

- I. Call to order at 10:00 a.m. by Chairman Waller
- II. Opening prayer by Second Chairman Red Eagle
- III. Roll call
 - Councilwoman Forman—present, via Zoom, entered at 10:53 a.m.
 - Councilwoman Gray—present
 - Councilwoman Harlan—present, via Zoom
 - Councilman Redcorn—present
 - Second Chairman Red Eagle—present
 - Councilman Revard—present, via Zoom
 - Chairman Waller—present, via Zoom

Declaration of Quorum

Guests: Wilson Pipestem, Abi Fain

Discussion: Chairman Waller asked everyone to think about the families of Osage Tribal members Mr. Iron and Mr. Pease who just passed.

IV. New Business

- a. **Resolution:** Chairman Waller be authorized to direct the work to begin on returning Osage headrights

Motion by **Councilwoman Harlan**

Second by **Chairman Gray**

Motion **PASSED** YES: 7 NO: 0 ABSTAIN: 0 ABSENT: 0

Councilwoman Forman—y

Councilwoman Gray—y

Councilwoman Harlan—y

Councilman Redcorn—y

Second Chairman Red Eagle—y

Councilman Revard—y

Chairman Waller—y

Discussion: Councilwoman Harlan began by saying the Act of 1906 allows Osages to get headrights back. It has to be worked as concisely as possible. She and Counsel have gone through the entire Act including each amendment. 26% of headrights are outside the Nation. When the 1906 Act passed, it was about 2,229 individuals. Approximately 40 years later, it became about property. It should still be about people. She would rather have the people, especially her mom, back here instead of their headrights; this is about people, not property. Counsel Pipestem appreciates Councilwoman Harlan's leadership and passion on this subject. It's a complicated area of law. The House of Representatives and Senate have to be educated on the subject and its past. The 1906 Act is for Osage members. They were legal members who received land allotments and proceeds from the Osage Mineral Estate. The term headright came about in 1948 as an amendment to the 1906 Act. The Act

was actually set to expire. Over time, heirs became able to transfer headright ownership. Years have gone by, and no one has tried to get the land back in over 20 years. The proposed plan has to go through U.S. Congress to change the law. Non-Osage headright owners can give land or sell it back to Osages who were original owners, which is unrestricted land. Upon death, Osages are the only ones who have restrictions to whom they can leave their headright. This resolution will make a "pathway for orphan headrights to come home." **Councilman Revard** asked if non-Osages can transfer their headright prior to death. **Counsel Pipestem** reiterated that non-Osage headrights have no restrictions. However, Osages cannot transfer their ownership while they are living, and their headright must be transferred to another Osage. He then explained the current tired system in which non-Osages who desire to return a headright to an Osage have to find the original ownership tier. **Councilman Revard** asked if there could be a limit for non-Osages where headright could not be sold outside of Osage ownership. **Counsel Pipestem** said it was very doubtful to get legislation passed with that stipulation because the government wouldn't want to try to control non-Indians. **Councilman Redcorn** said historically Osages have helped the government, as far back as the Louisiana Purchase. "This is our land." **Chairman Waller** added expansion of ownership should be reviewed. **Councilwoman Gray** said the Lisa Ling piece about the Osage is *our* history. The documentary shows corruption was allowed. This is the government's opportunity to right a wrong. Osage is a sovereign nation. Politically, it is a good time to get this done; the President is willing to help Natives. This has needed to be fixed for a long time. **Councilwoman Harlan** thanked Councilman Redcorn and agreed with Councilwoman Gray. OMC should do everything they can to get all headrights back. Be realistic and get a little at a time. Never quit fighting. **Second Chairman Red Eagle** said this issue has been faced this for many years. It's ironic that it has come to this Council. He asked if Cole was a good advocate since he's Choctaw. **Counsel Pipestem** said the person to use is Frank Lucas, since he's the representative for Osage County. However, the House is the place to start because it's controlled by Democrats and needs 50% + one to pass. The Senate will be different. He said Lucas and Tom Cole will support. Deb Haaland and Bryan Newland will support and get the Interior's help. OMC needs to make sure to get Osage Nation's support. The entire process is political. Now is the time to do this with the movie coming out and Osages in the spotlight. **Chairman Waller** said OMC is the trustee; individuals are not. **Councilman Revard** asked where funds would come from to purchase the headrights. **Councilman Redcorn** said to remind the government that Osages have had 200 years of negotiations with them – 1806 helped with Louisiana Purchase, 1906 Act, 2006 Osage Constitution. **Councilman Revard** asked if opposition is anticipated. **Counsel Pipestem** said it's hard to determine. He wants to make sure it is clear that people know Osage Nation is not taking away headrights. He encouraged everyone to tell the story of Osage. Headrights are unique to Osage. **Councilwoman Harlan** said once the headright shares are divided, the legal character is changed. When a non-Osage receives one, it is not prohibited. **Councilwoman Forman** apologized for being late. She had three concerns. First, selling a headright from a non-Osage to an Osage gives an "unfair political advantage. Someone who has more means to buy a full headright. That gives them a full vote, and that's a concern of mine because that cuts out political fairness, I think." Also, she asked if there was a provision for what happens to money after purchase or gift to the Nation or OMC. Thirdly, she asked whether title work would be done to find the original family who owned the headright. **Counsel Pipestem** said the way the system is now is how Councilwoman Forman stated – the tired system, finding the original owner – is not working. The more restrictions in place, the less likely headrights are to come back to the Nation or individual. A market-based solution is more likely to get headright back to Osage. This gives non-Osages more

flexibility in how they can transfer the headright back to an Osage, the Nation or OMC. In his opinion, getting more headrights back to Osage people is a lesser consideration than worrying about votes. **Councilwoman Forman** said no one would disagree that headrights should return to Osage. "On the title work, probably the reason that this never worked for a landowner to go through this tiered process is because they'd have to pay for title work to figure it out. So, it's not surprising to me at all that they wouldn't want to go to that expense to try to sell their headright when they're getting revenue off of it and enjoying the benefits off of it. So, I'm gonna have to disagree partially on why the current avenue has failed. There's no incentive to do it, so you have to do the title work to figure out who owns four generations ago. And as far as the equity question goes, just because that's the way it's always been done, I'll have to respectfully disagree on that, too. It hasn't been fair in the past. Maybe we should do something to make it fair. I don't think that would hold up this at all. I think it's worthy of discussion." **Counsel Pipestem** said that no title work has to be done. It's human beings, not land titles. It is individual owners, and the BIA does the paperwork. BIA tells non-Osage owners who the Osage is to whom they can sell. BIA should be able to provide the information to landowner/headright owner all the way to the original allottee. After voting, **Councilwoman Harlan** thanked Council and said questions will be worked out as working moves forward.

V. Motion: Adjournment**Time: 11:13 a.m.**Motion by **Councilwoman Harlan**Second by **Councilwoman Forman**Motion **PASSED** YES: 6

NO: 0

ABSTAIN: 0

ABSENT: 1

Councilwoman Gray — ...

Councilwoman Harlan — y

Councilman Redcorn — y

Second Chairman Red Eagle — y

Councilman Revard — y

Chairman Waller — y

Councilwoman Forman — y

Approved by the Fourth Osage Minerals Council on December 3, 2021.



Everett Waller, Chairman

Executive Administrative Assistant