to (change) determine its membership and form of government if they want to.

Shareholders, legal voting members were not given a vote when the implementation of this new government and membership was changed in 2006. The vote was opened up to non-shareholders when the law clearly states “Adult Osage Indians without a headright interest cannot vote in Osage government elections.” If the election had been held for Shareholders (legal members) only and had the shareholders voted to open membership up to non-shareholders and change the Osage Tribal Council form of government, this government would have been legal. This is not how the implementation of this government was handled, therefore, it is illegal. This is the beginning of the Hostile takeover of the rights of the Osage Shareholders.

What the ON Constitution says

ARTICLE IV- DECLARATION OF RIGHTS

Section 3

Inalienable Rights of Osage Citizens: There shall be certain inalienable rights, which shall not be abridged or denied by any branch/department of the Osage Nation government or by any official of the government. Furthermore

nothing in this Constitution shall be interpreted in a way that would diminish the rights and privileges of any person within the jurisdiction of the Osage Nation.

Section 2

Rights of Mineral Royalty Interest Holders: The Osage Nation Government shall not create any law or ordinance pertaining to the mineral royalties from the Osage Mineral Estate that acts in conflict with Federal law and regulations.

ARTICLE XV- NATURAL RESOURCES AND MINERALS

Section 2.

Osage Mineral Estate: The oil, gas, coal, and/or other minerals within the boundaries of the Osage Reservation are hereby reserved to the Osage Nation? (Tribe) pursuant to the Act of June 5, 1906, (34 Stat. 539), as amended, and is hereby designated the Osage Mineral Estate.

Section 4.

To discharge those obligations, the Osage Nation hereby creates a minerals management agency, designated the Osage Minerals Council, consisting of members of the Osage Nation who are entitled to receive mineral royalty income from the

Osage Mineral Estate, as provided by federal law. Only Osage mineral royalty interest holders shall be entitled to vote in electing the Osage Minerals Council.

The Osage Minerals Council is recognized by the Osage Nation government as an independent agency within the Osage Nation established for the sole purpose of continuing its previous duties to administer and develop the Osage Mineral Estate in accordance with the Osage Allotment Act of June 28, 1906, as amended, with no legislative authority for? (from) the Osage Nation government. As an independent agency within the Osage Nation, the Osage Minerals Council may promulgate its own rules and regulations as long as such rules and regulations are not inconsistent with the laws neither of the Osage Nation nor with the rules and regulations established by the United States Congress in the 1906 Allotment Act.

The Osage Minerals Council shall have the power to consider and approve leases and to propose other forms of development of the Osage Mineral Estate. Mineral leases approved and executed by the Council shall be deemed approved by the Osage Nation unless, within five (5) working days,

written objection is received from the Office of the Principal Chief that the executed lease or other development activity violates Osage law or regulation. Any dispute that arises through this process may be heard before the Supreme Court of the Osage Nation Judiciary.

All leases or other forms of agreement for development of the Osage Mineral Estate shall comply with applicable federal law and all laws and regulations of the Osage Nation. The Osage Minerals Council shall exercise the administrative authority delegated under this Constitution, the laws of the Osage Nation, and as permitted by federal law.

Federal Law Prevails

There should be no doubt that Federal Law trumps tribal law when it is a known fact that Federal law trumps even state law. The 1906 Act, the 1978 Act and the 2004 Act are Federal Law. The Osage Nation Constitution is child politics run amuck. Even so, it would be in the best interest of our new congress members to recognize this fact and subscribe to uphold their oath by hanging on every word of Section 2, Article IV, Declaration of Rights which tells us that the 1906 Act prevails over the very constitution they

swore to uphold. Failure to read and comprehend what one swears to uphold leaves one vulnerable due to ignorance of the law. Ignorance is no defense in a court of law and rest assured; federal laws have been and continue to be broken.

The 1906 Act obviously prescribes that the legal members of the Osage Tribe are to be represented by a Chief, Assistant Chief and 8 member council.

Goodfox Wins

Congresswoman Goodfox, new member of the Congress, comes out a winner in more ways than one with this stoic act of leadership, the likes of which we have not seen since the inception of this defacto government. While 8 members of Congress now serving nearly 6 terms have had every opportunity to put forward such legislation, not one of them have made any attempt whatsoever to right the wrongs plaguing the Osage Shareholders, their rights and control over their assets. It appears that Congresswoman Goodfox is capable and willing to honestly support the Shareholders position regarding the temporary loss of their federally implemented form of government, the Osage Tribal Council.