

Update #55

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.

Poison pill for the Ethics bill?

Congressman Simms has introduced floor amendments to the Ethics Bill (ONCA 08-33) that will carve out a different set of rules for Congress than the rest of the Nation will be under. The difference will be in how Ethics charges against Congresspersons are processed. The vote on this amendment is tomorrow. The amendments proposed are as follows:

Page 11, Line 474, insert:

Section 13. Complaints Against Members Of Congress

- A. All ethics complaints against a member of Congress shall be filed with the Rules and Ethics Committee of the Osage Nation Congress.**
- 1. The Rules and Ethics committee shall take up the complaint, investigate the circumstances and determine whether a violation of ethics has occurred.**
 - 2. The determination shall be put in writing and referred to the Congressional Affairs committee.**
 - 3. If a member of the Rules and Ethics committee is the subject of a complaint under this act the complaint shall be referred to the Congressional Affairs committee for investigation and determination.**

- 4. If a member of the congressional Affairs committee is the Subject of a complaint under this act that member shall recuse himself or herself from the investigation and determination.**
- 5. The Congressional Affairs committee may determine the appropriate discipline for violation of this act or Osage ethics law from the following:**
 - a. written warning and notice of violation to the member;**
 - b. censure by Congress; or**
 - c. public censure by Congress.**
- 6. The Congressional Affairs committee may further, by Unanimous consent of the members of the Committee, file a written complaint with the Prosecutor for an ethics violation.**

Amendment#4

Page 11, Line 476, after “violations by” insert “non-Congressional”.

Under the original bill, any Osage citizen can bring an ethics charge against a member of Congress (or any other elected or appointed official) by filing a complaint with the Prosecutor in Osage court. If the presiding Judge agrees the case has merit, the charge can be heard.

If Mr. Simms’ amendment passes, any complaint against a member of Congress must be heard by the process outlined above – the only way a complaint would ever make it to the tribal Prosecutor is for all five members of the Congressional Affairs Committee to vote unanimously to send it there. That committee now consists of Congresspersons Supernaw, Branstetter, Shackelford (Chair),

Simms and Anderson.

It is difficult to understand how the Executive would accept a different process for Congress when the rest of the Nation (employees, appointees, the Executive Branch and the Courts) have to abide by different and more responsive process that is accountable to Osage citizens. If this amendment passes, one is hard pressed to believe it won't be vetoed. Again.

I strongly disagree with any effort to put in place a special process for Congress while the rest of the Nation must be directly accountable to its citizens on ethics issues. If you also disagree with this exception, please write Congress and express yourself. The vote is at 10 a.m. tomorrow. Here are our addresses:

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With respect,

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