

INTER TRIBAL COUNCIL OF ARIZONA, INC.

Presents

The History of Indian Voting in Arizona©

The Inter Tribal Council of Arizona, Inc. is pleased to offer *The History of Indian Voting in Arizona*© in DVD format. This short documentary chronicles and commemorates the initiative and courage of the late Frank Harrison and Harry Austin of the Fort McDowell Yavapai Nation. Their efforts and the court action they initiated helped confirm the right of Indian people to vote in Arizona. On July 15, 1948, the Supreme Court of Arizona ruled unanimously that Indian citizens of Arizona had the right to vote in state and federal elections. We encourage you to view this story and share with us a powerful moment in Indian history.

The History of Indian Voting in Arizona© is available on a sliding scale:

- Primary & Secondary Schools: \$5 each
- Tribal Government Office and Departments: \$7 each
- Non-Profit Organizations: \$10 each
- All Others: \$15 each

-
- I would like _____ Copies of *The History of Indian Voting in Arizona*©
 - Enclosed is my check or money order for \$ _____
 - Enclosed is purchase order# _____ for \$ _____

TRIBE/ORANIZATION: _____

NAME: _____ TITLE: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ FAX: _____ EMAIL: _____

Mail to:

Inter Tribal Council of Arizona, Inc. OR Email order to: travis.lane@itcaonline.com
2214 N. Central Avenue, Suite 100
Phoenix AZ 85004
Fax: (602) 258-4825

THE HISTORY OF INDIAN VOTING IN ARIZONA

(slide - tape program script)

“When we went, Roger Laveen was still living. We tried to get registered, one time. A young man — he refused to register us: “You’re under the ward of [the] government’.” (Frank Harrison)

To live harmoniously, the American Indian peoples developed ways to solve problems that affected their communities. Forms of public decision - making or governments were evolved to meet the varying needs of different Indian peoples.

The United States government recognized these independent political organizations and treated them as sovereign nations through the process of making formal treaties with tribes. As non-Indians pushed into Indian lands the government of the United States forced tribes onto reservations that were only fractions of the former territories on which Indian people had lived. Although forced to give up vast tracts of their homelands, tribes did retain governmental rights on the lands they kept. In this process, Indian people were put into a unique position. They remained tribal citizens but also became citizens of the United States though their full rights of citizenship did not come until this century and only as a result of the efforts of Indian people with the support of Indian rights organizations and their allies.

One of the major issues in this struggle has been the right of Indian people to vote, a basic right in a democracy. In Arizona, the right of Indian people to vote in national and state elections has been realized through the initiative and courage of people such as the late Frank Harrison and the late Harry Austin.

Before World War I, Indian people in Arizona who lived on reservations were not legal citizens of the United States. When the United States entered the war in 1917, Indians were exempt from the draft. However, more than 8,000 Indian men and women voluntarily served in the armed forces; many of them giving their lives in defense of their homes. In response to the contribution of Indian people in the war and through a major political effort of Indian rights leaders such as Dr. Carlos Montezuma, a Yavapai Indian, congress passed the Indian Citizenship Act in 1924.

The fact that Indians were U.S. citizens did not make them eligible voters in Arizona. In an attempt to gain recognition of the right of Indians to vote in Arizona, a lawsuit was filed in

1928 by Peter Porter, a Pima Indian from the Gila River Reservation. But the Arizona Supreme Court ruled against the case asserting that Indians were under FEDERAL GUARDIANSHIP and that the State Constitution denied the vote to “mental incompetents and people under guardianship.”

Facing World War II and the need for a universal draft, Congress again affirmed the citizenship of all Indian people—on or off reservations—in the Nationality Act of 1940.

Over 25,000 Indian men and women served in the United States armed forces in World War II. Many served with highest distinction, and some became national heroes such as Ira Hayes, the Pima Indian famous for the raising of the U.S. flag at Iwo Jima.

At the end of World War II, many Indian veterans returned to their reservation homes in Arizona. These veterans learned that the country which had willingly accepted their sacrifices in the name of democracy on the battlefield, denied them the opportunity to protect democracy through political action—that is the right to vote.

Frank Harrison, a Yavapai Indian, returned from his service in World War II to the Fort McDowell Indian Reservation. Before the war he had worked for the federal government, participating with other Indian men in the construction of Bartlett Dam on the Verde River. Although Indian men were repeatedly turned away from jobs on the project, some had continued to apply for construction work insisting that they were qualified. Finally, Indian men were admitted to unions and hired. Frank Harrison observed that persistence led to success.

After the war Frank Harrison saw the elderly in his community facing hard times. His own parents were doing heavy labor to make ends meet. But under the same ‘federal guardianship’ rationale as with voting, Indians in Arizona were denied Old Age Assistance and other federal benefits. These benefits were denied even though, just as with other Americans, payroll taxes were deducted from Indian peoples’ paychecks to finance federal programs.

Frank Harrison decided to do something about this problem of benefits. He got in touch with Arizona Congressman Richard Harless and with Lemuel and Ben Mathews.

Congressman Harless and Lemuel Mathews had served as attorneys in numerous suits on behalf of individual Indians and tribes. They decided to challenge the legal barrier—the idea of denying rights to Indians because of the misleading “federal guardianship” issue. This challenge would simultaneously enable Indians to vote and to receive other citizens’ benefits that were continually denied them.

Another member of the Fort McDowell Community joined the battle. Tribal Chairman Harry Austin had long been known as an outspoken fighter for Indian rights. On November 8, 1947 Harry Austin and Frank Harrison both walked into the Maricopa County Records office in Phoenix to register to vote.

The County Recorder refused to register the two Yavapai men. Their attorneys immediately filed suit and when the Superior Court ruled against the case, they appealed the decision to the Arizona Supreme Court.

Civil libertarians and Indian rights activists throughout the country followed the progress of the lawsuit. The American Civil Liberties Union, the National Congress of American Indians and the U.S. Attorney's office actively participated by contributing legal briefs in support of the case.

On July 15, 1948 the Supreme Court of Arizona unanimously overruled the previous opinions. Judge Levi S. Udall, father of Congressman Morris Udall, quoted the Indian law scholar Felix Cohen and stated in his decision:

“In a democracy suffrage is the most basic civil right, since its exercise is the chief means whereby other rights may be safe-guarded. To deny the right to vote where one is legally entitled to do so, is to do violence to the principles of freedom and equality.”

After the court decision, Arizonans, both Indian and non-Indian saw new opportunities—they also anticipated new problems and the intensification of old problems.

Some Indian people were unsure about their newly won voting rights. Many did not see themselves as active participants in the federal and state political process—simply because they did not view it as their process. Some feared that involvement in this non-Indian process would lead to taxation, further loss of reservation lands, and the termination of their special relationship with the federal government. These fears stemmed in large part from statements generated by the non-Indian community.

Despite these fears, the decision in the voting-rights lawsuit set a firm basis for the eligibility of Indian people to the rights of full citizenship in education, health and social services.

But other legal barriers still had to be overcome. In 1948 an article in the Arizona Republic newspaper noted:

“To be eligible to register and vote, Indians must meet all the customary requirements, including age, residency, ability to write and to read the Constitution without prompting. . . .

It was estimated that 80 to 90 percent of the State’s Indian population could not meet all these requirements, primarily because of illiteracy.”

Arizona was made subject to the Federal Voting Rights Act requirements in 1965 because of discrimination against Mexican-Americans and Indian citizens. Increased educational opportunities for Indian people reduced the impact of the literacy requirements when they were struck down by the Voting Rights Act Amendments of 1970. But problems, some intentional and some the result of insensitivity, continued to exist until 1976, when the Arizona State legislature passed a law which allowed a voter to bring someone of his or her own choosing to help in voting.

There were also physical barriers which remain obstacles even today. Geographical isolation and long travel distances make it difficult for many Indian people living on reservation to register and to vote.

The actions of Harry Austin and Frank Harrison are part of a historical process that began before their time and which continues today. Many of the issues raised at the conclusion of the lawsuit in 1948 are still controversial. For instance there is continued resistance to the election of Indian citizens to official positions in Navajo and Apache county. These issues can also be seen in the San Carlos Apache Tribe’s successful objection in 1982 to the proposed redistricting plan which would have split and diluted the strength of the Apache vote.

Indian peoples are citizens of their state as well as their tribes. If Indian citizens cannot participate in the state electoral processes—if they cannot vote—then the principles of democracy are seriously weakened. If Indian citizens cannot or will not vote, then the achievements of Harry Austin and Frank Harrison can be lost and their sacrifices made meaningless.

Frank Harrison continues to set a goal for all of us when he states:

“Well, that’s one thing we all look for—Freedom. We don’t think about fighting each other, from now on we know better. My only hope is to help each other and get along.

For more information contact: Inter Tribal Council of Arizona, Inc. at (602) 258-ITCA.