

Osages to receive \$380 million in December from U.S. Gov

Osages settle with the U.S. Gov for mismanagement of their Minerals Estate as an 11-year court battle comes to an end

Article | September 26, 2011 | By [Shannon Shaw](#)



Osage Trust Case attorneys are introduced to the Sept. 26 meeting attendees on whether or not to accept the U.S. government's offer of \$380 million. Photo by Chalene Toehay/Osage News

The Osage Trust Case is over. Osage Nation Principal Chief John Red Eagle, the Second Osage Nation Congress and the Osage Minerals Council have approved the Osage Trust Case Settlement for \$380 million.

“This is a pretty historic day . . . and should be a time of happiness, I believe,” said OMC Chairman Galen Crum at the beginning of the special meeting to approve or disapprove the settlement, held at the OMC Chambers Sept. 26.

The signing of the settlement between Osage officials and the U.S. government is tentatively scheduled for Oct. 14 in Washington, D.C., said Osage attorney Wilson Pipestem, who has been at the helm of the trust case for the past 11 years.

On Nov. 14 the United States will deposit \$345 million in the Tribal Trust Account and the money will be disbursed to all shareholders of the Osage Minerals Estate Dec. 5, whether they are Osage, non-Osage, or entities. The payout will be \$155,136 per full share

The law firms representing the tribe – Washington, D.C.-based Pipestem Law Firm and **Akin,Gump**, Strauss, Hauer & Feld, LLP– will be paid a 9 percent contingency fee, roughly \$34 million.

“If it wasn’t for our ancestors and their willingness to pray . . . ” said OMC Councilman Myron Red Eagle. “We’re all survivors, and if it weren’t for them, we wouldn’t be here.”

In addition to the \$380 million, the United States has agreed in principle to processes and actions to improve the management of the Osage Mineral Estate and the Osage tribal trust account.

The settlement is the result of months of negotiations with the U.S. following U.S. Court of Federal Claims ruling that said the Osage Tribe was owed approximately \$330 million for claims arising from 1972 to 2000.

Minerals Council meeting

Not everyone was happy with the settlement however. OMC Councilman Curtis Bear was the only Osage elected official to vote No.

“I just didn’t agree with everything in the agreement,” Bear said. “I felt like the [settlement] put the [Osage] Nation over the Minerals [Council]; and we should be separate.”

Discussion before the settlement vote Sept. 26 brought questions from OMC Councilwoman Cynthia Boone as well, who is also a member of the Osage Trust Team.

Her question was for the trust case attorneys present. She said she had received information from her constituents she represents but wondered if the question might reveal privileged information. OMC Chairman Galen Crum said she should ask the attorneys about the confidentiality. She proceeded to walk across the room and whisper to the attorneys. Once Boone rose from her chair Councilman Joseph “Sonny” Abbott sighed loudly, leaned back in his chair and said something that elicited laughter from the meeting attendees.

The attorneys told Boone they couldn’t answer during the meeting and she returned to her seat.

Councilman Bear thanked former Principal Chief Charles Tillman, who originally filed the case along with the 30th Osage Tribal Council.

“I’d also like to thank Chief Tillman who brought this case, so without saying Thank You to him, none of this would be possible,” he said.

After the vote was taken and the resolution was passed to accept the trust case settlement, Boone raised her concern about the Nation as well.

“The fact that [the Osage] Congress had a say in this at all was one of the things I had a problem with,” she said. Her statement about the Osage Congress prompted a motion to adjourn from Councilman Dudley Whitehorn which prompted an exasperated second from Councilman Abbott, followed by more laughter.

Councilman Whitehorn is also Chairman of the trust team.

Empty Council Chambers

It wasn't hard to find a seat during the special Osage Minerals Council meeting Sept. 26, despite the fact the OMC was voting on whether or not to accept the largest settlement to a Native American tribe in U.S. history. Sparsely occupied, the eight-member Minerals Council was present, along with three trust case attorneys, a representative from the Chief's Office, Speaker of the Congress Jerri Jean Branstetter and about five members of the general public.

Among those attendees was Fletcher case plaintiff, Charles Pratt, who is currently in litigation against the United States to return shares of the Osage Minerals Estate back to Osage tribal members.

When asked what he thought of the settlement, his face showed disappointed.

"Well, the settlement includes the non-Osage shareholders for \$69 million, and no one tried to stop it," Pratt said.

He doesn't know if the trust case settlement will have a negative impact on his case; he said that will depend on the integrity of the trust case attorneys. But, he said he thinks "this group and this administration [did] the best job they're capable of."

Another meeting attendee, Patricia Bright, spoke with trust case attorney Wilson Pipestem at length after the meeting was over. When asked if she was pleased with the settlement she said, "Yeah, it's about time it was settled."

The Osage Trust Team is made up of five members consisting of three members of the Osage Minerals Council, the Speaker of the Osage Congress and the Principal Chief of the Osage Nation. They are Galen Crum, Cynthia Boone, Dudley Whitehorn (Chairman), Jerri Jean Branstetter and John D. Red Eagle.

[Editor's Note: The Osage News is writing a series of articles that specifically focus on the trust case settlement and issues surrounding it. Look for the series in your October issue of the Osage News.]

Location

Osage Minerals Council Chambers
819 Grandview
Pawhuska, OK
United States