



# JENNY'S NEWSLETTER

January 14, 2010

*"When the people fear the government, that's tyranny.  
When the government fears the people, that's liberty."*

*Thomas Jefferson*

## **MOVING FORWARD**

In my view, it's time to move forward and be thankful that 8 of our congress members won the budget battle even though there was some give and take on the matter. Having the ability to compromise is essential in any government body and especially in a congressional body. Absence of that ability was finally graciously learned and sometimes not so graciously learned during this bout.

This first congress has been through a big learning and growing experience and without a doubt; six (6) of them are ending their first term with a dramatic and memorable act. Bringing proposed spending from \$52.5 million to \$23.9 million should be considered a victory in everyone's book!

Let there be no mistake. Raymond Red Corn and Debbie Atterberry were not part of the success in resolving the budget standoff and neither of them learned much about compromise or graciousness. I ask for the sake of the tribe that you keep this in mind when you mark your ballot.

Jim Gray signed three (3) of the (4) proposed amendments. His signature or veto message with regard to ONCA 10-24, is due

today, January 14, 2010 at 4:30 p.m.

Anyone interested in the outcome of Gray's decision can most likely visit [www.osageshareholders.org](http://www.osageshareholders.org) this evening and learn what he decided to do. For your convenience and review, I am attaching the straggling bill to this newsletter.

## **NEXT SHOE TO DROP**

Congress has extended session for three days. The first day of the extended session will be tomorrow (Friday, January 15 at 9:00 a.m.), the second day will be Saturday, January 16, and the third day will be Tuesday, January 19<sup>th</sup>.

Times specific for days 2 and 3 are not available but will be announced at the end of session on Friday.

## **Background:**

One purpose for this extension is to discuss the release of funds to the Executive Branch to litigate the suit against the Oklahoma Tax Commission. (Note: *This is a major thorn in my side and should be in yours.*)

On December 10, 2008, ONCA 09-02 was passed by the Osage Nation Congress. The sponsor of the bill was Debbie Atterberry and Co-Sponsor was

Mark Freeman. (Note: *Once again, two of the four Congress members that needs to be replaced in 2010).*

## **The bill:**

This bill was an appropriations bill that would appropriate \$1 Million dollars to the Executive Branch to continue legal proceeding against the Oklahoma Tax Commission. This suit is regarding the "beating of a dead horse" of which has been beaten over and over again and the horse has NEVER resurrected and will not resurrect but we keep feeding this horse hundreds of thousands of dollars.

There were ONLY two Congress members who voted against ONCA 09-02 and they were Faren Revard Anderson and William "Kugee" Supernaw. *Both of whom need to be re-elected in this upcoming election.*

## **Up for Appropriation:**

On Wednesday, January 13, 2010, Debbie Atterberry proposed ONCR 10-04, A Resolution to release funds (from the \$1 Million (ONCA 09-02), to the Executive Branch to litigate the OKTC case.

## **The Problem:**

1. It's a dead horse



# JENNY'S NEWSLETTER

January 14, 2010

*"When the people fear the government, that's tyranny.  
When the government fears the people, that's liberty."*

*Thomas Jefferson*

2. The executive branch was appropriated \$498,000 for the fiscal year 2009 upon the passing of the bill.
3. There has only been \$88,649.00 of the \$498,000.00 used so there should still be \$409,351.00 held somewhere (hopefully the treasury fund) to use rather than appropriating more funds from the untouched portion of the initial \$1 million dollars.

## Documents:

The background information on this next shoe to drop came from the Congressional Session of Wednesday, January 13, 2010, Part 1 & Part 2: [http://www.osage-tribe.com/main/view\\_video.aspx](http://www.osage-tribe.com/main/view_video.aspx) and I have attached the Appropriation Bill ONCA 09-02 for your review.

I personally have written several articles and provided numerous legal facts for public consumption on this matter which indicate that this additional Act of Defiance on Jim Gray's part is not in the best interest of the tribe and that had we purchased land with this waste of money at least we would have had something.

## Geoffrey Standing Bear:

It is with enthusiasm that I on this occasion (only) will endorse ANY candidates running for election. I firmly believe in William "Kugee" Supernaw and Faren Revard Anderson. These two Congress members have clearly and without a doubt conducted themselves as 4 year members of this congress in a loyal and capable manner, basing their decision making skills in the true best interest of the Osage people.

Geoffrey Standing Bear without a doubt has displayed loyalty and deep concern for the welfare of the Osage people, the tribe, the history, the culture and our future. Mr. Standing Bear's involvement as legal counsel in all aspects of Native American issues is an absolute necessity in this Congress and we should all be grateful that he has offered to serve.

I have chosen this particular instance and this particular portion of this newsletter to relay this message to you due to the fact that Faren Revard Anderson and William "Kugee" Supernaw were the only two Congress members to vote Against this \$1 Million appropriation to sue the Oklahoma Tax Commission.

Geoffrey Standing Bear recently wrote this information on the issue of the Osage Nation v. the Oklahoma Tax Commission on the Osage Shareholders Forum.

**From:** G. Standing Bear  
**Date:** 02 Jan 2010  
**Comments**

The head of the government office to place Osage casino land in federal trust for gaming purposes was Alex Skibine, Osage and son of Maria Tallchief. He is now Acting Chair of the NIGC and still retains his high rank in the Interior Department matters for Indian Affairs. He would have recused on any Osage decision but the person who would make the final recommendation to place the Osage casino lands in trust is Paula Hart who worked for Alex. It is a no brainer to do the Application for Fee to Trust under these conditions. The only thing about the process is that it takes months. Funding a lawsuit based on a theory Oklahoma Indian lawyers explored in the 1980's is academically interesting and that the Congress and Chief appropriated over a million dollars to the test case is



## JENNY'S NEWSLETTER

January 14, 2010

*"When the people fear the government, that's tyranny.  
When the government fears the people, that's liberty."*

*Thomas Jefferson*

highly questionable. Why not take the sure course of increasing our land base by purchasing land and putting it in trust? Does anyone really believe that the Courts are ever going to restore to the Osage Nation ownership and political control over the original surface Reservation of nearly 1.5 million acres? The nearly 40,000 non-Osage population and the Osage Nation will be in litigation for many years. Is that the plan? What about Senator Coburn's reported position that he would reverse anything in the U.S. Senate? So far, federal law still protects our Mineral Estate as a federal Reservation, that has been well established for over 100 years. This case may address that and our three 160 acres Osage Villages, which are also thus far federal reserves, but I hope not. Remember, these "Reservation" arguments were brought up for Oklahoma tribes 25 years ago and after the federal court rulings on gaming and reestablishment of tribal courts, the matter was not pursued further because we did not want to endanger gaming or the tribal court existence. Every few years attorneys tour the tribes to

try to rehash the argument hoping some tribe will buy into it and pay them, but for 20 years no tribe took the bait. That is, until they found the Osage. The Oklahoma Tax Commission position is not unique to Osage, it applies to every tribe in Oklahoma. Every tribe in Oklahoma had a full Reservation and none of the Five Civilized Tribes ever had their Reservations formally "disestablished". Instead, they, the Osage, and the other tribes in Oklahoma had Allotment Acts, most in 1906. To dream that all of Oklahoma will be returned to the Indian Nations and everything since 1906 was illegal and now the tribal courts will take over from the Oklahoma courts, the tribal police will take over from the County Sheriff's and Highway Patrol, that the Oklahoma Legislature has no legislative Districts, that Oklahoma State, County, and City tax authorities will give way to tribal tax authorities, and to pay over a million dollars to pursue this dream is, in my opinion, bizarre thinking. Perhaps the federal court will say we have a "Reservation" for some purpose like federal grants, but it has no meaning in the world most of us wake

up to in the morning or work in during the day. I live on federal trust land, which was allotted from the old Osage Reservation. From this hill I can see the next Osage trust land to the South about 2 miles away. The land to the West is owned by millionaire Ted Turner and just North of that is the Drummond Ranch. No other Osages in sight. This case, as is so much involving the name "Osage Nation" has no real visible impact on making the Osage land base larger. The Osage land purchased by the large landowners to build their ranches was bought within the last few years for well under \$500 an acre. A million dollars could have bought between 2,000 and 2,500 acres of prime grazing land instead of going to attorney fees. I was told the actual appropriations from the very beginning is more like \$1.25 million. That is just one case. how much do all the lawsuits between the Chief and the Congress cost? Why could we have not bought 10,000 acres instead?

### **News Article on the Subject:**

**Indianz.com** Editorial: Osage Nation Chief Gray a 'radical' tribal leader



# JENNY'S NEWSLETTER

January 14, 2010

*"When the people fear the government, that's tyranny.  
When the government fears the people, that's liberty."*

*Thomas Jefferson*

Thursday, January 14, 2010  
Filed Under: [Opinion](#)

"Osage Chief Jim Gray believes his tribe has a reservation and that its boundaries are the same as Osage County's. This means Pawhuska and even parts of Tulsa are in a reservation.

Reservation status is at the heart of a legal dispute pitting Gray against the state. The 10th U.S. Circuit Court of Appeals is weighing arguments in a case that has the potential to affect the lives of every Osage County resident, Indian and non-Indian.

Some are calling the tribe's move a land grab. Gray denies it. He claims the reservation was created by the federal government in the 19th century and has never been disbanded. As one of the state's most radical tribal leaders, Gray has previously asserted sovereignty in attempting to regulate environmental standards in Osage County. He's also said that no state agency can enforce consumer protection laws at businesses within "the reservation."

We assume that if reservation status is granted by federal courts, Gray won't allow the

state to maintain highways in Osage County or send Highway Patrol troopers to investigate accidents and crime. Would the sovereignty claim also extend to school funding and health care? How far is Gray willing to go to separate Osage County from the rest of the state?"

## **ELECTION PROCEDURE UPDATE**

I have communicated with the Election Board office. I was correct in suggesting that Sarah Oberly is considered the Acting Election Board Supervisor until one is hired. According to Sarah, they hope to have a Supervisor by the end of next week.

With regard to Applications for an Absentee Ballot, a Fax number to request an application and several other issues, these have not been worked out either. It would be wise to concentrate right now on getting your membership card information up to date and secure your membership card in preparation for requesting your absentee ballot and voting.

The minute I get the information needed, I'll send out a notice so you can get ready to vote!

## **INFO ON WEBSITE**

A list of candidates for Mineral Council, Congress and Executive office are available on the HOT TOPICS page of my website. [www.jenny2010.com](http://www.jenny2010.com). All updates will be posted on this page so inform friends and family of this information source.

As candidates step forward, they will be added to the lists so continue to check occasionally for updates.

## **MINERALS COUNCIL**

The Minerals Council will meet at 10:00 a.m. tomorrow, Friday, January 15. The Congress will meet at 9:00 am. (just prior to the Minerals Council). Both of these meeting should be available "live".

## **UNTIL NEXT TIME**

Be safe, stay informed, get the word out and vote for Jenny Miller!

Jenny  
P.O. Box 1365  
Bartlesville, OK 74006  
918-260-5712  
[www.jenny2010.com](http://www.jenny2010.com)  
[jenny2010@cablone.net](mailto:jenny2010@cablone.net)