



NCA 20-037

CLASSIFICATION: #49. MVSKOKE MEDIA

A LAW OF THE MUSCOGEE (CREEK) NATION REPEALING MCNCA TITLE 16 CHAPTER 11, ENTITLED "MVSKOKE MEDIA" AND CREATING A NEW TITLE 49, ENTITLED "INDEPENDENT MUSCOGEE (CREEK) PRESS" AND AMENDING MCNCA TITLE 16 CHAPTER 1, ENTITLED "THE ORGANIZATION OF THE EXECUTIVE OFFICE OF THE PRINCIPAL CHIEF"

Be it enacted by the National Council of the Muscogee (Creek) Nation:

SECTION ONE. FINDINGS. The National Council finds that:

A. The Muscogee (Creek) citizenry should be allowed to have access to information regarding Muscogee (Creek) Nation activities and news.

B. There is a need to establish law to ensure the Muscogee (Creek) Nation's Press, Mvskoke Media, enjoys freedom of the press and independence to report objectively.

SECTION TWO. REPEALER. MCNCA Title 16, Chapter 11, entitled "Mvskoke Media" is hereby repealed in its entirety.

SECTION THREE. NEW LAW. The following new law shall be codified in Title 49 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said new law and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

TITLE 49. INDEPENDENT MUSCOGEE (CREEK) PRESS

CHAPTER 1. MVSKOKE MEDIA

§ 49-101. Mvskoke Media

A. The Muscogee (Creek) Nation's Press, Mvskoke Media, shall be independent from any undue influence and free of any particular political interest. It is the duty of the press to report on the Muscogee (Creek) Nation and its people without bias to have an informed citizenry.

B. Mvskoke Media shall publish independent news and operate on the principles of a free press as outlined by the Society for Professional Journalists (SPJ) and Native American Journalism Association (NAJA) Code of Ethics. The Mvskoke News shall publish multi-media news content and provide a forum for all views of the Muscogee citizenry.

C. Mvskoke Media shall include Editorial Staff, Multi-Media Production; Mvskoke Creative, which includes printing and graphic design services; and Mvskoke Business to include Mvskoke Markets, retail outlets.

§ 49-102. Policy

A. Mvskoke Media is authorized to accept commercial display advertising from chartered communities of the tribe, individual businesses owned by enrolled tribal citizens and other businesses that wish to direct advertising to the outlet's readers, viewers and listeners.

B. Mvskoke Media is authorized to accept political advertising that conforms to policy and procedure set forth by the Director of Mvskoke Media with oversight by the Mvskoke Media Editorial Board.

C. The Mvskoke Media staff shall not, directly or indirectly, solicit, receive or in any manner be concerned in soliciting or receiving any assessment, subscription or any contribution for any political organization, candidacy or other political purpose. The Mvskoke Media Staff 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 report on election activities and to vote.

D. Mvskoke Media broadcasts and publications shall not be considered an official capacity of Muscogee (Creek) Nation and shall not include the Muscogee (Creek) Nation official Seal on any materials.

§ 49-103. Access

Mvskoke Media will not be removed from public forum meetings or censored in reporting those meetings consistent with executive and legislative operating procedures and policy, except by order of the Nation's Courts.

§ 49-104. Creative Rights

Mvskoke Media shall retain the rights to previously produced media, including but not limited to, written, visual or audio creations and interviews.

§ 49-105. Editorial Board

The Editorial Board shall consist of three (3) members, of which at least two (2) members shall be enrolled Muscogee (Creek) citizens or citizens of another federally recognized tribe.

A. One (1) member of the board shall be selected by the Principal Chief and One (1) member shall be selected by the National Council. The third member of the board shall be selected by other two members. Two (2) Editorial Board members shall constitute a quorum to conduct official business.

B. The term of the board members shall be three (3) years and shall have no holdover. The board members' terms shall be staggered to guarantee board continuity.

1. Upon enactment of this law, the terms for the first Editorial Board members shall be as follows:
 - a. the term for Mvskoke Media's selection shall be for one (1) year;
 - b. the term for the National Council's selection shall be for two (2) years; and
 - c. the term for the Principal Chief's selection shall be for three (3) years.

C. One member shall serve as Chairman, one member to serve as Vice-Chairman and one member to serve as Secretary. Board members shall designate, amongst themselves, said officers.

D. To be eligible to serve on the board, a person must:

1. be at least 25 years of age
2. one board member must have a background in Tribal law;
3. two board members must have at least five (5) years experience in the journalism field, either as management, operations, editorial staff or reporting experience
4. one board member must have a bachelor's degree or higher in journalism or a related field;
5. be of good character and have a reputation of integrity;
6. be physically able to carry out the duties of office, with or without reasonable accommodations; and

7. certify he or she will adhere to the standards of accepted ethics of journalism as defined by the Society of Professional Journalists and the Native American Journalists Association.

E. Board members shall serve their terms of office free from political influence from any governmental branch of the Muscogee (Creek) Nation or any department or entity of the Muscogee (Creek) Nation and may only be removed for cause subject to Title 31.

F. The Editorial Board will convene monthly and at the request of the Director.

G. Board members shall receive a stipend of \$200.00 per meeting, but shall not exceed two meetings per month, and shall be provided reimbursement of reasonable expenses, such as mileage, in regard to their duties.

H. 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 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 to vote. Nothing herein shall prevent political organizations or candidates from purchasing advertisements in any medium operated by Mvskoke Media.

I. Members of the Editorial Board shall not be employed by the executive, legislative or judicial branches, Mvskoke Media or any other Muscogee (Creek) Nation agencies, departments or enterprises, including as freelance or independent contractors.

J. The deadline to have the Editorial Board in place shall be September 30, 2020.

§ 49-106. Powers and Duties of the Editorial Board

The Editorial Board shall have the following powers and duties:

A. To review and approve editorial policy and ensure that it will be fair and responsible in the reporting of general news, current events and issues of Muscogee (Creek) concern, including activities of the community, language, culture, history and other subjects which will inform the Muscogee (Creek) citizens about their government, tribe and culture.

B. To review departmental policies to ensure fairness and professionalism in all department practices.

C. To hold public periodic meetings in order to conduct official department business and policy review, including addressing citizen comments or questions concerning coverage.

D. To hire, supervise, and advise and exclusive power to terminate the Mvskoke Media Director for cause.

E. To review and approve the annual departmental budget.

F. To provide quarterly reports to the Office of the Principal Chief and National Council.

§ 49-107. Managing Editor and Staff

A. Editorial staff shall perform duties free from political influence from any department of the government of the Muscogee (Creek) Nation and may be removed only for cause by the Director.

B. The staff shall not participate in any political campaign or be involved in any Muscogee (Creek) Nation political activity, except to assist the Editorial Board in hosting a fair and unbiased tribal candidate debate or forum in order to cover Muscogee (Creek) Nation elections objectively.

§ 49-108. Powers and Duties of the Managing Editor

A. The Managing Editor shall have the following powers and duties:

1. to follow the established editorial policy approved-by the Editorial Board;
2. to review and interview all editorial staff candidates and make recommendations of hiring and firing decisions pertaining to the editorial staff;
3. to provide recommendations to the annual Mvskoke Media Budget; and
4. to direct all reporting coverage of Mvskoke Media and manage editorial staff.

§ 49-109. Powers and Duties of the Director

A. The Director shall have the following powers and duties:

1. to review and interview staff candidates, make hiring and firing decisions pertaining to all staff;
2. to develop and manage the annual department budget;
3. to direct day-to-day operations and general staff management for Mvskoke Media, including business development, human resources and legal; and
4. enact and enforce editorial policy as approved by the Editorial Board.

§ 49-110. Funding

A. The Muscogee (Creek) Nation shall fully fund Mvskoke Media to sustain print and digital operations, including the mailing, designing and circulation of a regular publication to the Muscogee (Creek) citizenry and revenue generating operations, including Mvskoke Business and Creative Departments.

B. The Muscogee (Creek) Nation shall fund a Director, Managing Editor and staff to produce digital content and a print publication for its citizenry.

C. The Mvskoke Media annual budget shall be approved by the Editorial Board and be submitted to the Principal Chief for preparation of the Comprehensive Annual Budget, subject to review and approval by the Muscogee (Creek) National Council pursuant to Article V, § 3 of the Muscogee (Creek) Nation Constitution.

D. Mvskoke Media shall retain all program income earned from Mvskoke Creative and Mvskoke Business in its existing revolving account.

§ 49-111. Shield

No journalist or Editorial Board Member shall be required to disclose either:

A. The source of any published information or unpublished information obtained in the gathering, receiving, or processing of information for any medium of communication to the public; or

B. Any unpublished information obtained or prepared in gathering, receiving or processing of information for any medium of communication to the public, unless the Courts of the Nation find that the party seeking the information or identity has established by clear and convincing evidence that such information or identity is relevant to a significant issue in the action and could not with due diligence be obtained by alternative means.

SECTION THREE. AMENDMENT. These amendments shall be codified in Title 16 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

SECTION FOUR. AMENDMENT. MCNCA Title 16, § 1-102. H. and K. are hereby amended to read as follows:

TITLE 16. EXECUTIVE BRANCH

**CHAPTER 1. THE ORGANIZATION OF THE EXECUTIVE OFFICE OF THE
PRINCIPAL CHIEF**

§ 1-102

H. DEPARTMENT OF COMMERCE

Office of the Secretary of the Nation and Commerce

1. Uniform Commercial Code Management
2. Mvskoke Loan Fund/CDFI
3. Planning, Grants and Self-Governance
4. Contracting and Employment Support Office
5. ~~Mvskoke Media~~
- 6. Public Relations**
- 7. Tourism and Recreation**

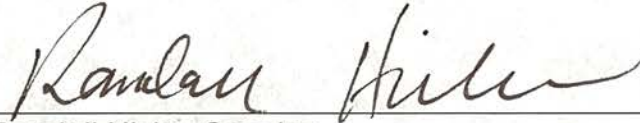
K. INDEPENDENT STATUTORY EXECUTIVE AGENCIES

1. Lighthouse Administration
2. Office of Tax Commission
3. Office of Public Gaming
4. Gaming Operations Authority Board
5. Tribal Trade and Commerce Authority
6. Muscogee (Creek) Nation Business Enterprise
7. Creek Nation Foundation
8. Office of Veterans' Affairs
9. One Fire Holding Company, LLC
- 10. Mvskoke Media**

SECTION FIVE. EFFECTIVE DATE. This Act shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

ENACTED by the Muscogee (Creek) National Council on this **21st** day of **July, 2020.**

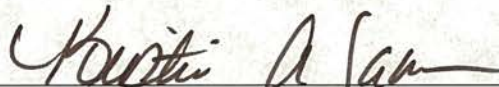
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Randall Hicks, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

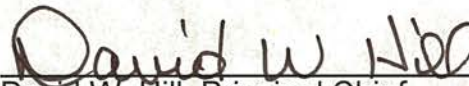
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Sixteen** members attending this meeting on the **23rd** day of **July, 2020** and that the above is in conformity with the provisions therein adopted by a vote of **15** in favor, **0** against and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Kristie A. Jackson, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this **23rd** day of **July**, **2020** to the above Law, **NCA 20-037** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



David W. Hill, Principal Chief
Muscogee (Creek) Nation

