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-

BY:
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THE MILLERIST

WHERE GOOD, HONEST OSAGES COME TO READ

Round 10-Ghost in the Ring

At the expense and embarrassment of the Osage people, John Red Eagle, Chief and Geoffrey Standing Bear (wannabe Chief) are on the warpath, preparing and planning for war against Osage County ranchers, farmers and the Wind Farm Industry without even having attempted dialogue in a civilized approach to mere communication on the matter. Right off the bat Red Eagle cries to the BIA who is undoubtedly gun shy or otherwise “goosy” after having lost the U.S. Government millions/billions of dollars due to its (BIA’s) failure to carry out its duties to tribes across the country and Osages in particular. So, here we go again as stated in the Volume 11 newsletter.

To the Shareholders rescue comes the de facto Osage Nation government and Geoffrey Standing Bear, both of which have declared the 1906 Act dead due to H.R 2912 (P.L. 108-431) vowing to by golly get this “NON-situation” taken care

of. What situation you may ask? I have the same question. It appears that the brave, responsible, anti 1906 Act, self described REAL Osages are planning to take on a ghost in the ring because the fact of the matter is; there is nothing to fight against.

More Money in the Wind?

Yes, Literally.... More money thrown into the wind to fight the wind and all at the expense of Osages who could use what money from gaming that hasn’t been embezzled or otherwise unaccounted for, for food, clothing, healthcare, housing, education and other expenses. Surely at some point the non-shareholders will wake up and understand that not only the Shareholders have been robbed but the non-shareholders themselves have been and are being robbed as well!

Legislation to Pay

Standing Bear, a member of the de facto Osage Nation Government, filed a proposed Act of Congress

yesterday, August 30, to establish a revolving fund; to authorize and appropriate fifty thousand (\$50,000) to the Osage Nation Mineral Estate Litigation Fund to defend the Mineral Estate against development of wind farms in Osage County; and to establish an alternate effective date.

What’s Really Going on?

What you are witnessing here is nothing more than gross negligence on the part of both Red Eagle and Standing Bear who are clearly confused as to what it is they are doing and/or for whom it is that they are doing it. In their haste to impress the Osage people, they’re in a race to see who can outdo the other but in their sense of urgency; they are once again making complete buffoons of themselves which directly affects the overall reputation of the Osage Tribe. If either were capable of diplomacy, they would have already been before the ranchers, farmers, wind farm industry and the Osage news for a photo op indicating that the

government was really in responsible hands and they would have done so under the guise of Osage Shareholders, NOT THE REPRESENTATIVES OF THE DE FACTO OSAGE NATION GOVERNMENT.

This is why I am pleading with all of you newcomers to NOT take the money and run but stay aware, involved and become informed voters because these types of people need to go! We absolutely MUST recruit and support Osages who are capable of following and respecting the law, building this government up, not down and who have the ability to conduct themselves in a civilized manner by way of diplomacy and desire to get along with our neighbors. Even if we are successful in this mission, the repairs that will have to be made due to the arrogance and superiority complexes of the current and past leaders will take a considerable amount of time but during that course of time, at least we can stop the embezzling and outright theft of the people's money both shareholder and non shareholder.

When Will It all Stop?

The answer lies with you, the Osage people; both Shareholder and non-shareholder. Rather than bickering, arguing and being

defiant, it is time to work together FOR the tribe as a whole, not individuals. This doesn't mean "we are one." We are not "one." Yes we are all Osage but the law is the law and the law is the 1906 Act which contrary to Red Eagle, Standing Bear, Pipestem and others, is still very much in force. For 105 years, the 1906 Act declares that the legal members of the Osage Tribe are Osages who own a headright share in the Osage mineral estate. (For 105 years!). This has not changed. What has changed is this de facto government usurping the Osage Tribal Council, stripping the Shareholders of their rightful government and control of their assets.

It is great to allow non-shareholders voting rights in business enterprises, etc. and there is no reason this cannot be accomplished but non-shareholders cannot and must not be allowed to have any say in Osage Mineral Affairs. Had the self appointed people who drew this de facto government up and carried out the elections been honest and/or capable of such a task, this entire fiasco could have been avoided. This however is not the case so there is no option but to correct the situation.

Should we be successful at recruiting and voting for people capable of diplomacy who have critical thinking skills, conflict resolution skills, business and administrative skills and the desire to be a respected tribe, we will be successful in building an all inclusive government while keeping the Tribal Council as prescribed by the 1906 Act AND including non-shareholders as voting members of the enterprise Act. No big deal really. All that is needed is agreeable behavior and NO MORE defiance.

Back to Fighting the Wind

Oklahoma Legislation in regard to Wind Farms and Pre-existing Oil and Gas Leases:

HB1821, by Rep. John Trebilcock, R-Broken Arrow and Sen. Bryce Marlatt, R-Woodward, creates the Exploration Rights Act of 2011. It states legislative findings and modifies existing legislative findings, citing the need to address the relationship between wind energy developers and mineral estate owners who have a historical right to make reasonable use of the surface estate, including the right of ingress and egress. It states that unless otherwise provided by instrument, a mineral owner has had and

shall thereafter continue to have, the right to make reasonable use of the surface estate, including the right of ingress and egress for the purpose of exploring, severing, capturing and producing the mineral underlying the tract of real property of lands spaced or pooled therewith. It prohibits the lessee of a wind or solar energy agreement of the wind energy developer from unreasonably interfering with the mineral owner's right to make reasonable use of the surface estate. It requires a wind energy developer to provide, to the oil and gas operator or lessee, at least 30 days notice of intent to construct a wind energy facility. It also requires the wind energy developer to publish the notice in the legal section of a qualified newspaper in the applicable county. It also allows a person affected by violations to seek declaratory or injunctive relief in district court. It prohibits a mineral estate from being subject to eminent domain unless the owner of the mineral estate expressly consents to inclusion.

Post on OSA Forum

To Jenny: Jenny, would you rather not have the Nation fight this and do absolutely nothing at all? It seems like you feel that the mineral council has no

authority over this matter and the private property holders can act carte blanche and do anything they want, mineral estate be damned? This is one issue the Nation and the Minerals council can both agree on, and wouldn't it be in both parties interest to fight for it? Or do some shareholders still say the Nation is in fact an illegal entity, therefore the BIA has to act, and if they do not, we can sue the BIA?

Jenny's Answer: There are many other ways to handle this wind farm situation. The BIA is so goosed up after losing all of these lawsuits for failing to carry out its fiduciary duties to tribes across the country and the Osage in particular that they don't know come here from sick'em right now.-----The typical knee jerk response of the Osage is to sue, sue, sue. ----- The idea of sitting down with the Wind Farm industry and the landowners and working out an agreement is what a government with any inkling of what diplomacy means, would do first.-----This continued refusal to face facts and adhere to the law has cost this government well over 15 million dollars and I'm not making this up. The fact is, my guesstimation is probably low.-----Where did the 15 million go? To attorneys and payments for damages caused to businesses due to mere Osage Radical defiance of the law.----- So in answer to your question---This is not the NATION'S fight for one thing, but if the non-shareholders are willing to allow the NATION to spend their money on behalf of the shareholders, so be it.--------If those in office (Mineral

Council) who have no power to begin with, thought they wanted to fight the case, a vote should be held for the Shareholders to decide because it would be the shareholders money that would be spent for litigation..--------Regardless of how this plays out, the Osage is not going to win. The only winner will be whatever attorney is hired by the Nation to fight it.--------The fact is that the landowners own the surface rights clear across the 1.5 million acres of what USED TO BE the Osage Reservation. Unless somebody starts erecting wind turbines on the villages in Hominy, Grayhorse and Pawhuska or on the hill, the Osages have no say in the matter.-----If an Oil Company wants to drill for oil on property where a wind farm exists there should be an understanding that the Oil Companies have first rights to drill regardless of the welfare of the wind farm. This is already clarified in the 1906 Act. Agreements could be made that the wind farm companies understand that they are responsible for removing the equipment within a certain time period, etc., etc. -----The best I can tell the Osage is preparing to fight a ghost in the ring.

Anonymous Comment: Oil & Gas can be obtained with horizontal wells. This is much ado about nothing. The congress persons are looking for something they can to to pander to shareholders, wasting everyone's money in the process

Anonymous Comment: You are absolutely right, with horizontal drilling making

obstacles (of 45ft.X 45ft. or even larger surface area obstacles) not an issue. I have mineral rights in Texas where an oil well has just been drilled and well shut in lease checks have been issued for pipeline transportation of the crude. This is a horizontal well and there will be four or five more pumping units tapped into this horizontal line. Even seismic testing to find geographic anomalies where oil might be trapped can be fired off anywhere the seismic crew wants to test. The surface usage by oil companies in the interest of the owners of the oil, in this case the Osage, have a grandfathered right to explore, test or drill anywhere in the heck they want to in Osage County because the later arrival of a company needing the use of surface ground will have to give way to the owners of the mineral rights, and the Wind Farm operators should beware. Actually the Wind Farm Corporations when negotiating with the surface owners, should be negotiating agreements with the Mineral right owners as well, when oil mining is a possibility.

Jenny's Response to Anonymous Comments:
Exactly right (both of you). There are many ways to get this matter taken care of without the Osage NATION government making further buffoons of themselves.-----
All we're experiencing here is John Red Eagle attempting to make Shareholders believe he is going to protect your interest and Geoffrey Standing Bear with his legislation to fund the lawsuit an early attempt to campaign to take Red Eagle's

place in the next election ----
Mere Politics by novice REAL OSAGE politicians.-----The bad thing is, if people like us don't make the facts known as we are here on this forum, the uninformed voters will fall for this nonsense.-----Once again, HAIL to the 1906 Act.---
-----Red Eagle and Standing Bear and whoever the lucky dog attorney will be will have no actual bearing on this issue at the end of the day but don't think the lucky dog attorney won't get paid anyway.

SAFE & HAPPY LABOR DAY

TO ALL!