

## **GUEST ARTICLE SENT WITH NOTES TO THE NATION 1-9-09**

**BY CONGRESSWOMAN FAREN REVARO ANDERSON**

In the December edition of the Osage News, there was an article reporting that the Chief has “chosen” 3 people to serve on an Editorial Board. What editorial board, I ask? There hasn’t been any sort of editorial board established by law that the Chief would need to choose 3 people for. The article further goes on to say that the board will be “enacted in the beginning of the new year”. Enacted how and under what law? With what duties and responsibilities will this board be required to fulfill? Due to the fact that currently the Chief is not carrying out a free press established by law, the “choosing” of 3 board members arouses many unanswered questions.

The Chief is trying to lead us to believe he is supporting a news paper and tribal website that is “free and independent” of political persuasion by taking a first step and appointing a board. That would be great if there was something to back up that belief other than a person’s word. What happened to the idea of creating Law that outlines the duties and roles of new boards? To date, there isn’t any legislation being carried out by the Executive Branch that creates a free press for the Osage Nation.

The only attempt to create a free press has been the enactment of ONCA 08-07. But, instead of carrying out a duly passed piece of legislation, the Chief has contested this Act in court. ONCA 08-07 – Independent Press Act of 2008 establishes an editorial board that will have ONE member of the board appointed by the Chief. Why has he “chosen” 3 then? If the Chief is “choosing” board members for a board that has not yet been established by law, would that be an creating and not executing?

An important concern regarding the recent “choosing” of the 3 board members by the Chief, is that the board the Chief is attempting to appoint, is not authorized nor created by law. Appointing a board that is not created by law seems to be a creative way around the creation of law. Law created by the legislature, that is. If the Chief can create his own board by just choosing and appointing members without legislation, then why would we ever need to adopt Laws to create boards and give them roles?

A portion of Article VII of the Constitution, entitled “Executive”, Section 1 reads as follows: “The Principal Chief shall dutifully support the Constitution and laws of the Osage Nation and shall see that the laws are faithfully executed, administered and enforced.” Executed, administered, and enforced...no where in these three duties do you see the word “create”. Webster’s dictionary online states the Executive’s role as “Under the doctrine of the [separation of powers](#), the executive is not supposed to make laws (role of the [legislature](#)), nor to interpret them (role of the [judiciary](#)); rather, their purpose is to enforce them”. By “choosing” 3 members of a non-existent board, what law is the Chief enforcing?

### **Too many unanswered questions:**

Since the Chief has appointed all board Members, what will insure that politics do not play a role in any of the Board’s decisions?

What role will the Chief serve in regard to the Board and the paper?

What insures that a board is not expunged at the whim of a disgruntled political match?  
What will the board's roles/responsibilities consist of? How limited are they?  
Will the board members be paid? If so, how much?  
Who establishes what the duties of the board members are?  
Are any members of the board required to be members of the Osage Nation?  
How many total board members and how many to make a quorum?  
How often will the board meet? Will the board follow the Nation's open meetings law?  
How will the paper be funded? If it is money appropriated by Congress, then what will insure appropriate funding without political pressure?  
What will the duties of the Editor consist of?  
Who will hire the editor, the board or the Chief?  
Who will have the final say on what goes to press?  
Who will set the advertising rates?  
How will political articles and views be streamlined to factual, newsworthy articles, instead of articles and columns that consist of a "propaganda" feel?  
Can the Osage News staff campaign for a political candidate when not at work?  
Since the Osage Nation Press board has not been established by law, what sort of trust can constituents have in a board that currently doesn't have any policies or regulations and a board whose policies can be changed without fair, constituent notice?  
Since this board is not established by law, what will insure that the Osage News is a newspaper independent and free from political persuasion?

#### NOTES:

*ONCA 08-07 – Independent Press Act of 2008*

*April 8, 2008 - Vote to Enact the bill: 9 in favor, 2 against (Atterberry, Edwards), 1 absent (Simms)*

*April 17, 2008 - Veto Override: 9 in favor, 2 against (Atterberry, Freeman), 1 absent (Edwards)*