

Tribal Member Gets Nod For The Indian Summer Music Awards

■ Flutist Jan Michael Reibach honored for his releases — "Native Blues" and "One Heart, One Spirit."

By Peta Tinda

Grand Ronde Tribal member Jan Michael Reibach has been chosen as one of the nominees for the Indian Summer Music Awards, to be held in Milwaukee, Wisconsin on September 11, 2004.

The awards are meant to honor the best Native American music that has been released nationwide.

Reibach's "Native Blues" album was nominated in the blues category and his "One Heart, One Spirit," album was nominated in the flute category.

He has also just signed on to a new music label, High Spirit Records, which is owned by Native flute veteran Odell Borg. Reibach's new album on the label, called, "Looking Wolf," is scheduled for release in August 2004.

Reibach's popularity as a musician has grown by leaps and bounds since he recorded his first release, Native Blues, at his home in Grand Meadows.

His album "Peaceful Journey" has sold more than 9,000 copies and he expects the success to continue.

"My music has evolved into something unique," said Reibach in a recent interview.

It is unique, Reibach said, is because he combines traditional solo

flute music with acoustic guitars, rattles and a classical piano.

The nominations have brought a lot of attention to his work, said Reibach.

"Now I'm looking to record on other labels, but still retain total control over my music."

The ISMA Awards will debut at the Indian Summer Music Festival held September 10-12 in Milwaukee Wisconsin.

"I feel very honored to be one of the five nominees chosen," said Reibach.

"I feel like it's good for the Tribe, to get our name out there. And for our Tribe it says a lot. When I started, my first release I only had about a 1,000 copies," he said.

Most of those were bought by Tribal members and the local community. From that, Reibach re-invested in equipment.

"If it hadn't been for that first wave of support I wouldn't have been able to do it. It all comes back to the Tribe — if it wasn't for the Tribe being there, I wouldn't have my Tribal identity. Once again, I owe it all to the Tribe."



Photo courtesy of Jan Michael Reibach

Public Safety Ordinance Amendments

As you may have seen from the notices in the *Smoke Signals*, or heard at General or Tribal Council meetings, the Tribal Council proposed amendments to the Public Safety Ordinance, which were approved by the Tribal Council on June 9, 2004.

The Public Safety Ordinance was initially passed in August 2002 following recognition by the Tribal Council of the need to protect the peace, health and safety of people living or visiting Grand Ronde Tribal lands with the growth of the governmental, residential and economic activities on Tribal lands. Since Restoration in 1983, the Tribe has worked hard to create a full-service government to protect Tribal resources, safeguard Tribal sovereignty and provide services for Tribal members. The Tribe has provided opportunities for Tribal members to return to the Grand Ronde Reservation through the development of several housing projects in Grand Ronde: Grand Meadows, Ilip Tilixam, and Chxi Musam Illihi.

The passage of the Public Safety Ordinance came after input from Tribal government and Housing Authority staff, the Polk County Sheriff's Office and the Tribal Court. In addition, Tribal members were invited to comment on drafts of the Ordinance in September 2001 and June and July of 2002.

Recently, the Tribal Council proposed and passed amendments to the Public Safety Ordinance to address issues that routinely arise regarding use of Tribal lands for campaigning activities and public demonstration activities. As with the original passage of the Public Safety Ordinance, and as is the case for other proposed ordinances or amendments, the Tribal membership had the opportunity to review and comment on the recently proposed amendments. The Tribal Council received and considered substantive written comments from five members, substantive oral comments from five members and written and oral comments limited to a request to postpone the amendments from 11 members.

The Tribal Council did not postpone action on the amendments because the amendments address issues that frequently arise regarding permissible campaign activities on Tribal lands and reflect existing, but unwritten practice, regarding such activities. The amendments also establish a needed policy on procedures for public demonstration activities which include a permit requirement and designation of a public demonstration area. In addition, many of the concerns raised in the comments pertained to provisions that were already in effect and had been since the initial passage of the Ordinance and any delay on the amendments would not have affected those provisions.

Some of the comments raised concerns about the penalties in the Ordinance and the possibility of the penalties placing a financial hardship on members. The potential penalty associated with the amendments is \$50; however the primary enforcement mechanism regarding illegally placed political signs will be to remove them and the primary enforcement mechanism for demonstrations without a permit will be to break them up. Repeat offenders are more likely to get fined. The potential penalties of \$500 or \$2,000 relate to previously existing Ordinance provisions. Such a penalty has never been assessed since the passage of the Ordinance and would not be assessed unless notice and opportunity to correct the violation have been given to the person in violation and the person still refused to correct the

violation. The Ordinance also provides that an assessment of a penalty can be reviewed by the Tribal Court.

Some of the comments questioned the "Harassment of Tribal Representatives" section. This section has also been part of the Ordinance since its passage in 2002. This section was included in the Ordinance to protect the safety of Tribal Representatives against threats, harassment, or other inappropriate acts intended to injure, intimidate, coerce, or inhibit a Tribal Representative regarding an act or decision of the Tribal Representative in his or her official or employment capacity.

The comments also inquired as to whether the proposed amendments regarding political signs and public demonstrations might be more appropriate in the Election Ordinance. The amendments are in the Public Safety Ordinance, rather than the Election Ordinance, because the amendments pertain to use of Tribal lands. The Election Board is responsible for running elections, not monitoring use of Tribal lands. In addition, many of the amendments include activities that are not connected to a Tribal election, such as public demonstrations and political signs relating to state or federal elections.

Questions regarding the enforceability of the Ordinance and its amendments were also mentioned in the comments. As the Ordinance is civil in nature, it is enforceable against members and nonmembers. The Ordinance may be enforced through the assessment of penalties, but penalties will not be assessed until after notice and opportunity for violators to correct the violation. In addition, the Tribe may seek Tribal Court assistance in enforcing the Ordinance. One of the comments received suggested that the amendments might lead to lawsuits in federal court; however the federal courts do not have jurisdiction over lawsuits involving the Ordinance, including any lawsuits claiming a violation of the Indian Civil Rights Act. Any such lawsuits would be heard in Tribal Court.

Many of the comments also raised concerns that the amendments will limit the rights of the members to express themselves. The amendments provide opportunities to the membership to express themselves that are safe to the members and the rest of the community. As described above, the amendments respond to routine questions regarding the ability of members to have signs at their residences, wear buttons, distribute campaign materials, and have public demonstrations on Tribal lands. The amendments provide a written expression of past practice. For example, the members will be able to post political signs at their residences on Tribal lands; distribute campaign materials or petitions on Tribal lands after normal business hours, during any government sponsored candidate forum and during the annual pow wows; and wear campaign buttons while conducting legitimate business at the Tribe (except Tribal Representatives). Tribal members will also be able to conduct public demonstrations with a permit.

Passage of the Public Safety Ordinance and the amendments reflects the efforts of the Tribal Council to provide a safe, healthy and peaceful environment for the Tribal membership and other people living and visiting Tribal lands. This effort will continue with the growth of governmental, economic and residential activities on Tribal lands.