

“Political Rights from Citizenship” in The Problem of Indian Administration, February 21, 1928

Political Rights from Citizenship. Citizenship is, as has been said, primarily an individual and political right. It, however, does not carry with it necessarily the right to vote. Prior to the adoption of the Nineteenth Amendment to the Constitution, women in many states were citizens and yet they had no right to vote. The Indian who has been declared a citizen of the United States by statute does not by virtue of that act secure the right to vote in the state in which he resides. With respect to his right to vote he is subject to the state law and must satisfy the requirements of that law before securing the franchise.

In many states the Indians can and do vote. In some of the more sparsely settled Western states, where the Indians form a considerable proportion of the population, their vote is an important factor in closely contested primaries and general elections, and party leaders organize them. Some evidence tends to show that they are appreciative of their political power and are inclined to consider the attitude toward measures in which they are interested, such as tribal claims and water rights. They survey staff, however, made no effort to collect information as to their political affiliation and activities, merely noting what came to the members incidentally.

In at least one state, New Mexico, the state constitution denies to untaxed Indians the right to vote. The act of Congress declaring the Indians citizens of the United States raises sharply the question of the constitutionality of such a provision in any state constitution. Apparently it denies to a citizen of the United States the right to vote on the ground of race and if so it is in direct conflict with the fifteenth amendment to the Constitution of the United States.