

**Transcription from Committee of the Whole Discussion  
During FY 09 Hun-kah Session Day 8 on March 24, 2009**

**MOTION-To enter Committee of the Whole.** Congressman Supernaw made a motion that the Congress go into Committee of the whole for the purpose of discussing communications between the Congress and members of the public or employees of the Nation. Motion was seconded and passed with 12 yeas and 0 nays.

**Congressman Supernaw:** I want to discuss that with all the Members of Congress because it directly affects one Committee, which I am on, and that's Appropriations. From a practical standpoint the scenario that was outlined yesterday at the employee's meeting. Actually I'm afraid that it's going to lead to a lot of problems for Congress in the Appropriations process in that the Executive Branch has said that they're going to hold all the budgets until July the 15<sup>th</sup> and then what was said to us yesterday we will then have an opportunity to talk to the Directors, but none of those directors are free to give us their opinions without going back to the Executive Branch and getting those answers clarified or approved of so we're in fact precluded from ever talking directly to the people that know what's going on in their departments and I think it's going to delay things it's going to make a real problem for Appropriations and delay it right up to the end. Now that's just a practical business problem. But from another standpoint, when I ran for office I spoke here at Pawhuska and I said that I've heard in the past that employees felt intimidated and fearful of their jobs under previous administrations. Some of them even said that they felt uncomfortable walking down the halls because they might run into an elected official and they might say the wrong thing or do the wrong thing, and I said at that meeting that to the best of my ability I would try to see that that kind of fear did not exist in this administration. Now I'm just one vote but I think a lot of people feel the same way. I don't know what we can do. We discussed it this morning with some of us and they feel like that's an Executive Branch decision, but I think it's cowardly of us to not do everything we can to inform our citizens that work here and work throughout the nation to be free of a workplace full of fear and intimidation, so I think it's our responsibility and our duty to do what we can. Now I don't know what we can do, but that's what I want to discuss here because I'm sure others have ideas. That's the reason I wanted to discuss it.

**Speaker Mason:** Floor is open, Congressman Red Corn.

**Congressman Red Corn:** I've had preliminary discussions with Mr. Gill about just passing a short simple law that just says that no policy of the Osage Nation shall abridge the free speech of or free political expression of the employees of the Osage Nation. That's certainly not the law, but that's the idea behind it. And in terms of going to Mr. Supernaw's point of what can we do; we can pass law. So I'll be working on that, and hopefully I'll take input from anyone that has it, and hopefully we'll end up with a good law. The law certainly trumps policy here and of course it has to be respectful of the separation of powers, but we also have the constitutions guarantee of free speech and that needs to be honored as well.

**Speaker Mason:** Thank you, Congressman Revard.

**Congressman Revard:** I attended that meeting and I spoke up at the meeting. I form my opinion to the Executive body being setting the rules, that perception, whether they have the power to do it or they don't the perception of it I think will be taken badly by the Osage people. Anytime that you order people not to talk to their Congress, that if any of us on a social basis speaks to them then they have to make a written report and send it in that we spoke to them. I think the perception of it and what it's trying to accomplish is bad. It is a, you know I worked for the state for 10 years with the District Attorney and 22 years on the bench, and I never once had to call the Governor or the Supreme Court Justices and say "Should I answer this question that a Congressman wants to know?" I don't think there's people calling the President today in the federal government asking this. It's a dictatorship over those people to the point it's true censorship in every way that they cannot speak and talk to their elected officials. I just think that the public should come out in outrage and inform them that they don't agree with this. I think this Congress probably by, as Raymond has stated, by law and possibly a resolution. That it's just setting us, I mean we got to remember that where the Executive has it's power and we have ours, but we are one Nation and we're a small nation. And we are not separated to the point that one branch of this government should order all employees of this nation not to speak or give an opinion of theirs to anyone else; to an elected member of Congress. It just sets us out and puts a stigma, like I say, when you see an employee now I guess you got to cover your eyes, your mouths, and your ears, the monkey act, so they won't have to do a written report. I just think that we as a Congress should say this has gone too far. Thank you.

**Speaker Mason:** Thank you, any other members of Congress wishing to discuss at this time? Congressman Red Eagle.

**Congressman Red Eagle:** Mr. Chairman, Mr. Speaker I was at the meeting also yesterday, and my comments to the crowd was that what's going on is a mass failure in communication and that by doing this on the Executive side they have put the Executive in the position where he now has the responsibility of communicating with us and no one else. What that has done is elevated Congress to a level that when we ask for something, he has to respond; put it all on him. The reason communication has failed and an example of that, today we took a count on the modification of appropriation bills that Mr. Supernaw is referring to in the theme of appropriations approximately 15 modification bills and we're still receiving them today. Some have been found on desks over there setting idle. We knew we were going into this session, and they knew months ago, and yet we received the modification bills after the session starts and incorrectly done and still some showing up today. That's not good communication on the Executive's part. There needs to be a challenge to the Executive that if he takes these kind of steps, we have to step also so that when we request information, it needs to be responded to in a timely manner and brought over to us so there are actions that need to be taken. Thank you sir.

**Speaker Mason:** Any other members of Congress wishing to voice at this time?  
Congresswoman Edwards.

**Congresswoman Edwards:** I agree with my fellow Congressmen. I think we have a very big communication problem, and it needs to be resolved somehow. There are many, many instances when information is requested by whatever the rule dujour is, of the day, and we just don't get the information. And we cannot do our job as legislators and write good legislation and know whether to vote for something if we don't have the information at hand. And most of that information must come from the Executive Branch so there has to be a way for us to communicate, whether we need to sit down and work out something because I think it ought to be that everybody understands the ground rules of how the communication comes back and forth, but I don't think that the latest policy is workable for any of us.

**Speaker Mason:** Congresswoman Branstetter.

**Congresswoman Branstetter:** Also, today in Governmental Operations, at the request of Congresswoman Edwards, we've invited the HR Director to attend the meeting to discuss some of the health insurance issues and at this point we don't know if he's going to attend. We just have it listed as if he attends then this is kind of in the air and any information. I called, last Friday I think it was, Child Support Services regarding an issue of people who are current on their child support receiving letters from the state, and I wanted to know what was the process or procedure that our Child Support Service has with the state to eliminate these letters and/or are they aware that people are receiving these letters, and I spoke to the lady that was there on the phone. She only answered the phone by her name. I didn't even know if I had the right place at first, and I had to inquire, but then I received an e-mail from their director, and he told me he quoted part of the protocol from the Executive Branch and listed this out in a paragraph and told me to be patient and that they would find the information hopefully later so there is a problem with receiving information.

**Speaker Mason:** Thank you, any other discussion? Congressman Simms.

**Congressman Simms:** You know we can try to think up ways to force him to communicate and all that, but I think we should call the Chief and his Executive staff in an open meeting right here in these chambers and discuss publicly why we're having all this problem. I think we, you know because we can come up and we can kind of threaten or whatever, you know we won't pass budgets unless you give us this information and the fight continues, but I think if we bring him over here personally and his Executive staff and that way we'll be able to find out why they're passing it, reasons of it, and it will be on the record I think maybe something might be able to start becoming a little bit better on our communication. Thank you.

**Speaker Mason:** Recognize Congressman Shackelford and then Congresswoman Branstetter.

**Congressman Shackelford:** You know Mr. Speaker I was at the meeting yesterday, and I like many of the Congress people here today, I've known many of those employees almost all my life. Kenny Bighorse, Jr. and I we grew up together and we refer to each other Indian way as brothers. Whenever I go down to the gym to workout with him, and he's got a piece of equipment that's broke down, and I ask him what's the cost going to be to get that treadmill fixed? He has to address me as Congressman Shackelford then and that's ridiculous. I go to thanksgiving dinner and my brother Harrison is sitting there and I ask him, "Are you guys going to have to go to work today and chip the ice away so people won't fall in front of the IHS building?" "Yes Congressman Shackelford I have to." Whenever we talk about business I have to become Congressman Shackelford to my own brother. They talk about communication problems, this creates an aura of fear because these people I believe it's being instilled in them that if they talk to us in a manner if they don't go back to check with the people that are their superiors and the information that they're given to be giving back to us is not exactly what they're told to be giving back to us, the repercussions could be their job, and nobody wants to work underneath those kind of pressures it's not fair. And I just it's amazing that you know we talk about and we get up there and give these speeches and we say we're going to get along and yeah we have our differences and things like that but whenever there's people you've known your whole life that you have these communications with that go beyond this world up here. When you see them and whenever they come to us with a problem, whether it's a budget or something like that, it's just a simple question then it goes from you know from you being Archie Mason to Speaker Mason you know whenever they see you over at Grayhorse because you've asked them well how are things going in your program today you know that's ridiculous to me. And I think it's creating the most, like Mr. Revard said yesterday, this creates a feeling of having had that feeling since 1945. Thank you.

**Speaker Mason:** Congresswoman Branstetter.

**Congresswoman Branstetter:** I agree with what they're saying, however, with Congressman Simms saying that we need to have a meeting with the Executive Branch. I don't think we need it with the Executive Branch I think we need to only speak to the Chief. He is in charge of the Nation. He is the person that makes the decisions of what is good for the Nation and his employees, and I would see that he would be the only person that we would need to discuss the issue with.

**Speaker Mason:** Any other discussion? Congressman Red Eagle.

**Congressman Red Eagle:** Just for the record, the protocol that the Chief issued was done without any input or consideration of our opinions in its creation. It just came out of his office without anyone in Congress getting involved the subject matter or the reasons for it or any of the accommodations because of it, and I just want to make that known that we were not involved in the writing of that piece of paper. Thank you.

**Speaker Mason:** Congresswoman Edwards and then Congressman Freeman.

**Congresswoman Edwards:** I think that it's imperative that this be resolved quickly because I know that in one instance that in the Education Committee that we've got some real problems in terms of budgeting appropriations, how money is being spent, and if we can't discuss that with the director without a three day advance notice and an approval letter or whatever. I'm not going to feel comfortable appropriating money because I need to know that the way that we appropriate it is the way it's being spent, and I can't find that out if I can't talk to a Director level person.

**Speaker Mason:** Thank you, Congressman Freeman.

**Congressman Freeman:** Mr. Speaker I first want to say that I don't think any elected officials whether it be in the executive or the legislative part of our government should be allowed to intimidate any of our employees to get individuals to get information. But by the same token, I'm agreeing with what most of my peers are in saying today that we have lost complete communication and without it we can not do our jobs as legislators. This budgeting thing as it has been put forward at this point in time and in past time, we get down to the wire and all of a sudden we haven't had the information ahead of time. We need to work together. I don't know what the answer is but I will work toward with all of our officials the best I can, to produce something that will allow us to communicate. But as I say, I do not want either the executive elected officials or legislative elected officials to be able to intimidate any one individual that works for us by virtue of their position. We can do this without doing that. I am all for doing something to rectify this and in the near future, not next week, not next year. We have got to do it now.

**Speaker Mason:** Congressman Red Corn, and then Assistant Chief Red Eagle

**Congressman Red Corn:** Echoing what Congresswoman Edwards says. As a committee chair, I am not at all interested in hearing a sanitized, filtered version of someone's truth that has to cross the desk of one or two staffers in the chief's office. I'm interested also in what the directors have to say in detail and I do not think we are anywhere near big enough tribe to have to file a subpoena to get basic program information. This isn't the department of defense and this isn't the pentagon. We are a small tribe of Indians in Oklahoma running a bunch of social programs. It's already been said but I'll say it again, this is totally unnecessary.

**Speaker Mason:** Thank you. I recognize Assistant Chief Red Eagle

**Assistant Chief John Red Eagle:** I can't even get information when I ask for it and I work over there. This has been coming for some time now. You reach a point where you are pushed against a wall and I've seen this Congress put in that position a lot of times. Something has to be done. Although, I am over there and I was handed these policies last week and I probably would have brought them forth more quicker, but I was out of town for four days there and I couldn't. I knew it was going to create some chaos. When you violate the trust of individual and I think when you are put in a position, not only you are put in a position, but the employee is put in a position, then that creates that aurora of... you know it stems from things like we are going to micro manage and you're going to do

this or you are going to get information that you shouldn't have. And those type of things that have served over the past several weeks or months and I think that talking or bringing them here to state your case. I think it has to be resolved or otherwise people are going to take it wrong. You can't do business, so regardless some boundaries have to be set and they can't be set in this manner. Whatever I can do to help I will do that thanks for this time.

**Speaker Mason:** Thank you. Congressman Supernaw

**Congressman Supernaw:** I'd like to add one thing I agree with Congressman Freeman. We need to do something and we need to do it immediately. Because I got email from people last night, from people asking me to change their email address to send email to their home or to their father or mother and they would get the communication to them. Because the way this came down yesterday, the implication was that even the email could be monitored and could bring repercussions against the individual that received them even though they didn't initiate the conversation. So it puts us in a quandary that with our communications with our own people jeopardize them. They have the same problem. They don't know if they should contact us. Even though they feel it's necessary. But for those of you that were not at that meeting, one lady stood up I forgot who she was. She had a smile on her face, she's an employee, and she said what happens, what is the penalty if we violate this and Hepsi said your job and she sat down and she didn't have a smile on her face then. I had that transcribed and I have it available for anyone that wants to read it. And I think there is no mistaking that those people thought that their jobs were in jeopardy if they communicate with us even on the most personal level.

**Speaker Mason:** Congressman Red Eagle

**Congressman Red Eagle:** Two years ago I mentioned to the chief of staff, Ms. Barnett that there are more than just one executive in this governmental function. We got about 15 or 16 executive chairs. When you communicate with Congress, that you have to communicate on a executive level. I'm telling that to the boards also. There is a way to communicate with executives. We are executives of the Nation. We were elected in here. We were given those responsibilities in executive functions. There is a way that executives communicate. We have yet to see the treasurer's report analysis of this nations finance. The chief has quit reporting the state of the nation yearly. We are not receiving the positions of our departments in any form unless we try to ask. We have to ask for that and as executives, we should not have to. As an executive, on the chief side he should know to provide that information to his fellow executives. We have reached that point. And I said two years ago to the chief, the days of our chief the way they were viewed by the government is over. We need chief executive officers. The days of the old blanket chief as the government looked at us that's gone. Now we are in entrepreneurships. We are into commissions. We are into legislation. We are into courts. We need an executive that functions as an executive completely. Our chief executive is not doing this at this time.

**Speaker Mason:** Thank you. Consider this the closing statement.

**Congresswoman Anderson:** I attended yesterday's meeting and was really disappointed in what we heard. And you went home and you thought about it and you thought about it. And you thought, and you know it's a bad day when you go home and you think I'm glad I'm not an employee of this Nation. And that is what happened yesterday.

**Speaker Mason:** Thank you. Congresswoman Atterberry

**Congresswoman Atterberry:** Well for whatever reason this protocol was put in place, it was put in place. And I guess I'm the optimist of the group, but I believe that their efforts are hoping that it can improve communication. And everybody is going to perceive things differently. We could all talk to a different employee and they may have perceived this new protocol in a different way. It's an effort for possible better communication or we can look at it as gloom and doom. We are all going to look at it in a different way. But there is no doubt that the effort needs to be improved and there needs to be communication from both sides. There needs to be input on the communication protocol that comes from here and the communication protocol that's over there. And hopefully we can meet as two groups and come to some thing that is going to work for both of us. But common sense tells me that this protocol does not and can not include my casual and personal communication that I have with my family. I mean that's just common sense.

**Speaker Mason:** Thank you and without objection, I would put closure on this discussion with a motion. I believe everyone had a chance to voice their concerns and expressions have been made and for the record and we are all in agreement that there is something that needs to be done. With that said, as we adjourn here, we move forward and if there are those here that want to pursue that this afternoon and you will have the support of almost all of our colleagues whatever endeavor you want to take, or whatever direction. There is some objection to closing. Congressman Shackelford

**Congressman Shackelford.** Yes, Mr. Speaker just real quickly. If it was indeed a concerted effort to open the lines of communication, the only positive I seen from that yesterday was whenever, and I respect Mr. Revard, when he got through saying what he said, there was a round of applause whenever he said what he said. That was the only time there was a round of applause. So I think that says a lot about what the employees believe in and how they feel about what is going on and a lot of them feel the same way that we do. Anyway, I appreciate Mr. Revard's comments yesterday.