

Osage Trust Team signs \$380 million settlement with U.S. Gov

Osage delegation attends signing ceremony of Osage Trust Case settlement at the Department of Interior headquarters

Article | Fri, 2011-10-21 15:42 | By [Shannon Shaw](#)



The Osage Trust Team from L to R: Principal Chief Red Eagle, Osage Trust Team Chairman Dudley Whitehorn, Osage Minerals Council Chairman Galen Crum, Osage Minerals Councilwoman Cynthia Boone and Speaker of the Second Osage Nation Congress Jerri Jean Branstetter sign the Osage Trust Case settlement with the U.S. Gov. Photo by Shannon Shaw/Osage News

WASHINGTON, D.C. – The Osage Trust Team sat down with U.S. Department of Interior officials today and signed the \$380 million settlement agreement for decades of mismanagement of the Osage Minerals Estate.

The signing of the settlement closes the litigation chapter involving the mismanagement of the Osage minerals estate for the tribe and opens a new one, filled of prosperity and new relations with the U.S. Government, said Osage Minerals Council Chairman Galen Crum.

“The [negotiations] were never antagonistic,” Crum said during the signing ceremony that took place at the U.S. Department of the Interior headquarters Oct. 21. “I always felt we were going to find that good place . . . a fair and honorable solution.”

The settlement agreement, executed Oct. 14, will pay the tribe \$380 million to compensate for its claims of historical losses to its trust funds and interest income as a result of the government’s mismanagement of trust assets. Language in the settlement will implement measures to strengthen management of the tribe’s trust assets and improve communications between the DOI

and the Osage, including procedures for delivery of periodic statements of accounts, annual audit information, and information relating to the management of the mineral estate to the tribe.

The settlement agreement also provides dispute resolution provisions to reduce the likelihood of future litigation, according to a prepared release.

U.S. Department of Interior headquarters

More than 40 people attended the ceremonial signing of the Osage Trust Case settlement. An Osage delegation from Oklahoma, the Osage legal team, DOI officials and staff, and Senior Policy Advisor for Native American Affairs to President Obama, Kimberly Teehee (Cherokee), was present.

The ceremony began with a prayer from Osage Nation Principal Chief John Red Eagle, followed by remarks from David Hayes, DOI Deputy Secretary, speaking on behalf of Ken Salazar, U.S. Secretary of the Interior, who was in Montana attending Eloise Cobell's funeral.

Hayes said that settling trust issues with tribes was a priority for President Obama's administration, as well as strengthening relationships with tribes and improving communication and accountability.

"Shame on the U.S. for not upholding our sacred trust responsibilities," Hayes said to the crowd.

Hayes gave special recognition to DOI Solicitor Hilary Tompkins (Navajo) and Ignacia Moreno for reaching a settlement agreement everyone could agree on and said it wouldn't have happened without the two women. Moreno is the Assistant Attorney General for the Environment and Natural Resources Division of the Department of Justice.

"You in the Osage have now blazed a path for future settlements," Hayes said. "This [settlement] has created a template for other tribes to take advantage of, and right the wrongs to other tribes . . . These just aren't words on paper, we now live a new relationship."

Tompkins, who is the first Native American Solicitor in U.S. history and who was also a key-player in the Cobell settlement, gave special recognition to the Osage trust team, "for coming to the table and reaching a settlement that's fair and honorable.

"This settlement is a testament to our mutual commitment to make amends and work in partnership for a brighter future. We were once adversaries in the courtroom, but today we lay down our arms and celebrate together in peace."

Chief Red Eagle wore his Red and Blue Osage blanket and carried his eagle fan as he spoke of speaking to his older brother, Osage Congressman Eddy Red Eagle, before the signing. The brothers talked about what the settlement would mean for the Osage People and what changes it would bring to the tribe's relationship with the DOI. They agreed that it was God who brought the peaceful resolution of the settlement.

“There are times throughout my life when I witnessed [the late] Chief Paul Pitts, [the late] Chief [Sylvester] Tinker, [travel] to Washington, D.C., and work out solutions for our people, and we’re doing it again,” he said. “On behalf of the Osage People, we want to say Thank You and God bless you.”

Osage Trust Team Chairman, Dudley Whitehorn, said that many Osages had called him, friends and relatives, asking him whether or not they were really going to get a settlement payment Dec. 5. He said some were sick, or some had waited so long and seen loved ones die waiting for the outcome of the case. He assured them it was true.

“Ladies and gentlemen,” he said to the crowd, “you have a real responsibility to pay out these funds. People are desperate.”

Whitehorn addressed two of the lead attorneys on the case, Wilson Pipestem (Osage/Otoe-Missouria) of Washington, D.C.-based Pipestem Lawfirm and Don Pongrace of Akin Gump Strauss Hauer & Feld LLP. “Wilson, Don, I’m proud of you.”

Osage Minerals Councilwoman Cynthia Boone wanted to thank President Obama, former Principal Chief Charles Tillman who originally filed the case in 2000; the legal team for the Osage and told her constituents, “have a Merry Christmas.”

Speaker for the Second Osage Nation Congress Jerri Jean Branstetter wanted to give thanks on behalf of the Osage Congress and that she was honored to have been involved in the negotiation process for the historic settlement which is the largest settlement with a single Native American tribe in U.S. history.

Mike Black, Director of the Bureau of Indian Affairs, said the settlement agreement marked a new era for the relationship between the Osage and the BIA. He said the BIA has taken on responsibilities with the settlement such as providing information and data directly to the Osage Minerals Council and engaging in negotiated rule making in reference to the minerals estate.

He spoke of a meeting with Osage tribal leaders the day before (Oct. 20) to discuss the Nation’s litigation against Wind Capital Group. The Missouri-based company is proposing a wind farm that the Nation says will interfere with oil production on the Osage minerals estate.

Black said the meeting was a very informative and prosperous one and that relations are already improving.

He said that when he arrived for the Osage Trust Case settlement Chief Red Eagle asked him how he was doing.

Black said, "Chief, it's a good day, a truly good day to be here."



The Osage Trust Team, Osage tribal leaders, Osage legal team, DOI officials and staff, BIA director Mike Black and Senior Policy Advisor for Native American Affairs to President Obama, Kimberly Teehee. Photo by Shannon Shaw/Osage News