

MODULE A: AMERICAN INDIANS TAKING A STAND IN ARIZONA

Overview

In 1924 the United States Congress passed PL68-175.43, STAT 253, commonly known as the Indian Citizenship Act.¹ This act formally recognized and granted citizenship status to American Indians. While recognized as citizens, Native Americans were consistently denied certain rights, including the right to vote. Not long after the enactment of the Indian Citizenship Act of 1924, American Indians in Arizona challenged the local authorities who denied them access to the polls. This challenge failed. After World War II several American Indian veterans again challenged the Arizona laws that denied them their right to vote.

In this lesson, students will examine the actions of several Pima, Navajo, and Yavapai men taking a stand to secure the right to vote in Arizona. The students will analyze two court decisions and a letter to address the following questions:

- What actions were taken by these individuals to secure their right to vote in Arizona?
- How could these actions in Arizona impact voting rights across the United States?

Materials

- *Porter v. Hall* Court Case (1928) and Important Phrases activity sheet
 - Case Background (a secondary source): Matthew G. McCoy, “Hidden Citizens: The Courts and Native American Voting Rights in the Southwest,” *Journal of the Southwest* 58, no. 2 (Summer 2016): 295–296.
 - Majority Opinion (a primary source): *Porter v. Hall*, 34 Ariz. 308, 271 P. 411 (Ariz. 1928), Casetext, casetext.com/case/porter-v-hall.
- A Letter by Private Ralph Anderson (1943) and Important Phrases activity sheet: Ralph W. Anderson to J. M. Stewart, April 30, 1943, National Archives and Records Administration, Department of the Interior, Office of Indian Affairs, Navajo Service, 1935–1947, Record Group 75: Records of the Bureau of Indian Affairs.
- *Harrison v. Laveen* Court Case (1948) and Important Phrases activity sheet
 - Case Background: Kevin T. Guay, “The Landmark Decision of *Harrison v. Laveen*: Arizona Indians and the Right to Vote,” *Journal of the Southwest* 62, no. 3 (Autumn 2020): 586–587.
 - Majority Opinion: *Harrison v. Laveen*, 67 Ariz. 337, 196 P.2d 456 (Ariz. 1948), Casetext, casetext.com/case/harrison-v-laveen.

Procedure

1. **Lesson Preparation (5 minutes):** Remind students of the essential questions.
2. **Lesson Activity:**
 - a. Distribute the “*Porter v. Hall* Court Case (1928)” activity sheet.
 - b. Students should read the case background (a secondary source) to place the court case in context and then carefully read the excerpts from the Arizona Supreme Court’s decision in *Porter v. Hall* (1928). (You may choose to share read the excerpts first as described in Lesson 1, depending on the students’ familiarity with original texts from this period.)
You may need to define “ward of the state” for students: *ward of the state is a person under the state’s care through one or more government agencies.*
 - c. The students will identify three important or powerful phrases or sentences in the text and explain why they chose those phrases.
 - d. Next, have them use their understanding of the three phrases they selected to explain what action the plaintiffs, Porter and Johnson, took to secure their voting rights.
 - e. Finally, ask them to summarize the court’s decision and main arguments based on the important phrases they selected.
 - f. Repeat the same process for Ralph Anderson’s letter and *Harrison v. Laveen*.

¹ Act of June 2, 1924, Public Law 68-175, 43 STAT 253, which authorized the Secretary of the Interior to issue certificates of citizenship to Indians, 06/02/1924; Enrolled Acts and Resolutions of Congress, 1789 - 1996; General Records of the U.S. Government; Record Group 11; National Archives.

3. **Discussion (5–10 minutes):**

- a. Engage the class in a brief discussion of the actions taken by these individuals to secure the right to vote in Arizona. Be sure to emphasize and identify the stand taken by these individuals and the challenges they faced in their efforts to secure the right to vote.
- b. As a culminating topic for discussion, have students revisit the essential questions and make predictions about how the actions taken by American Indians in Arizona could have impacted voting rights across the United States, citing key evidence from the documents to support their claims.

Porter v. Hall Court Case (1928)

Case Background

On June 2, 1924, all American Indians born within the limits of the United States were made citizens. “In 1928 two Pima Indians, Peter Porter and Rudolph Johnson, registered to vote in Pinal County, Arizona. A deputy registrar in the city of Casa Grande accepted the registrations, believing that the Indian Citizenship Act mandated such action. However, when Porter and Johnson presented themselves to vote in the primary election, they learned that the county recorder, Mattie M. Hall, had expunged their names from the roll. Pima Reservation

Superintendent B. P. Six assisted Porter and Johnson in bringing suit against Hall. . . . In its final decision, the Arizona Supreme Court considered two arguments from the state: First, that Native American reservations were not part of the state of Arizona and thus residents were not citizens of the state, and second, that even if Indians were residents, they were wards of the federal government and ineligible to vote under Section 7, Article 2, of the state constitution that prohibited any person under guardianship of another, *non compos mentis*, or insane from voting.”³

Majority Opinion of the Arizona Supreme Court

Plaintiffs have always resided on the Gila River Indian Reservation, and are subject to all the laws, rules, and regulations of the federal government, enacted by Congress and by the Department of Indian Affairs, regulating the Pima Indians living on said reservation, and subject to the jurisdiction of a special Court of Indian Offenses, created by the rules of the said department, except so far as the Voting Rights law confers jurisdiction of the federal district court. This court, of course, takes judicial notice of the federal statutes. These statutes provide that Indians of the class to which plaintiffs belong, in case they commit a crime while on such reservation, are subject, not to the laws of the state of Arizona, but to the laws of the United States, and their own customs. And this is based on the fact that they are wards of the United States. . . . We need go no further to determine that plaintiffs have not been emancipated from their guardianship. . . .

So long as the federal government insists that, notwithstanding their citizenship, their responsibility under our law differs from that of the ordinary citizen, and that they are, or may be, regulated by that government, by virtue of its guardianship, in any manner different from that which may be used in the regulation of white citizens, they are, within the meaning of our constitutional provision, “persons under guardianship,” and not entitled to vote.

Source: Opinion, *Porter v. Hall*, 34 Ariz. 308, 271 P. 411 (Ariz. 1928), Casetext, casetext.com/case/porter-v-hall.

³Matthew G. McCoy, “Hidden Citizens: The Courts and Native American Voting Rights in the Southwest,” *Journal of the Southwest* 58, no. 2 (Summer 2016): 295–296.

Porter v. Hall Court Case (1928)

IMPORTANT PHRASES

Which phrases or sentences in the court decision are the most important or powerful? Choose three and give your reason for each choice.

Phrase 1:

Why is this phrase
or sentence
important or
powerful?

Phrase 2:

Why is this phrase
or sentence
important or
powerful?

Phrase 3:

Why is this phrase
or sentence
important or
powerful?

Porter v. Hall Court Case (1928)

QUESTIONS FOR DISCUSSION

1. What actions did Peter Porter and Rudolph Johnson take to secure their right to vote in Arizona?

2. What was the court's decision?

3. What were the court's main arguments supporting that decision?

A Letter by Private Ralph Anderson (1943)

Private Ralph W. Anderson
781st Tank Bn
Service Co.
Ft. Knox Ky
April 30, 1943

J. M. Steward &
Chairman of the
Navaho tribe
Window Rock Az

My Dear Superintendent and Chairman of the Tribe.

We shall make a statement to you as our Chairman and our Superintendent and all other leaders of the Navaho tribe, in regarding to our Navaho tribe demanding a right to vote as United States citizens.

We hope and pray you as our leaders of our tribe to use every power to push this through and make a resolution and present before the Congress for consideration in the near future.

We all know Congress granted the Indian Citizenship in 1924, but we still have no privileges to vote We do not understand what kind of citizenship you would call that. We feel that we should be recognize as a full citizen of United States of America.

Every Navaho that can read and write should have a privileges to vote in all elections.

That is the way it should be according to the Constitution of United States of America.

Hundreds of young Navaho boys beside us took the oath of Allegiance to the flag and the country whom they are now in the Armed Forces and scatter all over the world fighting for their country just like anybody else.

Therefore we are one hundred per cent with you on this demand.

We positive every Navaho will agree with us on our statement.

We hope our statement will be brought to some of our Navaho leaders in our reservation.

Very truly yours,
From the Navaho soldiers boys.
Written by –
Pvt. Ralph w. Anderson

Source: Ralph W. Anderson to J. M. Stewart, April 30, 1943, National Archives and Records Administration, Department of the Interior, Office of Indian Affairs, Navajo Service, 1935-1947, Record Group 75: Records of the Bureau of Indian Affairs.

A Letter by Private Ralph Anderson

IMPORTANT PHRASES

Which phrases or sentences in the letter are the most important or powerful? Choose three and give your reason for each choice.

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Harrison v. Laveen Court Case (1948)

Case Background

“On a clear Saturday afternoon in 1947, two Yavapai members of Arizona’s Fort McDowell Reservation walked into the Maricopa County registrar’s office fully intent on registering to vote as Democrats for the upcoming election. World War II veteran Frank Harrison and tribal chairman Harry Austin . . . looked to the ballot box not only as a chance to participate in the political process but also as an opportunity to influence meaningful change. . . . The county recorder, Roger G. Laveen, rejected their application citing section 2, article 7, of the Arizona State Constitution, which stipulated American Indians were clearly ‘persons under guardianship’ of the United States and therefore ineligible to vote.

“Unsatisfied, both men entered into a long legal battle in an effort to appeal such discriminatory legislation and rectify the disenfranchisement of American Indians in

Arizona. The lawsuit eventually reached the Arizona Supreme Court. . . . The case garnered national attention and support from myriad organizations. . . .

“Harrison and Austin’s lawsuit emerged almost a quarter century after the passage of the Indian Citizenship Act of 1924, which granted all Indigenous peoples across the continental United States full citizenship—including the right to vote. The act stated that ‘all non-citizen Indians born within the territorial limits of the United States’ were to be ‘citizens of the United States: provided, that the granting of such citizenship shall not in any manner impair or otherwise affect the right to tribal or other property.’ . . .

“Indigenous peoples’ experience with suffrage in Arizona represents a microcosm for the larger patterns of racialization and exclusion toward marginalized groups living in the United States during the twentieth century.”⁴

Majority Opinion

Basically the same question is presented here as was presented in the Porter case, and that is, are plaintiffs persons “under guardianship.” . . . If this primary question be answered in the affirmative, as it was in the Porter case, then we must determine whether such denial . . . violates the Fourteenth and Fifteenth Amendments. . . .

In a democracy suffrage is the most basic civil right, since its exercise is the chief means whereby other rights may be safeguarded. 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. . . .

For the reasons heretofore stated we are of the opinion that the term “person under guardianship” as used in section 2, article 7 of the Constitution of Arizona was intended to mean a judicially established guardianship, for as stated by the late Chief Justice Ross in the Porter case “it is not a status that ‘resembles’ guardianship, but legal guardianship, authorized by law” that disqualifies one from voting. We hold that the term “persons under guardianship” has no application to the plaintiffs or to the Federal status of Indians in Arizona as a class. This conclusion makes it unnecessary to consider the Federal constitutional question heretofore stated. The majority opinion in the case of *Porter v. Hall*, supra, is expressly overruled in so far as it conflicts with our present holding.

Source: Opinion, *Harrison v. Laveen*, 67 Ariz. 337, 196 P.2d 456 (Ariz. 1948), Casetext, casetext.com/case/harrison-v-laveen.

⁴Kevin T. Guay, “The Landmark Decision of *Harrison v. Laveen*: Arizona Indians and the Right to Vote,” *Journal of the Southwest* 62, no. 3 (Autumn 2020): 586–587.

Harrison v. Laveen Court Case

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Harrison v. Laveen Court Case

QUESTIONS FOR DISCUSSION

1. What actions did Frank Harrison and Harry Austin take to secure their right to vote in Arizona?

2. What was the court's decision?

3. What were the court's main arguments supporting that decision?

Harrison v. Laveen Court Case

LESSON SUMMARY

Use your responses to the questions you answered about the two Arizona court cases and the soldier's letter to answer the following questions.

1. What actions did Peter Porter, Rudolph Johnson, Ralph Anderson, Frank Harrison, and Harry Austin take to secure their right to vote in Arizona?

2. How could these actions in Arizona have impacted voting rights across the United States?