

June 21, 2004

EDITORIAL OBSERVER

Indians Face Obstacles Between the Reservation and the Ballot Box

By ADAM COHEN

When Edna Weddell, a Yankton Sioux tribal elder who gets around with a walker, tried to vote in South Dakota this month, a poll worker stopped her. She had to produce a photo ID first, she was told. Ms. Weddell's granddaughter pointed out that South Dakota law allows voters who do not have an ID with them to sign an affidavit instead, but the poll worker would not budge. Ms. Weddell was forced to retrieve her ID from home before she was allowed to vote.

That story is one of many circulating in South Dakota about Native Americans illegally turned away or harassed when they tried to vote on June 1. Another woman says that when she voted on the Pine Ridge reservation, she saw an Indian walking out of the polling place visibly upset. "They won't let me vote because I don't have a photo ID," he told her. There are more reports like this, and at least one of white election officials improperly opening a ballot box in an Indian area after the polls closed.

South Dakota has a long history of anti-Indian voting rights violations, involving many of the same tactics that were employed against blacks in the pre-civil-rights-era South: county officials who try to prevent Indians from registering, district lines deliberately drawn to keep Indians from being elected to public office, and harassment and intimidation of Indian voters and candidates.

These battles have traditionally been local, but they have begun to reverberate beyond South Dakota. The state's roughly 16,000 Indian voters, who lean heavily Democratic, have become an improbable national political force. Tim Johnson was elected to the United States Senate in 2002 by 524 votes, on the strength of late returns from Pine Ridge. Another Democrat, Stephanie Herseth, won a hard-fought battle for the state's at-large Congressional seat this month by less than 3,000 votes. This fall, when the re-election battle of Tom Daschle, the Senate minority leader, will likely be the highest-profile Senate race in the country, the Indian vote will again be pivotal.

The Indians' struggle for voting rights in many ways parallels the experience of black Americans. In the Dakota Territories, the law originally restricted the franchise to white men. After the 15th Amendment

was passed, removing racial barriers to voting, the Dakotas still regarded most Indians as noncitizens, and therefore ineligible to vote. As late as 1939, South Dakota law prohibited Indians from voting or holding office.

Even when the laws changed, South Dakota still found ways to deny Indians political rights. In 1975, Indians in two counties — Shannon, home to the Pine Ridge reservation, and Todd, home to the Rosebud reservation — had to sue in federal court before they could vote for county officials. Until this year, Buffalo County's three county commissioner districts were drawn so that one had just 101 people, none American Indians; a second had 353 people, with a functional white majority; and the third had 1,493 Indians jammed into it. This sort of discriminatory line-drawing has been unconstitutional since 1962, when the Supreme Court handed down its "one man, one vote" ruling.

South Dakota's Indians complain that white election officials regularly put up obstacles to their attempts to register and vote. County auditors have limited the number of registration cards they give out to Indians, forcing them to drive repeatedly between the reservations and county offices to get more cards. Registration forms have been rejected for failing to have a proper street address, even though there is no address numbering system in many rural areas. Indian voting activists have often been falsely accused of voter fraud, charges that some suspect are intended to discourage them from being politically active.

Last year, after Indians had made the difference in Senator Johnson's election, the Republican-controlled State Legislature passed a new voter ID law that posed a particular hardship for Indians, who often do not have driver's licenses. They were assured that the new law would not present a problem, since it stated that any voter without ID "may complete an affidavit" instead. But many Indians were concerned that poll workers, who are often hostile to them, would ignore that provision.

That seems to be precisely what happened on June 1, and voting rights activists do not believe the mistakes in applying the law were accidental. As evidence, they have produced instructions used in Corson County on Election Day, apparently written by the Corson County auditor, saying: "Some voters are reporting that ID is not required. Please inform the voters that ID is in fact required." South Dakota Secretary of State Chris Nelson insists that county auditors were all properly trained on the new law. In Corson County, "the auditor chose to add some additional instructions," he says. "I don't know why."

Indian voting rights are often seen as a partisan issue — that in order to win, Democrats should maximize Indian votes and Republicans look for ways to reduce them. But the mistreatment of Indian voters is simply a discredit to American democracy. Given the poor performance of South Dakota election officials this month, the South Dakota state government and the United States Justice Department should say now how they plan to ensure that Indian voting rights are protected in November.