

## **Update #54**

*The views, opinions and commentary in this update are those of Congressman Red Corn. They are his alone, and do not necessarily represent the views and opinions of the Osage Nation Congress.*

### **Legal fees for two budgets reinstated**

Friday the Congress, by the narrowest of margins, reinstated the Legal and Attorney fees for the Gaming Commission and the Gaming Enterprise Board by floor amendment. I'll post the voting records after the minutes are approved.

### **Chief of Staff salary cut, Chief's legal resources halved**

Also on Friday the Chief's budgets (ONCA 08-45) for Litigation/Legal Counsel and General Counsel were halved by another close vote during floor amendments. In addition, an attempt to lower the salaries of two specific members of the Chief's staff was made; one succeeded, one did not. Both were very close votes.

In my opinion, in the instance where the Congress lowered the salary of a Executive staffer by \$18,676 dollars, Congress clearly crossed the line in terms of separation of powers. Ditto for a wholesale cut in the Chief's legal defense budget. Also keep in mind the Congress totally zeroed out the Tourism budget for this year.

Holding this position is nothing more or less than a defense of particular principles that are the foundation of a three branch government. Don't take my word for it. Check out the link that follows.

It's 37 pages of a Creek Nation Supreme Court opinion not more than a year old. It tracks an almost identical situation at the Creek

Nation where the National Council (the appropriating and law-making body) began taking actions that the Court ultimately found unconstitutional. The majority opinion (five of six Creek Nation Supreme Court justices) is a primer on how a legislative branch can encroach upon the duties of an Executive branch in violation of the separation of powers doctrine.

The Creek Nation Council zeroed out an existing program (as Congress eliminated the Tourism department), cut the salaries of key staffers in the Executive (as Congress did Friday) and made severe cuts to the legal budget of Chief Ellis (as Congress did Friday to the Executive budget). In addition, the Creek National Council passed a law that the Judicial Branch could not hold the National Council in contempt.

It didn't work. The Creek Nation Courts held many of the National Council in contempt of court, and passed a punishment of censure upon them, requiring the censure to be posted in public places throughout the Creek Nation and in local and regional newspapers.

The opinion can be read at

<http://www.tulsaworld.com/webextra/content/2007/pdfs/EllisVSNationalCouncil-2007Budget.pdf>

### **Today's key votes**

Today the Congress will vote on floor amendments to the general budget (ONCA 08-43). Included will be votes to restore the distribution funding to the Osage News, allow the Palace Grocery to retain last year's profits, and give full funding to our Historic Preservation department to protect Osage gravesites on and off the reservation.

With respect,

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Osage Nation Congress

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