

THE NEWS ABOUT SOVEREIGNTY

A STUDY OF NEW YORK STATE MEDIA COVERAGE ON THE SOVEREIGNTY OF THE HAUDENOSAUNEE

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In recent years, much public attention has been given to the relationship between New York and American Indians – more specifically, between the New York State government and the Haudenosaunee people of the six semi-autonomous Native nations of the Cayuga, Mohawk, Onondaga, Oneida, Seneca and Tuscarora People living in New York (as well as in the neighboring Ontario and Quebec provinces of Canada).

Throughout most of the 1990s and thus far into the 21st Century, New York State media (newspapers in particular) have focused sporadic attention on the public policy issues associated with this relationship. Taxation, gaming and land rights are the public policy issues associated with this relationship. Sovereignty, treaty rights and Native identity are the associated concepts.

The American Indian Policy and Media Initiative of the Communication Department at Buffalo State College has chosen to research these issues for two reasons: They are important issues with significance to both Indian and non-Indian people living in this area. And there are obvious questions and anecdotal information suggesting some deficiencies in how the news media report on these issues.

The overall research questions being addressed in this report are twofold:

- What is the tone of articles, editorials and letters to the editor in New York newspapers about the Haudenosaunee People, with particular attention to the issue of taxation of products on Indian land?
- How do newspapers frame news coverage with regard to concepts such as “sovereignty,” “treaty” and “Native identity”?

Four separate content analyses were conducted. The artifacts under review were articles and opinion pieces published in newspapers, obtained via Internet retrieval of archived publications. One of these studies, the second, was conducted by college students under the author's direct supervision. The author personally conducted the first and third sections of this project, as well as the brief postscript addendum.

Chronologically, the second and longer content analysis was conducted first. It was done as part of a semester-long project in an advanced communication research class, and it involves the largest number of newspapers being analyzed. As a point of comparison, the author chose to conduct two secondary content analyses, one focused on an earlier time period, the other on a later time period when public and media attention was less focused and less comprehensive.

Additionally, the focus of the first and third content analyses dealt only with the issue of Indian/tax-oriented news, whereas the larger second project also included casino-related news reports. The content analysis of the postscript addendum was conducted only a few weeks ago amid a breaking news story with daily coverage in a local newspaper that touched on a separate theme, which related to the broader sovereignty issue.

The result of these various content analysis is a trend study that leads to conclusions of how the news media frame the issue of Indian policy and taxation. These conclusions and issues will be discussed in the final section of this report.

THEORETICAL BASE

Three concepts from communication theory underlie this research project: agenda setting, priming and framing.

Agenda Setting

The agenda setting theory argues that the mass media, while perhaps not effective in determining how audiences will accept the opinions and point of view in media reports, will nevertheless determine what audiences see as newsworthy. In layman's terms, agenda setting means that the media may not be able to tell us what to think, but they can tell us what to think about. By the issues they choose to cover, the news media can legitimize a story or some aspect of that story. Conversely, the reporting decisions also can marginalize aspects of a story. The relevant question within this research project is how the media placed issues such as sovereignty and historical context on the audiences' agenda.

Priming

A related theoretical concept is priming. This deals with context. The observation is that the amount of time and space that media devote to an issue make an audience receptive and perhaps alert the audience to particular themes. For example, prior coverage of economic problems and state budgetary concerns may have prepared audiences to perceive the issue of taxation on Indian land primarily in that light.

Likewise, an audience's perception of events are impacted by the historical context with which they are familiar, either through personal experience or because reporters have "set the stage" with prior reporting.

Framing

Whereas agenda setting deals with the perceived newsworthiness of an issue, framing focuses on the presentation of the story, its packaging. Framing deals with social construction on two levels: the perception of a social phenomenon by journalists presenting the news report, and the interpretation of that phenomenon by audiences. How do the news media frame a story? Is there an inherent "good guy" in the story? Whose version of the story gets top billing? Which version becomes the standard against other points of view that are inherent in the story? Framing provides for a rhetorical analysis of the text, in this case news reports, to identify perception and/or interpretation.

Framing has been called an exercise in power and persuasion. It involves the use of metaphor, spin, story telling, jargon, word choice, and other narrative elements. The relevant issue to the subject of Indian policy, taxation specifically, is the context in which the media reports place various elements. These include the role of governmental claims versus Indian claims and the authority given to each.

Like the issue of priming, framing is impacted by historical context. For reporters, the questions may be: To what extent are reporters even aware of the historical context of Native issues in general and sovereignty in particular? And what research questions should they be asking as they prepare their reports.

HISTORICAL BACKGROUND

To understand the context and significance of this research, it is helpful to have a historical perspective related to the time periods of this research project.

In recent years, the New York State government has addressed the issue of taxing sales to non-Indians who purchase goods from Indian-owned shops on lands recognized as Indian territory by both New York statute and federal treaties. The Indians explain that, as sovereign nations, they are not impacted by state tax laws, adding that they should not be expected to act as tax agents for the state. They also argue that they should not be expected to require their customers to carry identity papers nor to determine who among their customers are non-Indians and who are Native. Both maneuvers, they say, would amount to racial profiling.

The issue has commanded the attention of successive state administrations for nearly two decades. Despite the existence of state laws requiring the collection of sales tax from non-Indians on reservations, governors both Democratic and Republican have seen fit for political reasons to minimize attempts to enforce those laws. However, in recent years as New York State deals with serious financial difficulties, pressure has been placed on the state government to address the tax issue.

Economic structures vary among the Haudenosaunee. Among the Oneidas and Onondagas, for example, cigarette and gasoline retailers are owned by the nations, raising some unique issues concerning sovereignty. Meanwhile, about 100 privately owned retailers operate among the Senecas, raising different sovereignty issues. As the seventh largest employer in Western New York, the Seneca Nation of Indian enjoys significant political clout and, at the same time, captures the attention of New York State government eyeing potential tax revenues.

Other issues in the New York-Haudenosaunee relationship are the state's ongoing hopes for a piece of casino proceeds, long-time unsettled land claims by several nations, and new questions about the legal status of non-reservation land owned by the nations.

The historical background relevant to each segment of content analysis will be presented in the following sections outlining the methodology and findings of each stage of this research.

PART 1: CONTENT ANALYSIS 1996

Historical Context

The first part of the research focuses on the mid-1990s. Earlier in the decade, the Seneca Nation of Indians in Southwestern New York held a weeklong tax protest in 1993 that temporarily shut down many miles of the heavily travelled New York State Thruway and the Southern Tier Expressway. The Senecas also sued the state for the return of 300 acres that had become the right-of-way for the Thruway, claiming that their agreement in 1954 with the state was coerced and that it never was ratified by the federal government as required by a 200-year-old treaty. They also sued the state and won a temporary injunction barring the state from collecting sales taxes on sale of products on the reservation land. The state continued to press its claims, and the Senecas began talk of building toll and travel plazas along the Thruway in an effort to collect compensation for state use of their land.

The situation came to a head in April 1997 as a new state law went into effect to require Indian merchants to collect New York State sales taxes on non-Indian customers and turn the money over to the state. Amid a protest by as many as 2,000 Indians from the various Haudenosaunee nations and their non-Indian supporters, about 200 Senecas actively confronted 55 or so State Police in full riot gear, with the Indians burning tires along the highway and temporarily shutting down the road. In succeeding days, more than 100 State Troopers and resulted in several injuries and arrests and additional traffic slow-downs.

In less than two months, faced with on-going Haudenosaunee activism and lacking strong-enough support on both the political and legal fronts, Governor George Pataki backed away from his tax-collection plan and instead announced a compromise approach. Underlying the issue was not so much the state's desire for tax revenue but rather pressure from non-Indian convenience store operators concerned that they were losing business because Indian merchants could charge less for gasoline and cigarettes. The governor tried to negotiate a voluntary pricing system in which Native retailers would charge approximately the same amount as their non-Indian competitors. Despite the agreement of several Native entities, including other Haudenosaunee nations, the Seneca and others opposed the plan, and eventually the governor dropped the issue entirely.

Methodology

Eight articles were published in the Albany Times Union in April 1997 about a confrontation between Haudenosaunee activists and New York State Troopers in which the Indians temporarily shut down the New York State Thruway that runs through Seneca lands. The average word count in the articles was 420, ranging from 224 to 879.

The author undertook a content analysis of these articles, focusing on derivatives of "sovereignty" and "treaty," considering whether the terms were used in a manner that was positive or negative from a Native perspective, and indicating the number of people associated with the terms and whether that citation source was a Native spokesperson, government official, or the reporter. Also considered was whether the article provided a historical context for issues.

Ultimately, the researcher categorized the framing of the article: economics, protest, sovereignty or mixed.

Research Findings

Only three of the articles mentioned sovereignty, one referred to treaties, and none provided a historical context explaining why the Indians were adamant against collecting taxes on reservation lands, based on

the Seneca Nation's rights as a political entity independent of New York State. All of the references to taxes and the Senecas refusal to collect them were presented in a positive context citing Native sources. In no instance did the report mention or allude to the concept of sovereignty as a fact providing context, nor did any reporter introduce unsourced information about treaties.

Only three of the articles – none in the first three weeks of the month-long story – had an Indian source either in a quote or as a paraphrased or referenced information source. Two articles specifically indicated that the Seneca Nation of Indians did not respond to the reporter's request for comments.

The protest itself was the main focus of the eight reports. Five of the new articles were framed primarily protest stories, one (the first) was an economic story, one was mixed economics and protest, and one (the final story of the week) was mixed economics and sovereignty.

A follow-up article a month later announcing that Governor Pataki had backed away from his executive order to collect taxes included one reference to sovereignty citing the governor: "It is your land, we respect your sovereignty...." In this lengthy wrap-up article (883 words) there was no other reference to sovereignty, no mention of treaties, and no historical context concerning the source of the issue. Rather it was framed merely in economic terms, Indian business versus non-Indian businesses, with legal and legislative actions dealing with tax equity.

This wrap-up story presented a mixed framing, including all three elements (protest, economics and sovereignty).

PART 2: CONTENT ANALYSIS 2005

Historical Context

The second part of the research focuses on 2005. At this time, Governor Pataki signed a law aimed at forcing Indian wholesalers to collect cigarette taxes and turn the money over to the state. The bill was similar to one he had vetoed just a year earlier.

However, the new law met with resistance from the Haudenosaunee and their supporters, and the governor built into it a yearlong delay to allow the legislature time to consider various amendments, effectively stalling implementation of the law until after the governor left office. The law itself eventually was shelved.

Thus 2005 was a watershed year for public attention to the issue, and media coverage of it, providing rich fodder for content analysis.

The years 2004 and 2005 were peak times of public interest as New York State continued efforts to collect sales tax on goods sold to non-Indians on Indian lands. Additionally, the Seneca Nation was operating two casinos, one off reservation in Niagara Falls, the other in Salamanca on its Cattaraugus reservation. The nation was planning to open another casino in downtown Buffalo on land that, though owned by the Seneca, was criticized by some to be not tribal land eligible for gaming projects.

Methodology

In cooperation with the American Indian Policy and Media Initiative housed in the Communication Department at Buffalo State College, 25 students in the COM 401 Applied Communication Research course engaged in a semester-long series of activities investigating public opinion and media coverage of these issues.

A content analysis was conducted with newspapers in Upstate New York (in Albany, Buffalo, Rochester, Syracuse and Watertown) as part of a larger research project also involving focus groups and a survey. Reviewers looked at the daily website of each newspaper for March and April of 2005, yielding 250 newspaper articles. Abstracts from NewsLibrary.com identified 80 reports from those five newspapers for a wider time period, January 2004 through mid-April 2005. The five newspapers were selected because of their proximity to Indian lands in New York State. The keyword searches included “Indian,” “tax” and “cigarettes,” with subsequent analysis for derivatives of “sovereign” and “treaty.”

In general, each of the newspapers studied had a consistent range of articles on relevant issues. The variety of specific topics addressed within the articles included casinos and their proposed construction by non-New York tribes, the role of New York Governor George Pataki, the sale of cigarettes and gasoline on reservation lands, tribal land claims, Indian sovereignty, and proposed legislation on taxing non-Indians on reservation lands.

Research Findings

Most of these news reports reflected apparent objectivity and lack of obvious bias consistent with journalist standards. However, several findings specific to individual media emerged through the content analysis:

- Albany: The Times Union reported consensus about collecting taxes on sales to non-Indians, similar to most of the other newspapers studied. The common thread running through 20 articles studied

was a when-not-if frame, that the state would inevitably move forward with its proposal to tax sales to non-Indians.

- Buffalo: Most of the articles in The Buffalo News about Indian taxation draw a correlation between the weakened New York State economy and the casino-enhanced economy of Indian tribes. The explicit phrase or implicit indication that the state was “losing money” through non-collection of taxes was frequent in this newspaper.
- Rochester: The Democrat and Chronicle newspaper reported that area residents supported the taxation plan and that businesses in the area wanted quick results. Articles also focused on a campaign by convenience-store owners and gasoline distributors to encourage state lawmakers to stick with their plan to begin collecting taxes on goods sold on Indian reservations to non-Indians.
- Syracuse: The Post-Standard reported overwhelming public support for taxing non-Indians. Nine of 10 abstracts alluded to the notion that Native Americans should pay property taxes and that New York State should collect sales taxes on Indian land. One article (19 Nov 2004) cited a state “loss” estimate that had risen in 24 months from \$100 million to \$609 million, without providing a basis for the estimate.
- Watertown: The Daily Times was the most supportive of Indian sovereignty and the most consistent with a pro-Indian point of view. Researchers found this newspaper alone to be “fairly neutral,” with some articles positive toward Indians. The Akwesasne Mohawk Nation at St. Regis was mentioned in 11 of the 22 abstract articles studied.

In some articles, local citizens – without noted credentials nor position on the public policy subject – were quoted, often expressing anti-Indian sentiments. One newspaper quoted a citizen calling Indians “super-citizens” who unfairly do not pay taxes on land purchased off their reservations in New York State. Other articles expressed concerns about sale of tobacco to minors. State officials were frequently quoted or cited in most news reports; Indian news sources were significantly less evident in the newspaper reporting.

The researchers concluded that the content analysis revealed no deep-seated animosity toward American Indians but rather a citizenry that was concerned about economic issues and energized by the thought of easy economic solutions. Following are some of the findings reported by the researchers. No effort was made to categorize the framing of these articles.

- State v/ Native Perspective: The content analysis indicated that reporting on both land-claim issues and taxation generally was pro-state and anti-Indian. Evidence for this is based on the observation that assertions made by New York State officials about the state’s presumed legal rights and jurisdictional ability to collect taxes on sales on Indian lands commonly were presented without question or analysis. Conversely, Indian assertions based on treaties and sovereignty claims seldom were offered as part of the coverage; if such assertions were reported, they were presented as just that – assertions provided within a context suggesting that they were subject to state interpretation and/or were subordinate to state claims.
- Topics in Coverage: The content analysis yielded evidence of a juxtaposition of issues. Media audiences were confused by reporting that links issues such as Indian sovereignty and the relationship between New York State and Indian governments with tangential or at best overlapping issues. Examples of those latter issues are the controversies of casinos and the matter of profits generated by casinos. At the same time, newspaper coverage was weak or nonexistent on issues that many Indians would consider central, such as Indian sovereignty in general or treaty provisions in particular.
- Proximity of Newspapers to Native Lands: The content analysis indicated another pattern observed in the Watertown newspaper that deserves further study: that the closer geographically a newspaper is to Indian lands, the better its reporting on Indian issues. “Better” is used here in the sense of coverage that is more consistent, more prolific, more thorough, less negative toward Native perspectives, and more balanced in representation information from various “sides” of the issue.

Further investigation is warranted, particularly into whether such relationships exist merely because of geography or whether positive media environments are or can be supported by more than mere geophysical proximity.

- **Indian Public Relations:** The Watertown newspaper is within the locality of the Akwesasne Mohawk Nation, which operated a professional and particularly effective communication department. Media researchers have documented the mutually beneficial relationship for both the media and organizations with a strong pro-active public relations program. The relationship between the Watertown newspaper and the Mohawk communication outreach also deserves further study, particularly to discern not only a pattern of coverage of Indian issues but also to document, if it exists, any cause-effect relationship between Native public relations and the perceived media results.

It is interesting to note that the 2005 content analysis was part of a triple research project involving four parallel focus groups and a 426-respondent survey, both conducted with Western New York adults. This content analysis revealed a journalistic environment somewhat out of step with the generally pro-Indian public opinion observed in the focus groups and survey. It found that newspapers were more likely to accept assertions by New York State public officials that the state has a right and ability to collect taxes on purchased by non-Indians on Indian lands.

PART 3: CONTENT ANALYSIS 2009

Historical Context

The final focus of this research is more current. In 2007, Governor Elliot Spitzer (Pataki's successor, who campaigned on a promise to collect taxes on Indian sales) tried to negotiate an arrangement in which the Indian nations would impose their own tax, decreasing the disparity in the price of goods on reservation and off. However those talks faltered amid criticism that tribal leaders were acquiescing to state government.

When Spitzer pushed his legislative agenda to tax sales on Indian lands, the Seneca Nation responded by revoking its 1954 agreement on the Thruway right-of-way and began presenting New York State with an annual bill for \$2 million, which it said was what the state owed for a year's worth of traffic (as \$1 per vehicle) on the Thruway that cuts through the Seneca's Cattaraugus reservation. Though the state has ignored the annual bill so far, the Seneca tribal council later raised the price to \$2 per vehicle. Eventually Spitzer abandoned his campaign pledge to tax Indian sales.

In 2009, the issue briefly flared again as Governor David Paterson (Spitzer's mid-term successor) moved to collect taxes on Indian lands, signing a new bill into law. Accompanying the standard opposition that the Haudenosaunee mounted against previous state administrations, the Seneca Nation informed President Obama of a "pending threat" and called on him to send federal troops to protect sovereign tribal land from state encroachment. Paterson abandoned the tax plan and moved to a different approach. He tried to collect taxes from wholesalers on cigarettes before they reached shops on Indian lands. The issue continues to play out in political and legal arenas.

A parallel issue in Central New York centered on whether the Cayuga Nation of Indians can exercise sovereign rights over non-reservation land it has purchased (land originally part of the Cayuga reservation but lost over the years) or whether those lands are subject to state tax laws. A state court previously had ruled that the land was no longer part of a reservation, but the Cayuga countered with a legal argument that the land was nevertheless sovereign because it was part of their ancestral land recognized by a never-rescinded federal treaty. The case generated much local coverage throughout 2009. Early the following year, a state appeals court determined the Cayuga stores to be "qualified reservation" land and ruled that the counties were wrong for confiscating nearly 18,000 cartons of cigarettes in a tax raid.

Methodology

This content analysis focusing on the various tax-related issues was conducted by the author. The study reviewed news articles published in Buffalo and in Syracuse and on editorials and letters to the editor published in newspapers throughout the state. A web-based retrieval through the New York State Newspapers (NOVELny) database searched with keywords "Seneca," "thruway" and "protest." The search yielded 21 articles, 10 editorials and columns, and 13 letters to the editor.

The researcher undertook a content analysis of these articles, focusing on derivatives of "sovereignty" and "treaty," considering whether the terms were used positively or negatively from a Native perspective, and indicating the number of people associated with the terms and whether that citation source was a Native spokesperson, government official, or the reporter.

The researcher also categorized the framing of these articles and opinion pieces according to the same schema as in the Part 1 content analysis: economics, protest, sovereignty or mixed.

Research Findings: News Articles

Twenty news articles about state plans to tax sales on Indian lands and Indian reaction were published during 2009. The average word count was 591, with a range of 304 to 1,536. Thirteen articles (65 percent of the total) mentioned “sovereignty” or “treaty.”

Of the total of 11,810 words, “sovereignty” was mentioned eight times in six different articles. Seven of those references were associated with Indian sources. Two references were given by the reporter: one in a lead referring to “the continuing battle over sovereignty and untaxed cigarette sales”, the other stating that a judge “rejected Indian sovereignty claims against taxation.” Seven articles mentioned “treaty” a total of 10 times, all sourced to Native spokespersons. However, most references to “sovereignty” and/or “treaty” were in the form of a quote or a cited paraphrase of an Indian spokesperson, all positive. In no case did the reporter include any factual or authoritative information about the history, status or content of treaties or about the nature of sovereignty, instead presenting simply assertions made by Indian sources.

The Buffalo News had 10 news articles about the Seneca tax issue averaging 703 words. Of the total of 67,302 words, there were 10 references in six articles to sovereignty, six of those attributed to government sources and four to Seneca spokespersons. Four articles had five references to treaties; all but one was attributed to a Seneca source.

The Syracuse Post-Standard had 11 articles and one editorial dealing with a land-claim issue by the Cayuga Nation. These reports include 13 references to sovereignty (seven attributed to governmental sources and two to Indian sources, with four introduced by the reporter. They also include three “treaty” references by Cayuga sources. Ironically, at issue was the decision by two counties to press a legal battle against the Cayugas because, said the counties, “if we don’t...we’re conceding it’s a sovereign reservation and that would give them the right to do anything they want on the land.”

Research Findings: Editorials

Nine editorials addressed the taxation topic with an average of 384 words (ranging from 210 to 595). Of the 3460 total words, “sovereign” or a derivative was mentioned seven times (five of those in a mocking or dismissive context). “Treaty” was mentioned twice, both times dismissively.

The New York Post carried a negative rant through five editorials and opinion pieces. Less offensive (but nevertheless negative toward the position of the Haudenosaunee) opinion pieces were published in other newspapers: two in the New York Daily News and one each in the Buffalo News and the Albany Times Union.

The Buffalo newspaper editorial allowed that the Senecas are a sovereign nation protected by ancient treaties, but it argued that the state financial crisis trumped the Indians’ right not to collect sales taxes. The Syracuse newspaper merely called for good-faith negotiation by both the state and the Haudenosaunee. Those were the most positive editorial opinions about sovereignty and treaty rights, which were explicitly mentioned by nine of the 13 editorials.

More common in the editorials was mockery and dismissal:
...”couch its behavior in high-sounding terms like ‘sovereignty’ and ‘treaty rights,’ all they’re really showing is a breathtaking contempt for the rule of law.”
... [the judge] “appears to have bought the argument—laughable on its face—that tribes’ ‘sovereign’ right to tax-free cigarettes for their own consumption precludes any meaningful state effort to collect taxes imposed legally on those they sell to non-Indians.”
... “the bogus idea that operating on sovereign Indian territory exempts them from taxes.”

Research Findings: Letters to the Editor

During 2009, the New York newspapers published 13 letters to the editor that addressed the issue. Of those, 11 mentioned the concept of sovereignty or referred to treaties, six of them in a positive context. Several of the published letters were written by identified tribal leaders, and one by the leader of an anti-Indian activist organization.

The Syracuse newspaper included a single letter to the editor on the subject during 2009. It was from a leader of an anti-Indian group decrying a loss of “the sovereignty of our once-great state” and asserting that “by proclaiming itself a ‘sovereign nation,’ [the Cayuga] tribal government used to be able to do just about anything it pleased without worrying about the laws....”

POSTSCRIPT: CONTENT ANALYSIS 2010

As final attention was being given to this manuscript, a news story erupted in July 2010 that was related to the sovereignty theme running throughout this report. The United Kingdom refused to recognize the Iroquois League's passport that Haudenosaunee athletes were using to travel to an international lacrosse competition. A content analysis of local news coverage looks at how reporters framed that story in terms of sovereignty and Native identity.

Research Findings

Three weeks ago, I was in Indian Country among the Pueblo People of the Southwest, when an international incident began unfolding, one that focused on the Haudenosaunee people of my home turf around Buffalo, N.Y. Members of the Iroquois Nationals lacrosse team, which includes athletes from Haudenosaunee land in the United States (specifically New York) and Canada (Ontario and Quebec), were preparing to travel to England for the Lacrosse World Championships. They were seeded at Number 4.

As usual, the Native athletes were traveling on their Haudenosaunee passport issued by the Iroquois League. The passport routinely is used for U.S.-Canadian travel and generally is recognized for international travel by many other nations. Even though the Iroquois Nationals were eligible to travel on U.S. or Canadian passports, they use the Haudenosaunee passport. The athletes explained that they were attending the international games not as representatives of the United States or Canada, which had their own national teams in the tournament, but rather as representatives of the Haudenosaunee People.



Because of terrorism and immigration concerns, the technical validity of the Haudenosaunee passport was first challenged by the U.S. government, which quickly reversed its challenge. But the British government refused to allow the athletes to enter the United Kingdom on their Native passports. The consequence was that the Iroquois Nationals forfeited any standing in the competition rather than travel on another passport.

In a content analysis of newspaper articles and editorials concerning the issue, I looked at how reporters and editorialists used the concept of “sovereignty” and the related issue of “national identity” in covering the breaking news story.

One newspaper – The Buffalo News – treated the story as major local news. Buffalo is surrounded by Haudenosaunee land: the Tuscarora Nation, the Tonawanda Band of Senecas, and the Seneca Nation at Salamanca with its affiliated lands on the Cattaraugus and Oil Springs reservations, as well as the Six Nations reserve in adjacent Ontario.

This newspaper posted nine articles in six days (13-17 July 2010). In a total of 3,786 words, “sovereignty” was used three times (all in the introductory article but not in any follow-up reports); “sovereign rights” was used one time. References to “identity” – as in “attacks on our identity” or “strike against their identity” – was used seven times. In all, 16 explicit or implicit references were made to such terms – 14 of them referencing Haudenosaunee sources, two referencing U.S. government sources advocating the Native cause. In no instance did a journalist introduce the term “sovereignty” to give context to the report.

Three of the nine reports gave minimal historical mention (without a meaningful context) of the Iroquois League that predated colonization and whose members, the Haudenosaunee People, established treaties with the Dutch, British, French and later Americans. As the news story unfolded, a thread developed with five references in four articles dealing with steps to guarantee recognition of the validity of

Haudenosaunee Nation passports in the future; three of those citations were attributed to governmental sources, two to Native sources.

Apart from the analyzed news articles, an editorial in *The Buffalo News* called for both a short-term fix (permission for the Iroquois Nationals to enter England with guarantees that they could return to the U.S. and/or Canada) and the eventual resolution by national agencies and international bodies of the status of the Haudenosaunee passport. The editorial twice framed the discussion in the context of “sovereignty.”

Finally, at week’s end, *The Buffalo News* published an Associated Press wrap-up report on Page One. That article clearly framed the issue as one rooted in sovereignty. This was the headline and first two paragraphs:

Sovereignty at heart of lacrosse case

Passport dispute involving Iroquois team raises a key Native American issue in changing times.

Flagstaff, Ariz.—An American Indian lacrosse team’s refusal to travel on passports not issued by the Iroquois confederacy goes to the heart of one of the most sensitive issues in Indian Country—sovereignty.

The rights of Native nations to govern themselves independently has long been recognized by federal treaties, but the extent of that recognition beyond U.S. borders is under challenge in a post-Sept. 11 world.

Ten of the 25 paragraphs in the article included references to sovereignty, Native identity and/or tribal independence. Of these, four were references by the reporter, four by Indian sources, and one by a U.S. government official.

DISCUSSION

What conclusions can be drawn from these studies? What lessons can be learned and applied by the academic community, for the journalism profession, and for the various American Indian nations?

Conclusions

Regardless of the specific focus – taxation, land status, casino gaming, Native passport – the collected findings of these various related content analyses leads to several conclusions, which are offered here:

- Conclusion 1: The basic observation is clear: News coverage of public policy issues involving an American Indian entity does not generally reflect the highest standards and qualities of the journalistic profession. One significant shortcoming is that such reporting seldom includes significant attention to the principle of sovereignty that underlies the issue. Nor does typical news reporting provide any significant historical context, such as treaty provisions and court decisions, to explain to the readers the Native understanding of sovereignty as it intersects with other public interests. Lack of attention to these issues leaves readers with little understanding of the root causes of conflicting stands taken by Native entities, government, community organizations, and sometimes even the journalistic venues themselves.
- Conclusion 2: The second shortcoming involves the way Native-related public policy issues are framed. Most frequently, reporting on such issues is framed in the context of economics or politics. Some breaking news stories are framed as protest and physical context. This provides news audiences with a false (or at best, a misleading and overly simplistic) understanding of what often is an ongoing issue. It also fails to help the journalistic media fulfill its potential role in educating a citizenry on the sometimes complex issues facing them.
- Conclusion 3: In tandem with the previous conclusion, it should be noted that seldom is the reporting framed in the perspective of an ongoing historical struggle between a Native entity and local/state/federal governments in which differing understandings of sovereignty and ambiguous relationships play a significant role. By failing to provide such a context, the news reports often allow the obvious conclusion that governmental assertions carry the most weight and that conflicting perspectives have less significance.
- Conclusion 4: Newspaper reports sometimes – though not always – include Indian assertions about sovereignty. However, virtually absent is any journalistic presentation in which the reporter establishes a historical context to frame the report in terms of sovereignty. The implication is that claims are being made by Indians absent facts, or at least without justifiable substantiation.

A typical journalistic statement is represented by this sentence from a news article: “Senecas claim that a tax is an infringement on their sovereign rights.” Senecas claim. It’s like a statement reporting that someone professes to have been abducted by aliens. The reporter dutifully notes the bizarre claim, performs the journalistic ritual of attributing it, and lets the statement hang there in its implicit absurdity.

On the other hand, good journalism can approach the situation differently. Objectivity and neutrality in reporting doesn’t require that a journalist refrain from presenting any information on its own merits. Ideally, a reporter can state historical fact without attribution or cite treaty provisions without editorializing. The paragraph might read something like this: “Senecas contend that they are immune from state tax based on their status as a sovereign political entity independent of New York State. The Iroquois League predates the United States, and over the centuries the Senecas entered into several treaties with the federal government guaranteeing rights over their land. For example, the 1794 Treaty of Canandaigua between the Haudenosaunee and the United

States guarantees the Indians ‘free use and enjoyment’ of what Washington stipulated as ‘their property’.”

- Conclusion 5: In reviewing the framing of various articles, this study observed that the sovereignty theme came into play more often as the reporting was winding down, typically in the wrap-up story after the fact, rather than during the day-to-day reporting. While it is good to offer a retrospective that provides some historical and thematic context, one can argue that it would have been more useful to provide such context to readers as the story was unfolding.

One final observation is offered here. This is not necessarily a conclusion born out by evidence from this study, though it derives somewhat from the studies. Rather it is a personal observation of the researcher, drawn from many years of involvement with journalists and from conversations and more formal presentations on the subject of fair and professional reporting on public policy issues involving Indian communities.

This observation is a simple one: I do not believe that the journalistic shortcoming outlined in the above conclusions are deliberate, nor are they the results of anti-Indian bias or journalistic negligence, nor from any lack of professional integrity or goodwill. Rather, I see them as a not-unreasonable consequence of the state of formal education and common knowledge in which Native perspectives have been at best marginalized, more often completely overlooked. There is little reason to expect a reporter to add information about sovereignty, treaties and historical fact when she or he has never learned that information in the first place.

Journalists are busy professionals stretched in many different directions, sometimes lacking a depth of information, perhaps predisposed to frame stories in terms of controversy and opposing forces, and often disinclined to challenge basic assumptions of fact. Some of the suggestions below for follow-up action might offer a remedy to which this report concludes as a less-than-desirable quality of news reporting of Native American public policy issues.

Lessons and Follow-Ups

Based on the findings of these various content analyses and developing from the conclusions noted above, this research suggests a few applications to specific groups operating in the area of public policy and journalism.

- Lesson for Researchers: Academicians interested in continued study may find these content analyses points of comparison to investigate media coverage of Native news in other areas of North America. Additionally, research could be undertaken to identify patterns and perhaps cause-effect situations that lead to better reporting on Indian issues.
- Lessons for Educators: College and university professors may see in these content analyses useful models for in-class activities in courses dealing with communication research, diversity and news ethics, Native issues, public policy, and/or economics.
- Lesson for Journalists: The journalism profession may do some soul-searching to reflect on the fairness and accuracy of news reports involving Native issues such as those addressed in these content analyses. This report is not meant as an indictment on the integrity of journalists but rather is offered in the spirit of providing an outside and objective viewpoint on how well news stories are reported and how they might be reported better. Reporters and editors might consider whether they can better serve the interests of their readers by providing information in context on Native issues and by refraining from framing sovereignty-themed stories from merely economic or political perspectives. They also might consider the extent to which a historical context and factual information can be objectively presented by the reporter rather than merely dropped into a story with an attribution to a Native source.

- Lesson for Media Executives: Journalists rightfully pride themselves in presenting fair and full coverage of the various sides of each issue and of exploring alternative approaches to public issues. Thought should be given to providing editorial-board conversations, in-service workshops, and other resources aimed at educating reporters and editors on aspects of public policy issues with which they are likely to be unfamiliar. The desired outcome of such training is not to present necessarily a pro-Indian viewpoint but rather to sensitize and educate journalists to the fact that there is more than a single perspective on the relevant public policy issues. Good reporting practice would seem to indicate that the government-articulated position should not be the only one presented in a news report. Good reporting also would place a value on the presentation of information in context so that readers can develop a fuller understanding of the complex issues underlying these public policy issues.
- Lessons for Native Leaders: People in leadership positions within the various American Indian communities might consider some of these findings and ask whether they can better serve the interests of their people by providing reporters with accessible, accurate and understandable information in the context of the day's newsworthy events and issues. Native public relations entities – whether formal agencies or departments, tribal spokespersons, or other individuals offering a Native perspective on public issues – might particularly consider the concept of framing and the potential it offers to present an Indian point of view.

Additionally, the research findings suggested that Native entities might take advantage of their proximity to metropolitan newspapers in seeking a public platform for their voice. It concludes that Indians can impact reporting by developing their voices with a pro-active effort to engage reporters and editorial writers, while simultaneously building a communication/public relations infrastructure (including issues management and media training) to facilitate a stronger relationship with the media and ultimately with other community interests including business and government.

LIMITATIONS AND ADDITIONAL RESEARCH

Research reports generally conclude with a good-faith disclosure of the limitation of the research. These content analyses have some such limitations that should be noted.

- One limitation was the nature of the second content analysis within this research project as part of a college course. The research directors were three professors, each with personal expertise in applied research. In addition to generating valid data, they also were attempting to provide a learning experience for students. These twin goals forged a research program that, while effective in yielding valid and reliable outcomes, was not particularly efficient.
- Another limitation was the difficulty in obtaining a suitable and consistent bank of media artifacts to be investigated in the various elements of this project. Online archives did not provide equal coverage of each time people and each newspaper under study.
- Because of these inherent limitations, this content analysis can be seen as a preliminary investigation or pilot study into a topic that the researcher presumed from the beginning could lead to further investigation.

Other researchers might question the decision to focus on various time segments of weeks or months, rather than a comprehensive multi-year study spanning decades, at least the time from the early 1990s onward. One reason was the availability of media artifacts available for this study. Another was the author's decision to focus on key news periods of peak reporting on the issues. Initially other time periods were reviewed. Additionally, a grouping of Canadian newspapers was considered as a point of comparison. However, a preliminary review showed no obvious discrepancy with the findings reported above, and the decision was made to abandon the wider review because too-few artifacts were available.

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