

## An Act

### Legislative Act 16-09

#### **AN ACT AMENDING LEGISLATIVE ACT #19-00, AS AMENDED BY LEGISLATIVE ACTS #08-01 AND #05-05, ESTABLISHING A FREE AND INDEPENDENT PRESS FOR THE CHEROKEE NATION**

#### **BE IT ENACTED BY THE CHEROKEE NATION:**

##### **Section 1. Title.**

This act shall be known as the “INDEPENDENT PRESS AMENDMENT ACT OF 2009” and shall be codified as Title \_\_\_\_\_, Section \_\_\_\_\_ of the Cherokee Nation 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.**

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 Media.**

The Cherokee Nation’s Publications Department shall be independent from any undue influence and free of any particular political interest. It is the duty of the Publications Department to use any necessary forms of electronic and print media to report without bias the activities of the government and the news of interest to have informed citizens.

##### **Section 5. Providing for independent Print and Electronic Publications.**

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

## **Section 6. Editorial Board.**

A. An Editorial Board is hereby created and shall consist of five members. At least three Board members 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. The other Board members must (i) be at least 25 years of age; (ii) have quality experience in business management; (iii) be of good character and have a reputation of integrity; and (iv) be physically able to carry out the duties of office.

B. The Principal Chief shall appoint two members of the Board who must be citizens of the Cherokee Nation; the Council shall appoint two members of the Board who must be citizens of the Cherokee Nation; and the fifth member shall be appointed by the initial four members and must be a member of a Federally-Recognized Tribe. All members shall be subject to confirmation by the Council and the Principal Chief.

C. One member shall serve as Chairperson, one member shall serve as Vice Chairperson and one member shall serve as Secretary. Officers shall be designated by the Editorial Board at the first meeting of each fiscal year.

D. The terms of office of the Board members shall be six years. The term for the Seat 4 Board Member shall commence October 1, 2009 and expire on October 1, 2014; the term for the Seat 5 Board Member shall commence January 1, 2010 and expire on January 1, 2015.

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 a monthly stipend to be paid after the first meeting of each month. The stipend for board officers will be \$350 monthly and the stipend for other board members will be \$300 monthly. 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 Editorial Board shall have the following powers and duties:

A. To establish and enforce an editorial policy that will be fair and responsible in the 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 departmental policies to ensure fairness and professionalism in all department practices.

D. To hold periodic public meetings in order to conduct official department business and policy review.

E. To publish electronically, at least on a quarterly basis, copies of council meeting minutes and travel expenses of elected officials on the Cherokee Phoenix Web Site to fulfill the intent of previous legislative acts requiring such publications.

### **Section 8. Executive Editor.**

A. The Executive 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, 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 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; (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 an Executive Editor for appointment.

C. The Executive 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 Executive 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 Executive 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.

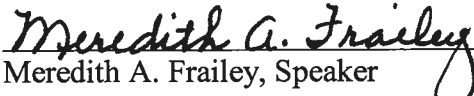
### **Section 10. Emergency Declared.**

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 11. 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 15th day of June, 2009.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation

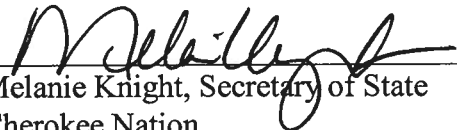
**ATTEST:**

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 22nd day of June, 2009.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Melanie Knight, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
Bill John Baker	<u>Yea</u>	Chris Soap	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Buel Anglen	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Absent</u>	Bradley Cobb	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Charles Hoskin, Jr.	<u>Yea</u>
Don Garvin	<u>Absent</u>	Julia Coates	<u>Yea</u>
Harley L. Buzzard	<u>Yea</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Absent</u>		

**Cherokee Nation  
Act/Resolution Proposal Form**

**ADMINISTRATIVE CLEARANCE:**

Program/Project Manager:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Department Director:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Group Leader:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Finance Approval (if needed):

Signature \_\_\_\_\_ Date \_\_\_\_\_

Government Resources Group:

Site May 5/18/09  
Signature \_\_\_\_\_ Date \_\_\_\_\_

Administration Approval:

Melinda 5/18/09  
Signature \_\_\_\_\_ Date \_\_\_\_\_

Act

Resolution

TITLE: An Act Amending Legislative Act #19-00, As Amended by Legislative Acts #08-01 and #05-05, Establishing a Free and Independent Press for the Cherokee Nation

Department Contact: Bryan Pollard, Cherokee Publications

Resolution Presenter: Bryan Pollard, Cherokee Publications

Council Sponsor: Cara Cowan Watts; Bill John Baker

**NARRATIVE:**

*(See Attached Outline for Information Needed)*

The purpose of this Act is to amend the Independent Press Act to increase the number of board members from 3 to 5 members.

**LEGISLATIVE CLEARANCE**

Legislative Aide:

Shelli Brittain 5/18/09  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Standing Committee:

Rules

5/28/09

Next Meeting Date

Chairperson:

Triley  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Returned to Presenter: \_\_\_\_\_  
Date