

Osage Government Reform

Hawé, my name is Priscilla Hokiahse Iba. I am honored to have been asked to speak to you today and will speak to you on the Osage government Reform Process. I served on the Osage Government Reform Commission, and hope to give you some insight into our process of completely changing a government that had been imposed on the Osage People for 100 years.

First I want to give you a very brief history of our former government. Then I'll take you through the phases of the reform process and highlight some of the challenges we had and how they were overcome (or still remain challenges). Lastly I'll read a short speech I gave to the newly elected Osage Government.

History

In 1881, in an effort to adapt to the changes facing our Nation and to be recognized as equals with the United States, Osage leaders wrote our own constitution modeled after the United States Constitution. This meant consciously separating our traditional cosmology from our government. Primarily due to the push for allotment and statehood for Oklahoma, in 1900, agents of the United States illegally abolished our constitutional form of government.

The U.S. Congress imposed the 1906 Osage Allotment Act.

- 1) It concentrated all power within a resolution style government, known as the Tribal Council, although the BIA had the ultimate power over Osage affairs.
- 2) The entire reservation was allotted, and because we had purchased our reservation, we were not forced to give any of it away.
- 3) We also retained our mineral rights as a tribe, and each Osage was also allotted a share of that trust, termed a headright. These 2229 were the Original Osage Allottees.
- 4) This Act dictated the voting members to be only Osages who had inherited some portion of a headright, and were descended from those original allottees. These were also the only people who could run for office.

Through the years many Osages fought to keep the Allotment Act intact, because it was unclear what would happen to us as a tribe without it.

For a number of years candidates for the Tribal Council ran on the promise to obtain the vote for all Osages. In the 1970s the U.S. Courts gave us permission to reform our government and decide our membership. That government was abolished because an Act of Congress was necessary for us to be able to choose our governance. It was our own people who encouraged the U.S. Government to rule the new government invalid.

In 2004, after much work by our 31st Tribal Council, our Chief, two of Oklahoma's U.S. Legislators, our very able legal team, and support from the National Congress of

American Indians and other political experts, President Bush signed Public Law 108-431, An Act to Reaffirm the Inherent Sovereign Rights of the Osage Tribe to Determine Its Membership and Form a Government. This set the process in motion.

Reform Process

Before the Reform Commission

There were some decisions to be made before the Osage Government Reform Commission began to function.

- 1) The Osage Tribal Council and our Chief decided who would be on the commission. They each submitted 2 names, then selected 10 commissioners and 2 alternates from that list of names. The people nominated could not be related any closer than cousin to anybody in the government and could not be employed by the tribe. You can imagine how difficult even this first step was.
- 2) The Council, as our acting government, had to decide who would be eligible to vote in the referendum. They resolved that the people who would be able to vote would be the descendents of those original allottees on the 1906 Roll. The Osages eligible to vote could be shareholders or non-shareholders.
- 3) The Council decided that a new government would be in place by our next election which was 16 months in the future.
- 4) Leonard Maker, the Tribal Senior Planner, wrote a Plan for the probable path this reformation would take.

The Members of the Commission

The people making up the Commission were truly a cross section of our nation. Whether this was a part of the selection process, I don't know, but it was a very good balance. Most of us had to learn about our own government and were not knowledgeable of other governments. Obviously there was a huge learning curve ahead of us.

It also happened that we were all shareholders (headright holders), and we did not all know each other.

The Commission's Mission

Our primary charge was to listen to the will of the Osage People and bring into existence the governmental choice of the majority. This was something that we took very seriously from the onset. We may have been slow starters and stumbled many times, but this was our glue. We were humbled by this mission and were determined to fulfill it.

We also knew that autonomy was absolutely necessary for us to do the job, and that we could not be influenced by anyone in the present government. That crucial independence was given to us. We do not believe reform is possible without a trustworthy commission who is free of political influence. We did report back to the Council and request any Resolutions that would be needed to complete our job.

Early Commission

To say that it took us a while to get going is an understatement. Early in the process, we relied heavily on Leonard Maker to guide us. Later I will go more into the dynamics of our beginning. I just want you to know that it appeared we were getting very little done in the early stages.

I'll give you just one example of our difficulty in getting started. Whenever we get together now, we always laugh about this incident. At one meeting it took us at least 45 minutes to decide what food we would have at the Grayhorse town meeting.

Since our meetings were all open to the public, AND we voted to have them all filmed, you can imagine how we can only shake our heads at people being able to witness our early ineptness.

Coordinator and Staff

After the arrival of our coordinator we were able to move forward with amazing speed. We all felt that a new government would not have happened without her knowledge, hard work and guidance.

It seems imperative that the coordinator or the reform commission chair have a knowledge of governments in general, is intelligent, is available to work ridiculously long hours, understands the culture, knows how to work with people and get them to work, and is loyal.

We had at times 3 other staff members that we couldn't have done without. They did all the clerical work, record keeping, errand running, and many other jobs. This staff must be organized, hard working, computer literate, and loyal. They had to be able to get along well especially in stressful situations.

Let me just touch on salaries. It is necessary to pay a coordinator a very good salary in order to get the caliber person needed. He/She essentially gives up any sort of life to get this job done. The other staff will be working very hard, so they need to be compensated well for their time. We commissioners were paid mileage and whatever the government rate was for a half day or full day meeting.

Sequence of Tasks and Events

Much of the early part of our tenure was devoted to deciding things that had nothing to do with a government. We were pleased to be able to make many of these choices, but they still took up a lot of time. In addition to the basics of electing officers and deciding how we wanted to run our meetings, we had to outfit an office and hire staff.

We had to get to know each other quickly.

Our education in government started right away. Leonard had prepared a booklet with information on various reformations made by other tribes, and we had a very enlightening seminar with the Harvard Project and The Native Nations Institute. Soon after this we had a seminar with the Indian Law Department at Tulsa University.

We were told that we could request meetings with anyone and any sort of information necessary, but we didn't know yet who we needed to talk to or what to ask for.

We were working hard, meeting every week, but we really didn't get moving until our coordinator, Hepsi Barnett, got there.

This is the way our work progressed:

- 1) Our Commission meetings were held weekly and always included a time for attending citizens to give opinions.
- 2) We held over 40 town meetings to hear what the Osage People wanted in a new government.
- 3) We planned to get a packet to all Osage People with lots of information about government reform. This happened late, and it was not as comprehensive as we would have liked.
- 4) We hired an excellent Indian Law attorney. Our decision not to hire an Osage was met with strong approval and disapproval.
- 5) Many mailings went out with applications for tribal membership and information about upcoming reform functions and elections.
- 6) A camp was held in the summer for high school age students to help them become familiar with governments in general and especially the history of and the issues facing our Osage government.
- 7) We mailed out a survey with many governmental issues that needed to be decided. The responses, combined with all the input from the town meetings and commission meetings, were used to help formulate key questions put forward to eligible voters in a referendum in November, 2005. This referendum marked the first time all Osages, 18 and over, had voted in a tribal election since 1900.
- 8) This referendum was not in the original plan, but we felt we needed this mandate before we could proceed.
- 9) Results from the referendum, Hepsi's research on other Constitutions and governments, submissions from many Osage People, and work done in the drafting committee were all used to help write an Osage Constitution.

- 10) Near time for the vote on the Constitution, we had a 2 day workshop with Osage attorneys, our council, and a few others to go over the “final” draft with a fine tooth comb.
- 11) There were still many commission meetings left to get the truly final copy ready for a vote.
- 12) The Constitution was ratified on March 11, 2006 in a second referendum vote. The Osage Nation adopted, by a 2/3 majority vote, a new constitutional form of government which includes executive, legislative and judicial branches with a separation of powers between the three.
- 13) We helped with the transition from one government to another. We met with program directors, casino executives, the treasurer, and anyone else we could think of and requested their records and specific information that would help make the transition easier.

Challenges and What Happened with Them

This was a very challenging and rewarding experience. Maybe knowing some of our tough issues will be helpful to you.

- 1) Trust within the commission was the first hurdle we had to overcome. Early on it kept us from forming workable committees, which kept us from putting together the information packet for the Osage People. However, once the commissioners began to trust each other, we listened to each other with completely open minds. We were a hard, fast unit. We were of one purpose and that was to create a government that the people wanted.
- 2) It took some of us a while to really OWN this reformation process. Hepsi saw as her first goal to help this happen, and she did.
- 3) We had 16 months to complete the work. Obviously this is a very short time. More time would have helped when our best laid plans went awry. However the finished product is a good one, and can be amended when the need arises.
- 4) Getting a valid list of all the Osages who would be eligible to vote took some time and hard work by both our staff and those in the CDIB department.
- 5) I believe we could have done a better job with our town meetings.
 - a) We started having them before we were really knowledgeable enough.
 - b) We had a time limit for comments early on, but we didn't do a good job sticking to it. It is very difficult to cut off an elder when he/she is trying to make a point.
 - c) Many of our meetings were dominated by negative rants, so that constructive comments were harder to be made.
 - d) We saw as our job to listen to the people, but many of the people really didn't have enough information to comment in these meetings.
- 6) There were issues that kept coming up so that it was difficult to cover the many topics that needed to be discussed at town meetings. An example was membership. Many wanted to take the opportunity to create a roll different than the 1906 Roll since there were many names that had been challenged by the

Osage Government at the time. Even after the referendum determined that the 1906 Roll would be used, time at meetings was still taken with this issue.

- 7) Untrue gossip dogged us for the whole process. A prime example of this was the notion that somehow someone would take away the headrights of shareholders. The Act protected them, and we commissioners as headright holders certainly were conscientious about further protection in the Constitution.
- 8) We had a unique situation with shareholders in the mineral estate. They were the only people who could hold office and vote before this reformation. There were many who didn't want to give up this elite status, and really made things difficult. This is going to take a while to resolve itself.
- 9) It was a challenge to provide for minerals administration and development in the constitution. The People chose the option of a Mineral Council made up of shareholders, elected by shareholders, which would function as an independent agency within the Osage Nation but with no legislative authority in the Osage Nation government.
- 10) Even though we felt we had a very good election company, they made some serious mistakes, which fueled gossip about the reformation process. Of course the blame ultimately rested with us.
- 11) Writing as a group has its challenges. In one writing session we would deal with something as large as how to deal with the 1906 Act, and at the same time, try to decide if taking the "ing" off "acknowledging" would make a sentence more clear.
- 12) Fear of change always creates many different challenges.

The Future

Hepsi has said that "wholesale government reform is complex and messy." Hopefully we will constantly be learning and striving for the best possible government for all Osage People. The future is bright, but still challenging.

- 1) The Osage People all over the country have been participating in a 25-Year Strategic Plan. Many methods to gather input and engage our people that were used in the Government Reform Initiative are being used in this process.
- 2) We on the Government Reform Commission know that the constitution produced is not a perfect document. We know that times will change so that the initiative, referendum, and amending processes provided in the constitution, while not made easy, are certainly available, so that the Osage People can constantly improve their governance.
- 3) The staggered terms of our Congress contributes to political stability. We look forward to many qualified citizens running for office in the future.
- 4) Economic development opportunities for the Osage Nation have seen a marked increase. There's a body of law being created which encourages, promotes and provides for both economic diversification and long term financial planning and investment.

- 5) Progress realized by the nation in exercising its inherent sovereign rights has not come without controversy, internally and externally. However, the Osage Nation is working hard to prove that nobody benefits from a weak tribal government. Intensive efforts to partner with local governments are beginning to pay off, and many realize that as the Osage Nation prospers, so do the communities surrounding it.

Speech Given to the Incoming Government

I gave a short speech to our incoming government leaders, and I'm tempted to hit them with it again. I think the points I made might be of interest to you emerging tribal leaders embarking on a new life serving your people. In comparing the reform commission with these newly elected leaders, I said to them;

Here are some things for you to think about.

- 1) *Each of us represented ALL the Osage People, not any special interest group. Our backgrounds were diverse, as yours are. That's important in seeing issues from all directions. However, we couldn't let our personal ideas and desires get in the way of looking at the big picture. You will have to constantly remind yourselves of what your job is and who you represent. You are here for ALL of us.*
- 2) *It was a challenge for us to GET STARTED. In the beginning the most difficult, and possibly the most important, issue for success is trust. Believe me it is not an easy thing to do for people who don't know each other well, particularly a bunch of Osages. In order to establish this, all the hidden agendas must either be exposed and discussed or dropped. Trust was crucial to doing our job as it is yours.*
- 3) *With trust comes respect. Everyone should give it and be worthy of it. Having respect for each other and his/her ideas was the only way we could fulfill our mandate.*
- 4) *The truly amazing thing about the Commission is that we were free from political influence. We could do our jobs on behalf of the Osage People only. Of course that is a little more difficult for you, but we expect it of you. The beauty of our government is that we don't have parties. You each have one group to serve, and that is the Osage People.*
- 5) *The learning curve was great for most of us as it is for you. Everyone has to get on board quickly.*
- 6) *PERSONALITIES & EGOS – You don't want your report card to say, "Does not play well with others." Sharing and getting along was necessary when we were little, and it is essential now. All of us on the commission were actually amazed that we could disagree so wholeheartedly on various issues, and not be angry at each other. Having a shared goal makes all the difference in the world.*

7) *Our work was humbling. We always knew that we had been asked to do a job for the Osage People, and that was such an honor. Your job isn't about power. It's about service, service to the Osage People.*

8) *WHAT WE LEARNED*

Of course we had much to learn, as you do, about governing. There are other things that are equally important and long lasting. We learned:

a. to listen, to listen, to listen.

b. to work as a group while still allowing everyone to have and share individual ideas.

c. to respect each other and truly care for each other.

d. what an honor it is to serve the Osage People.

e. to truly listen to all ideas, especially those contradictory to our own.

9) *This government is new to the Osage People and to other Native People. We are setting an example for many, and many are watching us. There are people who would like for this government to fail, and sadly some of them are Osage. Please do everything in your power to show the world that we can govern ourselves fairly and with grace. Make us proud, not embarrassed.*