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2008 Was A Great Year!

ON Principal Chief Jim R. Gray

The Holiday season and the passing of another year are times when we give thanks for all that has been positive in our lives. I would like to take this opportunity look back at 2008 and also let you know what we, in my Administration, are looking forward to in 2009.

Despite some very public growing pains, the Osage Nation has made great strides as a government. With the hard work, positive outlook, and dedication of tribal leaders and a capable administration, we have continued to build on the strong foundation laid in 2006 and 2007.

The Osage Nation continued to move forward in our nation-building efforts by increasing governmental capacity, exercising and defending sovereign rights, promoting and protecting natural resources and pursuing social and economic development opportunities for the benefit of the Osage people. Two significant lawsuits demonstrate our commitment to sovereignty and mineral rights protection in 2008 and action taken by the Minerals Council demonstrates positive change in management:

• The Osage Nation Minerals Council successfully increased royalties to headright owners by both raising the royalty rate to a higher percentage, and by reintroducing lease auctions as a method to increase competition amongst producers in order to receive more money for mineral leases;
• The Osage Nation Trust Team (including the Minerals Council, Members of Congress and the Chief’s Office) overseeing our trust case has continued to prosecute its claims against the United States for mismanagement of the Osage mineral estate with the U.S. Court of Federal Claims ruling that the Osage Nation owns the Osage Mineral Estate and the funds in the Osage tribal trust account until those funds are distributed to Osage headright holders which is significant because this preserves the Osage trust system that has been in place since 1906, and, have been successful in federal district court in Washington, D.C. as the court has granted the Osage Nation’s motion to intervene in the Cobell v. Kempthorne lawsuit to participate in matters related to the Osage trust funds;
• The Osage Nation Tax Commission and Chief’s Office have also progressed on our litigation against the state of Oklahoma Tax Commissioners as the state was unsuccessful in their attempt to appeal to the Supreme Court to have the suit dismissed on procedural grounds and now, after seven years, it will be heard based upon the merits of the case in which we steadfastly assert the boundaries of the Osage reservation have never been extinguished or disestablished;

Additional notable accomplishments include the following by category:

Economic Development
1. Established the Osage, LLC—Board fully operational hiring CEO now
2. OMDE casino construction debt-free in 2008, highest ever earnings, new CEO on board; majority of other Osage enterprises running in the black for the first time in history
3. Osage Financial Investments Safeguarded through national financial crisis; completed first-ever Osage Nation Economic Impact Study (proving a $222 million positive economic impact in 2007).

For the first time, we can quantify the economy of the Osage Nation, and we can show how and where it is strong, and where it needs more attention. Our Economic Impact Study, released in 2008 but looking back at 2007, showed the Osage Nation had a $222 million positive impact on the economy of Oklahoma, making the Osage Nation tied for the fourth largest positive economic impact among tribes in Oklahoma.

And while the economy of the United States overall is in troubled waters, that crisis has been slow to reach Oklahoma, and slower yet to reach the Osage Nation. Consequently, the Nation’s financial investments have been protected through a conservative investment strategy coupled with hold-

“To have a free press, to inform our Osage citizens of the activities of our Nation, is essential to a lasting democracy for our people.”

—Jim Gray, June 8, 2008
Osage Nation Principal Chief

Communications Officer
Paula Stabler

Communications Coordinator
Shannon Shaw

Communications Audio / Visual / Web
Dawn Haney

Communications Support
Chalene Toehay

See CHIEF GRAY
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The year 2008 was a year filled with unbelievable events. We saw terrorist attacks with the latest deadly attack in Mumbai, India; natural disasters; a banking meltdown; and financial bailouts for the subprime mortgage lenders, Wall Street bankers and investment security firms, and major corporations. But wait — we also saw a change of consciousness, the election of the first African American president of the United States, President Barack Obama.

The fabric of our tribe remains strong, and this was shown when natural disasters touched many Osages across the United States. Osage members faced forest fires in California, ice storms in Oklahoma, and the disastrous hurricane Ike in Texas. Through the personal assistance of fellow Osages, the Osage Emergency Management Program, and the Temporary Assistance for Needy Families organization (TANF), not only did our Nation provide emergency care and help to fellow tribal members but also people in need.

**News in the Osage Health Arena**

Much was accomplished during 2008 in the Health arena. The Osage Health and Wellness Board was launched consisting of experts in the health field: Ron Shaw, M.D., Cecelia Tallchief, Tim Tallchief, and Paul Stabler. They add value to the Osage Health and Wellness Board bringing over 100 years experience and knowledge in the medical field. Their experience ranges from Indian Health Services, the State Health Department, nursing, family medicine, elder care, and emergency care services.

Progress continued throughout 2008. On June 2008, the Health Board completed its charter, and September ushered in the first smoke-free day on the Osage Campus. Additionally, ONCA 07-52 authorized the Executive Branch to designate the Health and Wellness Advisory Board to research, analyze, and recommend a prescription drug program for Congressional approval so that you could have help paying for your prescription drugs. On the other hand, it was unfortunate Chief Gray vetoed this bill.

**ONCA 08-46**

A major difference of opinion appeared with ONCA 08-46, a bill referred to as a health benefit bill. So I ask you — what is a health benefit? Although ONCA 08-46 is a start to providing a health benefit, the answer is that a true healthcare benefit is supplemental insurance with long-term coverage that covers emergency care, doctor visits, hospitalization, labs, special care for women and children; a diabetics’ program; a prescription drug program; dental care, and more. My vision is to create the Osage Nation Health Authority. This will be a comprehensive health service delivery system beginning with restructuring the current Osage health programs and creating an Osage Nation Health Division, which Congress passed in the last March Hun-kah Session as bill ONCA 07-08.

We have the ideas and infrastructure, we have the experts on the Health Board, and we have the will to go forward. Creating a healthcare benefit plan for you is the right thing to do. The Osage Nation is taking the initiative to address the healthcare needs for Osages across the United States.

**Pawhuska Osage Health Clinic**

As we approach building the Osage Health Authority, expanding the Pawhuska Osage Health Clinic was a great start. We are beginning a feasibility study to show that the Osage Nation is capable of managing its own clinic.

The feasibility study is important and will provide us with the negotiating methods we need while working with the Indian Health Service (IHS) regarding the management of the clinic. IHS is a federally funded program that is required to operate under government rules and regulations. These rules limit the service delivery and money distribution regarding the

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**Clinical/Medical Service Program to give monetary aid to Osages**

By Tammy Bright, Public Health Nurse

Osage Nation Health Programs are excited to announce the addition of our new program, Clinical/Medical Service Program, under the direction of Marie Rumsey, R.N. The Clinical/Medical Service Program will provide all Osage tribal members, regardless of age or residence, with monetary assistance for medical-related needs (i.e. eyeglasses, dental, hearing aides, co-pays, medications, and other special medical equipment). All Osage tribal members will qualify for $500 per year toward these types of needs. Applications for this program can be obtained by contacting Asa Cunningham via phone or email at (918) 287-5525 or acunningham@osagetribe.com.

Our mission for the Clinical/Medical Service Program is to assist our Osage people with improving their quality of health and wellness.
New Tobacco Compact for Smoke Shops

From the Office of the Principal Chief

On December 8, 2008, the Osage Nation executed a new Tobacco Tax Compact with the State of Oklahoma, resolving the litigation that arose from a number of problems and disputes under the old Compact executed in 2003. According to Osage Nation Principal Chief Jim Gray, the old Tobacco Tax Compacts between the Oklahoma Tribes and the State were negotiated in large part by Tribes who owned all their smokeshops and as a result created many problems for Tribes like the Osage Nation, which licenses individually owned smokeshops. The old Compact was full of loopholes and ambiguities which ultimately led to litigation between the Osage Nation and Oklahoma over what customers Osage retailers could sell to once the applicable taxes were paid.

The new Compact results in a lower overall tax rate on cigarettes for the majority of Osage smokeshops, with the exception of a few smokeshops located near the Kansas border who must now pay a higher tribal tax to put them at the same overall rate as non-border retailers. The Kansas border shops had been enjoying a significant advantage over other Osage smokeshops, who were paying $8.58 per carton under the old Compact, as compared to $1.08 per carton paid by the Kansas border who must now pay the same overall tax rate. The new Compact was also executed in anticipation of Kansas raising the rate of its taxes on cigarettes, which would have eliminated the low Kansas border rate under the old Compact and would have placed all Osage Retailers at a higher rate under the old Compact.

The new Compact addresses all of the loopholes and problems that existed under the old Compact and includes a mutual release of liability for the Nation and its retailers arising from sales under the old Compact. “I said from the start back in 2003 that the told Compact would not work to anyone’s satisfaction” said Chief Gray. “It is my hope that the new Compact will allow both sides to put their grievances aside and will usher in a new era of cooperation in the government to government relationship between the Osage Nation and the State of Oklahoma.”

On Wednesday, December 17, 2008, the Tulsa World reported that the Oklahoma Highway Patrol stopped a semi-truck with low-tax cigarettes which may have been bound for the Creek Nation and for the Sac and Fox Nation.

The Osage Nation operates limited tobacco retail stores, and does not participate in wholesale or resale of tobacco products outside of the Osage reservation. The Osage Nation does issue tobacco retail licenses to independent entrepreneurs who are individually responsible for operating within the law, as spelled out in Osage law and the Osage Tobacco Compact. Osage licensed retailers who violate Osage law or the Compact are subject to penalties, including the revocation of their license.

Osage Nation Purchases 100 Acres next to Tulsa Casino

From the Office of the Principal Chief

On December 19, 2008, Principal Chief Jim Gray joined members of the Gaming Enterprise Board and senior executives from the Million Dollar Elm to finalize and celebrate the acquisition of approximately 100 acres of land known as the Tulsa Technical Center, located next door to the North Tulsa Million Dollar Elm Casino.

“The purchase of this piece of commercial property creates tremendous potential for expanding and diversifying our economic interests and earning power in the North Tulsa area and also demonstrates our commitment to this community.” “With over 85,000 sq. ft. of office and warehouse space plus a landing strip and heli-pad, the possibilities for leasing and development are immense” Chief Gray commented as he signed the purchase agreement.

The Osage Nation Congress appropriated 4.9 million dollars to purchase the property in October during a Special Session. Planning and consultation are underway to improve the property and determine best commercial and/or industrial usage of the property.

Broken Christmas lights? Recycle them

The Osage Nation will be collecting the used or broken Christmas lights, which will be recycled, from December 15, 2008 thru January 31, 2009. The lights can be dropped off at the First National Bank Building, 100 W. Main Suite 305 in Pawhuska or at the Osage Nation Education Center in Hominy, Monday thru Friday 8 a.m. – 4 p.m. If you have any questions, call Julia at (918) 287-5402 or email jwright@osagetribe.org.
Former Assistant Secretary of Indian Affairs Speaks
—A Lesson in Tribal Sovereignty

Current chairman of Chickasaw Nation Industries, and former Assistant Secretary of Indian Affairs, Neal McCaleb was invited to address Osage Nation employees on the subject of Tribal Sovereignty. McCaleb is also former Oklahoma Department of Transportation Director and member of the Oklahoma Indian Affairs Commission.

“Indian people make a great contribution to the State and have been a part of the state’s advancement throughout history,” McCaleb told employees. He addressed the importance of education to the public, about our success and the benefits Indian people make in the State’s advancement. He also pointed out local commercials by the Chickasaw Nation sends to the public the message that everyone benefits from Indian tribes success.

McCaleb addressed the issue and history of our relationship with the Federal Government and as far back as Colonial America they recognized Indian Tribe as sovereign nations and understood the need to negotiate with them. The legitimacy of tribal governments is preserved by the acts of our forebears and the Congress of the United States; along with that the power of the Tribes in their relationship with the Federal Government.

He illustrated the impact that tribes have on the Oklahoma economy, an example that four years ago the tribes provided $10 Billion dollars to the state’s economy and provided 17,000 jobs and it has grown since then. The importance of this is that these jobs won’t leave Oklahoma.

There are those in the State that don’t want to accept tribal sovereignty; therefore we need to take that as an opportunity and make it our responsibility to advocate tribal sovereignty. Chief Gray asked how the reorganization of the Chickasaw Nation affected the people. McCaleb explained, up until the time of their reorganization, the tribal chair had always been appointed by the President of the United States. Once the people formed their government structure and voted on their executive and legislative branches, the tide began to turn and what we see now in the Chickasaw Nation is the power of that transition.

Chief Gray plans to invite others to address this and other issues in the future.
Pawhuska IHS gets new Facility Unit Director

By Noni Stabler,
Pawhuska IHS Facility Unit Director

I would like to introduce myself to the Pawhuska community. My name is Wehnona Stabler and I was recently selected as the new Facility Unit Director. I am an enrolled member of the Omaha Tribe of Nebraska, but was born and raised in Wichita, Kansas. My parents were Hollis and LaVeeda Stabler both now deceased.

I have extensive experience with both Tribal and Indian Health Service facilities starting back in 1981. I have a B.S. degree in Social Work and a Masters degree in Public Health Administration. I am very thankful to have been chosen for this position.

Currently the Health Center is undergoing extensive construction and renovation. Please excuse the mess as the project is nearing completion.

The Health Center has also moved forward with the utilization of the electronic health record as mandated by the Director of Indian Health Service. Dr. Shea’s clinic is now being scheduled so he can see patients and transition into this new way of documentation and ordering of procedures and medications. This hasn’t changed the number of routine appointments available, but it has decreased the number of acute care appointments from 70 to approximately 40 each week. At this time, acute care appointments are only available on Tuesday, Wednesday afternoons and Friday mornings. The triage nurse is available at (918) 287-4491, ext.336.

Should you have any concerns or questions regarding your care please feel free to call me at (918) 287-4491, ext.510 or stop by my office at the Health Center. I wish everyone a very safe and healthy New Year.

Corrections and News Tips

Osage News will correct factual errors in its news stories. Errors and news tips should be brought to the attention of the Osage News staff at (918) 287-5668 or email osagenewseditor@osagetribe.org
Casinos give back to area schools

By Shannon Shaw
Osage News

The Osage Million Dollar Elm casinos gave donations totaling $35,000 to seven schools in 2008.

“We do our best to be generous with school donations,” ON Principal Chief Jim Gray said. “We are creating a system where we can be fair to all of the schools throughout our reservation. We want to make education a priority in Osage Country.”

Schools in Sand Springs, Skiatook, Osage Hills and Ponca City received $5,000 each. McCord Elementary in Ponca City will be using their money for math and reading programs, according to a prepared release.

“McCord Elementary is an important part of our community and neighborhood and we are happy to partner with the school,” said Chris White, OME Ponca City general manager. “We have a responsibility to give back to the community.”

Oklahoma school budgets will take a hit this year, with nearly 42 percent of school districts in Oklahoma receiving less state money than compared to last year, according to the Oklahoma Department of Education.

Hominy and Pawhuska Schools received $2,500 and Hawthorne Elementary in north Tulsa received $10,000.

Pawhuska schools will be using their donation to purchase Automated External Defibrillators, said Ben West, superintendent, Pawhuska Public Schools.

“We are glad to contribute toward maintaining a safe environment for students and staff at the local school district,” said Eli Red Eagle, OME Pawhuska general manager. “We are proud to be a part of the Pawhuska community.”

Chief Gray attends career development at OME Tulsa

By Kimberly Pearson, OMDE Management Trainer

The Training and Development department for the Osage Million Dollar Elm Co., interviewed and selected five current tribal members who are OMDE employees to be a part of the first ever Career Development program. The program is designed to recognize those employees who have shown the desire and work ethic to be trained into leaders in the OMDE Company.

While obtaining their current OMDE position the employees are expected to rotate and work in a different department within the company one week out of each month. The participants are also expected to take 18 hours of course work at Tulsa Community College so that they will obtain a certificate in Gaming and Hospitality.

On Nov. 3rd the Career Development participants received a visit from ON Principal Chief Jim Gray. “Having Chief Gray take time to speak with our Career Development participants showed them, our Training and Development staff and the OMDE that this is a very important program,” said John Shaw, Manager of the Training and Development department. “Our department had lunch served so that everyone could visit with Chief Gray and ask him questions.”

Chief Gray spoke about the importance of the Career Development program, how the participants are not only becoming leaders within the OMDE but that they are now becoming leaders in our Osage communities. “I am constantly stressing to our Career Development participants that they have to work hard and conduct themselves in a positive way; they are always being watched and that they are our future leaders. Having Chief Gray reiterate this helped our group better understand their roles,” said Shaw.

Chief Gray also spoke to the group about what his philosophy was concerning the future of the OMDE and how the company’s efforts truly benefitted the tribe. “Chief Gray’s thoughts and feelings about not only the tribe, but his interest in the future of our casino company were very inspiring,” said Career Development participant Dionne Finney. April Thornton, another Career Development participant agreed. “I was happy to see the interest that Chief Gray showed in our Career Development program.”

Tire Recycling Event A Success

By Julia Wright, ENR Program Assistant

The Osage Nation, partnering with the City of Pawhuska and the Ponca Tribe of Oklahoma, held a Tire Recycling Event that met with great success. During the week of December 1 through 5th, over 624 tires were collected and taken to the Ponca Tribe.

The Nation provided a flat bed trailer, which was located at 210 W. Main St. (behind the Pawhuska Chamber of Commerce building). Residents dropped off their car and truck tires for five days at the location. There was no fee and no limit to the number of tires residents could drop off. The City of Pawhuska made nine trips to the Ponca Tribe drop-off location with their dump-truck full of tires.

The Ponca Tribe partnered with the Department of Environmental Quality to offer residents of Kay, Noble and Osage County an opportunity to dispose of their used car and truck tire free of charge. The Ponca Tribe collected a total of 1,972 tires, with 624 coming from our efforts, and all tires collected will be recycled and reused.

Osage Million Dollar Elm News
OME Travel Plaza Opens in Skiatook

Osage Million Dollar Elm Casino and Travel Plaza-Skiatook has expanded to provide 188 state-of-the-art electronic gaming devices in one location. A full bar will open within one month. Games have been relocated to accommodate guests in one facility. Extra space behind the convenience store will be renovated to include a full-service restaurant in January 2009.
The Involvement of the ONHPO in Oil and Gas Production in Osage County

By June Carpenter, NAGPRA Assistant

The Osage Nation Historic Preservation Office participates in the oil and gas production process pursuant to the National Historic Preservation Act, (16 USC 470 et seq., 36 CFR Part 800), which provides for the protection of historic properties with cultural or religious significance to Indian tribes. When a recipient of federal assistance, permits, or licenses conducts any ground-disturbing activity on the Osage Reservation, the potential effects on cultural resources must be assessed. Because oil and gas production on the reservation requires a permit from the BIA, oil and gas producers must allow for an archaeological survey to assess the impacts of their activities. The ONHPO oversees ground-disturbing activities on the Osage Reservation to protect significant cultural properties such as burials, cemeteries, sacred sites, archaeological sites, early historic campsites, and Native American churches, among other types of sites and resources.

To begin the process, oil and gas producers submit proposals for leases to the BIA. Archaeological surveys must then be conducted at the well locations or throughout a broad lease area. The producer can simply contract out for the archaeological survey or they can work with the BIA, having the BIA conduct the survey themselves. If the survey has been contracted out, it is submitted to the BIA when complete. The BIA sends the surveys to the State Historic Preservation Office and to the ONHPO. Both entities have one month to review and respond to the archaeological survey. If no archaeological or cultural resources are discovered at the location or within the block survey, the proposal will be approved. If there are significant resources at the proposed location, the ONHPO will work with the producers to resolve or minimize the adverse effects to that site. In some cases this may mean rerouting a pipeline or moving the location of an oil well.

To minimize the potential of inadvertently drilling through an archaeological site, the ONHPO also offers to monitor the placement of wells and pipelines; this further insures that no cultural resources are impacted by the activity. When monitoring is requested, the ONHPO responds quickly and accommodates the work schedules of the oil and gas producers. Likewise, those working on behalf of the oil and gas companies have been accommodating and willing to work with the ONHPO on both monitoring and mitigation efforts, now having an understanding of what it is the ONHPO seeks to protect.

In addition to the protection of cultural resources, the goal of the ONHPO’s involvement is to work cooperatively with oil and gas producers and to expedite the process. Over the past year, the ONHPO has achieved this by increasing the turn around rate for proposed projects to less than a month and operating without a backlog. Recently, a member of the Minerals Council commented on how the process is moving along much more quickly.

For questions or concerns please contact Dr. Andrea Hunter, Tribal Historic Preservation Officer.

The Osage Nation Historic Preservation Office is located at 627 Grandview in Pawhuska, Oklahoma, 74056. Phone (918) 287-5328, fax (918) 287-5376, or visit us on the Web at www.osagetribe.com/historicpreservation.
2009 Nurturing Parenting Program Schedule Released

By Jennifer Easley, ON Child Care Certification Officer

We have received numerous calls asking when our 2009 Nurturing Parenting program classes are going to begin. The answer is finally here!

Classes begin Tuesday, January 6 at 6 p.m. Classes are approved and endorsed by Osage County Special District Judge John Boggs, Osage County DHS, Osage Nation Social Services and Osage Nation Tribal Court Judge Stepson.

The Osage Nation Childcare program is excited to get these classes back underway. The response in the first two series of classes has been overwhelming! Last session found us with a waiting list of people trying to get in. It is a wonderful curriculum and is going to give our parents we serve a very rare opportunity to heal and work on their families. What can be more exciting than building a long lasting healthy family? This program will provide the tools to help do that as well as help rebuild a broken family. So many parents don’t know where to turn when communication is lost between them and their children, they don’t know the correct and proper way to discipline their children without hurting them physically and/or emotionally. We are truly excited about the opportunity to share this program with the public. It provides such a wonderful set of tools that parents of today can use and their children can relate and understand the tools we give the parents. It works!

Attendance, dinner and childcare is still free of charge. (Childcare spots have to be reserved 24 hours in advance). There is a new development this time which is each parent has to purchase a $15 workbook for the series. Don’t fret, some scholarships are available so be sure to ask one of our facilitators about criteria for qualifying. The classes are 15 weeks long, one-2 hour class each Tuesday for 15 weeks. So for those of you who don’t qualify for the scholarships, it’ll basically cost you $1 per week and in return you’ll receive 30 hours of parenting training. Classes are held at a new location at the Osage Nation Head Start building at 15th and Grandview, Pawhuska, OK 74056.

There are only 20 spots available, so sign up now. Also, please note that as a requirement of the new curriculum, no new students will be accepted after week/session two.

Some of what the Nurturing Parenting Program touches on is discipline, morals, values, family rules, praise, nurturing touch, empathy, why parents spank, understanding and handling stress, choices and consequences, recognizing feelings, “I” vs. “You” statements, Helping Kids Handle Feelings, Problem Solving, anger/rules for fair fighting, criticism and confrontation, bodies, sex, touch and personal space, families/alcohol/drugs and many more topics in between.

The scope of this curriculum is so much broader and it touches on the actual problems that families face today.

One message we’d like to send to the community is that parents who’ve made mistakes are not the only parents that should come. We’d like to invite everyone to attend. It will help you improve your family relations. All we ask is that you give it a try. Call now to sign up, we already have a waiting list going and the spots are disappearing fast! Your spot can be reserved by calling (918) 287-5306 Monday through Friday between the hours of 8 a.m. to 4:30 p.m. To view our 2009 schedule online, please visit www.osagetribe.com/childcare and click on the “parenting classes” link.

Pawnee Nation Will Offer an Osage History Class

Pawnee Nation College will be offering an Osage history class titled “1818 Treaty with the Little and Great Osage and the United States”. The class will be held at the Osage Culture Center in Pawhuska Oklahoma on March 12-13, 2009. It can be taken for one-hour college credit by Pawnee Nation College and Northern Oklahoma College or for non-credit. The class will consist of the treaty articles, along with the social/political historic events which led to the treaty, during the early eighteen century. The class starts at 9 a.m. to 3 p.m. Thursday and from 9 a.m. to 3 p.m. Friday. For further information and enrollment application, contact Staci at 918-762-3343. Class size is limited to 30 students.
Chief Gray: ON Continuing Progress in 2009

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“This is important, because while the Osage Congress has appropriated roughly $26 million, tax revenues have increased significantly and the Osage Million Dollar Elm Casino is on track to produce a record year of earnings (or potential revenue) for the Nation, or over $40 million annually.

While the casino is out-earning its projections, most of our smaller enterprises are all now running in the black. It has taken a couple years to turn them around, but Osage Data, the Palace of the Osage, and Osage Home Health are all earning enough to be self-sustaining.

We have also established our long-awaited diversification effort, or the Osage incorporated holding company, called Osage, LLC. The Board of Directors of Osage, LLC is operating and has begun the search for the new Chief Executive Officer who will then drive the company to diversify our economic endeavors and maximize the strength and stability of our revenue streams.

We are continuing to build a team of experienced and visionary leaders, competent managers, and dedicated employees. To them we say “thank you,” because without them our path to self-determination and a sustainable future, as history has shown us time and time again, would be next to impossible.

Direct Services—Health and Education

4. Increased Osage Scholarships available for more students
5. Osage Health Clinic Expansion; Campus Goes Smoke-Free and Receives Award; Osage Child Support services receive Recognition

Direct services to the most needy of our Osage people, has seen an up-tick in activity as well as quality of service. We thank our teams in the areas of health care, individual and community services and education.

In 2008 our scholarships have increased in scope and scale, meaning more Osage students are being assisted with greater financial aid than ever before.

To take care of those with illnesses, we have expanded our Health Clinic to provide better services to Osages and all other Indians living in the Pawhuska vicinity and form of direct assistance in tough times.

Cultural Preservation
6. Vann Bighorse takes the helm at the Osage Cultural Center; Osage Heritage Trail Scenic Byway Opening
7. Osage Tribal Historic Preservation Office develops Cultural Advisory Group and protects sacred sites and Osage burials
8. Osage Language Program

“‘Yes, we have made great strides in a short amount of time... but we still have many rivers to cross’”

Completed instituting a full year curriculum in area high schools, initiated alternative certification process for Native language teachers with the State of Oklahoma, and the language curriculum was expanded in Osage Headstart Centers

Our efforts to preserve our history and revitalize our culture have also seen significant increases in activity and competence. While all of our accomplishments are significant and noteworthy, accomplishments made in this area of work are particularly special. When the work going on “in the field” includes protecting graves and objects of our ancestors, or provides our children and grandchildren the opportunity to learn and speak Osage before they attend kindergarten it becomes apparent how essential the work is. That Osage pride and emotional connection we have is something to cherish and support. To those who have taken the less glamorous, but heartfelt path of learning about our people’s history, culture, and language and then promoting and preserving our cultural ways by teaching and sharing your knowledge, we say “thank you.”

Strengthening Good Government
9. Osage Nation News Board appointed
10. Osage Business Owners Conference, Osage Landowners Conference, Oil and Gas Summit reach out to stakeholders; and Crisis Assistance/Disaster Response Effort—results in developing a professional capability

Without a strong government, which understands its responsibilities to the Osage and greater community, our achievements will have been for naught. The Osage Nation is bigger than just its government, however, it is the government of the Osage Nation that establishes and maintains our systems of governance as well as structures and protects our economic efforts and unique cultural interests.

As the ice storms and other disasters have shown us, strong, responsive, and competent governments are often the only en-
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tities capable of responding effectively in emergencies. The Osage Nation government is accepting its duty to become an ever-more responsible and competent government and, for the first time, has developed a formal emergency and disaster response team. We recently participated in a joint response training exercise with the City and County of Tulsa as well as the Cherokee and Creek Nations. This was nationally a first of its kind federal training that involved state, tribal, and local governments jointly. The knowledge gained combined with the chance to network with other government officials and explore ways to provide mutual aid to our collective citizenry in the event of a disaster was well worth the time spent.

Another new hallmark of the Osage Nation government is inclusion and outreach. We have been hard at work including the Osage people and Osage Nation employees in creating the new vision and managing the change required to achieve it. We have been active in reaching out to those outside of the Osage Nation, but who nonetheless remain our neighbors on the Osage reservation and in the State of Oklahoma. We have held two important conferences/symposia to build bridges in the areas of environmental protection and conservation, as well as economic development. In addition, we have held meetings with local officials to discuss infrastructure improvements in drinking water supplies, and continue to work hand in hand with the County and bring additional resources to bear on maintaining and repairing roads and bridges.

Our struggles to come to grips with a serious understanding and common vision of a government that respects the rule of law, and lives by it, while remaining uniquely Osage will continue to call upon new skills and special talents of all Osage people. Yes, we have made great strides in a short amount of time, as our awards received this past year from Harvard University’s Honoring Nations Program and the Governor of Oklahoma attest to, but we still have many rivers to cross.

In 2009 you can look forward to continuing progress on all of these fronts, but we are also working on developing cross-cutting efforts to strengthen partnerships and resources in our community in other areas. One such exciting project is our Osage Native Foods Garden, which will engage both Osage elders and youth in learning gardening, culture, language, and cooking skills. We are also organizing an Osage Prairie Corps for Osage youth to work with landowners to help eradicate noxious species, and lower rancher reliance on aerial application of herbicides. The Osage youth will learn team-building, leadership, safety, ecology, cultural resources, and Osage language skills, while staying active and gainfully employed during the summer. These are just two of the exciting projects we have planned for 2009.

We hope you join us in our celebration of 2008, and we look forward to working with everyone to make 2009 even better!
How to Quit Using Commercial Tobacco

By Gail Boe, CX Coordinator

Quitting tobacco can be the greatest! Life-improvement habit you can change! According to the American Cancer Society, within 20 minutes of smoking that last cigarette, the body begins a series of changes that continue for years. A timeline of the health benefits of quitting is shown above. Some people find it helpful to join a support group and some use nicotine replacement options, but the greatest factor in quitting and successfully making the decision to stop. If you or someone you know uses tobacco, try these recommendations to “be tobacco-free”.

Call the Help Line
Get support. Call the Oklahoma Tobacco Helpline at (800) QUIT-NOW (784-8669).

The Oklahoma Tobacco Helpline is designed to assist Oklahomans who have a desire to quit.

Get your own Quit Coach to help you quit.

Collect the information you need to be successful as you quit.

The help line’s hours of operation are 7 a.m. to 11 p.m. seven days a week, and staff will return any messages left after hours.

Services are available in Spanish by calling (800) 793-1552.

For local help on quitting smoking, call the Osage Nation Tobacco Prevention Hotline (918) 287-5422. All classes are taught by a Certified Cessation Specialist.

Tobacco Cessation
Call the Osage Nation Tobacco Prevention Cessation Specialist to join the closest tobacco cessation class.

Ask a friend or family member who wants to quit tobacco to also call the help line and/or take the class with you.

Counter Marketing
Surround yourself with positive smoke-free/tobacco-tree messages.

Only visit restaurants and businesses that are smoke-tree.

Spend time with family and friends who do not use tobacco or smoke.

Throw away all tobacco-related products (ashtrays, lighters, spit cups).

Increase counter-marketing efforts in your community to offset the tobacco industry’s efforts.

Tobacco-Free Websites
Request your employer join and promote all Breathe Easy efforts.

Encourage your workplace to go 100 percent tobacco-tree (indoors and outdoors on all company property) for the health of the employees.

Promote the use of an on-site tobacco cessation program at your workplace.

Request your employer provide a group health insurance plan that includes three cessation aids.

Breathe Easy

Thank the businesses that post the Breathe Easy signage on their front door.

Make a Request
Ask local businesses to comply with smoke-free laws in Oklahoma. Ask guests and family members to not smoke or tobacco when they visit your home. Ask your child’s school to utilize evidence-based tobacco prevention programs.

Be a Role Model
They’re watching you. Children who see their parents use tobacco are more likely to use it.

Talk to your children about the importance of NOT using tobacco. They listen to you.

For more information on combating the deadly effects of Commercial Tobacco Use, contact the Osage Nation Tobacco Prevention Program at 918-287-5367. We offer a variety of workshops on health related issues, Cessation classes, Quit Kits, Youth Leadership opportunities, as well as advocacy workshops.

Tinker Receives Clifford Baldwin Fellowship
Rev. Dr. George “Tink” Tinker, an enrolled member of the Osage Nation, will be endowed with the Clifford Baldwin Fellowship at Iliff School of Theology in Denver on January 7, 2009. Tink Tinker, a Professor of American Indian Cultures and Religious Traditions, has written many books and published dozens of articles. He has served on the Leadership Council of the American Indian Movement of Colorado and is active in the Transform Columbus Day Coalition. He is a member of: EATWOT (The Ecumenical Association of Third World Theologians), an association with firm commitments to liberative theology and praxis; and the Society for the Study of Native American Religious Traditions.
Birthday Celebration

On January 3, 2009, Irene “Eco” Hamilton Lanzelle celebrated her birthday by dinner with her family. Irene is a proud member of the Osage Nation and elder of the Hominy community. She is a true Hominy Butck, lifetime resident of Hominy and belongs to the Deer Clan. Irene is member of the Native American Church – Osage Chapter and attends St. Joseph Catholic Church of Hominy. She is the youngest child of Ira Hamilton & Elizabeth (Pratt) Dobbins. Irene is the mother of 2 daughters, Eco to eight grandchildren and 21 great grandchildren. Happy Birthday Eco!

High Electric Bills?
Need help paying your bill or need a 110 Dual Heat / Air Conditioner?

If you are:
• A resident of Osage County / Osage Reservation
• Possess a tribal C.D.I.B. or Membership Card
• Qualify by 125% Poverty Income Guidelines
• Or receive TANF, SSI, or Food Stamps

You may qualify for Osage Nation LIHEAP Assistance. Please contact the office below to obtain an application or arrange an appointment to come in the office.

Osage Nation Housing Department
Amy Bohner, Intake Specialist
P.O. Box 147
Hominy, Oklahoma 74035
Toll Free: 1-800-490-8771
Phone: 918-287-5310
Fax: 918-287-5568
www.osagetribe.com/housing

Please act quickly while funding is available!

Reagans welcome new baby boy!

Jeremiah John Reagan was born Oct. 10, 2008 in Pittsburg, Kans., to Jamie “En-E-Op-E” Hessert-Reagan and Jacob Reagan. He was born at 8:10 a.m. and weighed 6 pounds and 15 ounces.

Jeremiah’s maternal grandparents are Charles (Wah-Tsa-Moie) and Ruth Ann Hessert of Sedan, Kans.; paternal grandparents are the late William Reagan and Betty Reagan of Winfield, Kans.; great maternal grandparents are the late Edward C. Hessert and the late Wanda Hessert. Great-great maternal grandparents are the late Edward C. Hessert Sr. and the late Della Michelle Hessert.

Boulangers welcome new baby boy!

Cruz Isaac Boulanger was born Friday, October 3, 2008 in Niceville, Florida to Micah and Brie Boulanger. He weighed 9 pounds, 4 ounces and measured 22.5 inches in length. He joins a sister, Isabel-la Rose, five years old.

Paternal Great-Great Grandpa was Joseph Boulanger, Great Grandpa was Isaac Walter Boulanger, and Grandpa Ron Boulanger.

Katie Swan
—Continued from Page 9

facilitating the Nurturing Parenting program classes as well as the other educational aspects of the program. In addition to her Lead Educator duties, she will be our program’s public liaison which will require her to publish our program’s monthly newsletter and keep our website updated as well as ensure that our press releases are done. Katie is excited and ready to get underway and has already become a valued member of the ONCCP family.

To reach Katie, please call (918) 287-5379, Monday through Friday between the hours of 8 a.m.-4:30 p.m.
future goals of the Osage Nation, such as self-governance and delivering the health benefits we desire for you. The federal government will continue to financially support the health programs along with the Osage Nation, but the key to stepping in and replacing IHS is that we will be able to manage the Osage Health Clinic on our own.

Managing our own health clinic gives us unlimited opportunities to create our own health programs, focus on business capabilities, and provide advanced and timely service. It opens the door to greater health opportunities for Osages living across the United States, and this means Osages living both inside and outside the reservation. This opportunity enables us to launch the Pawhuska Indian Health Clinic as the base for future Osage healthcare operations. We are working hard to shape your healthcare program.

Expect Visits to Texas, New Mexico, California, and Oklahoma

We want to learn what Osages across the United States desire to help them with their healthcare needs. The Osage Nation Executive Branch and the Health and Wellness Advisory Board are planning to host focus groups on healthcare needs with Osages living in Oklahoma, Texas, New Mexico, and California. We will notify you as to the dates, times, and locations when we have them. The purpose of the focus groups is to listen to your needs and build upon your feedback regarding a healthcare delivery program.

In the near future, it is in our plans to contact you in some way, and this might be through a survey we mail or a questionnaire inserted in the Osage News, for example. Your feedback is extremely important and will enable us to collect the information needed to design, develop, and implement the right healthcare program. For example, Osages are genetically prone to diabetes, and from your feedback we will learn where to focus on new and helpful diabetic programs. My desire is to deliver the health coverage program that fits your needs.

Thoughts on the 16th Special Session of the Osage Congress

The last and 16th Special Session of the 1st Osage Congress was called by Chief Gray. At question were two items. The first issue discussed the renegotiation of the State tobacco compact and the second issue discussed appropriating $1M for a lawsuit.

To take action on the first issue, that is, to renegotiate the State tobacco compact so that we can sell tobacco at our smoke shops, Congress had to draft resolution ONCR 09-01 to waive its sovereign immunity. This action is demanded by the Constitution, Article XIX — Sovereign Immunity: the Osage Nation shall be immune from suit or process in any forum except to the extent that Congress waives its sovereign immunity.

The second and last issue was bill ONCA 09-02, which provides an appropriation of $1M to the Executive Branch to pay litigation expenses for the Osage Nation vs. the Oklahoma Tax Commission. Chief Gray had asked for $1M, an amount equaling the funds set aside by the State of Oklahoma for Osage lawsuits.

This lawsuit, which was filed in 2001, is two-fold: to exempt from state income taxes Osages who work for the Osage Nation and live within the boundaries of the Osage Reservation, and to have the state of Oklahoma acknowledge the Osage Reservation judicially by the court. Since filing, the state of Oklahoma has attempted to get the suit dismissed.

After Congressional deliberation, a compromise was reached and an amendment was added to ONCA 09-02. About half of the $1M, $498,000, was appropriated for litigation and the remaining $502,000 will be held in reserve. For the reserved funds to be released, Congress must pass a resolution, and if needed, the reserved funds would be made available for other appropriations. I believe the compromise was a positive step because the suit still needs to be tried on its merit, the requested funds were an estimated amount, and the compromise allows for greater accountability.

Hats Off

I close this message with a “Hats Off” to several outstanding young Osages who have worked hard earning their high school, university, and advanced degrees; made fantastic contributions to society; and brought home awards in the sports arena.

Hats Off to high school graduates: Eagle Scout and senior class valedictorian John Wesley Robinson, a graduate of Laguna Beach High School in California. John, a recipient for seven scholarship awards, is now pursuing a degree in biochemistry at Harvey Mudd College in Claremont, CA. The 2007-08 Osage Tribal Princess Maggie Gray, a graduate of Bartlesville High School, was a recipient of the Georgianne Robinson Scholarship award for university study. John Paul Long, a 4.0 graduate of Pawhuska High School, will be attending OSU studying pre-med. Hats Off to university graduates and those seeking advanced degrees: Sherri Lynn Norris graduated from the University of San Francisco with a BA in International Relations and a minor in American Indian Studies, and upon graduation, Sherri launched her own CA Indian Environmental Alliance where she served as Executive Director. Her concern was about the toxins left over from the gold rush, and she is the author and presenter of the Human Rights Interventions at the United Nations. Matthew Littleton has been accepted to Parker Chiropractic College in Dallas. Leslie (Les) Dean Riding In, doctoral student in Higher Education Administration at the University of North Texas, was one of 10 students internationally selected for the 2008-2010 Class of Emerging Leaders for the association of the National Academic Advising Association (NACADA).

Katie Miller, Honors Society, graduated from the University of Notre Dame with a BA in Sociology and is currently attending the Saint Louis University School of Law. Jean Marie Dennis received her Ph.D. in Anthropology from the University of Florida and is currently working in a postdoctoral position at the University of North Carolina in Chapel Hill where she will perform further research and publish her book on Osage sovereignty. Jamie Lynn Reagan, 4.0 GPA, graduated from Pittsburgh State University with a Masters in Science in Reading.

Hats Off to Outstanding Contributors to Society: Susan Shannon hosted her first radio show titled “Indian Times” to over one million listeners throughout central Oklahoma. After a four-year delay, operatic baritone Justin Ryan appeared in the title role of Chelsea

See ASSISTANT CHIEF
—Continued on Page 15
A quick note to those of you who are returning students, and to those of you who will be NEW to the Osage Nation Language Program...

We currently offer Osage Language classes at six locations:
Pawhuska, Hominy, Fairfax, Skiatook, Edmond, and Bartlesville.
To ensure that we provide the best for our community, our language team consists of parents, teachers, students, and administrators providing you with a Culturally-based classroom.
We hope to see you this Spring, and would like to extend an invitation for you to come and eat with us, at your site, on your first day of class.
If you have any questions, please do not hesitate to call or come by!
We are all succeeding students!

222 West Main • Pawhuska, OK 74056
Pawhuska 918.287.5505 • Fairfax 918.642.3185
Skiatook 918.287.5547 • Hominy 918.287.5583
Edmond 918.287.5505 • Bartlesville 918.287.5547
www.osagetribe.com/language

ONCCP Client Recertification Time

By Jennifer Easley, ON Certification Officer

Recertification for The Osage Nation Childcare Program clients were mailed via certified mail December 22, 2008 and are due back to our office no later than Friday, January 23, 2009. Certified Mail means you will have to physically sign for this letter at the post office. This recertification will be for child care assistance during the months of February-May 2009.

We will process and mail the decision letter and timesheets promptly, so there will be no lapse in assistance. Also, remember we do not back date timesheets. Therefore, it is of the utmost importance to have your paperwork turned in on time. If there are any questions, give us a call at (918) 287-5306 between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, and speak with our Certification Officer, Jennifer Easley.

In closing, I thank the Osage People for your cooperation throughout the year 2008. The Osages are a strong, beautiful, and intelligent People. Choices require tough decisions, and we must work together to build our Nation. I am committed to helping you transform tough decisions into successful decisions. Please feel free to contact me anytime.

ASSISTANT CHIEF

—Continued from Page 14
When entering the late Sylvester “Ves” Tinker’s home, one is transported back in time by the countless historic photos of Osage Indians and their customs. There are priceless old blankets that belonged to famed Osages and other artworks and memorabilia any collector would die for.

But the Tinker family doesn’t keep these items as a way to make money or because they want to boast; they keep them to remember their beloved patriarch.

“He was a very dear friend,” said Sam McClain, his son-in-law who is now 81-years-old and lives in the Tinker family home. He knew Sylvester for 55 years, the amount of time he was married to Tinker’s daughter, May Rose, at the time of his death.

He tells stories about “Ves” like they happened yesterday. Laughing and smiling as he tells of how Tinker knew and did business with the famed cowboy Ben Johnson; how they went to the Republican National Convention one year and Tinker stood up and gave a speech about the unfair treatment of Native Americans and how everyone in the room didn’t say a word; how funny Tinker was and how beloved he was by the many people who had the pleasure of knowing him, “He was a good man.”

Many Distinguishments

Tinker lived many lives and it seems that he was capable of doing anything he set his mind to. He was a carpenter, he built his first home in Skiatook at the age of 18 and built a servants house to go with it; he was a rancher and a farmer who grew corn, wheat, soy, alfalfa and baled hay for families in Pawhuska in the summertime. He was a member of the Native American Church, attending the Lookout Family meetings in Pawhuska after being taken in by Chief Fred Lookout. He was also a prominent member of the Catholic Church; he was the first American Indian to be knighted into the Order of Saint John of Jerusalem, also called the Knights Hospitalier and the Knights of Malta in Mexico City. The Roman Catholic order was founded in the early 1000’s in Jerusalem. He even had an audience with Pope John Paul II at the Vatican, blessed him off with his eagle wing fan and gave him an Osage Peace medal. Sylvester’s great grandson still carries the fan while he dances in the In-Lon-Schka.

He was a brother, a son, a husband, a father, a grandfather, a great grandfather and was also a member of the Osage Council in 1966 and the Osage chief for 16 years.

Video Tape

On the day of Tinker’s 85th birthday, Feb. 22, 1988, his grandson made a videotape of him, asking him questions about his life and his Osage traditions. In the video Tinker is sitting in a chair at the family home in Pawhuska, draped in a Pendleton blanket with more than 40 fans, gourds, Peyote drum sticks and Peyote fans laid out in front of him on a table.

He talked about the Osage creation stories, the significance of Osage clans, the Peyote Religion, the Osage’s move from Kansas, Osage oil and its perils and his life when he was a young boy.

Sylvester Tinker was born in Ponca City, Indian Territory, on Feb. 22, 1903. He was the son of Frank Tinker and the grandson of William Tinker.

His father Frank had been born in April of 1862 on the plains of the Neosho River in Kansas, a year after the Civil War began. Influenced by Jesuit Priests who had descended on the Osages to educate them, Frank Tinker received his education. Squatters eventually came and forced William Tinker and his family to leave and they moved to St. Paul, Kans. When forced to move again, William and his family walked to Indian Territory from St. Paul, Kans. Frank was only 10-years-old.

They lived in St. Paul for a couple of years before moving to Indian Territory with the rest of the tribe. The Tinker’s settled down near the Kansas line, just inside the borders of what was to be the Osage Reservation.

“The Osages are the only tribe in Oklahoma with a reservation,” Sylvester Tinker said in the 1988 video. “We paid cash for it and had it declared so by the [United States] Congress and made it the only reservation in the state...we own all...
the minerals under the million and a half acres.”

Little did he know that the Osage Reservation status would still be disputed more than 20 years later.

**The youngest of six**

Sylvester’s father Frank became a U.S. Marshall with the main duty of guarding against squatters on Indian land. He also served as Osage Sheriff several times and constable one term, according to Osage historian, Annette Moncravie Gore. Frank lived on a ranch outside of Ponca City and it was while traveling through Indian Territory on horseback he met and married Sylvester’s mother Louise Revard. He found her on the plains with two children, having been abandoned by her husband.

Frank and Louise married and had six children altogether. Louise’s two oldest sons Buster and Colby Dennison, and then she had Tom, Mary, Eliza and Sylvester with Frank.

Sylvester Tinker said that during the time of his youth he was raised mostly around the Shawnees and the Creeks and there were farms everywhere and people had enough money to send their kids to the country schools. Ranching was not very profitable in those days.

“Indians didn’t have a choice; they told them you either had to be a cowboy or an Indian,” he said.

The Tinkers would move to Pawhuska for a couple of years and then move to Skiatook to settle. During that time, Sylvester was sent off to military school in 1917 at the age of 14.

Sylvester attended Kemper Military School until 1921. Kemper was a private military academy located in Boonville, Mo. Kemper has been closed since 2002. After Kemper, Sylvester did not attend college but instead chose to move to Skiatook.

He met Alice Brown who was of Cherokee descent and a master beadworker. They had one child, a girl named Mary Rose.

He and Alice would move back to Pawhuska in the early 1930’s.

Always having been handsome, Tinker began to abuse alcohol and lost his way in life. Much is not known about that time except for the fact that Tinker himself said that he needed help during that period. That is when he met Chief Fred Lookout and Lookout invited him to his Peyote church for a meeting.

See CHIEFS SERIES
—Continued on Page 18
“Born Again”

In the 1988 videotape, Tinker is very honest about how he needed help with his life. One incentive may have been that his partner Alice wouldn’t marry him until he stopped his habit.

“I practiced [the Peyote religion] for over 30 years; when I was young I used to drink a lot and was trying to find a way to cure myself,” he said. “I went into a meeting 58 years ago and found myself . . . might say I was born again.”

The Lookout family adopted him and took him as a son and brother. Tinker was named Wah-Sho-Shah in the eagle clan and in the video when Sylvester’s speaking about his relationship with the Lookout family, anyone can see that their friendship meant a great deal to him.

It was through Peyote and his friendship with the Lookout family that he began to become more involved in an Osage way of life, as well as Osage politics. Sylvester Tinker was 15/32 Osage and 2/32 Kaw. He and Alice married and were married for 58 years.

**Osage Politics**

Interested in entering tribal politics since the age of 21, Tinker ran for, and won, a seat on the Osage Tribal Council in 1966 under the leadership of Chief Paul Pitts. He then ran for and won the office of Principal Chief in 1970. Always outspoken and at times a little facetious, he campaigned across Indian Country on the importance of sovereignty and reservation rights.

While in office he saw nine bills pass through the U.S. Senate pertaining to the tribe; including one for minerals and perpetuity. It also established that individual headrights could not leave the tribe anymore.

In the video, he calculated that there were around 300 headrights that were in non-Osage hands. He believed those headrights went into the hands of bankers, lawyers, doctors and thieves.

He helped create the Oklahoma Indian Affairs Commission and was the first Indian picked to serve on the commission under Oklahoma Governor Dewey Bartlett. He helped establish the Pawnee Health Benefit package that is still used by many Osages who still live on the Osage reservation and he helped rewrite the Osage constitution while he was in office.

“In my own opinion I think we should go back to the constitution because every aspect of the United States has one,” he said in the video. “In my opinion the tribal council has gotten so corrupt . . . everything they establish is wrong. I think we have to reestablish the constitution so that the tribal council will have to answer to the people.”

He was always concerned with the fact that all Osages couldn’t vote and he tried many times unsuccessfully to get that changed.

“The biggest problem facing the council is we’ve got 8 to 11,000 people that have never voted,” he said. “I think we have a bill in now that’s pretty good.” The right to vote wouldn’t come to all Osages until 2006.

Like many in Indian Country today, he did not like the Bureau of Indian Affairs.

“The Bureau of Indian Affairs is the greatest problem facing the Osage,” he said. “We ought to eliminate all of that and contract someone really good to run our businesses as an up to date business.”

He talked about speaking with a friend in the oil business on the 1988 videotape and asking him if it was possible even to cheat with gauges on the oil wells and his friend said, “Absolutely.” He called someone from the BIA and the Osage at the time had, “14,000 oil wells and only eight people look after them...eight people can’t look after 14,000 oil wells efficiently...they just can’t do it.”

**Kansas Historical Society**

Sylvester Tinker died Dec. 5, 1991, at the age of 88. He was pre-
Sylvester Tinker as a young boy.

Photo Courtesy / Tinker Family

Sylvester Tinker as a young boy.

Chief Series: Sylvester Tinker

1970
Sylvester J. Tinker elected Principal Chief; Ed Red Eagle, Sr. elected Assistant Principal Chief

1971
July 25 – David L. Baldwin appointed BIA Superintendent through 1981; first Osage to hold post at the Osage Agency.
March 2 – The Housing Authority of the Osage Tribe of Indians in Oklahoma was created by the Tribal Council. The purpose of this Authority was to provide safe, decent and sanitary homes for the Indian people living in the Osage Nation. This program was designed to give the potential homeowner a chance to work out his down payment. Most one-story homes cost $12,000 and Osage tribal members and their families could work 500 hours for the down payment.
A federal commission recommended changes in the council to improve representation of all Osages. No substantial changes were made in the council.

1972
March 14 – Resolution adopted by the Oklahoma Senate and adopted by the Oklahoma House of Representatives noting the observation of the centennial anniversary of the establishment of the Osage Indian Nation in Oklahoma; Expressing the Legislature’s pride in the heritage and accomplishments of the Osage Indians and the Peoples of Osage County; Recommending Participation in the Centennial Observation; and Directing Distribution.
September 30 – Centennial Celebration in Pawhuska commemorating the 100th anniversary of the Osage Tribe’s removal from Kansas to the Osage Reservation, Indian Territory.

1974
Sylvester J. Tinker re-elected Principal Chief; Lawrence T. Bighorse elected Assistant Principal Chief

1975
Peace Medal with Prin. Chief Sylvester Tinker’s likeness on front and the ten previous chiefs (including James Bigheart) on the back, weighing 7.5 troy oz., was issued. Limited edition of 400 in the leather-covered presentation case and the Francis LaFlesche book (signed by Prin. Chief Tinker and numbered exactly like the Peace Medal), THE OSAGE LANGUAGE, priced at $325.

1977
New Osage Tribal Council office dedicated; Plaque is located on south wing entrance with the names of the members of the 24th Osage Tribal Council
May 19 – Councilman Wheeler Eagle Brock passes; Principal Chief Tinker states no one will replace his chair during remainder of the 24th OTC term; Mr. Brock is, reportedly, only elected official not replaced during remainder of their OTC term.

1978
April 19 – Acting Secretary of the Interior, James A. Joseph, submits letter to Chairman of the Committee on Interior and Insular Affairs as part of the discussion in the enactment of the Act of October 21, 1978, which the Acting Secretary states: “As of April 22, 1977, Osage Tribe consists of 9,205 persons of Osage blood carried on the Agency census records. Of those, an estimated 7,022 have no headright in the Osage mineral estate, and under Department Regulations (25 CFR § 73.21), have no vote in tribal elections and no right to hold an elective office of the Osage Tribal Council.”
Sylvester J. Tinker re-elected Principal Chief for 3rd term; Ed Red Eagle, Sr. resumes Asst. Principal Chief title for 2nd time.
Camille Pangburn becomes first woman to be elected to Osage Tribal Council, and holds that position through each election, until her passing in 2003.
October 21 – Extension of the trust period; limits on inheritance of headrights (P.L. 95-49-496 – 92 Stat., 1660) Section 3(b)

1979
Logan vs. Andrus; Federal suit affirms status of the Section 9 Osage Tribal Council as general governing body

1980
Maria Tallchief and her sister, Marjorie, found the Chicago City Ballet
Less than 150 active Osage Peyoteists (Native American Church) exist
The continuing oil boom contributed to increases in Osage allotments

1981
August 9 – Jack Shoemate appointed Osage Agency Superintendent

Osage Timeline courtesy Osage Tribal Museum.
Obituaries

Mildred Brown
Lifelong area resident Mildred Pearson Brown passed away Wednesday, December 17, 2008 at her home in Pawhuska. She was 99 years old.

Mildred was born April 15, 1909, the daughter of O.T. and Mary C. (Trumbly) Pearson, original Osage allottees. She had five brothers and sisters and was the last of the Person siblings. Mildred was born and raised north of Pawhuska in an area that became know as Pearsonia, Oklahoma, a little oil boomtown. She was educated at the St. Theresa Academy, a boarding school in Kansas City. On June 15, 1935, she married Norris N. Brown in Pawhuska. He preceded her in death October 1, 1993. Mildred was active in her Church, the Altar Society and the Klash-Kah-She Club. She was also active in the Senior Citizen, where she had served on their board at one time. Likewise, she was well known in several bridge clubs and rug clubs around town.

Mildred loved being with her family. She was very involved with the Osage culture by doing finger weaving and making Indian clothes for her family. She always looked forward to attending the annual Indian dances with her family.

Surviving are: her son: Norris N. Brown and wife, Wilma; her daughter: Toby T. Bighorse and husband, Kenneth H. Bighorse, Sr.; Four grandsons: Kenneth H. Bighorse, Jr.; Scott N. Bighorse; Vann Bighorse and wife, Mary; and Pete A. Bighorse; Eight great grandchildren, twelve great-great grandchildren and a host of other family and friends.

Mildred laid in state at the Indian Camp Chapel in Pawhuska. Rosary was recited on Sunday, Dec. 21, at 7 p.m. at the Chapel. Mass was Monday, Dec. 22, at 10 a.m. in the Immaculate Conception Catholic Church, Pawhuska. Father Chris Daigle officiated. Interment was in the Pawhuska City Cemetery.

Mary SueAnn Hanson
Funeral services for Mary SueAnn (Harvey) Hanson, age 80, were held Wednesday, December 31, 2008, in the Hart Funeral Home Chapel. Bishop Q.L. Bell presided with interment at the Towie Cemetery. Services were entrusted to the care of Hart Funeral Home of Pawhuska.

Mary SueAnn (Harvey) Hanson was born in Hominy, OK on October 5, 1928, the daughter of Luther Daniel Harvey, Jr. and Susie (Towie) Harvey. Mary had two daughters, Linda and Celeste. She was married to Henry Sarge Hanson for twelve years when she was widowed.

Mary was a proud member of both the Osage and Cherokee Nations. She was a skilled artisan who enjoyed working in ceramics, needlework and beadwork, as well as other arts and crafts. She had spent her youth and her early adulthood in Osage County with her Harvey cousins as her best friends. She still spoke of them when she was ill and wanted to talk about her younger life.

Mary was known for her rich sense of humor, and her love of life on a day-to-day level. She always said to not carry baggage into the next day.

Mary SueAnn Hanson passed away on Sunday, December 28, 2008 in Claremore, OK. She was 80 years old at the time of her passing and was preceded in death by her parents, her husband, Henry Hanson, and by her oldest daughter, Linda Lower.

Mary is survived by her daughter, Celeste Thornton Tillery and husband Terry Tillery of Claremore, OK; by two grandchildren, Michael Tillery of Vinita, OK and Jason Tillery of Tulsa, OK; as well as many other family members, friends, and loved ones.

William Frederick Hight Sr.
Funeral services for William Frederick Hight were held at 9 a.m. Monday, December 22, 2008 at the Sien-Shelton Funeral Home with Everett Waller, officiating. Interment followed in the Osage Gardens Cemetery under the direction of the Sien-Shelton Funeral Home.

William Frederick Hight, age 64, of Skiatook, died at 3:08 a.m. Thursday, December 18, 2008 at the St. John Medical Center in Tulsa.

William Frederick Hight was born October 24, 1944 in Hominy, Oklahoma to Bill and Vivian (Hamilton) Hight. He grew up and received his education in Hominy, graduating in 1962. He attended OU where he took a business course for one year. He married Judy Nell Barnes on June 12, 1963 in Hominy, Oklahoma and they made their home in Dallas, Texas, Tulsa and in Skiatook since 1976. William was employed with Energy Alloys in 1969 where he was currently the operations manager. William loved to play fast pitch softball, basketball going out and coaching his kids

See Obituaries — Continued on Page 21
OBITUARIES

—Continued from Page 20

and grandkids and was a member of the Native American Church.

William was preceded in death by his father, one sister, five brothers and by one grandson Thomas Hight.

William is survived by his wife: Judy Hight of the home, mother Vivian Wetselline, three children: William Hight Jr. and wife Teresa of Skiatook, Bradley Hight and wife Carla of Skiatook, Brian Hight and wife Christy of Skiatook, and Barry Wetselline Jr. and wife Christy of Skiatook, six sisters: Frances Wetselline, Mary Hight, Donna Watts, Margaret Komalty, Pamela Calahan and Cindy Goodeagle, eleven grandchildren: Melyssa Hight, William Hight III, Michael Hight, Taylor Hight, Brandon Hight, Andrew Hight, Jaden Hight, Aaron Hight, Brianna Hight, Anthony Hight and Alexander Hight, several nieces and nephews and a host of other relatives and friends.

Casket escorts for the services were Ira Hight, Jesse Pelayo, Michael Calahan, M. L. Clark II, Michael Pratt Jr., Josh Monetatchi and Barry Wetselline Jr.

Funeral services and interment was under the direction of the Sien-Shelton Funeral Home.

Wesley McGuire “Mack” Moore Services for Wesley McGuire “Mack” Moore, 66, Wills Point, Texas were held at 2 p.m. Monday, December 22, 2008 at Allan Fuller Funeral Home chapel, Wills Point, with Bros. Fred Cooper and Jimmy Jones officiating. Burial was in White Rose Cemetery, Wills Point.

Mr. Moore died Dec. 19, 2008, at his residence after battling cancer.

He was born May 4, 1942, in Webb City, Missouri, to the late Buford and Roberta Davis Moore. He served in the Army and lived in Oklahoma many years prior to moving to Texas. He spent many years as a youth in Pawhuska. Mack was a truck driver for Jerry Wilson Trucking in Terrell, TX and had lived in Wills Point for more than 20 years.

Mack was preceded in death by his mother, Roberta, brother Ed Zaun, Sr., sister Carrie Ann Zaun Clark, aunt, Ola Mae Pitts, uncle, Revard Davis, and cousin, Marguerite Candace (Cooper) Gann.

Survivors include his wife, Doris Nell Warren Moore, Wills Point; stepsons, Vince Higgins, Wills Point, Ronnie Joe Hunter Jr., Lufkin, Zeke McSpadden, Wills Point. and Michael Higgins; stepdaughter, Tonya; brother, Jay Billingsley, Guadalajaran, Mexico; sisters, Cathy Alburt, Cleveland, OK, and Laura Dale, Ponca City, OK; grandchildren; one stepgreat-grandchild; nieces, nephews and many other relatives.

The family received friends from 6-8 p.m., December 21, 2008 at the funeral home.

Published in the Tyler Morning Telegraph on 12/21/2008.

Henry Allen Richey

Henry Allen Richey, 59, died November 24, 2008 in Tulsa, OK.

He was born February 7, 1949 in Coffeyville, KS, to Henry Louis and Dana Marie (Boulanger) Richey.

He was raised in Tyro and Broken Arrow, graduating from Broken Arrow High School in 1967; served in the US Army in the late 1960’s and then returned to Broken Arrow where he lived for the rest of his life. He worked in the electronics field most of his life. He was preceded in death by his daughter April Dawn Richey; his parents; one brother and one sister. He is survived by two children, daughter Kathy Adkisson and her husband Tommy and a son William Richey and his wife Amber, both of Tulsa; five grandchildren; one sister, Arleta Paul and her husband Robert of Skiatook; two nephews and several other relatives.

Graveside service was at 1 p.m., Dec. 2 at Sunnyside Cemetery in Caney, KS. Christian-Gavlik Funeral Home took care of the arrangements.
Ida DesCygne “Shane” Riddle

Homing resident Ida DesCygne “Shane” Riddle passed away Sunday, December 21, 2008 in St. John Medical Center, Tulsa. She was 55 years old.

Shane was born December 18, 1952 in Ponca City, Oklahoma, the daughter of Monte and Lillie (Morrell) Robedeaux. A graduate of Hominy High School with the Class of 1971, she also attended Central State College in Edmond and Rogers State College in Claremore. Shane was a member of the Hominy Indian Village affiliated with the Native American Church. She was a member of the Otoe and Osage Tribes of Indians.

Surviving family include: her husband Mike Anson of the home; her daughters Newalla (Alex) Renteria of Ponca City, OK; Christian Riddle and DesCygne Anson, both of Hominy, OK; her sons Hollis Anson of Hominy, OK; Shane Anson of Washington; step-daughters Leah Anson and Shary Anson, both of Fairfax, OK; her grandchildren KeDatsa, Saylan, Tyran, Alex, Paulina and Tristan; brothers Monte Ray Robedeaux, J.R. of Skiatook, OK; Paul Robedeaux of Sperry, OK; Jon Young of Coweta, OK; Justin Young and Joe Young, both of Morrison, OK; sisters Ella Ross of Skiatook, OK; Fern Robedeaux of Sperry, OK; JoAnn Young of Red Rock, OK, and a host of other family and friends. Shane was preceded in death by her parents, Monte and Lillie Robedeaux and Joe, Jr. and Wanda Young; and her sons, Roman Bear Riddle and Neosho Morrell Riddle.

Traditional Indian Services was held Friday, December 26, at 10 a.m. in the Hominy Indian Village Community Center.

Interment was at the A.J. Powell Memorial Cemetery. McCarty's Johnson Funeral Home was in charge of arrangements.

Betty Sadler

Betty Sadler, 82, of Perry, Oklahoma died Thursday, December 18, 2008 at Perry Memorial Hospital.

She was the daughter of Leonard Albert and Louise A. (West) Shaffner.

She was born July 12, 1926 at Hominy, Oklahoma. After the death of her mother, Betty was raised by her father and step-mother, Thelma (Slamans) Shaffner. She attended St. Louis Indian School in Pawhuska, Oklahoma through the 8th grade and then attended high school at St. Scholastica Academy, a private girls’ school, in Ft. Smith, Arkansas where she graduated in 1944.

She attended Oklahoma A&M for two years and while there, met the love of her life, J.D. Sadler, in biology class. On August 21, 1946, she and J.D. Lauvell Sadler were married at Pawhuska, Oklahoma.

Betty moved to Perry from Stillwater 55 years ago. She was a home-maker and enjoyed playing bridge. Betty was a member of St. Rose of Lima Catholic Church, the Altar Society, various bridge clubs and the Goof Day Girls. She was an avid gardener.

Mass of Resurrection was at 10:00 a.m. Monday, December 29, 2008 at St. Rose of Lima Catholic Church. Father Tom Dowdell will officiate. Services are under the direction of Brown-Dugger Funeral Home.

Memorials may be made to Catholic Charities or the Oklahoma Medical Research Foundation in care of Brown-Dugger Funeral Home, 1010 N. 7th Street, Perry, Oklahoma 73077.

In addition to her husband, J.D., Betty is survived by five sons, Mike Sadler and his wife, Pam, of Norman, Oklahoma, Lenny Sadler and his wife, Linda, and Tony Sadler and his wife, Brenda, all of Amarillo, Texas, and Mark Sadler and his wife, Mary, and Danny Sadler and his wife, Meredith, all of Tulsa, Oklahoma; one daughter, Mary Louise Dolezal and her husband, John, of Perry, Oklahoma; 19 grandchildren and 20 great-grandchildren.
**Obituaries**
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She was preceded in death by her sister, Jean Stillwell, her parents and step-mother.

Condolences may be sent to the family using our online guest book at brown-duggerfuneralhome.com.

**Karen Kelly Smith**
Karen Kelly Smith passed away Sun., Dec. 7, 2008 at her home in Pawhuska, Oklahoma. She was 51 years old.

Karen was born Feb. 27, 1957 in Tulsa, Oklahoma, the daughter of Linford “Doc” Smith and JoAnn Shunkamolah. Following graduation from high school, she attended Central Area Vo-Tech in Drumright, Oklahoma, where she received her LPN degree. She was a Nurse for 15 years. A member of the Osage Tribe, Karen enjoyed fingerweaving and doing ribbonwork. She also enjoyed playing pool and was a member of seasonal pool leagues in Osage, County.

She is survived by her daughter Junitress Smith of Hominy, OK; her brother Stanley Smith of Hominy, OK; and a host of other family and friends.

Karen was preceded in death by her parents and her aunts and uncles.

Traditional Indian Services were held Wed., Dec. 10th at 10 a.m. in the Hominy Indian Village Community Center, with Dr. Steven Pratt, PhD, Shunkamolah Chapter Native American Church officiating.

Interment was at A.J. Powell Memorial Cemetery, Hominy.

McCartney’s Johnson Funeral Home was in charge of arrangements.

**Freddie Edward Tayrien**
Freddie Edward Tayrien, 84, passed away December 23, 2008 at his home in Okesa, OK.

Fred was born November 5, 1924 to William David and Flossie Fern (Muller) Tayrien. He went to the Okesa Grade School and Nelagoney High School prior to his enlistment in the Army. He served in the European Theatre in World War II and was wounded in action on the French side of the Rhine River. After his discharge, he was employed at the Reda Pump Company, then for Charlie Lair Plumbing Co. He became a Plumbing Contractor in 1960 until his retirement in 1979. Fred fished, gardened and refinished and rebuilt Antiques and furniture. Fred and Mildred Sumner were married October 17, 1947 in Bartlesville, OK. and celebrated their 61st Wedding Anniversary at their home in Okesa this year.

Survivors include his wife Mildred of the home, one son, Freddie Joe Tayrien of Okesa, one daughter, Linda Kaye Tayrien of Bartlesville, four grandchildren, Jennifer Gillett/Hart of Cleveland, OK, Carrie Gillett of Duncan, OK, Dwayne Tayrien and Tina Tayrien of Okesa, OK, eleven great-grandchildren, one sister, Geraldine Metzger of Bartlesville, OK, and several nieces and nephews. He was preceded in death by his parents, two infant children, Cindy Lou Tayrien and Thomas Cyprian Tayrien, four brothers, Frank, Carl, James and Alfred Tayrien, and four sisters, Margie Jennings, Ernestine Shaw, Ruby Anne Burd and Billie Jean Farrow.

Fred requested “Cremation and no service” arranged by the Stumpff Funeral Home & Crematory. A donation to his memory will be given to the First Gospel Mission in Dewey, OK. A Veterans marker will be placed at the Tayrien-Crane-Muller plot in the Veterans Section at White Rose Cemetery, Bartlesville, OK.
he taught. We would all do well to honor that potential when given such opportunity in our own lives.

Being Osage was central to Brad’s life and he encouraged me to learn more about the culture and participate in community activities whenever possible. He willingly spent time talking to me about his family traditions and his experiences. One weekend he taught a group how to make moccasins; he kept his patience, even when one of us ended up with two left feet! He introduced me to Osage women who showed me the basics of ribbon-work, and shirt and shawl making. They became mentors and friends. Brad spoke about the spiritual significance of his membership on the Zon-Zo-li District Committee, taking part in ceremonial dances and the Native American Church.

I thank him for opening my mind and heart to these important traditions.

Brad’s engaging personality and sense of humor put others at ease. Visitors to the Dailey family camp at Hominy are always warmly welcomed, and for years he never missed an I-Lon-Shka dance. In recent times, Brad was asked to speak at funeral services, and other gatherings, because I believe people trusted his sincerity and message. He spoke from the heart.

In these ways Brad embodied admirable Osage qualities, but like us all, he suffered weaknesses of mind and spirit. In the past, Brad abused alcohol which eventually led to his untimely death. Yet he accounted for his mistakes and poor life choices, and had been sober for over a year. The fact that he was willing to try to overcome his disease despite known odds and to continue his life on earth was an inspiration to me and a reminder of the precious gift we have been given which we must nurture on all fronts.

I am going to miss Brad. I am better for knowing him. My hope is that the Osage community will reflect on his accomplishments, learn from his costly mistakes, contribute to the Osage Nation, and dedicate themselves as he did to family, traditions and betterment of the Osage people.
Continued legislation from October/November issue. The below portion is of final legislation from the past sessions. All entries are directly copied from posted bill and transcribed from voice recordings. Complete copies of all legislation can be found on the Osage Nation Congressional web site at www.osagetribe.com/congress or by contacting Osage Nation Archives at (918) 287-5319 or 287-5438. There is a copy charge of $.25 (cents) per page for any copies over 10 pages.

ONCA 08-32
An Act
To require the Osage Nation Treasury Department to report funds encumbered beyond the end of the fiscal year within thirty (30) business days after the close of each fiscal year, September 30th, beginning in 2008; to declare an emergency and establish an effective date.

Section 1. Short Title
This Act may be cited as the “Encumbered Funds Reporting Act.”

Section 2. Definitions
A. “Encumbered Funds” means all monies appropriated by the Osage Nation Congress for a specific fiscal year that are burdened or obligated by a department or division to a specific program, project or purpose.

Section 3. Reporting Requirement
The Osage Nation Treasury Department shall report any funds encumbered beyond the end of the fiscal year to the Osage Nation Congress within thirty (30) business days after the close of each fiscal year, September 30th, to begin in 2008.

Section 4. Violations of this Act
A. Funds shall not to be encumbered strictly for the purpose of avoiding the reversion of funds back to the Treasury Department.

B. Any encumbered funds not reported within the time stated in Section 3 of this Act shall be subject to reversion back to the general fund of the Treasury at the discretion of the Osage Nation Congress.

Section 5. Declaration of Emergency and Effective Date
An emergency exists. This bill is effective upon signature of the Principal Chief or upon signature of the Speaker of the Osage Nation Congress following legislative override.

Enacted: 23rd day of September, 2008
Approved: 29th day of September, 2008 by Chief Gray

ONCA 08-38
An Act
To provide an appropriation to the Tribal Court of the Osage Nation for Fiscal Year 2009; to declare an emergency and establish an effective date.

Section 1. Short Title
This Act may be cited as the “FY 2009 Tribal Court Appropriation Act.”

Section 2. Findings; Purpose
A. The Osage Nation Congress is mandated by the Constitution of the Osage Nation, Article VI, Section 23 to enact, by law, an annual expenditure of funds which shall include an appropriation of operating funds for each branch of the government for each fiscal year.

B. This Legislation seeks to fulfill the requirements of the Constitution of the Osage Nation regarding annual expenditure of funds for entities, divisions, departments, offices, committees, boards, task forces, and other authorities mandated by the Osage Constitution, effective October 1, 2008 pursuant to Article VI, Section 23 of the Osage Nation Constitution.

C. All spending associated with this appropriation whether by governmental or non-governmental individuals or entities shall be subject to Osage Nation laws, rules and regulations regarding same.

Section 4. Tribal Court Appropriation
For the fiscal year beginning October 1, 2008, and ending September 30, 2009, there is appropriated the sum of five hundred twenty seven thousand three hundred forty five dollars ($527,345) to the Tribal Court from the General Treasury fund from the sources listed below. These funds are appropriated to carry out the responsibilities and duties of the Tribal Court in accordance with all authorizing legislation as follows:

Section 5. Line Item Restrictions
No line item shifting shall be allowed into or out of any line item under the category of “Salaries/Wages.”

Section 6. Pay Rate of Salaries
Annual appropriation salaries shall be paid at no more than the maximum rate of one twenty sixth (1/26) of the appropriated salary amount per pay period. This shall in no way restrict salary increases approved by supplemental appropriation. An exception to this provision is allowed for bonuses awarded in accordance with Osage law.

Section 7. Fiscal Year Limitations-Lapse Date
The appropriations made by this act shall be subject to budgetary limitations and fiscal year limitations and may be encumbered through September 30, 2009. All funds appropriated that are unexpended at the end of the term shall lapse and be unencumbered for future appropriations.

Section 8. Declaration of Emergency and Effective Date
An emergency exists. This bill is effective upon signature of the Principal Chief or upon signature of the Speaker of the Osage Nation Congress following legislative override.

Enacted: 16th day of September, 2008

Veto Message:
Executive Veto Message
September 22, 2008
The Honorable Archie Mason, Speaker of the Osage Nation Congress

Members of the 1st Osage Nation Congress
Dear Mr. Speaker and Members of the 1st Osage Nation Congress:
I hereby transmit pursuant to the provisions of Section 11 of Article VII and Section 13 of Article VI of the Osage Nation Constitution, a statement of items to which I object and which I do not approve, contained in Bill ONCA 08-38, entitled:

“An Act to Provide an Appropriation to the Tribal Court of the Osage Nation for Fiscal Year 2009; to Declare an Emergency; and Establish an Effective Date.”

My reason for vetoing this subsection is as follows:
Section 2. Findings; Purpose, Part B, strike Line 33, 34, 35, 36 & 37 of ONCA 08-38
I have vetoed this subsection because, as written, it makes unclear
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to which Branch of the Osage Nation the appropriation of operating funds is intended. The Act itself is improperly titled as the appropriation is provided for the Tribal Court of the Osage Nation which shall be interpreted for enactment by my signature as the Judicial Branch of the Osage Nation. The confusion is compounded by the language inserted in lines 33-37 which appears to be an exhaustive list of governmental units primarily residing within the Executive Branch of the Osage Nation and is not applicable to the Judicial Branch.

Section 2, “Findings; Purpose” Lines 39 and 40 strike “whether”; “or” and “non-governmental.”

My reason for vetoing portions of this subsection is as follows:

Section 2, Findings; Purpose, Part C, strike “whether”, “or” and “non-governmental” in Lines 39 & 40 of ONCA 08-38

I have vetoed portions of this subsection because, as written, the Act could be interpreted as intending to assert jurisdiction over non-governmental entities and individuals who spend funds associated with this appropriation. In addition to potentially having unintended consequences as worded, asserting blanket jurisdiction over non-governmental entities and individuals in an appropriation bill is, I believe, a violation of Article VI, Section 12 and Article V, Section 2 of the Osage Nation Constitution.

With the exceptions of Section 2, Findings; Purpose, Lines 33, 34, 35, 36, 37, 39 & 40; and Section 5, Line Item Restrictions, Lines 102 & 103; and Section 6, Pay Rate of Salaries, Lines 107, 108, 109 & 110 of ONCA 08-38

I have vetoed this section because this provision places additional budget restrictions, not established by any other Osage law, on the Judicial Branch and potentially inhibits the Judicial Branch’s ability to manage its own affairs and spending priorities. I believe this to be a violation of Article VI, Section 12 and Article V, Section 2 of the Osage Nation Constitution.

Section 6, “Pay Rate of Salaries” strike Lines 107, 108, 109 and 110 inclusive.

Section 6, Pay Rate of Salaries, strike Lines 107, 108, 109 & 110 of ONCA 08-38

I have vetoed this section because this provision places additional budget restrictions, not established by any other Osage law, on the Judicial Branch and potentially inhibits the Judicial Branch’s ability to manage its own human resource affairs and spending priorities. I believe this to be a violation of Article VI, Section 12 and Article V, Section 2 of the Osage Nation Constitution.

With the exceptions of Section 2, Findings; Purpose, Lines 33, 34, 35, 36, 37, 39 & 40; and Section 5, Line Item Restrictions, Lines 102 & 103; and Section 6, Pay Rate of Salaries, Lines 107, 108, 109 & 110, as specified above, Enrolled ONCA 08-38 is approved.

Principal Chief Gray

Debate To Override
The Veto on Section 6:

Red Eagle: Mr. Speaker, we're seeing on the appropriation bills, actually they all touch on the elements of the salary and salary scales and all of the discussion we had during the last few weeks on that. One thing that the appropriations committee saw, and I think that what a lot of our Congress saw was the concerns that when we go into and look at the budgets through the year and see new budgets starting at fresh we don’t always get the clear picture of the time period before. And with these two or Section 6 is saying that if a salary spell is set for the year for implemental amounts for the new year. That if a person is brought on in a half a year, say at mid-year. We fear that the ability of the compensation to be combined in that six month period to equal a sum greater than a pure twelve month period. And in doing so, if that happens in given year, when we see that in the next year its an inflated amount versus a line item that they started at in the previous year. And I hope I'm not confusing this, but all we're saying is if you're brought in on a salary and a salary line scale, stay at that scale through the year and not be taken out of there with additional compensation increasing that amount of pay and holding that steady for the year. We will consider them next year if they're due in their merit increases and what have you. But this is saying keeping those elements pure as we see it in the budget figures. So, I would encourage to override the veto on Section 6. Thank you.

Edwards: It is my belief as legislators we should legislate on facts and not on fear. It is my understanding, from questioning the Treasurer in an open meeting, that when the salaries are set they are paid in equal pay periods based on when the person is hired. So, I think this is a fear provision than a fact provision and I am not willing to risk a lawsuit over this. Thank you.

Supernaw: Mr. Speaker, members of Congress. I concur with my colleague, Redeagle, on the concern about salaries being paid at a higher rate than it was anticipated when these were appropriated. But, I have another concern about this veto that we need to consider and that is where we don’t have the right to veto words and lines, but take them out. I've got my real concerned about this first section, the first part of this; he says “I have vetoed this section because this provision places additional budget restrictions, not otherwise established by Osage law, as the reason for vetoing this.” This argument could be used against any law. Any new law that we pass would be not otherwise established by Osage Law and if we let this stand it could be used against any law that we ever pass. But, back to the effect of this section that was left in there, there was a lot of thought and time went into this in our committee meetings; it wasn’t just something someone stuck in there because they thought it was a good idea at the moment. It was done to prevent salaries that we appropriated and anticipated an annual salary, let it run for six months and then appropriate it, and then hire someone; it could be used without this to pay someone double the salary that we anticipated or considered as being appropriated for that position. So, I will encourage everyone to vote for an override because we might be setting the precedent here that we will regret otherwise. Thank you.

Yes Votes: Branstetter, Red Eagle, Revard, Shackelford, Simms, Supernaw, Anderson, Mason

No Votes: Edwards, Freeman, Atterberry, Red Corn

Motion Failed to override the veto on Section 6.

Debate To Override
The Veto on Section 5:

Red Eagle: Mr. Speaker this Congress has recognized the critical need of a merit pay system. We’ve seen movement in salaries, salary lines and whether or not they be justified or not justified. We’re not approaching that as a government in an objective manner; it’s very much subjective hence the critical need for a merit pay system. We’re working toward that end. Until we get there we want to hold ourselves

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under control with the best efforts on all parts and then if we’re getting our salaries and working with that then let’s be cognizant of that we must all be treated fairly and equitably. We’re not able to apply that. So, the ability to move salary line items with the lack of this system behind us that lack of justification, I feel it’s a little early to be putting in language like this or not accommodating language like this, I beg your pardon. So, this is what it’s saying in black and white. They’re saying if you’re given that salary then hold them there; don’t be taking from one salary line even though it’s not occupied and moving it to another. Leave it as is. Come back to Congress, come back to the table, and let’s talk about salary, but not go into freedom of moving basic salaries at this point in time. So, I will be voting to override this veto.

Anderson: Two examples that I can think of that would fall underneath this category and why it would need to stay in the bill is one program has grants that a lot of monies are left over. And the question was posed: What would stop someone who was not watched over very carefully and was able to shift line items into taking a lot of money from let’s say an 04 grant or an 06 grant and putting it in as a bonus into your own salary? And with a very big grin the answer was; well, you know, there’s policies. And so, the fact is when you go back and look the opportunity is there. If there lines of policies in place and perhaps there broken then it’s very easy to get to, I mean we’re talking millions, there’s millions of dollars left over in a particular grant program. A second instance would be that we’ve had people come in and talk to us about contract positions. And the contract positions are no longer under contracts they’re now found under salaries and wages. And we’re finding that quite often family members are hired in these positions because now you don’t have to go through the contract procedure in order to fill these positions. So, what we’re finding is that you can take money because there’s a line item, I believe, in our budget that says ‘Other’. There’s a line item sometimes that says ‘Miscellaneous’. And there’s an opportunity that if wrong doing can be done; not saying that it is done. But, if it could be done that there’s an opportunity there that monies could be put into these particular line items that are under salaries that are really contract positions for several contractors that sometimes we’re finding out are ending up being the particular peoples relatives. So, I just think that this provision is needed and that it doesn’t end there. Thank you.

Yes Votes: Red Eagle, Revard, Shackelford, Simms, Supernaw, Anderson, Branstetter and Mason

No Votes: Freeman, Atterberry, Red Corn and Edwards,

Motion fails to override the veto on Section 2.

ONCA 08-46
An Act
To establish a health and wellness benefit for members of the Osage Nation.
Sponsor: Shannon Edwards
Co-Sponsor: Raymond Red Corn, Debra Atterberry and Eddy Red Eagle, Jr.

Be it enacted by the Congress of the Osage Nation:
Section 1. Short Title
This Act may be cited as the “Osage Nation Health Benefit Act.”

Section 2. Findings; Purposes
A. The Osage Nation wishes to establish a health account for each eligible tribal member which will fund a set dollar amount per eligible member per calendar year.
B. The Osage Nation will benefit from the assistance of a third party administrator to adjudicate eligible expenses via the health accounts.
C. A Non-ERISA Plan Document will be created for administration of the health accounts.
D. Eligible tribal members will be able to access benefits, if desired, via the use of an encoded card which “debits” the cost for many eligible expenses.
E. All other eligible expenses will require the member to submit a claim form in

I see no reason for it to be vetoed. I am voting to override. Thank you.

Yes Votes: Red Eagle, Revard, Shackelford, Simms, Supernaw, Anderson, Branstetter and Mason

No Votes: Freeman, Atterberry, Red Corn and Edwards,

Motion fails to override the veto on Section 2.
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order to initiate the reimbursement process.

F. The purpose of this act is to provide health and wellness benefits to each individual Osage Tribal member based on individual need.

Section 7. Declaration of Emergency and Effective Date
An emergency exists. This bill is effective upon signature of the Principal Chief or upon signature of the Speaker of the Osage Nation Congress following legislative override.

Enacted: 23rd day of September, 2008.

Approved: 29th day of September, 2008, by Chief
ONCA 09-01

An Act
To provide technical amendments to ONCA 06-10, “Osage Nation Revenue and Taxation Act of 2006, as amended, “making it consistent with the Constitution of the Osage Nation and the 2008 Tobacco Tax Compact; to declare an emergency and establish an effective date.

Sponsor: Anthony Shackelford
Co-Sponsor: Raymond Red Corn
Be it enacted by the Congress of the Osage Nation:

Section 1. Amending Section 2
Section 2, “Purpose,” shall be amended to read:

“It is necessary to strengthen the government of the Osage Nation by exercising the specific grant of authority contained in Act of June 28, 1906, 34 Stat. 539, as amended, and interpreted by subsequent judicial decisions, to levy and collect taxes, to license and regulate certain conduct within the jurisdiction of the Osage Nation, to provide financing for the current expenses of the Osage government, and to provide financing for the expansion of Osage government operations and services in order for the Osage Nation to efficiently and effectively exercise its confirmed inherent sovereignty and governmental responsibilities within the jurisdiction of the Osage Nation. The purpose of the Act is to provide simple, fair, straightforward and efficient procedures for the levy and collection of certain taxes and the licensing and regulation of certain conduct.”

Section 2. Amending Section 3
Section 3, “Jurisdiction,” shall be amended to read:

“The Osage Legislature hereby affirmatively declares, asserts, and extends the jurisdiction of the Osage Nation over the Osage Indian Reservation and all Indian Country, as defined in 18 U.S.C. § 1151, within the exterior boundaries of the Osage Indian Reservation, as described in the Act of June 5, 1872, 17 Stat. 220, except that portion purchased by the Kaws.”

Section 3. Amending Section 4
Section 4, “Continuity of Law,” shall be amended to read:

“It is hereby declared that the legislative intent of the Osage Legislature is that this Act be construed as amending and revising the tax law enacted by the 30th Osage Tribal Council in 1997 and last amended by the Osage Nation Congress in 2006 and that the enactment of the Osage Nation General Revenue and Taxation Act, as amended, shall have prospective effect only and shall not affect the validity of any license issued or renewed, taxes collected, or tax liability accrued under any prior law relating to such matters whether a law of the Osage Nation, provided however, that all licenses previously issued, of whatsoever kind and nature, are hereby made expressly subject to the terms and renewal provisions hereof and their present terms shall expire at the end of the period for which they were issued or upon the date of the maximum term provided hereunder calculated from the date of actual issuance, whichever comes first. It is further expressly provided that any such license of a Tobacco Wholesaler or for a Tobacco Retailer shall only be valid and not require a new application and a new license if the Wholesaler or Retailer has paid all taxes due and owing to the Osage Nation.”

Section 4. Amending Section 5
Section 5, “Scope of Law: Osage Nation Jurisdiction,” shall be amended to read:

“The scope of this Act shall extend to all persons or legal entities receiving licenses hereunder, or doing business within the Osage Nation jurisdiction, or having significant contacts within the Osage Nation jurisdiction, or residing within the Osage Nation jurisdiction, or entering or coming within the Osage Nation jurisdiction. All such persons or entities shall be deemed to have consented to the jurisdiction of the Osage Nation and to the provisions of this Act, the operation thereof, and to the jurisdiction and authority of the Osage Nation. All persons or legal entities who are licensed hereunder and/or who conduct business within said jurisdiction shall, by virtue of such actions, be deemed to have waived all jurisdictional defenses to the jurisdiction and venue of the Osage Nation, the Osage Nation Tax Commission, the Osage Nation Court, notwithstanding that such persons or legal entities may be of non-Indian descent or character.”

Section 5. Amending Section 107
Section 105, “Severability,” shall be amended to read:

“The scope of this Act shall extend only and shall not affect the validity of any license issued or renewed, taxes collected, or tax liability accrued under any prior law relating to such matters whether a law of the Osage Nation, provided however, that all licenses previously issued, of whatsoever kind and nature, are hereby made expressly subject to the terms and renewal provisions hereof and their present terms shall expire at the end of the period for which they were issued or upon the date of the maximum term provided hereunder calculated from the date of actual issuance, whichever comes first. It is further expressly provided that any such license of a Tobacco Wholesaler or for a Tobacco Retailer shall only be valid and not require a new application and a new license if the Wholesaler or Retailer has paid all taxes due and owing to the Osage Nation.”

Section 6. Amending Section 105
Section 105, “Severability,” shall be amended to read:

“Should any provisions of this Act ever be held to be unlawful or void for any reason by a Court of competent jurisdiction, the remaining provisions of this Act shall be deemed to be separable and shall not be affected or voided by any such Court decision.”

Section 7. Amending Section 107
Section 107, “Sovereign Immunity; Generally,” shall be amended to read:

“The Osage Legislature expressly and generally reserves for itself, the Osage Nation, the Osage Nation Tax Commission and individual members and employees of the Osage Legislature and the Osage Nation Tax Commission and individual employees of the Osage government, when acting within the scope of their official duties, all rights of sovereign immunity against lawsuits of every kind and nature, less and except the right to appeal decisions of the Tax Commission as provided by Section 106, above.”

Other amendments were made. Refer to files posted on the Osage Nation website.

Section 15. Declaration of Emergency and Effective Date
An emergency exists. This bill is effective upon signature of the Principal Chief or upon signature of the Speaker of the Osage Nation Congress following legislative override.

Enacted by the Osage Nation Congress on this 10th day of December, 2008.

Approved: December 11th by Chief Gray

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ONCA 09-02
An Act
To provide an appropriation to the Executive Branch for the purpose of litigating Osage Nation v. Thomas E. Kemp, Jr., Chairman of the Oklahoma Tax Commission; Jerry Johnson, Vice-Chairman of the Oklahoma Tax Commission; and Constance Irby, Secretary-Member of the Oklahoma Tax Commission; to declare an emergency and establish an effective date.
Sponsor: Debra Atterberry
Co-Sponsor: Mark Freeman

Be it enacted by the Congress of the Osage Nation:
Section 1. Short Title
This Act may be cited as the "Special Litigation Appropriation Bill."

Section 2. Findings; Purpose
A. The Osage Nation Congress finds that:
1. The Osage Nation filed suit against the State of Oklahoma in federal court in 2001, seeking declaratory judgment that the Osage Reservation is the Indian Country of the Osage nation and an injunction against Oklahoma Tax Commissioners from imposing and collecting tax from the income of Osage members who both reside and earn income from sources within the Osage Reservation;
2. "Indian Country" is statutorily defined as: (a) all land located within an Indian reservation, including land held in free and not limited to land owned by the tribe or tribal members; (b) all dependent Indian communities; (c) Indian allotments; and (d) land held in trust by the federal government for the benefit of the tribe or tribal members. 18 U.S.C.A. § 1151 (2000);
3. Following a lengthy procedural battle, the United States Supreme Court denied the State of Oklahoma’s petition for certiorari on October 5, 2008;
4. The case is currently scheduled for trial on the merits of the argument in March of 2009, thus requiring additional funds to prepare for trial;
5. Due to the acceleration of this case, monthly Congressional briefings by the Nation’s attorneys and/or the Executive Branch are necessary to track the progress of the lawsuit, which is brought on behalf of the Osage Nation.

B. The purpose of this Act is to provide an appropriation to the Executive Branch for the express purpose of litigation, to-wit, Osage Nation v. Thomas E. Kemp, Jr., Chairman of the Oklahoma Tax Commission; Jerry Johnson, Vice-Chairman of the Oklahoma Tax Commission; and Constance Irby, Secretary-Member of the Oklahoma Tax Commission.

Section 3. Executive Branch Appropriation
For the purpose of litigating Osage Nation v. Thomas E. Kemp, Jr., Chairman of the Oklahoma Tax Commission; Jerry Johnson, Vice-Chairman of the Oklahoma Tax Commission; and Constance Irby, Secretary-Member of the Oklahoma Tax Commission, 4:01-cv-00516-JHP-FHM there is hereby appropriated a sum of one million dollars ($1,000,000) to the Executive Branch from the General Treasury fund from the sources listed below. Four hundred ninety-eight thousand dollars ($498,000) shall be available to the Executive Branch for the fiscal year 2009. Reserve funds shall be released only upon Congressional Resolution.

Section 7. Declaration of Emergency; Effective Date
An emergency exists. This bill is effective upon signature of the Principal Chief or upon signature of the Speaker of the Osage Nation Congress following legislative override.

Approved by the Osage Nation Congress on this 10th day of December, 2008.

Approved: December 11, 2008 by Chief Gray

ONCR 08-26
A Resolution
To adopt amendments to Exhibit "A" attached to and made part of ONCR 08-09.
Sponsor: Raymond Red Corn

By the Congress of the Osage Nation:
Whereas,
1. The Osage Nation Congress believes that amendments to Exhibit "A" attaches and made part of ONCR 08-09 are necessary and in the best interest of the Osage Nation.
2. The adopted amendments below reflect corrections and changes to Exhibit "A" to ONCR 08-09, which will further improve the Article of Operation for the limited liability company, Osage, LLC.

Now, Therefore, Be It Resolved,
1. That the Osage Nation adopts the following amendments to Exhibit "A", attached and made part of ONCR 08-09:
A. Amending Line 63
Strike “Article XI” and Insert “Article XIII”.
B. Amending Line 141
Strike “9.01(b), (c), (d) and (e)” and Insert “11.1(b), (c), (d) and (e)”.
C. Amending Line 150
Strike “7.3” and Insert “7.4”.
D. Amending Line 316
Strike “elected” and Insert “appointed”.
E. Amending Line 320
Strike “5.1” and Insert “7.1”.
F. Amending Line 369
Strike “9.2” and Insert “11.2”.
G. Amending Line 422
i. After “member” Strike “elected” and Insert “appointed”.
ii. After “shall” Strike “elected” and Insert “appointed”.
H. Amending Line 424
Strike “elected” and Insert “appointed”.
I. Amending Line 465
Strike “9.2” and Insert “11.2”.
J. Amending Line 496
Strike “13.5” and Insert “15.8”.
K. Amending Line 498
Strike “vote to elect” and Insert “appoint and confirm”.
L. Amending Line 499
Strike “this Article VI and”.
M. Amending Line 500
Strike “5.10” and Insert “7.12”.
N. Amending Line 529
Strike “7.5” and Insert “7.4”.
O. Amending Line 535
Strike “7.5” and Insert “11.2”.

See Tzi-Zho
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TZI-ZHO

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Strike “13.1” and Insert “15.1”.
P. Amending Line 546
Strike “A majority” and Insert “Two-thirds (2/3)”.
Q. Amending Line 560
Strike “7.8” and Insert “9.8”.
R. Amending Line 566
Strike “Code” and Insert “Limited Liability Companies Act”.
S. Amending Line 641
Strike “8.3” and Insert “10.3”.
T. Through 744
Insert: “11.1 Definitions
As used in this Agreement:
C. Allocation. An allocation shall mean an accrual of tax items to the member on the books of the LLC.
D. Distribution. A distribution shall mean a transfer of the LLC’s cash or other assets from the LLC to the member by check, bill of assignment or otherwise.
E. Tax Advisor. The person(s) or firm responsible, whether an employee or independent service provider, for tax accounting and advice to the LLC.

11.2 Member’s Duty of Consultation With LLC’s Tax Adviser Concerning Allocations and Distributions

A. Allocations. The member shall be required to consult with the tax adviser or review an opinion of the tax adviser for the LLC before the LLC may make any distribution to the member.
B. Exceptions. However:
1. Tax Distributions. Subject to Section 11.4(b)(2), the LLC shall make distributions to the member at such times and in such amounts as the enable the member to pay taxes on the LLC’s taxable income on time and in full.
2. Wrongful Distributions. The LLC shall make no distribution to the member to the extent that the distribution would be a wrongful or unlawful distribution under the LLC Act.”

U. Amending Line 761
Strike “Copes” and Insert “Copies”.
V. Amending Line 834
Strike “8.3(d)” and Insert “10.3(d)”.

Adopted: 16th day of September, 2008.
Approved: 22nd day of September, 2008, by Chief Gray

ONCR 08-29
A Resolution
To approve the Merit Based Performance Management System Report of Initial Findings and to Request the Osage Nation Executive Branch undertake the enactment of Stages 1-6 recommended in the Report.
Sponsor: Debra Atterberry
Co-Sponsor: Eddy Red Eagle, Jr., Shannon Edwards and Raymond Red Corn

Be it resolved by the Congress of the Osage Nation:
Whereas,
1. The Osage Nation Congress is required by the Osage Constitution to implement a merit system of employment for the Osage Nation Government;
2. The Osage Nation has contracted the services of a professional consultant, Collaborative Strategies, Inc., to assist the Nation in identifying steps which the Nation must take to implement such a system; and
3. Collaborative Strategies, Inc. has issued a Report of Initial Findings, dated July 2008, which includes six recommendations, including a pilot project where initially a small group of employees participate in a pilot pay for performance system;
4. The Osage Nation Congress believes that adoption of the recommendations is a necessary prerequisite to establishing a comprehensive merit system for the Osage Nation.

Now, Therefore, Be it resolved,
1. That the Osage Nation Congress hereby approves the Merit Based Performance Management System Report of Initial Findings attached to this resolution;
2. That the Osage Nation Congress requests that the Osage Nation Executive Branch undertake the implementation of stages 1-6 of the Report, stated on page twenty-two (22) of the report, as of the signing of this resolution;
3. That the Osage Nation Congress requests that the following timeline be implemented:
A. Stage 1-Engagement-October and November 2008;
B. Stage 2-Organization-Design-November and December 2008;
C. Stage 3-Merit Based System Design-December 2008;
D. Stage 4-Performance Management System Design-January 2009;
E. Stage 5-Performance System Training-January 2009;
F. Stage 6-Implementation-February 2009;
4. That the Osage Nation Congress requests that the Executive Branch provide written quarterly reports of progress in December 2008 and March 2009, including identification of issues which delay or expedite the ability to begin a pilot project in February 2009.

Adopted by the Osage Nation Congress on this 25th day of September, 2008.
Approval: 30th day of September, 2008.

See TZI-ZHO
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It will also begin the implementa-
merit based employment system.
I believe that this resolution is a
recommended in the Report.
undertake the enactment of Stages
Osage Nation Executive Branch
Management System Report of Ini-
ONCR 08-29 is a Resolution to ap-
merit base system plan study that
have waited on for so long. It will
have the strategic plan which we
have for so long. It will
merit based employment system. It
will also begin the implementa-
tion of the strategic plan which we
have for so long. It will
branch we realized the importance of
the merit based system in relation
to the implementation of the
strategic plan. We found that the
two merged quite together. And
that the strategic plan implement-
tion would be impossible without
this merit base employment sys-
tem. The study that we’re referring
to with these six stages included in
it very clearly indicates a meaning
and a purpose, it gives a clear defi-
nite plan for the executive branch,
it gives a clear time line and it’s al-
most immediate implementation of
establishing the merit based per-
formance system through a pilot
project. It will also implement the
strategic plan and create the mo-
momentum that we so badly need for
change. These three areas I believe
are the most crucial to this nation
at this time. I urge you to vote for
ONCR 08-29. Thank you.

Yes Votes: All in favor

ONCR 09-01
A Resolution
To support the exaction of an
inter-governmental Tobacco Tax
Compact between the Osage Na-
tion and the State of Oklahoma
and authorize a limited waiver of
sovereign immunity therein.
Sponsor: Anthony Shackleford
Be it resolved by the Congress of
the Osage Nation:
Whereas,
1. The Osage Nation is a fed-
erally-recognized Indian
Nation with a historic and
continuing government-to-
government relationship
with the United States of
American and the State of
Oklahoma;
2. The Osage Nation has in-
creased its economic de-
velopment by entering into
previous compacts with the
State of Oklahoma;
3. The Osage Nation and the
State of Oklahoma has mu-
tually agreed to the terms
of a new Tobacco Tax Com-
 pact;
4. Article XIX of the Constitu-
tion of the Osage Nation
states that the Osage Na-
tion and all administrative
offices, departments, agen-
cies, and instrumentalities
of the Osage Nation shall
be immune from suit or pro-
cess in any forum except to
the extent that the Osage
Nation Congress expressly
waives its sovereign immu-
nity;
5. The execution of a new To-
bacco Tax Compact with the
State of Oklahoma, will
resolve existing arbitration
proceedings and litiga-
tion between the Osage
Nation and the State of
Oklahoma, to-wit: Osage
Nation v. Oklahoma Tax
Commission, U.S. District
Court for the Northern Dis-
trict of Oklahoma (Case
No. 06-CV-067-TCK-FHM)
and Osage Nation v. Brad
Henry, et al., U.S. District
Court for the Northern Dis-
trict of Oklahoma (Case
No. 06-CV-220-TCK-FHM).

Now, Therefore, Be it Resolved,
Pursuant to Article XIX of the
Constitution of the Osage Nation,
the Osage Nation Congress hereby
authorizes the execution of a To-
bacco Tax Compact with the State
of Oklahoma, attached as Sealed
Report #1, and further authorizes
a limited waiver of sovereign im-
muity therein for money damages
upon a showing of the Osage Na-
tion’s acquiescence to the wrongdo-
ing of any Osage Nation licensed
retailer.
Adopted by the Osage Nation
Congress on this 4th day of Decem-
ber, 2008.
Approved: December 5, 2008 by
Chief Gray.
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