

An Act

Legislative Act 05-05

AN ACT AMENDING LEGISLATIVE ACT #19-00, "ESTABLISHING A FREE AND INDEPENDENT PRESS FOR THE CHEROKEE NATION"; DELETING ITEMS AND MAKING TECHNICAL CORRECTIONS

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification.

This Act shall be titled as the "INDEPENDENT PRESS ACT AMENDMENT OF 2004" and shall be codified as Title _____, Section _____ of the Cherokee Code Annotated.

Section 2. Purpose.

This Act affirms the policy regarding the Cherokee Nation's press. It is imperative to have measures in place to ensure the freedom of the press and to ensure the tribal publications have the independence to report objectively.

Section 3. Constitutional Rights.

It is the policy of the Cherokee Nation to respect the civil rights of Cherokee people set forth in the Cherokee Constitution. Article II of the Cherokee Constitution by reference, incorporated and adopted the Federal Indian Civil Rights Act of 1968, 25 USC 1302, to apply to all Cherokees. Therefore, the Constitution of the Cherokee Nation provides that the principles of free speech and free press, the rights of the people to assemble and petition for redress of grievances shall not be abridged.

Section 4. Policy, An Independent Cherokee Press.

The Cherokee Nation's Press shall be independent from any undue influence and free of any particular political interest. It is the duty of the press to report without bias the activities of the government and the news of interest to have informed citizens.

Section 5. Providing for Independent Newspaper.

A newspaper shall be published periodically to report news and provide a forum for all views of the Cherokees.

Section 6. Editorial Board and Editor:

- A. An Editorial Board is hereby created and shall consist of three members, at least two of whom shall be citizens of the Nation. To be eligible to serve as a Board member, a person must (i) be at least 25 years of age, (ii) have quality experience in the management and operations of publications, (iii) be of good character and have a reputation of integrity, (iv) be physically able to carry out the duties of office; and (v) certify he or she will adhere to the standards of accepted ethics of journalism as defined by the Society of Professional Journalists and endorsed by the Native American Journalists Association.
- B. The Principal Chief shall appoint one (1) member of the Board; the Council shall appoint one (1) member of the Board; and the third member shall be appointed by the initial two (2) members, subject to confirmation by the Council and the Principal Chief. The member appointed by the Tribal Council shall serve the initial six year term, the member appointed by the Principal Chief shall serve the initial four year term and the member appointed by the initial two members shall serve the initial two year term.
- C. One member shall serve as Chairman, one member to serve as Vice Chairman and one member to serve as Secretary. Said officers shall be designated by the Tribal

Council at the time of confirmation by the Council.

- D. The terms of office of the Board members shall be six years, provided, however, that in order to stagger the expiration of office, one of the first group of Board members appointed hereunder shall be appointed for a term of two years, one for a term of four years, and one for a term of six years.
- E. Board Members shall serve their terms of office free from political influence from any Executive or Legislative Officials of any Branch, Division or Department of the government of the Nation and may be removed only for cause subject to a hearing by the Judicial Appeals Tribunal. A petition for removal for cause may be brought by a vote of the majority of Council members, or the Principal Chief. Except as authorized under the Constitution of the Cherokee Nation, no member of the Board shall, directly or indirectly, solicit, receive or in any manner be concerned in soliciting or receiving any assessment, subscription or contribution for any political organization, candidacy or other political purpose. The Board Members shall not participate in any political campaign or be involved in any tribal political activity, except to exercise his or her right as a citizen to express his or her individual opinion and cast his or her right to vote.
- F. The Board Members shall be provided for reimbursement of reasonable expenses incurred in the pursuit of their duties in accordance with the policies of the Cherokee Nation.

Section 7. Powers and duties:

The Board shall have the following powers and duties:

- A. To establish and enforce an editorial policy that will be fair and responsible in reporting of general news, current events and issues of Cherokee concern including activities of the community, language, culture, history and other subjects which will inform the Cherokee citizenry about their government, tribe, and culture.
- B. To ensure the operational structure is sound and that the duties and obligations required of the Board are fulfilled.
- C. To review advertising rates and policies.
- D. To develop consistent, fair and reasonable policies on campaign advertising to be published sixty days prior to beginning of the filing period.

Section 8. Editor:

- A. The Editor must (i) be at least 25 years of age, (ii) have a bachelor's degree in journalism or a related field from a college or university, ~~and have quality experience in a management and operations of publications or an appropriate combination of education and experience,~~ (iii) be of good character and have a reputation of integrity, (iv) be physically able to carry out the duties of office, (v) certify her or she will adhere to the standards of accepted ethics of journalism as defined by the Society of Professional Journalists and endorsed by the Native America Journalists Association, (vi) have experience necessary for the successful operation of the publication, and (vii) be a citizen of the Cherokee Nation.
- B. Whenever a vacancy occurs the Editorial Board shall recommend to the Principal Chief and Editor for appointment.
- C. The Editor shall serve his or her term of office free from political influence from any department of the government of the Nation and may be removed only for cause. The Editor shall not, directly or indirectly, solicit, receive or in any manner be concerned in soliciting or receiving any assessment, subscription or contribution for any political organization, candidacy or other political purpose. The Editor shall not participate in any political campaign or be involved in any tribal political activity, except to exercise his or her right as a citizen to express his or her individual opinion and cast his or her right to vote.

Section 9. Severability

The provisions of this act are severable, and if any part or provision hereof shall be held void, the decision of any court so holding shall not affect or impair any of the remaining parts or provisions of this act.

Section 10. Publications Requirements and Codification:

On a quarterly basis a public service announcement will be published, stating that copies of council meeting minutes and travel expenses of elected officials will be posted on the Cherokee Nation Web Site and be available through the Internet to fulfill the intent of previous legislative acts requiring such publications. This act shall be codified in conformance with the format and the requirements of Cherokee Nation Code Annotation Title 25.

Section 11. Amendment

This Act modifies all previous enactments relative to the "Cherokee Nation Independent Press Act".

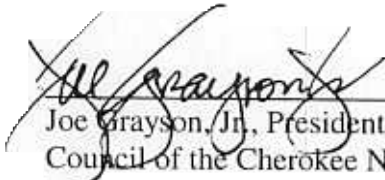
Section 12. Emergency Declared

It being immediately necessary for the welfare of the Cherokee Nation, the Cherokee citizens hereby declare that an emergency exists, by reason whereof this act shall take effect and be in full force after its passage and approval.

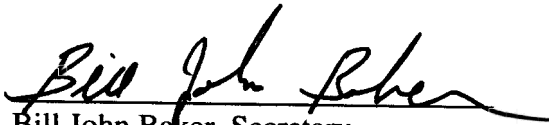
Section 13. Self-Help Contributions

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

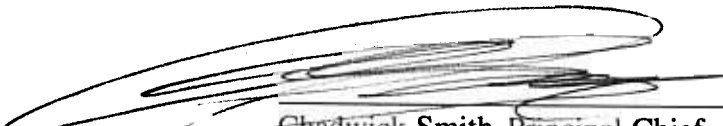
Enacted by the Council of the Cherokee Nation on the 10th day of January, 2005.


Joe Grayson, Jr., President
Council of the Cherokee Nation

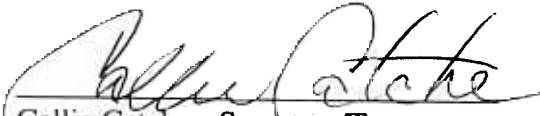
ATTEST:


Bill John Baker, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 17th day of JANUARY, 2005.


Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:


Callie Catcher, Secretary/Treasurer
Cherokee Nation

YEAS AND NAYS AS RECORDED:

| | | | |
|-----------------------|------------|---------------------------|------------|
| Bill John Baker | <u>NAY</u> | Melvina Shotpouch | <u>NAY</u> |
| Audra Smoke-Conner | <u>NAY</u> | Meredith Frailey | <u>YEA</u> |
| S. Joe Crittenden | <u>NAY</u> | John F. Keener | <u>NAY</u> |
| Jackie Bob Martin | <u>YEA</u> | Cara Cowan | <u>YEA</u> |
| Phyllis Yargee | <u>YEA</u> | Buel Anglen | <u>YEA</u> |
| David W. Thornton, Sr | <u>YEA</u> | William G. "Bill" Johnson | <u>YEA</u> |
| Don Garvin | <u>YEA</u> | Charles "Chuck" Hoskin | <u>NAY</u> |
| Linda Hughes-O'Leary | <u>NAY</u> | | |