

- WHY ME?
- THE BREAKDOWN
- SHAREHOLDER LAWSUIT

BY:  
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# THE MILLERIST

WHERE GOOD, HONEST OSAGES COME TO READ

## Why Me?

Some, including myself wonder why it is that I have taken charge of reporting information to the Osage Public. Though I know why I do it; beyond that, I wonder how this happened to be. The only determination I can make is that it was meant to be, therefore it is.

I have a substantial following because the content of my reporting is based on actual documentation. You may have to tolerate my opinion on occasion but I figure that's my right or reward because, I can assure you; the checks are definitely not in the mail.

Yes. I have had conflicts with some good honest Osages. This is the nature of the beast, the beast being the truth. There are times when the truth is just as offensive to some as blatant outright crookedness. Sadly enough, history is filled with events involving imprisonment for some who spoke or wrote the truth. It is because of such phenomena that I ask you to always remember. If I write it or if I speak it, I have documented proof. Rest assured, I do not just wake up in the morning and say to myself: "Well, what story should I make up for the readers today." Hours upon hours and days upon days I have spent researching, listening, watching and reporting.

I do this because I define all issues having to do with ANY topic on principle; not on money and I sincerely care about the future of the Osage.

So. Yes, I devote a lot of hours to this travesty and will do so as long as I can. I am providing you with approximately 23 pages of some of my work. This is an attempt to help you better understand what I believe is taking place before our eyes and I do so in hopes that from this day forward, those of us who are truly good, honest Osages will overcome differences and instead, come together because of our common bond – The Osage Tribe and the security of it.

Once you have read the following breakdown of events, you won't be able to deny that we are victims of outside influences that have been welcomed by our very leaders. Even so, this is nothing that we can't overcome by uniting for the cause.

When reading the dated breakdown of events here are some questions you should ask yourself:

1. Why did Gray replace Brickell with Pipestem?
2. Why was Ietan and Akin/Gump allowed into our affairs?
3. How is it and why did the 31<sup>st</sup> Council pass a bogus Resolution to open Tribal Membership before H.R. 2912 was ever mentioned?
4. Why did the 6 Shareholders file a "Motion to Intervene" in the Trust Case?
5. Who Lobbied Frank Lucas to introduce H.R. 2912?
6. Is it legal for U.S. Congress members to accept political contributions in return for getting legislation passed?

7. Is it legal to commit perjury under oath?
8. What is the purpose of creating an Osage Foundation after 105 years without one?
9. How did the 31st Council intend to get funds for the Foundation in 2005?
10. Why do we have so many accounting problems?
11. Why is money always unaccounted for?
12. Where is all the gaming money?
13. How is it that the 25 year plan written by Gray, Pipestem and others include mineral affairs?
14. Why did the new Osage Nation Congress adopt the Foundation Charter of the 31<sup>st</sup> Council?
15. How does the Nation intend to fund this Foundation?
16. What is the real purpose of this Foundation?
17. Why did Gray file a suit against the Osage Nation Congress for seeking financial accountability?
18. Why did Gray file suit against the Senior Internal Auditor?
19. Why did Gray place a gag order on all employees?
20. Why was Jeannette Hannah, BIA Regional Director removed from office?
21. Why did the Mineral Council have to seek approval from Jim Gray to go to DC to speak with the BIA?
22. Why did Gray refuse to approve the DC trip?
23. Why are the Apache, Chippewa and Pechanga tribes having problems similar to ours?
24. Why was Pipestem so adamant about not adding Mineral Council members to the Trust Case?
25. Why Did John Red Eagle lead the voters to think he would run his administration in an upright and above board manner?
26. Did John Red Eagle blatantly lie to the people or did he intend to run his administration honestly until something or someone changed his mind?
27. Who really wrote the MOU presented to the Mineral Council in January 2011?
28. What caused the 5 members of the Mineral Council to decide not to fund the Shareholder lawsuit? Did someone or something change their minds about the usurpation of the Tribal Council?
29. Why did the Congress really appropriate another \$5 Million into the LLC when according to Supernaw's Notes to the Nation, the LLC was losing approximately \$5,000.00 per day to the tune of \$3.2 million?
30. What can Jenny do to help you better understand the implications of what is happening?

### **The Breakdown**

August 2, 1999	Osage Tribe of Indians of Oklahoma v. United States. The 30 <sup>th</sup> Council filed a Complaint in the Federal Court of Claims, asserting that the United States Government mismanaged Osage Mineral Trust Assets. Case No. 99550L –Tribe's representing attorney, Brad Brickell, Tulsa, OK (Highest Posted Price Case/aka Osage Trust Case)
July 25, 2001	The United States filed a motion to dismiss Case 00-cv-00169 a consolidation of Case No. 9950L. The United states argued that the Osage Nation lacked standing to sue on behalf of the Osage Headright owners and that any claim for royalties must be brought by the true owners of such claims, the headright owners themselves.  Brickell argued that the headright holders are not in fact 'the real parties in

	interest' because the Tribe, not the headright holders, is the direct trust beneficiary. The Court agreed noting that "the Tribe may have no further interest or claim to the funds once they are distributed to the headright owners." (Highest Posted Price Case/aka Osage Trust Case)
June 2002	Jim Gray elected Chief of the Osage 31 <sup>st</sup> Tribal Council
July 2002	The 31 <sup>st</sup> Tribal Council passed Resolution 31-46 to amend Osage law to <b>extend membership in the Osage Tribe to an Osage who had issued to them a Certificate of Degree of Indian Blood (CDIB Card)</b> . ----- This Resolution is not legal. Osage Tribal Law does not trump Federal Law. The 1906 Act defines members of the Osage Tribe to be Osage Indians who own a headright share in the Osage Mineral Estate.----- Also note that it was the 31 <sup>st</sup> Council member Mark Freeman and 31 <sup>st</sup> Council Chief who testified under oath that non-shareholders did not have membership cards and were excluded from federal services on March 15, 2004 during the Legislative Field Hearing.
March 2003	Donald R. Pongrace of <b>Akin, Gump, Strauss, Hauer &amp; Feld, L.L. P.</b> , 1333 New Hampshire Avenue, N.W. Suite 400, Washington, DC 20036, signs contract with the Osage Tribe to manage trust fund litigation and management as well as assist as settlement council to the Osage Tribe in connection with the case <i>Osage Nation and/or Tribe of Indians of Oklahoma v. United States of America Civ.</i> , No. 00-169L, U.S. Court of Federal Claims to be undertaken with <b>Pipestem Law Firm P.C.</b>
May 9, 2003	The 31 <sup>st</sup> Tribal Council passed Resolution 31-291 to reaffirm the change in Osage Law made on July 2, 2002 that opened Membership to all Osages with a CDIB card.
May 16, 2003	Court of Federal Claims granted a motion to substitute <b>Wilson Pipestem</b> for Brad Brickell as council for Case Number 99-550 L- (Highest Posted Price Case/aka Osage Trust Case)
June 2003	<b>IETAN Consulting, LLC</b> , signs contract with Osage Tribe to represent the Osage Tribal matters before federal agencies and the Congress, to assist the Osage Tribe with development strategies and advise the Osage Tribe on matters related to gaming regulations and operations. ( <b>H.R. 2912</b> )
July 2003	Six individual headright owners hired Brad Brickell to file a motion in case 00-169L on their behalf. This motion was to present a legal opinion from Brickell for the purpose of assisting the court in its decision on the Osage Trust case.
July 2003	The Osage Tribal Council opposed the Motion filed by Brickell on behalf of the 6 Shareholders
July 2003	The Court denied the Motion filed by Brickell on behalf of the 6 Shareholders on July, 2003.
July 25, 2003	Oklahoma Representative <b>Frank Lucas</b> introduced House Resolution ( <b>HR 2912</b> ) to the 108 <sup>th</sup> Congress. Co-sponsors of the Bill: U.S. Representative Brad Carson, Tom Cole and John Sullivan of Oklahoma and <b>Dale Kildee of Michigan</b> . H.R. 2912 - To reaffirm the inherent sovereign rights of the Osage TRIBE to determine its membership and form of government. Lobbied for by <b>Wilson Pipestem</b> .

<p>March 15, 2004</p>	<p>A Legislative Field Hearing was held in Tulsa, Oklahoma before the U.S. House of Representatives regarding to possible passage of <b>H.R. 2912</b>. Jim Gray, Chief of the 31st Osage Tribal Council, testified that the 1906 Council form of Government “was not Osage.” According to the testimony of Council member Mark Freeman, non-shareholders didn’t have membership cards. All Osages testifying at the hearing including Jim Gray testified that because of the 1906 Act, non-shareholders were denied various federal services. <b>IETAN Consulting, Wilson Pipestem</b>, Lobbying firm was instrumental in getting <b>H.R. 2912</b> on the floor. U.S. Representatives holding the Hearings were: <b>Brad Carson, Tom Cole, Richard Pombo and Dale Kildee</b>.</p>
<p>March 15, 2004</p>	<p>The same day as the field hearing, March 15, 2004, the Osage Tribe made political contributions to Representative <b>Frank Lucas</b>, Sponsor of <b>H.R. 2912</b>, in the amount of \$2,000.00 each.</p>
<p>July 17, 2004</p>	<p>Bartlesville Examiner Enterprise newspaper reported: Washington – The Osage Nation made political donations to the chairman of the House committee that oversees American Indian Affairs before and after his panel held a hearing in March on a sovereignty bill requested by the tribe.</p> <p>On March 10, the Osages contributed \$2,500 to the political action committee for Representative Richard <b>Pombo</b>, Republican, California who chairs the House Committee on Resources.</p> <p>On March 15, <b>Pombo’s</b> committee held a hearing on a bill that would allow the tribe to craft its own governing and membership rules. The committee subsequently approved the bill, which passed the House on June 1.</p> <p>Three days after the hearing, the Osage Nation contributed another \$2,500.00 to <b>Pombo</b>.</p> <p>Osage Chief Jim Gray said the timing was coincidental and the contributions were unrelated to the hearing. The tribal Council had budgeted money for Pombo at the start of the year, he said</p> <p>Gray said the contributions were made in conjunction with fund raisers Pombo held on the two dates. One was in Washington, and the other in Oklahoma with Representative, Frank <b>Lucas</b>.</p> <p><b>Lucas</b> spokesman Jim Luetkemeyer said the Oklahoma congressman did not have a fundraiser on his schedule for either of the dates in March.</p> <p><b>Pombo’s</b> congressional office in Washington and his campaign office in Tracy, California, did not return repeated phone calls over the last two weeks.</p> <p>A campaign finance researcher said the timing of the Osage contributions</p>

	<p>could raise questions.</p> <p>Sheila Krumholz, research director at the Center for Responsive Politics, a nonpartisan watchdog organization, said it is unusual for a group’s donations to appear tied to an action by a congressional supporter.</p> <p>“We don’t see this that often when you’ll be able to so precisely correlate between when the money comes in and the vote comes down.” She said.</p> <p>The Osage Nation has made eight contributions totaling \$20,000 to federal campaign funds in 2003 and 2004 according to government records.</p> <p>Besides <b>Pombo</b>, the tribe contributed \$4,000 to the Senate campaign of Rep., Brad Carson, Oklahoma, \$4,000 to <b>Ben Nighthorse Campbell</b>, Republican, Colorado and Chairman of the Senate Indian Affairs Committee.</p>
	<p>On 4-24-06 the Citizens for Responsibility and Ethics in Washington filed a Complaint with the House of Representatives Committee on Standards of Official Conduct against Richard Pombo, member of the 109<sup>th</sup> Congress as follows (in part) “As Chairman of the House Resources Committee, Rep. Pombo is responsible for tribal-related legislation. Since Rep. Pombo became Chair, Indian tribes have invested increasingly in his political campaigns. -----From January 2003 through March 2006, 61 Indian tribes contributed a total of \$370, 754 to Rep. Pombo’s campaign and leadership political action committee etc., etc -----The tribal contributions have often coincided with House Resources Committee hearings on and Rep. Pombo’s involvement in Indian issues. For example, in March 2005, the Potawatomi tribe, which enjoyed a monopoly on off-reservation casinos with its Milwaukee gambling hall, made three contributions totaling nearly \$6,000.00 to Rep. Pombo’s campaign.</p>
<p>September 14, 2004</p>	<p>The Honorable Ben <b>Nighthorse Campbell</b>, Chairman of Indian Affairs, U.S. Senate, Washington, D.C. received the following cost estimate report for H.R. 2912 from the U.S. Congressional Budget Office: <i>H.R. 2912 would enable the Osage Tribe to determine the tribe’s membership roll and government rules in the same manner as other federally recognized tribes. In 1906, the Congress enacted the Osage Allotment Act that defined membership in the Osage Tribe. Under that act, Osage Indians may be legal members of the tribe and participate in the tribal government only if they are lineal descendants of the original enrollees under the 1906 act and own a share of the mineral revenues from the reservation. (Congressional Budget Office) estimates that implementing H.R. 2912 would have no effect on the federal budget because federal agencies currently provide services to all Osage Indians and do not restrict services to those considered to be members of the tribe under the Osage Allotment Act. Enacting H.R. 2912 would not affect revenues or direct spending.</i></p>

	<i>United States Senate Report on Changes in Existing Law (1906 Act): In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate the Committee finds that the enactment of H.R. 2912 will not effect any changes in existing law.</i>
December 3, 2004	President Bush signed H.R. into Law – PL 108-431
February 4, 2005	Sovereignty/Independence Celebration held to celebrate the passing of H.R. 2912. Announcement states: “HR 2912 allows the tribe to set its own tribal membership criteria and add as many as 8,000 new members to its voting rolls.”
July 20, 2005	Osage Tribal Council creates an <b>Osage Nation Foundation Charter</b> . The Charter was adopted with Resolution of the Osage Tribal Council No. 31.11-93. First & second paragraphs of the Charter: WHEREAS, the Osage Nation also known as the Osage Tribe of Indians (the “Tribe”) is a federally-recognized Indian Tribe organized under the Act of June 28, 1906, 34 Stat. 539 (“1906 Act”), and the Osage Tribal Council (the “Council”) has full government power and authority to act for the Tribe pursuant to the 1906 Act; WHEREAS, it is declared the policy of the Tribe to exercise its inherent sovereign powers to create tribally-incorporated non-profit organizations to promote the Osage language and culture, and provide for the health, education, welfare and economy of the Osage people; -- <b>Note: This Foundation was 7 months after H.R. 2912 became law and 1 year before the takeover of the Osage Tribal Council by the de facto Osage Nation government.---Most likely crafted by Pipestem.</b>
March 11, 2006	De facto Osage Nation Government takes over Tribal Council – assumes all Mineral Estate responsibilities.
June 2006	<b>Osage Nation Foundation</b> Tax ID 11375639. General information: Nonprofit Classification – Charitable Organization, Affiliation = Independent, Organization type = Corporation, Deductibility Code=Contributions are deductible, Organization’s Purpose = Community Improvement, Capacity Building, Organization’s Specific Purpose=Community Coalitions. Foundation Code = Organization which receives a substantial part of its support from a governmental unit or the general public 170(b)(1)(A)(vi), Filing Requirement Code = 010, Exempt Code = Unconditional Exemption
June 5, 2006	Election of Osage Nation Executive Branch (Chief & Assistant Chief) and Osage Nation Congress and Osage Mineral Council (Not Tribal Council with a Chief and Assistant Chief and 8 member Council), only an 8 member Council. Contrary to 1906 Act, a federal law.
July 2006	NOTES TO THE NATION dated December 29, 2009: <i>“If you remember, when the 1st Congress went into office 2 years ago [July 2006] we inherited an accounting problem at the Casinos that had the NIGC worried. It required calling in the accounting firm of Finley and Cook to get it straightened up at a cost of over a million dollars. It took several months but after it was resolved, all the financials we needed were received in a timely manner and NIGC was comfortable enough to ease up on their concerns. Then someone got the bright idea to give Finley and</i>

	<p><i>Cook the boot and bring the accounting in house—good idea if you’re ready and capable: Bad idea if you’re not. Finley and Cook’s last day was March 31.”</i></p> <p><i>“When the financial life blood of the Nation is gaming revenue and you decide to change accounting systems and staff the logical thing to do would be to run the current system alongside the new until you’re ready to cut loose the old firm. You don’t need to be a CPA to understand that. Even a baby monkey riding on his mother’s back will grab a new handful of mama’s hair before he lets go his old grip. But we didn’t have a transition plan in place, so we’re got a big problem.”</i></p> <p><i>“A report for April was rendered but with the caveat that the figures were “about 95% correct.” It appears that we are 45 days behind in revenue auditing. If this is true, it is further behind than the last time this happened some two years ago. Even though Congress was assured that the reports would be current by August 1, some knowledgeable people are saying those reports may not be reliable.”</i></p>
December 6, 2006	<p><b>Osage Nation (Jim Gray &amp; Wilson Pipestem’s) 25 Year Visioning Session – Mineral Council:</b>-----“Education will be available for all Osage with more Tribal members becoming highly educated, perhaps in the Tribal University. By 2032 the Tribe will be making Rigorous use of Resources (Research and Development and Management) This will include such diverse particulars as an Osage Military, the introduction of new recovery methods, and higher Royalty interest and bonuses.----- Naturally, the Mineral Council sees the Mineral Trust still intact. The trust will continue to provide wealth to the Tribe in all forms: gas, water, oil, etc. Within the next 25 years, individual Tribal members, or the Osage Nation will own 100% of surface land within Osage, giving the Tribe a larger land base. With the new recovery methods, oil will still be abundant with minerals running at a quality rate.-----Finally, there will be strong ownership of Trust assets, with the Osage operating their own mineral Estate and more Osage property owners utilizing their assets for their own benefit, thus insuring that Individual Property Rights are Maintained.</p>
February 23, 2007	<p><b>AKIN GUMP EXPANDS AMERICAN INDIAN LAW AND POLICY PRACTICE</b></p> <p>Akin Gump Strauss Hauer &amp; Feld LLP has expanded its American Indian law and policy practice with the addition of James Meggesto, Vanessa Ray-Hodge and Madeline Soboleff Levy, the firm announced today. In addition, <b>Wilson Pipestem</b> and Aurene Martin have affiliated with Akin Gump as senior advisors on Indian Affairs.</p> <p>Donald R. Pongrace, chair of Akin Gump’s American Indian law and policy practice, stated, “Akin Gump has long been a leader in representing American Indian tribal governments and entities that share a commitment</p>

to tribal political empowerment, tribal sovereignty and economic development. We are very pleased to welcome James, Vanessa and Madeline to the firm and to be able to draw from time to time on Wilson and Aurene's experience and insights as senior advisors. The group's collective record of accomplishments as advocates of tribal sovereignty is impressive and they represent a substantial expansion of our capabilities and commitment in this growing area of the firm's practice."

Mr. Meggesto, a member of the Onondaga Nation in New York, joins the firm as policy counsel. His practice focuses on federal recognition litigation, land into trust matters, legislative representation, water law, natural resources development, environmental regulation and enforcement, treaty rights litigation and economic development initiatives. In addition, he has extensive experience in all aspects of Indian gaming. He has represented federal agencies. He is a graduate of the State University of New York at Brockport and Albany Law School.

Ms. Levy, a member of the Central Council of Tlingit and Haida Indian Tribes of Alaska, joins the firm as a public policy analyst. She works closely with congressional offices, intertribal organizations and attorneys in tracking legislation and appropriations and in reporting on major policy developments. She is a graduate of the University of Puget Sound.

A member of the **Bad River Band of Chippewa Indians**, Ms. Martin has extensive experience in the field of federal Indian law and policy, particularly in the areas of gaming, legislation, administrative law and tribal governmental matters. Before entering private practice, she served under President George W. Bush as counselor to the **assistant secretary of Indian affairs at the Department of the Interior and subsequently as acting assistant secretary for Indian affairs.** Previously she was a senior counsel to the **Senate Committee on Indian Affairs.** Earlier, she served as the director of congressional and public affairs for the National Indian Gaming Commission, a federal regulatory agency, in Washington, D.C. She began her career as an attorney for the Oneida Tribe of Indians of Wisconsin. She is a graduate of the University of Wisconsin-Madison and its law school.

Mr. **Pipestem** and Ms. Martin join the ranks of other senior advisors on Indian affairs affiliated with Akin Gump, including consultants Steven J.W. Heeley and Rodney B. Lewis. They will devote a portion of their time to the firm's clients, while continuing their roles at **Ietan** Consulting, LLC, the firm's strategic partner.

Akin Gump lawyers have represented tribal governments and tribal entities in complex water rights litigation and settlement negotiations, landmark federal legislation (including the largest water settlement in United States

	history), tribe-state gaming compact negotiations, trust and restricted fee land acquisitions, federal appropriations, land claims and related litigation, and economic development projects (including all elements of project planning development, regulatory compliance and financing), and provide a broad array of legislative advocacy and strategic advice to Indian tribes and tribally owned entities.
August 23, 2007	Jim Gray, Chief of the Osage Nation files suit against the Osage Nation Congress for attempting to enforce audits of the Osage Nation Government. CIV-07-04
October 5, 2007	<b>AKIN GUMP – FRAUD CLAIM</b>  <b>New York Supreme Court Commercial Division Allows Fraud Claim Against Law Firm That Advised Hedge Fund On Market Timing Trading Which Resulted In Regulatory Investigation</b>
October 15, 2007	Eight (8) Shareholders represented by Brad Brickell, filed a Motion to Intervene in the Osage Trust Case . Brickell was the initial representing attorney when Case No. 99-550L was first filed. Brickell was replaced as counsel for the Osage TRIBE (Jim Gray) by <b>Wilson Pipestem</b> on May 16, 2003.
April 11, 2008	Osage Nation 1 <sup>st</sup> Congress passes Bill Number ONCA 08-10 to amend the Charter as amended of the <b>Osage Nation Foundation</b> , as amended, that was granted by Tribal Council Resolution 31-1193; to amend the Bylaws of the Osage Nation Foundation, as amended, authorized, approved and adopted by Tribal Council Resolution 31-11903; and to reaffirm the formation of the Osage Nation Foundation pursuant to Tribal Council Resolution 31-1192. Sponsored by Shannon Edwards and Debra Atterberry.
July 7, 2008	Jim Gray filed suit against the Osage Nation Senior Internal Auditor, Kelly Corbin, from the Office of Fiscal and Performance Review. <b>Gray did not want to be audited.</b> (Recall Gray filed a lawsuit against the Osage Nation Congress for the same reason on August 23, 2007).
March 2, 2009	Jim Gray, Principle Chief of the de facto Osage Nation Government receives certified letter from U.S. Department of Housing and Urban Development. PAST DUE NOTICE/LETTER OF WARNING. Fraud discovered and not acted upon by the Osage Nation.
March 24, 2009	Letter from Osage Nation Congress to Jim Gray, Chief regarding <b>Gag Order:</b> <i>“This letter is in regard to your recent Executive Branch Protocol and Procedures for interacting and communicating with the Osage Nation Congress. Chief Gray, to say that the Osage Nation Congress is disappointed and disillusioned with your directive addressed to our Nation’s employees is an understatement. We believe the Osage Nation government should uphold the principles set forth in the Indian Civil Rights Act and the Osage Nation Constitution specifically affording our citizens the right of free speech.</i>

	<p><i>Many of our Nation’s employees are also citizens of the Osage Nation with personal, if no familial, relationships with Members of Congress and the Congressional staff. The Executive’s interest in imposing this directive on the Nation’s employees is far outweighed by the right of the People of the Osage Nation to freely communicate with their elected representatives in the Osage Nation Congress.</i></p> <p><i>The Congress unanimously agrees that a major gap exists in the communication between our branches of government. There is a solution to this problem, however your directive appears to expand and compound our differences regarding communication. The Osage Nation Congress is not a foreign government that should be approached with unified diplomacy. We were elected and serve to help this government prosper, and we do that by giving the People of the Osage Nation a voice. Without their voice, our government will be susceptible to the unproductive and unappealing practices that have for too long plagued tribal governments. I do hope that we can come to a quick resolution of this unfortunate circumstance.” Sincerely, Archie Mason, Speaker of the Osage Nation</i></p>
<p>March 24, 2009</p>	<p>Osage Nation 1<sup>st</sup> Congress passes Resolution Number ONCR 09-06: NOW, THEREFORE, BE IT RESOLVED, That the Osage Nation Congress calls upon the Principal Chief to fulfill his responsibilities established by the Charter and Bylaws of the <b>Osage Nation Foundation</b> in a timely fashion, and appoint the Osage Nation Foundation Board without delay in order that they may be considered in this session of Congress.</p>
<p>July 19, 2009</p>	<p>Osage Nation Congress Attorney writes letter to D. Michael McBride, III, Crow &amp; Dunlevy, PC, Tulsa, Oklahoma, seeking assistance regarding outstanding legal issues as follows:</p> <ol style="list-style-type: none"> <li><i>1. Review the attached removal language drafted by a Member of the Osage Congress, and make recommendations for improvement if needed. The Congress must put in place a procedure for removal of elected officials to satisfy due process in accordance with Article VI, Section 17 and Article XII of the Osage Nation Constitution.</i></li> <li><i>2. State the options legal or otherwise, available to the body of Congress when the Executive branch expends money without appropriation which is a direct violation of Osage Nation law. See ONCA 07-05 and ONCA 06-02.</i></li> <li><i>3. State the options, legal or otherwise, available to the body of Congress when the Executive Branch delays the implementation of the law for extended periods of time (in excess of 6 months) or fails to implement the law.</i></li> </ol> <p><i>The Osage Nation Congress has become aware of several instances where money is being allocated to Osage government departments or programs by the Treasurer without an appropriation, as required by law. As the body charged with oversight of the Nation’s assets and appropriations, the Congress is concerned about these circumstances. There are also several</i></p>

*instances where the Executive branch has delayed or failed to implement the law. Two of those instances are the Independent Press Act and the Office of Fiscal and Performance Review, which are both now in court. There appears to be a recurring pattern of delay by the Executive, and the Osage Nation Congress requests your assistance in defining its options.*

October 1, 2009

Osage Nation 1st Congress passes Bill Number ONCA 09-67: An Act to amend the Charter of the **Osage Nation Foundation**, as amended, that was granted by Tribal Council Resolution 31-1193; and to amend the Bylaws of the **Osage Nation Foundation**, as amended, authorized, approved and adopted by Tribal Council Resolution 31-01193. Sponsored by Faren Revard Anderson, Doug Revard, Anthony Shackelford, Mark J. Simms and William Supernaw. (Edwards & Freeman voted against the Act)

November 5, 2009

Jeanette Hannah, BIA Regional Director – BIA Muskogee office – removed from office.

December 29, 2009

NOTES TO THE NATION: William “Kugee” Supernaw’s Notes to the Nation states: *“Gaming Enterprise Board chair, Elizabeth Homer, said in a phone interview Monday that there has been a “terrible, terrible unfortunate misunderstanding . . . we, the Nation’s gaming enterprise, did not stop making money – actually, ’09 was a good year.”*

*“Homer said that it’s true there was not a gaming distribution for the months of July and August but it wasn’t due to lack of money. According to end-of-year financial records, the Nation’s gaming enterprise paid the Nation approximately \$1 million more than projected for 2009 fiscal year.”*

*“Actually, the revenue projection the Gaming Board gave Congress was \$56 million for 2009, with \$48 million to be distributed to the Nation. What we actually received was \$38 million and it has been indicated that may have been \$1 million too high—a shortfall of over 20%.”*

*“That’s why the payments trailed off at the end of the last year,” Homer said. “A distribution for the first two months of this year, which began Oct. 1, was made in early December totaling \$5 million for October and November. From this point forward, the enterprise will be making distributions of \$2.5 million monthly, which will spread the distributions out over the course of the entire year, providing, we hope, less confusion and a greater sense of certainty.”*

*“The projections were never met for the last fiscal year which ended September 30, 2009, so this “trailing off” is a puzzling statement. It is said that a distribution of \$5 million was made in early December, but that check has never been cashed.1*

*Homer said. “Hindsight being what it is, it’s easy to look back and see that things could have and should have been done differently – the timing was off, more staff support and training was needed, and the transition was too*

	<p><i>abrupt.”</i></p> <p><i>“This reads as though this has only been recognized recently, but today’s problems are the result of the failure of the Executive Branch to heed foresight when we published this in the Notes on July 17, 2008—17 months ago.”</i></p> <p><i>As of today some employees at the Casino on payroll direct deposit have not received their checks that were due yesterday. Some venders have put Osage casinos on cash basis only for beverage purchases.</i></p> <p><i>By questioning the CFO, Bill Leonhart, we discovered that the Casino accounting department did not have adequate staff to keep up with the current work load. He has made attempts to hire other firms to come in and help. Obviously we weren’t ready to take over the casino accounting. Going to a new firm for help will be more expensive than bringing back F &amp; C who is at least familiar with the operation. I suggest that it would be better for the Gaming Board and the CFO to bring F &amp; C back to straighten things out again. Better for the GB and CFO to lose a little face now than to allow this to go on longer and cause the Nation to lose its butt.”</i></p> <p><i>“The Osage Nation Gaming Commission hired an independent auditing firm, REDW out of Albuquerque, N.M., “a firm with significant experience in tribal casino auditing,” according to Homer. The firm performed a re-audit of the enterprise’s 2008 fiscal year balance sheet. The re-audit was completed in November and the result was an unqualified opinion. “What this means is that we have a good, reliable beginning balance for FY 2009.”</i></p> <p><i>What Homer is talking about here is an audit for the fiscal year ending September 30, 2008. They have just now established a starting point for the year beginning October 1, 2008.”</i></p> <p><i>“All this considered you may have a better understanding of the situation that Congress is facing as we attempt to make a budget for fiscal year 2010 and why we have reason to be cautious.”</i></p>
December 30, 2009	<p>Osage Shareholder Lawsuit: 6 Shareholders/aka Osage Headright owners filed suit against the Bureau of Indian Affairs due to negligence. The Bureau of Indian Affairs refused time and again to carry out their fiduciary duty to protect the Osage Mineral Trust and Estate by turning a blind eye to the de facto Osage Nation Government. Law Firm representing the Shareholders: Barrow &amp; Grimm, Tulsa, Oklahoma</p>
January 19, 2010	<p><b>Jim Gray denies funding the Mineral Council travel expenses to Washington to meet with the Dept. of Interior regarding assistance with 2010 election. Letter to Chairman, Mashunkashey dated January 19, 2010.</b></p>

*Dear Chairman Mashunkashey:*

*With all due respect for the Osage Nation Minerals Council, I want to communicate my reasons for declining to approve the expenditure of funds for members of the Minerals Council to travel to Washington, D.C. It is my understanding that the purpose of this trip is to meet with Department of Interior officials regarding federal assistance in the conduct of the Osage Nation Minerals Council elections. However, I feel that it would be more productive to have an internal dialogue between the Minerals Council, the Osage Nation Legislative Branch, and my office, to discuss a solution to this problem.*

*As you know, in 2004 the United States Congress passed a law reaffirming the Osage Nation's right to organize its own government. Following a government reform process we now operate under a Constitutional form of government, it is now our responsibility to govern our own affairs. In 2009, the Osage Congress, the legislative body for the entire Osage Nation, passed an election law, clearly demonstrating our ability to govern our own affairs. Furthermore, the Bureau of Indian Affairs has repeatedly made their position clear: they will not assist in conducting an Osage election. Osage elections are an entirely internal matter of the Osage Nation and a demonstration of our sovereignty apart from the federal government.*

*Therefore, despite a small but vocal minority of shareholders who insist on having the federal government operate one of our most fundamental rights of self-governance, I cannot agree with the stated purpose of your meeting in Washington, D.C. I propose that the Osage Nation Minerals Council meet with the Legislative and Executive Branches of the Osage Nation to explore ways in which a shareholder-designed and monitored election can be managed by Osages.*

*As always, please do not hesitate to contact me to discuss this further. I stand ready to assist you in finding a workable solution to a speedy, open and fair shareholder election of the next Osage Nation Minerals Council.*

Cc: Archie Mason, Speaker, Osage Nation Congress  
Mr. Del Laverdure  
Deputy Assistant Secretary- Policy  
Office of the Assistant Secretary- Indian Affairs  
1849 C. Street, NW  
Room 4151- MIB  
Washington, DC 20240

January 31, 2010

NOTES TO THE NATION: William "Kugee" Supernaw- Notes to the Nation:

## **BONUS WILL NOT BE PAID TO CASINO EMPLOYEES**

*“A memo was sent by the CEO Friday to all employees of the gaming enterprise that says, in part: “We will not be able to pay the 1st Qtr bonus for FY2010.” And, “The fundamental reason for the inability to provide the bonus is a downturn in revenue generated at all locations.*

*This news is a shock to employees of the Nation’s enterprise. Let me tell you that this is disturbing, but not surprising news to this member of Congress.*

*It is particularly disturbing to me because the Commerce Committee and several other interested members of Congress, including myself, met with the Chief, Gaming Board, upper gaming management and representatives of the accounting firm of Joseph Eves on Wednesday last week and discussed, among other subjects, the income status of gaming. Much of the meeting was in executive session so I can’t talk about all that we were told, but I can tell you what we were not told: We were not told that there would be any problem meeting projections, yet two days later the memo was delivered. Even though I pressed for information on the revenue projection—during and after the meeting—no hint of a problem was indicated.*

*Nevertheless, I am not totally surprised, because we have seen indications of problems for some time now. Even as long as 18 months ago, members of Congress exercised their oversight responsibility and investigated the reports of accounting irregularities beginning with an onsite visit to the Hominy Casino; only to be investigated ourselves, blasted in the Osage News and for a time even questioned by others members of Congress. Now, it is obvious to all that our concerns on; the fact that the accounting is still having problems indicates that things were even worse than we thought at the time.*

*Why would the bonus news be a shock to employees? Besides the fact that they are not getting the money they had been depending on, all the news they were being fed indicated everything was just great; recent stories in the Osage News painted a rosy picture. Then you might wonder why they would rely on the media when they are part of the operation. Well, this is the part that should be a shock to everyone in the Nation and you won’t see it disclosed anywhere except the **Notes to the Nation**: For at least three months, managers of the Casinos have not been furnished profit and loss statements. Think about that—how would you like to be responsible for the operation of a business and be denied this basic tool to measure the success of your efforts? Most of the managers are Osages—technically it’s their business and yours—yet they are not furnished even this basic information.*

*Welcome to the club; this is where the Congress has been for three years.*

	<p><i>The information gathering arm of the Congress, the Office of Fiscal and Performance Review, has been tied up in lawsuits filed by the Chief since it was established. Maybe more Osage citizens will begin to see why these lawsuits are such an egregious affront to our people; to stop Congress from gathering necessary information makes no more sense than withholding profit and loss statements from the managers of our casinos. The Internal Audit Department, now called the Office of Fiscal and Performance Review has been fought by the Chief since the beginning. Thousands of your dollars have been spent to prevent this department from doing its job. It is the department that works to provide accountability and transparency in government. I authored the bill that created this department with the support of nearly all of Congress. I and others have fought for it and will continue to do so. I hope that any candidate for Chief would pledge to drop any suit to stop the operation of the OFPR. I believe as a former Marine once said: "A man who has nothing to hide, hides nothing."</i></p> <p><i>Profit and loss statements and a freely operating OFPR will not guarantee bonuses or improve the general economy, but they can help our citizens to understand why the government does the things it must do for the general welfare of the people."</i></p>
April 2010	<p>Osage Shareholder Association Newsletter: In early January, Cynthia Boone, Mineral Councilwoman in her capacity as Budget Chair, called the First National Bank in Pawhuska to check the balance on bank accounts. She was told that \$170,000.00 had been removed from a Shareholder's account which held monies collected from leasing the land in Kansas and from the sale of maps. The money had been transferred to Citizen's Bank in Pawhuska. When she called Citizen's Bank, she was told she had no authority to get information on the account. It was under the ownership of the Osage Nation and if she wanted any information on this account she should contact John Jech or the Chief. Also in January the Minerals Council voted to go to Washington, D. C. to ask the BIA to oversee the 2010 Mineral Estate Council election. They had submitted a request for travel expenses. Chief Gray vetoed it.</p>
June 7, 2010	<p>Jim Gray defeated in <b>Osage Nation</b> election.</p>
June 22, 2010	<p><b>IN THE UNITED STATE DISTRICT COURT WESTERN DISTRICT OF OKLAHOMA</b></p> <p><b>(1) APACHE TRIBE OF OKLAHOMA</b>  <b>Plaintiff,</b></p> <p><b>V.</b></p> <p><b>(2) BETSY ANN BROWN,</b>  <b>(3) FOSHEE &amp; YAFFE LAW FIRM</b>  <b>(4) LAW OFFICES OF BROWN &amp; CULLIMORE</b></p> <p style="text-align: right;"><b>Case No. 5:10-cv-00646-D</b></p>

- (5) **JOHN H. GRAVES**
  - (6) **YANCY REDCORN**
  - (7) **ALONZO CHALEPAH**
  - (8) **MARY RIVERA a/k/a MARY PRENTISS**
  - (9) **WELLS FARGO NATIONAL BANK**
- Defendants**

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The above described **racketeering** activities amount to a common course of conduct intended to deceive and harm Plaintiff. Each racketeering activity is related, has similar purposes, involves the same or similar participants and methods of commission, and has similar results affecting similar victims, Plaintiff Apache Tribe and its members.

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The Co-Conspirators, using tribal funds, hired **Ietan Consulting and Wilson Pipestem** to “lobby” on their behalf with the Department of Interior in Washington, CD. The Co-Conspirators used tribal funds to pay themselves for legal services rendered, travel expenses to Washington to lobby the federal government, and other expenses in connection with their attempt to subvert the Apache Tribe’s government and continue to exercise control over the Apache Tribe through Chalepah and Rivera. **Ietan Consulting and Pipestem** were put on notice that they were not properly engaged by the Apache Tribe, yet they accepted substantial monies from the Co-Conspirators in their conspiracy to control the Apache Tribe and continue receiving monies funded through Wells Fargo loan proceeds.

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Prior to the January 2009 decision, some or all of the Co-Conspirators made multiple trips to Washington, D.C. to lobby the Department of Interior and to engage in ex parte communications with those who would have input into the January 2009 decision. In addition, the Co-Conspirators engaged **Ietan Consulting and Pipestem** to aid and abet their cause, and paid **Ietan Consulting and Pipestem** with tribal funds. The Co-Conspirators made misrepresentations to federal government officials in their attempt to have the Department of the Interior declare that Carratini, Ahtone, and Banderas were not proper members of the business Committee.

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After the BIA’s letter of May 19, 2010 recognizing those elected and certified in March 2010, the Co-Conspirators had a problem: they were about to lose control of bank accounts holding tribal operating and casino funds from which they were paying themselves and other **(like Ietan Consulting and Pipestem)** to fight the results of the March 2010 election. The Co-Conspirators also faced substantial risk that those elected to the Business Committee would have the resources to investigate the conduct of

	the Co-Conspirators and hold them accountable for their actions.
July 20, 2010	John Red Eagle elected <b>Osage Nation</b> Chief
September 29, 2010	Osage Mineral Council voted for and passed Resolution No. 2-17: THEREFORE, BE IT RESOLVED, 1. The Osage Mineral Council hereby approves sending a letter to the Chief in regard to restoration of the 1906 Act. The Chairperson of the Osage Minerals Council is hereby authorized to sign this Resolution.
November 12, 2010	CAUSE NO. 2010-57125  THE SYDOW FIRM, L.L.P.f/k/a SYDOW & MCDONALD, L.L.P  V.  CERTAIN UNDERWRITERS OF LLOYD’S OF LONDON and AKIN GUMP STRAUSS HAUER & FELD, L.L.P.  IN THEDISTRICT COURT OF 270 <sup>TH</sup> JUDICIAL DISTRICT, HARRIS COUNTY, TEXAS
December 29, 2010	Osage News Article dated January 7, 2011: “Federal court rules in favor of Osages in trust case.” “Damages awarded could reach an estimated \$310 million. By: Shannon Shaw: “The Nation’s 10 year-old trust case seeks an accounting of 140 [100] years of mismanagement of the <b>tribe’s oil royalty payments</b> and other alleged malfeasance. There is a total of three Tranches for the Osage trust case. Tranche One is now over.”
January 2011	John Red Eagle presents a Memorandum of Understanding (MOU) to the Osage Mineral Council.
January 14, 2011	<a href="#"><u>New Book on Abramoff Gets to the Bottom of Tribal Membership Fraud</u></a>  Friday, January 14th, 2011 <i>(Excerpt from Original Pechanga blog, Thursday, January 13, 2011)</i>  <i>Membership disputes have plagued Indian Country for decades now. We have helplessly watched as people who do not trace to Indian tribes falsely claim Native ancestry while our own people are being systematically disenrolled and persecuted on our own reservations. The problem has not only touched the Pechanga tribe, but tribes across the nation. A recently released book written by investigative journalist Susan Bradford reveals that other tribes represented by <b>Ietan</b> Consulting, including the Saginaw Chippewa Indian Tribe of Michigan, have experienced membership disputes similar to ours and that the principals of the lobbying firm facilitated the takeover of individuals of questionable tribal legitimacy.</i>  <i>Bradford’s Lynched is a must-read for all Natives, especially those</i>

*concerned with protecting their heritage and restoring integrity to their reservations. While giving particular attention on the Saginaw Chippewa Tribe, which gave birth to the Abramoff scandal, the author documents that tribal governments across the nations were seized by those who do not belong and who are not even Indian.*

*We, in Indian Country, were apparently fed a steady dose of propaganda about the Abramoff investigation – namely that the lobbyist at the center of the scandal, Jack Abramoff, was shaking tribes down for money and defrauding his clients. Larry Rosenthal of **Ietan** helped fan the flames of discontent against Abramoff, who was apparently championing the interests of Indians and therefore, challenging the status quo. Bradford makes a compelling case for Abramoff's innocence, providing strong evidence that he was essentially set up in an invented scandal which was sold to the American people through the media, with Rosenthal's assistance. You can read about the set up and what really happened to Abramoff in the book.*

*Suffice to say, the scandal originated at the Saginaw Chippewa Indian Tribe, which is experiencing membership issues which mirror our own at Pechanga. In *Lynched*, Bradford meticulously documents how people who do not belong to this tribe took over the Saginaw Chippewa's government and its casino through fraud and deception. What is fascinating about her account is that she captures all the maneuvering and sleight of hand that facilitated the take over.*

*During the tribe's hotly contested election of 1999, Rosenthal helped organize a coup d'etat which removed the Chief, Kevin Chamberlain, who was trying to clean up the membership rolls. He was essentially following court orders to ensure that the tribe held a legitimate election at a time when fictitious Indians were running as candidates and casting their ballots.*

*We have all experienced the pervasive influence of nepotism on Indian reservations. On this particular reservation, **one of Rosenthal's chief contacts was Bernie Sprague**, who later testified against Abramoff in Sen. John McCain's hearings.*

*Once allies staked claim on the tribal government, they rewrote the Constitution to solidify their power and control of the tribe's businesses and revenue. In a pattern all too familiar to us, they then proceeded to add more individuals onto the membership rolls, who would then vote for them to keep them in office in perpetuity and who would also receive per cap, even though many are not even Indian.*

*One of the key legislators who worked with the newly minted tribal elite to facilitate their take over was **Congressman Dale Kildee**, who helped these*

*newcomers rewrite the Constitution and direct the ICC's settlement money to the Tribal Council while rolling back federal oversight of that money. Gaming was imminent in Indian Country in 1986. At the time, Rosenthal was working for Kildee in the House Resources Committee, where he helped draft multi-million dollar settlements for Indian tribes. Rosenthal was also the inspiration behind the Congressional Native-American Caucus, which Kildee chairs. Before embarking on a career as a lobbyist, Rosenthal joined the National Indian Gaming Commission (NIGC), which established an independent federal regulatory agency over gaming.*

*During the hotly contested election of 1999 on the Saginaw Chippewa's Mt. Pleasant reservation, the descendants of the original, founding tribal members led by Chief Kevin Chamberlain attempted to remove the fictitious Indians from their reservation and restore legitimacy to their tribe. However, Sprague reached out to his friends in Washington, DC to topple Chamberlain. At the top of his list was Rosenthal, who had a direct channel into the Bureau of Indian Affairs through his roommate Holly Cook, whose boss, Lynn Cutler, managed Indian Affairs at the White House and was directly answerable to Kevin Gover, who was in charge of the BIA.*

*Rosenthal successfully enlisted Gover to intervene in the election to overthrow Chamberlain and seat the candidates which were drawn from the cadre of elites. A U.S. District Court sought a preliminary injunction against Gover on grounds that his intervention on behalf of the Peters Council was "arbitrary, capricious, and illegal." Since another tribal election was imminent, the Department of Interior allowed the new Council to serve out its term. After his successful intervention in this election, Rosenthal was retained as lobbyist of the tribe.*

*Apparently a network of attorneys, Native organizations, legislators, and agency officials have supported his efforts to keep the corrupt power structure in place, allowing non-Indians to take over tribes and their businesses while disenrolling those who legitimately belong. Consider also that an attorney who worked with Rosenthal to lobby Gover and help remove Chamberlain (Henry Buffalo) is also a tribal judge at the Shakopee Mdewakanton Sioux Community of Minnesota, which controls the very lucrative Mystic Lake Casino. The Shakopee is experiencing similar membership disputes and government corruption which are deeply entrenched within the Saginaw Chippewa Tribe. That the corrupt status quo is allowed to continue unabated is no accident.*

February 22, 2011

**CORRUPTION ---- Saginaw Chippewa Indian Tribe Seeks Congressional Investigation:**

*Dennis Kequom campaigned for a seat on the Saginaw Chippewa Indian Tribe of Michigan's Tribal Council on the platform of combating*

*corruption. Many tribal leaders before him have made similar promises, but Kequom, who was elected Chairman, has been good on his word.*

*Recently, the Kequom Council submitted a letter to Rep. Doc Hastings (R-WA), the Chair of the House Resources Committee, requesting that Congress investigate the legitimacy of tribe's constitution, which was rewritten in 1986 to accommodate economic development on the reservation and alter qualifications for tribal membership.*

*The Saginaw Chippewa Indian Tribe was formally established in 1937. The newly minted members – that is, the descendants of the Swan Creek, Saginaw, and Black River Band of Chippewa Indians who populated the state over a century ago – appealed to the Indian Claims Commission for compensation for land the federal government had stripped from their ancestors.*

*As a group, these individuals named themselves the “Original 39” to differentiate themselves from the throng of non-Natives who infiltrated their reservation and made a beeline for their Tribal Council once wealth loomed large in Indian Country.*

*The ICC prepared to distribute its docket monies to the Saginaw Chippewa tribal members in the 1970s. This is the point at which non-Indians began to flood onto the reservation and claim membership, often through fraud.*

*The Original 39, who eagerly anticipated their per capita checks, observed that the Tribal Council, which had fallen under the control of individuals who apparently did not trace to the tribe, was collaborating with the federal government to shore up funds for economic development. That money eventually became the seed capital for the tribe's Soaring Eagle Casino.*

*The newly minted tribal elite reached out to **Congressman Dale Kildee** (D-Flint) to direct 100 percent of the docket money to the Tribal Council while rolling back federal oversight of the cash. In turn, Kildee sponsored the Saginaw Chippewa Tribe's Distribution of Judgment Funds Act, which served this purpose and required a constitutional rewrite, which would shore up elite control of the Council.*

*“At the time, people could not decide how to distribute the money,” **Kildee** said. “Some wanted a distribution immediately to everybody, and (the Chief) thought that he basically wanted some money so you could pull yourselves out of the poverty you were in....The bulk we kept for economic development, and it really worked....It took us a little over a year since there was that division, even in Congress, even among the Michigan delegation.”*

*While Kildee was eventually able to enlist the support of the Michigan delegation, the Department of Interior remained opposed to the bill on grounds that it provided for “the adoption of final amendments regarding tribal membership without the approval of the Secretary.” The agency also observed that the legislation would roll back Interior’s “trust responsibility for the investment, supervision, administration, or expenditure of the funds,” essentially rendering the tribe vulnerable to mischief.*

*As Tribal Council Minutes document, **Kildee** was able to overcome resistance within the agency by personally lobbying **Ross Swimmer, the Assistant Secretary of Interior.***

*Before the new constitution could be implemented, qualified tribal members, drawn from Original 39 ranks, were required to approve it through an election overseen by the Department of Interior. Since the rewrite was being pushed by non-Native elites who had infiltrated their reservation and consolidated their position on Tribal Council, the Original 39 refused to endorse the new constitution. Yet, as the local Morning Sun newspaper reported, “in a surprising display of unity,” tribal members voted 150 to 19 in favor of it.*

*How did the elites manage to change the minds of the Indians? To this day, the Original 39 insist that they never voted for the 1986 Constitution. They have even signed affidavits swearing to this fact. Neither the Tribal Council nor Bureau of Indian Affairs can produce ballots which prove that the vote actually took place.*

*The Original 39 have offered two plausible explanations for how the Tribal Council might have acquired the votes. Some Indians recall that random people were pulled off the street, many of whom were not Natives, and asked to support the new constitution through a show of hands. Others remember that a makeshift petition was circulated around the reservation. Even though the petition received the appropriate number of signatures, Original 39 members point out that many who signed were not even qualified to participate in the vote. Once the BIA received the certification from the elites, the agency released \$10 million in docket money to the Tribal Council.*

*The following year, a U.S. Supreme Court case, *California v. the Cabazon Band of Indians*, ruled that tribes could adopt any form of gambling allowed in the state in which they were federally recognized. In 1988, **Sen. Ben Knighthorse Campbell** (R-CO), Rep. Mo Udall, and Sen. John McCain sponsored the Indian Gaming Regulatory Act (IGRA), which established new governmental structures to regulate gaming on reservations across the country.*

*The Saginaw Chippewa Indian Tribe was well on its way to establishing its lucrative Soaring Eagle Casino. However, as the Original 39 point out, the constitutional revision cleared the way for non-Indians to acquire tribal membership. These individuals have wielded an extraordinary amount of control on the Tribal Council and its finances ever since.*

*Undeterred, the Original 39 challenged the interlopers, who enjoyed the backing of the tribal gaming establishment and a number of influential legislators on Capitol Hill, including McCain. In an effort to secure their position as the undisputed leaders of the tribe, the elites proceeded to increase their own Native blood quantum while diluting the blood quantum of the genuine Indians.*

*Demonstrating enormous resolve, the Original 39 attempted to restore integrity to their membership rolls and tribal government but were frustrated every step of the way. They discovered that the federal government seemed to back the unprincipled position of the tribal elite.*

*In the hotly contested election of 1999, Chief Kevin Chamberlain, who was sympathetic to the plight of the Original 39, attempted to hold a constitutional convention and restore integrity to the tribal government and its membership. At the time, he observed, non-Natives were running for office and voting for candidates who were poised to serve on the tribe's Council. Before he would authenticate election results, Chamberlain wanted to ensure that the right people had voted and were qualified to hold office.*

*Just as he was on the cusp of realizing his vision, the elites appealed to Assistant Secretary of Interior Kevin Gover to stage a coup d'etat which frustrated Chamberlain and restored the elite's power in Council.*

*A few years later, the Original 39 appealed to Jack Abramoff to represent their interests on Capitol Hill. In response, the tribal elite and their allies reached out to McCain, asking him to intervene and remove this powerful and influential Republican lobbyist as the tribe's representative. A supporter of the tribal gaming establishment, McCain held hearings in his Senate Indian Affairs Committee where the elite's witness, SubChief Bernie Sprague, was allowed to provide false testimony.*

*The Kequom Council's request for a Congressional investigation into the 1986 Constitutional rewrite is truly ground breaking for a number of reasons, not least of which is that the pattern of fraud surrounding the seizure by non-Natives of this tribal government and its casino has been replicated many times over in federally recognized tribes across the country. By challenging the fraud at the root of the tribe's ongoing membership contests, the Kequom Council will make serious strides*

*towards restoring legitimacy to the Saginaw Chippewa Indian Tribe.*

*In the process, a precedent will be set by which other aggrieved Original Indians can reclaim their own governments and ensure that Indian Country legitimately belongs and is controlled by Indians, instead of unprincipled interlopers who have capitalized on tribal victimization to enrich and empower themselves at the expense of genuine Indians.*

*(By Susan Bradford, February 7, 2011. Bradford is an investigative journalist based in Washington, D.C., and author of the recently published [Lynched!](#))*

February 28, 2011

**AKIN GUMP: A Culture of Intentional Deception?**

*Law360, New York (August 27, 2009) -- Akin Gump Strauss Hauer & Feld LLP has decided to halt post-verdict squabbles over a \$72.6 million legal malpractice award to a former client, reaching a confidential final settlement with plaintiffs Air Measurement Technologies Inc. and North-South Corp.*

*Judge W. Royal Furgeson Jr. of the U.S. District Court for the Western District of Texas dismissed the suit Thursday after the parties filed a joint motion seeking to end the long-running litigation over Akin Gump's allegedly shoddy patent applications and a series of underwhelming infringement actions.*

*"As grounds for this motion, the parties represent to the court that plaintiffs and defendant have entered into a settlement of their claims and causes of action and no longer desire to prosecute their respective claims and counterclaims against one another," the joint motion to dismiss said.*

*The terms of the settlement are confidential, and a spokeswoman for the firm could not be reached for comment on the agreement Thursday.*

*The settlement, reached after years of battle, was likely facilitated by the firm's discouraging verdict at trial in May.*

*After a jury returned a \$72.6 million verdict against Akin Gump, the plaintiffs requested a final judgment of \$83.3 million plus pre- and post-judgment interest, a figure the firm fervently opposed and sought to overturn.*

*Akin Gump argued that there was insufficient evidence to support the allegation that it engaged in any inequitable conduct that caused injury to the plaintiffs or that any of the plaintiffs' alleged injuries could be tied to malpractice.*

*Air Measurement Technologies and North-South accused Akin Gump of*

*gross negligence and breach of fiduciary duty in its attorney-client relationship with the plaintiffs.*

*According to the complaint, Air Measurement Technologies' principals, Louis H. Stumberg Jr. and the now-deceased James A. Fulton, developed a concept for a computerized safety alert system for firemen and other emergency workers in the 1980s and began the process of patenting their technology in 1989.*

*However, subsequent to the initial patent issued for the technology — U.S. Patent Number 5,157,378 — several companies began to make identical equipment. Several related patents, among them U.S. Patent Number 5,910,771, also are part of the litigation, the complaint said.*

*The plaintiffs commenced six patent infringement cases, which, ultimately hampered by Akin Gump's flawed prosecution of the patents, led to \$9 million in settlements, far less than the value of the widely used safety inventions, the suit said.*

*Sales of the infringing products were about \$100 million per year since 1998, according to the complaint.*

*Akin Gump and other defendants failed to timely prosecute the '771 patent, which gave rise to the plaintiffs' losing significant royalties under that patent, the plaintiffs said.*

*Representatives for the plaintiffs could not be reached for comment Thursday.*

*The plaintiffs are represented by Glickman Carter & Bachynsky LLP, Cooper & Scully PC, Soules & Wallace PC and Storm LLP, among other firms.*

*Akin Gump is represented by McGinnis Lochridge & Kilgore LLP and Pulman Cappuccio Pullen & Benson LLP.*

*The case is Air Measurement Technologies et al. v. Akin Gump Strauss Hauer & Feld LLP, case number 03-cv-00541, in the U.S. District Court for the Western District of Texas.*

*The following post reports on the District Court verdict that found, inter alia, that Akin Gump engaged in intentional deception.*

<http://dailstrug.blogspot.com/2010/03/akin-gump-withholding-information-with.html>

*1. See also [U.S. v. Moore, 931 F.2d 245 \(4th Cir. 1991\)](#). The Fourth Circuit Court of Appeals found that Akin Gump attorneys feigned*

ignorance of the terms of a plea agreement.

2. See also *Freedman v. D.C. Department of Human Rights*, D.C.C.A. no. 96-cv-961 (Sept. 1, 1998). The District of Columbia, representing the interests of Akin Gump, filed with the court a substantial quantum of legally-irrelevant "after-acquired evidence" (in a possible attempt to deceive the court). Akin Gump attorney managers solicited a psychiatric opinion about an employee in violation of the American Psychiatric Association's Goldwater Rule. Akin Gump falsely denied in a sworn declaration filed with a D.C. agency that it had knowledge of an employee's membership in a protected class under the D.C. Human Right Act of 1977. Akin Gump filed a sworn declaration on May 22, 1992 that failed to disclose that an employee had lodged a harassment complaint against his supervisor (Robertson) and acknowledged that the supervisor and the Personnel Director (Digweed) cooperated in the termination of an employee in October 1991. Akin Gump alleged that the terminated employee (Freedman) was fired because there was a "lack of fit" between the employee and the firm. Akin Gump unlawfully failed to provide the employee the results of an ex parte consultation with a psychiatrist that would have alerted the employee to file a timely claim for employer-sponsored Long-Term Disability insurance.

3. See also *McNeil v. Akin, Gump, Strauss, Hauer & Feld* (D.D.C. 1993). Akin Gump denied plaintiff-employee's allegation that Robertson and Digweed colluded in the discriminatory termination of an employee in April 1992 (McNeil). Akin Gump falsely denied or failed to disclose that another employee (Freedman) had lodged a harassment complaint against Robertson in Akin Gump's sworn declaration filed May 22, 1992 in *Freedman v. Akin, Gump, Hauer & Feld* (see above). Akin Gump terminated employee a brief time before her pension would have vested.

4. See also *Gross v. Akin, Gump, Strauss, Hauer & Feld* (D.D.C. 2009). Akin Gump alleged that plaintiff-employee (Donald Gross) was terminated because of a "lack of fit" between the employee and Akin Gump.

5. The Starr Report delivered by the Office of the Independent Counsel to the U.S. House of Representatives. In the late 1990s, Akin Gump executive partner Vernon E. Jordan, Jr., reportedly tried to buy the silence of a witness who had incriminating evidence that could involve former President Clinton in scandal. Mr. Jordan is listed as a *principal* in the Starr Report. The law license of President Clinton, a friend of Vernon Jordan's, was suspended by the State of Arkansas for five years on the grounds the President had lied about his affair with a White House intern.

6. Plaintiff alleges Akin Gump engaged in fraud:

<http://dailstrug.blogspot.com/2010/03/akin-gump-sued-for-44-billion-with-b-as.html>

7. Akin Gump uses the "Because we say so!" rationale that it employed in *Freedman v. D.C. Department of Human Rights* (see above):

<http://dailstrug.blogspot.com/2011/03/akin-gump-they-dont-like-producing.html>

March 20, 2011

Skiatook Travel Plaza reporting huge losses. All Osage Casinos are under the Osage Million Dollar Elm. According to William "Kugee" Supernaw's Notes to the Nation dated March 20, 2011, major losses are being realized at the Osage Travel Plaza which is on the same grounds and the Osage Million Dollar Elm Casino:

*"The Million Dollar Elm had not been reporting financial statements to Congress for a year. Geoffrey Standingbear insisted that they resume the reports and include a copy of the check register. The first report we got was for October 2010 and we received it about the end of November. I noticed that the Osage Travel Plaza was showing losses and asked for further details. When I received more details I was disturbed to see that the loss of 11 months (Jan. 2010 to the end of Nov. 2010) was \$238,000.00.*

*Let me give you some of the history on the Osage Travel Plaza. When we bout it, it was making a profit of about \$70,000 annually. We remodeled the building and, for a time, operated gaming machines in the building. Later we converted one of the motel buildings into a casino and moved the gaming away from the Travel Plaza and converted the space previously used for gaming into a restaurant. At that time and for the last two years, the Travel Plaza and the gaming operation have been totally separate, stand alone businesses.*

*On February 23 the Commerce Committee asked the MDE management to report on the status of the Travel Plaza. You can listen to a tape of that meeting by clicking on the following link:*

<http://www.osagetribe.com/viewvideo.aspx?video=CommerceAndEconomicCommittee02232011Part1.wma>

*You will hear management say, "That was then, this is now." As if everything is all right, but in December alone the Travel Plaza lost \$46,000.00. It will be said that the drive into the Travel Plaza is gravel and people don't want to come in and that water stands in front of the Travel Plaza door and that they have a picture of it; it needs to be pointed out that the drive is not gravel – it is asphalt – and it is the same drive that goes into the casino; the picture we were later furnished was taken when the 20 inch snow in February this year was melting.*

*I felt that an attempt was being made to get Congress to overlook the losses*

	<p><i>at the Travel Plaza because the casino was making money. There could be some in Congress that might buy into that (certainly not Mark Simms); but these are two completely separate businesses that sit on the same piece of real estate. The Travel Plaza sure doesn't draw business to the Casino. In any event, the losses at the Travel Plaza are unconscionable. While I was disturbed about the year 2010 loss of \$284,000.00 I found out later that the loss for 2009 was close to \$400,000 – Nearly \$700,000.00 in two years – money that could have gone to the Osage people.</i></p> <p><i>The checks and balances that should have alerted management obviously weren't working or were non-existent. The Gaming Board apparently overlooked it.” Probable -<b>Theft, fraud, corruption, racketeering – laundry mat</b></i></p>
<p>April 20, 2011</p>	<p><b>5 Mineral Council members RESCIND RESOLUTION TO CONTRIBUTE UP TO \$50K TO SHAREHOLDER LAWSUIT.</b></p> <p>Andrew Yates made a Motion to Rescind the \$50K contribution resolution. Galen Crum seconded the Motion. Andrew Yates, Galen Crum, Melvin Core, Sonny Abbott and Myron Red Eagle voted to pass the Resolution to Rescind. Seven (7) months after they passed the resolution to contribute to the lawsuit.-----</p>
<p>April 21, 2011</p>	<p>NOTES TO THE NATION: William “Kugee” Supernaw’s Notes to the Nation – report on the Osage LLC:</p> <p><b>“Congress votes to put \$5 Million more into the LLC”</b></p> <p><i>“The holding company, Osage LLC, owned by the Osage Nation, was formed about three years ago to enter into diversified investments other than gaming. It received the approval of Congress for an infusion of cash during the recent session. The bill passed will add \$5 million to the \$17 ½ million already put into the LLC.</i></p> <p><i>The LLC got off to a bad start when they yielded to political pressure to take on the Osage Gift Shop and Palace Grocery even though they were advised that these businesses had little chance to be profitable. Hundreds of thousands of operating losses were incurred and when the two businesses were sold last year it caused the loss of over \$500,000.00 more.”</i></p> <p>Supernaw’s Notes go on to say that: <i>“So far the LLC had lost \$3.2 million of the money and the losses were running about \$150,000.00 per month or \$5,000 per day.”</i></p>
<p>June 8, 2011</p>	<p>Osage Nation Congress subpoenas Executive Branch officials for questions on tax documents. Congressional Affairs committee hears testimony regarding Congressional compensation, taxation. Two subpoenas were served. One to the Osage Nation Treasurer and the other to the Human Resources director. The purpose of the hearing is to determine if the 12 congress members are filing the property tax forms.</p>

July 5, 2011	<p>Osage Nation Congress – Legislative Proclamation: Under the authority of Article VI, Section 10 of the Osage Nation Constitution, with the written request of two-thirds (2/3) of the Osage Nation Congress and in the interest of the Osage People, I call the Second Osage Nation Congress into its Tenth Special Session, at Pawhuska, Oklahoma in the Osage Nation Chambers on Thursday, July 14, 2010 at 9:00 a.m. to consider the following subjects:</p> <ol style="list-style-type: none"><li data-bbox="487 399 1510 483">1. Investigative hearing on accounting and treasury practices within Accounting and Treasury; and</li><li data-bbox="487 525 1477 609">2. Consideration of legislation to address accounting and treasury practices within Accounting and Treasury if necessary.</li></ol> <p data-bbox="438 651 1396 699">Jerry Jean Branstetter, Second Speaker, Osage Nation Congress</p>
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Once you have had time to decipher all of this information keep in mind that there is even more information than this; not to mention there are other actions taking place that we are completely unaware of. This is very serious.

This is why I have become an advocate of the Shareholder Lawsuit. Thankfully the 8 Shareholders were insightful enough to understand that this was the only avenue left to take and they are correct.

To contribute to the lawsuit:

Barrow & Grimm, PC  
Attorneys for Osage Shareholders  
110 W. 7<sup>th</sup>, Suite 900  
Tulsa, OK 74119-1044

918-585-1600 (to make a credit card payment)

PayPal (pay online): <http://osagemineraltrustprotection.com/action.html>