



# OFFICE OF THE ATTORNEY GENERAL

P. O. Box 470 \* Pawnee, OK 74058 \* Phone: (918) 762-3621 \* Fax: (918) 762-6446

COPY

**To:** Pawnee Nation Business Council  
Pawnee Nation of Oklahoma  
P.O. Box 470  
Pawnee, OK 74058

**From:** Don Mason, Attorney General  
Pawnee Nation of Oklahoma  
P.O. Box 470  
Pawnee, OK 74058

## **In Re: Ramona Eagle Osborne Petition**

Esteemed and Honorable Pawnee Nation Business Council,

On January 13, 2016, the Council asked the Attorney General to review complaints contained in the Ramona Eagle Osborne petition (Petition), dated December 2, 2015, asking the Council to void the actions of Vice-President Bruce Pratt and restore former President Misty Nuttle to her previous position as President of the Pawnee Nation Business Council. The following represents an outline of the issues under consideration by this office:

1. The Petition alleges Vice-President Pratt acted unconstitutionally in suspending President Nuttle from office by misinterpreting Article VII, §3 and §4(iv)(a).
2. The Petition alleges President Nuttle resigned the office based upon Vice-President Pratt's misinterpretation coupled with duress.

### **Discussion**

**I. Vice-President Pratt's reading of Article VII, §3 and §4(iv)(a) was incorrect, but a harmless error, according to the Constitution.**



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Looking at Article VII, §3(i), the Constitution reads, “A Pawnee Business Council member **SHALL** (emphasis added) be suspended from the Business Council without compensation when: (a) charged with a criminal offense, and (b) that offense would be cause for removal as defined in in §4(iv)(a), and (c) the charging jurisdiction guarantees similar civil right and due process as is guaranteed within the Pawnee Nation.”

Looking at §4(iv)(a), the Constitution reads, “Cause if defined as: conviction of any of the following offenses in any legitimate government jurisdiction: A. Fraud; B. Evil Intent; C. Crimes against property; D. Crimes against Governmental authority; E. Crimes committed against person, family relationship, and sexual morality and F. Crimes attempting, aiding and abetting, accessories, and conspiracy.”

President Nuttle’s arrest and charges did not include any of the aforementioned offenses defined by the Constitution. Therefore, Vice-President Pratt’s misreading, at the time of President Nuttle’s personal situation leading to the submission of the Petition, was in error, but it was a harmless error constitutionally.

## **II. President Nuttle’s resignation letter, submitted without undue duress, vacated the office of the President invoking Article VI, §1 of the Pawnee Nation Constitution.**

The following are the facts as submitted and understood by this office:

1. President Nuttle submitted a letter of resignation on Monday November 2, 2015.
2. President Nuttle then submitted a revocation letter of her resignation on Tuesday November 3, 2015.
3. Within the revocation letter of November 3, 2015, President Nuttle alleges her resignation was based on false information provided to her by Vice-President Pratt and she further alleges her resignation was submitted under duress.



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Merriam Webster Dictionary defines:

“Resignation: an act of giving up a job or position in a formal or official way; a letter which states that a person has given up a job or position.”

“Duress: force or threats meant to make someone do something.”

First, did President Nuttle resign under a plain reading of the Constitution? Yes. President Nuttle did resign as defined by Merriam Webster Dictionary by submitting a November 2, 2015, resignation letter. The fact that the letter was submitted via email is irrelevant, as most official correspondence today is accomplished electronically. *Pawnee Nation Const. art. VI, §10(i)*.

By the morning of November 3, 2015, the Pawnee people no longer had a Business Council President because the office had been vacated the day before by President Nuttle’s letter (or e-mail) of resignation. Once an official has resigned their respective positions, their office becomes vacant and the Constitution dictates that certain procedures are to be taken. *Pawnee Nation Const. art. VI, §1*.

Second, did President Nuttle resign under duress? No. Though President Nuttle may have relied on Vice-President Pratt’s misreading of Article VII, §3 and §4(iv)(a), reliance is not duress. President Nuttle was not forced or threatened in order to obtain a letter of resignation from her. President Nuttle was not suspended from office; she resigned her position as President of the Pawnee Nation Business Council.

Third, since the Constitution is silent with respect to revocation of resignations, this office interprets the silence in the Constitution to mean revocations are unconstitutional and no right to do so exists.

## Conclusion

It is of the Attorney General’s opinion that Vice-President Pratt’s reading of the Constitution was in error and that President Nuttle was not suspended. However, President Nuttle’s resignation makes Vice-President Pratt’s misreading irrelevant,



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considering her resignation. Since the Attorney General finds that no undue influence predicated President Nuttle's resignation and that reliance is not duress, President Nuttle's resignation is valid and was accepted by the Nation. *Pawnee Nation Const. art. VI, §1.*

Because of this, Vice-President Pratt's actions following receipt of President Nuttle's resignation were not in error when he proceeded as called for under the Constitution when the office of the President became vacant effective November 2, 2015. *Pawnee Nation Const. art. VI, §1.*

Historically, members of the U.S. Congress have resigned their seats in the Congress and only find themselves later regretting their hasty decisions to resign. On occasions, some even run again for the same seat they had had only recently resigned from based on their regret for having acted too hastily. Some have even had success in reclaiming their congressional seats by being reelected to their previous office, while others have not.

President Nuttle acted too hastily during a stressful moment in her life and resigned her office only to deeply regret the decision quickly after making it. Most can empathize with regret; at one time or another we have all felt the sting and sadness of regret, but how many of us have had our parents and grandparents warn us about saying or doing things we cannot take back? The Attorney General concludes that this is the current situation encountered here in Pawnee.

- 1.) President Nuttle was not suspended from office.**
- 2.) President Nuttle did officially resign as President of the Pawnee Nation Business Council.**
- 3.) Vice-President Pratt acted accordingly and constitutionally when faced with a vacancy in the office of the President in the hours and days following the November 2, 2015, resignation.**



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President Nuttle's record of commitment and dedication to the Pawnee people is to be commended and respected. Her desire to serve and advocate for her nation and people is obvious. Many continue to pray for Ms. Nuttle as she struggles with her personal issues, but the Pawnee Nation of Oklahoma must move forward with its business on behalf of its citizens. The Attorney General, though empathetic to President Nuttle, must follow the Pawnee Nation Constitution and humbly submits this opinion to the Pawnee Nation Business Council.

Respectfully,

Don Mason, Attorney General  
Pawnee Nation of Oklahoma

