



OSAGE NATION ATTORNEY GENERAL OFFICE

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August 8, 2013

Mr. Melvin Core
813 Grandview
Pawhuska, OK 74056

RE: Election changes

Mr. Core:

You asked the question of whether the Osage Nation has the power to change the voting rules in Minerals Council elections or does the BIA have to get involved to change the CFRs. After talking to Field Solicitor Alan Woodcock he feels the same as I do on the issue. The BIA takes the position that when the Osage Nation passed the new Constitution in 2006, Part 90 of the CFRs went away. BIA provides a voter list but the Osage Nation, as a sovereign nation and as a function of internal governance, has the power to make rules concerning the elections. The BIA takes the position that the Osage Nation can decide this issue internally.

But there is the issue of *Charles Tillman, et. al. v. Michael S. Black, Director, Bureau of Indian Affairs*, Interior Board of Indian Appeals Case Number 12-064. The issue there, as I understand it without reading the entire case file, is whether the BIA has breached its responsibility to the headright holders by not conducting the Minerals Council elections. The Interior Board of Indian Appeals (IBIA) has yet to issue a ruling on the appeal. Said ruling is not expected to be issued for another year to year and a half. The IBIA could rule that the BIA does still have to conduct the elections. If this is the case, then the BIA would be a part of any change in rules concerning elections through a change in the CFRs. If the IBIA rules against the Appellants, then the Osage Nation has the power to make its own rules concerning elections. So until the IBIA rules on the Tillman case, no one knows for sure whether the BIA will have a part conducting the elections or not.

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