



EXECUTIVE VETO MESSAGE

September 15, 2026

To the Honorable Alice Goodfox, Speaker of the 10th Osage Nation Congress, and Members of the Osage Nation Congress:

I hereby transmit, pursuant to the provisions of Section 11 of Article VII and Section 14 of Article VI of the Osage Nation Constitution, my objections to ONCA 26-64, entitled:

"To give the computer equipment utilized for academic instruction at Daposka Ahnkodapi to the Osage Nation Foundation; and to establish an alternate effective date."

In ONCA 26-64, the Osage Legislative Branch directs and mandates the Executive Branch to distribute certain Executive Branch assets to an Executive Branch Board within 48 hours of the effective date.

Specifically, in its entirety, Section 1(A) states that "All laptops, computer equipment and educational materials utilized for academic instruction at Daposka Ahnkodapi prior to its abrupt closure **shall** be distributed to the Osage Nation Foundation or its designated representative." Section 2(B) states "The laptops, computer equipment and educational materials **shall** be distributed to the Foundation within forty-eight (48) hours of the effective date of this Act." [Emphasis added]

The use of the word "Shall" means the action is mandatory. The Congress is exercising an Executive function and is interfering with an Executive Branch board. ONCA 26-64 is unconstitutional on its face for several reasons:

1. Violation of Article V – Distribution of Powers of Government, Section 2, Separation of Powers, which reads "The Legislative, Executive and Judicial branches of government shall be separate and distinct and no person or collection of persons, charged with official duties under one of those branches, shall exercise any power properly vested in either of the others except as expressly provided in the Osage Nation Constitution.

The Osage Nation Supreme Court has interpreted this at length as discussed below.



2. Violation of Article X – Code of Ethics, Section 8, Independence of Boards and Commissions, which states: “Tribal officials and employees shall refrain from using tribal positions to improperly influence the deliberations, administrations, or decisions of established board or commission proceedings.”

Violation of the Ethics Law, 15 ONC 6, at Section 206(A), which states almost identically: “Osage Nation officials and employees shall refrain from using government positions to improperly influence the deliberations, administrations, or decisions of an established board or commission.”

The Legislative Branch is mandating the Executive Branch to take a specific action regarding a Board, and for an Executive Branch Board to accept assets from an Executive Branch program, regardless of whether the Board has made any official decision to desire or accept such assets, or whether the Executive Branch has the same or other plans for distribution.

3. Violation of Osage Nation Supreme Court decisions in *Standingbear vs Whitehorn*, SCO-2015-01 and *Standingbear vs Pratt*, SCO-2016-01.

Our Judicial Branch, in rulings from our Supreme Court, has addressed the issue of separation of powers and separation of functions. The Court was clear that Congress is prohibited from usurping another branch’s responsibilities via legislation. It says Congress has no authority to direct Executive policy or procedure, or to approve policies, and to do so is unconstitutional.

Per *Pratt* at p. 19, the Court states that it rejected the idea that there is any power flowing outward from the Legislative Branch and into the operational functions of the Executive Branch, nor does the Constitution expressly provide authority for Congress to assert executive powers. Per *Pratt*, Congress has no authority to organize the Executive Branch or to legislate or approve policy and procedure. The Supreme Court also wrote a list of what powers Congress does possess; see *Pratt* at pp. 11-12.

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Joe Tillman
Principal Chief

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John Shaw
Assistant Principal Chief



Per *Whitehorn* at p. 11, the Constitution prohibits Congress from usurping another branch's responsibilities via legislation. Thus, Congress has no authority to direct the exercise of Executive functions or the roles of Executive departments such as Education, Language, or Culture. It has no authority to mandate Executive Branch policy or direct it on how to distribute educational resources or to direct distribution of them to a certain entity. It is a decision of the Executive Branch, not the Congress, to determine how and to whom its educational resources are used or distributed, whether to a Board, school, another program, Osage Reservation students, or Osage students everywhere.

Finally, I point out that the Executive Branch is compliant with Article XVII - Osage Health, Education, and Welfare, Section 4, Education, which states "The education of Osage People is recognized as being essential to building a prosperous and self-determining society. The Osage Nation shall protect and promote education by providing for and supporting a system of high quality early childhood learning programs for its children, advocating on behalf to Osage students for improvements in the public elementary and secondary school systems within the Osage Reservation through intergovernmental agreements, and developing effective tribal education programs that all Osage students to obtain the skills and resources necessary for a post-secondary education."

The Executive Branch is actively planning how to promote and extend curriculum on government into the public schools of the Osage Reservation and will seek public school agreements to do so. Its language instruction has been ongoing program in the public schools for years. The WELA programs are ongoing for early childhood education. Clearly Article XVII is being followed.

Based upon these objections and justifications, I hereby veto this bill.

Sincerely,

Joe Tillman
Principal Chief