

## **NOTES TO THE NATION MAY 4, 2009**

### **FIRST NOTES TO THE NATION SINCE APRIL 1**

Sorry for not sending any more Notes in April. I thought up some good excuses, but after reviewing them, I thought they were good enough to save for a real emergency. Meanwhile, I just will admit that I got lazy.

### **HUNKA SESSION ENDS APRIL 13**

The regular spring session of the Osage Congress ended April 13. The largest number of Acts and Resolutions of any session so far were passed. I will try to cover several of these in future Notes.

One Act that I sponsored, ONCA 09-11 FY 2010 Budget Parameter and Limitations Act, establishes by law uniform rules for all 2010 budgets and provides definitions for line items. One such limitation is that when annual salaries are approved, the amount can be paid out at a rate no greater than 1/26 of the amount every two weeks; this is to prevent an annual salary being paid out in 9 months, for instance, which would amount to a larger salary than intended.

Although I was the sponsor, it was co-sponsored by every member of Congress and was a collaborative effort with input from most of the members of Congress.

The Chief vetoed the bill and we were able to over ride the veto with all members voting to over ride. I don't think a 100% over ride has ever happened before.

The following link will give you the Act, which will apply to the 2010 budgets starting Oct. 1, 2009, and the last two pages are the veto message.

<http://app4.websitetonight.com/projects/1/2/1/5/1215402/uploads/ONCA09-11.VETOED.pdf>

### **CHIEF GUTS THE OSAGE EDUCATION BUDGET WITH LINE ITEM VETO**

The Chief, in a last minute veto, cut the guts out of the Osage Nation Education budget with a veto that came over too late (because the session adjourned) to be considered in an attempt to over ride the veto.

To get a picture of what he did I am sending this link that shows the vetoed lines marked thru. Only the total appropriation remains: \$ 5,528,178.00, and the details on the source of the funds. You can scroll the image up larger if you need to.

[http://app4.websitetonight.com/projects/1/2/1/5/1215402/uploads/2009\\_Educational\\_Budget\\_vetoed\\_.pdf](http://app4.websitetonight.com/projects/1/2/1/5/1215402/uploads/2009_Educational_Budget_vetoed_.pdf)

The veto message indicates that the amounts are not what the Chief requested, although the total is even more money than he asked for. The link to the veto message follows.

[http://app4.websitetonight.com/projects/1/2/1/5/1215402/uploads/onca\\_09-07\\_Veto\\_message.pdf](http://app4.websitetonight.com/projects/1/2/1/5/1215402/uploads/onca_09-07_Veto_message.pdf)

This situation has caused a problem because the Treasurer has no instructions now on what would be proper expenditures.

The Governmental Affairs committee has authorized Attorney Michael McBride with the law firm of Crowe and Dunlevy to research the issue and advise Congress on how to proceed. We have several options, one might be a special session to introduce another bill with enough time to attempt to over ride another veto.

## **BIA DECISION COULD AFFECT RIGHT TO WILL HEADRIGHT INTEREST TO NON-INDIVIDUAL.**

On October 16, 2007, the superintendent of the Osage agency approved a revocable trust agreement executed by David A. Murray on August 17 2007. This that agreement, provided that upon the death of Mr. Murray ahead right interest would be distributed to Jimmie L. Pallesen who would have a life estate. And then upon the death of Pallesen, the entire headright interest would vest in the Osage Nation Educational Scholarship Fund.

Susan L. Ketterman and her son challenged the trust by stating that the Osage act of 1978, as amended, provided they had right answers could not be transferred by a trust to any person who is not an individual. Kellerman argued that she and her son were the only remaining shares of Mari after the death of Pallesen and that she believed the entire trust is invalid.

The Superintendent's decision was that the distribution to Pallesen is valid, but the transfer to the Osage Nation Educational Scholarship Fund is not.

The Ketterman family also questions why the Osage Congress appropriated funds for Chief Gray to use one of his attorneys in this contest against the Osage family's right to receive the family headright.

Shareholders will be interested because nearly a third of the headrights are owned by non-Osage and no one knows how many are owned by foundations, corporations, and other entities. This is something that the lawsuit Bill Fletcher and Charles Pratt have going will tell us. In the meantime, the Ketterman-Murray case is all about stopping the transfer of headrights to entities other than the families. (Fletcher case discussed under the next heading.)

The decision is subject to appeal within 30 days of the date of receipt of the decision, which was on or about April 16, 2009.

For the full text of the decision click on this link:

[http://app4.websitetonight.com/projects/1/2/1/5/1215402/uploads/Ketterman\\_BIA\\_Decision.pdf](http://app4.websitetonight.com/projects/1/2/1/5/1215402/uploads/Ketterman_BIA_Decision.pdf)

## **FLETCHER CASE WILL MOVE FORWARD: FLETCHER AND OTHERS O2-CV-427-GKF-FHM**

The Fletcher case was filed by Osage individuals hoping to establish that the BIA erred in allowing headrights to be transferred to entities other than Osages on the 1906 roll or their descendents. It recognizes that amendments allow that a tribal member may, with federal approval, divide their right to receive these royalties to a limited group of persons of Indian blood, spouses, and for a life estate interest to others. It seeks to return these headrights and future royalties to the rightful Osage beneficiaries. It does not seek damages.

The Department of Interior had filed a motion to dismiss the case and listed three reasons.

The latest ruling on March 31, 2009 by the Northern District Court denies the Interior Department's motion to dismiss.

For full text of the ruling check the following link:

<http://app4.websitetonight.com/projects/1/2/1/5/1215402/uploads/Fletcher v. USA No. 02-CV-427-GKF-FHM Opinion Order --N.D. OK 03-31-09.pdf>

## **ALL DISTRICTS SET DATES FOR THE JUNE DANCES**

The three districts will hold their dances on the following dates: Grayhorse June 4, 5, 6 and 7; Hominy June 18, 19, 20 and 21 and Pawhuska June 25, 26, 27 and 28.

## **HOMINY HEAD COMMITTEEMAN STEPS DOWN**

Hominy Head Committeeman has stepped down from his position for personal reasons and Joseph Shunkamolah will serve as the new Head Committeeman. Joseph is the father of the Hominy Drumkeeper, Will Shunkamolah.

## **RED EAGLE SPRING MEETING DATE CHANGED TO MARCH 30, 2009**

The Red Eagle Chapter of the Native American Church has changed the spring meeting date to May 30. It was formerly scheduled for this weekend, May 9.

### **NEWS ARTICLES FROM THE PAST**

These articles are taken from Kansas newspapers from the late 1800's. The news was written from the white man's point of view and sometimes the Osage didn't get treated fairly. These excerpts are passed on for their historical value only.

*Walnut Valley Times*, February 2, 1872.

[From the Arkansas TRAVELER.]

**OSAGES.** The Osages have about completed their fall hunt and will return to their camping ground on the Shawkaska in a few days. Considering that the buffalo have been driven so far west, they have made a good hunt. There are about four hundred lodges in the whole tribe, and it is said they will average about twenty-five robes to the lodge. The main herd of buffalo is about one hundred and twenty miles west of Arkansas City. Stragglers are found within a distance of thirty-five miles west. As the Indians return, the buffalo will follow, and by next spring the bulk of them will be within a radius of thirty miles west.

We learn from parties on the Grouse that settlers are continually crowding into the Territory, near the mouth of Beaver Creek, on to the so-called Cherokee Strip, and that some have made permanent improvements. It does not seem right to have this tract of land set aside and held for Indians when there is not an Indian residing on it; and if any should be located thereon, they would not be able to gain a subsistence, as all the game has been frightened off and the buffalo driven far from them. Let the lands that are occupied by the Indians be held for them, and those that are not occupied and never will be, be brought into market for the settler. Although this land is very fertile and would make the best of farms for the settler, an Indian would starve to death if he were compelled to stay on it.