



JENNY'S NEWSLETTER

June 20, 2010

*“When the people fear the government, that’s tyranny
When the government fears the people, that’s liberty.”*

Thomas Jefferson

First Debate Tomorrow

This is a reminder that the first scheduled Debate for the run-off election candidates will be held tomorrow, Monday, June 21 at 7:00 p.m. at the Wakon Iron Hall in Pawhuska. This event is sponsored by a group of concerned Osages.

I plan to attend and will report all I recall being said to the best of my ability. Hopefully many of you will be able to attend this important event.

Those of you in the Hominy area will have an opportunity to attend the Debates on Tuesday, June 22 which will be held at the Community Center at 7:00 p.m.

Wednesday, June 23 will be the Debate sponsored by the Osage News. This event will be held at the Wah Zha Zi Cultural Center from 6:00 to 8:00 p.m.

The last known Debate will be held on Wednesday, July 7 at the Catholic Church in Fairfax. The time for this event is 7:00 p.m.

Election & Absentee Ballot Info

This article came directly from the Osage Nation Election Board Website. Please note that the Absentee Ballots were mailed out to you on Friday, June 18th provided you voted absentee in the General Election. Those of you who need to request an Absentee Ballot should do so Monday the 21st or risk not having your vote counted. Here

is the article from the Election Board:

The run-off election for Chief and Assistant Chief is set for July 19, 2010.

Voting will take place in Tribal Administration Building aka the Congressional Chambers from 8 am - 8 pm. The election is quickly approaching!

If you voted absentee in the General Election on June 7th, 2010 you automatically will receive an absentee ballot for the run-off election. The Osage Nation Election Office would like to remind you to request your Absentee Ballot request from our office. How you ask? Simply log on to www.osage-tribe.com/electionboard click the information tab and then forms. From there you can download and print the request form. We understand not everyone has internet access, so please call our office and we will send a request to you. Return the form with a copy of your government issued photo ID (drivers license) by fax to (918)287-5292, email at aharris@osage-tribe.org or ddavis@osage-tribe.org or US Postal Service to the Osage Nation Election Office at 532 Kihkah, Pawhuska, OK 74056. All Absentee requests must be submitted to the Osage

Nation Election Office no later than 4:30pm CST, June 29, 2010, in order for you to receive your Absentee Ballot.

If mailing your request, please allow ten (10) business days for it to reach our office before the deadline.

Mail out dates for the Absentee Ballots to your address will begin on June 18, 2010 and will be continued on a weekly basis there after.

You must have an Osage Nation Membership card in order to vote.

Please note the membership card is not your CDIB card.

The date for the Election is July 19, 2010, at the Osage Nation Council Office at 813 Grandview, Pawhuska, OK polls will be open from 8:00am - 8:00pm. We will be voting for Chief and Assistant Chief.

Informative Discussions

Finally there are some very informative and important discussions taking place on the Osage Shareholders Association forum. Questions and concerns regarding the plan of action necessary to straighten our

government affairs up is taking place and should be of interest and concern to all Osages. These discussions are under the heading of: **“Let’s take a look at the law...”** You can access the forum by going to: http://www.osageshareholders.org/disc62_frm.htm

Here are the discussions posted as of today at 12:00 noon:

Comments Unidentified Poster

"SEC. 3. That section 1 of the Act of Congress of March 2, 1929 (45 Stat. L. 1478), relating to the Osage Indians of Oklahoma, be, and the same is hereby, amended to read as follows: "That all that part of the Act of June 28, 1906 (34 Stat. L. 539), entitled 'An Act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes', which reserves to the Osage Tribe the oil, gas, coal, or other minerals, covered by the lands for the selection and division of which provision is made in that Act is hereby amended so that the oil, gas, coal, or other minerals, covered by said lands are RESERVED TO THE OSAGE TRIBE, until the 8th day of April, 1983, unless otherwise provided by Act of Congress (amended by the 1978 Act to "in perpetuity"), and ALL ROYALTIES AND BONSES arising therefrom SHALL BELONG TO THE OSAGE TRIBE of Indians, and shall be disbursed to members of the Osage Tribe or their heirs or assigns as now provided by law (according to the Federally held Trust created by the 1906 Act), after reserving such amounts as are now or may hereafter be

authorized by Congress for specific purposes." The Osage Nation is the legal survivor of the Osage Tribe as a legal "person" or as juristic and as such, it has vested material ownership interests according to the terms and conditions of both the 1906 Act and the 1938 Act to amend it. The authorized legal representative of and for the Osage Nation is the Principal Chief representing these interests ANCHORED to it as the legal survivor of the Osage Tribe. The Federal Government recognizes the Principal Chief as the only duly authorized legal representative of the Osage Nation on a government to government basis. If the Mineral Estate is entirely separated from and outside of the auspices of the Osage Nation and the government that represents it, who will be able to legally represent the vested material ownership interests anchored to the Osage Nation and who will be able to act as the duly authorized legal representative with the Federal Government in regard to those same vested material ownership interests if not the Principal Chief of the Osage Nation government.

Comments Jenny Miller

Good information and thank you for it. I would just note that before we can understand what the law is saying, we have to have accurate knowledge of definitions with regard to several key words in it. Here are some definitions from Black’s Law Dictionary for your consideration:-----NATION. A people, or aggregation of men, existing in the distinct portion of the earth, speaking the same language, using the same customs, possessing historic continuity, and distinguished from other like groups by their racial

origin and characteristics, AND GENERALLY, BUT NOT NECESSARILY, LIVING UNDER THE SAME GOVERNMENT AND SOVEREIGNTY. Montoya v. U.S., 180 U.S. 261, 21 S.Ct. 358, 45 L.Ed. 521.-----TRIBAL LANDS. Lands of Indian reservation which are not allotted to or occupied by individual Indians but rather the unallotted or common lands of the nation. Land allotted in severalty to a restricted Indian is no longer part of the “reservation” nor is it “tribal land” but the virtual fee is in the allottee with certain restrictions on the right of alienation. United States v. Oklahoma Gas & Electric Co., C.C.A. Okl., 127 F.2d 349, 353.----INDIAN TRIBE. An “Indian tribe” within meaning of Indian Non-intercourse Act is a body of Indians of the same or similar race, united in a community under one leadership or government, and inhabiting a particular, though sometimes ill-defined, territory. Mashpee Tribe v. New Seabury Corp., D.C. Mass., ----END OF DEFINITIONS----- (P.L. 108-431 dated December 3, 2004):-----The Congress finds as follows :---(1) The Osage Tribe is a federally recognized tribe based in Pawhuska, Oklahoma.--- --(2) The Osage Allotment Act of June 28, 1906 (34 Stat.539), states that the “legal membership” of the Osage Tribe includes the persons on the January 1, 1906 roll and their children, and that each “member” on that roll is entitled to a headright share in the distribution of funds from the Osage mineral estate and an allotment of the surface lands of the Osage Reservation. (3) Today only Osage Indians who have a headright share in the mineral estate are “members” of the Osage Tribe.-----Personal

opinion: This is why H.R. 2912 should never have been a consideration by the U.S. Congress and why it never had been for over one hundred years.---When we hear "The Osage Tribe is different and or "special" it is because of the Minerals Estate. It is the Minerals Estate that has kept us Federally Recognized and secure.-----Because the legal members (Shareholders) were governed by a Tyrant, this new law was railroaded passed them without the opportunity to vote as to whether they wanted to change the tribal membership rules or the rules of their government.----They were not offered the democratic process of a Referendum vote on the matter.--------As a result, they now have a Chief and Assistant Chief who have been voted into their positions by non-shareholders and their form of government and membership has been changed.-------Now that we have a strong possibility of losing our 3 major casinos, it would be wise for our new leaders to get all Mineral matters out from under this new government constitution and back to where it should be according to the 1906 Act.-----When the chips start falling and this new government fails, where is the only source of dependable income?-----Tucked neatly away in this new constitution under the heading of Osage Minerals Estate.----While it is unlikely that Mineral Income could be lost, I believe it's possible that it could be tied up for a considerable length of time while the attorneys fight battles incurred due to the derelict administration of Jim Gray.-----Keep in mind your post that states from the law: -----"That all that part of the Act of June 28, 1906 (34 Stat. L. 539), entitled 'An Act

for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes', which reserves to the Osage Tribe the oil, gas, coal, or other minerals, covered by the lands for the selection and division of which provision is made in that Act is hereby amended so that the oil, gas, coal, or other minerals, covered by said lands are RESERVED TO THE OSAGE TRIBE, until the 8th day of April, 1983, unless otherwise provided by Act of Congress (amended by the 1978 Act to "in perpetuity"), and ALL ROYALTIES AND BONUSES arising there from SHALL BELONG TO THE OSAGE TRIBE of Indians, and shall be disbursed to members of the Osage Tribe or their heirs or assigns as now provided by law (according to the Federally held Trust created by the 1906 Act). after reserving such amounts as are now or may hereafter be authorized by Congress for specific purposes." The Osage Nation is the legal survivor of the Osage Tribe as a legal "person" or as juristic and as such, it has vested material ownership interests according to the terms and conditions of both the 1906 Act and the 1938 Act to amend it. The authorized legal representative of and for the Osage Nation is the Principal Chief representing these interests ANCHORED to it as the legal survivor of the Osage Tribe.-----END----- Note:-----During this time and on the day of December 3, 2004, the Osage Tribe was the Osage Nation.--------Looking further into these issues, I still contend that the "hill" and the three "true" reservations, Hominy, Grayhorse and Pawhuska are also property of the Shareholders, why else does the law state if this property

is sold with the approval of the Secretary of the Interior, the proceeds of the sale would be distributed to the Original Allottees, their heirs or assigns?-------Please note that these are my thoughts and concerns of which I hope all will take a look at and consider.----We can only hope that our new leaders will do all they can to get some answers to these questions and resolve all issues in a diplomatic, honorable manner and by all means; not by suing the State of Oklahoma or anyone else.

Comments Rauk Friend to Unidentified Poster

Herein lies the problem, has this new constitutional government hijacked the name "Osage Tribe of Indians of Oklahoma" for its own definition of its membership or not? If it has then there could real problems for the current shareholders as every person with a Osage Nation card would be a member of said tribe and potentially entitled to income from the Minerals Trust.(In other words a re-distribution of the Minerals Trust.) However, if there are two distinct groups, one being a member of the Osage Nation and the other being a member of the Osage Tribe of Indians of Oklahoma (or shareholder)then the issue is moot and everything remains basically the same. (and some would be members of both.)I don't pretend to have an answer to this. I am no legal professional, but it does concern me and I think the issue needs to be studied and resolved. Thank You.

Comments Unidentified Poster

Whether or not the Osage Nation has "hijacked" the Osage Tribe is another important issue but that is

not what I am trying to sort out at the moment. There has to be a legal survivor to the Osage Tribe because it does not exist anymore and hasn't since the vote on and ratification of the Constitution. I look at it this way; A is the mineral rights reserved to the legal entity, the Osage Tribe as juristic. B is the ownership right of the Osage Tribe to the income. C is the income disbursed to the Headright owners under the current Federally held Mineral Estate Trust. Without A and B tied to and belonging to a legal survivor, there can be no C. As such, the Osage Nation as the legal survivor of the Tribe has vested material ownership interests that must have a duly authorized legal representative that represent those interests that will be recognized as such by the Federal government. Again, if the Mineral Estate is totally separate from the Osage Constitutional government, who will that be? The Feds won't accept anyone other than the Principal Chief of the Osage Nation to act in this capacity whether he chooses to delegate his/her authority to someone else or not because to do so is outside of the legal parameters set by the 1906 Act as amended. In short, I'm stuck. The only thing I can come up with is to amend Article 15 of the ON Constitution to state that the Minerals Council will continue to be legally operational under the 1906 Act as amended with regard to the Mineral Estate as before and that the Principal Chief and AP Chief of the Osage Nation are authorized to act for the Osage Nation, as legal survivor to the Osage Tribe, in the same capacity under the 1906 Act as amended as well.

Comments Geoff Standing Bear

The membership of the Osage Tribe under the 1906 Act consists only of original allottees and their children. The federal government acted as if grandchildren and other descendents were Osage most famously in the 1953 Osage Annuitant Roll which included grandchildren and great-grandchildren. HR 2912 authorizes the Osage Tribe to reorganize and define its own membership. Who then would be eligible to vote on the reorganization and membership? As it was, everyone. Was that consistent with HR 2912? When the Constitution says the Osage Nation is the successor to the Osage Tribe how does that relate to the definition of who makes up the Tribe as set out in the 1906 Act or does HR 2912 by its passage automatically make everyone who is descended from the 1906 Act eligible to vote in reorganization? I don't think so. The reorganization was flawed and we need to take HR 2912 which is already law and restart this reorganization. That still does not take care of the issue of who votes on it. It appears to me that most of the present members of the Osage Nation would strongly object to a new vote with only children of original allottees voting. Perhaps HR 2912 should be amended and while we are fixing these problems we reaffirm the Minerals Council, Chief and Assistant Chief as separate and look at a better form of government for all the Osage people. While all this is going on we need to amend the Constitution to fix what we can.

Comments Jenny Miller

With all due respect to you Geoff and to the present members of the Osage Nation, (myself included), I have to ask this question of

you:-----Whatever happened to: "The law is the law?"-----You state in your post: "That still does not take care of the issue of who votes on it. It appears to me that most of the present members of the Osage Nation would strongly object to a new vote with only children of original allottees voting." (end of your statement)-- --I have to ask if the law is in fact the law, where and how is there a choice in the matter? It seems to me that as you also state: "The reorganization was flawed and we need to take HR 2912 which is already law and restart this reorganization." -----In my view, this plan should include the holding of an election for the shareholders (legal members at the time HR 2912 was enacted on December 3, 2004), to have the democratic process of a referendum vote to either change or not change the membership and form of government which is how it should have been done in the first place.-----I'm in total agreement with the rest of your post in that HR 2912 should be amended (if not repealed however) and while that process is being undertaken, reaffirmation of the Minerals Council, Chief and Assistant Chief as a separate entity should be confirmed. Looking at a better form of government for all the Osage people is an excellent plan and the idea of amending the Osage Nation Constitution should be made simultaneously.-----Frankly, I see this entire new government as having been implemented bassackwards, giving all the power to those of us who are not legal members of the Osage Tribe (non-shareholders), and taking it away from the legal members as defined in Federal Law. Federal Law being the 1906 Act.----We should always remember this Osage Nation

Constitution is "Tribal Law" that of which will never trump Federal Law.-----My statements here are meant with the utmost respect to all who are posting on the matter as well as all Osage people. I'm searching for answers and am hopeful through the process; each of us will bring serious thought to the table of progress and success to our government affairs.

Comments Unidentified Poster

To Geoff Standing Bear

As you wrote, HR 2912 is now PUBLIC LAW 108-431 as of 2004 and it states as a clarification: "(3) Today only Osage Indians who have a headright share in the mineral estate are "members" of the Osage tribe. (4) Adult Osage Indians without a headright interest cannot vote in Osage government elections and are not eligible to seek elective office in the Osage Tribe as a matter of Federal law." Attempting to change PUBLIC LAW 108-431 will certainly be burdensome and legally costly even if the U.S. Congress chooses to participate. It seems that changing the Constitution of the Osage Nation is the better plan. After what we have been through

in the last four years, I absolutely doubt that the "members" defined in PUBLIC LAW 108-431, Sections (3) and (4) will vote for a Constitutional form of government, even if we choose to roll things back so that only they could vote on a new form of government other than what we had prior to the vote on the Constitution. As far as I can tell, the only problematic section in the Constitution is Article 15. If that is amended to reaffirm the 1906 Act as amended allowing for the Chief and AP Chief to act in their prior capacity under the 1906 Act as amended, as a compromise, it will solve the problem simply and without unnecessary legal complication or cost.

Question Rauk Friend to Unidentified Poster:

When you refer to "chief and AP chief" near the end of your post are you meaning the ON chief and AP chief or a chief and AP chief of the minerals council that would be elected by the shareholders?

Comments Unidentified Poster

Seeing as the Osage Nation has a lot to bring to the table, as a compromise, my answer is the

Principal Chief and the AP Chief of the Osage Nation. It seems to me, other than in one regard, the problems we have experienced didn't lie with P.L. 108-431, but rather with the way the OGRC chose to take advantage of what was written in the Act by going at it the way they did from the standpoint of the Referendum election process and in the way they structured Article 15 of the Constitution. One way or the other, we can't go back now as the Constitutional government has a new Tax I.D. number and the old one for the Tribal Council with its Resolutions style of government was retired, if the facts have been reported to me correctly. Be that as it may, the more one looks into the complications inherent in attempting to move us to another form of government, it is easy to see that this was a difficult process at best to coordinate, organize and put together in final form.-----END-----

Until Next time-----Thanks to the many of you who have sent e-mails and called wishing me the best and to those who asked that I keep writing the Newsletter.

And~

Happy Father's Day to all you Dad's!