

# A free press is the exception in Indian Country

**Reporting the news has proven problematic for Tribal media outlets**

By Danielle Frost

*Smoke Signals staff writer*

PRIOR LAKE, Minn. — When reporter Angel Ellis rejoined the staff of *Muskoke News* in August 2018, she looked forward to being a part of one of a few publications in Indian Country operated free and independent of Tribal government influence.

That freedom didn't last long.

A new law passed by the Muscogee (Creek) National Council in November 2018 in what many referred to as a "last minute" emergency meeting repealed press freedom protections for the Tribe's media. It placed *Muskoke Media*, located in Okmulgee, Okla., under the control of Principal Chief James Floyd, repealing a 2015 Tribal law that created an independent media outlet.

The ruling was condemned by media outlets across the United States. The Native American Journalists Association called the move a "direct form of censorship."

"Indigenous journalism plays a critical role in supporting Tribal sovereignty and self-determination," NAJA officials said in a statement. "From holding the powerful accountable to disseminating stories of cultural significance, a free and independent Indigenous press supports the goals of Tribal nations by providing an open public forum for community voices."

Since the free press repeal, Ellis said half of the staff has quit and the remaining reporters struggle to meet deadlines because their work must be edited by the Tribal government's executive branch before it can be published.

Ellis spoke to an audience of more than 50 reporters during a panel discussion about the status of free press in Indian Country during the 2019 National Native Media Conference held in Prior Lake, Minn. The conference was held from Sunday, Sept. 15, through Wednesday, Sept. 18, and was sponsored by NAJA.



Contributed photo

**Smoke Signals staff writer Danielle Frost and Editorial Board member Andy Jenness accepted five awards on behalf of the newspaper at the 2019 Native American Journalists Association National Native Media Conference held on Wednesday, Sept. 18. The awards were given out during an evening banquet and cultural night, which capped the four-day conference held in Prior Lake, Minn. Editor Dean Rhodes received a first-place award in the Best News Story category while Frost took second place in that category and the Best Sports Story category. Frost also received a first-place award for Best Coverage of Native America. Former *Smoke Signals* photojournalist Michelle Alaimo took first place for Best Sports Photo. *Smoke Signals* has won 54 awards from NAJA over the last decade.**

Other panelists were *Osage News* Senior Reporter Benny Polacca (Hopi) and *Smoke Signals* Editorial Board member Andy Jenness (Grand Ronde). Both are among the few independent press publications in Indian Country.

"I had my first story suppressed soon after the free press was repealed," Ellis said. "They pulled my stories off the front page and we struggled to get the paper out because administration took so

long to approve it. It took three months before my work made the front page again."

However, Ellis has resolved to stay and fight for independent journalism.

"Without the help of NAJA and the Society of Professional Journalists, I would have kicked this to the curb a long time ago," she said.

In 2008, long before *Muskoke News* was a free press, Ellis broke a story about a Tribal official who was arrested for 15 counts of embezzlement. A photo of the official in handcuffs was published on the front page of the newspaper.

"Some people didn't think that reflected well on the Tribe," she said. "So, I was fired for reporting the news."

Ellis worked in mainstream media for the next decade before returning to work for her Tribe, which in addition to publishing a newspaper also has a TV and radio broadcast. When Tribal members have asked her in recent months why a story wasn't published, Ellis responds candidly.

"I have conversations on a daily basis about why stories weren't published," she said. "I tell people because the stories were squashed, and that's why they aren't getting the information."

Ellis said that it's crucial for the Tribal membership to realize where their money is going.

"It's important for the membership to know who controls the purse strings," she said. "I had to spend a lot of time educating people as to what their rights were, and that independent media doesn't mean independent from Tribal funds."

After Tribal members decried the free press repeal, a "shield law" was enacted protecting sources from retaliation and placing the then secretary of commerce in charge of the newspaper. However, the shield law did nothing to protect reporters from retaliatory action for doing their jobs.

"We have a friendly legislator who is running for office and wants to put a ballot initiative before the people so they can vote on whether to have a free press," Ellis said.

The rough draft of the initiative was discussed by the National Council's business, finance and justice committee on Thursday, Sept. 19, right after Ellis returned from the NAJA conference. It passed 4-1. The next step is for the rough draft to be finalized by Oct. 7.

Ellis noted that Speaker Lucian Tiger III has verbally committed to call an emergency session at that point, where the National Council could vote and put the question on the citizens' ballot in November.

Ellis and former editor Sterling Cospier (Muscogee Creek), who resigned in protest when the free

press was repealed, spoke at the Thursday meeting. It was streamed on Facebook Live and had close to 2,000 views.

Cospier is now a programs manager for NAJA.

"I think it would be the right thing to do to put this to a vote so that the citizens can have their say," he said.

Ellis spoke to legislators about the difference between a shield law and a free press.

"Shield laws protect the people we talk to," she said. "In an independent press, parameters are put in place that protect us from undue influence. ... I have had my stories edited by the executive branch and missed deadlines that cost our citizens a lot of money. They are watching and they see censorship happening. It's not a secret."

## Free press panel

During the panel, the topic of independent journalism in Indian Country was discussed with Indigenous Media Freedom Alliance Director Jodi Rave SpottedBear (Mandan-Hidatsa and Lakota) moderating.

SpottedBear revealed the findings in a recent NAJA Red Press Initiative, which researched press freedom in Indian Country by surveying Tribal officials, Tribal media producers and Tribal media consumers.

The study was conducted by former NAJA programs director and current Stanford University John S. Knight Fellow Bryan Pollard (Cherokee). He also served as executive editor of the *Cherokee Phoenix* from 2007-16. The Cherokee Nation, in Tahlequah, Okla., was one of the first Tribes in the nation to pass a free press ordinance in 2009.

A majority of Tribal media outlets are either partially or fully funded by the Tribal government, due to remote locations and small audience sizes, which makes it difficult for traditional revenue streams of advertising and subscriptions to support a newspaper. This can result in Tribal media being supervised by the same entity it is supposed to hold accountable, creating a potential for government-controlled media.

Early findings from the Red Press Initiative include a lack of response from Tribal officials, nearly a third of Tribal media employees self-censoring their work out of fear of losing their jobs and a third of employees stating that public relations staff influence published news all or most of the time.

"I have been in situations where I wasn't allowed to go to NAJA because officials didn't like the stories that I won awards for," Ellis said.

Polacca said he answers to his editor, not the public relations staff. "*Osage News* is not censored," he said. "If something is petty or not newsworthy, we don't report it. If it is newsworthy, we do."

Jenness said that while the Grand Ronde Editorial Board can suggest story ideas, the *Smoke Signals* editor makes final decisions on what will be published.

"I am very thankful for that," he said. "And I think we have made it very clear to our readership that the editor has the final approval. ... It's important for Tribal citizens to know who has final say." ■

## SOCIAL SECURITY

Do you need assistance applying for Social Security or retirement benefits

Contact Julie Singer 503-879-1347

Julie's office hours are:  
Monday, Tuesday, Thursday 10 a.m - 5 p.m.

Smoke Signals ad