

I wonder, did we do the right thing?

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Only a very small number of Osages will ever know for sure, the true, number one motive behind the efforts to change the Osage Tribe over to a Constitutional form of government. This was initiated by the 31st Tribal Council and Principal Chief Jim Gray, of course all of them Shareholders. One of the most advertised purposes was that it would bring Osage non-shareholders, who had never before been included or had a voice in tribal operations, officially into the Tribe. It would, for the first time, allow all Osage non-Shareholders the right to vote, participate in and take advantage of all government programs and benefits, become candidates for Congress, and even the right to hold the office of Principal Chief and Assistant Principal Chief. All of this and much more was, and still is, a very good thing for the Osage Tribe. We do seem to be taking a little better care of more of our people now.

This new Constitution went even further, by creating the Osage Minerals Council, making it a separate entity of the Osage Nation for the purpose of taking care of ALL OF the business of the Osage Minerals Estate. The Constitution states that only Shareholders of the Osage Minerals Estate may be elected to this Council and that only the Shareholders can vote in these elections. That is only fair.

All of these things are good for the Osage People, up to this point. But, then the Constitution goes on to say that 'the Chief', meaning even a non-Shareholder Chief, has 5 days within which he can disapprove an action taken by the Minerals Council by saying that it violates some

Osage law or regulation. This puts a Chief right back into the mix, where he may have no business.

The 8 people on this Minerals Council spend many hours each month negotiating millions of dollars in leases and concessions. The Chief does not spend one minute in any of these negotiations. He would have no idea of the attitudes and the reasoning of the negotiators on either side of the table. Yet he now has the power to negate anything they do. This cannot be good!! It literally puts the ultimate power and control over the Minerals Estate into the hands of one person, The Chief.

Further, this throws the doors wide open for possible graft and corruption. Assume for a moment that, heaven forbid, we should someday happen to elect a Chief who might be prone to be a little less than 'straight up'. Assume some more, that a 'less than reputable' producer comes to the negotiating table with \$5,000,000 deep down in his pockets. He might make a deal for \$4,000,000 with the Minerals Council, who had been working with him in good faith, and it might still be a good deal for both parties. Now, the less than 'straight up' Chief still can still veto this deal and the 'less than reputable' producer still has \$1,000,000 bucks to buy some "insurance" with. There would only be one place he might buy that insurance. Not a pretty thought, is it?

Further, all producers that the Council deals with are good business men or they wouldn't be there. They would want to negotiate business deals only with the ones who have the authority to make those deals. It is not good business to spend many hours and lots of money to negotiate deals that have the possibility of being blown completely

out of the water by one person, moreover a person they may have never even met or talked to. This has to be an embarrassing situation for the Minerals Council, and it puts them in a terrible negotiating position right from the start.

And this is only a small part of the picture. Because the Minerals Council is currently under the Executive branch, the Chief also can exert control over what the MC spends their operating money on. Such as travel to Washington to deal with the BIA directly on some matter, or like the trip which Chief Gray refused to allow the First Minerals Council to fund. Another example would be spending money to fight something that the Council perceives as a threat such as the Wind farms. If the Chief had believed differently, or had been bought off, he could have rendered the Council powerless to fight the threat. He could have even stopped the MC from spending money on getting the HPP Settlement had he so wished. Thank goodness most of these things didn't happen, but a wrong-minded Chief could have done all of the above.

Perhaps the most important thing to note on this subject is that at no time in our history until 2006, has any one person held this extraordinary power over the Osages. A 1906 Act Chief had no real power to do anything that the Tribal Council didn't authorize him to do, and if he refused to do their bidding, they could just appoint one of their own to sign a lease (or whatever needed done) and bypass him altogether. So no one person has ever held all that "corruption inviting" power until now. Even within the rest of our Osage Nation government, the Chief does not have this kind of power.

The Congress can withdraw his funding if he fails to live up to their expectations, and the Gaming operations have both a Commission and a Board that the Chief cannot dictate to. He and the Congress appoint them, but then they are allowed to do pretty much anything within their charter. But the Minerals Council has no practical recourse against him if he chooses to interfere with them conducting the business they were elected to carry out.

Also, the Minerals Council is allowed to “promulgate their own rules”, but since those rules cannot conflict with Osage Nation laws, the Osage Congress can completely dictate how the Minerals Council conducts any business if they so choose.

If we expect good things from our Minerals Council, we must give them good tools to work with. This means fixing our Constitution. This decision should be a no-brainer for any Shareholder, or anyone in line to become a Shareholder.

I am concerned as to why any non-Shareholder would have a problem with these 4 amendments coming up for vote in August. No matter what anyone says, all the Federal Acts, laws, and amendments thereto that I have seen so far, come down to the one solid fact that only the descendants of those on the rolls of the Osage Tribe when the rolls closed in 1906 and/or the legal heirs or assignees of those descendants, will ever have any rights what-so-ever to a share of the Osage Mineral Estate, period. Some non-Shareholders seem to think this is unfair, and I’m sure that some were occasionally treated unfairly, but, generally speaking, these were decisions of their own lineal ancestors, and not the responsibility of the Shareholders as a whole.

Nor was it the responsibility of the Shareholders to open the rolls to allow assimilation of thousands of non-Shareholder Osages officially into the Tribe in 2006, thereby granting them access to the same political processes and the programs and benefits that had before, only been available to Shareholders.

But they did!!! They were happy to do this and they did so with no strings attached.

Now the Shareholders of the Mineral Estate could use your help. They need your **YES** vote in August to help them repair these flaws in our new Constitution that are causing problems right now and will continue to cause much grief in the future. Your YES vote will have no adverse effect on anyone. It simply puts the Minerals Estate back into the hands of a Council, elected by the Shareholders. That's how it should have been when they wrote the Constitution.

Nothing says that you have to help them, but remember, nothing said they had to help you in 2006. They did it anyway. Please don't make them wonder if they did the right thing. There is enough internal division in our Tribe already. Let's start the healing process.

VOTE YES on the 4 Constitutional amendments proposed in the August 13, 2012 Osage Nation Special Election.

Ray McClain, Osage Shareholder