

**HEAVY ON MY MIND****What happens to the Minerals Business if this new government fails?**

In my view, this is a fair and important question and the question deserves a fair and accurate answer. Unfortunately, we don't have at our disposal a panel, council or government body willing to address the question or perhaps; is it that they are not capable?

Because of our unfortunate circumstances with regard to official representation on these matters, I, like you can only speculate.

***Here's what I know:***

- The majority of if not the sole source of revenue sustaining this new government comes from the Gaming industry.
- The Chief Financial Officer over the Million Dollar Elm Casinos' was fired on August 19, 2009.
- Construction on all Gaming facilities has been ordered to halt due to suspicious activities involving fraud and other corruption. (Article found in the Bigheart Times Newspaper dated Sept. 3, 2009)
- The Chief over the entire government (Including the Minerals Council) is without a doubt incapable of making sound business decisions.
- The Osage Nation Congress, *with the exception of Kugee Supernaw and Faren Anderson*, has failed to protect the interest of the Osage people by not proposing, demanding and passing legislation to protect the assets of the tribe.
- The United States Constitution, Article I, Section VIII, *Commerce Clause* gives the United States Congress complete and total power to regulate commerce with Indian Tribes: "The Congress shall have Power to Regulate Commerce with Foreign Nations, and among the several States and with the Indian Tribes."
- This tells us that the U.S. Government regulates all gaming business. Not knowing what has happened these last two months to cause the gaming chips to start falling after years of effort by Congressman Supernaw to expose the problems, is a mystery.
- Though mysteries within the new Osage Nation Government abound, there is no mystery in the United States Constitution which gives the U.S. Congress power to shut these casinos down with the stroke of a pen.

If and when the U.S. Congress steps in to investigate the Million Dollar Elm Casinos', there should be no doubt in your minds that there will be an indescribable amount of violations discovered. The question is, will they terminate all Osage Tribal gaming and if they do, what will keep this new government from failing?

With the Osage Minerals Estate intertwined in this new government constitution and under the current Chief who by the way was elected by non-shareholders, what will happen?

**Here's what I know:**

- The oil will continue to flow for many years to come.
- The Shareholders are the legal members of the Osage Tribe
- If in fact this new government fails and the U.S. Congress, at whose mercy we'll be, chooses to allow the Minerals Council to re-invent itself according to the 1906 Act and the Chief and Assistant Chief survive the failure of the new government, they still will have been elected by non-shareholders, therefore not eligible to serve as Minerals Council Chief.
- Shareholders will have no Chief or Assistant Chief.
- If the U.S. Government continues to accept the Minerals Estate as a part of this new government, implications and intertwined association in the government could lead to places we don't EVEN want to go.
- The U.S. Supreme Court has ruled on occasion that Congress has plenary power (full and complete power) over all tribal governments, members and property, including the power to modify or eliminate tribal rights." The U.S. Congress can assist or destroy any tribe at its whim.

- The United States Congress may terminate its trust relationship with an Indian tribe at any time, with or without the tribe's consent.

Because the U.S. Congress made the fateful decision to allow Tribal Gaming, this has been a very big question: Due to the potential wealth and ability for tribes to maintain themselves, is it the intent of the U.S. Government to terminate the "government to government" (Trust) relationship with the tribes?

### **So. Where does that leave us?**

#### **Possible scenario:**

We have a failed government.

The Minerals Estate is a part of the failed government.

The U.S. Congress has total control over the end result.

We do have the 1906 Act to fall back on

We will be counting on the U.S. Congress to make the decisions.

Is this a realistic threat? Yes

### **What can you do about it?**

Pressure the Osage Nation Congress to pass legislation this fall. Congressional Sessions begin on Tuesday, September the 8. Attend the Sessions, write letters, and make telephone calls. Insist that they enact laws to provide for a referendum vote on the 2010 ballot for us to vote for or against a Constitutional Convention. This is an absolute MUST.

H.R. 2912 (P.L. 108-431) has caused this threat. This Act of the U.S. Congress is basically being interpreted by this Osage Nation Government in a way that fits their agenda, not the agenda of the U.S. government and certainly not the agenda of the Osage Shareholders.

Immediate removal of all Osage Minerals business from the new Osage Nation Government Constitution is essential.

This government has displayed nothing but incompetency. Do you want to continue to allow your interest in the Minerals Estate to be handled by these people? Of course you don't.

There is no relevant reason for the Osage Nation Congress not to offer us a yes or no vote for or against a Constitutional Convention on the 2010 ballot. The only reason any of them will vote against it is because they cater to the Chief. For this reason alone, I rest my case. Why would any competent individual cater to this Chief?

### **Next Choice if this one fails**

If Congress doesn't get the referendum vote for or against a Constitutional Convention on the 2010 ballot, you better vote for a Chief, Assistant Chief and Congress members who will and who know about these issues. This is why I'm waiting to see who plans to do what as far as candidates go.

### **ANOTHER MINERAL FACT**

As stated before, the United States Congress can terminate the trust relationship anytime they choose. I firmly believe this is in the cards. When this happens, the Shareholders will experience a whole new ballgame. All mineral responsibility will be that of the Shareholders. Most likely a small oil company will have to be formed and paid for out of the Minerals Estate. Shares will go down drastically. This has nothing to do with this new government. Keep in mind, this has been a potential scenario for years and will someday come to pass.

Think about this: Suppose the new government doesn't fail and the Minerals business doesn't get removed from this new constitution. What are the chances that the non-shareholders under the new government will be willing to finance the Minerals Estate business? They won't and you're not going to want them to. If you allow that to happen, you're really asking for trouble.

Think about this: The land on the hill belongs to the Shareholders. Where will your offices be? If this new government continues to build on the Shareholder property and continues to house itself in the buildings, where will you go? Don't forget the new complex this administration is planning to erect on the hill. Again, I ask, are the Shareholders going to continue to allow this new government to take their assets over?

There will be a need for accountants, field men, geologists, office staff, council, computers, office equipment, parking, you name it.

### **What's my point?**

My point is that the Shareholders are going to have to do a better job of protecting what is theirs, including

membership status. In the end, the Minerals Estate is the only stable asset owned by the Osage tribe and the legal members of the Osage tribe are the shareholders. When all else fails, the oil will continue to flow. Take ownership of it and protect it.

Consideration and arguments could be made that perhaps the Minerals Council should be considered a corporation owned by shareholders and any new business concerns would be subsidiaries of such with non-shareholders allowed to participate in the profits of the subsidiaries.

The United States Congress has been toying with the idea of terminating government funded programs to lucrative Native American Tribes and distributing that funding to less fortunate, underprivileged tribes. This would include health care, housing, etc.

Being under the control of the United States Congress must be understood by all Osages. Tribes have been given enough rope to either hang themselves or swing high. Under this administration, we're getting close to swinging alright, but I'm afraid it's not going to be high.

In order to keep our status as an Indian Tribe, we have to preserve our culture. Not only preserve it but revitalize it, nurture it and share it with those not raised in it. In order to keep what little sovereignty we have, we have to display the ability to handle our own affairs.

Any responsibilities, traditions, law and authority that the Council had in 1906 must be preserved and reserved to the Shareholders. To do otherwise is to self destruct.

#### **ONE LAST NOTE:**

I am a victim of the College Scholarship debacle. Fact is, I'm not too sure I haven't been completely denied funding. Others have received letters stating they were going to be funded. I never have.

My paper work was sent in ample time and I had a 4.0 GPA with 12 hrs. in the Spring Semester. I have called the Education Department numerous times and have not received responses.

As you are aware, my efforts to inform the Osage Public have been successful and are continuing to reach more and more people every day, thanks to you.

This takes money. Not only to pay for and maintain this website but I have several readers that don't have e-mail. I mail newsletters to these folks.

The cost of postage, paper, ink and envelopes proves to get pretty high the longer my list gets. I view this as positive and am grateful for the problem. I just need help continuing the crusade.

I suspect if I have in fact been denied a scholarship, there could perhaps be an underlying reason. Is it possible that denying my scholarship would cause me to have to reach deeper into my purse for school rather than for my campaign?

If so, it's working. The California Shareholders meeting was a serious consideration for me. Due to unexpected expenses, I won't be able to attend the meeting and meet the California Osages.

All of you folks in California should check with Bill Myers when you get to meeting. I'm sending campaign material to him. Fans, rally towels and pamphlets! There's more than one way to skin a cat!

Are we going to allow this "big government" to oppress me and in turn fail in the effort to inform the people all because I have to pay for college with my campaign money?

I would also like to mention that I e-mailed Shannon Shaw about purchasing another ad in the Osage News and have not received a response from her either.

Is it possible that I'm making such difference in this election that I'm being denied my rights as an Osage citizen?

As humbling as it may be. Anyone wishing to contribute to my campaign in order to help me continue with my efforts and to keep you informed, would be greatly appreciated.

My mailing address is P.O. Box 943, Claremore, OK. 74018.

I apologize for this unfortunate circumstance.

Jenny Miller  
Sept. 5, 2009



Keep your chins up. If I can you can!