

A Response to Amendment Criticism

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July 27, 2012

Finally, someone has criticized the proposed August 13 Constitutional Amendments in a rational manner, stating what they believe to be wrong. I think you are misunderstanding the issues from top to bottom, but at least you have stated your case clearly. I will try to respond:

1. *If the amendments pass, the Minerals Council will not participate in the infrastructure of the Osage Nation. The MC will be separate from the Osage Nation and will be "on its own". Plus, the federal government will not officially acknowledge it as a separate, second Osage government.*

The Minerals Council will not be completely separated from the Osage Nation! No where does any language in these amendments say that. ONCR 11-14 simply takes away the Chief's current power to overrule MC actions and decisions concerning the Minerals Estate. The current Constitution allows one person alone, the Chief, to have the power to overrule any decision made by the MC. This allows a Chief, legally elected by Shareholders AND non-Shareholders, to control the MC functions by bestowing the ability to disallow anything they do unless it fits his agenda. That is TOTAL POWER! A Chief does not have total power like this anywhere else in the ONG structure, and he never had that power anywhere before 2006.

As currently written, the Constitution also allows Congress the power to make any rule or law they want that may effect Minerals, and the Minerals Council must follow that law. The MC itself cannot make rules that are inconsistent with ONG law. That's what the CURRENT Constitution says. When these amendments are passed, that will not be the case.

The Congress can, to some extent, control what the Chief does by withholding appropriations. That's called "politics." The MC has no control what-so-ever over final decisions made by a Chief concerning the

Shareholder's business. That's called "a dictatorship." That's how Chief Jim Gray set it up. Then Chief Jim Gray exercised that "dictatorship" when he denied the first Minerals Council access to MC funds to finance a trip to DC to consult with BIA officials about conducting the 2010 Minerals Council elections. Any Chief could do something like that again. A wrong-minded Chief could have prevented us from hiring lawyers for the settlement issue last year, or fighting the wind-farm issue, or anything else he might not personally approve of. These amendments simply remove the operations of the Mineral Estate, including our MC elections, from under this dictatorship, and puts them entirely into the hands of an 8 person Minerals Council, duly elected by Shareholders only. That's called "democracy" for the Shareholders. The Minerals Estate and the Minerals Council will always remain under the umbrella of the Osage Nation, as it must, to be assured the "limited sovereignty" we have always had. Nothing changes in that respect.

2. No IT, no phones, no computer service, no utilities, maybe no offices, no accounting department, no janitorial services, no payroll services, no human resources, etc, none of it that they now receive WITHOUT COST. Separate the MC and they will be out on their own.

That's what I have been saying all along. We enjoy all those things and we need all those things, but, as it is now, a belligerent minded Chief could take away most of those things today by the stroke of a pen. The 31st Council, elected by only Shareholders, decided to share those services and facilities, plus the casino proceeds, plus access to the Osage political processes with all Osage non-Shareholders. I personally, had no problem with that and I still don't. Frankly, I don't see where these amendments have much to do with that issue, which ever way it goes.

It makes no difference that the Shareholders bought and paid for most of the above. The Shareholders, by way of the 31st Council's proposed new Constitution, GAVE all Osage non-Shareholders access to everything but the Mineral Estate. They simply reserved the entire Mineral Estate for the Chief to play with. AND THAT PART IS JUST NOT RIGHT! It is a fact that it happened, but it's still not right. No one person should have that much power. That's why it is a "dictatorship." And it will remain a "dictatorship" until we amend our current Constitution.

I have a BIG problem with sharing control of our Mineral Estate with any potential non-Shareholder Chief. Removing the Chief from Total Power over the Minerals Estate by approving these amendments will assure that that possibility never happens.

3. But, how does this equate with the actual mineral estate and federal court precedent ruling that the estate belongs to the Osage people? The few people who want to withdraw the mineral estate and the mineral council from the Osage government chosen by a majority of the Osage people tread a dangerous path for yourselves. Get real. Vote "NO"!

Once again, the "total separation" you write about will not occur as a result of passing these amendments. No one wants to "withdraw the Mineral Estate and the Mineral[s] Council from the Osage government chosen by a majority of the Osage people". To say otherwise totally misrepresents the purpose, the intent, and the ultimate effect of these amendments.

We must all VOTE YES on these four Constitutional Amendments. This will very likely be the last chance we will ever get for a long, long time to correct the mistakes made in 2006. I sincerely hope that we were not intentionally lead to make these mistakes, but honestly, it's becoming harder and harder to accept that theory. However it happened, we must fix it. Your **YES** vote is crucial to the security and the development of our Minerals Estate.