



JENNY'S NEWSLETTER

March 6, 2010

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

Thomas Jefferson

One Part of the Argument

I attended the Congressional Session Friday, March 5. No legislation was voted on and the meeting ended without addressing Congressman Red Eagle's bill, ONCA 10-28. This is the bill involving the Minerals Council.

After the meeting there were several different debates going on between various groups in the chambers. At this time it was suggested that when the Osages purchased

the land in Indian Territory from the Cherokees, the deed was made out to the OSAGE NATION, not the *Osage Tribe*. I immediately asked for a copy of the deed and was told a copy of it was at the Cultural Center. Cynthia Boone and I went to the Cultural Center to view the deed but there is no such deed available at this time. According to the staff, the document isn't a deed but a written document and she doesn't expect to receive it anytime soon.

Federal Law

March 3, 1873
17 Stat. L. 530

CHAP. 228 *An Act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-three, and for other purposes.*

P. 538. That the Secretary of the Treasury is hereby authorized and directed to transfer from the proceeds of sale of the Osage Indian lands in Kansas, made in accordance with the twelfth section of the act of Congress approved July fifteenth, eighteen hundred and seventy, the sum of one million six hundred and fifty thousand six hundred dollars, or so much thereof as may be necessary, to pay for lands purchased by the Osages from the Cherokees, and to place the same on the books of his Department to the credit of the Cherokee Indians, the same shall bear interest at the rate of five percent., in accordance with the act of Congress approved June fifth, eighteen hundred and seventy-two, entitled "An Act to confirm to the Great and Little Osage Indians a reservation in the Indian Territory," and the acts of Congress and treaties therein mentioned and referred to, whenever the amount to be so transferred shall be certified to the said Secretary of the Treasury by the Secretary of the Interior. (17 Stat. L. 228)



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June 28, 1906

34 Stat 539

Section 4

FIRST. That all the funds of the *Osage tribe* of Indians and all the moneys now due or that may hereafter be found to be due to the said *Osage tribe* of Indians, and all moneys that may be received from the sale of their lands in Kansas under existing laws, and all moneys found to be due to said *Osage tribe* of Indians on claims against the United States, after all proper expenses are paid, shall be segregated as soon after January first nineteen hundred and seven, as is practicable and placed to the credit of the *individual members* of the said *Osage tribe* on a basis of a pro rata division among the members of said *tribe*, as shown by the *authorized roll of membership* as herein provided for, or to their heirs as hereinafter provided, said credit to draw interest as now authorized by law; and the interest that may accrue thereon shall be paid quarterly to the members entitled thereto, except in the case of minors, in which case the interest shall be paid quarterly to the parents until said minor arrives at the age of twenty-one years, etc.....

SECOND. That the royalty received from oil, gas, coal, and other mineral leases upon the lands for which selection and division are herein provided, *and all moneys received from the sale of town lots, together with the buildings thereon, and all moneys received from the sale of the three reservations of one hundred and sixty acres each heretofore reserved for dwelling purposes, and all moneys received from grazing lands, shall be placed in the Treasury of the United States to the credit of the members of the Osage Tribe of Indians as other moneys of said tribe are to be deposited under the provisions of this act, and the same shall be distributed to the individual members of said Osage tribe according to the roll provided for herein*, in the manner and at the same time that payments are made of interest on other moneys held in trust for the Osages by the United States, except as herein provided.

Section 6

That the lands, moneys and mineral interests, herein provided for, of any deceased member of the *Osage tribe* shall descent to his or her legal heirs, according to the laws of the Territory of Oklahoma, or of the State in which said reservation may be hereinafter incorporated, except where the decedent leaves no issue, nor husband nor wife, in which case said lands, moneys, and mineral interests must go to the mother and father equally.



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Section 7

That the lands herein provided for are set aside for the sole use and benefit of the individual members of the *tribe* entitled thereto, or to their heirs, as herein provided; and said members, or their heirs, shall have the right to use and lease said lands for farming, grazing, or any other purpose not otherwise specifically provided for herein, and said members shall have full control of the same, including the proceeds thereof: Provided, That parents of minor members of the *tribe* shall have the control and use of said minors' lands, together with the proceeds of the same, until said minor arrive at their majority: And provided further, That all leases given on said lands for the benefit of the individual members of the *tribe* entitled thereto, or for their heirs, shall be subject only to the approval of the Secretary of the Interior.

Back to the Argument

After having read these Acts of Congress and not finding any reference to the Osage Nation but numerous references to the Osage tribe, I find it difficult to believe such a Deed exists and even if it does, which I strongly doubt, these sections of Congressional acts have long sense rebuked the notion.

The relevance of such a suggestion is unknown to me insofar as making a case that the Osage Minerals Council must

seek approval from the Osage Nation Government for any act they are required to perform under the 1906 Act. Nevertheless, the point was in fact made to me that the Deed was written between the Osage Nation and the Cherokee Nation and that apparently those in power believe this is an issue that would cause the Minerals Council to be subservient to the Osage Nation Government.

Insult to Injury

Taking into consideration what I just reported about the Deed and the loss on

Appeal of the Oklahoma Tax Commission case, we may as well prepare ourselves for some major fallout. Gray has pushed the envelope too far this time and we can expect negative repercussions to follow. Hold your breath and hang on, I'm afraid we're in for a bumpy ride.

Attached is the decision by the 10th Circuit Court of Appeals. Because the cards are on the table now, we can expect the State to come back on our Casinos due to not being on Trust land. The revenue from the



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Casinos of which we have never seen anyway, will most likely not be seen for quite some time if ever.

Before the Congress is too quick to appropriate funds for Gray to take this on to the U.S. Supreme Court, I hope they take into consideration that the main revenue for the Osage Nation is derived from gaming, which Gray has once again placed in further jeopardy.

Ironically one should ask: If you were the Oklahoma

Tax Commission and know what they know now about the Osage Nation Casinos not being on Trust Land and that Income is not accounted for and that the Osage Nation was planning to take this case on to the U.S. Supreme Court, what would you do?

That's just one bump in the road when it comes to the fallout we can expect and hope not to see.

Interestingly Enough

I hope you can look at these two issues today and

realize the correlation between the two. The 1906 Act plays a major role in both of these issues therefore should indicate to you the power that it has and why it's so very important.

It is, as I've stated over and over: Defiance of the law that will be the demise of the Osage Tribe.

Until Next Time

Pray for our future, study the candidates; ask the hard questions and Vote for: Jenny Miller - Congress