

NOTES TO THE NATION SEPTEMBER 16, 2008

OSAGE TRIAL COURT RULES INDEPENDENT PRESS ACT IS UNCONSTITUTIONAL

Yesterday the Osage Trial Court ruled that ONCA 08-07, the Independent Press Act, is unconstitutional and the entire Act was held void.

This is a disappointment to me and some others in Congress. We had been convinced that when the Chief's veto was over rode by a vote of 9 to 2, the Court would not review the Act unless there had been actual damage to some party bringing an action. In our brief we called attention to the confusion that would result if, when anyone didn't like a law, even before it was implemented, it would be challenged in our own court system.

I have attached the Order and Judgment if you wish to read it.

My summary is this: (1) It appears to me that the judge is saying that the Chief is damaged because he has to appoint someone to the editorial board. (2) The Osage Nation Press in the act is purported to be independent, but it is not—because they are told to report on activities of the government and news of interest. *You may read more into this, but I keep coming back to these ideas and they both seem to be a real stretch.*

This may prove to be nothing more than a bump in the road or a footnote in Osage history to be quickly forgotten. But, we could be dealing with the life or death of a great experiment in the government of the Osage Nation. I just hope that in the future there is never a conversation, after a failure of our three branch government where someone will say: "It came to this the day an independent press was denied."

We are looking into an appeal if possible or a change in the bill. It's difficult to know where to change the bill since the decision doesn't point out any real problems with it. I think everyone wants a tribal newspaper and very few in the Nation actually oppose a free and independent press.

ONCR 08-27 "RIGHT TO MEMBERSHIP" VOTED DOWN TODAY

A resolution calling for vote on an amendment to the Osage Nation Constitution at the next regular election that would change wording, from descendents of the 1906 Roll are "eligible for membership" to "have a right to membership."

I introduced this resolution for the 4th time. I spoke in favor of the resolution to the effect that "The purging of rolls is a concern in many areas of the country and to clarify this wording in the Constitution might give a measure of comfort to our citizens."

It takes 10 votes to pass this type of resolution. Voting "Yes" were: Anderson, Branstetter, Red Corn, Red Eagle, Revard, Simms, Mason and Supernaw. Voting "No" was Edwards, Freeman and Atterbury. Shackleford was absent today but he has voted for the resolution in the past..

I will continue to reintroduce the resolution.