



NCA 19-031

CLASSIFICATION: #16. EXECUTIVE BRANCH

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 16 CHAPTER 11, ENTITLED "MVSKOKE MEDIA" AND CREATING A NEW LAW, ENTITLED "SHIELD ACT"

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

SECTION ONE. AMENDMENT. These amendments shall be codified in Title 16, Chapter 11, 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:

§ 11-101. Mvskoke Media.

Mvskoke Media shall be independent from political influence in its editorial content (Mvskoke News, Mvskoke Radio and Mvskoke Vision). All editorial content and review shall be at the discretion of the Mvskoke Media Managing Editor and Editorial Board, only. Mvskoke Media financial oversight and budgeting shall be a coordinated effort between the Mvskoke Media Director ~~under the direction of~~ and the Secretary of the Nation and Commerce, ~~shall consist of the newspaper (Muscogee Nation News), as well as the television (Native News Today) and radio (Mvskoke Radio) broadcast outlets and the Graphic Design and Printing and Website Design divisions and social media and any other forms of media. Mvskoke Media will~~ shall also include support staff, such as, administrative and IT staff.

§ 11-102. Advertising 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. All news reported shall adhere to the standards of accepted ethics of journalism as defined by the Society of Professional Journalists, as well

as attempt to reconcile those ethics with the customs and traditions of Muscogee (Creek) people.

B. Mvskoke Media is authorized to accept political advertising that conforms to policy and procedure set forth by the Secretary of the Nation and Commerce.

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 express his or her individual opinion and cast his or her right 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.

~~§ 11-103. Equipment.~~

~~All equipment currently used by Mvskoke Media staff (Muscogee Nation News, Native News Today, Mvskoke Vision and Mvskoke Radio) shall be retained by Mvskoke Media under the Secretary of the Nation and Commerce.~~

~~§ 11-1043. Access.~~

~~All reporters, radio and video crews are allowed access to tribal complex and Muscogee (Creek) Nation facilities.~~

~~§ 11-1054. Creative Rights.~~

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

§ 11-105. 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 if qualified Muscogee (Creek) citizens are not available.

A. One (1) member of the Board shall be selected by the Principal Chief and One (1) member to be selected by the National Council. The third member of the Board will be selected by the members of the Board. Two (2) Editorial Board members shall constitute a quorum to perform reviews of editorial content.

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.

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 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 Journalist, as well as attempt to reconcile those ethics with the customs, traditions and protection of the Muscogee (Creek) people and its government.

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 board members will only meet when requested to review editorial content. Reviewing of editorial content will be at the discretion of the Mvskoke Media Managing Editor and Editorial Board, and Board Members shall work with the Mvskoke Media Managing Editor to ensure any reviewed content meets submission deadlines. Board members will not receive a stipend. The board members shall be provided reimbursement of reasonable expenses (mileage and \$50.00 per meeting, not to exceed two meetings a month) in regard to their duties.

G. 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 as a

citizen to express his or her individual opinion and cast his or her right to vote. Nothing herein shall prevent political organizations or candidates from purchasing advertisements in any medium operated by Mvskoke Media.

H. A board member cannot work for the executive or legislative branches, or Mvskoke Media.

I. The deadline to have the Editorial Board in place shall be May 1, 2019.

§ 11-106. 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 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.

D. To provide a Quarterly Report to the Office of the Principal Chief and the National Council describing the activities and accomplishments of Mvskoke Media over the previous quarter.

SECTION TWO. NEW LAW. The following new law shall be codified in Title 16 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 for 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 in this law in order to be 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 new law.

SUBCHAPTER 2. SHIELD ACT

§ 11-201. Establishment.

The Shield Act is hereby established to affirm the independence of a free media in the Muscogee (Creek) Nation by providing protection of journalistic sources and information from disclosure in any Muscogee (Creek) Nation proceeding.

Definitions.

A. "Information" includes any written, oral or pictorial news or any digital or tangible record.

B. "Journalist" means any person who is a reporter, photographer, editor, commentator, journalist, correspondent, announcer, videographer, or other individual regularly engaged in obtaining, writing, reviewing, editing, or otherwise preparing news for any newspaper, periodical, press association, newspaper syndicate, wire service, website, radio or television station, or other news service. Any individual employed by any such news service in the performance of any of the above-mentioned activities shall be deemed to be regularly engaged in such activities. All Mvskoke Media editorial staff and the Secretary of the Nation and Commerce shall be covered under this definition.

C. "Medium of communication" includes any newspaper, other periodical, book, all forms of social media, pamphlet, website, podcast, news service, wire service, news or feature syndicate, broadcast station or network, cable television system, video, live stream, or other record.

D. "Muscogee (Creek) Nation proceeding" includes any proceeding or investigation before or by any judicial, legislative, executive or administrative body within the Muscogee (Creek) Nation.

E. "Processing" includes compiling, storing and editing of information.

F. "Published information" means any information disseminated to the public by the person from whom disclosure is sought.

G. "Unpublished information" includes information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated, and includes, but is not limited to, all notes, outtakes, photographs, video clips or other data of any type not itself disseminated to the public through a medium of communication, whether or not published information based upon or related to such material has been disseminated.

§ 11-202. Journalistic Protections.

A. No journalist shall be required to disclose in a Muscogee (Creek) Nation proceeding either:

1. **The source of any published or unpublished information obtained in the gathering, receiving or processing of information for any medium of communication to the public; or**
2. **Any unpublished information obtained or prepared in gathering, receiving or processing of information for any medium of communication to the public; unless the court finds 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 alternate means.**

B. This section does not apply with respect to the content or source of allegedly defamatory information, in a civil action for defamation wherein the defendant asserts a defense based on the content or source of such information.

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:

§ 1-102

H. DEPARTMENT OF COMMERCE

Office of the Secretary of the Nation and Commerce

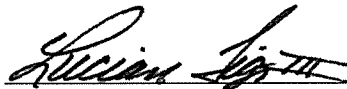
1. Uniform Commercial Code Management
2. Mvskoke Loan Fund/CDFI
3. Planning, Grants and Self-Governance
4. Contracting and Employment Support Office
5. Mvskoke Media
 - a. ~~Muscogee Nation News~~
 - b. ~~Native News Today~~

- ~~c. Mvskoke Radio~~
- ~~d. Graphic Design and Printing~~
- ~~e. Website Design~~
- ~~f. Mvskoke Vision~~
- 6. Public Relations
- 7. Tourism and Recreation

SECTION FOUR. 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 23rd day of February, 2019.

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



Lucian Tiger III, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

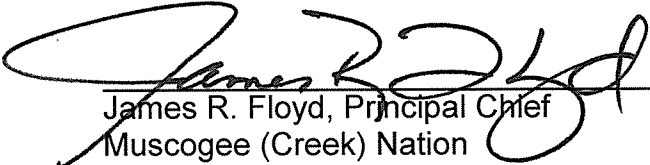
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Sixteen** members attending this meeting on the 23rd day of February, 2019 and that the above is in conformity with the provisions therein adopted by a vote of 14 in favor, 1 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 28th day of February, 2019 to the above Law, **NCA 19-031** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.


James R. Floyd, Principal Chief
Muscogee (Creek) Nation

