

Some question tribal ID usability under amendment

Some are concerned that American Indians in Minnesota could be negatively affected by the proposed voter photo identification amendment, citing uncertainty of whether their tribal IDs will be accepted.

By: John Hageman, Forum Communications

BEMIDJI, Minn. – In 2004, a massive “get out the vote” campaign was aimed at encouraging American Indians to get to the polls across a handful of states.

In Minnesota, voter turnout on reservations increased by nearly 20 percentage points from the 2000 election.

The report stemming from that campaign cites significant progress made during recent elections in increasing Native voter participation. But eight years later, some are concerned that American Indians in Minnesota could be negatively affected by the proposed voter photo identification amendment, citing uncertainty of whether their tribal IDs will be accepted.

“It’s taken a long time for us to be able to encourage tribal members that it is their constitutional right to vote in the American governmental process, not just their own tribal elections,” said Jacqueline Pata, executive director of the National Congress of American Indians. “We just don’t want to create any barriers or perceptions of barriers that a tribal ID is not good enough.”

Like with most debates surrounding the voter ID amendment, which appears on the Nov. 6 ballot, the two sides seem to disagree on some basic premises. Among those arguments are which IDs will be accepted at the polls if the amendment be approved by voters on Election Day.

Proponents point to the requirement that the ID must be “government-issued” as assurance that tribal IDs will be accepted.

Bill co-author Rep. Mary Kiffmeyer, R-Big Lake, also said a decision from a 2004 lawsuit brought against her when she was secretary of state ensures that tribal IDs will be accepted. In that case, the American Civil Liberties Union and the NCAI claimed that Minnesota was violating federal law by not recognizing tribal IDs as valid identification for voter registration everywhere in the state.

Kiffmeyer added that the amendment requires the state to provide free state IDs to eligible voters, giving voters options on Election Day.

Currently, tribal IDs are accepted on and off reservations for voting, among many other purposes. Still, the amendment language doesn’t specifically say that tribal IDs will be accepted in the future.

“That causes concern for us,” Pata said.

If the measure passes and becomes part of the state Constitution, the Legislature will be responsible for figuring out the details of how to carry it out.

Audrey Thayer, coordinator of the local ACLU office in Bemidji and member of the White Earth Band of Ojibwe, referred to accepting the amendment as it’s written as writing a “blank check” to legislators.

“I come from a culture of people that we’ve not had the best shakes out there when you’re throwing the dice,” Thayer said.

While opponents say there are too many unknowns in the current language, Kiffmeyer said it’s written in a way that’s consistent with other constitutional amendments.

Gary Fuller, a political activist on the Red Lake reservation, said he’s advocating a two-pronged approach to the amendment. First, to vote no, and to vote for legislators that would write a bill that keeps tribal IDs valid for voting should it pass. Fuller, an active member of the local DFL party, acknowledged that it’s hard to separate the issue from partisan politics since Democrats largely oppose the bill and Republicans support it.

“They’re getting to be concerned about it,” Fuller said of American Indians he’s talked to. “Once they realize what’s going on, they’re going to vote no.”

Sally Fineday, the former executive director of the Native Vote Alliance of Minnesota, said the voter ID amendment could disenfranchise poor people in the region who vote by mail because they would have to travel long distances to show identification. Northwest Minnesota tends to be one of the poorest parts of the state and in 2010, the poverty rate among American Indians in Minnesota was nearly 40 percent, according to the U.S. Census Bureau.

“When you get a population of people...who may lean in the direction of poverty, there seems to be a lot of hoops that you have to jump,” Thayer said.

Kiffmeyer, meanwhile, argues just the opposite.

“We’re actually expanding the opportunity to cast a ballot and not taking anything away by virtue of this constitutional amendment,” she said, calling the argument that it will disenfranchise people “unsubstantiated.”

Fineday said despite the success of the case against Kiffmeyer eight years ago, “there’s no guarantee that that’s going to happen for us in 2013.”

“If this happens, it’s highly unlikely that tribal identification is going to be embraced, and we might just have to fight the battle again,” she said.

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