



THE HARVARD PROJECT ON AMERICAN INDIAN ECONOMIC DEVELOPMENT

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HONORING NATIONS: 2008 HONOREE

Osage Nation Governmental Reform Initiative Osage Nation

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At the turn of the 20th century, the U.S. government abolished the 1881 Osage Nation Constitution and imposed rules for land ownership and citizenship. Many Osage citizens were disenfranchised and the Tribal Council was granted only limited powers, leading to years of weak government, corruption, and turmoil. Over 100 years later, the Osage Government Reform Initiative began the task of designing a new government that would better represent and serve all Osages. As a result of the Initiative, the Osage Nation adopted a new constitution in June 2006. Written by the Osage people, it has brought back into the tribal community the thousands of citizens who had once been excluded.

A Powerless Government

Located in northeast Oklahoma, the Osage people live on the only reservation in the state. In the late 1800s, Osage leaders purchased their territory in fee title and the people enacted the 1881 Osage Constitution. This created a tripartite government, complete with checks and balances. By 1894, large quantities of oil had been discovered on the Osage lands. In the ensuing scramble to control these valuable resources, the U.S. government abolished the tribe's constitution and federal officials assumed the right to determine who was and was not an Osage citizen.

In 1906, the federal Osage Allotment Act divided the reservation lands into 2,229 individual lots known as "headrights." The US government recognized the headrights holders, or shareholders, as the only official Osage citizens. The imposed rules stated that only these 2,229 individuals had the right to vote, participate in tribal business, and receive mineral royalties. Citizenship rights could only be inherited when the shareholder died, and could be passed down to non-Osages. This gave rise to the shocking Osage Massacres in the 1920s, when non-Osage criminals murdered several Osage to gain their valuable headrights. By the end of the 20th century, around 4,000 Osage could vote in Tribal Council elections, even though approximately 17,000 people held federal Certificates of Indian Blood proving that they were of Osage decent.

Poorly adapted to the needs of the community, the Tribal Council was limited to signing lease agreements, passing nonbinding resolutions, and filling Council vacancies – all subject to approval by the federal government. The Tribal Council was elected only by the headright holders, who sometimes even had multiple votes. Over two-thirds of the Osage people were excluded. There was also no independent judiciary. Without an effective and representative government, the Osage struggled. The political situation led to instability, divided families, cultural loss, mismanagement, and frequent lawsuits. Complicating matters, although the Osage government was not meeting the Nation's needs, legal barriers and vested interests made it almost impossible to change the system. Throughout the 20th century, repeated attempts at reform failed.

Designing a New Constitution

The 31st Osage Tribal Council that came into office in 2002 was determined to end a century of conflict and division by reforming the Nation's deeply flawed government. To do this, leaders pressured the U.S. federal government to pass Public Law 108-431, which affirmed the inherent right of the Nation to decide its own membership and its own form of government.

With federal legislation in place, the legal obstacles to governmental reform were removed. The Tribal Council created an independent Osage Reform Commission to lead the search for a new way to govern the Nation. The Commission was composed of 10 appointees, carefully chosen to represent the entire Osage community. Each was a shareholder, yet none were closely related by blood or marriage to any member of the Tribal Council.

The Reform Commission had two clear goals: "to listen to the Osage people and form a government that would be a product of the Osage people themselves." The Commission held town hall meetings in all Osage communities in Oklahoma, as well as in cities with large numbers of Osage people in California and Texas. Every individual with an Osage Certificate of Indian Blood was mailed a survey and was encouraged to vote on a series of key questions in a referendum. This was the first time all Osage aged 18 and over had been able to vote on the Nation's interests since 1900. At the Osage "Sovereignty and Independence Day" celebration held to kick off the reform process, one Osage citizen reflected on the community's excitement: "We are becoming involved in a Nation. That is what we are now, we are a Nation."

The reform initiative culminated in a new Osage National Constitution, ratified by an overwhelming two-thirds majority of the vote in a constitutional referendum of all Osages. Echoing the Osage-designed 1881 Constitution, the new government has separate executive, legislative, and judicial branches. By Osage design, the traditional Osage clan system is insulated from electoral politics, and vice versa. The new citizenship rules allow all Osage people descended from the 1906 membership rolls to become full citizens of the Nation. On June 5, 2006, governmental authority transferred from the Osage Tribal Council to the Osage Nation Constitutional Government, and a Chief, Assistant Chief, and 12-member Congress were elected by all Osages who chose to vote.

Building a Nation

One of the great tragedies of American Indian history in the U.S. is the willful destruction of indigenous governments. To try to "civilize" Indian tribes, the federal government imposed rules without regard for the political systems that had evolved over thousands of years to fit each distinct Native nation. As a result, many tribes still struggle to function with governments that do not match their cultural values of who should be in charge and how their government should run. These weak administrations are not up to the task of building healthy, self-sufficient, and successful Native nations.

When the 1881 Osage Constitution was abolished, the Osage Nation was denied two fundamental rights: the right to determine its citizenship and the right to determine its governing structure. The current Principal Chief notes that the new 2006 system was "an intuitive, community-based resistance to the federal domination." But changing the existing government was not an easy task. Many Osage citizens benefited from the existing system, and there was vocal opposition from some to making any changes. Tribal leaders, themselves, had to show the courage to expand voting rights and possibly dilute their power base.

The Osage were able to move this difficult initiative forward by making sure the reform had a broad base of community support. The leaders had a vision of a government designed by the citizens rather than legal and academic experts. Choosing shareholders as reform Commissioners allowed current voting Osage to steer the process and gave it credibility. The Reform Commission, in turn, did everything it could to engage all the people. At every step of drafting the constitution, all Osage were invited to give their ideas and opinions. The process was

difficult and setbacks occurred along the way. In fact, the Reform Commission almost disbanded when the first town hall meetings strained its internal trust and cohesion. Through the entire process of reform, however, the Commissioners sustained a deep and shared commitment: No matter how difficult the process, the new government would be a government of and for all Osages. In the end, the overwhelming vote in favor of the new Constitution proved them right.

Since the Osage Reform Initiative, more than 11,000 previously disenfranchised Osages have enrolled and acquired full rights of citizenship in the Nation. A newly naturalized Osage citizen expresses what this restored political power means: "Voting, for me, will be an honor because now I have a voice in how things are conducted in the tribe... I think this is a real step forward." Instead of answering to federal officials, Osage politicians and officials now answer to Osages. In fact, the new system encourages citizens to have their voices heard and to influence policy decisions by allowing for all Osages to participate in Congressional committee meetings.

Although it has only been in existence a few short years, the new Osage Nation government has already shown that a representative and effective political system makes a big difference in the lives of its citizens. The Nation has gone from employing 300 to 1800 people, its revenues have tripled, and almost all debt has been paid down. The government has passed laws to encourage economic development and promote Osage control over the Nation's territory. The Osage Congress has also begun work on setting the Nation's priorities for the next twenty-five years. This strategic plan will be shaped by the Osage people using what was learned during the Reform Initiative. Now that the Osage have an Osage-designed and legitimate government, the Nation once again has the tools it needs to harness the vision and energy of its citizens. The result does not mean the absence of debate, struggle and conflict. But the result means that the Osage will address the challenges of the future from a foundation built by Osage.

Bringing the Lessons Home

Throwing off more than a century of rules imposed by outsiders, the Osage people have taken control of defining who is an Osage citizen and put in place a governing structure that makes sense to the Osage community. By exhibiting integrity and courage in pursuit of a new Osage system of self-government, and going to great lengths to consult and make sure the new government would reflect what the people wanted and would respect, the Reform Initiative has brought sovereignty to the Osage people. The Reform Initiative has built a strong foundation grounded in continued citizen participation. Today, the Osage Nation embraces all of its citizens and places in their hands a government that is a product of their own efforts, ideas, and dreams.

Lessons in Nation Building:

- Inclusive, community-driven processes that build trust and ownership are critical for successful constitutional reform.
- The right to self-design the system of government is the most basic right of nationhood. A nation's right to determine who its citizens are is a central power of self-governance.
- Throughout the constitutional reform process, an independent and autonomous reform commission is best positioned to identify and implement the governance aspirations of the nation.

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