

**Ford Foundation**

*Electronic Media Policy*

**Report on the  
Native American Convening and Participation in the  
National Conference for Media Reform**

**Memphis, Tennessee  
January 11-14, 2007**

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Native American participants in the January 11, 2007 Native American Convening and attendees to the January 12-14, 2007 National Conference for Media Reform in Memphis, Tennessee included:

- Loris Taylor, Native Public Media, Executive Director
- JoAnn Chase, The Chase Group, Facilitator
- Roanne Robinson, RRStrategies, Principal
- Geoffrey Blackwell, National Congress of American Indians Telecommunications Subcommittee Chair and Director of Strategic Relations and Minority Business Development, Chickasaw Nations Industries, Inc.
- Laura Waterman Wittstock, Native Public Media Advisory Council, Chair
- Shirley Sneve, Native American Public Telecommunications, Executive Director
- Cristina Azocar, Native American Journalists Association, Board member and Director, Center for Integration and Improvement of Journalism Adjunct Assistant Professor of Journalism
- Syd Beane, Native Media and Technology Network, Tri-Chair and Lead Organizer
- Joseph Orozco, General Manager, KIDE Radio Hoopa, CA
- Mary Kim Titla, Native Youth Magazine, Publisher
- Carol Pierson, National Federation of Community Broadcasters, President/CEO
- Peggy Berryhill, Director, Planning & Services, Native Public Media
- Kai Aiyetoro, Chief Financial Officer, National Federation of Community Broadcasters/Native Public Media
- Carolyn Caton, Communications and Development, National Federation of Community Broadcasters

Guests to the Convening included Becky Lentz, Ford Foundation; Helen Brenner, Media & Democracy; Alyce Myatt, GFEM; Gregory Rose, Johns Hopkins University; Bob McChesney and Josh Silver, Free Press; Dorothy Abbott, Women's Media Fund of the Global Fund for Women; Harold Feld, Media Access Project; Ellen Bloom, Consumers Union; and, Cheryl Leanza, United Church of Christ.



### ***Overview***

On January 11, 2007, representatives from nine Native American media and telecommunications organizations, through a travel grant from the Ford Foundation *Electronic Media Policy portfolio*, gathered in Memphis, Tennessee for the first ever Native American Convening (referred to hereinafter as “the Convening”) held in conjunction with the National Conference for Media Reform (referred to hereinafter as “the Conference”). This unprecedented convening and participation in the Conference provided participants a unique and important threefold opportunity. The convening provided participants with the opportunity to:

- (1) engage each other, build deeper organizational relationships and discuss ways of working together more effectively;
- (2) begin identifying priority issues for Indian Country and building support for these priorities both inside and outside Indian Country; and,
- (3) strategize collectively regarding building and/or strengthening relationships with organizations and individuals within the larger field, particularly among those involved in media reform.

Throughout the course of the day-long convening, participants presented their understanding, concerns and perspectives on their work in the field of Native American media and telecommunications and collectively strategized on ways to build and sustain the field. Participants were able to implement and add to this strategy by representing the Native voice in many of the key media discussions that occurred during the Conference.

In addition to an overview of the Conference agenda and the five core tracks of the Conference, general topics of discussion included:

- “Defining Native American and Alaska Native Media and Telecommunications Priorities”
- “Maximizing Our Presence and Making an Impact at the National Conference for Media Reform”
- “Building Networks – Strengthening Relationships with Media Organization Representatives”

Among the Native participants in the convening, only one had previously attended the Conference. Many of the participants commented on the size, scope and momentum of the media reform movement. All of the participants were in agreement that while there is much work to be done to ensure that Indian Country has a strong voice in the media reform movement, convening prior to the conference and presenting a strong Native presence at the Conference represented a powerful and positive step in advancing Native American issues and concerns. (See, Attachment 1, *Reflections from the Native American Convening Participants and Attendees to the 2007 National Conference for Media Reform*).



***“Defining Native American and Alaska Native Media and Telecommunications Priorities”***

While several of the Native organizations and individuals attending the Convening and Conference know each other and even coordinate frequently, the Convening represented the first time that such a key group of entities came together for the express purpose of discussing tribal and Native media ownership and broadcast issues, and related legislative and regulatory reform. Participants referred to this part of the discussion as “fascinating”, “enriching” and “refreshing”. Though participants hail from very different

backgrounds, they clearly share a concern for wanting to improve the lives of Indian people through increased media access, content, and ownership opportunities.

Accordingly, participants engaged in a discussion of issues ranging from the need to inject tribal sovereignty issues into the larger debate, to recognizing the importance of Native media to the goals of localism and diversity of the airwaves, to the need for a targeted field hearing and creation of a Federal Communications Commission (FCC) Indian Desk.



Key priority issues for Indian Country as identified by the participants include the following:

#### Education

Many of the participants expressed the need to engage in broad education efforts both within Indian Country and within the larger field. They underscored the importance of understanding tribal sovereignty and suggested that it is imperative to remind non-Natives, whether they be policymakers or allies in the field, that Native Nations are not simply minorities but are distinct legal, sovereign governmental entities with individually unique histories, languages, heritages, cultural principles, systems of government, geopolitical relations, and values.

Participants also cited the need to educate Tribal leaders, Native organization leaders and the Native public regarding key media issues. All agreed that media ownership and the broadcasting of Native community-centric content are essential to the future health,

safety and welfare of tribal nations and their citizens. Native communities are experiencing generations of revitalization and cultural renewal, having endured eras of federal legal policies aimed at extermination and assimilation. Participants believe that Native broadcasting serves to empower the strength of this cultural renaissance and modern nation building efforts. One participant asserted that the ability to preserve these aspects of Tribal communities through the modern means of broadcasting, beginning with radio and continuing throughout the world of telecommunications and broadcast convergence, is critical to the well being of Native communities.

### Media Ownership

Participants pointed out that only 33 Native owned public radio stations exist in American Indian and Alaska Native communities. This means only six percent of all Native nations are served by public radio stations owned by their own community. All agreed this ownership statistic is shockingly low especially since there are more than 562 federally-recognized Indian tribes in the United States. Among the many cited reasons for this unfortunate reality are historical and societal challenges too numerous to list, and the regulatory, uneven playing field of the FCC spectrum licensing and acquisition process.

Participants suggested that the need for reserved spectrum for tribes is perhaps the single greatest challenge to Native broadcast ownership today and represents the primary goal for legislative reform on Tribal media issues. They assert an overly onerous, competitive, and costly regulatory process has resulted in far too few frequencies available to serve Native communities.

Participants stated that Tribes as inherent sovereign nations never gave up their rights to spectrum and have been unjustly preempted by the federal government in its spectrum licensing laws and regulatory processes. There are several reasons and justifications for placing Tribal Nations at the point of primacy for spectrum including the special legal trust relationship that requires the federal government to adhere to a fiduciary obligation in its decisions and actions that impact Tribal governments, their communities and

citizens. The ability to communicate through broadcast mediums is a critical function of any government and community in the United States, including Native Nations, especially those that operate in some of the most geographically remote areas. Participants believe the federal government must recognize the important and critical needs of Native Nations and convey spectrum to them for their own use and control. Many in the convening felt that the federal government should recognize the inherent sovereignty and governmental role of Tribes and return spectrum to Tribes based on principles of federal Indian law and policy as well as the FCC's own policies.

*Request for the FCC to Hold an Official Media Ownership Hearing in Indian Country*

Participants agreed that the FCC must not lose sight of the fact that Native Nations are not simply part of the minority community but distinct legal, cultural and political entities; and as a result, unanimously and enthusiastically joined Native Public Media in its request to the FCC to host a Media Ownership hearing in Indian Country. Several of the participants met with FCC Commissioners Copps and Aldelstein during the Conference to advance this request and called for greater consultation with Native Nations to ensure full access to the valuable and scarce spectrum resource. They asserted that Native Nations are in the best position to determine how to manage spectrum on their lands for the benefit of their communities. (*See, Attachment 2, National Congress of American Indians Resolution SAC-06-093C.*)

*Freedom of the Press*

Participants felt that the need for broadcasting in Indian Country must be balanced by the recognition of the need for greater *freedom of the press* in reporting on the actions of American Indian Tribal and Alaska Native Village governments. Participants cited the diversification of Tribal media sources as a possible remedy to free press challenges in Indian country. One participant asserted that just as cities across the nation have competing news venues, Native Nations could benefit by using the same model, suggesting that when a tribal council is the main funding source for their newspaper and radio or TV news, they are the equivalent to national media consolidation.

Participants agreed that holding a series of discussions with Tribal leaders throughout the nation would be a necessary and important step in addressing freedom of the press challenges in Indian Country. Participants also acknowledged that many Tribal leaders have had negative experiences with mainstream media and expressed their belief that discussions with Tribal leaders may help to shift the context from one of media as a negative force to one of media as a positive resource.

### Funding

Participants agreed that increased access to funding sources is an essential component for media ownership on Tribal lands. They noted that Tribal governments do not impose taxes and generally cannot put their trust lands up as collateral for funding. Accordingly a critical need for funding exists to secure or purchase spectrum licenses, acquire facilities and infrastructures, hire human resources, start up broadcast operations, build the capacity of existing operations and maintain existing media networks. For example, Native owned stations must struggle to remain on-air. Many of the stations are located in economically challenged communities which makes it difficult to rely on traditional models of “listener-supported” fundraising. Despite the vital role they play in their communities, some of the stations operate with 20—30 year old equipment and are constantly faced with budgetary and technical challenges. This is compounded by the unpredictable and insufficient nature of federal support. Participants felt that financial sustainability is a key element of media participation and engagement by Native communities.

### Cultivating the Next Generation

Many participants expressed the need for more inclusion of Native human resources in the field, particularly of Native youth. A new generation of broadcasters and producers, legal representatives and technicians must be found, educated and trained to build upon current successes and progress and to bring forth new energy and ideas to overcome current challenges.

### New Media

Participants suggested that the future of Native media must simultaneously have radio at its core but still move beyond radio to actively and creatively include new media. They



noted that many Tribes will likely never gain access to radio simply because the frequency is not available or they live in an urban location where broadcast markets are saturated and/or present locked out situations for Native ownership. Participants agreed that a proactive approach to new media opportunities for Indian Country could include working with existing Native owned radio stations to expand their wireless capacity, which in turn, could lead to such initiatives as helping Native communities without spectrum access to establish community services such as an Internet presence or use of new platforms to revitalize Native languages.

Relevant to new media opportunities for Indian Country, Native American Public Telecommunications announced that their first video podcast was being aired as the convening was occurring.

*Native Participation in the Rewriting of the 1996 Telecommunications Act*

Participants underscored the importance of building upon and strengthening Native media policy advocacy efforts. Several participants suggested that the re-writing of the 1996 Telecommunications Act would provide an important opportunity to both organize and advocate collectively so that Native access to and participation in media is advanced. The vast majority of Native Americans do not have access, or have limited access, to media that represents their voices, lives, interests and needs. Media policy is not about having access to Big Media, it is about having access to *any* media. As one participant eloquently stated, “The federal regulatory goals of Localism and Diversity in Ownership are met and exceeded on every front by the effective deployment and strengthening of media ownership by Tribal Nations and Native entities that will broadcast throughout American Indian and Alaska Native lands.”

*The NCE Window*

Participants agreed that major national decisions related to media policy and media access will be made this year. One of the most important events is the upcoming FCC Non-Commercial Educational (NCE) filing window. There is a strong need to educate and inform tribes and organizations about the NCE window since it may be the last opportunity to gain access to broadcast spectrum. It is one of the few remaining

opportunities for Native Nations to enter broadcasting especially since some tribes are already closed out due to the lack of spectrum in their areas. The window is expected to open sometime in the fall of 2007 and the process provides only a short window for applications to be filed. It is expected that this window will be highly competitive.

#### FCC Indian Desk

The participants agreed that an “Indian Desk” located within the FCC’s Office of the Chairman could provide Native Nations a comprehensive view of and full authority to engage in all FCC issues, policies and initiatives that impact Native Nations and their citizens. For example, the Indian Desk could insure that Native Nation emergency communication needs are reflected in Federal, state, and local plans and programs, including the search for public safety spectrum. Greater consultation with Native Nations will help to ensure full access to the valuable and scarce spectrum resource and recognizes that Native Nations are in the best position to determine how to use spectrum on their lands that will meet the needs of their communities.



#### ***“Maximizing Our Presence and Making an Impact at the National Conference for Media Reform”***

Participants discussed strategies to ensure the inclusion of Native voices and perspectives in the five core tracks of the National Conference for Media Reform including Media Policy; Media Literacy, Critique & Accountability; Independent & Noncommercial Media; Civil Rights, Social Justice & Media; and, Media Reform Activism. While the convening represented a unique and unprecedented opportunity for a diverse group of

Native participants, those in attendance were quick to note that the number of Native people in attendance at the Conference was comparatively too few and the inclusion of Native voices and issues on panel discussions was sorely lacking. They acknowledged that most of the Native community's attention has been on the pressing need to close the digital divide in Indian Country. The FCC's efforts over the past few years to further relax media ownership rules, however, as well as the upcoming NCE application window, means that Indian Country must be active. The Convening provided a key opportunity for attendees to understand what is at stake, who is influencing the decision-making process in Washington, D.C., and to begin to formulate strategies for how to engage as individuals and organizations in the policy debate at both the local and national levels.



Participants met with Bob McChesney and Josh Silver and sent a strong message to Free Press as well as leading advocacy and policy watchdog groups including Media Access Project, United Church of Christ and Consumers Union that Indian Country will not be ignored. The Convening provided a unique one-stop-shop for accessing these “influencers,” many of whom have been working in the policy and regulatory trenches for decades and accordingly, offer a wealth of knowledge and expertise on the inner-workings of the Commission, NTIA, and key House/Senate Committees. Organizational representatives expressed interest in learning more about Native issues and finding specific ways/projects in which they could be helpful including offering support for the idea of a targeted media ownership hearing in Indian Country. In addition, Free Press

invited Native participation on their Conference Advisory Board in order to be more inclusive of Native peoples and their concerns in future conferences.

***“Building Networks – Strengthening Relationships with Media Organization Representatives”***

Participants agreed that the Convening provided an important and all too rare opportunity to engage each other as individuals and entities involved in Native media. One participant suggested that the Convening was a major step toward a national collaborative strategy, which many in attendance believe necessary for the further advancing of Native media.

Participants noted that they all have crossed paths at one time or another, and some work together on a daily basis. But, never before has there been the chance to convene such a diverse Native group with a specific focus on Native media issues. This opportunity was captured by one participant who stated, “I came away with a deep appreciation for the important work currently being done – and the important work that has been done over the decades – to advance Native media issues. Everyone brought to the table their unique piece of the puzzle and a willingness to share tips and strategies for how to approach an issue or situation, or to give important historical perspectives of the situation in Indian Country.”

There was discussion about expanding the circle, so that all facets of Native media are represented in such forums. In addition to those organizations present, participants suggested including representatives from RezNet, Koahnic, Native American Film & Video, the National Museum of the American Indian, Native American Professors Association, American Indian Library Association, American Indian Film Institute, American Indian Higher Education Consortium, National Indian Education Association, American Indian Science and Engineering Society, Native Hawaiian organizations and specific tribal communities, among many others.

It is apparent from their written *reflections*, that the participants accessed meaningful information and contacts throughout the course of the Conference that will be helpful to their individual and collective efforts.



### ***Conclusion***

The Native American Convening and opportunity to attend the National Conference for Media Reform was a critical step toward building a national Indian media policy and importantly, served to affirm the critical work being done by the participants.

The collective experience is perhaps best summed up by one participant who stated, “It is rare that we can convene a diverse group of Natives involved in media. At Memphis we had representatives from the radio side, content creation, scholars point of view and from the perspective of sovereign Nations; we went to Memphis and, I believe, made an impact. It is clear that the Native leadership is willing -- compelled may be more appropriate word -- to place our issues of media ownership, lack of bona fide content about Native Americans, along with our triumphs and our successes, on the national table of public discourse. We came to explain the importance of Tribal sovereignty with the hopes of expanding the role of democracy and media reform. Indeed, if we are to reach that dream and vision of Dr. Martin Luther King, in which all voices are included and all citizens are encouraged to become active participates in this democracy, then the voice of

our Native American communities must not be left out...I returned renewed and invigorated, to continue our external work and within our new circle.”