



April 10, 2024

Trial Court of the Osage Nation
FILED

APR 10 2024

**OPINIONS OF THE ATTORNEY GENERAL
OF THE OSAGE NATION
ONAG-2024-01**

BY 


QUESTIONS SUBMITTED BY: The Honorable Geoffrey Standing Bear, Principal Chief of the Osage Nation.

This Office has received your request for an Official Attorney General Opinion regarding the Attorney General's eligibility for multiple terms and term limits. To wit, you ask:

May an Attorney General of the Osage Nation, appointed and confirmed under the Constitution and law of the Osage Nation, serve beyond the initial appointed term and if so, for how many terms?

Since the question directly relates to the Office of the Attorney General, we have a conflict of interest in issuing the opinion. We sought advice from outside legal counsel to avoid any appearance of impropriety and remove any bias in the opinion. Please see the attached Memorandum from Talley, Turner, Stice & Bertman, P.C., dated April 3, 2024. The Office of the Attorney General hereby adopts the legal opinion outlined in the attached Memorandum.

Respectfully submitted,


Clinton N. Patterson,
Attorney General

Memorandum

Talley, Turner, Stice & Bertman, P.C.

130 East Eufaula Street
Norman, Oklahoma 73069
Telephone: (405) 364-8300
Facsimile: (405) 364-7059

TO: Clint Patterson, Osage Nation Attorney General

FROM: Eugene K. Bertman
Talley, Turner, Stice & Bertman

DATE: April 3, 2024

RE: Attorney General's Eligibility for Multiple Terms and, if so, Are There Term Limits

I. Question presented:

You have requested that we provide a legal opinion as to the following:

May an Attorney General of the Osage Nation, appointed and confirmed under the Constitution and law of the Osage Nation, serve beyond the initial appointed term and if so, for how many terms?

II. Legal Analysis:

Initially, we begin the analysis with a review of the Osage Nation Constitution. Its provisions do not expressly limit the number of terms an individual may serve as Attorney General. The qualifications and term limits for officeholders of the Nation are specified in the Constitution, primarily in Article VII for executive officers. However, the Constitution is silent on whether the Attorney General may serve multiple terms or the imposition of term limits for the Attorney General. The only reference to executive officers including the Attorney General is listed in the appointment process in Section 16 of Article VII of the Constitution and it does not include any stipulation regarding term limits. Without any express limitation, one cannot be presumed.

Since there are no Constitutional prohibitions, in looking at the Osage Nations law, ONCA 15 § 3-106(A) provides that “an Attorney General may serve multiple terms without term limits.” Thus, there is positive law that provides that the Attorney General may serve multiple terms and that there are no term limits. In addition, the Attorney General “shall continue in office, beyond the appointed term, until a successor is appointed and confirmed.” *Id.*

III. Conclusion:

The absence of explicit term limits in the Constitution, combined with the explicit text in ONCA 15 § 3-106(A), the Attorney General is eligible to serve multiple successive terms and there are no term limits.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Bertman', with a long horizontal flourish extending to the right.

Eugene Bertman