Red Eagle looks to settle Osage trust case as Cobell settlement signed by Obama

Osages who are sole shareholders and not IIM account holders will be excluded from Cobell settlement

By Shannon Shaw
Osage News

The historic Cobell case is over as U.S. President Barack Obama signed the $3.4 billion settlement agreement Dec. 8, marking the end of the 14-year battle to obtain justice for more than 500,000 Native Americans whose Indian trust accounts were mismanaged by the Department of the Interior.

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Red Eagle appoints Jeff Jones as Nation’s first Attorney General

By Benny Polacca
Osage News

Jeff Jones has been appointed as the first Attorney General of the Osage Nation. The Skiatook-based Osage attorney currently serves as First Assistant District At-
Catherine Ware needs Native American bone marrow donors

Blood Institute Bone Marrow Drive at the Pawhuska Community Center from 11 a.m. to 3 p.m. Dec. 22

Osage News

Catherine “Cady Bear” Ware is in need of a Native American bone marrow donor.

She has been diagnosed with Thrombocytopenia that causes her to have a low platelet count caused by her marrow failing to produce enough blood cells.

Having already undergone exhaustive treatments, Cady’s family found out in October that something has changed in her body and she is now at high risk for bone marrow failure, said Carma Jensen, Cady’s mother. Cady is currently in the process of getting her name on the National Registry for a bone marrow transplant.

There will be an Oklahoma Blood Institute Bone Marrow Drive at the Pawhuska Community Center from 11 a.m. to 3 p.m. Dec. 22 and Cady’s parents are asking that Osages please spare 30 minutes of their day to be tested. It’s not hard, or painful. All the nurses will do is simply swab the inside of your cheek and it’s over.

According to the Bigheart Times, because so few American Indians are on the marrow registry, 81 percent of Native Americans cannot find a match when they need one. (One-tenth of 1 percent of all donors are American Indians.) White people do better on the marrow registry: About 88 percent find a match.

Osage students will receive full amount of tribal scholarship, without restrictions

To receive $3,500 Osage Higher Education Scholarship per semester all a student need do is enroll full time

By Shannon Shaw

Osage News

The controversy that embroiled many Osage students in late 2009 over the Osage Higher Education Scholarship seems all for naught now that the Office of the Chiefs has instructed the education department to drop all requirements to receive the scholarship starting with the 2011 Spring Semester.

The reason being: increased enrollment.

“This plan is more equitable for everyone involved,” said Deidre Bigheart, director of operations in a prepared release from the Office of the Chiefs. “We believe this is a good problem to have, as it means that more Osage tribal members are going on to school and receiving assistance from the Osage Nation.”

But what about all the hubbub in 2009 when the Gray administration said that requirements had to be in place so that the Nation and students wouldn’t be liable for the money come tax time? A Washington D.C.-based tax attorney was flown in for congressional meetings on the subject, hundreds of students had to fill out separate applications for room and board before they received the full amount, students attending lower-cost institutions only received enough to cover their tuition, books and room and board. Some students had to drop out and move home because their letters of intent from the Nation weren’t fulfilled with their scholarship. Was it all for nothing?

The Osage News posed the questions to the Red Eagle administration. Chris White, executive director of governmental affairs, said that he remembered there being a controversy but that their dropping of the requirements was a separate issue and had nothing to do with what happened in 2009.

“Again, there are more students applying for assistance, but the funds have not been increased. Something had to ‘give,’” White wrote in an e-mail. “The question to the Executive team was, ‘how do they do it?’

Because Cady is Native American she will have to rely on Native American Indian donors because of the makeup of genetics of Native Americans,” Jensen said. “She will possibly need several matches to help her.”

Cady is the six-year-old daughter of Charles “Frank” Ware III and Carma Jensen. Her paternal grandparents are the late Charles Ware II of Pawhuska, and Nancy Russell Graham of Hominy. Cady is of the Eagle Clan. Her maternal grandparents are Carl Jensen of Pawhuska and Mary Provost of Pine Ridge, South Dakota. Catherine “Cady Bear” is of Osage, Oglala Sioux, Seneca-Cayuga and Cherokee decent. She has two brothers and two sisters.

“The family would like to thank you for reading this article and we encourage you to come out and get swabbed and register for the Be The Match registry to possibly help Cady and others waiting on the list for a donor,” Jensen said.

For more information call (918) 688-9471.

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NCAI sides with Nation in its Supreme Court appeal, files brief in reservation status case appeal

OK Tax Commission has until Jan. 11 to respond to the Nation's appeal

By Benny Polacca
Osage News

The Oklahoma state Tax Commission has received a 50-day extension on its deadline to respond to the Osage Nation's appeal in the long-standing case being challenged at the U.S. Supreme Court level. In another recent development, the National Congress of American Indians is siding with the Osages in this case and filed an amicus curiae brief during the Thanksgiving holiday week.

The Nation is asking the High Court to opine on its nine-year argument with the state’s Tax Commission after the 10th Circuit Court of Appeals declined the Nation’s request for a rehearing of the case earlier this year.

The case against the state Tax Commission, in which the tribe alleges the state of Oklahoma does not have the right to tax Osage tribal members who work and live on the Osage reservation, didn’t go in their favor at the federal court level in Tulsa. The tribe was denied a rehearing May 25 by the 10th Circuit Court in Denver, prompting the question of appealing the case. The tribe filed its appeal to the Supreme Court on Oct. 22. A response to the Nation’s appeal from the state Tax Commission is expected next month.

The state’s response to the Nation’s appeal was originally due Nov. 22, but the deadline has been extended to January 11, according to the Supreme Court’s online docket. The extension was issued on Nov. 16.

Nov. 22 was also the day when attorneys representing NCAI filed the amicus curiae (Latin for “friend of the court”) brief in support of the Nation. The brief was submitted by Richard Guest, an attorney for the Native American Rights Fund. John Dossett, NCAI’s general counsel, is also listed on the 23-page brief.

“Our brief is focused on the impact” the 10th Circuit Court’s ruling could bring on other tribes and reservations besides the Osage case, Guest told the Osage News. “The 10th Circuit opinion is in conflict with other courts.”

According to the brief, NCAI “is deeply concerned that the legal test for disestablishment (of a reservation) adopted by a minority of the circuits will allow lower federal and state courts to ignore specific language within a statute or treaty, to overlook the contemporaneous Congressional purpose underlying an allotment or surplus land act, and to simply rely on subsequent historical events and modern demographics to determine reservation status.”

The appeals process started after U.S. District Court Judge James Payne ruled against the Nation. Payne cited the Oklahoma Organic Act, the Oklahoma Enabling Act and the Osage Allotment Act as proof that the U.S. Congress intended to dissolve the Osage Reservation and leave only ownership of the mineral estate and small tracts of trust land to the Nation. Payne’s decision said that because Congress gave the State of Oklahoma jurisdiction over tribal members not living on trust land, they are not exempt from state income taxes. He declined the Nation’s request to reconsider his decision.

In its Oct. 22 Supreme Court petition, the Nation argues “the only statements by members of Congress regarding the Osage Act relate to the allotment of tribal lands and monies... None of the statements even mentions disestablishment of the Reservation, much less expresses an unequivocal intention to accomplish that result.”

Guest said the NCAI’s brief regarding the reservation (dis)establishment issue also “stresses its importance to a large number of tribes.”

NCAI urges the Supreme Court to consider hearing this case because: “The question of diminishment or disestablishment of reservation boundaries is one of exceptional importance to Indian tribes nationwide as they pursue self-determination and economic self-sufficiency. Indian self-determination has been the formal policy of the United States government since President (Richard) Nixon’s Special Message to Congress on Indian Affairs in 1970, and has been affirmed by executive order or proclamation by each U.S. President since.”

Three of the Nation’s Osage Million Dollar Elm Casinos are at risk because they were built on lands not currently held in trust, per federal law. The Nation has filed applications to place those lands holding the Tulsa, Ponca City, and Skiatook casino properties into trust, but the process could take between six months to three years. Gaming revenue is the Nation’s largest income source.

NCAI also notes that inconsistencies in reservation disestablishment analysis causes confusion when it comes to civil jurisdiction matters. “The status of a reservation not only impacts the internal governance of a tribe, but also its external relationships with a state and the federal government... As with criminal jurisdiction, an inquiry into the status of lands as ‘Indian Country’ strikes at the core of any determination of civil regulatory authority.”

Guest said he coordinates and monitors all Indian law cases brought to NARF’s attention as part of the Tribal Supreme Court

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“Eloise’s argument was simple: The government, as a trustee of Indian funds, should be able to account for how it handles that money,” Obama said before he signed the settlement agreement. “And now, after 14 years of litigation, it’s finally time to address the way that Native Americans were treated by their government. It’s finally time to make things right.”

As part of the settlement agreement, only those Osages who have Individual Indian Money (IIM) accounts will be included in the settlement. Those Osages who are solely headright owners/shareholders will not. They will have to wait for the outcome of the Nation’s 10-year-old case that seeks an accounting of 140 years of mismanagement of the tribe’s oil royalty payments and other alleged malfeasance. The Nation is asking for a $310 million settlement in actual damages.

The case is currently in the U.S. Court of Federal Claims and will be decided by Judge Emily Hewitt. Judge Hewitt has yet to schedule a court date to begin Tranche Two of the case but prior to the trial beginning Hewitt ruled favorably in the Nation’s favor to be awarded $250 million. A trial for the remaining $60 million, which is separated into two claims of $15 million and $45 million, was heard this summer, according to Osage Minerals Councilman Galen Crum, who is a member of the Osage Trust Team. The two claims cover oil-royalty claims from 1974 to 2000 and investment-related claims from 1973 to 1992. Hewitt has yet to make a ruling on the $60 million claim but it could be any day. Tranche Two of the case will examine the malfeasance of Osage trust accounts that took place prior to 1974.

According to Washington D.C.-based attorney Merrill Godfrey of Akin Gump Strauss Hauer & Feld LLP, when the ruling is issued the Nation and the United States will be required to submit final calculations, consistent with the court's rulings. The Nation has also requested to schedule a trial for all other claims for the 1906 to 2000 period, he said. A ruling on that request is expected shortly after the court issues its post-trial ruling. Currently, the Nation’s counsel is planning for a trial on these remaining claims in late 2011.

Minus attorney fees (attorneys for the case will receive five percent) the settlement would amount to roughly $139,000 per headright for Tranche One alone. How the judgment will be distributed will ultimately be decided by Hewitt. Currently 25 percent of shareholders are non-Osage.

“I think the passage [of the Cobell settlement] shows the federal government’s willingness to settle old trust claims, as promised by President Obama,” Red Eagle said. “If I have the opportunity to speak to the President in his upcoming meeting with tribal leaders, I plan to seek his support with our Osage trust cases.”

Red Eagle will participate in the tribal leader’s summit scheduled for Dec. 16.

The Osage Trust Team is made up of Red Eagle, Speaker of the Congress Jerri Jean Branstetter, Osage Minerals Council Chairman Dudley Whitehorn, OMC Councilwoman Cynthia Boone and OMC Councilman Galen Crum.

As for the Cobell settlement, 500,000 Native Americans may be entitled to payments totaling $1.25 billion. Most Individual Indian Money account holders will receive between $500 and $1,500. Those with high-income properties could see a higher payout.

Eloise Cobell, the principal plaintiff in the case and a member of the Blackfeet Tribe in Montana, originally filed the case after she could not get an accurate account of her IIM account and discovered there were thousands of Native Americans who are owed money. She is a member of the Osage Trust Team and a member of the Osage Mineral Council.

Out of the $3.4 billion settlement, $1.25 will be disbursed to IIM account holders, $2 million will be used to consolidate tribal lands by purchasing fractionated interests and $60 million will go to a scholarship fund for Native students. With every sale of fractionated interest, money will be added to the scholarship fund. Land interests purchased under the settlement will go to the tribes.

For more information on the Cobell settlement visit www.cobellsettlement.com or call 1-800-961-6109.
torney for Oklahoma’s DA District 10 which covers Osage and Pawnee counties.

“I met with Chief (John) Red Eagle and he said he was going to appoint me as the first Attorney General, so I’m excited to be the first Attorney General and get the office established,” Jones told the Osage News Nov. 18.

Jones’s appointment comes less than a month after he lost the race for DA of District 10. Jones ran against Rex Duncan of Sand Springs, a former Oklahoma state Representative in the Nov. 2 General Election, and lost by less than 1,000 votes. “I was surprised at the appointment. You know, I just lost the DA election and I was wondering what I was going to do and was surprised about the offer from the tribe and very happy about it,” Jones said.

This is not Jones’ first foray into tribal law, he served as the Osage tribal prosecutor from May of 2001 to Dec. 31, 2002. To get a feel of what might be expected from him Jones printed off the legislation that created the AG’s office. The Second Osage Nation Congress passed the AG bill during the Tzi-Zho Session this fall. He also had a conversation with Chief Red Eagle about some of the things the AG will be looking at and Red Eagle said that Jones would hopefully be delineating some of the questions about Separation of Powers between the Executive and Congressional branches.

“I think the AG will be prosecuting in the tribal court,” Jones said but also mentioned that there was already a tribal prosecutor on contract for the Nation so he didn’t know if he would start prosecuting after the prosecutor left or before. “I plan to start Jan. 1, but I don’t know when the current contract for the current tribal prosecutor ends, so I don’t know if I would start after she leaves or not.”

Jones, a University of Tulsa law school graduate, has worked in the Osage County DA’s office since 2002. He previously worked as a UPS truck driver for 18 years.

Jones has served as First Assistant District Attorney since 2006. Incumbent DA Larry Stuart is retiring and not seeking re-election which left his office up for grabs by either Jones or Duncan.

As far as the workload for the new AG, he doesn’t know what to expect. “I don’t know if there will be a lot of work or a medium amount of work . . . I don’t think the AG should go out and look for work but I think there will be plenty to do for an AG who wants to work,” Jones said. “There may be times when I don’t have a lot to do but I could be looking at the tribal codes and updating those codes – so there could be plenty to do for an AG who wants to work.”

Jones met with the tribal court staff and the tribal police Nov. 17 to introduce himself. He doesn’t yet know where his office will be but he’s ready to get to work.

In related news, the Second ON Congress unanimously approved an initial budget of $261,844 for the Attorney General’s Office on the last day of its third Special Session Nov. 12. The budget covers salaries and office needs for the AG’s office which will be occupied by Jones – who is subject to confirmation by Congress – and a secretary.

According to the AG budget bill (ONCA 11-04 sponsored by Congressman Eddy Red Eagle) salaries for the AG and secretary are set at $105,000 and 28,080 respectively. Chief Red Eagle signed ONCA 11-04 into law Nov. 18.

During the third special session of Congress, the Congressional Committee on Government Operations considered the AG office budget before it was sent for a floor vote.

Congressman Raymond Red Corn said he preferred to pass the bill as a “start-up” AG budget and then allow the incoming Attorney General to request budget modifications if they are needed.

Any needed amendments to the AG’s office could include adding more staff, but that will be dependent on the workload. For example, a paralegal or legal secretary with experience in working for lawyers could be hired later and may receive a salary that is competitive with similar positions in other legal offices.

The Nation’s AG salary ranks closely with other area AG offices. Oklahoma’s outgoing Attorney General Drew Edmondson has a yearly salary of $132,850, according to Sunshine Review, a Web site which collects public information on government entities nationwide and advocates for government transparency.

The Cherokee Nation did not release exact salary figures for its Attorney General’s Office to the Osage News but released salary ranges for its AG Office which has nine positions. The CN Attorney General salary ranges from $69,177 to $94,080; assistant attorney general $62,165 to $84,544.

Osage Congress members passed ONCA 10-84, which creates the Attorney General’s Office, during its Tzi-Zho Session.

According to the bill, the AG’s office is established as an independent one and “the purpose of the act is to accomplish economy and efficiency by centralizing, in one office, the facilities and personnel available to render legal services to the Nation as requested on behalf of officers, boards, bodies, commissions and instrumentalities of the Nation’s Government; and to provide for the enforcement of the civil and criminal laws of the Nation when justice so requires.”

According to the bill, the Attorney General’s duties include:

To enforce the provisions of the Constitution and all other laws of the Nation; Supervise staff in the AG’s office; and to coordinate with any other outside legal counsel(s) to the Nation’s government when requested.

The Attorney General’s authority includes: appearing on behalf of the Nation to prosecute and defend all actions and proceedings (criminal or civil) in the Nation’s Trial and Supreme courts; to give the Principal Chief, members of Congress, and any other officers, boards, commissions of the Nation’s government legal advice on matters within the scope of their official duties when requested; to represent the Nation in state District Courts on Indian Child Welfare or social services matters involving tribal members or children eligible to become members.

The bill also authorizes any commission, board, or enterprise of the Nation’s government or the Congress to request an opinion of the Attorney General concerning any question of law relating to their respective entity or office. Official opinions issued by the Attorney General must also be published annually.
Local entities break ground on Pawhuska Business Development Center

By Benny Polacca
Osage News

Government officials for the Osage Nation, county and several organizations broke ground Nov. 18 on the Pawhuska Business Development Center which will be built in the industrial park west of Indian Camp.

The business incubator facility will house Tri County Technology Center classrooms and spacing for start-up businesses and manufacturing entities. The building – with an estimated cost of $1.8 million – is expected to open next year and could spur business relationships among the Nation, county and other entities who will use the 20,000 square-foot facility.

“This is an opportunity for future partnerships,” RJ Walker, chairman of the Osage County Industrial Authority, told the event attendees. Those entities who use the business development center would be bringing “opportunities for the young and old,” he said.

When construction is complete next year, the business incubator and training center will feature several large bays for manufacturing or light industry start-up businesses; office space for new entrepreneurial businesses and classroom facilities for education opportunities offered by Bartlesville-based Tri County Technology Center.

The TCTC classrooms will also include a computer lab and will be able to offer broadcast classes, said Elaine Dettle who is senior director of economic and community development for TCTC. She will be supervising TCTC classes such as those geared at entrepreneurship and computers.

TCTC will furnish and maintain the center when it opens in fall 2011, pending weather conditions during construction. Atlas General Contractors is overseeing the project construction.

When it’s completed, the business incubator building will “reflect the local flavor of the community using metal panels that cast shadows resembling Osage ribbon work across the front of the building,” according to the OCIA. Mass Architects, Inc. designed the building.

Funding for the business incubator came from grant funding awards which were pursued by area entities including:

The Osage County Industrial Authority, which owns the industrial park space at East Boundary and 17th streets, contributed $200,000 for the project. TCTC signed a 20-year lease with the OCIA earlier this year and can use the center for educational purposes under the terms of the agreement, the Bartlesville Examiner-Enterprise reported in March.

The city of Pawhuska and the OCIA partnered and applied for a federal Economic Development Assistance grant. The project received a $750,000 award this spring and the EDA’s regional director came to Pawhuska for the groundbreaking.

“When we have an opportunity to invest in small towns,” said Pedro Garza, of the EDA’s Austin, Texas

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SCHOLARSHIP

you take the same amount of appropriation and make that stretch to cover more students’?”

The Osage News was going to ask the director of the education department, Robert Hyatt, who sat through all those hotly debated congressional meetings in 2009 but was informed that he had resigned. An interim director has not yet been named.

IRS

According to the Internal Revenue Service Web site under Topic 421, any scholarship or grant that is awarded without specifically stating gross income amounts used for incidental expenses such as room and board, travel, and equipment could be deemed taxable income.

If any part of the scholarship or fellowship grant is taxable, the student may have to make estimated tax payments, according to the site. For more information the site lists Publication 970, Tax Benefits for Education that can be found at www.irs.gov/publications/p970/index.html.

Free money

Theoretically, an Osage student could receive up to $7,500 a year from the Nation in free money – $3,500 from the higher education scholarship each semester and $500 from the health benefit card. Those students enrolled part-time will receive a pro-rated amount.

According to education department statistics, 46 percent of the students who receive the higher education scholarship attend school in state.

For the Spring 2010 semester 690 students received the scholarship, totaling $2,524,987.

The Summer 2010 semester 275 students received the scholarship, totaling $540,448.

The Fall 2010 semester 883 students received the scholarship, totaling $3,150,829.

The deadline for higher education scholarship applications for the 2011 Spring Semester is Dec. 31. Verification of enrollment forms, financial aid forms and grades are due Jan. 31.

If a student has any problems getting documents released before the education department’s deadlines they are to notify them by mail, or e-mail them at scholarship@osagetribe.org and let them know the documents will be late.

The education department has a new mailing address: Osage Education Department, 102 Buffalo Ave., Hominy, OK 74035. For more information contact the department at (918) 287-5301.
Treasurer transition briefly stops reimbursement checks for Health Benefit Card

By Shannon Shaw
Osage News

Reimbursement checks were delayed to Osage parents to pay for medical bills in accordance to the Nation’s Health Benefit Card program in latter part of November, but the Chief’s Office said the checks would be mailed out Nov. 23.

Why the month delay? According to Monica McKaughn, the flex specialist at Mutual Assurance Administrators Inc. who handles all the Osage claims for the $500 health card, MAA has not been able to reach anyone in the Nation’s Executive Branch since the departure of former Treasurer John Jech on Oct. 15. As a result, she’s been on the receiving end of some very angry Osage parents and she has begun to refer them to the Executive Branch.

“We’ve sent daily e-mails, calls, and when we send the e-mails every week we add [each week’s new claims] on there, like ‘hey, we’re still holding these,’” McKaughn said. “And a lot of tribal members log in to their accounts online and see when the checks are printed and they’re obviously upset because they see their checks are ready.

“As I understand it, [Chief John Red Eagle] was made aware of it [the week of Nov. 8],” she said.

For children 18 and under to receive the $500 in medical care, parents have to pay the bills upfront and then send in the medical bill and receipt in order to receive a reimbursement from MAA. The waiting time for the reimbursement check is normally a week, McKaughn said.

The reimbursement process has already been criticized by some Osage parents before. In an Osage News article published in March, Osage parent Marjorie Williams said she didn’t understand why minors were not eligible to receive their own card.

“That is ridiculous! Most individuals who work cannot afford insurance on their children, let alone pay for medical expenses — then wait to be reimbursed,” Williams said.

Transitional period

The Nation’s new treasurer, William Kemble, was sworn into office on Oct. 18 and said that he is still “gathering an understanding of all the contractual information and necessary processing requirements” for the health benefit program. During his transitional period it didn’t help that the accounting department’s operations were disrupted by new carpet being installed. He said MAA is still sending information so he can better understand the arrangement and that he “has been on them for a couple of weeks now.”

The Osage News asked Kemble who he has been contacting at MAA and Kemble did not respond.

“Once the Osage Nation Treasurer receives the requested information from Mutual Assurance Administrators, which is expected later today [Nov. 16], he will release the checks. Mr. Kemble continues to review past practices of the accounting department and will require proper procedures be followed when necessary. Currently those procedures are generally accepted throughout the accounting profession,” said Chris White, director of intergovernmental affairs for the Nation who is currently in Albuquerque, N.M. with Chief Red Eagle at the National Congress of the American Indians conference.

“Mr. Kemble is doing what he was hired to do and will not be transferring or releasing thousands of dollars of tribal funds without proper signatures and authorizations.”

The Osage News asked White if the statement meant the past practices under Jech and the Gray administration had allowed for unauthorized releases of thousands of dollars. White said “not necessarily” and that the Nation’s accounting policies and procedures remain from the “old tribal council form of government” and that Kemble wanted to ensure that the process and funding were properly authorized to his satisfaction.

‘...they are just trying to buy time’

The Osage News called former treasurer John Jech at his home in Pawhuska and asked for comment on the statement from the Chief’s office and he said, “Sounds like they are just trying to buy time.”

He said MAA is responsible for verifying the tribal members enrollment, the verification of claims and the verification of reimbursement for children 18 and under. He said that after MAA verifies the claims, they make the check registry and e-mail it to the Nation’s treasurer, who approves the check registry and then the money is taken from the account specifically set up for the health benefit card program which is funded by the Osage Nation Congress. Once the treasurer approves the registry the checks are mailed.

Prior to his departure from the Nation he said he told McKaughn at MAA he was leaving and that she would be dealing with a new treasurer. He said that an ON accounting employee was always copied on e-mails from McKaughn and he assumed that this employee still received them and could easily have forwarded them to Kemble or told Kemble to contact McKaughn since she is over the Nation’s account.

“Everything was set up prior and everything was in place for the checks to be mailed out quickly, it’s just a process of setting up a register because the money is already appropriated,” Jech said.

“Like they always do [in the Osage government] they blame somebody else.”

Familiar signatures

Parents should be rest assured that their reimbursement checks for their children, as part of the $500 health benefit card program, will be mailed Nov. 23, said Chris White, executive director of governmental affairs for the Nation.

White said the checks will have the signatures of former Principal Chief Jim Gray and former Treasurer John Jech on them until the signatures of the new chief and new treasurer are implemented.

“Otherwise, the checks would be delayed another two to three weeks,” White said. “The new signatures and other appropriate changes are being implemented by the new treasurer.”
Veterans Day on the Osage full of remembrance

By Shannon Shaw
Osage News

In a crowded Pawhuska High School gymnasium Specialist Chris Turley addressed the students he sat with only three years ago. Now a veteran of the Afghan War, he was there to share his story on Veterans Day.

“I never wanted to come back here,” Turley said of having to come home after being injured in June. “My guys are still fighting.”

Turley, 22, was injured when fighting near the Zerok Provenance of Eastern Paktika in Afghanistan. A member of the Scout Sniper/Scout Recon platoon, Turley was reloading his weapon behind a rock when a “missile hit seven inches from me and blew us away.” A piece of shrapnel was deeply embedded in his knee but Turley has made a full recovery.

“I learned what it was like to truly fight for your life,” he said. “Was probably the most scariest time of my life.”

Turley said he had nothing but the deepest respect for veterans everywhere and always gives respect when they cross his path.

“How wonderful it is to publicly express my love for this country,” he said.

He provided the address for his platoon who will be spending the holidays in Afghanistan and urged all the students to send warm messages to the soldiers who will be away from their families.

To read Spc. Turley’s account of his time in Afghanistan, visit http://osagenews.org/?s=chris+turley.

To mail a holiday greeting to a member of Turley’s unit, mail it to: Scouts
HHC 1-187 IN BN, 3BCT
FOB Ramrod
APO AE 09313
Hominy War Mothers
The Hominy War Mothers, Chapter Six of the American War Mothers, were the hosts of this year’s Veterans Day Dance, held at the Wah Zha Zhi Cultural Center in Pawhuska. They had a flag raising at 11 a.m., followed by a soldier dance that began at 1:30 p.m. An evening dance began at 7 p.m.

“Some of the young men that come back from the wars these days, some of them come back with handicaps, have to go to rehabilitation programs,” said Vietnam Veteran John Williams. “I don’t think we can thank veteran’s enough . . . they are the people that fought to keep our way of life.”

Many of the War Mothers embroider their sons and daughters names, ranks and divisions on their blankets and shawls.

This year’s Veterans Day dance was dedicated to the late Hominy War Mother Juanita West of Pawhuska, who passed away Jan. 11, 2010. She is the mother of two Vietnam veterans, Howard M. West III and Danny G. West. West was instrumental in keeping the Hominy Chapter of the American War Mothers active and sharing her information with the younger War Mothers.
Chief Red Eagle issues executive proclamation for Special Session

Osage News

Principal Chief John Red Eagle has issued an executive proclamation for a Special Session of the Second Osage Nation Congress which will start Monday Dec. 13 in the Congressional Chambers. Red Eagle issued the proclamation Dec. 7 with one item listed for consideration concerning gaming law.

Up for consideration is amending the Nation’s Tribal Gaming Law Update Act, according to the proclamation. It is listed as ONCA 07-09.

This is the fourth special session held by the Second ON Congress. It will start at 10 a.m.
Lillie Cunningham descendants serve Thanksgiving with a side of fellowship

By Shannon Shaw
Osage News

When the doors at Wakon Iron Hall opened on Thanksgiving Day, a person’s senses are hit from all sides. First, the smell of turkey and dressing hit the nose; second, more than a hundred people are milling about the hall; and third, the sound of laughter and children playing fill the air.

The event is the annual Thanksgiving feast provided by the family of the late Lillie Cunningham, who for more than three decades has been providing for those who would have to go without on Thanksgiving. Started by the late Lillie Cunningham herself, her descendants have carried on the tradition.

“We do this every year,” said Marion Cass, 76, the Cunningham family’s matriarch. “I didn’t help this year but we had plenty of help. We’ve been doing this since the 70’s. When [Lillie] first started providing the meal she served it in the summer house.”

Cass said the meal has always been prepared by family members and originally was served for friends of the family who didn’t have any place to go on Thanksgiving. But as time went on and the word spread, the meal outgrew the Cunningham’s summer house and moved to Wakon Iron Hall. Now Osages travel from all over and it’s grown to include non-Osages.

“The food and the visiting with friends and family is the best part of the meal, I don’t really get out that much anymore,” said Tess Willie, 60, who traveled from Grayhorse with her daughter and grandson. Willie and her family had planned on being out of state for Thanksgiving, but due to last minute events they weren’t able to leave. “There was only one empty table when we got here. We’re glad we came, I thought it would be a good idea to spend the day with family.”

Carole Bayhylle, 75, and Jean-nie Vann, 76, traveled from Tulsa together to enjoy the meal.

“It was delicious,” Vann said and Bayhylle agreed. “It’s an excellent service they provide. We don’t come here every year, but pretty close.”

Cass asked her niece, former Osage Congresswoman Debra Atterberry who had on an apron, to explain the details of the day. Littleton said every year the family returns to the reservation and they begin cooking and setting up the day before Thanksgiving. This year they prepared eight turkeys, five hams, six large pans of dressing, a big tub of chicken and noodles, 40 pounds of mashed potatoes and gravy, about 10 dozen hot rolls and people brought covered dishes.

Atterberry said the Pawhuska 5-man board donates the turkeys and the hams and that lately, people from the community have made donations for the feast.

“[Lillie] needed us to help [with Thanksgiving dinner] and it was a way to keep us home in a way,” said Atterberry who now lives in Kansas with her husband. “We like to be together.”

The dinner began at 11 a.m. and ended at 1 p.m. People left Wakon Iron Hall with bags and plates of food to take home and the men of the family put the benches and tables away.

As people left they stopped and shook hands or hugged Marion Cass and gave their thanks for the meal.

“Some people don’t have a place to eat, and there are just so many,” Cass said. “Most come just for the fellowship. But really, this is the highlight of our year.”
Happy Holidays from the Office of the Chiefs

Happy Holidays from the Second Osage Minerals Council
If You Are a Native American Who Tried to Get a Farm Loan or Loan Servicing from the USDA,
You Could Receive Benefits from a $760 Million Class Action Settlement.

A class action Settlement with the United States Department of Agriculture ("USDA") has been reached. The lawsuit claimed the USDA discriminated against Native Americans who applied for or tried to apply for farm loans or loan servicing. The USDA denies it did anything wrong.

Am I included?
The Class includes all Native American farmers and ranchers who:
• Farmed or ranched or attempted to farm or ranch between January 1, 1981 and November 24, 1999;
• Tried to get a farm loan or loan servicing from the USDA during that period; and
• Complained about discrimination to the USDA either on their own or through a representative during the time period.

You are not eligible for this Settlement if you filed a claim, or intend to file a claim, in another USDA discrimination case like Pigford I or Pigford II (Black farmers), Garcia (Hispanic farmers) or Love (Women farmers).

Because of a law passed by Congress, you are also not eligible for this Settlement if you either:
• Experienced discrimination only between January 1 and November 23, 1997; or
• Complained of discrimination only between July 1 and November 23, 1997.

What does the Settlement provide?
The $760 million Settlement will pay cash to Class Members for valid claims as well as attorneys’ fees (between 4% and 8%, subject to Court approval) and awards. The Settlement includes up to $80 million in USDA loan forgiveness for Class Members who qualify. The USDA will pay an additional $20 million to implement the Settlement and will make some changes to their farm loan programs. Any money left after all payments and expenses have been made will be donated to one or more organizations that help Native American farmers and ranchers.

What can I get from the Settlement?
The amount of money you will receive will depend on whether you file a claim under Track A or Track B. It will also depend on the total number of claims that are filed and approved.

Track A – You can get a payment up to $50,000 for your discrimination claim plus an additional 25% paid to the IRS to reduce any income tax you may owe.

Track B – You can get the amount of your actual damages up to $250,000. Track B requires more proof than Track A.

USDA Loan Forgiveness – Under both Track A and Track B you can get forgiveness on part or all of your eligible USDA farm loans plus an additional 25% paid to the IRS to reduce any income tax you may owe.

How do I get benefits?
You will need to file a claim by **December 24, 2011** to get benefits. After the Court approves the Settlement, meetings will be held across the country to help Class Members file claims. You can register for a Claims Package at the website or by calling the toll-free number.

What are my other rights?
• If you want to keep your right to sue the USDA about the claims in this Settlement, you must exclude yourself by **February 28, 2011**. Unless you exclude yourself, you will be bound by the terms of this Settlement.
• If you stay in the Settlement, you can object to or comment on it by **February 28, 2011**.

The Court will hold a hearing on **April 28, 2011** to consider whether to approve the Settlement and the attorneys’ fees. The Court has appointed attorneys to represent the Class. You or your own lawyer may ask to appear and speak at the hearing at your own expense.

**For More Information:** 1-888-233-5506  www.IndianFarmClass.com
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Happy Holidays!

from the
SECOND OSAGE NATION CONGRESS

Your Heritage Made You What You Are Today.
Your Education Will Determine Tomorrow.

Allied supports Native American students and accepts tuition assistance paid through the Osage National Higher Education Scholarship program.

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- Medical
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- High School
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Learn how 100% of your tuition may be paid.
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Pursue your education online and on your schedule with Allied.
Osage Language students honored at appreciation dinner

Osage News

Students of the Osage language were honored Saturday with a dinner at Wakon Iron Hall. The dinner was hosted by the organization Friends of the Osage, which raises money throughout the year so that the Osage Language Department can have functions such as the dinner. About 50 students attended and those with the best attendance at each of the five language teaching sites were honored with a medal and a certificate. The students feasted on catered food from Burn Co., who cooks all of their food over an open flame. A raffle drawing took place during the dinner in which all the numbers were called out in Osage.

All Photos by Shannon Shaw/Osage News

Larry Sellers, Osage language instructor and member of Friends of the Osage, speaks about the mission of the organization – to promote the Osage language.

Electa Red Corn and her daughter Pehan smile for the Osage News.

Osage language students Tommy Daniels and Carolyn Keeler smile for the Osage News.

A memorial was set up for Joan Barrone and Jesse Badley who both passed away this year and were students at the Fairfax Osage Language site. Badley, along with his daughter Jackie, had perfect attendance.

Jackie Badley, who had the best attendance at the Fairfax Language site, receives a medal and a certificate from language recruiter Rebekah HorseChief.
ON Congress pass seven bills, resolutions on last day of third Special Session

By Benny Polacca
Osage News

The Second Osage Nation Congress ended its third Special Session on Nov. 12 by passing five bills and two resolutions. A bill seeking to modify the Nation’s Gaming Reform Act regarding litigation and legal matters was also voted down before Congress adjourned.

ONCA 11-02 (sponsored by Congressman Mark Simms) is “an act to provide for protections to the Osage Nation on legal matters of Osage gaming” which failed with seven “no” votes over five “yes” votes.

If passed, ONCA 11-02 would have called for terminating existing legal service contracts and replacing the lawyers currently working for the Gaming Enterprise Board on contract. It would also amend the law so the gaming board may only consent to sue or be sued with the written consent of the Principal Chief and Congress.

Congressman Geoffrey Standing Bear, a co-sponsor of ONCA 11-02, said he supports the bill because “I believe that our legal affairs of this Nation need to be coordinat-ed,” also the lawyers who work for the Nation “need some coordinated supervision… So when we look at the Constitution, it says that these tribal enterprise boards are in the Executive Branch and it says to us the Principal Chief has some say so in the litigation and attorney matters.”

Congresswoman Shannon Edwards said she introduced a bill to establish an Office of Legal Affairs for the Nation a few years ago which “sought to have a coordinating counsel that oversaw the activities of the boards and commissions in terms of their legal affairs” which did not pass during the First ON Congress.

“What I would like to do is dust off that legislation (to reintroduce the idea of establishing the office),” Edwards said adding she did not support ONCA 11-02. “I don’t think this is the best way to address it.”

At a Congressional Commerce and Economic Development Committee conference on Nov. 9, Assistant Principal Chief Scott BigHorse appeared on behalf of the Executive Branch and read a prepared statement on behalf of the branch stating it supports ONCA 11-02.

“The administration believes that this position on this matter… is totally consistent with its direction on all contracts with the Osage Nation,” BigHorse said. “The Principal Chief must ensure that the representation and fees meet the expectations along with the needs of the Nation. The Principal Chief remains convinced that a mandate for change was voiced by the Osage people in the recent election. We are in the process of making more changes and those will continue to be announced as unsound business practices of the past are uncovered by this new administration.”

Congressman Raymond Red Corn also spoke against ONCA 11-02 because he believes the law would set a bad precedent for the Principal Chief’s office when it comes to handling board duties. The bill was also a subject of his e-mail “Updates”

“ONCA 11-02 dramatically expands the power of elected officials to micro-manage our enterprises,” Red Corn wrote on Nov. 9. “The provisions of the bill stretch the powers of both the Executive and Legislative branches beyond their constitutional limits, reaching over the constitutionally-mandated Gaming Enterprise Board, firing their lawyers, and requiring Executive approval to hire new ones… If the Osage Congress has an issue with the actions or inactions of Enterprise board attorneys, we should take it up with the Gaming Enterprise Board. The Congress has the power to question them, and to remove them for cause.”

Simms admitted his bill isn’t a perfect vehicle but described it as “a step toward gaining control, coordinating lawyers” and to cut down on money for legal/litigation fees.

“All this money could go to our services. We could provide more child care, more for elder care,” said Simms. “We’re elected officials. The gaming board and all the other independent boards are not elected officials. The people didn’t elect them, we appoint them and they’re not truly independent… we have to have oversight. Anytime an entity/tri-ental enterprise board goes into a suit, Our Nation is the one getting sued.”

Voting against ONCA 11-02

Cost-Share available to help tribal landowners control noxious weeds

By Jann Rose,
Natural Resource Specialist

The Osage Nation Environmental and Natural Resources (ENR) Department and the Natural Resources Conservation Service (NRCS) announce the opportunity to apply for conservation cost-share assistance to control Serecia Lespedeza and other noxious weeds on private lands on the Osage Reservation. Applicants interested in controlling Serecia Lespedeza and implementing a prescribed burning plan will rank highly in the program.

The Osage Nation Noxious Plants Local Emphasis Area program was developed under the NRCS Environmental Quality Incentive Program (EQIP) with input from the Osage Nation ENR Department in order to meet the needs of tribal landowners while offering a high cost-share rate. Applications will be accepted on a continuous basis. However, only applications received by January 7, 2011, will be considered during the initial selection period. Apply at the local NRCS office at 1000 West Main, Suite 102 in Pawhuska or by calling Brandon Reavis at (918) 287-3755.

A public information meeting on all EQIP programs, including the Osage Nation Noxious Plants Local Emphasis Area, will be held on Dec. 17 at the Pawhuska Community Center at 1 p.m. For more information on the Osage Nation Noxious Plants Local Emphasis Area program, please contact Brandon Reavis or Brad Stumph, ENR Department, at (918) 287-5384.
Second ON Congress passes five proposed Constitutional amendments

By Benny Polacca
Osage News

The Second Osage Nation Congress passed five of seven resolutions Nov. 8 for its third Special Session. Each resolution deals with proposed amendments to the Nation’s Constitution and the five passed will appear on the ballot during the tribe’s next election in June of 2012.

“These resolutions... will go to a vote of the people at the next special election or general election,” Congressman William “Kugee” Supernaw said before the vote. “All we’re doing is placing them before the people.”

ONCR 10-20 (sponsored by Congressman Raymond Red Corn) is a resolution that says when a law requiring a supermajority of Congressional votes to access Osage Nation assets is needed, the number of votes needed to lower the supermajority requirement shall be equal to or greater than the supermajority threshold. That would equal nine votes to move the threshold.

Red Corn’s resolution failed with “no” votes from Congressmen Anthony Shackelford, Mark Simms and Geoffrey Standing Bear.

ONCR 10-21 (Red Corn) deals with citizens petitioning the government. It would amend the number of signatures seeking a petition to a percentage of 25 percent of qualified Osage voters who voted in the last general election in which a Principal Chief was elected. The resolution passed with 11 unanimous votes. Absent for Monday’s votes was Congresswoman Shannon Edwards.

ONCR 10-22 (Red Corn) focuses on the process of recalling elected Osage officials. The threshold for those signing a recall petition would be set at 25 percent of the number of people voting in the last general election in order to recall an elected official. The resolution passed unanimously.

ONCR 10-23 (Red Corn) refers to amending the Osage Constitution by voter petition. If passed, the voter signature threshold for issuing a petition with proposed Constitutional amendments is set at 25 percent of voters voting in the last general election. The resolution passed unanimously.

ONCR 10-26 (Standing Bear) focuses on lowering the number of Congressional votes to put a Constitution amendment on the ballot for the voters at the next election. If passed the number of Congressional votes would be lowered from five-sixth to three-fourths of the Congress or nine votes. It passed 10-1 with a “no” vote from Speaker Jerri Jean Branstetter.

ONCR 10-29 (Supernaw) deals with lowering the number of Congressional votes needed to override a bill veto from the Principal Chief’s office.

The amendment seeks to lower the threshold from nine votes to eight votes for Congress to override a veto, Supernaw said. “Most (other governments) require two-thirds to override a veto... the Constitution as it’s written now gives a Chief much more power than I think the (Constitution’s) framers ever really intended.”

Congressman Eddy Red Eagle said lowering the veto override count, the competitiveness between the Legislative and Executive branches would be lowered whenever the branches are debating and would give a fair opportunity for an issue to be overridden if it’s vetoed by the Principal Chief.

Red Corn, who is Second Congressional Speaker, said he is against changing the number of votes to override a veto, adding he believes the tensions between the two branches is healthy in debating issues at hand. The resolution failed with a 9-2 vote. Speaker Jerri Jean Branstetter voted “no” with Red Corn.

ONCR 10-30 (Supernaw) is a resolution asking whether Osage “membership” should be changed to “citizenship” in the Constitution and it also asks whether “eligibility for membership” should be changed to “right to citizenship.” A similar question on the issue appeared on the Nation’s June election ballot but was defeated.

Red Corn, who supports the resolution question, said there was confusion over the June ballot question which was worded lengthy and said the question should have been approximately 100 words.

Standing Bear said if the resolution passes and if voters pass a new ballot question, he believes it would eliminate the possibility of Osages being eliminated from the rolls if the “right to citizenship” is placed in the Constitution. Supernaw said when the government was being reformed, he recalled that voters supported a “right to citizenship” which never made the final draft of the current Constitution. The resolution passed unanimously.

Appropriation bills also being considered during Special Session

Congressman Eddy Red Eagle is sponsoring three bills which were read into the record which include setting an initial budget for the Nation’s Attorney General office at $261,844 and appropriating $309,944 to the Nation’s Human Resources department which will add three positions to handle the departments operations when the merit-based employment system starts.

Red Eagle, who is chairman of the Congressional Appropriations Committee, said the Nation’s 2011 fiscal year budget spending is set at $24,317,000 which is below the $26 million spending goal discussed in this year’s Tzi-Zho Session.

He said the appropriation bills being considered total over $800,000 and would keep the budget under the $26 million mark if all are passed.

Also being considered are initial appropriations to fund the Nation’s Attorney General’s office and to finish paying litigation fees for the Nation’s federal lawsuit recently filed with the Supreme Court.

“We feel like it’s a start... (the Attorney General’s office) will help the Nation in our decision making in giving us another avenue of where we can have questions that are debated, decided through this office. It will be a great asset to this Nation,” Principal Chief John Red Eagle said at the Special Session’s start.

Regarding the lawsuit against the Oklahoma state Tax Commission: “We inherited this litigation this term... The money that was appropriated for that was expended primarily in the last administration,” Red Eagle said.

The lawsuit is awaiting a decision on whether the U.S. Supreme Court justices will hear it. The money will be used to pay Washington, D.C.-based Patricia Millett who is representing the Nation in appealing its federal case against the Oklahoma state Tax Commission to the U.S. Supreme Court.

The lawsuit against the Tax Commission was filed with the Supreme Court Oct. 22 – the deadline issued to the Nation by the U.S. Supreme Court. It’s unknown when the Supreme Court justices will decide whether to hear the Nation’s case. The Tax Commission has until Nov. 22 to file a response to the Nation, according to the Supreme Court’s online docket.

The Congressional committees will consider the bills and resolutions for amendments before voting on sending them to the floor for a final vote.
Retired IHS official to study feasibility of contracting Pawhuska IHS clinic

**Contract worker misses ON Health and Wellness Advisory meeting, says he reports to the Principal Chief**

By Benny Polacca  
Osage News

The Osage Nation is still studying the possibility of contracting the Pawhuska Indian Health Service Clinic, according to the Executive Branch. If the Nation chooses to contract, it would assume control over administration and funding for programs and services provided by IHS.

“No decision has been made at this time on whether or not to contract the clinic,” according to a Dec. 1 e-mail from Chris White, the Nation’s executive director of governmental affairs.

The e-mail comes two days after the Nation’s Health and Wellness Advisory Board met and read an e-mail from retired IHS area director John Daugherty who was hired on contract by the Executive Branch to help the Nation in any IHS negotiations. Daugherty was listed on the board’s Nov. 29 meeting agenda but did not attend and sent the e-mail to the board during the Thanksgiving holiday.

“Chief Red Eagle advises me that he will continue to provide direction concerning my duties and travel under the contract I have with the Osage Nation,” the Daugherty e-mail stated. “Additionally, the Chief has asked me to relay that he and his legal counsel are continuing to review the documents I have submitted to his office, and will not be forthcoming in the immediate future.”

Tim Tall Chief, who is the board’s vice chairman, read the letter aloud. He interpreted the letter as stating: “(Daugherty) does not meet with us or report to us at all,” he told fellow board members Paul Stabler and Cecelia Tallchief after reading it. Board Chairman Dr. Ron Shaw was absent that day.

Compacting the Pawhuska IHS originated within the ON Health Board when Chief Red Eagle used to sit on the board when he was Assistant Principal Chief under the Gray administration. In fact, Red Eagle started the health board and noted that during his campaign for chief as one of the highlights of his term as assistant chief.

“Because I report to the Chief, I don’t report to you all, so I’m not going to come and report to you – is basically what it says,” Tall Chief said then added: “but we knew he didn’t report to us, we’ve always known that all along, that’s the way they wrote his contract and that’s fine. All we were doing was hoping to get an update and if they’re not comfortable doing that because it needs to go to the Chief and the Chief should release that information to us, that’s just fine, that’s just business.”

“That means that we don’t have to be held responsible for the stuff that happens or doesn’t happen,” Cecelia Tallchief added.

The Osage News inquired about Daugherty’s work for the Nation following the board’s meeting and White responded in the Dec. 1 e-mail. White said Daugherty’s e-mail originated in the Executive Branch and it was passed onto Daugherty because White did not have the board’s e-mail addresses at the time.

Daugherty (Eastern Shawnee Tribe of Oklahoma) was the IHS area director for the Oklahoma City Area Office with prior IHS experience including: CEO of the Claremore Indian Hospital; facility director of the Miami Indian Health Clinic; and he assisted the Cherokee Nation when it began the process of contracting the W.W. Hastings Indian Hospital in Tahlequah, White said.

“In this instance, (Daugherty) was hired by Chief Red Eagle to assist and provide technical advice on various health matters now before the Nation, or that may come before the Nation,” White said. “His professional services contract states that he shall provide other duties as requested by the Principal Chief or his designee.”

Daugherty’s current contract, with a $50,000 limit, started Sept. 20 and expires Dec. 30, said White who added he expects Chief Red Eagle will extend Daugherty’s contract into 2011. White said there has been no change involving the board in relation to Daugherty’s work efforts.

White said in his e-mail the employees of the Pawhuska IHS clinic will be “properly involved in this process in order to keep them properly informed and to mitigate further rumors and misperceptions... the process of assessment will take course over a period of several months and the clinic employees will be kept properly informed on a regular basis as that process moves forward.”

According to the IHS Web site, the federally funded agency has negotiated a total of 75 Self-Governance Compacts and 96 funding agreements with Indian tribal governments and tribal organizations as of February 2009. Currently, 328 tribes participate in these 75 compacts with the IHS. The Tribes involved in Self-Governance represent 58% of the 562 federally-recognized Indian Tribes in the United States.
**News in Brief**

**Osage Nation Emergency Management**

**High Fire Hazard Warning**

BIA officials are reporting numerous fires in the Osage this past week, particularly one which consumed 840 acres of grassland between State Highway 20 and the Grayhorse community Nov. 6. A 525 acre fire north and west of Pawhuska took place Nov. 8. Low rainfall, dry fuel conditions, low humidity and high winds are the perfect recipe for wildfire.

Local fire officials are asking the public for assistance by curtailing all outdoor burning activities until these conditions improve.

Another way the public can assist is by making their homes more FIREWISE. This means making your home more defensible by creating a firebreak around your home. Trimming high weeds and brush around your home, cleaning gutters, keeping a garden hose and water supply available and storing firewood at least 50 feet from any structure are all ways to prevent a wildfire from gaining the advantage.

The Wildland Urban Interface is the area where rural property and urban dwellings meet. Anyone living in these areas is extremely vulnerable right now and should use caution when using any type of heat source. The 90 day outlook for the region predicts unusually warm and dry conditions, so the threat of wildfires in the Osage are going to persist. Please respect your neighbors and always be fire-wise!

For more information call (918) 440-0190 or (918) 287-5525.

**Red Eagle appoints Matthew Shunkamolah as next interim Osage Gaming Commissioner**

Osage Nation Principal Chief John Red Eagle has named Matthew Shunkamolah as interim Gaming Commissioner for the tribe’s gaming enterprise.

Red Eagle made the announcement in a Dec. 2 executive message to the Second Osage Nation Congress and Speaker Jerri Jean Branstetter.

Shunkamolah’s gaming work experience includes serving as lead investigator and compliance officer for the Comanche Nation Gaming Commission in Lawton for a year, according to the tribe’s Web site.

“‘It was my duty to uphold and enforce the laws and regulations set forth by the NIGC and the Comanche Nation,’” he said in a statement from the Executive Branch. “My duties also included conducting investigations in crimes against the casino.”

Shunkamolah was previously employed as a shift manager at the Nation’s Million Dollar Elm Casino in Hominy.

His first job in gaming regulations and investigations was with the Fort McDowell Yavapai Nation in Arizona where he served as a tribal gaming office inspector.

Shunkamolah graduated in 2004 with his bachelor’s degree from New Mexico State University. He majored in government with a minor in criminal justice.

Shunkamolah’s appointment will be subject to Congressional action.

**Flu shots now available at Pawhuska IHS**

Flu shots are now available at the Pawhuska IHS clinic. Osages can obtain their flu shots from 9 a.m. to noon, Monday through Friday. For more information contact Marie Rumsey at (918) 287-5528.

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**Pawnee/ Osage CASA holds birdhouse auction**

The Pawnee/ Osage Court Appointed Special Advocates (CASA) held its second annual fundraising auction on Nov. 13 at the Osage County Fairgrounds. The proceeds will go toward the operations for CASA, a nonprofit, that recruits, trains and supports volunteers to represent abused and neglected children in the courtroom.

This year, CASA auctioned off birdhouses which were decorated by regional artists, including those who are Osage, said Bettie Pappan who is a CASA advocate coordinator.

“It’s several communities involved together,” Pappan said of the birdhouse decorating effort. She said the birdhouses are a poignant theme for CASA’s auction because the nonprofit’s acronym is also the Spanish word for “house.”

“In Spanish, ‘casa’ means home and every child deserves a home,” Pappan said of CASA’s efforts to reach out to its youthful clientele.

The birdhouses were decorated by local Osages including: Wendy Ponca, ON Congressman John Free Jr., Gina Gray, Mary Grace Bighorse and Joe Don Brave. Also participating were Ted Moore, sisters Jessica and Erica Moore, both have been the Nation’s Osage Tribal Princess. Children from Pawhuska and Wynona schools and art teachers from Prue schools and Pawnee artists decorated birdhouses as well.

CASA trains volunteers to be advocates for abused and neglected children in the region’s court systems for Pawnee and Osage counties, as well as the Pawnee tribal court. It established an Osage County office inside the First National Bank building in Pawhuska last year.

In Osage County, Pappan said there are seven active CASA volunteers as of November.

For more information on the CASA fundraising auction or volunteering for the organization, contact Pappan at (918) 287-4120 or e-mail her at pawneeosagecasa@att.net. The national CASA Web site is at www.casaforchildren.org.
Osage completing Naval training

Dustin Walker is working toward qualifying for his propulsion nuclear engineering officer’s exam. He is currently stationed in San Diego, Calif. Dustin graduated from Putnam City North High School in 1997 and wrestled for the University of Oklahoma and graduated in 1997 and wrestled for the University of Oklahoma and graduated in 2002 with his Chemical Engineering degree. Dustin was accepted to the Naval Officer Candidate School in Pensacola, Flor., and graduated first in his class. Dustin is a Lieutenant surface warfare nuclear officer and was the fire control officer aboard the USS Pearl Harbor LSD 52. He then graduated from nuclear power school in 2008 and served on board the USS Ronald Reagan aircraft carrier. Dustin works in the reactor department as the reactor electrical division officer. The Osage Nation Higher Education Scholarship helped Dustin throughout his school career.

Dustin is the son of Debbie Walker and the great-grandson of Eva Tinker.

Osage to be deployed to Japan

Mindy Walker is serving in the United States Navy and will be deployed to Japan at the beginning of 2011. Mindy has a rank of E3 and her job is GSM. Mindy graduated from the Great Lakes Naval Command first in her class in Chicago and is now stationed at Camp Pendleton, Calif. Her command is Assault Craft Unit 5 (hovercrafts) and her mission is to raid beaches and take the Marines from the ship to land. She also does humanitarian missions as well as rescue. Mindy plans to apply for OSC.

Mindy graduated from Putnam City North High School in 1999 and played soccer at Oklahoma City University where she graduated in 2004 as a Physiology major. The Osage Nation Higher Education Scholarship helped Mindy throughout his school career.

Mindy is the daughter of Debbie Walker and the great-granddaughter of Eva Tinker.

A Note of Appreciation to the Osage People

On behalf of the Osage Nation Congressional Committee of Health and Social Services, I extend a sincere “Thank you” to all the Osage people who responded to the recent Health Benefit Program Survey. Over 300 responses allowed our committee to consider and evaluate the “Health Card Project”. The

CONGRESS

were Edwards, Congressmen John Free, Archie Mason, Red Corn, Eddy Red Eagle, Daniel Boone and Speaker Jerri Jean Branstetter. Congresswoman Alice Goodfox, Congressmen Anthony Shackelford, Standing Bear, William “Kugee” Supernaw voted “yes” with Simms.

Congress approves supplemental appropriation for federal lawsuit against the OK state Tax Commission

Also on Nov. 12, Congress approved a $25,000 supplemental appropriation for the federal lawsuit against the Oklahoma state Tax Commission. The lawsuit, which originated in federal court in Tulsa, is now awaiting a decision on whether the nine U.S. Supreme Court justices will hear the case.

The money will be used to pay Washington, D.C.-based Patricia Millett who is representing the Nation in appealing its federal case against the Oklahoma state Tax Commission to the U.S. Supreme Court.

The lawsuit against the Tax Commission was filed with the Supreme Court Oct. 22 – the deadline issued to the Nation by the U.S. Supreme Court. It’s unknown when the Supreme Court justices will decide whether to hear the Nation’s case. The Tax Commission has until Nov. 22 to file a response to the Nation, according to the Supreme Court’s online docket.

ONCA 11-08 (sponsored by Red Eagle) passed with 11 “yes” votes and a “no” vote from Boone.

Other bills, resolutions passed by Congress on Nov. 12 are:

ONCA 11-04 (sponsored by Red Eagle) which authorized an initial appropriation of $261,844 for starting an Office of the Attorney General. It passed unanimously.

ONCA 11-05 (Red Eagle) provides appropriation modifications to previous fiscal year federal grant funds for several programs. It passed unanimously.

ONCA 11-06 (Red Eagle) provides a supplemental appropriation of $309,944 to the Human Resources Department which will expand with three positions which will help the Nation transition to a merit-based employment system. It passed unanimously.

ONCA 11-07 (Red Corn) provides a $150,000 appropriation to the Grants Matching Funds Program. It passed unanimously.

ONCR 11-02 (Red Eagle) is a resolution to approve an amended legal description of the casino land in north Tulsa. The Nation is seeking to put the land, where the tribe’s Osage Million Dollar Elm Casino, is located into trust. The resolution passed unanimously.

ONCR 11-03 (Red Corn) is a resolution to confirm and clarify the request for placing the land, where the OMDEC near Ponca City is located, into trust. It also passed unanimously.

Chief Red Eagle signed all bills and resolutions into law Nov. 18.
Births and Celebrations

Happy Birthday!

The family of Alfred HorseChief Jr. would like to wish him a Happy Birthday on Dec. 1. He will be turning 59 and proud of it. We love you Daddy, Grandpa and Uppit.

It’s a Boy!

Shane Alexander Ventura Cass was born Nov. 19 and weighed 8.5 pounds and was 21 inches long. He is the son of Shannon Cass and Alexander Ventura. He is the grandson of Elizabeth Lane and Anthony Cass and the great-grandson of Leroy Cass and the late Joyce Cass. Shane is named after his late uncle Shane Cass.

Congratulations!

Jayde Drummond, senior at Pawhuska High School, was selected as an All-State Player for the 2010 Oklahoma Fast Pitch Game to be held in the Oklahoma City/Mustang area on June 11, 2011. This is a very prestigious honor. Jayde was nominated by Coach Patrick McCarty (Pawhuska High School Softball Coach) and selected as an outfielder by the Oklahoma Fast-Pitch Coaches Association.

Jayde is the daughter of Lennet Drummond and Thatcher Drummond and the Grand-daughter of Barbara Carey and the late Dean Carey.

Jayde has 3 younger siblings – Kortney, Forest and Kenady Jane.

Happy Birthday!

Cass family members celebrating their birthdays in December are Dec. 1 Cynthia Cass Pradmore and Danielle Cass McCartney; Dec. 3 Sheridan Nicole Reed; Dec. 4 Jason Dale Cass; Dec. 5 Michelle Lea Pradmore, Leah Harris Bighorse and Emily Nicole Hanna; Dec. 6 Renee Conley Harris; Dec. 15 Daniels Newton Cass; Dec. 19 Joyce Lyn Cass Marshall; Dec. 28 Newton Daniels Cass. Happy Birthdays to the Cass family!

Happy Birthday!

Ellen Marie West turns 6-years-old on Dec. 5. She is the oldest daughter of Nate West and Melissa Murphy, and older sister to Madelene Sage. Paternal grandparents are Dan G. West and Jo Ellen Taylor. Maternal grandparents are Jeff Murphy and Valerie Hammond.

To Marie, Happy Birthday to you baby! We Love You and wish you happy birthday from Dad, Mom and Madelene!!

Happy Birthday!

The family of George Shannon would like to wish him a Happy Birthday. His family will be celebrating with him on Dec. 13. We love you!

Happy Birthday!

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survey continues to arrive at the Legislative Branch even during the holidays. Your voice and comments are important to us. We encourage your involvement as we continue our efforts to provide a meaningful program and service.

—Sincerely, Archie L. Mason, Chairman Health & Social Service Committee Osage Nation Congress.
Health Benefit Card contract on schedule

The contract to renew the Health Benefit Card plan for 2011, which gives Osage Nation members $500 for medical expenses, is close to completion and is expected to be complete before the end of the year, according to a prepared release from the Office of the Chiefs.

Details are being finalized for the contract renewal and all that remains is for MAA to provide signature approval of proposed amendments to the contract, said the release. The final approval is on schedule and will be completed prior to the previous contract’s expiration.

The $500 health benefit card does not allow a “roll over” of funds from one year to the next. When tribal members sign up for 2011 they will receive a maximum of $500.

Renewal forms will be mailed out from MAA and must be completed by those already participating in the plan to update beneficiary information.

For more information call the Osage Nation Constituent Services at 1-800-320-8742.

TU College of Law Faculty Names Philip Tinker Oklahoma Bar Association Outstanding Student

Faculty at The University of Tulsa College of Law have named Philip Tinker as the 2010 Oklahoma Bar Association Outstanding Student.

The TU law faculty annually select an outstanding third-year law student based on recommendations of the Academic Status and Students Affairs Committees at the law school. Tinker will be presented with his award certificate on November 17 at Tulsa’s Crowne Plaza Hotel during the TU Law luncheon held in conjunction with the Oklahoma Bar Association’s Annual Meeting.

A member of the Deer Clan of the Osage Nation, Tinker is pursuing a certificate of specialization in Native American Law and is President of TU’s Native American Law Student’s Association. Upon graduation in 2011, he intends to help secure and expand the sovereign rights of Indian tribes and promote the social well-being of Native American people.

Tinker was a member of the 2010 class of the Udall Foundation Native American Congressional Policy Internship Program, through which he worked for the White House Council on Environmental Quality. This prestigious and highly competitive internship office, “you grow your own... this is home-grown, this is the result of business partners.”

The city of Pawhuska is also “contributing approximately $50,000 of ‘in-kind’ match in the form of utility services to the building site,” according to an OCIA fact sheet about the project. The Osage County Commissioners were awarded a $500,000 Community Development Block Grant for the project as well.

The Osage Nation is contributing a $250,000 grant for the project thanks to legislation sponsored by Congressman Anthony Shackelford who said he “hopes this will foster more programs in the future.”

Osage Nation Principal Chief John Red Eagle applauded the multi-entity efforts to bring the business incubator to Pawhuska. “It takes a spirit of unity to accomplish things,” he said adding the business incubator will be an “investment” to make a “better community.”
Katherine Mathes Adkisson

Katherine Mathes Adkisson passed away Thursday, November 25, 2010 at her home in Tulsa, Oklahoma. She was 88 years old. Katherine was born February 15, 1922 in Pawhuska, the daughter of Original Osage Allottee Thomas Smith Mathes and Elpha Ridge Mathes. She attended school at Franklin School, St. Louis School and Pawhuska High School. She married Ralph R. Adkisson on December 7, 1950. After almost 50 years of marriage, Ralph preceded her in death on February 12, 2000. Katherine was a member of the Klash Ka She Club of Pawhuska and the American Legion Post 198 Auxiliary. She was a member of Holy Family Catholic Church in Tulsa. She served as past chairman of volunteers of the Red Cross and was a past member of the Tulsa Bar Auxiliary. For many years, she served as the President of the St. Louis School Alumni. Katherine was a member of the Osage Hills Chapter of the Daughters of the American Revolution, the Oklahoma Historical Society, the Tulsa Genealogy Society and First Families of Oklahoma. Katherine was very interested in genealogy, and she had studied her and her husband’s family histories. She and Ralph were very interested in Osage Tribal Affairs, where Ralph had served on the Council for 22 years. Surviving are: Her son Louis E. Alred and wife Kay of Tulsa; her grandson John Alred, wife Mary Kay and son Zachary of Tulsa; her granddaughter Jill Sykes and children, Lauren Brown and Dylan Sykes, all of Tulsa. Numerous nieces and nephews, and a host of friends. In addition to her husband, Katherine was preceded in death by her parents; a son, Jack Alred, Jr.; two sisters, Gerald Grof and Rose Baird; and three brothers, Marion Donavon, T.S. Mathes, Jr., and Bill Mathes. Rosary was held on Nov. 29, at the McCartney’s Johnson Funeral Home Chapel. Mass was held Nov. 30 at the Immaculate Conception Catholic Church in Pawhuska. Father Chris Daigle officiated. Interment was at the Pawhuska City Cemetery. McCartney’s Johnson Funeral Home was in charge of arrangements.

Sarah Jane Tallchief

Sarah Jane Tallchief was born November 11, 1986 and passed on November 27, 2010. She is survived by two sons: Colton and Drillyn; Her father and stepmother: John and Lea Ann Tallchief of Greenbrier, AR; Her mother and stepfather: Sherri Lynn Davis and Billy Dingman of Pawhuska, OK; Her siblings: Skyler Davis and Bucky Davis of Wynona; her great grandparents Minnie Spybuck and Opal White, her uncle, Richard Davis, and many other aunts and uncles. She is preceded in death by her grandparents, Patch and Willa Mae Tallchief of Pawhuska and Buck Davis of Wynona; her great grandparents Minnie Spybuck and Opal White, her uncle, Richard Davis, and many other aunts and uncles.

Sarah was always a head-strong, free spirit. She was going to do what she wanted, when she wanted, no matter what anyone else thought. Her spirit was her fire, her flame that kept her going. She was never one to give in, but was one that held her head high and walked tall and proud. She had a good heart and meant well. She would go out of her way to help those in need, or those less fortunate. As anyone who knew her would know all these things about her.

Sarah was taken from us all too soon. Some may wonder why. “What’s the point of being here, just to be taken away from us at such a young age?” But Sarah didn’t leave us empty-handed. Some may say that her main purpose in this life was to bless us with her two precious angels, Colton and Drillyn – two boys that carry with them all of the great characteristics that Sarah herself possessed – charm, love character, hard-headedness, good-hearted, and spirit. Sarah loved her boys with all her heart. They were her pride and her joy, and the love of her life….her greatest achievement. We will forever see Sarah Jane Tallchief in the faces of her angels.

Sarah was a daughter, a mother, a sister and a friend. Her time with us here on Earth may be over, but Sarah will never be one to be forgotten, and she won’t be. Her memory will forever remain with us. And now we pray and thank God that she is with our Heavenly Father and all our loved ones that have preceded her in death. We pray that she can look down from above and watch her little boys grow into men, guiding and protecting them along the way. No matter what, Sarah’s spirit will stay aflame.

Rosary was recited Nov. 30 at the Indian Camp Chapel in Pawhuska. Traditional Indian Services were held Dec. 1 at the chapel, followed by Mass at the Immaculate Conception Catholic Church. Father Chris Daigle officiated. Interment was in the Fairfax Cemetery.

REGISTRY

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offender registry. In 2009, the Nation was awarded an implementation grant from the U.S. Department of Justice, Sex Offender Management and Registration and Tracking Office (SMART) to start-up the offender registry.

Also as part of the offender registration process, those who must register with ONPD must submit DNA samples, finger- and palm prints, Herbert said. The offender registration application asks for basic description information including: vehicle description and license number, driver’s license number, and e-mail addresses.

A Web site for the Nation’s offender registry has been established at http://osage.nsopw.gov where users can sign up for e-mail alerts on the latest information and registered offenders added to the registry. In the meantime the Nation’s Executive Branch and the ON Congress are drafting further legislation relating to sex offender laws and policies that are subject to approval.

A draft version of the “Osage Nation Sex Offender Registration and Notification Act,” which includes offenses and penalties, is available for public view on the ONPD’s Web site at www.osagetribe.org/law. Herbert said the public is welcome to view the draft laws on sex offenders and offer feedback to ONPD.

For more information on the Nation’s Sex Offender Registry Program, contact ONPD at (918) 287-5510.
Opinion

Letters to the Editor

Minerals Council Not Spending Shareholder Money

(Editor’s Note: This letter is in response to a Letter to the Editor in last month’s issue from John T. Edwards)

Reference is made to your letter dated November 11, 2010 in which you questioned the Osage Mineral Council’s decision to help fund the “Jech” lawsuit.

The June 28, 1906 Act provided for the oil, gas, coal and other minerals produced from the Osage Reservation to be reserved to the Osage Tribe, and all funds collected there-from, except for Osage Agency expenses be paid directly to Osage headlight owners who were on the roll as of July 1, 1907.

Since then, there has been an additional expense in the form of gross production taxes paid to the State of Oklahoma. At first the tax was 3 percent but was raised to 5 percent in 1940.

Funds collected from oil and gas production and other mineral sales are deposited in a numbered account, “C-395,” and with the exception of the above mentioned expenses the funds are paid out quarterly to the Osage shareholders and also to the non-Osage shareholders.

During the middle 1930’s, U.S.G.S. Bulletins and maps Nos. 900 A, B, C, etc. were placed on sale by the oil and gas sections of the Osage Agency. Since the sales of these bulletins were not considered “sale of minerals” the funds from these sales were placed in a separate account apart from the minerals sales account, and to be used at the discretion of the Osage Tribal Council.

During the period following the sale of the U.S.G.S. Bulletins and Geological maps during the 1930’s, the geological maps were updated to cover all of the Osage mineral Reservation, but without the inclusion of the U.S.G.S. Bulletins. Therefore, there were considerably more maps that were at higher prices. In addition, reproduced copies of electric and drillers logs were sold and placed in the account that was originated from the sale of the U.S.G.S. Bulletins and maps; and also included reproduced copies of printed material requested by interested parties. The account number for these miscellaneous sales of maps and other data is “S-510.”

For this reason, the S-510 account, which does not have mineral funds included, was used in the council’s decision to help fund the “Jech” case. The decision to help fund the “Jech” case was approved by a majority of the Osage Minerals Council even with the abstention of the Chairman.

For further information, two scholarship funds, each in the amount of $1,000 per semester covering a four year period was approved by the Council. These two scholarship funds will be drawn from the S-510 account. This scholarship was set up for Osage students only. The question was brought up “will the funds be drawn from headright money?” When the answer was no that it would be drawn from the S-510 account, the guests in the council chamber were pleased with this decision. We are requesting that recipients of the scholarship be majoring in oil and gas and/or a related field.

This S-510 account will not be included in the quarterly payment nor is it managed by the Bureau of Indian Affairs; it is used where needed under the management of the duly elected Osage Minerals Council for the benefit and in the best interest of the Osage Shareholders.

It is hoped that the above information clarifies the question you have concerning funds collected for quarterly annuitant payments and funds used as needed from the S-510 account. Also, there will be no further funds appropriated from the S-510 account to aid this particular lawsuit.

Please be advised that it is not the intent of this council now or in the future to become involved in the operation of the Osage Nation Congress. It is our responsibility to protect and manage the mineral estate, without interference from the Osage Nation Congress, for the best interests of all the Osage shareholders in compliance with the 1906 Act.

You indicated you receive the Osage Minerals News. Your letterhead indicates you are an attorney as well. It is unclear if you are responding as an Osage shareholder or if you are using the color of your education and profession to give more weight to your statements, which could be construed as a veiled attempt to threaten this Council’s actions.

We state our endeavor to honor our commitment to the current Osage shareholders and the future Osage annuitants may be altruistic, but it is indeed our duty.

This letter was approved by the following council members: Curtis O. Bear, Cynthia Boone, Melvin Core, Galen Crum, Myron F. Red Eagle and Dudley Whitehorn.

Council members not approving this letter were Joseph B. Sonny Abbott and Andrew Yates.

—Dudley Whitehorn
OMC Chairman

Tinker

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gave him the opportunity to work on Indian law legislative issues at the federal level.

In August 2011, he will begin a clerkship with the Honorable William Jay Riley, Chief Judge for the United States Court of Appeals for the Eighth Circuit.

Tinker is Articles Research Editor for the Tulsa Law Review. He has received the Osage Tribal Education Committee Scholarship, the Osage Higher Education Grant, the Mary Tinker Scholarship Fund, and the Morris and Ethel Carlton Wheeler Scholarship Trust. He is a 2003 graduate of Bartlesville High School.
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