

1 **OSAGE NATION CONGRESS**

2
3 4th Session of the 1st Congress

5 **BILL NUMBER ONCA 08-07**

6
7 **ENGROSSED**

8
9 **April 3, 2008**

10
11 **SPONSOR:** Faren Revard Anderson

12
13 **CO-SPONSOR(S):** Jerri Jean Branstetter, Doug Revard, William “Kugee” Supernaw,
14 Anthony Shackelford and Raymond Red Corn

15
16 **An Act**

17 To establish a free and independent press for the Osage Nation.

18
19 *Be it enacted by the Congress of the Osage Nation:*

20
21 **SECTION 1. SHORT TITLE**

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23 This act shall be known as the “Independent Press Act of 2008”.

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25 **SECTION 2. PURPOSE**

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27 This act affirms the policy regarding the Osage Nation’s press. It is imperative to
28 have measures in place to ensure the freedom of the press and to ensure the tribal
29 publications have the independence to report objectively.

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31 **SECTION 3. CONSTITUTIONAL RIGHTS**

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

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40 **SECTION 4. AN INDEPENDENT OSAGE PRESS**

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

47 **SECTION 5. PROVIDING FOR INDEPENDENT NEWSPAPER**
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49 The newspaper currently published by the Osage Nation known as “Osage News”
50 shall become an independent newspaper and shall be published at least monthly to report
51 news and provide a forum for all views of the Osages.
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53 **SECTION 6. EDITORIAL BOARD AND EDITOR**
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- 55 A. An Editorial Board is hereby created and shall consist of three members.
56 To be eligible to serve as a Board member, a person must (i) be at least 25
57 years of age, (ii) have quality experience in the management and
58 operations of publications; (iii) be of good character and have a reputation
59 of integrity;(iv) be physically able to carry out the duties of office; (v)
60 have at least 5 years of professional journalism experience and/or an
61 advanced degree in journalism; (vi) certify he or she will adhere to the
62 standards of accepted ethics of journalism as defined by the Society of
63 Professional Journalists and endorsed by the Native American Journalists
64 Association.
65
- 66 B. The Principal Chief shall appoint one (1) member of the Board; the
67 Congress shall appoint one (1) member of the Board and the third member
68 shall be appointed by the initial two (2) members.
69
- 70 C. One member shall serve as Chairperson, one member to serve as Vice-
71 Chairperson and one member to serve as Secretary. Officers shall be
72 chosen amongst the Board members, once confirmed by Congress.
73
- 74 D. The terms of office of the Board members shall be two years.
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- 76 E. The Board shall meet at least quarterly, and meeting by conference call
77 shall be valid except that the Board shall meet at least twice annually in
78 person.
79
- 80 F. Editorial Board members shall not be current Osage Nation employees.
81
- 82 G. Board Members shall serve their terms of office free from political
83 influence from any Executive, Judicial or Legislative Officials of any
84 Branch, Division or Department of the government of the Osage Nation
85 and may be removed only for cause subject to a hearing by the Osage
86 Nation district court. Removal of Board members shall be conducted in
87 accordance with Article XII of the Osage Nation Constitution. Except as
88 authorized under the Constitution of the Osage Nation, no member of the
89 Board shall, directly or indirectly, solicit, receive or in any manner be
90 concerned in soliciting or receiving any assessment, subscription or
91 contribution for any political organization, candidacy or other political
92 purpose. The Board Members shall not participate in any political

93 campaign or be involved in any tribal political activity, except to exercise
94 his or her right as a citizen to express his or her individual opinion by
95 casting his or her vote.
96

- 97 H. The Editorial Board members shall be reimbursed for reasonable expenses
98 incurred in the pursuit of their duties in accordance with the policies of the
99 Osage Nation.

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101 **SECTION 7. POWERS AND DUTIES OF THE BOARD**
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103 The Board shall have the following powers and duties:
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- 105 A. To establish and enforce an editorial policy that will be fair and
106 responsible in the reporting of general news, current events and issues of
107 Osage concern including activities of the community, language, culture,
108 history and other subjects which will inform the Osage citizenry about
109 their government, tribe, and culture.
110
111 B. To ensure the operational structure is sound and that the duties and
112 obligations required of the Board are fulfilled.
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114 C. To review advertising rates and policies.
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116 D. To develop consistent fair and reasonable policies on campaign
117 advertising to be published sixty days prior to beginning of the filing
118 period.
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120 **SECTION 8. EDITOR**
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- 122 A. An Editor shall be appointed by the Editorial Board to oversee the
123 operations of the newspaper.
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125 B. The Editor must:
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127 1. be at least 25 years of age;
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129 2. have a bachelor's degree in journalism or a related field from a
130 college or university and have quality experience in the
131 management and operations of publications;
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133 3. be of good character and have a reputation of integrity;
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135 4. be physically able to carry out the duties of office;
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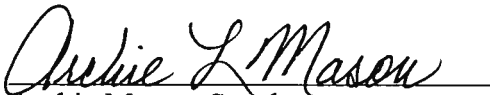
- 5. certify he or she will adhere to the standards of accepted ethics of journalism as defined by the Society of Professional Journalists and endorsed by the Native American Journalists Association;
 - 6. have at least five (5) years professional journalism experience in the fields of reporting, copy editing, multi-media, photographer or editor at a non-tribal or tribal newspaper; and
- C. Whenever a vacancy occurs, the Editorial Board shall appoint a new Editor.
 - D. The Editor shall serve until removed by the Editorial Board or until the Editor resigns the position in writing to the Editorial Board.
 - E. The Editor shall serve his or her term of office free from political influence from any department of the government of the Osage 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.

ENACTED by the Osage Nation Congress on this 9TH day of April, 2008.

IN WITNESS WHEREOF, the Speaker of the Osage Nation Congress has hereto attached his signature.



Archie Mason, Speaker
Osage Nation Congress

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I, THE UNDERSIGNED, CERTIFY THAT THE FOREGOING IS A TRUE EXTRACT FROM THE MINUTES OF THE Osage Nation Congress comprised of twelve members and one ex-officio member with 12 members attending this meeting on the 8TH day of April, 2008, and that the above is in conformity with the provisions therein adopted by a vote of 9 in favor, 2 against, and 1 absent.

- Faren Revard Anderson yes
- Jerri Jean Branstetter yes
- Shannon Edwards no
- Mark Freeman yes
- Debra Atterberry no
- Archie Mason yes
- Raymond Red Corn yes
- Eddy Red Eagle, Jr. yes
- Doug Revard yes
- Anthony Shackelford yes
- Mark Simms absent
- William Supernaw yes

Said Bill has not been rescinded or amended in any way and the above is the signature of the Speaker of the Osage Nation Congress.


Alexis Rencountre, Clerk
Osage Nation Congress

APPROVAL

I, the Principal Chief of the Osage Nation, hereby affix my signature this _____ day of _____, 2008, to the above Bill No. ONCA 08-07 authorizing it to become a law under the Constitution of the Osage Nation.

Jim R. Gray, Principal Chief
Osage Nation

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Jim Gray
Principal Chief

Osage Nation
Office of the Principal Chief



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John D. Red Eagle
Assistant Principal Chief

EXECUTIVE VETO MESSAGE

April 14, 2008

The Honorable Archie Mason, Speaker of the Osage Nation Congress and Members of the 1st Osage Nation Congress

Dear Mr. Speaker and Members of the 1st Osage Nation Congress:

I hereby transmit pursuant to the provisions of Section 11 of Article VII and Section 13 of Article VI of the Osage Nation Constitution, a statement of items to which I object and which I do not approve, contained in Bill ONCA 08-07, entitled:

“An Act to establish a free and independent press for the Osage Nation.” Inclusive

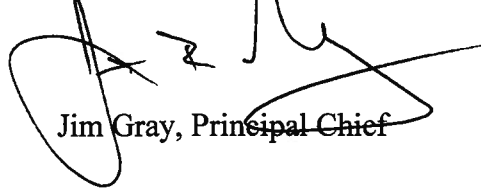
My reason for vetoing this bill is primarily as follows:

I am returning Bill ONCA 08-07 without my signature due to the constitutional violations it presents. Section 3, subsection (a) of Article IV of the Constitution of the Osage Nation states: “The Osage Nation government in exercising sovereign powers shall not: make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech or the press . . .” ONCA 08-07 attempts to regulate the structure and content of the Osage News and therefore abridges the freedom of the press. Additionally, the bill requires that the press be “independent from any undue influence and free of any particular political interest.” However, the next sentence in the same section states: “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.” By reporting on governmental activities, the newspaper will continue to be inherently political, and will therefore violate this Act as long as it exists.

This legislation seeks to establish a free and independent newspaper for the Osage Nation, yet it must be asserted the press can never be free or independent if the funding to support it is subject to legislative appropriations and it is established by Congress. I fully support the idea of a newspaper that reports objectively and I encourage the establishment of an Editorial Board for the Osage News. I also agree with the implementation of an Editorial Board to serve as a buffer from undue influence and political bias. However, as long as the newspaper depends on Congressional appropriations for its very operation, there will always be the chance that a future

Congress may discontinue or cut appropriations if they disagree with the content or message of the press. This bill is an unconstitutional prior restraint on free speech. Legislative regulation of a free and independent newspaper is unavoidably conflictive by design and so I must return ONCA 08-07 unsigned.

Respectfully Submitted,

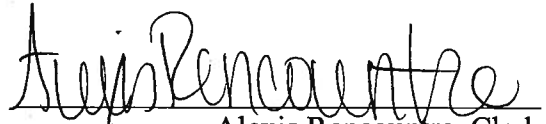
A handwritten signature in black ink, appearing to read 'Jim Gray', is written over the typed name. The signature is stylized and somewhat illegible.

Jim Gray, Principal Chief

VETO OVERRIDE CERTIFICATION

I, THE UNDERSIGNED, CERTIFY THAT THE FOREGOING IS A TRUE EXTRACT FROM THE MINUTES OF THE Osage Nation Congress comprised of twelve members and one ex-officio member with 12 members attending this meeting on the 17TH day of April, 2008, and that the foregoing veto override was approved by a three-fourths vote of the Osage Nation Congress in accordance with the Constitution of the Osage Nation Article VI, Section 13. This provision was adopted by a vote of 9 in favor, 2 against, and 1 absent.

Faren Revard Anderson	yes
Jerri Jean Branstetter	yes
Shannon Edwards	absent
Mark Freeman	no
Debra Atterberry	no
Speaker Archie Mason	yes
Raymond Red Corn	yes
Eddy Red Eagle, Jr.	yes
Doug Revard	yes
Anthony Shackelford	yes
Mark J. Simms	yes
William "Kugee" Supernaw	yes


Alexis Rencountre, Clerk
Osage Nation Congress