

# The Bemidji Pioneer

## **Klobuchar wants to know whether DOJ targeted Heffelfinger**

*Brad Swenson*

*Bemidji Pioneer - 06/01/2007*

Questioning a state rule that limited American Indian voting rights may have put former U.S. Attorney Tom Heffelfinger on the Justice Department's termination list.

If so, U.S. Sen. Amy Klobuchar, DFL-Minn., wants to know and why.

Heffelfinger's case has risen to a national issue as it was revealed that eight U.S. attorneys were terminated by the Justice Department, apparently for political reasons. While Heffelfinger resigned in February 2006, his name was apparently also on that list.

The Los Angeles Times reported Thursday that Heffelfinger apparently made the hit list for his probing of American Indian voting rights, after then-Minnesota Secretary of State Mary Kiffmeyer — a Republican — ruled that tribal IDs could not be used by Indians off the reservation to register at the polls.

"As we see this story unfolding, it is looking more and more like Tom Heffelfinger was deliberately targeted for removal due to his efforts to protect the voting rights of native Americans," Klobuchar said Thursday.

The freshman Democrat wrote a letter to U.S. Sen. Patrick Leahy, D-Vt., chairman of the Senate Judiciary Committee, that his panel probe that connection on Tuesday when Bradley Schlozman, a former Bush administration political appointee in the Justice Department, is slated to give testimony.

According to the L.A. Times, when Kiffmeyer issued her ruling before the 2004 election, a Justice Department official received an e-mail from an attorney under Heffelfinger that the Kiffmeyer ruling caused Heffelfinger "deep concern" and that it may be possible voter discrimination against Indians.

When Schlozman received word, he directed the Justice Department official — a civil servant — "not to do anything without his approval" because of the "special sensitivity of this matter." Another Republican in Justice also apparently ordered that Justice officials work through Kiffmeyer's office and not county officials in order to reduce the likelihood of a leak to the news media.

"I am outraged to learn that Tom's honest and impartial work to ensure that native Americans retain our nation's most basic right — the right to vote — could have landed him on a list for removal by the Justice Department," Klobuchar said. "It's time to have some answers as to why a man who was doing his job was targeted to be fired."

The issue of voter fraud involving Indian voters has been embraced by Republicans, even in the Bemidji area, since most are disenfranchised voters who tend to vote Democrat when they do vote. The GOP pointed to the 2002 election, blaming fraud on Indian reservations for the slim win for Democrat U.S. Sen. Tim Johnson over GOP challenger John Thune.

Locally, House 2B Republicans have issued concerns about voting on the Red Lake Reservation, and even that as a sovereign nation Red Lake tribal members even can vote in non-tribal elections.

The L.A. Times noted that when Heffelfinger issued his concern in October 2004, his name apparently appeared three months later on the list of U.S. attorneys for possible firing.

Kiffmeyer told the Pioneer at the time that Indians living on the reservation could use their tribal IDs to register to vote at their reservation polling place, but that tribal IDs would not be allowed for those living off the reservation to register to vote.

That policy had been in place for two years, she said, before it was challenged only days before the 2004 presidential election. Instead, she was pushing for a REAL ID card system, a form of national identity card where a national standardized card would be issued for people who don't have driver's licenses.

"Two years it was in place without complaint," she told the Pioneer. "All of a sudden, before the election, there was a claim of unequal treatment. They neglected to say how I worked with them to try and make sure they were recognized for their unique situation."

U.S. District Judge James Rosenbaum just before the 2004 election ordered that tribal identification cards be accepted at the polls, and the matter became state law under a bill authored by Rep. Brita Sailer, DFL-Park Rapids, last year.

Monica M. Goodling, the Justice Department's former White House liaison, testified last week before the House Judiciary Committee that Heffelfinger was criticized for "spending an excessive amount of time" on American Indian issues. But it was Thursday's L.A. Times story that narrowed the scope to the tribal ID issue.

Klobuchar's letter to Leahy specifically asks that the committee question Schlozman about "his efforts to effectively quash the investigation into possible voter discrimination against native Americans; and what role, if any, Tom Heffelfinger's efforts to protect the voting rights of Minnesota's native American communities placed him on the department's now infamous list for termination."

She notes that while political appointees apparently tried to quash an investigation into Kiffmeyer's ruling, the American Indian community took the matter to court and had a federal judge overturn that ruling, "in effect, affirming the legal judgments of U.S. Attorney Heffelfinger and his professional staff."

As Hennepin county attorney, Klobuchar said she and Heffelfinger "worked closely on matters concerning Minnesota's native American communities — the same issues that may have put Tom Heffelfinger on the list for termination by the Department of Justice's political appointees."

Both Klobuchar and U.S. Sen. Norm Coleman, R-Minn., have called for the resignation of U.S. Attorney General Albert Gonzales, saying the controversy over the terminations has made him ineffective.