

August 23, 2013

Osage Nation Congress
120 E 6th Street
Pawhuska, Ok 74056

At the August 21, 2013 Osage Minerals Council meeting I presented a presentation on the basis for electing members to the Council.

It was pointed out that prior to 1958, the Osage Tribal Council, Chief and Assistant Chief were elected by one person-one vote in accordance with an amendment to Section 9 of the 1906 Allotment Act. Considering a number of objections to one person-one vote elections, Section 90 of the CFRs was established stating that Osage headright holding ballots were to have a vote value that equaled their headright interest, even if they may have more than one headright. Their vote value would match more than one vote.

The Act of December 3, 2004, 118 Stat. 2609 stated in part; "Congress hereby reaffirms that the Osage tribe can determine and has done its own form of government, provided that the rights of any person to the Osage Mineral Estate shares are not diminished." But, in the change of voting procedure in Section 90.21 of the CFRs, every headright share was diminished by not allowing those shareholders who do not have a full headright to have a full vote in Tribal elections; although, funding for the Council is taken from the full royalty pay-out for the Council budget.

In 2006, one hundred years from the Allotment Act, the Osage Nation adopted a constitutional form of government. When this happened, and in accordance with the opinions of Jeff Jones (Osage Nation Attorney General) and Allen Woodcock (Regional Solicitor), CFR Section 90 pertaining to Osage Tribal elections no longer applied to the Osage election process.

It is requested that you consider my opinion that voting for members of the Osage Minerals Council has reverted back to Section 9 of the Allotment Act that states that each eligible Osage voter who has an interest in the Osage Minerals Estate will have one, and only one, full vote.

Sincerely,

Melvin Core
Osage Minerals Council

MC/dr