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HISTORIC “TRIBAL PRIORITY” INITIATIVE IN LICENSING OF NEW RADIO STATIONS PLANNED BY THE FCC

Actions Supported by Tribal governments, Native Public Media and National Congress of American Indians

(Washington, DC; Flagstaff, AZ) – In an unprecedented effort to level the broadcasting playing field for Native Americans, the Federal Communications Commission’s (FCC) has proposed the creation of a Tribal Priority that will promote the allocation and licensing of new radio stations to provide coverage for Tribal lands. Native Public Media (“NPM”) and the National Congress of American Indians (“NCAI”) collaborated to support the proposal through Joint Comments and Reply Comments filed in the FCC’s recent regulatory rulemaking. They hailed the FCC’s proposal as groundbreaking, long needed and overdue. Native Americans have been largely invisible in the broadcasting industry on all levels ranging from media access to control and ownership of broadcast facilities.

“This is the first time in history that American Indian Tribes and Alaska Native Villages are being prioritized for broadcasting opportunities as sovereign entities. Of the more than 13,000 radio facilities in this country, fewer than .3 percent belong to the 563 federally recognized Tribes. Our civil society is made stronger when the voices of Native Americans are included in discourse on-air about the environment, education, politics, and health and the Tribal Priority will strengthen and expand our sorely needed communications network across Indian Country,” said Loris Taylor, Executive Director of Native Public Media.

In June of this year in Niagara Falls, NY, when NCAI hosted Tribal leadership at its Mid-Year conference, delegates unanimously supported the Tribal Priority in the FCC’s radio licensing procedures via an official emergency resolution. An NCAI resolution carries with it a national scope and great weight in federal Indian policy matters. NCAI is the oldest and largest inter-

Tribal government representative association in the nation, comprised of American Indian Tribes and Alaska Native Villages from every corner of Indian Country.

Speaking on behalf of Tribes, Joe Garcia, president of NCAI stated, “The importance of the new opportunity for Tribes to enter the often previously unattainable broadcasting field cannot be understated. Radio stations that serve Indian Country are relatively few; however, those that do, provide critical connections for local communities in the form of information, dialogue and emergency services. This represents a new tool, in a very familiar technology, for Tribes in nurturing the vibrant cultural strength and health that binds their communities and peoples.”

Although the FCC adopted a *Tribal Policy Statement* in 2000 recognizing the unique relationship between the government and Tribes, and outlining goals for the provision of telecommunications services, the Tribal Priority is the Commission’s first concrete step to apply this policy to broadcasting services.

According to James Dunstan of Garvey Schubert Barer, attorney for NPM, “It is vital for people to understand that the Tribal Priority is not based on the racial makeup of Indian Tribes, but rather on the unique relationship between the Federal government and Tribes. At its core, the Tribal Priority recognizes and empowers Tribal sovereignty -- it is a political, not a racial classification designed to allow tribal governments to exercise self determination and remove barriers to entry.”

Geoffrey Blackwell Chair of the NCAI Telecom Subcommittee and former FCC Senior Intergovernmental Affairs Attorney states, “This new Tribal Priority in the FCC’s broadcasting licensing process is paramount. Literally hundreds of Tribes face the economic and market challenges of deploying modern high speed internet while many in their communities suffer an enduring lack of basic telephone service. The opportunity to provide their own radio broadcasting to their own communities will be a critical development that many in more urban areas take for granted. Like so many modern technologies that bind our daily health and well being, radio broadcasting is sorely lacking in the rural and remote areas of Indian Country.”

“The most important aspect of the Tribal Priority is that it will improve the quality of life in Indian Country and NCAI compliments Native Public Media on their efforts to assist Tribal nations in deploying broadcasting services and new technologies,” concludes Garcia.

The only organization of its kind, Native Public Media is wholly dedicated to building and advancing Native access to, ownership of, and participation in media. NPM’s mission is to promote healthy, engaged, independent Native communities by strengthening and expanding Native American media capacity and by empowering a strong, proud Native American voice. Since its inception, NPM has focused on using media as a tool for advancing economic

development, preserving language and culture, promoting health and education, and facilitating engagement by Native Americans with the issues that affect our Tribes and communities.

The NPM and NCAI team on this effort included Geoffrey Blackwell of Chickasaw Nation Industries, James Dunstan and John Crigler of Garvey, Schubert Barer, Megan Troy of Sheppard, Mullin, Richter & Hampton LLP and Carol Pierson of the National Federation of Community Broadcasters.

NPM's Comments and Reply Comments to the FCC are available on Native Public Media's website at www.nativepublicmedia.org.

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