The Osage Trust Case, which sought justice for the mismanagement of the Osage Minerals Estate by the U.S. Government has come to a close after 11 years. Pictured are original allottees Grace Penn Morrell and Bob Morrell, circa early 1900’s.
Osages to receive $380 million in December from U.S. Government

Osages settle with the U.S. Government for mismanagement of their Minerals Estate as an 11-year court battle comes to an end

By Shannon Shaw
Osage News

The Osage Trust Case is over. Osage Nation Principal Chief John Red Eagle, the Second Osage Nation Congress and the Osage Minerals Council have approved the Osage Trust Case Settlement for $380 million.

“This is a pretty historic day...and should be a time of happiness, I believe,” said OMC Chairman Galen Crum at the beginning of the special meeting to approve or disapprove the settlement, held at the OMC Chambers Sept. 26.

The signing of the settlement between Osage officials and the U.S. government is tentatively scheduled for Oct. 14 in Washington, D.C., said Osage attorney Wilson Pipestem, who has been at the helm of the trust case for the past 11 years.

On Nov. 14 the United States will deposit $345 million in the Tribal Trust Account and the money will be disbursed to all shareholders of the Osage Minerals Estate Dec. 5, whether they are Osage, non-Osage, or entities. The payout will be $155,136 per full share.

The law firms representing the tribe – Washington, D.C.-based Pipetem Law Firm and Akin, Gump, Strauss, Hauer & Feld, LLP – will be paid a 9 percent contingency fee, roughly $34 million.

“If it wasn’t for our ancestors and their willingness to pray...” said OMC Councilman Myron Red Eagle. “We’re all survivors, and if it weren’t for them, we wouldn’t be here.”

In addition to the $380 million, the United States has agreed in principle to processes and actions to improve the management of the Osage Mineral Estate and the Osage tribal trust account.

The settlement is the result of months of negotiations with the U.S. following U.S. Court of Federal Claims ruling that said the Osage Tribe was owed approximately $330 million for claims arising from 1972 to 2000.

Minerals Council meeting

Not everyone was happy with the settlement however. OMC Councilman Curtis Bear was the only Osage elected official to vote No.

“I just didn’t agree with everything in the agreement,” Bear said. “I felt like the [settlement] put the [Osage] Nation over the Minerals [Council]; and we should be separate.”

Discussion before the settlement vote Sept. 26 brought questions from OMC Councilwoman Cynthia Boone as well, who is also a member of the Osage Trust Team.

Her question was for the trust case attorneys present. She said she had received information from her constituents she represents but wondered if the question might reveal privileged information. OMC Chairman Galen Crum said she should ask the attorneys about the confidentiality. She proceeded to walk across the room and whisper to the attorneys. Once Boone rose from her chair Councilman Joseph “Sonny” Abbott sighed loudly, leaned back in his chair and said something that elicited laughter from the meeting attendees.

The attorneys told Boone they couldn’t answer during the meeting and she returned to her seat.

Councilman Bear thanked former Principal Chief Charles Tillman, who originally filed the case along with the 30th Osage Tribal Council.

“I’d also like to thank Chief Tillman who brought this case, so without saying Thank You to him, none of this would be possible,” he said.

After the vote was taken and the resolution was passed to accept the trust case settlement, Boone raised her concern about the Nation as well.

“The fact that [the Osage] Congress had a say in this at all was one of the things I had a problem with,” she said. Her statement about the Osage Congress prompted a motion to adjourn from Councilman Dudley Whitehorn which prompted an exasperated second from Councilman Abbott, followed by more laughter.

Councilman Whitehorn is also Chairman of the trust team.

Empty Council Chambers

It wasn’t hard to find a seat during the special Osage Minerals Council meeting Sept. 26, despite the fact the OMC was voting on whether or not to accept the largest settlement to a Native American tribe in U.S. history. Sparsely occupied, the eight-member Minerals Council was present, along with three trust case attorneys, a representative from the Chief’s Office, Speaker of the Congress Jerri Jean Branstetter and about five members of the general public.

Among those attendees was Fletcher case plaintiff, Charles Pratt, who is currently in litigation against the
ON employees picket outside Congress chambers for Merit pay

Congresswoman Shannon Edwards’ withdraws her amendment to cut funding for the Executive Branch’s FY 2012 Merit Pay for Performance bonus

By Shannon Shaw
Osage News

Osage Nation employees got their way when Congresswoman Shannon Edwards withdrew an amendment to cut Executive Branch funding for Merit Pay for Performance for fiscal year 2012.

About 20 protesters showed up the morning of Sept. 29 with signs ready to picket outside the Osage Congressional Chambers. They had signs that read: “Don’t Be Square Be Fair!”; “We Voted You In – But Not Again!”; “You don’t Merit My Vote!”; and many more.

The proposed amendment Edwards withdrew was to strike the entire funding to the more than 500 employees of the Executive Branch for the Merit Pay for Performance bonus for the FY 2012 year.

Edwards stressed that she was in favor of the Merit bonus, and that she fully intended to propose a bill to fund it in March during the Congressional Hun-Kah Session, but her concern was that since the Executive Branch had not developed any policies and procedures to implement Merit she was hesitant.

“What we have not seen is the detail of the bonus program,” Edwards said during the Sept. 29 congressional session.

“A year ago, we passed [the Merit law],” said Congressman Geoffrey Standing Bear. “A whole year and it hasn’t been implemented.”

Standing Bear went on to say that even though the Executive Branch hasn’t developed their policies and procedures he thinks it should be funded so they can begin to develop those procedures, and Congressman Raymond Red Corn agreed.

“I say fund it,” Congressman Red Corn said. “Fund it thoroughly and hold [the Executive Branch’s] feet to the fire to get it implemented.”

Some of the protesters were indignant because the day before the Second Osage Nation Congress passed the funding for their own branch’s Merit Pay for Performance bonus for FY 2011, which means the Congressional employees will receive their Merit bonus Oct. 1 of this year.

“Technically, taken to an extreme, a few people could get huge bonuses, some people could get small bonuses, and some people could get nothing – and that’s what I wanted.

See ON EMPLOYEES PICKET
—Continued on Page 4
ON Employees Picket

in writing,” Edwards told the Osage News. “How about doing it first and then funding it.

Edwards said that Congress reinstated the bonuses for the Chief’s Office, which was $13,000, and worst-case scenario, since there’s no policy in place, one person could receive half of that or more. She said it’s the same situation with the Merit bonus funding for the employees, which is a total of $600,000. There’s no policy of how it’s going to be paid and the rules could change midstream, she said.

“Some people think I’m against the employees but really I’m trying to protect them. I don’t think anyone will be happy if someone gets $10,000 and they don’t get anything,” she said. “Not saying that’s going to happen, but the best practice is to get it in writing.”

Raises still on for Oct. 1

There are two components to the Merit Pay for Performance. The first is what Congress calls “the bump.” This includes the raises some employees will be receiving to raise their salaries to market rates, including an education bonus. Some employees will receive “the bump” Oct. 1 of this year.

What Edwards proposed to cut was the second component to Merit, the funding for the end of the year Merit bonuses for FY 2012.

Edwards said there was plenty of time to fund the Merit bonuses for next year during the Congressional Hun-Kah Session in March of 2012. She wanted to see the Executive’s policies and procedures by then.

“I think these people should get a bonus of 1 to 3 percent and they should be able to look in their [Human Resources] manual and see they are entitled to a 1 to 3 percent bonus,” she said during the Congressional session, which drew sighs and angry comments by attendees.

Edwards withdrew her amendment to cut the Merit bonus funding which prompted smiles and an enthusiastic “Yes!” from Executive Branch Director of Operations Deidre Bigheart.

Delary Walters, who is the Executive Director for the Nation’s Human Resources Department and who compiled all of the market rate salaries and education bonuses, began to cry. She is the former Compensation Analyst and was promoted Sept. 28.

Don’t Be Square Be Fair!

Employees started showing up with their signs outside of the Congressional chambers around 8:30 a.m.

The night before, Jennifer Tiger, the director for the Office of Strategic Planning and Grants Management and some others, got the word out to employees to picket by word of mouth, text and facebook.

“I think that, as a lot of people know, that communication up here is stifled, and there’s not a lot of trust, and in order to have trust you have to have free and open communication and we’ve seen, in various forms, everything from gag orders to no gag orders, to congress members not coming even just visiting with programs, so there’s no communication up here and that has to change,” Tiger said at the protest.

“How do we do that, we’re kind of doing these ways to get communication across, to voice our opinion because a lot of times we feel like we might be in the middle getting batted around between the branches and we just again, we want jobs, we want to provide for our family, we want to provide services for Osage citizens and if we have to resort to these types of protests or voicing our opinion in this way – that might be all we have right now.”

A couple of congress members came out and invited the protestors in.

Most of the congress members laughed when they saw the protestors. The Osage Nation Police Department was called in and Congressman Raymond Red Corn jokingly said, “We’ve got the Osage finest here to protect us.”

The protesters shouted “Be fair, be fair, be fair...” and “No joke, no vote, no joke, no vote...” while holding up their signs making a circle in front of the chambers.


All but two protestors were female employees. Cory Spotted Bear, who works for the Osage Gaming Commission, was there to watch the protest and offer his support.

“I think its equality. I think everyone should have the same, they should be fair to their employees, most of their [campaign] slogans were saying, when they were voted in, that they were ‘here for the Osage people,’ and a lot of employees are Osage members, and how it seems now and what they haven’t passed...” he said. “I think they’re not here for us, they’re not living up to what they said they were going to, so I’m here mainly because I think fairness, we deserve it. We all are hardworking employees, we do what we’re supposed to do and we’re good at it. Fairness is why I’m here, they should be fair.”

Editor’s Note: Osage News Reporter Sunnie Clahchischiligi contributed to this report.

For more photos of the protest visit the Osage News flickr page at http://www.flickr.com/photos/osagenews/show/

Visit the Osage News Online! www.osagenews.org

Osage Nation 2011 Targeted Services Grant Announcement

The Osage Nation is pleased to announce the 2011 Targeted Services Grant. The purpose of the grant is to provide supplemental funding for emergency services that serve communities within Osage County. Emergency Service providers are limited to Rural Fire Departments, Volunteer Fire Departments, Emergency Medical Service providers and groups or organizations offering accredited Cardiopulmonary Resuscitation (CPR), First Aid training or purchase and distribution of Automated External Defibrillators (AED).

The grant is for a maximum amount of twenty thousand dollars ($20,000) per entity. The deadline for grant application submission is 4:00PM CST, October 14, 2011.

ELIGIBILITY

1. Applicants must be located within the physical boundaries of the Osage Nation/Osage County and include but not limited to the communities of Pawhuska, Wynona, Hominy, Barnsdall, Avant, Okesa, Skiatook, Prue, Osage, Foraker, Grainola Burbank, Fairfax, McCord, Webb City and Shidler.

SUBMISSION

1. For information or to request an application packet, contact Chris Standingbear 918-287-5633 or Otto Hamilton 918-287-5584 at the Office of Strategic Planning & Grants Management.
2. Completed applications must be received by the deadline of 4:00PM CST, October 14, 2011, there are no exceptions.
Palace of the Osage grocery store to close

Osage LLC will begin process of looking for new buyer

By Shannon Shaw
Osage News

The Palace of the Osage grocery store is closing but the Osage LLC is not going to let it close permanently.

Osage LLC Board President, Charles Maker, said in a phone interview that the Osage LLC will actively begin looking for a new buyer in the near future once current owner Rick Parker closes down the store.

“This is a guess at this stage, I don’t know exactly all what we will go through getting Rick Parker’s business closed, all of our business with him. He seems to have gotten himself in pretty deep as far as his financial business is concerned,” Maker said of Parker’s back-tax liability to the Oklahoma Tax Commission on his numerous businesses.

“We all wanted [Parker] to make a go at this and in fact, we were willing to help him out as much as we could, but apparently [Parker] couldn’t figure out how to get it done,” Maker said.

Parker, who did not return repeated phone calls for this story, recently had to sell his Barnsdall Market due to his financial woes and it’s unknown if he will be selling a gas station he owns in Pawhuska, but, he is solely blaming the Osage LLC for the closing of the Palace, according to a statement he made to The Bigheart Times.

“He had some pretty serious back tax issues and we’ve stipulated we were able to help him until he had those tax issues resolved or had an agreement with the [Oklahoma] tax commission we felt comfortable with and that stuff wasn’t forthcoming or in a timely fashion, so I’m supposing by the time he could figure things out the hole was too deep, that’s only a guess,” Maker said. “We certainly hope for the best and never did anything to try to slow him down or cause him to fail.”

Maker said the LLC will not be pouring money into the Palace in order to sell it.

“It’s also rumored that the tribe has put in hundreds of thousands into the Palace and we don’t want to continue that, regardless of what’s happened in the past, we don’t want to continue to pour money into it.

“We want to get it ready for selling it and sell it to a viable owner – and I hope we can. I don’t have a crystal ball so I don’t know if we’re going to have a qualified buyer come out, it’s going to take the right person, the right combination,” Maker said.

Palace of the Osage

The Palace of the Osage grocery store has had its ups and downs over the years. The 31st Osage Tribal Council purchased the store for $285,000 in 2003 and the tribe ran the store as a department under the Executive Branch of the new government until 2008 when the store went under the Osage LLC.

The Osage LLC oversaw the operations of the store for a year but the

See PALACE OF THE OSAGE
—Continued on Page 9

Photo by Chalene Toehay/Osage News

Empty shelves fill the store Sept. 9.

Palace of the Osage grocery store manager, Robert Taylor, looks out the front door as he waits for customers Sept. 9.
ON Supreme Court Chief Justice Charles Lohah treated for lung cancer

Lohah uses proton therapy versus conventional X-ray radiation; procedure | reduces risk of radiation touching unharmed areas

By Benny Polacca
Osage News

A persistent cough brought Osage Nation Chief Justice Charles Lohah to the pulmonary doctor earlier this year.

After several medical tests and scans, doctors diagnosed the 77-year-old Osage with lung cancer in March. A malignant tumor was discovered in the upper lobe of his left lung. Lohah said the cancer has spread to his side lymph nodes, but the cancer did not reach other organs.

Now, a first-time cancer patient, Lohah and his family considered treatment options such as radiation. They also considered that radiation therapy may harm his body as much as the cancer did.

At that time, “I thought: ‘I don’t want to go for standard radiation treatment,’” he said, referring to X-ray radiation therapy, which could impact organs unaffected by cancer. The timing of the cancer discovery (before spreading further) and treatment research went in Lohah’s favor. He opted for proton therapy: an advanced form of radiation treatment which targets only the tumors in specific types of cancer.

Proton therapy radiation is controlled to treat the areas where cancer is present. Therefore, proton therapy reduces the risk of harming unaffected organs and side effects, such as nausea and vomiting, typically seen in patients undergoing X-ray radiation treatment.

Lohah, who was appointed to the Osage Nation Supreme Court in 2006 was retained by popular vote in the 2010 election. He has remained humble about his cancer treatment and in a recent visit with the Osage News he said, “I’m not trying to draw attention to myself, but would like to inform other Osages of this treatment.”

Proton therapy radiation

Proton therapy radiation is offered at less than 10 facilities nationwide, with the closest at the ProCure Proton Therapy Center in Oklahoma City. After his diagnosis, Lohah started seeing Dr. Sameer Keole, a radiation oncologist at the center.

“He did quite well with the treatment,” Keole said of Lohah. “To treat him with conventional radiation would have been difficult.”

“Proton therapy treatment is more like a fire cracker. It goes to the area at risk and you give the dose,” said Keole who joined the Oklahoma City center in 2009 when it opened. To date the center has treated more than 500 patients and can have up to 70 patients treated at the center on any given day, he said.

According to the National Association for Proton Therapy, a major advantage of proton treatment over conventional radiation treatment is the distribution of protons that can be directed and deposited in affected tissue designated by doctors in a three-dimensional pattern from each beam used. This provides greater control and precision in treatment.

The NAPT’s Web site also states: “If given in sufficient doses, X-ray radiation techniques will control many cancers. But, because of the physician’s inability to adequately conform the [application of radiation] pattern to the cancer, healthy tissues may receive a similar dose and can be damaged. Consequently, a less-than-desired dose is frequently used to reduce damage to healthy tissues and avoid unwanted side effects. The power of protons (in proton treatment) is that higher doses of radiation can be used to control and manage cancer while significantly reducing damage to healthy tissue and vital organs.”

According to the ProCure center’s Web site, proton therapy is primarily used to treat lung cancer; prostate cancer; brain tumors; head and neck tumors; lung tumors, gastrointestinal cancers; tumors near the spine and melanoma of the eye.

“We have nine centers in the country,” Keole said.

According to the NAPT, the next nearest proton therapy center (besides Oklahoma) is in Houston. Seven more U.S. facilities are in the works as Germany and South Korea each have a proton therapy center as well.

Treatment is an average of six to eight weeks straight, depending on the patient’s cancer.

Treatment

Lohah underwent treatment at the center for eight consecutive weeks. His treatment sessions lasted 30 minutes to an hour during the five-day per week visits. Lohah said he did not feel any side effects until after the last two treatments, which required larger doses of treatment.

He said he felt fatigue, but did not get nauseated or have a loss of appetite.

“I guess I got a strong stomach,” he said.

Amid feeling fatigue, “I’ll get over it as soon as I get this crap out of me,” Lohah said with a smile.

“So far early signs are positive, we’ll be seeing him regularly,” Keole said. Lohah is due for a follow-up visit on his treatment later this month.

See CHIEF JUSTICE CHARLES LOAH
—Continued on Page 8
Congressional subpoena debate over Treasurer emails heading to court

More than 3,000 emails at issue; ON Treasurer argues subpoena demand is ‘an undue burden in my book’

By Benny Polacca
Osage News

The debate between the Second Osage Nation Congress and the Executive Branch over Treasurer William Kemble’s subpoenaed emails is heading for the courtroom.

A Congressional subpoena demanding emails from Kemble’s work computer concerning any aspect of his job since February is being challenged by the Executive Branch. Court papers from both government branches have been filed to either contest or defend the subpoena. Now both sides must wait for the Nation’s Trial Court to hear the case.

“We are waiting on the judge to set a hearing at this point,” Congressional staff attorney Loyed “Trey” Gill told the Osage News on Sept. 29.

The subpoenaed emails are being sought in the wake of the July Congressional subpoena meetings with Kemble and accounting staff. Congress conducted the two-day hearings after receiving tips of potential problems with the office practices, which includes a transfer of Osage Minerals Council funds from one bank to another without the council’s involvement. Kemble defended the funds transfer after collateralization issues arose at First National.

See CONGRESSIONAL SUBPOENA
—Continued on Page 11

Principal Chief John Red Eagle signs Merit Pay for Performance into law

Congress passes merit-funding bills on eve of merit-funding bills on eve of FY 2012

By Benny Polacca
Osage News

Osage Nation Principal Chief John Red Eagle signed the Merit Pay for Performance into law Oct. 4, just in time for the new fiscal year.

Five years in the making, the Merit Pay for Performance is mandated in the Osage Constitution and was one of the initiatives in the Osage Nation Strategic Plan that Osages from all over the country wanted to see implemented for Osage Nation employees when the new government was formed in 2006.

“One of the five stated priorities in this administration was to work on the development and improvement of our internal governmental operations and the employment conditions,” Chief Red Eagle said. “The Merit System is a system that can bring improvement to the Nation’s employment conditions... We have taken a huge step toward creating a system that brings structure and consistency to future and present employees of this Nation and now the real work begins for the Executive Branch.”

See MERIT PAY FOR PERFORMANCE SIGNED INTO LAW
—Continued on Page 12
The Communities of Excellence department is partnering with the Wah-Zha-Zhi Cultural Center and the Osage Nation early learning centers to educate youth on healthy living. Pictured, from L to R, is WCC director, Vann Bighorse; CoE director, Gail Boe; ON Head Start teacher, Tammy Cunningham; ON Head Start director, Denise Keene and students from the Pawhuska ON Head Start.

Communities of Excellence department wins grant to promote healthy living

By Gail Boe, Communities of Excellence

The Osage Nation Communities of Excellence Department received $10,000 from the Cherokee Nation Healthy Nation Program to participate in their mentoring project on effective policy, systems, and environmental changes to combat chronic diseases.

Communities funded under the project will work collaboratively to develop policy, systems and environmental changes that will promote and sustain community- or school-based health promotion prevention initiatives. The initiatives selected by the Osage Nation were community gardens in school areas and nutrition education.

Through this partnership with the Cherokee Nation we have begun a strong alliance with the Osage Nation Head Start Program, UCAP Head Start Program, Pawhuska K-2, Wynona K-4, and the Osage Nation Cultural Center. Initiatives have been implementing raised bed gardens, sending Head Start teachers to “Growing Classroom” training, having community information meetings, and hosting a mini-summit on Sept. 22 for families.

Workshops will be centered on living a healthy life with topics on nutrition with Osage nutritionist Julie Miller and a nutritionist from the Women, Infants and Children program.

See COMMUNITIES OF EXCELLENCE —Continued on Page 11

$380M in December

United States to return shares of the Osage Minerals Estate back to Osage tribal members.

When asked what he thought of the settlement, his face showed disappointed.

“Well, the settlement includes the non-Osage shareholders for $69 million, and no one tried to stop it,” Pratt said.

He doesn’t know if the trust case settlement will have a negative impact on his case; he said that will depend on the integrity of the trust case attorneys. But, he said he thinks “this group and this administration [did] the best job they’re capable of.”

Another meeting attendee, Patricia Bright, spoke with trust case attorney Wilson Pipestem at length after the meeting was over. When asked if she was pleased with the settlement she said, “Yeah, it’s about time it was settled.”

The Osage Trust Team is made up of five members consisting of three members of the Osage Minerals Council, the Speaker of the Osage Congress and the Principal Chief of the Osage Nation. They are Galen Crum, Cynthia Boone, Dudley Whitehorn (Chairman), Jerri Jean Branstetter and John D. Red Eagle.

Chief Justice Charles Lohah

Lohah’s wife Janet Lohah joined him during the treatment sessions and consultations.

“He’s just handling it beautifully,” said the former Janet Mutz who married Lohah in 2010.

“We went to college together in the 1950s, we were best friends. She’d hear things I didn’t hear,” Lohah said of his wife and her help with his treatment consultation.

Lohah’s daughter, Elizabeth Homer, also praised her father’s progress. “He’s really come through his treatment like a champ,” she said. Homer, who visited the ProCure center where her father was treated, praised it for its “hospitality and kindness. I felt it was really a healing place, they take a lot of stress away.”

“He’s had health issues before (including diabetes), I think he’s come through it really easy, we definitely welcome everyone’s good thoughts and prayers,” Homer said.

Lohah, a University of Tulsa law school graduate who also served in the Oklahoma Air National Guard and Air Force Reserve, has worked as an attorney and judge for county and tribal government entities. He has served on several boards and commissions including the Native American Rights Fund and worked as a college law professor.

Retired since 1997, Lohah was appointed to the Osage Nation Supreme Court in 2006 with fellow Justices Jeanine Logan and Meredith Drent. All three Justices were retained in the 2010 election.

For more information on proton therapy treatment, see the following Web sites:

• ProCure Proton Therapy Center – www.procure.com
• The National Association for Proton Therapy – www.proton-therapy.org.
Osage Nation enters into motor fuel compact with the State

Nation to receive approximately $400,000 in revenue from compact

By Benny Polacca
Osage News

The Osage Nation has entered into its first-ever motor fuel compact with the state of Oklahoma, which is estimated to bring $400,000 in additional revenue to the tribe.

The state and the Nation negotiated the compact as authorized by an ON Congressional resolution approved earlier this year. Gov. Mary Fallin and Executive Branch officials have signed the compact, which expires July 1, 2017.

According to state law, the Oklahoma Tax Commission has the authority to sign motor fuel compacts with federally recognized tribes to establish a mutually beneficial method of collecting motor fuel taxes. Those tribes who have compacts with the state receive a specific percentage of gross motor fuel revenues, which are distributed to accepting tribes on an annual quarterly basis.

Tax Commission Administrator Mary Mashunkashey negotiated with state officials on the terms of the Nation’s compact. The signed compact comes approximately four months after the Second ON Congress unanimously passed a resolution (ONCR 11-08 sponsored by Congressman William “Kugee” Supernaw) to authorize the Nation to enter into the compact with the state.

Principal Chief John Red Eagle said the Nation would receive about $400,000 in annual revenue from the state by taking advantage of the compact. He and Assistant Principal Chief Scott BigHorse signed the compact on Aug. 29.

The compact revenue formula for the quarterly revenue disbursement consists of: A base sum of $6,250 if the gross state motor fuel revenues exceed $100 million; the remainder shall be distributed in a payment based on the proportion of the Nation’s total Oklahoma resident membership bears to the total Oklahoma tribal resident membership.

See MOTOR FUEL COMPACT—Continued on Page 12

Palace of the Osage

store was losing money. According to the LLC’s 2009 annual report, the Palace lost $91,000 in the last three months of 2009.

The LLC sold the store to Barnsdall grocer Rick Parker in August of 2009 for $439,500.

At the time the LLC sold the Palace to Parker, it was rumored Parker had too many businesses to take on the Palace as well. The Osage News asked Maker, LLC board president, whether or not the LLC knew of Parker's struggling financial status at the time.

“I can’t speak to it without checking back, I know that he was at the very least...we realized he was spread pretty thin. And, I think maybe the Palace was untimely for [Parker] because he was in expansion mode and he really wanted the Palace,” Maker said. “From my perspective he was probably a little over extended, but he was willing to give it a shot, but yeah, he was overextended.”

The Palace currently employs 12 area residents and serves the communities of Fairfax and Grayhorse. According to the Osage Nation Membership Office, approximately 350 Osages live in the area.

“The closing of the Palace will have a huge impact on the citizens of Fairfax,” said Sidomie Cannon, Fairfax resident and Grayhorse District Cook. “The employees will lose their jobs. The city will not receive taxes from the store. There will be no source of fresh meat, fresh vegetables or fruit.

“During the June dances, thousands of dollars in groceries came out of that store. The Palace would deliver to Grayhorse several times a day.”

Dwindling business

The store has been struggling in recent weeks; shelves are bare, there hasn’t been dairy, meat or produce for weeks. Employees of the Palace knew the store might close but hoped it wouldn’t.

Store manager Robert Taylor said he knew they were in trouble when the Oklahoma Tax Commission was threatening to close Parker’s businesses if he didn’t pay his taxes.

“We missed a payment for our grocery truck because he had to make up and pay all of his back taxes or the [Oklahoma] tax commission was going to close all of his stores,” Taylor said. “So he paid his back taxes using the money we would have used to buy groceries. So that’s why we haven’t been able to buy groceries.”

Taylor, 62, has been with the Palace since 2003 and doesn’t know what he and his employees will do for jobs once the store closes. He joked that he would make a good Walmart greeter. “There’s not much else for me at this age.”

Fairfax has always had a grocery store, except for a brief period after it burned down in 1999 and was rebuilt in 2000.

Taylor said he knows of a couple of people that have expressed interest in the Palace and will be forwarding that information to the LLC. He’s also worried about the people he sees every day coming to the store, asking when a new shipment will be in. He just tells them he doesn’t know.

“The head start, the day care, the youth programs, they all buy their supplies from us. The hospital, the nursing home, I could go on and on,” he said. “I hope the LLC finds a buyer. This store is too important to this community not to keep it open.”

—Continued from Page 5
BIA and Osage Minerals Council prepare to fight wind farm project

By Benny Polacca
Osage News

The federal Bureau of Indian Affairs is considering court action to halt construction of a 94-turbine wind farm in western Osage County if the parties involved cannot prove its operations will not interfere with the Osage Minerals Estate.

On Sept. 14 the BIA issued a letter to the Osage County Commission, which passed a wind farm ordinance earlier this year, raising issue with the project’s location near oil and gas producing sites in the Burbank vicinity. In August, the county’s Board of Adjustment passed a conditional use permit sought by St. Louis-based Wind Capital Group to build the wind farm on 8,300 privately owned acres zoned for agriculture use.

“Both this office and the Osage Nation are considering litigation to prohibit placement of such (turbine) installations until it can be shown that such installation does not unreasonably interfere with the operations of the Osage Minerals Estate,” wrote Acting BIA Superintendent Floyd S. Waters in the letter.

“We are particularly concerned, not only in the actual turbine towers themselves, but also to road and electrical line infrastructure that will be required to connect any such power generation to the grid,” the letter states. “Such a network of buried and pole mounted electric lines may seriously impede our continued oil development of the Osage Minerals Estate.”

The letter notes state courts have previously ruled the Minerals Estate is the dominant estate while the land surface is the subservient estate. The BIA also said reasonable access to the Minerals Estate (held in trust) cannot be denied access to develop and produce the minerals.

While the wind farm project is favored by county officials and most non-Osage residents who attended the Aug. 11 public meeting for Wind Capital Group’s conditional use permit, Osage Nation and Osage Minerals Council officials are opposing the project. Osage and non-Osage opponents of the wind farm have also raised concerns that the region’s wildlife habitat will be disrupted, as well as property values, any unmarked graves and tourism to areas including the Tallgrass Prairie Preserve north of Pawhuska.

Principal Chief John Red Eagle issued an executive message on the Nation’s www.osagetribe.com Web site on Sept. 14 criticizing Wind Capital Group’s planning for its Osage County project. “Things work differently in Osage County than they do in the rest of the state,” he said.

“Wind Capital Group has a duty to research and discover what oil lines and wells are already in the area where they plan to establish the wind farm,” said Chief Red Eagle. “We have asked (Tom Green, a senior manager for Wind Capital Group) if he has researched the area to determine where the existing oil infrastructure is located. He says that he has, but whether or not the company has conducted an adequate search is unclear.”

Minerals Estate

“The BIA does not have a record of Wind Capital Group representatives visiting its offices to look at the relevant maps during 2011,” said Chief Red Eagle in an executive message posted to the Nation’s Web site. “If Wind Capital Group were looking to build wind farms outside Osage County, they could probably obtain the mapping information they needed from the Oklahoma Corporation Commission. However, accurate mapping which describes the oil wells and lines for Osage County can only be found in one place – the offices of the BIA.”

Chris White, executive director of governmental affairs for Chief Red Eagle’s office, said plans are underway to pursue legal action to stop the wind farm project before construction starts. Wind Capital Group officials have previously said the wind farm would take nine to 12 months to build.

“Let me be clear. The Osage Nation will not wait until the damage is done to the Tallgrass Prairie by this industrial wind project to take legal action,” White said. “The Osage Minerals Council has a legal team in place and preparation is nearly complete to file against the proper parties in this matter. The Nation would prefer to not have to take legal action, but the commissioners and wind developers have left us no choice.”

The Osage Minerals Council is leading litigation efforts on behalf of the shareholders. At its Sept. 21 meeting, the Minerals Council approved a resolution to appropriate $100,000 for litigation against the wind farm project. The council also voted to hire law firm Rosette, LLP to represent the entity in any wind farm-related litigation matters.

An Osage Nation Congressional bill (ONCA 11-81 sponsored by Congressman Geoffrey Standing Bear) to establish a $50,000 revolving fund for litigation against the wind farm was tabled during a Sept. 22 Congressional Committee on Government Operations meeting.

OMC Chairman Galen Crum informed the Congressional committee of the council’s plans to pursue litigation with its $100,000 approval for legal fees. “We plan on going ahead with it, we want to do things in a coordinated effort but who knows what we’re going to need down the line,” he said.

Councilwoman Cynthia Boone, who also attended the committee meeting, said she believes the issue is a Minerals Council matter and preferred to spend council money as a shareholder. After further discussion, the revolving fund bill was tabled.

Waters, of the BIA, closes his letter stating: “In order to reduce the possibility of litigation, we recommend that any wind power proposals or agreements be submitted to this office for review prior to construction, so we may all work together to minimize conflict between the various parties, and to ensure that all Federal statutory requirements are being met.”

White, of Chief Red Eagle’s office said Wind Capital Group and two other wind farm companies considering Osage County for future projects also received a copy of the BIA letter.

In a prepared statement, Wind Capital spokesman Tony Wyche.
Congressional Subpoena

Bank in Pawhuska where the OMC accounts were being held.

On July 15 Congress voted to issue subpoenas for nine pieces of documentation to aid the investigation. Kemble responded to all but one of the subpoena document demands served to him on Aug. 2 which read: “All of your emails from any Osage Nation-owned computer from Feb. 1, 2011 to the present concerning any aspect of your job.”

Kemble, through court papers, motioned to quash the Congressional subpoena on Sept. 9. Citing the Nation’s Congressional Subpoena Act (ONCA 07-48), the motion to quash states that the email request “subjects a person to undue burden or hardship,” which is listed as a reason a person may contest a subpoena in court.

Kemble told the Osage News on Sept. 27: “My files contain at least 3,145 e-mails sent and received during the period covered by the subpoena. That’s definitely an undue burden in my book, and I think the Court will agree.” This response to the court addresses the Congressional reply to Kemble’s motion to quash the subpoena.

The Congress asked the court, in a Sept. 12 filing, to deny Kemble and the Executive Branch’s motion to quash the subpoena, stating: “Electronic mail is generally brief in nature and can be reviewed quickly.” The Congress also contended Kemble had yet to file an affidavit in support of proving undue burden or hardship in providing the subpoenaed emails.

The Executive Branch’s quash motion initially estimated Kemble sent or received more than 1,000 emails. Kemble said an affidavit has since been filed listing the 3,000-plus number of emails he sent or received.

Kemble said “we made three separate arguments why the Court should (dismiss the subpoena): first, that the subpoena created an undue burden because of the amount of work it would take to fulfill it; second, that the subpoena was vague; and third, that the subpoena required disclosure of privileged communications.”

In the Sept. 9 quash motion, Kemble and the Executive Branch argued: “Compliance with the subpoena would require a physical examination of each of these emails and a determination of whether each individual email ‘concerns any aspect of (Kemble’s) job.’... Such an examination would consume countless hours, preventing (Kemble) from fulfilling his Constitutional duties as Osage Nation Treasurer.”

The Executive Branch’s quash motion also states, “(Kemble) would have to review each individual email to determine, on a case-by-case basis, which emails are subject to executive privilege, attorney-client privilege, or some other applicable privilege or protection – a task which, due to the nature of the privileges in question, could not be reasonably delegated to office staff.”

“Congress never denied that the request was vague, or that the subpoena required me to disclose privileged communications,” Kemble said. “Instead, Congress merely argued that the motion to quash was invalid because I didn’t give the Court an affidavit about the number of e-mails.”

The Sept. 9 quash motion came two days after the Congressional Committee on Government Operations met and approved a written report on the July 14 and 15 subpoena interviews and previous subpoenaed documents received. The report issues findings such as: Kemble: “implemented new policies and procedures, in the absence of an emergency, without submitting them to (Congress) for approval in violation of the Treasury law; has failed to adhere to the existing approved policies and procedures; and has moved Minerals Council funds without the knowledge and authorization of the members.”

Referring to the report, Congressman Raymond Red Corn (the committee vice chairman and Congressional Second Speaker) also noted (during the Sept. 7 meeting) the Treasurer’s executive assistant is receiving a salary set at a rate higher than what was appropriated in the 2011 fiscal year budget. The report states the new hire paperwork for the executive assistant position was signed by Kemble, and the offices of Human Resources and Principal Chief John Red Eagle.

The report also refers to a June transfer of OMC money from one Pawhuska bank to another without the involvement of Minerals Council members. Regarding the transfer, the report states: “The Committee finds that the Treasurer should be directed, by Executive Order, not to transfer or withdrawal funds out of Minerals Council accounts without the consent of the Minerals Council. If the Principal Chief does not act, the Committee recommends that legislation be introduced to address Minerals Council account transfers.”

Kemble contended during his July 15 subpoena interview the money transfer was done to address collateralization issues so the money is protected. Regarding the transfer, the report states: “The Treasurer has allowed funds to remain undercollateralized periodically throughout this fiscal year at First National Bank of Pawhuska, placing funds at risk of loss.”

The Congressional report on the July subpoena interviews remains subject to further consideration and any action by the 12-member Congress.

Before approving the draft copy of the report, the Government Operations Committee amended it to include language stating the Congress could consider a removal process for Kemble as Treasurer.

Red Corn said the Congress could consider a committee of inquiry to decide whether a trial for removal is warranted. If the committee of inquiry is approved, at least five Congressional members would be selected by the Nation’s Supreme Court, he said.

In a written statement after the quash motion was filed Sept. 9, Chief Red Eagle said: “This matter also raises separation of powers questions... The Osage people, in approving our Constitution, vested certain powers in each branch of our government and one shall not exercise powers reserved for another. If I were to attempt to do some of the duties of the Congress, they would certainly protest... It’s time to let our tribal court do their duty.”

Communities of Excellence

Program (WIC). Other workshops will include Living Stress-free, Growing gardens, and Healthy Living Lifestyle.

The $10,000 received from the Cherokee Nation has allowed us to create a solid base for our Healthy Living Program. Through partnerships with other tribal departments and community groups we have been able to make the most of our resources.

When addressing the causes, treatment, and cures of chronic diseases, our best approach is in prevention and education. We hope to continue to offer the best practices to the tribe and community members when combating Chronic diseases.
Merit Pay for Performance Signed into Law

The Second Osage Nation Congress completed passing legislative bills on Sept. 30 to fund the Merit System for the governing entities for the 2012 fiscal year – one day shy of the new fiscal year.

Amid Tzi-Zho Session debates and concerns from both the Executive and Legislative branches about the merit system’s implementation process, and who will benefit from it, the legislation bills passed. Approximately 500 people work for the Nation’s government.

Assistant Principal Chief Scott BigHorse also praised the Merit System bill signings, noting the updated system could keep employee retention low. “My desire is to create an environment that will attract our brightest and best Osages to work for the Nation and to retain them. I believe this is a huge step in that direction,” he said.

The merit funding bills (ONCA 11-95 through 11-99) are appropriations to raise government employee salaries, especially those currently paying under market value, to more competitive amounts. The merit bills also authorize education credits to the Nation’s approximately 500 government employees (based on their most recent education degrees completed) as well as bonuses - subject to an employee job evaluation process first.

On Sept. 21, Executive Branch officials held a nearly 40-minute presentation in front of the Congress to inform the members of the system implementation process to defend and justify the appropriation requests for merit system funding. Earlier in the Tzi-Zho Session, Congress tabled the merit funding bills and requested more information about the merit system first.

In her presentation to the Congress on the merit system, Chief Red Eagle’s Senior Adviser Debra Atterberry described the merit system as “a solid foundation” with four cornerstones.

She said those cornerstones are: the merit system mandate in the 2006 Constitution; the 2010 merit system law (ONCA 10-85) passed by Congress after previous efforts to pass a merit system law failed; The revamped Human Resources Department created by ONCA 10-85; and “the right organizational structure with the right people.”

Atterberry defined a pay-for-performance system as a pay strategy where the employee and/or organizational performance has significant influence on the amount of pay increases or bonuses given to each employee. She also noted that no merit system is perfect as she encouraged the Congress to pass the merit funding bills to avoid further delay of a system implementation.

Previous bills to implement a merit system failed during the First ON Congress when Atterberry served as Congresswoman.

“We can’t wait for the ideal organizational culture to be present before merit implementation,” Atterberry said. “Nothing that is born comes into this world without pain.”

On Sept. 12, Congress discharged the five merit funding bills from their respective committees of jurisdiction and sent them to the main floor pending further Congressional action and the eventual Sept. 21 presentation.

In his Sept. 11 Update electronic newsletter, Congressman Raymond Red Corn emphasized the Congress needs to make sure the merit system is implemented to answer past issues in working for the government.

The Second Osage Nation Congress completed passing legislative bills on Sept. 30 to fund the Merit System for the governing entities for the 2012 fiscal year – one day shy of the new fiscal year.

Amid Tzi-Zho Session debates and concerns from both the Executive and Legislative branches about the merit system’s implementation process, and who will benefit from it, the legislation bills passed. Approximately 500 people work for the Nation’s government.

Assistant Principal Chief Scott BigHorse also praised the Merit System bill signings, noting the updated system could keep employee retention low. “My desire is to create an environment that will attract our brightest and best Osages to work for the Nation and to retain them. I believe this is a huge step in that direction,” he said.

The merit funding bills (ONCA 11-95 through 11-99) are appropriations to raise government employee salaries, especially those currently paying under market value, to more competitive amounts. The merit bills also authorize education credits to the Nation’s approximately 500 government employees (based on their most recent education degrees completed) as well as bonuses - subject to an employee job evaluation process first.

On Sept. 21, Executive Branch officials held a nearly 40-minute presentation in front of the Congress to inform the members of the system implementation process to defend and justify the appropriation requests for merit system funding. Earlier in the Tzi-Zho Session, Congress tabled the merit funding bills and requested more information about the merit system first.

In her presentation to the Congress on the merit system, Chief Red Eagle’s Senior Adviser Debra Atterberry described the merit system as “a solid foundation” with four cornerstones.

She said those cornerstones are: the merit system mandate in the 2006 Constitution; the 2010 merit system law (ONCA 10-85) passed by Congress after previous efforts to pass a merit system law failed; The revamped Human Resources Department created by ONCA 10-85; and “the right organizational structure with the right people.”

Atterberry defined a pay-for-performance system as a pay strategy where the employee and/or organizational performance has significant influence on the amount of pay increases or bonuses given to each employee. She also noted that no merit system is perfect as she encouraged the Congress to pass the merit funding bills to avoid further delay of a system implementation.

Previous bills to implement a merit system failed during the First ON Congress when Atterberry served as Congresswoman.

“We can’t wait for the ideal organizational culture to be present before merit implementation,” Atterberry said. “Nothing that is born comes into this world without pain.”

On Sept. 12, Congress discharged the five merit funding bills from their respective committees of jurisdiction and sent them to the main floor pending further Congressional action and the eventual Sept. 21 presentation.

In his Sept. 11 Update electronic newsletter, Congressman Raymond Red Corn emphasized the Congress needs to make sure the merit system is implemented to answer past issues in working for the government.

BIA and OMC Join Forces

said: “Osage County Wind (Wind Capital Group’s project name) understands, and is committed to meet, our obligations under the law. Osage County Wind also looks forward to a continued dialogue with the tribal leadership to confirm our commitment to meeting our legal obligations and clarify the limited use of the surface of the land, which we do not believe limits the reasonable use of the surface by the Tribe to develop minerals.”

“We have been engaged in conversations and we continue to be open to and strongly encourage communication with all parties to address those issues as we move forward toward construction,” Wyche said. “We understand that a full outreach effort includes an ongoing responsibility to the community to address questions and concerns about the actual impact of Osage County Wind. We continue to appreciate the vocal support we have received from across the County, including members of the Osage Nation community.”

White also says a coalition appears to be forming in Osage County. Non-Osage rancher Ford Drummond spoke in opposition of the project at the Aug. 11 meeting on Wind Capital Group’s conditional use permit. Drummond, who owns 1,200 acres adjacent to the proposed wind farm, cited environmental concerns, as well as lower property values, as reasons he opposes the project.

“Ranchers, oil and gas producers, conservationists, concerned citizens and the Osage Nation are banding together with one common interest, and have become stronger in the overall effort to put a halt to this project,” White said.

Motor Fuel Compact

The promise of a Merit system, mandated by the Osage Constitution, is an answer to decades of cronyism on the hill,” Red Corn wrote. “It should, to the extent feasible, protect employees (or at least their rate of pay) from the whims of superiors – all of them - and offer some sense of fairness where wages and salaries are involved.”

“If the system about to be installed doesn’t do that,” wrote Red Corn, “this government will lose the confidence of our workforce for the foreseeable future and beyond, resulting in lower morale, higher turnover, and lowered potential to attract the best and brightest to open positions. Our employees deserve a system they can trust will be fair, not a system still subject to the whims of superiors.”
Osages may vote in first-ever Primary Election in 2014

OSAGE NEWS • osagenews.org

October 2011 13

ON Congress passes revised election code; Primary would be held in April

By Benny Polacca
Osage News

The process for voting for Principal Chief and Assistant Principal Chief will change in the 2014 election after Chief John Red Eagle signed a revised election code passed unanimously by the Second Osage Nation Congress Sept. 13.

According to the revised code (ONCA 11-40), a primary election for the chief and assistant chief will be held if there are more than two candidates for each office. The primary election would be held the first Monday in April during the years of the chiefs elections.

The next election for the chiefs is in 2014.

Congressman Raymond Red Corn, who sponsored ONCA 11-40, said one advantage to having a primary election is to move political voting away from the annual In-Lon-Schka dances.

“The best reason is to get that political process away from our In-Lon-Schka dances,” Red Corn said, who worked with the Election Board on changes to the law. Election officials have been considering the law revisions to reflect issues and events, which occurred during the 2010 general and runoff elections, as well as worse-case scenarios.

Introduced during the Hun-Kah Session this spring, the Congressional Committee on Government Operations tabled an earlier version of ONCA 11-40 pending feedback from the Attorney General’s office. The bill’s initial version called for the Chief and Principal Chief candidates to run on a single ticket as done in the U.S. mainstream elections for president and vice president.

Red Corn revised the bill after AG Jeff Jones issued an advisory opinion that requiring the Executive Branch candidates to run on a single ticket would be unconstitutional. The single ticket requirement language was removed before the final vote. ONCA 11-40 passed with an 11-0 vote with one absence by Congresswoman Shannon Edwards on Sept. 13.

In 2010, 31 Osages in total ran for six congressional seats and the two Executive Branch offices on June 7. A runoff election for the Principal Chief and Assistant Principal Chief’s office was held July 19, 2010, for those office’s top two vote-getters after no candidate received a majority of the votes cast in June’s election.

Additional changes

With the primary election language in the bill, there will also be a change in deadlines for prospective candidates to file and declare official candidacies for office. Candidates for the Executive Branch offices must file between Feb. 3 and Feb. 18 during the years of election for that branch’s offices.

Candidates for Congress must file between March 15 and March 31 to run in the June election next year. Also listed in ONCA 11-40:

• The revised bill would require an Election Board member to recuse him or herself from board duties if an immediate family member; person who lives with the board member; or a business partner.

See PRIMARY ELECTION
—Continued on Page 27

ON Congress overrides Chief Red Eagle’s veto setting rules for Congressional Special Sessions

By Benny Polacca
Osage News

The Second Osage Nation Congress overrode Osage Nation Principal Chief John Red Eagle’s veto Sept. 19, which sets notice periods and limitations in calling for Congressional Special Sessions. Congress voted 11-1 to override the veto so the bill becomes law.

On Sept. 13, Congress unanimously passed ONCA 11-58, which is an act “to establish a notice period, amendment limitations and legislation requirements for Special Sessions of the Osage Nation Congress.” Chief Red Eagle returned the bill unsigned with a written veto message stating the Constitution already lists rules to be followed for issuing a special session proclamation.

“The Constitution specifies the procedures that I am required to follow in issuing a Proclamation to convene a Special Session of Congress,” wrote Chief Red Eagle, “Only the Osage People through a constitutional amendment, and not the act of another branch of the Osage Nation Government, can change those procedures... The Constitution does not contain any provisions which allow Congress to limit the Principal Chief’s authority to convene a Special Session of Congress.”

According to ONCA 11-58, the bill sets deadlines for the special session requests (via written proclamation) to be filed at least 10 days prior to the session’s start. The advanced notice would improve time and resource management in preparing for special sessions, according to the bill’s language.

Either the Principal Chief or a majority of Congress members have the authority to request a special session by issuing a written proclamation.

Also in the veto message, Chief Red Eagle notes: “While the Constitution provides that Congress may regulate its business, the Constitu-
ATTN: OSAGE VOTERS

Make your request for absentee ballot EARLY!
By requesting your absentee ballot now, you are ensuring that your absentee ballot will be sent in the first mail out 45 days prior to Election Day. Contact the Election Office to find out more.

Make sure your mailing address is updated!
Contact the Membership Department by calling 1-800-818-6517.

Now is the time to join the Privacy Program!
You can make the choice to receive mailings from candidates. You will still be on the list of eligible voters AND still receive mailings from other Osage Nation departments. Sign up now by filling out the form found on our website or contact our office and we will mail, fax, or e-mail it to you.

OSAGE NATION ELECTION OFFICE
532 Kihekah • Pawhuska, OK 74056
Phone: (918) 287-5286 • Toll Free: (877) 560-5286
Fax: (918) 287-5292 • E-mail: electionoffice@osagetribe.org
Website: www.osagetribe.com/electionboard

OSAGE NATION ELECTION BOARD
Walter Hopper, Jr., Chairperson
Shannon Pease Lockett, Vice Chairperson
Terry Hazen, Member
Six years worth of missing BIA records prompted filing of trust case

Trust Case endured through three Osage administrations

By Shannon Shaw
Osage News

Former Osage Principal Chief Charles Tillman knew something was wrong when the Bureau of Indian Affairs was missing 67 percent of the documentation on the Osage Minerals Estate from the 1972 to 1992 accounting period.

Tillman, who recently turned 74-years-old, was elected Principal Chief in 1990, right around the time Eloise Cobell was filing her lawsuit against the U.S. Government for mismanagement of Native oil royalties. Tillman said when he and the 28th Osage Tribal Council came into office, they were told that an audit was being performed at the BIA Osage Agency on the Osage’s oil and gas records.

“What brought that on was the Cobell case,” Tillman said. “We didn’t know there were discrepancies with the [Osage] records until [the auditor] decided to pull out of the Osage audit.”

The auditor discovered that the Osage Agency was in shambles, records were everywhere, spread all over the country, and especially drawing their attention were six years of records missing during a 20 year span – from 1972 to 1992, roughly 67 percent of the records for that accounting period, according to Tillman.

Upon discovery of the discrepancy, Tillman and the council decided to take action.

“We had to look into that and see what was wrong here, under federal law, because we understood if we look at the records the records consisted from 1897 all the way up to the present time, which was 1990,” Tillman said. “We knew [the auditor] took the best accounting period – which was from 1972 to 1992 – so they would have an easier time getting to the records. Well, if they had problems from 1972 to 1992, what about 1900 to 1920? It would be worse. So, we thought we had to do something, because at that time we were the Osage Tribal Council and also the trustee, part of it in joint with the BIA, it was our responsibility to do something, which we did.”

Filing suit

Ten years after initially discovering the BIA mismanagement in 1990, Tillman and the 30th Tribal Council filed two separate suits against the United States in 2000. The first suit was on the mismanagement of the minerals estate and the second was on the highest posted price. The Highest Posted Price lawsuit sought damages from the BIA for allowing Osage oil to be posted at a lower price, allowing oil purchasers to buy oil up to $2.30 less per barrel, Tillman said.

From 1990 to 2000, Tillman and the 28th, 29th and 30th tribal councils hired and worked with Oklahoma City-based attorney Bradley Brickell.

“The reason why [Brickell] was
Wilson Pipestem finishes what his father helped start

Pipestem: ‘It’s been an honor for me to work with different Osage leaders who have had any part of the [Osage Trust] case . . .’

By Sunnie Clahchischiligi
Osage News

As night fell Wilson Pipestem would watch his father walk through the doors of their home and make his way to his home office.

Pipestem always followed, pencil and paper in hand.

“I’d go into his office and do my homework,” Pipestem said. “My father was an attorney for the Osage Tribe and he played an important role in identifying the problems that led to this case (Osage Trust Case), so I grew up following him, and so I knew what it would be like to take on this sort of case where I would see him working late nights in the office.”

Generations later Pipestem has helped finish what his father, the late Browning Pipestem, helped start.

For the last eight years, the 42-year-old Osage and Otoe-Missouria attorney has been a key conductor in the Osage Trust Case that settled last month for $380 million after an 11-year battle.

Growing up Pipestem watched his father and grandfather fight against the injustices placed upon Native people.

It is something the Washington, D.C. based lawyer said he was born to do.

“When I was a kid I always knew I wanted to be an advocate for Indian life,” Pipestem said. “My grandpa and dad were lawyers so that’s sort of where I grew up.”

Advocating for Native people has long been his specialty, but never did he imagine he would play a pertinent role in a historical Native American lawsuit as large as the Osage Trust Case.

Attorney in the making

Pipestem is a man of many backgrounds.

As a child, he, his siblings and parents moved wherever his father’s work took them.

They lived in Ralston, Pawnee, WINDOW Rock, Ariz., Washington, D.C., and eventually settled in Norman.

Pipestem said his father moved them to Norman so he could have access to the University of Oklahoma’s law library, but his mother always said they moved to Norman so they could go to OU football games.

He graduated from Norman High School and earned a full ride cross country and track and field scholarship to Oklahoma State University.

“I grew up in a sports family, my younger brother Rock was a standout athlete and so was my sister Veronica; my dad was an excellent athlete,” he said. “Both of my parents, both sets of my grandparents, were diabetics. My dad died when he was 56 of diabetes complications, that’s when he told me to keep running … that’s what I tried to do.”

He said he often thought of being a track coach especially when he realized he had enough talent to be given a college scholarship.

He even considering moving to the east coast to extend his running career but something pulled him back.

Elder abuse and fraud two things to watch for after Trust settlement payout

ON Social Services department offers help if elder abuse or fraud is spotted with Osage shareholders

By Sunnie Clahchischiligi
Osage News

For the last four years adult and elder abuse has been on the rise in Osage Country, and with the Osage Trust Case Settlement disbursements around the corner the numbers could increase.

Of the $380 million settlement, shareholders, also known as headright holders, will be paid out $155,136 for each share, most of which are owned by elders.

Those who work closely with cases of adult abuse, neglect, exploitation and/or fraud said they have ample concern for those elders who will be receiving large amounts of money.

Louis Gray, Interim Director of the Osage Nation Counseling Center, said it’s important for the Nation and its people to look out for the older crowd who may fall victim to such abuses.

“There are going to be people who are going to try to separate (elders) from their money,” Gray said. “It’s more just concern about tribal readiness to meet this challenge, if there’s anything we can do, I certainly want to be a part of any kind of remedy, to make sure our elders are protected.”

In the last four years claims of adult abuse, neglect, exploitation

See ELDERS ABUSE AND FRAUD
—Continued on Page 22
There’s help when buying a home in Native America

HUD’s Section 184
Indian home loan gives advantage for Native families looking to buy a home

By Shannon Shaw
Osage News

Leonard Wadena thanks God every day he goes home.

Wadena, who lives on the White Earth Reservation in Naytahwaush, Minn., just bought his first home at the age of 49. Something made possible with the Housing and Urban Development’s Section 184 Indian Home Loan Guarantee Program.

“I love it,” Wadena (White Earth Ojibwa) said of Section 184. “It gave me buying power, because that was a $10,000 grant (essentially), and so it gave me the equity already into my home that I didn’t have to put up. I didn’t have to put up any deposits, I didn’t have to pay a down payment.”

The Section 184 Indian Home Loan is a mortgage product for American Indian and Alaskan Native families, Alaskan Villages or tribally designated housing entities, according to the HUD Web site. The U.S. Congress established the program in 1992 to facilitate homeownership in Native American communities.

Native American families have been very successful in the State of Oklahoma in obtaining a Section 184 Indian Home Loan, said Michelle Tinnin, Native American Program Specialist with HUD’s Southern Plains Office of Native American Programs in Oklahoma City. In fact, Oklahoma Natives produce approximately 42 percent of the program’s business each month.

Tribally owned lending institutions

However, a Section 184 home loan isn’t always guaranteed. Living on trust land, or having bad credit can deter lenders who aren’t educated on the loan.

When Wadena first tried to get a home loan, he used the USDA Rural Housing Development program. Everything looked great until the bank he was going through realized his home was on tribal trust land and backed out six months into the process. The bank said that since the home would be on tribal trust land it would be considered a construction loan and not a home loan. Undeterred, he tried his local bank but with the same result.

He looked into Section 184 and saw that the Leech Lake Ojibwa tribe, located in Cass Lake, Minn., northeast of White Earth, was an approved lender. The Minnesota Ojibwas receive more than $10 million in federal funding and have their own lending institution.

The Ojibwas approved Wadena’s loan and carry the note on his home, he said. When he makes his mortgage payment, he makes it to the Ojibwas. If Wadena is to default on the loan and foreclose, the Ojibwas will own his home since the Section 184 program is a guaranteed mortgage lender. Since Wadena is from the White Earth reservation, the Chippewa’s offer the foreclosed home first to the White Earth Tribe to purchase, and if White Earth doesn’t want it, they put it on the market.

“So they’re like a real estate agent too,” Wadena said. “That’s why Section 184 is such a wonderful program.”

Homebuyer education

Wadena says educating tribal members is vital.

Wadena was at an advantage when he bought his home. Not only is he an employee at the White Earth Housing Authority, he’s also Pathways Home certified – twice-certified in fact – which is a home-buyer education course offered by the National American Indian Housing Council.

Tribal members in the small White Earth reservation town of Naytahwaush – population less than 1,000 – own only about 10 percent own their homes, the rest rent, Wadena said.

Wadena said Section 184 is like having Microsoft Chairman Bill Gates co-sign for your loan, it’s a guaranteed full payment on a home for the lender. He hopes in the future that lending institutions won’t require a credit check on Section 184 in order to help Native Americans with poor credit scores.

“[When tribal members pay their rent] we’re used to doing handshakes, cash, ‘I don’t have a bank account,’ ‘I don’t have a savings account,’ ‘I’ll pay you Friday,’” Wadena said. “So nobody’s built up any credit at all.”

The White Earth Housing Authority requires all employees to become Pathways certified and offer their tenants home-buying courses, financial language courses and courses on Section 184.

The classes aren’t difficult, said Wadena. The classes are aimed at educating potential homebuyers.

Soon, the White Earth Housing Authority is going to require all their tenants to take the courses.

Osage Housing Authority

The Osage Housing Authority, located in Pawhuska, offers a Credit Builder Loan Program. A six-month program targeted at those trying to establish or rebuild their credit score. The program is a six-month loan of up to $500 to target past debt on the applicants credit report that could be paid off, said Ryan Malone, OHA loan officer.

Another program offered by OHA is the Individual Development Account Savings Program, which is to assist participants in purchasing post-secondary education and homeownership assets. The program offers matched savings accounts, which help participants make asset purchases – such as for post-secondary education and homeownership – more quickly than if they were saving money on their own. These programs are coupled with financial education classes and assist participants to continue to develop a savings habit, Malone said.

See HUD’S SECTION 184 —Continued on Page 21
FREE OUTDOOR CONCERTS
GATES OPEN AT 4:30 PM
All ages welcome. Bring your own chairs. Rain or shine. No outside coolers, food or drinks allowed.

**SKIATOOK**
Friday, October 7
5:30 PM Wanda Watson Band
7 PM Mike Black & The Stingrays
8:30 PM Jumpshots

**BARTLESVILLE**
Friday, October 14
5:30 PM Admiral Twin
7 PM Retro Rockerz
8:30 PM Red Dirt Rangers

**PAWHUSKA**
Saturday, October 29
5:30 PM Black Water Band
7 PM Sextion 8
8:30 PM Hell or High Water

**PONCA CITY**
Saturday, November 5
5:30 PM 60 West
7 PM Kinsey & Co.
8:30 PM Morrison 33

**HOMINY**
Saturday, November 12
5:30 PM 98 in the Shade
7 PM Michael Todd & The Wild Frontier Band
8:30 PM Thomas Martinez
hired was he had just represented a royalty owner in Texas and whipped Exxon Mobil and he represented this Texan and got millions of dollars,” Tillman said. “Plus he’s a litigator and an oil and gas law expert.”

Brickell came on board and assembled a team of oil and gas experts.

“We had three problems, one was with the government. [The auditor for the Osage Agency] would not release the records to us and we needed those. Second, some of our storage was in the old council building, down in the basement, we had some records stored there. But also, some of those records were intentionally burned,” Tillman said. “They were burned by the Bureau of Indian Affairs, in an old incinerator that was outside the [Indian Health Service] building, there’s a lot of Osage people that saw that at the time and went out and got some of those burnt records and we still have some of those – some still have them in their safety deposit boxes.”

The third problem was to identify where the Osage oil and gas records were. The U.S. government told them there were records stored in Ft. Worth, Texas; St. Louis, Mo., and New Orleans, to name a few.

“[The Brickell firm] had to go search, literally, go through boxes and boxes of [data] that pertained to this oil and gas mismanagement,” Tillman said. “But we did all these things, and all the work [the attorneys] put in on this got us ready to file the case.”

According to Tillman, the Brickell team presented a summary of evidence to the U.S. Department of Justice in Washington, D.C. in the spring of 2002.

The Deputy Secretary at the time, Steven Giles, stated he wanted to start settlement discussions as soon as possible and did not want to go to trial, Tillman said.

Tillman said the meeting with Giles was the last action he and the 30th Tribal Council took on the case. And the last settlement number they discussed was $2.5 billion.

But time ran out, he said, and the election in June of 2002 brought a new chief.

**A new chief and new counsel**

In 2002 an Osage Election took place that changed the course of both lawsuits. Tillman lost his bid for re-election when Osage shareholders elected Jim Gray. A 40-years-old, Gray was the youngest person to be elected chief in Osage history.

Once Gray was chief, he and the 31st tribal council replaced Brickell with Wilson Pipestem, an Osage/Otoe Missouria Washington, D.C.-based attorney and Akin, Gump, Strauss, Hauer & Feld, LLP.

“We switched attorneys...it wasn’t based on any other reason but for the case this size, that possessed the potential that it did, there was no other way we were going to possess the victory that we had with the resources the 31st tribal council put in there,” Gray said. “This was before we had gaming money.”

The law team merged the mismanagement case and the highest posted price case into one – under recommendation from Federal Judge Emily Hewitt, who was assigned the case in 2005. Judge Hewitt said it would be easier in her court, said Gray and both cases then became the Osage Trust Case.

“No disrespect, to the former counsel and former chief,” Gray said. “It was the entire wish of the 31st council to change legal teams.”

It wasn’t simply enough to say they needed new counsel, Gray said.

“It became a matter of, ‘who could demonstrate both the legal and political expertise to carry a case like this to victory even though it may take years to litigate,’ especially under a contingency agreement? The combination of Akin Gump and Pipestem presented an easy answer.”

The Osage Trust Case was filed in the U.S. Court of Claims placing the burden of proof with the tribe.

“The Court of Claims allows claims to be brought against the U.S., but the burden of proof falls on the plaintiff. That means the Osage had to prove their case,” Gray said. “Which we did in my administration.”

**Osage Nation**

When the new government was passed in 2006, Gray and government officials were tasked with integrating the ongoing litigation under the new Osage Constitution. The creation of the Osage Trust Team was established, with three members of the Minerals Council and single representatives from the Nation’s legislative and executive branches.

“We ensured the court and our opposition that the Nation was united in its effort to win this case, plus,” Gray said. “We were defending ourselves from those who sought to divide our people by filing motions to intervene or defending motions from the U.S. to say we didn’t have standing. We successfully overcame those issues and continued to prosecute this case with our new government intact.”

Gray said he knows that there was a lot of confusion during that time and a lot of misunderstandings are still out there about his administration’s intent.

“I know a lot of people didn’t understand at the time why we did it, but our only goal was to set it up in such a way that the minerals council representatives would always be in the majority, to provide the strategic legal direction of the case while the Nation’s representatives would provide legal/political cover to fight back claims the Minerals Council did not have standing to file this case,” Gray said. “The Osage tribe/nation was the plaintiff and under federal law the shareholders were the beneficiaries of that settlement. Nothing in the new Osage government was going to change that fact.

“I took a beating politically over that, but I was more concerned about winning the case then winning an election,” Gray said.

**Promises**

Gray was aware of promises made of settlements ranging in the billions from the previous administration, which he attributed to “imagination at work.” He told the Nation’s attorneys not to oversell the settlement because he would rather be guilty of under-promising than promise too much.

“[President Barack Obama’s] election was a huge impact on the future of the settlement,” Gray said. “Thank God we got that judgment on Tranche One last year because that set the ground work for the settlement.”

Gray was chief for eight years of the Osage Trust Case, in which he quipped, “Eight years on the case – in dog years, it was more like 56.”

During the course of Gray’s tenure as Chief, he said he accepted several appointments that put the Osage’s tribal interest in settlement and trust reform on boards that were working on the issue from both a political and legal level.

Gray served as a member of the Board of Director of Native American Rights Fund, (2003-2007), Office of the Special Trustee Advisory Board, (2002-present), Elected to three terms as Chairman of the Inter-Tribal Monitoring Association on Indian trust funds, (2004-2006) and he was Co-Chairman of the Cobell Settlement and Trust Reform legislation at the request of Sen. John McCain (R-Arizona) and Sen. Byron Dorgan (D-North Dakota), (2004-2006).

Senator McCain and Senator Dorgan introduced Cobell Settlement and Trust Reform legislation based on input from the Osage Nation. They were separate settlement agreements estimated at $7 billion, with the Osage getting a significant percentage of that $7 billion, Gray said. Unfortunately, the Bush Administration did not support the bill and the legislation died.

See MISSING RECORDS
—Continued on Page 23
Wilson Pipestem

“It just seemed too far from home,” he confessed.

So he moved to California instead. “I wanted to get into Stanford, my dream was to get into Stanford and I did,” Pipestem said. “It was a great educational experience and well worth the investment to go there.”

He graduated from Stanford Law in 1995 and began his law career in D.C.

In 1999 Pipestem joined Wheat & Associates as a senior vice president where he helped develop the firm’s tribal practice. In 2001 he co-founded Ietan Consulting and the Pipestem Law Firm, where he is currently the managing partner, according to the Ietan Consulting Web site.

Representing the People

Eight years ago former Osage Nation Principal Chief Jim Gray requested a meeting with Pipestem about representing the Osage Nation in the Osage Trust Case that was sure to take years.

Gray said he didn’t have to think twice about bringing Pipestem on board because of his effectiveness with other tribal cases and his own tie to the Osage people.

“He was one of the growing number of American Indians moving into the lobbying profession. He came from a proud, strong, Osage family whose family were leaders in Indian issues. (He had) the proper upbringing (being) both Native and coming from a law background,” Gray said. “We hired him to be the tribal lobbyist in addition to being on the litigation team for the Trust Case.”

Pipestem was beyond thrilled.

He said after speaking with Gray he met with the 31st Osage Tribal Council and talked about the status of the case. Pipestem said it didn’t take much for him to accept the challenge.

“It was an honor for me to be asked to work on the case and to represent the Osage tribe,” Pipestem said.

Shortly after Osage Congressman Archie Mason became Speaker of the First Osage Nation Congress in 2003, he flew to D.C. and met the team, including Pipestem.

Mason said he’s known Pipestem since he was an infant. He said he knew his father and grandfather and watched him return to Grayhorse for the Osage ceremonial dances every June. He followed Pipestem’s career as a runner for OSU and later when he went on to law school.

He said seeing Pipestem in the tenacious political world filled him with confidence.

“(He was) pretty much on a first name basis with many of the aides in many of our congress’ offices and our congressional offices; [the] senate office from our Oklahoma delegation knew him and I was very glad to see that we had him not only representing us as Osages but other tribes as well...” Mason said. “I was very impressed that he had made himself a place there – and that especially as he was carrying the colors, as you might say, of the Osage, through this piece of litigation for our legal pursuits, he was in a good place for us and represented us well.”

Elizabeth Homer, Homer Law Firm Executive and Osage attorney also in D.C., said Pipestem is well known in the legal arena, especially when it comes to Indian law.

She said he is respected for a number of reasons including the mentorship he provides to up and coming Indian attorneys and advocates.

“Wilson Pipestem is well known and respected in the circle of lawyers and lobbyists that serve Indian Country from offices here in D.C.,” she said. “He is known for his courtesy, civility, and professionalism, yet he also is a strong and ardent advocate for his clients. Finding that balance isn’t as easy as one might think, and achieving it says a lot about a person’s character.”

But the level of respect those have of Pipestem doesn’t stop in the political terrain.

The Osage Iceman

Those who know Pipestem know him to be reserved, witty and smooth.

It’s a demeanor not often found in the jungle of politics and law, but it is something Pipestem has going for him.

Gray said it’s a character many other tribes find alluring, which is why Pipestem is often sought out for legal aid for many tribes across the country.

“(He’s) not flamboyant, talkative, but he rarely makes a mistake – he’s like Iceman, from the movie Top Gun,” Gray said. “A lot of tribes across the country, they value that.”

Some might say that’s something he learned in law school or from having walked around the political circle a time or two.

But when one gets to know the modest Pipestem they are quick to learn that it’s his humble upbringing that makes him a stealth weapon for any legal team.

Every June, for the entire 42 years of his life, Pipestem has made the trip back to Osage Country to take part in the ceremonial dances held in June.

He takes time out of his busy schedule to dance in the severe Oklahoma heat because being Osage, that’s just something you do.

“Forty two years now I’ve been to Grayhorse, I can never not be at Grayhorse,” Pipestem said. “Even when I was just a few weeks old it was priority for my parents to make sure that I was there. The idea of not being there is, I’ve never had an idea of not being there, I look forward to it.”

He said attending the Grayhorse In-Lon-Schka has always been a priority for him and his entire family. He said it’s there, where he and others have learned life lessons.

Pipestem also serves as a board member for the Nike N7 Foundation. The organization receives funds from Nike N7 products sold and distributes them to tribal communities who apply for grants. He is also the chair for the Notah Begay III Foundation and has been with some of golf’s superstars including Tiger Woods.

Pipestem is also a husband to Brenda Toineeta Pipestem, Eastern Band of Cherokee, and father to four children: Truman Pipestem, 10, Parrish Pipestem, 8, Mattea Pipestem, 5, and Kayla Pipestem, 2.

Pipestem said while there were many difficult parts of the working on a case as large as the Trust Case, the time spent away from his family was probably the hardest.

“There were times of great stress related to the amount of time that would go into some, or part of the case, or having to approach a judge – and there were times I spent away from my family,” he said. “That’s been the most difficult part of putting the time in and sometimes the travel... knew that having a big case, the sort of burden I would take on.”

Watching his father do the same thing, he knew what he was getting into.

He said he watched many elders and older folks, who strongly followed the case, pass on and listened as some of his own relatives anxiously awaited the results of the case.

“The outcome of the case was much more personal to me, how the case developed and how it led to what I believe is a successful outcome was much more personal. The impact on the individuals and Osage headright holders including my relatives and people I was close to,” he said.

“The pressure of having your aunts, uncles, people who you rely upon in your day to day life look to you for answers about the case can be a heavy burden.”

But in the end it was all worth it.

“It’s been an honor for me to work with different Osage leaders who have had any part of the [Osage Trust] case, the Trust Team and tribal leaders...toward a common purpose and goal.”

As the settlement comes to a close Pipestem can look back at the 11-year battle that actually started more than 42 years ago, way before those late nights he spent in his father’s home office.

--Continued from Page 16
Osage Nation

Currently, the Osage Nation Housing Department doesn’t offer home-buyer education courses but they will help potential homebuyers with any questions they may have, said Jason McBride, Homebuyer Manager and Compliance Assistant.

The Nation offers down payment assistance for homebuyers that have low to moderate incomes. For example, a family of four would have an income limitation of $51,350 to receive help from the Nation for their down payment.

If an individual makes too much money, then McBride gives them the option of the Section 184 Indian Home Loan Guarantee program because it is not based on an individual’s income.

McBride said the Nation gets a certain amount of funding every year for a home ownership program where the tribe buys the house and carries the note. But, there’s an extensive waiting list, he said.

Another program Osages can take advantage of is the housing department’s rehabilitation program on privately owned homes, he said.

ONHD director, Andrea Kemble, did not respond to repeated requests for this article.

Section 184 eligibility requirements

Eligibility for Section 184 requires that the individual must be an Enrolled Member of a Federally recognized Tribe, descendant cards or CDIB cards do not meet this criterion, said Michelle Tinnin, Native American Program Specialist with HUD’s Southern Plains Office of Native American Programs in Oklahoma City. The home must also be located in an approved area. Once those two items are met, the individual must then go through the credit analysis by the lender.

The Section 184 program requires the home be “owner occupied” and the Native American borrower must be in first position on the loan, she said.

There are many advantages to using Section 184, Tinnin said:

- Low Down Payment: 2.25 percent on loans over $50,000 and only 1.25 percent on loans under $50,000.
- Low Interest Rates: based on market rates, not on applicant’s Credit Scores
- Manual Underwriting: The Program utilizes a hands-on approach to underwriting and approval opposed to automated decision-making tools.
- Growing National Network of Approved Lenders: HUD’s network of approved lenders includes national companies and local banks to suit home buyers needs. Lenders have also been trained on the unique circumstances of Native homeownership.
- No monthly mortgage insurance: a one-time 1 percent up-front guarantee fee is paid at closing and can be financed into the loan.
- Protection from predatory lending: HUD monitors the fees the approved lenders can charge Native borrowers. Section 184 loans cannot be used for Adjustable Rate Mortgages (ARMs).
- Knowledgeable Staff: HUD’s staff understands the unique circumstances associated with lending on Native Lands and they work with borrowers to achieve home ownership and to avoid default and foreclosure.

Tinnin advises potential homebuyers wishing to use Section 184 to choose a lender from HUD’s approved lender list on their Web site.

“HUD strongly encourages everyone who wants to buy a home to attend a no or low-cost homebuyer education class offered by a HUD-approved housing counseling agency,” Tinnin said. “The homebuyer counseling class would increase their knowledge of the process and will allow individuals to understand the terminology utilized in the loan process.

“It will also teach them how to understand the Good Faith Estimate and all of the other disclosures they will be asked to review,” she said.

There are 33 approved counseling agencies in Oklahoma.

Homeownership

As for Leonard Wadena on the White Earth Reservation, he’s enjoying his brand-new modular home.

“Home ownership to me is . . . very ecstatic, very happy about it. I thank God, our Creator, every day I come in to my home and it’s mine,” he said. “Every day I go home and I think, ‘Thank god for what I have coming home to.’ Because not everybody has that.”

To view HUD’s approved lender’s list visit: http://portal.hud.gov/hud-portal/HUD?src=/program_offices/public_indian_housing/ih/homeownership/184/lender_list

To view HUD’s approved counseling agencies visit: http://www.hud.gov/offices/sfh/hcc/hcs.cfm?webListAction=search&searchstate=OK

For more information on Section 184 visit: http://portal.hud.gov/hud-portal/HUD?src=/program_offices/public_indian_housing/ih/homeownership/184/borrowers

For more information on NAIHC, Pathways Home Training, and NAIHC’s Oklahoma City Expo Saturday, Sept.24, visit: http://www.naihc.net/

For more information on the Osage Nation Housing Department’s services, call (918) 287-5310.
Elder Abuse and Fraud

and/or fraud has gone up, according to Osage Nation Social Services Director Lee Collins.

Collins said the number of referrals of adult abuse have continued to pick up and could peak once the checks start rolling in.

“We really haven’t kept statistics that long but I can tell you that in 2008 we, this office, had received eight referrals for adult abuse or neglect. By 2010 that number had jumped up from eight per year to 47 per year and today (Sept. 16) Shawna Ware has already taken four new referrals, just today,” Collins said.

Collins and Shawna Ware, Adult Social Services Specialist for the ON Social Services department, work extensively in the Adult Protective Services program. The program investigates abuse, neglect, exploitation and/or fraud of Osage adults everywhere.

While the program isn’t solely centered on elder abuse and exploitation or fraud, Ware said the program often sees more and more referrals with concerns of possible elder abuse.

“(The) majority of ours end up involving money in some sort or another, whether it’s abuse or exploitation, it generally comes back to the money and or medical care,” she said.

Gray said once the settlement disbursements are made, anyone and everyone should look out for those Osage elders who might be more vulnerable than others.

“We don’t need the Osage Nation to do all of the work, everyone should be mindful of unusual [phone] numbers that come in...scam artists....” he said. “If they have strange [phone] numbers calling [elders] they can ask ‘can my son, nephew give you a call back and get more details?’”

When it comes to financial exploitation, using someone else’s money for one’s own gain, Ware said the signs are fairly obvious.

“[It] means you’ve actually used someone else’s money to buy yourself something, to pay for your own utilities, etc., and neglecting to pay for the person who is actually the owner of the [money] debts and well being,” Ware said. “With your financial exploitation you’re almost always going to see a neglect in the care too, so you’re caretaker neglect and your exploitation almost always go together because they neglect them in some way or another, so that they can have the benefits from the money.”

Looking for signs

The list of possible signs of elder abuse is nearly limitless but signs of abuse and financial exploitation can be obvious.

Ware said it’s good to look for signs of isolation; a caregiver or the person themselves may be isolating themselves from people they normally are in contact with. Conflicting stories between a caregiver and an individual about an incident is also something to look out for.

More visible signs could be when the victim has a brand new and/or expensive vehicle in their driveway when they are bedfast or blind even.

Ware said important things to watch for between caregivers and the people they care for is that their needs are met. Such as having food in their refrigerator, their medical needs are being met, they have utilities, and their home is being cared for.

“But there are some people [whose] basic needs are not met and they’re giving money to other people, that is where your self neglect comes in,” Ware said. “Where the financial neglect comes in, and this is a big one that I’ve seen at the tribe, with financial neglect, your person’s bills, it’s almost always a nursing home bill, it’s not being paid, but the person responsible for paying that bill isn’t actually benefitting from the money not being paid out yet. It’s still in the account, it’s just not being paid to the nursing home for a reason, they eventually get benefit from it... that’s a neglect – they neglect to pay for their care or a debt that they owe.”

Lee said in some cases a victim may have enough money to cover their daily needs and then some, but a perpetrator is still using their funds for their own gain. When this is the case the perpetrator is still in the wrong.

“You hear of people who have ill fitting dentures, broken glasses, but yet they’re daughter might be driving a new car courtesy of this person who’s going around with a broken upper plate, or broken glasses, not getting routine medical care,” Collins said. “When you consent, you’re not able to let your own needs go to do that, you still have to meet your basic needs.”

Taking action

For the last eight years Ware has trained bank staff, home health workers, BIA representatives and others to be mandated reporters.

She said just about anyone can call into Social Services or public emergency contacts to make a referral. Once a referral is made Ware conducts an investigation.

Ware personally goes to the victim’s place of residence and conducts her investigation, which isn’t as intimidating as most think it.

“Most of the time we’re not looking to press charges, we're looking to strengthen and heal that family and work it out within the family,” Collins said. “Our approach is not punitive, there are times that the circumstances are so blatant it has to [be], and it’s a criminal offense.”

Ware said that most financial exploitation situations she investigates are minor.

“Most of them are solved by a service plan,” she said.

The service plan is provided by Social Services only if a referral has been made stating that a shareholder is not capable of handling their affairs, which may include financial trust affairs.

Typically, shareholders are automatically given IIM accounts that allow them to choose when and how their money will be disbursed. The IIM account is something Ware says can help in financial exploitation situations.

“Every bit of the headright money is funneled through the IIM trust account...it either is distributed automatically at the quarter to the person or they can choose to have it voluntarily held and have it distributed monthly which a lot of people do,” Ware said. “It will help out a great deal with anybody who has issues budgeting their money.”

But after a referral is made about someone having trouble managing their trust money Social Services conducts an investigation to determine if an individual has the ability to manage their own affairs, and the Nation provides case management for supervised IIM account holders.

Ware said as a long as a client is a Osage shareholder with a supervised IIM account in the service area, which is the state of Oklahoma, Kansas, Texas, Arkansas or Missouri, or Native American, the Adult Protective Services manages the trust income for the client.

After a referral and investigation has been made Ware then compiles the information needed to begin a service plan for the client.

“You take their debts, all their financial obligations whether it’s the electric bill, the cable bill, loans...she [Ware] gather’s all that information, she sets up a plan, this amount gets paid monthly...she lays it all out in what she calls a distribution plan, including allowance for different things for the people for their health and well being,” Collins said.

Osage or Native Americans who don’t already have an IIM account can contact their local BIA agent for details on how to obtain one.

Elder Abuse Grant

While the tribe does have a special service in place for adults of all ages

—Continued on Page 23
Missing Records

Trust Case comes to a close

The Osage people elected John D. Red Eagle in 2010 as the new Osage Nation Principal Chief. That same year Osage Congressman Archie Mason stepped down as Speaker of the Congress (he was on the trust team for four years) and was replaced with Congresswoman Jerri Jean Branstetter, newly elected Osage Minerals Councilman Dudley Whitehorn (who became the Trust Team Chairman), Galen Crum and Councilwoman Cynthia Boone. This new trust team negotiated for months after Judge Hewitt made her ruling for Tranche One.

The trust team met with the Solicitor General of the U. S. Department of the Interior, Hilary Tompkins; Assistant Attorney General for the Justice Department’s Environment and Natural Resources Division, Ignacia Moreno; and Principal Deputy Assistant Attorney General of the U. S. Department of Justice, Robert Dreher, according to a prepared release from the Chief’s Office.

“In the negotiations process, what I was concerned about was – were we going to reach the number that we really wanted. I am happy to say that we did,” Red Eagle said in the release. “As a result of these meetings, we reached a settlement in the amount of $380 [million]. Regarding the settlement, I feel that the Osage shareholders received the best amount we could possibly get.

“The settlement is a significant achievement. There are about 80 trust cases in the Court of Federal Claims and we are the first tribe to reach a settlement with the government,” he said. “I wish to credit and praise the considerable contributions of the Minerals Council trust team, Speaker Jerri Jean Branstetter, Principal Chief Tillman, Principal Chief Gray and the 30th and 31st Tribal Councils, without whose efforts this settlement would not have been possible.”

Elder Abuse and Fraud

under the Adult Protective Services program, Gray thought it needed something a little more specific.

The Nation’s Counseling Center recently requested funding for an Elder Abuse Grant within their budget but was denied, due to lack of funds.

Gray said the grant would have provided various services for elders all the way around, including the option to help them better manage their finances.

“We didn’t get funded for that but we felt like the need was there. Our elders deserve all the protection possible from the counseling center,” Gray said. “The grant was for elder abuse, all kinds of abuse; physical, mental, financial, to care keeper abuse. We were going to have two administrative assistants and case managers go out into the community and work with Social Services to identify people who might be at risk, giving them a ride, to advocating for them.”

Gray said the community has to come together to help look out for the elders once the Osage Trust Case settlement checks come in.

“Bad guys read the paper too…do some due diligence, we can do that for our elders,” he said. “This is more money they’ve ever had in their life, we want to make sure they don’t get scammed.”

For more information on Adult Protective Services and supervised IIM accounts contact Shawna Ware at (918) 287-5340.

Letters to the Editor Submissions

If you’d like to submit a letter to the editor, mail it to the Osage News, Attn.: Shannon Shaw, 109 E. 6th Street, Pawhuska, OK 74056 or email sshaw@osagetribe.org. Letters must be respectful and informative to the reader, and may be edited for grammar, clarity and space.
Pay for performance listed in Chief Red Eagle’s FY 2012 budget

By Benny Polacca
Osage News

Congress passed the FY 2012 budget for Chief Red Eagle’s office with an 8-2 vote Sept. 30.

After facing Congressional budget meetings and debate, the Chief’s budget (ONCA 11-88) was amended to include $19,047 in pay for performance pay for his office’s appointed staffers. This amendment adds a 4 percent increase in salary for those appointees who have worked in the Chief’s office for over a year, Atterberry said.

In accordance with ONCA 10-85 (Merit Pay for Performance law) and the Constitution, the Nation’s elected officials (in all three branches) will not be subject to the pay for performance compensation system. The salaries for Chief Red Eagle and Assistant Principal Chief Scott Big-Horse will remain at $95,000 and $71,250 respectively in ONCA 11-88.

Congressman Eddy Red Eagle (who is sponsor of the merit funding and FY 2012 budgets) said the 4 percent increase to appointee salaries were “done in the spirit of compromise” as earlier salary amounts were debated.

According to ONCA 10-85, the Chief’s Executive staff employees are exempt from the pay for performance system, but they are eligible for an annual bonus at the discretion of the Chief.

During the Sept. 30 session, Congresswoman Edward objected to ONCA 11-88, stating she believed “there’s too much fluff in it... I’m pushing for progress, I'm pushing for uniformity – this is about running an office. These people are supposed to be advisers to the Chief... I don’t think this is the best use of the money, so I will be voting no.”

ONCA 11-88 passed with eight “yes” votes while Edwards and Congressman Daniel Boone voted “no.” Congressman Archie Mason was absent that day for a medical condition.

Also during the Sept. 30 session, the Congress voted to issue merit-based increases in salaries for the Congressional Office’s current three staffers which include the Congressional Clerk, in-house legal counsel and budget analyst totaling just under $31,500 during the motions/notice portion of the Congressional session, which is typically just before adjournment.

The salary amounts totaling the $31,500 amount is for the mid-point amounts of the staffers’ salaries, said Red Corn who is Second Speaker and chairman of the Congressional Affairs Committee, which considered the salary adjustments in a 9 a.m. meeting held just before the day’s session.

The Congress approved the midpoint salary adjustments after discussion and debate. In his Update e-newsletter on Oct. 4, Red Corn addressed the vote on the legislative employee salaries. “We did not take this matter through the Human Resources department, nor did we consult any other authority on the raise,” Red Corn wrote. “This raises a key question: if Congress doesn’t, why should Executive? Can’t they then make the same non-process decisions without the input of the Human Resources department?”

The Congress considered the salaries with several members noting the staffers worked under dire conditions during the Tzi-Zho Session with one staffer quitting just after the session started Sept. 5 and another temporary staffer was sidelined due to injuries received in a car accident.

Atterberry and Walters took issue with the Congressional staff salary adjustments, noting the HR department did not see the Congressional staff job information to consider the salary adjustments. “We have to talk to the Chief,” she said when asked if the Executive Branch would take any action on the Congressional staff salaries. Atterberry also noted the 4 percent increase to the Executive staff salaries is considered a compromise especially considering some of the salaries were found to be under the market rate.

The Tzi-Zho Session ended its 24-day run on Oct. 3, but the session was extended through Oct. 6 for an additional three days.

Market raises and education bonuses cornerstone of Merit implementation

By Benny Polacca
Osage News

Many things are changing in the Nation’s Executive Branch as employees will receive Merit Pay for Performance bonuses for the first time in the Nation’s history.

Delary Walters, who compiled the market raises and education credit bonuses for the new merit system, is now the Nation’s Human Resources director. Her first day was Sept. 29. Former director Bill Foster remains in HR as a senior adviser. Clint Hill, who previously served as controller in the accounting department is now the HR benefits analyst.

Walters was originally hired as the compensation analyst during the summer and spent her time getting acquainted with the government system and worked with department directors in updating employee salaries for the merit system.

Walters said she started the salary adjustments by reviewing the employee job descriptions submitted by the directors and she used up to seven individual surveys to research salaries, which include Department of Labor statistics, payscale.com, and two tribal entities.

Walters said she used the Nation’s proximity location and size of organization to judge market raises. For example, she said “you can’t use ConocoPhillips (to measure against the Nation) because it’s a huge organization, you have to use one that’s normally your size.”

Market competition is also a salary consideration, she said.

In researching the salaries, Walters said three salary figures were considered: the minimum, mid-point and maximum. The minimum is determined by the current market rates, the mid-point and maximum rates are determined by a percent-

age starting from the minimum rate, she said.

Walters said if the survey recommends a salary increase to the current market rate, the salary amount at issue was increased to the minimum figure. If the current salary is above market value, that amount was frozen and no increase given.

In the merit funding bills, money is also designated to employees eligible for education credits based on their degrees earned. During the Congressional committee budget meetings, Walters said employees would be eligible for a percentage increase in pay with bachelor’s degree holders earning 10 percent extra; master’s degree, 15 percent; and professional degrees, 20 percent.

The merit employment system legislation (ONCA 10-85) calls for an

See MARKET RAISES
—Continued on Page 27
Osage Sports

Huskies punish the Bucks in Battle of the Osage

Pawhuska beats Hominy 39-6

By Sunnie Clahchischiligi
Osage News

This year’s Battle of the Osage victory goes to the Pawhuska Huskies.

In a 39-6 win over the Hominy Bucks (1-2) last Friday, Pawhuska (2-1) earned its bragging rights for the next year.

Coming off a tough loss to Perry the week before, the Huskies were ready for the highly anticipated crusade.

Pawhuska head coach Eddy Scott said his team tied up some loose ends and felt prepared for the game.

“We had a good week of practices, the kids were ready to play, we had one fumble that we lost,” Scott said. “But we did a good job defensively and shut them down, and our offense took off and we scored 39 points.”

Early in the first quarter, less than 20 yards from scoring the first touchdown of the game Pawhuska fumbled the ball giving Hominy the upper hand.

But the young Hominy Bucks had mistakes of their own leaving Pawhuska to score first with 2:58 left in the first quarter.

The Huskies inched their way down the field before Pawhuska senior Gene Big Soldier snuck into the right corner for a touchdown, putting Pawhuska on the board 7-0.

Hominy coach Scott Harmon said he knew Pawhuska would execute well since they were coming off of a tough loss at home.

“I knew that they’d be ready to redeem themselves,” Harmon said. “We just wanted to come out and kind of eliminate some mistakes. We were just going to try to go in and play sound defense.”

But they found it hard as Pawhuska unleashed its relentless offense.

In the second quarter alone Pawhuska scored two more touchdowns, putting the Huskies up 20-0 at the half.

But in the third, the Bucks didn’t waste anytime getting back into the game.

Hominy sophomore Wyatt Ray made a 34-yard run for the Buck’s first touchdown of the game, putting them on the board 20-6 with 10:39 left in the quarter.

With 6:07 left in the third, Pawhuska answered back with a touchdown by Pawhuska junior Zakary Wilson. The Huskies led the Bucks 26-6 at the end of the third.

Scott said while his team took advantage of some of Hominy’s mistakes they carried out their game plan well.

“About 95 percent was just doing what we asked of them,” Scott said. “I got to give credit to their coaching staff. It’s a fun atmosphere, a great atmosphere, it’s the Battle of the Osage.”

Informat I on:

Osage Shareholders
Association

November 20, 2011 • 1 pm
Dave Landrum
Community Center

Thanksgiving Dinner, please bring side dishes/desserts

Guest Speaker:
Charles Hurlhurt, BIA
Special guests from the Mineral Council and Congress for updates
Timed agenda, new officers, new format. Come and hear Mineral updates and new information and get handouts from Mineral Council meetings held.

OSA, PO BOX 418
Pawhuska, OK 74056

Letters to the Editor Submissions

If you’d like to submit a letter to the editor, mail it to the Osage News, Attn.: Shannon Shaw, 109 E. 6th Street, Pawhuska, OK 74056 or email sshaw@osagetribe.org. Letters must be respectful and informative to the reader, and may be edited for grammar, clarity and space.
A Hominy football coach’s memory lives on in Buck Pride

By Sunny Clahchischenli
Osage News

When the purple and white pride seeps into the fall Hominy air at Buck Memorial Field, a handful of football diehards can almost see Curtis Pratt Dobbins make his way out of the home locker room.

Some who know him as “Mr. Hominy Buck” noticed him by his robust football build, others by the stern sketch upon his face.

And some, like Scott Lohah, who played under Dobbins in the 1960s, know it’s him by the chills that pulse through this body.

“I can still see him coming out of the locker room and we’re standing there and it’s 100 degrees, and he’s coming and he’s twirling that whistle,” Lohah said. “It seems like he was real well built, he looked like a professional football player.”

Dobbins, perhaps the most influential high school football coach in the area, lost his life to kidney failure in March of 1978, but his memory thrives in the Hominy Buck Pride that never seems to subdue.

When the crisp evening air marks the beginning of football season, anyone in the area who has been influenced by Dobbins can’t help but feel his presence.

This season isn’t any different.

Past players, coaches, family, friends, acquaintances and those who have simply heard of Coach Dobbins bring forth their best memories of the 36-year-old coach who believed in everything football.

A Coach is Born

Dobbins, Osage, grew up in Hominy. He was an All-State lineman for the Bucks and graduated in 1959. He played college football for Northeastern State at Tahlequah and at Austin College in Sherman, Texas. He studied to be a teacher and a coach.

And somewhere in between he considered law school, but as much as he fought football it never seemed to give up on him.

He found his way back to Hominy when funding was limited for teaching and coaching positions, so he worked in the oil fields to pass the time.

He wanted to coach at Hominy and nowhere else, but settled for a job at a New Model School between Wewoka and Seminole.

In 1966 Dobbins got his big break as the head football coach for Hominy junior high.

He had one loss that entire season and in 1967, 1968 and 1969 the team went undefeated.

Lohah was in the seventh grade when Dobbins started out as the junior high head coach. He said Dobbins made a big impression on a lot of the younger football players who couldn’t wait to play for him.

“Everybody would kind of day dream and watch his team,” Lohah said. “It was like watching a professional team, high school or college team, and we’d kind of daydream and look at what was going on.”

In 1970 Dobbins moved up to Hominy High School football and became the defensive line coach under Ron Harmon (Harmon’s son, Scott Harmon, is now the head football coach for Hominy).

Harmon and Dobbins became quick friends. When the two were in high school they played in the All-State game together and knew each other ever since.

From 1970 to 1974 the varsity team had 54 wins and 11 losses.

They went to the semi-finals twice, the finals twice and won Hominy’s first football state championship title ever in 1973.

Scott Harmon said he remembers seeing how close his father was with Dobbins. He said as a child he grew up with Dobbin’s children and respected him as coach and a person.

“He and my dad were not only coaching friends but they were best friends in life, he and dad had a lot of similarities on and off the field,” Harmon said. “He just lived and breathed and ate Hominy Buck football. Coach Dobbins, he just demanded that you do things his way, the right way.”

And his players knew it.

Lohah said when players slipped or didn’t perform to their abilities, Dobbins would have them run around the track and he would often forget about them.

He said when the team watched film after practiced they would stare at the television set in awe of how perfectly positioned and disciplined they players were.

“I think some of the players and some of the coaches tried to live up to those standards,” Lohah said. “I think a lot of people wanted to go and be coaches, I think he influenced a lot of people to be peewee coaches or full-time coaches.”

An Unexpected Surprise

Dobbins was diagnosed with kidney failure in December of 1972 and was put on dialysis in July of 1973.

He coached through his illness and never missed a day of practice or school. He was resilient.

In 1975 Harmon stepped down as head coach and Dobbins stepped in. He coached the team to a one-loss season that year and resigned before the 1976 season.

His resiliency became part of the influence he had on many of the people today.

Dobbins’ wife Lora Mae Dobbins said her husband never let his illness get the best of him.

“We were both in denial for many months because he had always been so healthy, we were so young and just did not understand the disease and expected him to get well,” she said. “We never gave up hope. He had faith that God would take care of him and his family no matter the outcome, and that faith increased with the four and a half years on dialysis.”

Curtis Pratt Dobbins died on March 30, 1978, two years after he resigned as head coach. He spent what time he had left with his two daughters Lora Beth Dobbins and Amy Dobbins. His death was unexpected to those close to him and it was one of the most memorable times for his youngest daughter Amy Dobbins.

Amy Dobbins was only seven years old when her father passed, she relives her father’s life through the memories many still have of him.

“Not really until I had my own son did I realize what my dad had done for me and what he instilled in me,” she said. “I know that’s a gift that we were given from a really young age, we were taught about pride. Buck pride, it’s a way of life and that’s what it was to him.”

Now both Lora Mae Dobbins and Amy Dobbins continue that pride as they cheer on Amy’s son Blake Bohner, who is a junior on the Hominy high school football team, every Friday night.

Dobbins’ Legacy

Blake Bohner never got to meet his “Papa Curtis” as he calls Dobbins, but with the help of what others remember he feels like he already knows him.

Bohner said stories of his grandfather have been shared with him since he can remember.

“I’ve lived through his stories... my mom just told me stories about my grandpa and how he was raised, what he was all about, how he went through life,” Bohner said. “He was a really good man. He loved his family, he loved going to go to church, he loved football, he loved track,

See COACH DOBBINS
—Continued on Page 30
Market Raises

employee protection council. “It will protect the rights of the employees... It's going to empower employees to be a part of the process,” Walters said.

According to the merit presentation, plans for the employee protection council calls for two organization division leaders, the HR director and three non-management employees. Also according to ONCA 10-85, the HR department is charged with implementing a grievance procedure to create a formal channel of communication between management and employees to resolve work-related problems.

Walters said training on the Employee Protection Council is slated for Oct. 13. “The merit system is a continuous process, not a one-time event,” she said.

For the merit system, the Executive Branch proposed hiring seven division leaders which would be responsible for monitoring seven groups of divisions based on the services each tribal department offers. Those divisions are: Cultural, Preservation Arts, Heritage and Language; Child, Family and Senior Community Services; Health Fitness and Awareness; Properties and Housing; Education and Early Childhood Learning; Public Safety; and Office Administration Services.

Not every member of Congress was supportive of the idea in having seven division leaders. The seven division leader positions had annual salaries listed between $72,760 and $82,088. Congressman William “Ku-gee” Supernaw motioned to strike the division leaders from the budgets, but the Congress eventually settled on two division leaders with a 7-4 vote during the Sept. 28 session.

Red Corn objected to the division leader position cuts noting things will not change in the government if the positions are not filled to address concerns of disorganization in some areas. He unsuccessfully motioned to change the number of division leaders to four.

During initial discussions on the merit system in the Congressional Committee on Government Operations on Sept. 20, Red Corn noted the current government system comprises one director of operations, currently held by Deidre Bigheart, who is in charge of most departments with those program supervisors reporting to her. The director of operations position will be in charge of the division leaders.

During initial budget talks in the Congressional Committee on Government Operations, Walters defended the division leader positions after Congresswoman Shannon Edwards referred to Bigheart’s role under the current government structure, stating: “Does she have time to put out fires all day? No, that’s the fire department.”

Walters said “just putting out fires all day does not make an organization run efficiently. Someone needs to be focused on the strategic plan.”

Congressman Mark Simms also disagreed the seven positions were needed. “We pour money into tribal programs each year, especially if grants are lost,” he said of the Nation supplementing money when state or federal monies are cut. “If these directors can’t manage and put out fires in their own programs, there’s something wrong.”

The Congress eventually voted to start with two division leaders on Sept. 28. Congressman Eddy Red Eagle said those leaders “will be responsible for seeing this will be all implemented, we need to start with two and evolve.” The motion to appropriate funding for two division leaders passed 7-4.

On Sept. 30, the Congress passed ONCA 11-95 which is the bill providing the FY 2012 merit pay adjustments and bonuses for the Executive Branch governmental departments and programs – one day after hearing concerns over protesting employees who opposed a proposed cut to the merit bonus budget line item. The bonus money will not be awarded until employee job evaluations have been conducted.

Edwards withdrew the amendment before the final vote on Sept. 30, which was passed by the 11 Congress members present and one absence by Congressman Archie Mason.

Before the merit funding bill vote, Congressman Geoffrey Standing Bear addressed members of the public who are critics of the merit system and its funding. “I know there’s criticism out there,” he said. “(The critics) don't see a lot of the employees in action – either that or they’re not paying attention. I've been very involved in (some local) families’ personal issues (as an attorney). I can tell you if these people are not allowed to be paid a decent salary... we have to spend more money on social programs and the court system and that means more government spending.”
News In Brief

Dr. Steven Pratt next speaker in Osage Lecture Series

Dr. Steven Pratt is the next speaker in the Osage Lecture Series held at the Wah-Zha-Zhi Cultural Center.

A professor in the Department of Communication at the University of Central Oklahoma, his research interests focus on cultural identification, as well as language and social interaction, with an emphasis on identifying American Indian and Osage communicative behaviors.

Pratt was born and raised on the Osage Indian reservation and serves as a traditional and ceremonial leader of the Osage people, and works extensively with the revitalization of the Osage language, according to a prepared release. Pratt recorded three volumes of the Osage language focusing on tribal customs, ceremonies, and day-to-day life activities. To assist with teaching and learning the Osage language, Dr. Pratt developed an Osage orthography, accompanying CD, and workbook, according to the release.

Pratt will be speaking at the Cultural Center Oct. 17 from 1 p.m. to 3 p.m. Light refreshments will be served.

The Osage Lecture Series is a collaboration between the Cultural Center, the Osage Tribal Museum and the Osage Nation Historic Preservation Office.

“‘It is my goal to continue along the career path that I have chosen and to always bring honor to the Osage Nation in whatever I set out to accomplish.’

Hamilton graduated from Tulsa East Central High School. He received a bachelor’s degree in business administration from Haskell Indian Nations University in Lawrence, Kan. Prior to becoming general manager at Osage Innovative Solutions, a subsidiary of Osage LLC, he was general manager of Osage Data from 2005 to 2010.

“All of us at Osage LLC congratulate Berbon on this important achievement,” said Osage LLC CEO Carol Leese. “We are very proud of him – his success is also our success.”

Osage Student Named Gilman International Scholar

Malia Adeleine Bradshaw, who attends St. Edward’s University in Austin, Texas, is a recipient of the Benjamin A. Gilman International Scholarship. A French language student during high school and college, the 21-year-old Osage experienced French culture firsthand by traveling to Angers, France for the spring semester.

With the scholarship assistance, Bradshaw studied at Universite Catholique de l’Ouest. She also did volunteer work at a local library teaching English to French children.

“Being immersed in a foreign culture is an incredible experience. Your perspective on life changes when you feel a connectedness to people who live in another part of the world,” Bradshaw writes. She stayed in a residence for international students and befriended students from France, the Netherlands, Luxembourg, and Russia, many who she believes will be lifelong friends.

The Gilman International Scholarship Program is dedicated to helping students achieve their study abroad goals, especially those students with high financial need, of diverse ethnic backgrounds, and who have been traditionally under-represented in study abroad. “I whole-heartedly urge all Osage students who would consider study abroad to apply for the Gilman Scholarship,” says Bradshaw who used the $5,000 Gilman award to pay for airfare, room and board, and books.

Bradshaw is the daughter of Michael and Adele Bradshaw of Austin; the granddaughter of Buddy and Jeannine Bradshaw of San Antonio, Texas; and the great granddaughter of the late Scott and Nellie Bradshaw of Skiatook. Information regarding the Benjamin A. Gilman International Scholarship may be found at www.iie.org/Programs/Gilman-Scholarship-Program.
Births and Celebrations

It’s a Boy!

Lilly Ataloa Harris is the extremely proud big sister of Titan Blackbird Harris. Titan was born July 12, 2011 in Bartlesville at 7:59 a.m. to Lacie Wynn and Bobby Harris. He was born 6 pounds, 13 ounces and 19 inches long. Titan’s maternal grandparents are Richard and Kelly Wynn of Skiatook. His paternal grandparents are Bob and Renee Harris of Pawhuska. Titan shares his birthday with his Mimi, Shirley Ann Blackbird Howell, maternal great-grandmother from Skiatook. Titan’s great-grandfather is Jim Conley from Pawhuska. Titan is also loved very much by his aunts, uncles and lots of cousins. We love you Titan!

Visit the Osage News Online!
www.osagenews.org

Charging Hawk graduates

Stacy Miles Charging Hawk recently graduated from Sinte Gleska (Spotted Tail) University Aug. 26. She received a Bachelor of Arts Degree in Liberal Arts with minors in Literature & Lakota Studies.

Completing her degree at 53-years-old has been challenging both academically and personally; so she wants to encourage the young people who are pursuing degrees to finish because the older you get the harder it gets. When she graduated, she was proud to wear her Osage Nation sash.

Stacy is an enrolled member of the Osage Tribe and was raised in Indian Camp in Pawhuska. She is from the Eagle Clan and now lives in Mission, South Dakota on the Rosebud Indian Reservation.

SGU was the second Tribal College established in the Nation in 1972. Stacy would like to thank Jennifer Hopper from the Education Department for helping her with grants, scholarships and advising her along the way. She also wants to thank the wonderful Tribal Leaders who encourage education and through education strive to perpetuate the Tribal Values.
Coach Dobbins

anything that had to do with purple and white, anything have to do with Hominy Bucks.”

Football was always important to Dobbins but nothing meant more to him than people.

He was the kind of guy who would get up in the middle of the night to pick up a student in need and make extra sandwiches for the students he tutored, who he knew couldn’t afford to pack a lunch.

Lora Mae Dobbins said many of her memories of her husband involve all the people he helped, athletes or not.

“I never knew how many would be at the dinner table because he sought out kids that needed a meal, needed a listening ear, help with homework, problems at home, with girlfriends, you name it,” Lora Mae Dobbins said. “He never had an athlete ineligible as he made it his business to know about their grades and spent many a lunch hour and after practice tutoring on his own time.”

Dobbins did a lot of things for a lot of people and to this day the stories of his good deeds trickle in.

“I am still amazed at the people who come to us to let us know how Curt changed their life and he has been deceased 33 years,” Lora Mae Dobbins said. “He touched and made a difference in more lives in 36 years than most of us encounter in a lifetime. He just had a charisma about him that drew people in.”

At the end of the day Dobbins was a family man.

He was a strong Christian who started the Fellowship of Christian Athletes in Hominy and often quoted the Bible.

Amy Dobbins said she often says that God, his family and the Hominy Bucks were the three loves of Dobbins’ life, and everybody knew it.

Shortly after Dobbins passed the school decided to dedicate Hominy High School football field in his honor. His love for people and for his family is what Bohner likes to remember most about his grandpa.

Bohner said before every game he writes “CPD”, Dobbins’ initials, on his wrist and on the side of his cleats to feel a sense of presence from his grandpa.

“It puts me on a pedestal to be great, to go out there and be my best. My grandpa, he was great, it gives me a goal to be just like him and do how he did,” Bohner said. “When I step on any kind of field I feel like he’s with me.” And so do the Hominy Buck diehards who can almost see Coach Dobbins make his way out onto the field before any football game.

Obituaries

Stefani Bell Flaherty

Stefani Bell Flaherty, 40, passed away peacefully on Sunday, September 4, at Maine Medical Center in Portland. Stefani was born on March 18, 1971 in Dallas, Texas to Samuel C. Brockman and Alyenne Bell. Stefani was a granddaughter of Charles Allen Bell and granddaughter of Valda Constance Green. She was the great granddaughter of Pauline Hazel Labadie.

Stefani grew up in New Harbor and graduated from Medomak Valley High School in Waldoboro, Maine. She was a homemaker. Her family was the most important part of her life. Her grandchildren were her world. She enjoyed camping and loved to cook. Christmas was her favorite holiday to spend time with her family.

Stefani is survived by her husband of 23 years, Daniel F. Flaherty Sr. of Rockport, her father, Samuel C. Brockman, her mother, Alyenne Lyons Bell, daughter, Ashley E. Flaherty, son, Patrick A. Flaherty, step sons, John Joseph Flaherty, Daniel F. Flaherty Jr., step daughters, Cassandra E. Flaherty, Heather Knight, brothers, Samuel L. Brockman, James Brockman, Timothy Brockman, sisters, Jennifer Brockman Hillis, Connie Brockman, grandsons, Christopher, William Jr., Alexander, Liam, Braydon, and Hayden, granddaughters, Kia and Aria, special friend who Daniel and Stefani think of as a daughter, Missy Leeman, several nieces, nephews and cousins, and one grandchild on the way.

Friends are family were welcome to a time of visitation on September 12, followed by a service that celebrated Stefani’s life at the Hall Funeral Home, Waldoboro, Maine. Pastor Joseph Saunders officiated. A committal service was held on September 14 at the Maine Veterans Memorial Cemetery, Mt. Vernon Road in Augusta. In lieu of flowers, contributions in Stefani’s memory may be made to help with her final expenses, in care of Hall Funeral Home, P.O. Box 363, Waldoboro, Maine, 04572.

Friends and family are invited to share their memories, condolences and photos with the Flaherty Family at their Book of Memories at www.hallfuneralhomes.com

Arrangements were entrusted to the Hall Funeral Home and Cremation Service.

Savila Jo Roslev

Savila Jo Roslev, 75, of Apple Valley, California, passed away Aug. 1 at her home.

Born September 21, 1935 in Barnsdall, she was the daughter of the late Leonard Gray and Cleita Javine Hartman and Robert Hartman. Her maternal grandparents were Benjamin Javine and Eliza Frazier Javine. She was a member of the Osage tribe. The family moved to Joplin, Missouri in 1949 and she graduated from Joplin High School in 1953.

She was a retired elementary school teacher and taught in Joplin as well as California.

On September 21, 1958 she married Finn Roslev in Skive, Denmark. He survives of the home. She was preceded in death by a daughter, Anna-Marie Brown.

Survivors in addition to her husband include daughter, Kirsten Roslev and fiancé Joshua Price, three grandchildren, Destiny, Mariaya and Kasper; son Jeff Roslev and wife Billie; sister Lacreta Gray with George Murphy, niece Gina Hartman with Doug Lewis.

Burial was in Victorville, California. No services were planned.

Correction

In the September edition of the Osage News there was an error made in Sunni Gullet’s birthday announcement. She is the daughter of Lisa Mashunkashey-Neal and Tommy Gullett of Pawhuska. Her grandparents are Joe Mashunkashey and Paula Mashunkashey.
Osage children finish last

The Osage Nation owns and manages several daycare centers throughout Osage County. The children at the Osage Nation Sweet Things Learning Center in the Town of Skiatook learn Osage language and Osage culture and the sound of Native American flute music wafts through the hallways. However, most of the children who are learning to speak and count in Osage at the daycare center are not actually Osage.

By tribal policy, the Osage Nation daycare centers operate on a first-come, first-served basis without regard to whether the children admitted are members of the Osage Nation or any other federally-recognized Tribe. Accordingly, the centers are largely filled with non-Indian children and many Osage and Indian children languish on the waiting lists. My children were on the waiting list for approximately two years. Representatives of the Osage Nation have stated that they may not extend preference to Native American children because it would be wrongful “discrimination.” The law is that membership in a federally-recognized Tribe is a political (and not a racial) classification. Accordingly, Indian tribes may offer preference in housing, employment and various other services and opportunities without violating any anti-discrimination laws.

Several other policy changes recently have occurred, which I believe deserve the attention of the Osage people. In previous years, children who attended school or the Osage Nation Head Start (which is in the same building as the daycare center) were charged a partial daily rate to reflect the time they spent in school. Several months ago, the policy was changed to require that all children pay the full daily rate. I pay the Osage Nation approximately $1,000.00 per month for daycare services for two children – one of whom attends school half the day at another facility.

In September, I was informed that the Center now will close at 5:30 p.m. each day, rather than 6 p.m. Many parents (including me) work in Tulsa or surrounding areas. There is not sufficient time to drive from work to the daycare center. Parents will have to pay $1.00 each minute per child if they are late.

The Osage Nation must consider whether it wishes the daycare centers to be a business enterprise or a service for the Osage people. Or, perhaps, the Nation should simply decide that the Osage Nation Sweet Things Learning Center is a service it wishes to provide to the Town of Skiatook in general along with other benefits (the road in front of the daycare – a Town road – is currently undergoing an expansion due to a $1.5 million contribution to the Town of Skiatook by the Osage Nation). My wish is for the Osage Nation to prioritize this program and to back up its commitment with financial resources. In the meantime, non-Osage children will continue to learn to speak and write in Osage, while our Osage children watch from the sidelines because they are financially unable to attend or their names are too far down on the waiting list.

–Amanda Proctor
Skiatook, OK
Fulfill your thrill. Get the girls together and play the night away! Every Thursday starting at 6pm female Players Club members will receive $10 non-cashable credit for the first 20 points earned on their Guest Rewards card on the promotion day. Receive one entry into $100 hourly drawings with every 20 points earned on the promotion day. Drawings will be held 7pm-10pm. Make it a night to remember!