

MEMORANDUM

TO: Osage Nation Congress
From: Jenny M. Miller
Date: June 7, 2009
Subject: Article XII-REMOVAL

Speaker Mason, Congress members: Anderson, Atterberry, Branstetter, Freeman, Red Corn, Red Eagle, Revard, Shackelford, Simms, Supernaw and Edwards:

Today, I point out to you facts of which you are clearly aware but have made no attempt to reconcile. Documents tell us that the Chief of the Osage Nation, James Roan Gray, has blatantly and willfully neglected his duties on more than one occasion.

Inaction and continued willful neglect to perform these crucial responsibilities has placed the Osage Nation in jeopardy with regard to future U.S. government Grant monies, reflects questionable ability for the Osage Nation to handle its own affairs, and has caused prolonged damage to our credibility as a tribe of Native Americans across the country.

Opportunities to compete in the business world will be affected by the actions and inactions of this government. We are in the business of Nation Building. Inability to account for government funds as well as our own; failure to conduct ourselves in an honorable fashion and refusal to abide by laws, have and will continue to harm the Osage Nation in the future with regard to business ventures or any other activities we may wish to pursue.

The Osage Nation Constitution provides redress for the act of willful neglect of duty. The United States Housing and Urban Development has laid out clearly for you acts of neglect, you yourselves continue to allow more time for the appointment of an election board when there is no doubt this inaction on Jim Gray's part is yet another indication of an illegal election.

Article XII – Removal does not apply only to James Roan Gray, Principal Chief of the Osage Nation, but to all elected and appointed officers of the Osage Nation. I would ask that each of you consider this and carry out your duties as elected Congress members of the Osage Nation Government.

ARTICLE XII - REMOVAL

Section 1. Grounds for Removal: All elected and appointed officers of the Osage Nations shall be subject to removal from office for cause, including but not limited to willful neglect of duty, malfeasance in office, habitual abuse of alcohol or drugs, inability to meet qualifications to serve, conviction of a felony or conviction of a misdemeanor involving moral turpitude while in office.

Section 2. Rules and Procedures: Removal of Osage Nation Officers shall originate in the Osage Nation Congress, except as otherwise provided in the Osage Nation Constitution. The motion for removal shall list fully the basis for the proceeding and must be approved by a two-thirds (2/3) vote of the members. Trial on removal shall then be conducted by the Osage Nation Congress with the accused afforded due process and an opportunity to be heard. An Osage Nation Supreme Court Justice, designated by the Supreme Court, shall preside at the trial. Concurrence of five-sixths (5/6) of the members of the Osage Nation Congress is required for a judgment of removal. The judgment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit in the Osage Nation, but shall not prevent proceedings in the courts on the same or related charges.

The Osage Nation Congress may prescribe additional rules and procedures that are necessary to implement the provisions of this Article.