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Pueblo Sovereignty and Voting Rights: Miguel Trujillo and a New Tactic for Self-Determination

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**PUEBLO SOVEREIGNTY AND VOTING RIGHTS: MIGUEL TRUJILLO
AND A NEW TACTIC FOR SELF-DETERMINATION**

by

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B.A. May 2018, Old Dominion University

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ABSTRACT

PUEBLO SOVEREIGNTY AND VOTING RIGHTS: MIGUEL TRUJILLO AND A NEW TACTIC FOR SELF-DETERMINATION

Alexander Douglas Bright
Old Dominion University, 2020
Director: Dr. John Weber

This thesis examines the 1948 *Trujillo v. Garley* case and contextualizes it with the long history of Pueblo sovereignty in New Mexico. Recent literature on Indigenous electorates in the U.S. southwest has led to new understandings about Pueblo participation in elections. Given this new context, this thesis argues that the *Trujillo v. Garley* decision has been a misunderstood moment of Indian activism. Rather than marking the end of a long campaign for voting rights, the 1948 court decision was pushed by non-Pueblo advocates and only supported by a handful of Pueblo Indians. When Pueblo Indians, like Miguel Trujillo, began to consider their place in the United States they began to consider participation in U.S. elections as a meaningful way to express self-determination and Pueblo sovereignty. In the context of World War II and Native American military service, the attention turned to New Mexico and Arizona as the two states continued to uphold statutes that denied Indian voting. After the *Trujillo v. Garley* decision, the Pueblos entered a new era of self-determination, though sentiment on its benefits were mixed. Finally, this thesis argues that Miguel Trujillo and the *Trujillo v. Garley* decision were left to historical obscurity in the second half of the twentieth century because of conflicting understandings of the franchise and complicated understanding of the double identity it created.

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This thesis is dedicated to my parents. Thank you for everything.

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NOMENCLATURE

AIM	American Indian Movement
APC	All Pueblo Council
BIA	Bureau of Indian Affairs
NCAI	National Congress of American Indians
SAI	Society of American Indians

TABLE OF CONTENTS

Chapter	Page
INTRODUCTION.....	1
Literature Review.....	3
Chapter Overview.....	9
1. Resistance in the Colonial Period	12
Miguel H. Trujillo, Haskell Boarding School, and Tribal Identity.....	22
Timing, John Collier, Pueblos, and the Indian New Deal.....	28
The Waning Influence of John Collier and World War II.....	31
Conclusion.....	33
2. <i>Trujillo v. Garley</i>	36
Activism, Military Service, and Voting Rights.....	37
Pan-Indianism, the Cold War, and a new tactic.....	42
Truman, the Cold War, and Native American Voting Rights.....	45
<i>Trujillo v. Garley</i>	47
Conclusion.....	56
3. Voting Rights, Identity, and Memory.....	58
Memory.....	64
4. CONCLUSION.....	71
BIBLIOGRAPHY.....	74
VITA.....	81

INTRODUCTION

On August 3, 1948 Judge Orie Philips ruled that the “Indians not taxed” line of the New Mexico Constitution that barred Pueblo Indians from voting was unconstitutional and in violation of the fourteenth and fifteenth amendments. Voting for Native Americans, especially the Pueblo Indians of New Mexico, had long represented assimilation. Amid fears that Indians were increasingly kept out of Indian politics, a new generation of Indian leaders rose and suggested that voting in American elections may in fact be a way through which Indians across the country could express self-determination. In many ways, voting became an act of sovereignty. That sentiment reached New Mexico Pueblos in the latter half of the 1940s. Far from seeking voting rights as a way to participate in American elections as part of the broader electorate, some Pueblo Indians saw the shift as an opportunity to mobilize a new voting bloc that would vote in favor of Indian issues, a tactical shift in the name of sovereignty. The plaintiff in *Trujillo v. Garley* was Miguel H. Trujillo, an Isleta man and a veteran of World War II who had become active in Pueblo politics starting in 1945. His story, the connection of the *Trujillo v. Garley* case to the longer history of indigenous electorates, and the ways that conflicts over identity have influenced the legacy of Trujillo are accounted for here.

This thesis argues that the *Trujillo v. Garley* case has been a misunderstood moment of Indian activism. The *Trujillo* decision was not the end of a long movement to secure the franchise in New Mexico. A new perspective on voting was harbored by some Native Americans throughout the country after World War II as they began to consider voting rights as a means to protect their autonomy and tribal identities which had continued to come under attack. While previous generations and many contemporaries of these Indians rejected the franchise, fearing that it meant further assimilation into American culture and the further destruction of Indian

identity, Indians who had experienced boarding schools and been a part of the mobilization for World War II began to turn to the franchise as a meaningful expression of self-determination.

This thesis hopes to show the role that Native American veterans played in securing the franchise in New Mexico. The literature on African American veterans, the Double-V campaign, and early Civil Rights activism in the postwar period is expansive. Led by John Dittmer's *Local People*, African American veterans have been properly recognized as "the shock troopers of the modern civil rights movement."¹ A Double-V campaign that fought for victory at home over discrimination and abroad over Germany and Japan was supported by veterans as they returned to the South no longer willing to ignore the injustices of segregation. In contrast, for Native America, the literature on veterans is limited and often propagates Native American warrior myths.² For most, the one Native American veteran of World War II that is recognized is Ira Hayes. Hayes has been the subject of historical inquiry before and his memory is enshrined in Washington, D.C. at the Arlington cemetery where he reaches for the flag at the US Marine Corps Memorial. This thesis hopes to demonstrate the diversity in Indian country by showing the role of other Indian veterans who were not combat veterans and to whom the warrior archetype does not apply.

Finally, this thesis argues that Miguel Trujillo and the *Trujillo v. Garley* decision were left to historical obscurity in the second half of the twentieth century because of conflicting understandings of the franchise and complicated understanding of the double identity it created.

¹ John Dittmer, *Local People: The Struggle for Civil Rights in Mississippi* (Chicago, IL: University of Illinois Press, 1994), 9.

² Though there has been growth in considering Native American veterans in different ways, there is much work to be done. See Mary Klann, "Citizenship with Reservations: Race, Wardship, and native American Citizenship in the mid-twentieth century American Welfare State," (PhD Diss. University of California San Diego, 2017) for a recent discussion of Native American veterans in the mid-twentieth century.

Because the franchise for Native Americans was so controversial, I propose that it has been difficult for Trujillo to be remembered among New Mexican Indians. Many Indians continue to fear that by participating in United States elections they are forfeiting part of their tribal identity. While attempts have been made by a few historians to raise Trujillo as a Civil Rights figure, in doing so they ultimately miss one of the most important aspects of Trujillo's actions – that Native American participation in the U.S. elections was controversial then and is still now. Moreover, the notion of civil rights in the sense that it is applied to the movements of the mid-twentieth century fits poorly with native demands for sovereignty, a starkly different issue.

This research draws on commonly used historical methodology and utilizes oral history as an important source. The first chapter follows a traditional approach that draws primarily from secondary literature to set the stage upon which the central argument of this thesis is made – that the 1948 decision was not part of a long campaign to secure the franchise and instead was both forced by outside influences and a shift in sentiment among some Native Americans throughout the country. When considering the early 1940s and the movement to accept voting rights as a new tactic to protecting tribal identity, I draw on secondary literature that, as will be shown, has fallen short in understanding the broader context in which Trujillo came to challenge New Mexico's statutes. In the final chapter my research becomes reliant on oral histories and accounts of Indian voting since the 1940s to better understand the legacy of the *Trujillo v. Garley* decision. Although oral histories can prove difficult to work with, their value to Native American history is immense.

Literature Review

This thesis joins the growing literature on indigenous voting rights in the southwest most recently led by Maurice Crandall. Crandall's *These People Have Always Been a Republic* has

demonstrated the potential in untangling complicated notions of Indian identity and voting rights. His research revealed how American Indians in New Mexico and Arizona fought to protect their cultural identity and sovereignty through three different imperial periods: Spain, Mexico, and the United States. Through each period fraught with conflict, famine, and economic hardship, he demonstrated how the Pueblo Indians of New Mexico found different ways to protect their cultures and identity. He rightfully warns not to tell the story of voting rights in New Mexico as a “triumphalist” history that raises the franchise to be the end of a long Civil Rights movement.³ Crandall ends by making a call for bringing Miguel H. Trujillo and Frank Harrison out of obscurity. This thesis intends to respond to this call.

Though Crandall has called for them to be restored and remembered, it is important to not portray Native American voting rights as a victory in the same sense that African American voting rights have been held up. In the 1990s, the *Trujillo v. Garley* decision was argued to be the triumphant end to a long struggle for Indian voting in New Mexico by Carol Venturini.⁴ Venturini’s work proved to be invaluable at many points, though ultimately I hope to advance her efforts by placing more agency in the hands of Miguel Trujillo and to use Crandall’s research to demonstrate that gaining the franchise in 1948 was not the culmination of a long struggle for voting rights. One of the most significant ways I hope to advance the literature on Trujillo is by putting his experience at Haskell Indian boarding school into context with a growing literature on the boarding school experience. The work of Myriam Vučković and Thomas Cowger in

³ Maurice Crandall, *These People Have Always Been a Republic: Indigenous Electorates in the U.S.-Mexico Borderlands, 1598 – 1912* (Chapel Hill, NC: University of North Carolina Press, 2019).

⁴ Carol Venturini, “The Fight for Indian Voting Rights in New Mexico,” (master’s thesis, University of New Mexico, 1993).

particular led me to this conclusion.⁵ By understanding the boarding school experience as one that cemented notions of Pan-Indianism and unintentionally strengthened tribal identity as the Indian children sent to these boarding schools found ways to express their cultural heritage, historians have been able to better understand the nuances of the rise of new progressive Indians in the 1930s and 1940s. Different from the generations before them, the new wave of progressive Indians would pave the way for self-determination by encouraging Indian country to consider the franchise as an important way to express Indian concerns. Within this context, Trujillo's involvement in the challenge to New Mexico's Constitution becomes more clearly part of a longer fight for the protection of tribal identity and sovereignty rather than a fight for the franchise associated with mid-twentieth century Civil Rights movements.

Trujillo himself has rarely been identified as a subject of study and was hardly prescribed any agency by Venturini. Two historians have led the charge in trying to bring him to light: Joe Sando (Jemez) and Gordon Bronitsky.⁶ Sando, a World War II veteran himself, portrayed Trujillo as a hero of voting rights for the Pueblo communities. Bronitsky, too raised Trujillo as a hero in his article "Miguel Trujillo: Isleta's Unsung Hero." Their research however was narrow in focus and did not attempt to articulate the broader context in which the *Trujillo v. Garley* case took place. Moreover, Bronitsky did not acknowledge the complicated notions of identity that came as part of Indian voting rights. Even in calling Trujillo "Isleta's unsung Hero", he demonstrated a misunderstanding of Trujillo's attempt to bring the franchise to New Mexico's Indian country. Trujillo's tribal identity was not attached to a particular Pueblo and instead is

⁵ Thomas W. Cowger, *The National Congress of American Indians: the Founding Years* (Lincoln, NE: University of Nebraska Press, 1999); and, Myriam Vučković, *Voices From Haskell: Indian Students Between Two Worlds, 1884 – 1928* (Lawrence, KS: University Press of Kansas, 2008).

⁶ Gordon Bronitsky, "Isleta's Unsung Hero," *New Mexico Magazine* 67 (August 1989): 84 – 91; and, Joe S. Sando, *Pueblo Profiles: Cultural Identity Through Centuries of Change* (Santa Fe, NM: Clear Light Publishing, 1998).

connected to a broader Pueblo Indian identity according to his son, Michael.⁷ In this context, it becomes more apparent that Trujillo acted out of what he thought was the broader interest of Pueblo people.

Most other examinations of indigenous voting rights have been done by political scientists and lawyers interested in the legal history of the franchise. In their recent publication, Daniel McCool, Susan M. Olson, and Jennifer L. Robinson focused on the broader patterns in Indian voting rights cases.⁸ They argued that the states that have barred Indians from voting have done so on malicious grounds intended to weaken Indigenous political influence. The questions motivating their research proved most valuable when considering the legacy of voting rights in the southwest. Laughlin McDonald, in his most recent monograph similarly articulates ongoing discrimination against Indian voters that is centered around suppressing the voting power of Native Americans.⁹ Both books acknowledge the growing significance of the Indian electorate in the twenty first century, an important sub-argument made in later chapters of this thesis.¹⁰

Another central aspect of this thesis is the role of Native American World War II veterans in securing the franchise. The literature on Native Americans in World War II is extensive and provided an important backbone for this research. Alison Bernstein and Kenneth Townsend's works, both foundational texts for those interested in twentieth century Native America, detailed

⁷ Michael Trujillo, interview by author, Indian Pueblo Cultural Center, August 14th, 2019.

⁸ Daniel McCool, Susan M. Olson, and Jennifer L. Robinson, *Native Vote: American Indians, the Voting Rights Act, and the Right to Vote* (New York, NY: Cambridge University Press, 2007).

⁹ Laughlin McDonald, *American Indians and the Fight for Equal Voting Rights* (Norman, OK: University of Oklahoma Press, 2010).

¹⁰ McCool, Olson, and Robinson, *Native Vote*, 176 – 195; and, McDonald, *American Indians and the Fight for Equal Voting Rights*, 253 – 265.

the broader experiences of American Indians during the war.¹¹ While some focus was directed towards southwest tribes during and after the war, their focus limited their interest in contextualizing the franchise in New Mexico and Arizona. Their works prove most valuable as examinations of how Native Americans became involved in the war and how it affected them both on the home front and overseas.

Jere Franco gave the most thought to postwar Indian activism in several examinations of Indian service in World War II.¹² Ultimately, however, his focus was primarily on the Indian experience in the war itself and so his scope did not consider broader themes present in the rise of postwar Indian activism. He failed to even address the *Trujillo v. Garley* case and argued that the 1962 *Montoya* case was the end to disenfranchisement of Indian voters.¹³ The *Montoya* decision dealt only with Navajo reservation Indians in the northwest corner of New Mexico. Although an important case for study, the *Trujillo* decision was broader in its effects in New Mexico because the majority of Native Americans are Pueblo. Franco even went as far as to claim that “the franchise issue enjoyed almost universal endorsement among Native Americans.”¹⁴ This thesis will certainly challenge this notion and propose that there was widespread concern about the franchise, especially in New Mexico. While some individuals had

¹¹ Alison R. Bernstein, *American Indians and World War II: Toward a New Era in Indian Affairs* (Norman, OK: University of Oklahoma Press, 1991); and, Kenneth Townsend, *World War II and the American Indian* (Albuquerque, NM: University of New Mexico Press, 2000).

¹² Jere' Bishop Franco, *Crossing the Pond: the Native American Effort in World War II* (Denton, TX: University of North Texas, 1999); Franco, "Empowering the World II Native American Veteran: Post Civil Rights," *Wicazo State Review* 9, no. 1 (Spring 1993): 32 - 37; Franco, "Loyal and Heroic Service: the Navajos and World War II," *The Journal of Arizona History* 27, no. 4 (Winter, 1986): 391 - 406; and, Franco, "Patriotism on Trial: Native Americans in World War II" (PhD Diss. University of Arizona, 1990).

¹³ Though it is true that the *Montoya* decision marked the end of an outright denial of Indian voting rights in New Mexico, the previous *Trujillo* decision which is cited as case law precedent in the *Montoya* decision is more sweeping in its influence.

¹⁴ Jere' Bishop Franco, *Crossing the Pond: The Native American Effort in World War II* (Denton, TX: University of North Texas Press, 1999), 195.

hoped to secure the franchise for various reasons, many tribal leaders feared that voting rights would lead to further land encroachment or the erosion of culture.

Franco, Bernstein, and Townsend are part of a growing conversation that considers the origins of Indian activism in the twentieth century to be earlier than previous literature had proposed.¹⁵ While the American Indian Movement (AIM) has been portrayed as a sudden movement born in Chicago, the reality is that there was already a long tradition of political activism in postwar Indian country. At the head of this conversation are Brian Hosmer, Daniel Cobb, and Paul Rosier who have most recently argued for the 1950s to be seen as the origin of the activism.¹⁶ In examining Native Americans in the Cold War, they have all effectively demonstrated that Native Americans reacted to Cold War rhetoric that made “difference un-American” and in turn actually “sharped their identities.”¹⁷ While their works are invaluable for understanding the rise of native activism, none of them consider the franchise as an important part of this timeline.

Ultimately, this thesis hopes to fill the connections that these authors had not made by considering the broader history of indigenous voting in New Mexico. Additionally, I consider more deeply the pan-Indian message of the National Congress of American Indians (NCAI) and the role and individual agency of Miguel Trujillo. Dean Kotlowski, another historian interested in Cold War Native America, suggested that “Truman and other policy-makers of liberal

¹⁵ This shift in literature was also noted by Robin S. Walden, “The Pueblo Confederation’s Political Wing: The All Pueblo Council, 1920 – 1975,” (master’s thesis, University of New Mexico, 2011).

¹⁶ Daniel M. Cobb, *Native Activism in Cold War America: the Struggle for Sovereignty* (Lawrence, KS: University Press of Kansas, 2008); Brian Hosmer, ed., *Native Americans and the Legacy of Harry S. Truman* (Kirkville, MI: Truman State University Press, 2010); and, Paul C. Rosier, *Serving Their Country: American Indian Politics and Patriotism in the Twentieth Century* (Cambridge, MA: Harvard University Press, 2009).

¹⁷ Rosier, “‘They are Ancestral Homelands’: Race, Place, and Politics in Cold War Native America, 1945 – 1961,” *Journal of American History* 92, no. 4 (March 2006): 1302.

persuasion... did not understand that the shibboleth of equal rights and the ideal of racial integration, when pressed, signaled something harmful to Native Americans, the ending of their special rights, privileges, and institutions and a reminder of past attempts to assimilate them forcibly into Anglo society.”¹⁸ While Kotlowski’s analysis is true for some, it is important not to paint broad strokes across Indian country. While many American Indians did reject the franchise, others sought to use it as a new tactic to bring cultural autonomy and sovereignty to Native America. The nuance and diversity of opinions in Indian country is what makes this history so complex yet compelling.

Chapter Overview

Chapter 1 lays the background leading up to the beginning of World War II and argues that there was a long history of indigenous voting in the Southwest that should be taken into consideration when studying the franchise in the 1940s. Through an examination of the Spanish, Mexican, and the early-United States colonial periods I intend to demonstrate the long history of Pueblo voting in New Mexico. At statehood for New Mexico in 1912, the Pueblos continued to face threats of cultural extermination. New Mexico’s constitution solidified a stance that denied Indian voting rights using the same language that the United States Constitution had nearly 150 years prior. Because they did not pay “ad valorem” taxes, Indians would be barred from participating in federal and state elections. The Pueblos, however, did not want voting rights in this period, nor even citizenship. Both were understood as threats to tribal culture and many Pueblo leaders pointed out that if they accepted any of these, their lands would be under the same threat of encroachment that the eastern tribes had faced. Sentiment regarding voting rights would

¹⁸ Dean J. Kotlowski, “Burying Sergeant Rice: Racial Justice and Native American Rights in the Truman Era,” *Journal of American Studies* 38, no. 2 (2004): 201 – 202.

only change when progressive Indians, educated at Indian boarding schools, began to consider voting in U.S. elections as a way to reassert control of Indian affairs. Miguel H. Trujillo was among this new generation. In an examination of the Haskell Indian Boarding School, this thesis hopes to show the varied outcomes of the boarding school experience. Facing attacks on Indian identity and culture at the school, Trujillo and others built stronger tribal identities through small acts of resistance.

Chapter 2 picks up near the end of John Collier's tenure at the Bureau of Indian Affairs (BIA) and the eve of World War II, a pivotal turning point in Indian affairs in the twentieth century.¹⁹ In response to widespread Indian service in World War II, non-native and native activists across the country increasingly paid attention to Arizona and New Mexico Indian franchise. While rejection of voting rights was still widespread in Pueblo communities in the 1930s, by the 1940s new leadership had risen among some Pueblos who were more willing to consider voting as an act of self-determination. A new pan-Indian organization, the National Congress of American Indians (NCAI), rose in the mid-1940s and set out to bring the franchise to all of Indian country. At the end of the war, pressures to bring the franchise mounted. Non-native activists made arguments in national media outlets while Indian run media began to bring support for the franchise. As the federal government under President Truman reluctantly shifted its stance on Civil Rights as a response to the mounting criticisms from the Soviet Union about American democracy, New Mexico and Arizona were forced to address the Indian franchise. Several court cases came in both Arizona and New Mexico that dealt with Indian suffrage, all

¹⁹ A brief note on terminology. I elect to use the Bureau of Indian Affairs (BIA) to refer to federal government agency that dealt with Indian policy. Although in its initial form it is the Office of Indian Affairs (BIA), in 1947 it becomes the Bureau of Indian Affairs. To simplify the terminology I elect to use BIA throughout.

with different motivations and intention. In New Mexico, Miguel Trujillo joined a growing number of Pueblo Indians who recognized the need for a new way to express tribal sovereignty.

Ultimately, as Maurice Crandall has also suggested, the franchise for Indians in New Mexico was not the end of a long struggle for the right to vote. The long history of Indigenous electorates in the state had proven that Indian voting was much more complicated than the simple passing of a decision that would protect the right to vote. Voting rights for Indians should also not be understood as an end in itself. It was a means to sovereignty. In the immediate aftermath, many Indians still rejected voting and continued to hold the belief that by participating in U.S. elections Indians were showing that they had been assimilated. Chapter 3 reckons with this aftermath of the *Trujillo v. Garley* decision and seeks to demonstrate that the legacy of Indian voting has greatly influenced the historical memory of Miguel Trujillo. Though there have been many Native Americans who have argued that voting rights are an important expression of self-determination, others have continued to reject this. In the debates about indigenous voting rights we lost track of Miguel Trujillo and the longer history of Indian electorates.

CHAPTER 1

Resistance in the Colonial Periods

When Spain reached the northern frontier of their North American Empire, they had a long-established policy of subjugation for Native Americans.²⁰ As “los indios bárbaros”, the indigenous people of the Yucatan and the rest of South America had been understood as savage barbarians. The Comanche and Apache, on the northern frontier of New Spain, were cast in the same light. Though Spanish explorers had passed through New Mexico starting in 1528, it was not until 1598 that there was a concentrated, sanctioned effort to establish control over the Pueblo territories.²¹ The Pueblo Indians, because of their sedentary lives in small cities and their farming, were perceived as more civilized than the “bárbaros” Indians. Pueblo Indians were distinguished as “ideal candidates for conversion and self-government” because of their sedentary lifestyle and already existing semi-democratic processes.²² Deemed “indios naturales”, Spain sought to force the encomienda system on the Pueblos to bring them under Spanish influence and control. Spain intended to offer incorporation into their empire to the Pueblos as “Indian republics.”

Far from the center of Spain’s reach in north and central America, the Spanish metropole exercised little imperial control on the frontier and so eventually through the “comingling of traditional Pueblo practice and Spanish institutions” a new “Spanish-Indian town electoral

²⁰ A brief note on terminology: I utilize “Native American” and “American Indian” interchangeably, as I do with “Indian country” and “Native America.” Whenever it is important to distinguish that I am referring to Pueblo Indians, I do so. Finally, wherever the voice of a Native American appears I have included the tribe to which they belong.

²¹ Crandall, *These People Have Always Been a Republic*, 18; and, J. Manuel Espinosa, trans., *The Pueblo Indian Revolt of 1696 and the Franciscan Missions in New Mexico: letters of the Missionaries and Related Documents* (Norman, OK: University of Oklahoma Press, 1988), 3 – 7.

²² Crandall, *These People Have Always Been a Republic*, 23.

model” developed. A “hybridized” system of governance, the election processes for the Pueblos under Spanish control was neither fully Spanish nor Indian. The Pueblos were left with the jurisdiction over their towns, but still responded to regional officials. Through a two-way exchange process Maurice Crandall deemed “pueblofication”, the Spanish system of Governors and Viceroy was slowly altered to better fit with the already existing election processes of the Pueblos. Acting as “semi-sovereign” localities, the hybridized system of governance allowed the Pueblos to maintain relative political autonomy. To preserve cultural practices, the traditional positions of power, Chief and War Chief, were recast into more spiritual and cultural roles serving to protect the interests of the Pueblo. Though at this stage elections were still localized to Pueblos, often the Spanish would influence elections and place people who accepted Spanish influence in power.²³

The fragile relationship between the Spanish and the Pueblos was tested at the end of the seventeenth century during the Pueblo Revolts. During the Revolts internal conflict permeated many of the Pueblos divided between those who had been supportive of Spanish rule and those who had not. When the Spanish returned to the Pueblo territory in 1692, they were forced to make concessions to the Pueblos and restore the hybridized electoral system. It is unclear if there were additional concessions made that gave any more autonomy to the Pueblos, though it is possible that there was more Pueblo influence in local elections.²⁴

Spanish control remained tenuous throughout the seventeenth and eighteenth centuries as the Pueblos fought to maintain as much tribal sovereignty as possible. By the early-nineteenth century Spanish control had weakened significantly forcing a reluctant adoption of a new

²³ Crandall, *These People Have Always Been a Republic*, 18.

²⁴ Crandall, *These People Have Always Been a Republic*, 49 – 50, and 298n101.

colonial policy meant to make controlling distant regions of the empire more streamlined. As part of the ongoing Spanish Constitutional reforms, *Ayuntamientos* were first introduced to the region in 1812 and stipulated that any town with more than 1,000 residents would be considered “ethnically neutral municipal governments.” Indian votes would be combined with neighboring Hispanic communities, making it more difficult to elect officials interested in protecting the Pueblos. This new policy made protecting Indian cultural interests and identity more challenging.²⁵ In New Mexico, going forward “Indians were no longer to vote for leaders solely of their own race.”²⁶ The new policy “marked the virtual elimination of repúblicas de indios” and was the last major effort Spain made to exert control over the Pueblos.²⁷

It was in the context of the weakening of Spanish authority that Mexican revolutionaries seeking independence from the Spanish came to New Mexico and espoused “high ideals of independence, racial equality, and opportunity” to the Pueblos who had suffered a great loss of autonomy over time under the Spanish.²⁸ Far away from the main Spanish authority in Mexico City, Mexican revolutionaries had been challenging Spanish control in the northern frontier and sought the support of the Pueblos in securing an independent Mexico. Through promises of racial equality, political independence, and reminders of Spanish injustices, the Mexican revolutionaries successfully brokered an agreement with the Pueblos to fight Spanish control.²⁹ Political power was supposedly restored to the Pueblos after the war when the Pueblo Indians became recognized as full citizens of the new country of Mexico which brought with it the right to vote in Mexican elections. The primary concern of the Pueblos remained focused on a return

²⁵ Crandall, *These People Have Always Been a Republic*, 112.

²⁶ Crandall, *These People Have Always Been a Republic*, 112.

²⁷ Crandall, *These People Have Always Been a Republic*, 112.

²⁸ Crandall, *These People Have Always Been a Republic*, 106.

²⁹ Crandall, *These People Have Always Been a Republic*, 106 – 115.

to having their own elections free from outsiders. The Pueblos had hoped that under the Mexican government they would be left to their own devices again, like the early Spanish period when concerns in the metropole allowed Pueblos to exist on the periphery of the Spanish empire. In the end, little changed when Mexican officials elected to continue the *ayuntamiento* system, turning back on their promises to the Pueblos.³⁰

Ultimately, “Indian peoples found Mexican promises as empty as those offered by the Spaniards who had preceded them.”³¹ New challenges presented themselves as the “rhetoric of independence [had] also opened up Pueblo lands to alienation and encroachment, as protections extended to the repúblicas de indios were dropped in favor of ‘equality.’”³² The “hybridized political systems” the Pueblos had created under Spain had disappeared. The colonial systems of Spain and Mexico had done little but threaten tribal sovereignty even in the moments that the Pueblos had been able to act largely autonomously.

When the United States entered its era of expansion, the Pueblos again were threatened. As Manifest Destiny swept the United States west and into war with Mexico in 1846, US federal Indian policy had long established a paternalistic understanding of the relationship between Native Americans and the federal government. Before 1830, Indian policy had been dictated by the Constitution in which the federal government articulated a policy that did not see American Indians as part of the United States. Excluded from voting by their status as “Indians not taxed” and barred from the legal protections offered to other US territories, tribal land was placed under Article I, Section 8. Congress gave itself the power to “regulate commerce with foreign nations,

³⁰ Crandall, *These People Have Always Been a Republic*, 106 - 115. Crandall also offers extensive evidence of inter-tribal differences and disputes, to the point of factionalism in response to some Indians accepting Mexican citizenship. This is a theme that is repeated for the 1924 Citizenship Act and when the vote becomes a question.

³¹ Crandall, *These People Have Always Been a Republic*, 106.

³² Crandall, *These People Have Always Been a Republic*, 106.

and among the several states, and with the Indian tribes.”³³ “Extra-jurisdictional, lying somewhere between foreign nations and American citizens,” American Indians were granted no protection by the federal government.³⁴ From 1789 – 1831, these two lines of the Constitution dictated all federal Indian policy though individual tribe experiences varied greatly.

The second iteration of federal government policy began in 1831 and 1832, after two Supreme Court cases, *Cherokee Nation v. Georgia* and *Worcester v. Georgia*, dealt directly with the relationship between Native Americans and the United States.³⁵ Chief Justice John Marshall argued in the two Cherokee nation cases that American Indians were “domestic dependent nations” who needed the aide of the United States. The relationship he imagined resembled that of the relationship between a child and a parent.

They may, more correctly, perhaps, be denominated domestic dependent nations. They occupy a territory to which we assert a title independent of their will, which must take effect in point of possession when their right of possession cases. Meanwhile they are in a state of *pupilage*. Their relation to the United States resembles that of a *ward* to his guardian. They look to our government for protection; rely upon its kindness and its power; appeal to it for relief to their wants; and address the president as their great father. They and their country are considered by foreign nations, as well as by ourselves, as being so completely under the sovereignty and dominion of the United States, that any attempt to acquire their lands, or to form a political connexion [*sic*] with them, would be considered by all as an invasion of our territory, and an act of hostility.³⁶

In 1832, Marshall repeated the notion of pupilage and wardship in *Worcester v. Georgia*. David McCool, Susan Olson, and Jennifer Robinson described the Marshall decisions in their examination of Indigenous voting rights.

³³ US Constitution, art. 1, sec. 8

³⁴ McCool, Olson, and Robinson, *Native Vote*, 1.

³⁵ For detailed interpretations of the Marshall Trilogy, see Francis Paul Prucha, *The Great Father: the United States Government and the American Indians* (Lincoln, NE: University of Nebraska Press, 1984), 183 - 213; and, Vine Deloria, jr. and Clifford M. Lytle, *American Indians, American Justice* (Austin, TX: University of Texas Press, 1983), 25 - 34.

³⁶ *Cherokee Nation v. Georgia*, 30 U.S. (5 Pet.) 1 (1831) (emphasis my own).

The ambiguities of the Constitution and the contradiction within the Marshall trilogy of cases virtually guaranteed that the legal status of Indians, especially in regard to citizenship and the right to vote, would remain shrouded in confusion and conflict for many years.³⁷

The United States saw itself as benevolent, meant through the will of God to bring civilization, democracy, and Christianity to the Indians of America. Under the tutelage of the government, the U.S. believed it could “save” the Indian. Of course, what they failed to understand was that the Indians did not need or want to be “saved” by the U.S. government, and they certainly did not need them to bring democracy. For the Pueblo Indians of what was now New Mexico territory, the new relationship was more restrictive than what had existed under Spain and Mexico.

The Treaty of Guadalupe Hidalgo, a complex treaty with different repercussions throughout the region, had two articles that dealt directly with Native Americans and concerned the Pueblos.³⁸ Article VIII specified that Mexican citizens who wanted to stay where they lived "may either retain the title and rights of Mexican citizens, or acquire those of the United States." Article IX, extended this notion and put authority into the hands of the U.S. government:

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States.³⁹

Under Article IX, the Pueblo Indians should have, if they wanted, been able to secure New Mexican territorial citizenship and all it had to offer, the franchise included. In the end, it would be the Pueblos themselves that rejected American citizenship and voting rights as a means to maintain their cultural autonomy. Initially, enforcing these policies in a sparsely populated

³⁷ McCool, Olson, and Robinson, *Native Vote*, 2.

³⁸ Crandall, *These People Have Always Been a Republic*, 181.

³⁹ Treaty of Guadalupe Hidalgo, *Treaties and Conventions between the United States of America and Other Powers since July 4, 1776* (Washington, DC: Government Printing Office, 1871).

territory with little economic incentive proved to be nearly impossible for a disinterested US government and so the first territorial governor of New Mexico "formally incorporated the Pueblos as legal entities."⁴⁰ Many Pueblo Indians, committed to continuing to live traditional lives in their homelands and with no other choice, remained in what was now US territory.

A muddled federal policy towards Indian affairs meant that a fully articulated Indian policy had yet to be adopted by New Mexico's territorial government upon the arrival to Santa Fe of James S. Calhoun in April 1849, the Indian agent assigned to the New Mexico territory. A supporter of American Indian interests, Calhoun fought ferociously for the Pueblo Indians and their protection.⁴¹ When he first arrived in New Mexico territory he became absorbed by debates about whether or not Pueblo people were Indians. Almost identically mirroring the approach undertaken by the Spanish during the sixteenth century, the United States had, in their eyes, previously encountered only nomadic tribes who needed to be taught democratic principles and agricultural practices while the people they found living in the Pueblo cities of New Mexico already were "industrious, agricultural, and pastoral people" who "are the only tribe in perfect amity with the government."⁴²

Calhoun noted that this caused a unique problem for the Pueblos who cared only for recognition of their autonomy. He warned that if Pueblo Indians were seen as civilized, they would receive no special protection from the US government and would therefore be at risk of land encroachments and continued raids from neighboring groups, an ongoing problem.⁴³ On the other hand, if the Pueblos were to be seen as wards, Calhoun could promise that the United

⁴⁰ Crandall, *These People Have Always Been a Republic*, 180.

⁴¹ Crandall, *These People Have Always Been a Republic*, 183 – 184.

⁴² Quoted in Crandall, *These People Have Always Been a Republic*, 182 - 183.

⁴³ Crandall, *These People Have Always Been a Republic*, 183.

States would not wage war on the Pueblos but could not promise that they would enjoy any semblance of sovereignty. The most pressing concern to Calhoun was land encroachment. He warned that “the issues of encroachment and abuse of power by petty officials would only continue if the Pueblos were declared full citizens.”⁴⁴ Without federal protection, Calhoun could make no promises to the Pueblos that the United States government would be able to offer them any form of protection from violence or land encroachment. In the end, Calhoun came to support wardship and federal protection suggesting that this was the best possible way that Pueblo Indians could protect against land encroachment.⁴⁵ Critically, he argued that the Pueblo Indians should come under the protection of the Nonintercourse Act, an act of Congress from 1834 that would set the Pueblo Indians under wardship so that they could be protected from raids by other Indian bands and other forms of land encroachment.⁴⁶

Between 1850 and 1870, two more distinctions would be made that further weakened Pueblo sovereignty. In 1854, their legal status was further complicated by legislation passed by the New Mexico territorial legislature:

That the Pueblo Indians of this Territory, for the present, and until they shall be declared, by the Congress of the United States, to have the right, are excluded from the privilege of voting at the popular elections of the Territory, except in the elections for overseers of ditches to which they belong, and in the elections proper to their own Pueblos, to elect their officers according to their ancient customs.⁴⁷

⁴⁴ Crandall, *These People Have Always Been a Republic*, 185.

⁴⁵ Crandall, *These People Have Always Been a Republic*, 185.

⁴⁶ Crandall, *These People Have Always Been a Republic*, 185.

⁴⁷ Quoted in Crandall, *These People Have Always Been a Republic*, 196.

Maurice Crandall concluded that, "the 1854 law essentially closed the book on Pueblo Indian voting in New Mexico elections for nearly a century."⁴⁸ Pueblos continued to participate in their tribal elections, but this legislative action stripped them of their voice in broader Indian affairs.

In the 1860s, New Mexico's Pueblo Indians faced another assault on their autonomy when by judicial action they were made citizens of the United States. A District Court judge of the First Judicial District of New Mexico, Justice John P. Slough, ruled that "the Pueblos were citizens of the United States and not entitled to the protections of the Nonintercourse Act." Slough suggested "that the Pueblo Indians...were recognized as citizens of Mexico... [and] as late as the year 1851, the Pueblo Indians of this territory, without question or interruption, not only voted, but held both civil and military offices... they should be treated not as under the pupillage of the government, but as citizens, not a State or Territory, but of the United States of America." No longer wards, Pueblo Indians were now U.S. citizens and according to the 1854 legislation, they would be not be allowed to vote until Congress gave them the right. "By judicial action, [Pueblo Indians] were citizens, yet legislative measure had taken away the cardinal right of citizens: the vote."⁴⁹ In the end, the effect of this decision was minimal for the Pueblos who still held little regard for the United States and remained adamant in their arguments for a recognition of their sovereignty.

Statehood finally came to New Mexico in 1912 and, citizens or not, "Indians not taxed" were not given the right to vote per the New Mexico Constitution. Though there were some in New Mexico who may "have desired the franchise or supported Western ideas of democratic government... the power of the leadership likely would have discouraged voting among tribal

⁴⁸ Crandall noted that fifty Isleta members voted in an 1855 election, but that other examples from here until 1948 are sparse: Crandall, *These People Have Always Been a Republic*, 196.

⁴⁹ Crandall, *These People Have Always Been a Republic*, 200 – 201.

members.”⁵⁰ It would be another thirty years before a shift in leadership of the Pueblos led to a pursuit of voting rights as a means to protect and reassert sovereignty.⁵¹

Through the 1910s and 1920s, life for most Pueblo Indians was hardly different than the last decades of the nineteenth century. Threats of land encroachment and attacks against Indian identity were commonplace and the Pueblos turned inward for solidarity. The most pressing threat to tribal sovereignty came in the form of the 1922 Bursum Bill which targeted Pueblo land and water rights. The Bursum Bill was passed by Congress in 1922 and made it easier for non-Natives to claim Native land.⁵² Proposed initially by New Mexico Senator Holm O. Bursum, and supported by Secretary of the Interior and former senator for New Mexico, Albert Fall, the Bursum Bill made it easier for non-natives to make claims to Pueblo land. Threatening some 60,000 acres of land and indigenous water rights, the Bursum Bill was another attempt to bring Pueblo territory under U.S. jurisdiction.⁵³ John Collier, a pro-Indian activist who had previously worked as a social worker in New York and California and had been enamored by the Pueblo Indians after leaving his job in California and moving to the Sonoran Desert, became one of the main opponents of the bill. As one of the primary advocates for the Pueblos in voicing their concerns to the federal government, Collier established himself as a trusted ally to many Pueblos. By 1923, Collier, the newly formed All Pueblo Council (APC), and other advocates forced

⁵⁰ Crandall, *These People Were Always a Republic*, 213.

⁵¹ For a thorough examination of all the court cases between statehood and Miguel Trujillo's in 1948 see Laird Dunbar, "A Study of Suffrage of the Arizona and New Mexico Indians," (master's thesis, University of New Mexico, 1948). Though there were attempts to change the language of the Constitution, it never had to do with a desire to vote.

⁵² Walden, "The Pueblo Confederation's Political Wing," 16 – 17.

⁵³ Senate Hearings on S. 3865 and S. 4223, 67th Cong., 4th ses., 6 – 7; for more detailed examinations of the Bursum Bill see: Kenneth Philip, "Albert B. Fall and the Protest from the Pueblos, 1921 – 23," *Arizona and the West* 12, no. 3 (Autumn, 1970): 237 – 254; and, Walden, "The Pueblo Confederation's Political Wing."

Congress to revoke the Bursum Bill. This instance of support from Collier would help to raise his reputation in the coming decades as he rose to the top of the Bureau of Indian Affairs (BIA).

When Collier assumed the Commissioner position at the BIA in the 1930s, he would spearhead a revision of Indian policy through the Wheeler-Howard Act and would inspire many Native Americans to reconsider their place in the United States. Under the Wheeler-Howard Act, passed in 1934, the BIA forced Indians across the United States to adopt western, bi-cameral Constitutions. For the first time federal Indian policy would head in the direction of allowing more tribal autonomy and would change the relationship between Native Americans and the federal government. While some tribes embraced the BIA's help in writing Constitutions that would provide legal systems on reservations, others rejected the efforts as government overreach. Even among tribes who had initially welcomed BIA help, many soon realized that the Wheeler-Howard Act was perpetuating notions of paternalism. As a result, many Indians across the country lost what little faith they had in the BIA and Collier. When World War II began, a rejection of the BIA was pervasive. It was in this context that a shift began to sweep through Indian country that turned to voting rights as a possible tactic to protect sovereignty and cultural autonomy. These voices found some support among Pueblos who called into question their relationship with the government. Among those influenced by the shifting sentiments was Miguel H. Trujillo, an Isleta man who by the 1940s was in his 40s and was a well-respected community leader on both the Isleta and Laguna Pueblos.

Miguel H. Trujillo, Haskell Boarding School, and Tribal Identity

Miguel H. Trujillo was born on Isleta Pueblo on April 30, 1904. At first largely isolated from American cultural influences, he was raised traditionally on the Pueblo. His father, José Trujillo, and mother, Juanita Jaramillo, owned a small plot of land which they farmed on the

Pueblo and supplemented their income by selling traditional style pottery at nearby markets in Albuquerque. Traditional pueblo practices and cultural expectations were ingrained in Miguel from birth.⁵⁴ His maternal uncle was the Isleta Medicine Man and his paternal great-uncle before that a War Chief who had been an important religious and community leader for the tribe in the late-nineteenth century. His father passed away in 1912 when Miguel was only eight years old. After his father's passing, Trujillo grew closer with his great-uncle, now a tribal elder and spiritual adviser for Isleta who continued to foster Trujillo's cultural connection.⁵⁵

After his father's passing, Miguel and his older brother Bob were expected to do whatever work necessary to support their family. Their mother Juanita, who had attended a Catholic day school as a child, encouraged them both to seek formal education.⁵⁶ Though she was criticized by other family and tribe members who believed that if the brothers went to an Indian school they would lose their tribal identity, she nevertheless persisted. Both boys were first sent to Bernalillo Catholic Indian School, an Indian day school in nearby Los Lunas, first Bob then Miguel. Miguel fell in love with schooling. Wearing "squeaky black shoes" that had enamored him when he first saw his brother return with them in 1906, Miguel attended Bernalillo's school for ten years, the maximum it offered.⁵⁷ While at school, he found encouragement from a teacher, Isis Harrington, a Catholic woman with a son of her own with whom Miguel had become close friends. She encouraged his passion for learning and when he completed his tenth year at school, the top-grade level at the Albuquerque school, Harrington encouraged Miguel to continue his education. Once again, his family and tribe pressured him to

⁵⁴ Trujillo, interview by author.

⁵⁵ Joe Sando, *Pueblo Profiles: Cultural Identity Through Centuries of Change* (Santa Fe, NM: Clear Light Publishing, 1998), 57; and, Trujillo, interview by author.

⁵⁶ Sando, *Pueblo Profiles*, 58.

⁵⁷ Trujillo, interview by author.

stay on the Pueblo and provide support to his family, but Miguel chose to attend the Haskell Institute in Lawrence, Kansas.

Haskell Institute was one of the major Indian boarding schools alongside the Hampton Institute and Carlisle when Trujillo enrolled in 1923.⁵⁸ The boarding schools were well known by this time for their violence and staunch assimilationist education. But, because he enrolled older than many children forced to attend boarding schools, his experience was quite different. During his time there Trujillo became involved in a variety of activities – he wrestled, was the captain of the Cadet Corps, worked a summer job in the Kansas beet fields, and played the trombone. He attended business classes at first and experienced many of the harsh realities that Indian boarding schools had to offer. Like others, he was likely abused for speaking his native language, discouraged from contact with his family, and forced to deny his tribal identity.

Haskell Institute, like other Indian boarding schools, was created with an “Americanizing” mission that sought to abuse the “Indianness” out of Indian children.⁵⁹ Through psychological abuse, the denial of using native languages, physical punishments, and social isolation from their tribes and families, the Indian boarding schools did whatever they could to assimilate the Native Americans who came. Newer research by historians on the boarding school experience however has shown that “the boarding school experience cannot be understood simply in terms of acculturation and resistance.”⁶⁰ Overtime, Haskell and the other Indian boarding schools unintentionally gave tools to young, progressive American Indians seeking to

⁵⁸ From here on out I refer to Miguel Trujillo simply as Trujillo. Before the distinction was made between Miguel and his brother Bob.

⁵⁹ Haskell institute is noted by Thomas Cowger as one of the most important Indian boarding schools in that it fostered a sense of pan-Indianism see Cowger, *The National Congress of American Indians*, 15.

⁶⁰ Vučković, *Voices from Haskell*, 3 and 218.

exert their tribal identity.⁶¹ Despite the effort to “Americanize” the Indians, many students at Haskell rejected these notions, or at the very least found ways to resist these colonial practices. Within these conditions and against the expectations, however, Trujillo learned to further embrace his tribal identity. He and others at Haskell and the other boarding schools had figured out ways to maintain their cultures despite the environment.

In his overview of the National Congress of American Indians (NCAI), an organization founded in part by boarding school graduates, historian Thomas Cowger described the Indian boarding school experience:

The off-reservation boarding school experience promoted intertribal cooperation through several crucial developments. It advanced the use of English, supplying individuals from different tribes with a common language. It brought together in one location a multitribal population... Indian students learned both from firsthand and classroom instruction the mechanics of white institutional agencies... Student experiences at schools encouraged later generations to evaluate and define what it meant to be Indian, as participants shared many common problems and goals with each other and their younger members.⁶²

While the teachers at Haskell and those who founded the school had intended the school to be a transition from Indian to American – savage to civilized – the students learned not to see it with such polarity. Resistance to the Institute’s program came in many different forms and fashions. After the lights went out and supervisors left, the Indian children would converse in their native languages over topics like their teachers, food, girls, and even resistance.⁶³ These late nights

⁶¹ A new wave of historians starting in the 1980s particularly contributed to complicating the Indian Boarding School experience. Debates among Native American boarding school historians since the 1970s have turned to discussing how the schools were “important sites of cultural contact and negotiation, where more often than not Indian students selectively incorporated those aspects of Anglo-American culture that would ensure their individual and collective survival and well-being.” (Vučković, 3). Instead of seeing these boarding schools as monolithic, dominate places, by looking at the accounts of individuals who experienced the event these historians have come to understand the boarding school experience in a more nuanced way. See Vučković, *Voices from Haskell*; and, Hazel Hertzberg, *The Search for an American Indian Identity: Modern Pan-Indian Movements*.

⁶² Cowger, *The National Congress of American Indians*, 15.

⁶³ Vučković, *Voices from Haskell*, 212

would build connections that would help unite some parts Indian country around a central cause in the 1940s.

They not only learned English, but they also learned the language of resistance in the Western world, the laws of the United States, how American courts work, and, from each other, how to appreciate the strength of solidarity between tribes.⁶⁴ They did not have to give up their Indianness to be considered a success at Haskell, quite the opposite in fact. Haskell students quickly found that they could protect their cultural identity through what they had learned at the school. With strong beliefs in the benefits of Pan-Indian unity, “a new generation of Indian leaders emerged, armed with new political and cultural weapons.”⁶⁵ These young adults from Haskell would soon come to realize that they could bring their experiences from the boarding school back to their homes and enact change

Ultimately, Trujillo, and so many other tribal leaders from the 1920s through 1940s, were fundamentally shaped by their experiences at an Indian boarding school. Whatever detriments the boarding schools caused for Native American children, for these Indians it also gave them tools they would need to fight for cultural protection and a sense of community that crossed tribal differences. Attempts at forced assimilation, like exposing children to the boarding school experience, have more complicated consequences. Trujillo did not lose touch with his Pueblo identity at Haskell like his family had feared. In fact, the opposite happened. Because the boarding school experience was meant to be so oppressive, it actually had the opposite effect and strengthened his tribal identity.⁶⁶ Because he was older when he enrolled, the violent attempts at

⁶⁴ One of the key things they all learned in the boarding schools was English. When they all returned to their tribes they shared a common language with which they could now build intra-tribal connections (Cowger, 15).

⁶⁵ Cowger, *The National Congress of American Indians*, 15.

⁶⁶ Trujillo, interview by author.

assimilation held less power than it did for children sent to Haskell at a young age as he found solidarity with his classmates. While American Indians who attended Haskell may have, to some degree, been “Americanized”, they maintained a strong sense of tribal identity that helped them stay connected to their heritage. Myriam Vučković’s summary of Haskell experiences is most useful: “Many students’ family ties remained strong, and individual students made choices about which aspects of white civilization and education they would accept and which they would not. Even students who adapted willingly to the regimentation of the school adopted a dual identity, often acting as culture brokers throughout their life.”⁶⁷

In his last year at Haskell, Trujillo chose to pursue a teaching certificate.⁶⁸ When he left in 1925 he was equipped with a new sense of pan-Indian unity garnered through relationships at Haskell, when he returned to the southwest. He was hired immediately by the Bureau of Indian Affairs (BIA) as a teacher in Yuma, Arizona at an Indian school. After two years, Trujillo moved to the Navajo Nation where taught at the Tohatchi Indian School on the reservation. While at Tohatchi, he met his future wife, Ruchana Paisano (Laguna) a fellow graduate of Haskell Institute (1928) who was working there as a secretary.

In the coming years Miguel and his wife Ruchana relocated on behalf of the BIA, first to Taos then back to Ruchana’s home in Casa Blanca, Parajé, New Mexico on the Laguna Reservation. While in Taos, Miguel and Ruchana lived on the Pueblo, taught Taos children, participated in Pueblo ceremonies, and continued to live as close to traditional lives as possible. Tragedy struck the couple in the mid-1930s when their first-born child died from pneumonia

⁶⁷ Vučković, *Voices from Haskell*, 3.

⁶⁸ When he graduated in 1925, he did so alongside classmate Archie Phinney (Nez Perce), one of the founding members of the National Congress of American Indians (NCAI), an important organization in the voting right case of the late 1940s.

before they were able to reach Santa Fe's hospital. Before being transferred again they had another child, Josephine Waconda (Isleta). In 1940, the Trujillo's transferred to the Laguna Indian school in Casa Blanca.⁶⁹ Back with family, Miguel and Ruchana had one more child, Michael Trujillo (Laguna).

His travels while working for the BIA to outposts in southwest Indian country allowed him to stay connected to traditional tribal ways of life and through this he maintained his tribal identity. He built relationships and connections with people across both states, connections that would prove valuable to him when he became a recruitment officer for the Marine Corps during World War II. Until then however, he worked at the Laguna day school while attending nearby University of New Mexico in pursuit of a teaching degree. He continued to rise in his community and was well respected.

Timing, John Collier, Pueblos, and the Indian New Deal

Trujillo had graduated from Haskell and entered his first teaching positions in the early 1930s just as John Collier rose to prominence as an advocate for American Indians and eventually became the Indian Commissioner under President Franklin Roosevelt and Secretary of the Interior Harold Ickes.⁷⁰ A 1929 article written by John Collier, "Amerindians," reflects Collier's passionate push to change the direction of Indian policy and his ardent support of Pueblo Indians.

Eighteen of the New Mexico pueblos have been, since 1922, confederated for mutual aid. Aggressions by whites, helped by the Indian Bureau, have forced the Pueblos, in recent years, to deal in their counsels with questions of law (the laws of property) as intricate as any, and with questions of engineering and reclamation on a large scale. Hordes of whites

⁶⁹ Trujillo, interview by author.

⁷⁰ Carol Venturini also has argued for the significance of the Collier years in changing the climate for voting rights and goes into especial detail on the ways that Collier had been involved in New Mexico Indian politics during the 1920s and into the BIA years. See Venturini, "The Fight for Indian Voting Rights in New Mexico," 96 – 118.

who are "archaeology alive" now visit the pueblos. The pueblos have been forced to study means for receiving the whites without being hurt by them.⁷¹

In her examination of Pueblo voting, Carol Venturini noted that Collier's selection as Commissioner of the Bureau of Indian Affairs (BIA) marked when "Indian policy took a 180 degree turn as FDR, Ickes, Collier, and the able legal staff that was brought into the Department of the Interior instituted an Indian New Deal." Collier and the policies undertaken during his tenure created a "more favorable climate toward diverse cultures and Indian rights."⁷²

Collier had been chosen by Harold Ickes, a previous contender for the Commissioner before he was selected as Secretary of Interior, who also was an advocate of Indian self-governance. Led by both, the BIA brought with it a new era of government interaction with the tribes of the United States through what became known as the Indian Reorganization Act (IRA), or Indian New Deal. The IRA directed federal policy in a hard turn away from assimilation and instead worked to construct notions of tribal autonomy and independent governance. Ickes and Collier believed that the most effective Indian policy would be to give more control to the tribes themselves. Historian Elmer Rusco has stated that Collier's "most fundamental purpose had been to reverse the governmental push toward forced assimilation of Native Americans."⁷³

In 1934, Congress passed the Wheeler-Howard Act (Indian Reorganization Act, IRA) and an immediate reorganization of Indian affairs began. Though the IRA had received mixed opinions from native Americans and non-natives alike, its immediate termination of allotment

⁷¹ John Collier, "Amerindians," *Pacific Affairs* vol. 2, no. 3 (March 1929): 121.

⁷² Venturini, "The Fight for Indian Voting in New Mexico," 97.

⁷³ Elmer Rusco, *A Fateful Time: the Background and Legislative History of the Indian Reorganization Act* (Reno, NV: University of Nevada Press, 2000), 175.

policy, which had divided Indian lands and made homesteading legal on reservations, was welcomed warmly by indigenous communities across native America.⁷⁴

Though the Wheeler-Howard Act proved to be an initial success, in the end the BIA ignored the complaints of Native Americans and gradually lost their support as they came to realize the tribal governments exercised little authority.⁷⁵ After the initial success of the IRA's end to allotment and establishment of tribal governments, many Native Americans increasingly worried that the IRA still allowed government overreach into Indian affairs. Resentment for the BIA grew as problems worsened for Native Americans across the country. For example, Collier's stock reduction program on the Navajo reservation from 1937 – 1940 led to a drop off of 100,000 in the Navajo's sheep population. The stock reduction program had, in theory, sought to limit the number of livestock on the Navajo reservation to prevent overgrazing, but ultimately the Government failed to actually push through with its promises to give out licenses. With no licenses, very few Navajo could raise sheep and thus the population declined, creating harrowing food shortages.⁷⁶

Still, Collier's language of self-governance inspired many across Indian country who increasingly mounted calls for more tribal autonomy. As his reputation diminished, Collier in fact made direct calls for individual Indian rights to encourage self-determination in New

⁷⁴ Land allotment policy had begun with the Dawes Act (General Allotment Act) in 1887. The Act put tribal lands in the hands of the federal government and gave them the jurisdiction to divide Indian lands. Ultimately, this meant that the federal government could dictate who lived on Indian lands, including allowing non-Indians. Seen as the primary reason behind intense land encroachment in the end of the nineteenth and early twentieth centuries, when the IRA reversed the policy. Land allotment allowed Indians to claim 160 acres or less of their land on reservation and any remaining lands would be opened up for homesteading. See Stephen Cornell, *The Return of the Native: American Indian Political Resurgence* (New York, NY: Oxford University Press, 1988), 93.

⁷⁵ Though overall the reception to the Wheeler-Howard Act was positive, there was still a rejection among many who saw it as continued government overreach and unlawful intervention. In New Mexico, the Pueblos "showed lukewarm interest in [Collier's] reform changes" (Venturini, 99).

⁷⁶ Garrick Bailey and Roberta Glenn Bailey, *A History of the Navajos: The Reservation Years* (Santa Fe, NM: School of American Research Press, 1986), 192.

Mexico and Arizona in 1944.⁷⁷ In 1944, most Pueblo Indians showed little interest in participating in American elections. In the coming years, Indian veterans across the country would join voices and unite around a pan-Indian identity that came to bear on New Mexico. As sentiment shifted across Indian country, so too did it in New Mexico.

The Waning Influence of John Collier and World War II

Collier's influence continued to weaken into the 1940s and diminished further when funds were withdrawn from the BIA for the war. When the United States entered World War II, Native American men volunteered for service *en masse*. Having served extensively and received widespread praise for their contributions during World War I, American Indians were sought out by the military.⁷⁸ Native American military service in World War I, however, had been on a volunteer basis because their citizenship was not universally recognized. In 1924, in the aftermath of the war, the federal government passed legislation bringing citizenship to all of Indian country, a change in legal status that met widespread resistance from Pueblo communities. In World War II, in other words, the draft would include native Americans. The 1940 Nationality Act solidified their draft eligibility. According to historian Alison Bernstein "the Nationality Act of 1940 simply reinforced [citizenship] by extending the 1924 declaration to include all Indians born after that date. The 1940 legislation was intended to eliminate any misunderstanding among Indians or whites regarding Indian citizenship."⁷⁹

⁷⁷ Alison Bernstein points out that in 1944 Collier made a request to Sect. of Interior Harold Ickes to put test cases in New Mexico and Arizona to push voting rights, though they did not seem to amount to any significant decisions. See Bernstein, *World War II and the American Indian*, 105.

⁷⁸ Bernstein, *American Indians and World War II*, 41.

⁷⁹ Bernstein, *American Indians and World War II*, 28 and 112.

Though there was resistance to the draft across Indian country, many embraced their calls to war.⁸⁰ Service in the military, though associated with the sacrifices of Indian identity, actually served to strengthen Indian identity in many cases. Historian Kenneth Townsend's treatment of the motivations for Indian enlistments has suggested that service in the war was in part a legacy of the IRA. The IRA had been successful in that it gave some Native Americans hope that the government was trying to restore tribal autonomy even if the IRA's language "smacked of white dominance" and did little to diminish paternalism.⁸¹ The IRA was ultimately effective in bringing change to the relationship between Native Americans and the federal government. When the war came, many American Indians saw their willingness to serve as less of a representation of their duty to the United States as citizens and more as a reflection of their commitment to freedom.

Ultimately however, "Indian enlistment in the Nation's armed forces was not confined to a single explanation."⁸² Economics, self-determination, opportunity, revenge, hope, and a desire by some to revive their connection to their ancestors through warrior culture practices were some of the reasons for enlistment.

Common to all explanations was the belief that, for their service, Indians would receive something of personal value – inclusion by white society, a sense of self-worth, pride in renewed warrior spirit and its link to Indian heritage, evidence of patriotism and loyalty for the United States, financial return, a contribution to the common welfare and salvation of human kind, or simply the defense of tribal lands.⁸³

For many Pueblo Indians of New Mexico, the attack on the Philippines carried out on the same day as the Pearl Harbor attacks was particularly motivating. Several Pueblo Indian national

⁸⁰ Hopi, Ute, Seminole, Iroquois, Yakima, Papago, and Zuni all expressed resistance to the draft in various ways. See Rosier, *Serving their Country*, 93.

⁸¹ Townsend, *World War II and the American Indian*, 74.

⁸² Townsend, *World War II and the American Indian*, 80.

⁸³ Townsend, *World War II and the American Indian*, 72 – 80.

guardsmen had been stationed there and their survival remained uncertain. As enlistment among Native Americans continued throughout the country, so too did calls from native and non-native activists to end discrimination against Indians at home.

Conclusion

This chapter began with an overview of the colonial periods in New Mexico from Spain to the United States. After initial contact with Spain at New Spain's northern most frontier, the Pueblo Indians found ways to subvert the colonial system that ultimately resulted in hybridized systems of governance in which Pueblo electorates largely decided their own fate. Still, the relationship between the Pueblos and Spain was volatile. As Spain's authority diminished, new colonial systems of control were implemented that restricted Pueblo autonomy and marked a transition away from Indian self-governance.

After the Mexican War of Independence from Spain in the early nineteenth century, the oppressive colonial system established by Spain remained. Mexican revolutionaries, though they had promised Indian autonomy, proved to be less interested in protecting Pueblo sovereignty. Nothing changed and Pueblos still actively fought to protect their sovereignty. Mexican control over New Mexico was brief before the United States swept west. The Pueblos remained in constant conflict trying to maintain their cultural practices and their tribal sovereignty. The United States' approach to Indian policy threatened Indian identity and so the Pueblos found different ways to resist and maintain their tribal autonomy. During this period, as Maurice Crandall explains, "by foregoing the vote and U.S. citizenship, [Pueblos] preserved their best possible chance at maintaining Pueblo village electoral institutions and citizenship in

autonomous Pueblo republics. It was a tradeoff they were willing to accept, given the strictures of the post-U.S.-Mexico War political landscape.”⁸⁴

When New Mexico was admitted into the Union in 1912, the situation remained the same. The New Mexico Constitution reinforced the notion that “Indians not taxed” would be barred from elections. Pueblo Indians during this period, however, did not want the franchise. They remained adamant in their belief that citizenship and voting rights in the United States would be threats to tribal culture and sovereignty. Sentiment regarding voting rights would only shift when progressive Indians from Haskell, like Miguel Trujillo, sought to take control of Indian affairs during the later years of John Collier’s tenure as Commissioner. As World War II began and Indian enlistment proved invaluable to the United States military, calls to bring the franchise to the southwest grew in frequency and intensity. Despite perhaps the majority of Pueblo Indians rejecting the franchise until later in the 1940s, a movement began in 1945 to bring challenges to New Mexico’s Constitution and end disenfranchisement of a significant voting bloc.

From 1945 – 1948, a movement swelled that brought attention to Indian voting rights in the Southwest. Native and non-native activists alike joined voices and called for New Mexico and Arizona to overturn their discriminatory voting laws. Through calling attention to Indian service in the War, they advocated for full recognition of American Indian citizenship and all that it entailed. When pressed by the federal government in response to Cold War tensions, courts in New Mexico and Arizona began to hear cases related to Indian voting. Still, the Pueblo Indians of New Mexico continued to resist the franchise, fearful that it would mark an end to

⁸⁴ Crandall, *These People Have Always Been a Republic*, 188 – 189.

tribal autonomy. When veterans returned home they, along with those who supported them, embraced a new rhetoric that encouraged Indian voting as a means to self-determination. The failures of the BIA, John Collier, and the federal government had gone on long enough and increasingly some Indian leaders turned to voting as a way to end federal government overreach. With the franchise the hope was that a unified Indian voice would be able to bring meaningful change to Indian country. But this was not a door to be opened by the United States. First, the Pueblo leadership had to be convinced voting could be an expression of sovereignty.

CHAPTER 2

TRUJILLO v. GARLEY

“A voting Indian would surely be more able to make known any believed injustice than he now can.” – Laird Dunbar, 1948

Laird Dunbar, a graduate student at the University of New Mexico, observed in 1948 that “since the latter part of 1945 there has been an ever growing interest in the status of Indians as voters in these states of Arizona and New Mexico.”⁸⁵ Dunbar contextualized Native American voting with the ongoing calls for the franchise that were derived from the rhetoric of World War II. In a thorough examination of Pueblo electorate histories, Dunbar recognized that the franchise coming to New Mexico’s Indians was not a sudden spark and instead was derived from a long history of Indigenous elections. He called attention to language of “racial discrimination” that served as “the criterion for disenfranchisement” and argued that some Indians were beginning to consider voting as a means to confront Indian political problems. He concluded that “a voting Indian would surely be more able to make known any believed injustice than he now can.” Dunbar’s work meant several things. In his research he had built a strong relationship with William Truswell, an Albuquerque lawyer who had long been involved in Indian cases.⁸⁶ This relationship would bring Miguel Trujillo, also at the University of New Mexico at the time, to the center of the debate over Pueblo voting rights.

This chapter begins with a discussion of non-native and native activism during the war directed toward voting rights in New Mexico and Arizona. As the BIA's power weakened and Native Americans lost faith in the organization, a new wave of progressive Indians arose who

⁸⁵ Dunbar, “A Study of Suffrage,” 2.

⁸⁶ Dunbar, “A Study of Suffrage,” 2, 30, 45.

argued that voting rights would be a meaningful way to express tribal autonomy and self-determination. After an examination of the rise of "hybrid patriotism" among veteran Native Americans, the chapter turns to examining the role of the Cold War in forcing New Mexico's courts to change their stance on Indian voting. While many Pueblo Indians still rejected the franchise, knowing the potential consequences of it, others supported the idea of voting rights. Among them was Miguel H. Trujillo. The *Trujillo v. Garley* case is then put into context with the July 1948 decision in Arizona in the *Harrison v. Laveen* case, a similar case for Indian voting. I argue that, although the state level motivations for pushing for the right to vote were starkly different in the two states, federal pressure came to bear in the same way. In the wake of the favorable *Harrison* decision, attention turned to New Mexico. After a new generation of leaders came to power in the All Pueblo Council (APC), a powerful Pueblo confederation started in the 1920s in part responding to the Bursum Bill, they brought with them support for the franchise. Still, the APC did not represent all Pueblo Indians, many of whom continued to reject the franchise and remained fearful that by voting they were giving up more tribal sovereignty.

Activism, Military Service, and Voting Rights

As news spread that Native Americans were enlisting in the military but did not exercise other rights of full citizens, non-native activists began making calls for the extension of rights to Native Americans because of their military service.⁸⁷ In 1942 two articles written by Richard L. Nueberger, a journalist originally from Oregon, that focused on Indian service were put into the *Congressional Record*. First, Senator Charles McNary of Oregon, then acting Senate Minority Leader, had Nueberger's *Washington Post* article from August 22, 1942 included titled "Our

⁸⁷ For a thorough overview of the emancipation bills in the 1940s and the way congress saw American Indians in this period see Klann, "Citizenship with Reservations."

Indians at War: Eager and Willing to Serve America.”⁸⁸ Later, Congressman John Coffee of Washington brought Nueberger’s article “The American Indian Enlists – he Feels his Kinship to the Chinese, the East Indians, the Arabs, and the Filipinos, and to Colonial Peoples All over the World.”⁸⁹

In *Reader’s Digest*, an article “Set the American Indians Free” by O.K. Armstrong, a Missouri politician, appeared in 1945. Shrouded in paternalistic language and racism, Armstrong laid out the long history of Indian-US relations concluding with what he deemed the next step forward in Native American policy. He pointed directly to Arizona and New Mexico’s constitutions and their disenfranchisement clauses as needing revision. He warned, “More than 22,000 Indians are serving with our fighting forces... There can be no doubt that all who return from the service will seek a greater share in America’s freedom,” concluding that “it is time for the people to demand that this evil be reformed.”⁹⁰

Non-native voices often perpetrated the same Native American warrior myth used in recruitment in their calls for recognition of Indian military service. Elizabeth Shepley Sergeant, who had taken interest in Pueblo Indians in the 1920s before being recruited by John Collier to run propaganda for the Indian Reorganization Act on behalf of the BIA, in November 1942 wrote an article titled "The Indian Goes to War." "A natural fighter, tough and self-reliant, jealous for his own democratic rights and privileges, sensing the Nazi attack on race, the Indian was hell-bent, as soon as the draft started, to join up... When the lightning struck at Uncle Sam,

⁸⁸ Charles L. McNary, “Our Indians at War,” *Congressional Record*, 77th Cong., 2nd sess., vol. 88, part 10 (Washington DC: Government Printing Office, 1942): A3160.

⁸⁹ John Coffee, “American Indians in the War,” *Congressional Record*, 77th Cong., 2nd sess., vol. 88, part 10 (Washington DC: Government Printing Office, 1942): A4384 -86.

⁹⁰ O.K. Armstrong, “Set the American Indians Free,” *The Reader’s Digest* 47 (August 1945): 48.

the Redman, who despite his old grudge has a deep respect for his government, was shocked to his blood roots."⁹¹

These activists had ignored the reality that for Native Americans enlistment had nothing to do with a desire to gain the franchise. For the Pueblos of New Mexico, "citizenship and voting rights... held little appeal since these endangered their sacred land, their religion, and their institutions."⁹² Pueblo leaders had rejected voting rights as recently as 1933 when Pablo Abeita, a former governor of Isleta Pueblo then serving as secretary to the All Pueblo Council (APC), an important political wing of the Pueblos, spoke for the Council saying, "I don't care about politics, but I hope I will be seven feet under the ground when my people start voting."⁹³ Though it had been reported in 1939 that the APC had shifted their stance on voting and had vocalized support of the franchise to "protect themselves" from state politicians, these reports had failed to capture the true feelings of the Council. In a letter to Secretary of the Interior Harold Ickes from Collier about the meeting from which the reports had come, Collier explained that "the actual discussions by the delegates treated the franchise... as at best a necessary evil, to be postponed, held in reserve and not embarked upon now... the Pueblos do not want [the government] to force the issue of the franchise yet."⁹⁴ There are instances, however, of individual Pueblo Indians making pleas regarding their service and the franchise. Lewis Naranjo (Cochiti) wrote in a letter saying, "we are doing our best to win the war to be free from danger as much as the white man. We are fighting with Uncle Sam's army to defend the right of our people to live our own life in our own way."⁹⁵

⁹¹ Shepley Sergeant, "The Indian Goes to War," *The New Republic* (November 30, 1942), 708.

⁹² Crandall, *These People were Always a Republic*, 223.

⁹³ Joe Sando, *Five Ancient Pueblo Warriors* (Albuquerque, NM: Minuteman Press, 2009), 31

⁹⁴ Quoted in Venturini, "The Fight for Indian Voting Rights," 112.

⁹⁵ Quoted in Rosier, *Serving Their Country*, 104.

Though sentiments on voting rights were beginning to shift as Native America lost faith in the BIA and argued for a recognition of their autonomy, the franchise did not come to the forefront of Pueblo concerns until after the war when pressures from the federal government forced a response against the wishes of the 1939 Council. The rejection of the BIA's increasingly paternal approach to Indian policy spread through Indian media outlets and called into question Collier's authority over the sovereign Indian nations. Service in the war had increasingly become equated with a "hybrid patriotism that embraced national service to strengthen...Native American identity." Native Americans started to use "the rhetoric of World War II and the Cold War to contest the ideology of termination and to defend their institution and identities, both American and Indian."⁹⁶ In a 1947 Arizona radio broadcast "Are Indians Getting a Square Deal?" Navajo and Pueblo Indians considered the issue of voting rights in the context of their military service. They argued that justice would not prevail "so long as an Indian cannot vote for the government they must pay taxes to support and give their lives to defend."⁹⁷

With the rise of "hybrid patriotism", more Native Americans brought attention to the franchise in New Mexico and Arizona. Tonita Mirabal, Taos, a recent Santa Fe Indian school graduate, wrote that "Indians have always been interested in their own pueblo government, but when the war came it aroused their interest in the federal government." Her classmate, Katie Jordan, San Carlos Apache, also harkened to the vote. "Above all, after this war is over, our Indian soldiers wish to be represented as citizens of their country, which they have served very faithfully and loyally, by being given the right to vote." They recognized that "they have ideas

⁹⁶ Paul C. Rosier, "They are Ancestral Homelands': Race, Place and Politics in Cold War Native America, 1945 – 1961," *Journal of American History* 92, no. 4 (March 2006): 1310.

⁹⁷ Quoted in Rosier, "They are Homelands'", 1310.

that improvements should be made in the villages” but saw going through the US government as the best option to do so.⁹⁸

One Haskell graduate, William A. Riegert (Chippewa) wrote a poem “America, We Cherish and Love you, Our Native Land” that echoes the students from Santa Fe.

What are we fighting for around the world,
 It is the Stars and Stripes forever unfurled,
 It is Italy, France, Russia, and China and England’s future,
 We are now a Smith, a Jones, or Takes Him Standing,
 Like your Smiths and Jones on some foreign landing.
 We bind each other’s wounds and eat the same ration.
 We dream of our loved ones in the same nation.
 Cannot our rights be equal, in peace as in war,
 What more can you ask, that we would be fighting for?
 How many wars then, by your side must we fight,
 How long must you ponder to see our right,
 When will your handclasp be firm and secure,
 When will your voice call, to reassure
 The right to live, the same freedom for all
 The RIGHT of our BIRTHPLACE, When-Will-You-Call?⁹⁹

Riegert's passionate plea for Indian service to be recognized and honored is a clear reflection of the poignant hybrid patriotism that was appearing among younger American Indians.

The call for Indian suffrage in the southwest increasingly gained support as the Indian population lost what little faith they had in the Bureau of Indian Affairs. The federal government had proven to be more effective at forcing Indians into military service than at creating a useful policy for Native Americans. As “hybrid patriotism” spread among Native veterans, voting rights came to be seen as a way for Native Americans to exact change in the Bureau of Indian Affairs. For many, voting rights remained a sign of assimilation and another threat to tribal sovereignty.

⁹⁸ Katie Jordan, “War’s Impact on New Mexico Indians,” *El Palacio* 51 (June 1944), 110; and Tonita Mirabal, “Changes made by War on Indians at Home,” *El Palacio* 51 (June 1944), 111 – 112.

⁹⁹ William Riegert, “America, we Cherish and Love You, Our Native Land,” *South Dakota Historical Collection* 22 (1946): 27.

By the end of 1947, however, demand for change would become nearly impossible to ignore. A new pan-Indian organization, the National Congress of American Indians (NCAI), would begin increasing their pressures on Arizona and New Mexico to address the inequality starting in 1945. At the same time, the federal government responded to Cold War pressures from the Soviet Union to address inequality and Indian voting and pushed its influence on state courts. Together these forces would push the Pueblos to respond to the calls for the franchise in New Mexico.

Pan-Indianism, the Cold War, and a new Tactic

Energized by this “hybrid patriotism”, Indians across the country embraced parts of their dual identity and strengthened their criticisms of the BIA. American Indians throughout the country turned to each other for solidarity and formed a new Pan-Indian network that connected Native problems across the country. Soon, the National Congress of American Indians (NCAI) was formed. Previous National Pan-Indian organizations like the Society of American Indians (SAI), formed in 1911, had “brief and unproductive tenures” and were often supporters of assimilation into American culture.¹⁰⁰ Made up of both “progressive” American Indians who “believed in education, hard work, and in adapting their attitudes, values, and habits of life to those of larger American society,” and non-native supporters, the SAI’s successes were limited mostly to proving that a national Indian organization could be formed.¹⁰¹ By 1923, factionalism between urban and reservation-based Indians plagued the SAI and marked the end of national Pan-Indian organizations until the establishment of the NCAI.¹⁰²

¹⁰⁰ Charles Wilkinson, *Blood Struggle: the Rise of Modern Indian Nations* (New York, NY: W.W Norton & Company, 2005), 102.

¹⁰¹ Hertzberg, *The Search for an American Indian Identity*, 31.

¹⁰² Hertzberg notes a brief moment of Pan-Indian solidarity in the American Indian Federation but suggests it does not qualify as a Pan-Indian movement. See Hertzberg, *The Search for an American Indian Identity*, 289.

Over two decades after the dissolution of the SAI, on November 15, 1944 in Denver, Colorado, the National Congress of American Indians (NCAI) was founded. “Delegates from 27 states, representing more than 50 tribes” had met and established their mission “to enlighten the public, preserve Indian cultural values, seek an equitable adjustment of tribal affairs, and secure and preserve their rights under treaties.”¹⁰³ A group of “astute Indian leaders” who “successfully bridged the gap between tribal and supratribal concerns,” the NCAI was formed by a diverse group of American Indians from across the country who varied in age, gender, previous occupation, and political ideologies.¹⁰⁴ The founders “resembled in many ways the founders of the SAI. They were Indians prominent in the professions and business, Indian anthropologists, and OI employees. Many had attended Carlisle or Haskell, and a number were college graduates.”¹⁰⁵ Membership was extended to all Native American tribes. Though some tribes rejected the Pan-Indian movement, many others welcomed an organization that could express concerns to the federal government. The NCAI especially drew the support of returning veterans who believed that the organization would advocate for them.¹⁰⁶

The new NCAI would stand against the assimilationist views proclaimed by its predecessor.¹⁰⁷ Its members would also maintain their tribal requirements. It was largely made up of younger Indians of a new wave of progressivism born in educations at Carlisle, Hampton, and Haskell institutes.¹⁰⁸ As a grassroots organization formed around veterans, the NCAI would

¹⁰³ Napoleon B. Johnson, “The National Congress of American Indians,” *The American Indian* 3 (1946): 3.

¹⁰⁴ Cowger, *The National Congress of American Indians*, 151.

¹⁰⁵ Hertzberg, *The Search for an American Indian Identity*, 290. One of the first elected to the NCAI’s national council was Archie Phinney who graduated Haskell alongside Miguel Trujillo. Their connections remain undocumented.

¹⁰⁶ Bernstein, *American Indians and World War II*, 125; and, Trujillo, interview by author in which Michael mentioned that his father was part of the NCAI in its early days though this could not be verified.

¹⁰⁷ Hertzberg, *The Search for an American Indian Identity*, 31.

¹⁰⁸ Cowger, *The National Congress of American Indians*, 18.

“serve as a vehicle for expressing the mood of those who had been to war and who would come home with questions and dissatisfactions with the way things were”, voting rights among them.¹⁰⁹ Under the leadership of Napoleon Johnson (Cherokee), D’Arcy McNickle (Salish Kootenai), Archie Phinney (Nez Perce), Dan M. Madrano (Caddo), and Arthur C. Parker (Seneca), the NCAI “articulated a strategy that equated cultural survival with tribal-self-determination, and peoplehood with territorial integrity and sovereignty.”¹¹⁰ The NCAI enjoyed the support of the American Association for American Indians (AAIA), a predominately non-native group organized by John Collier and Secretary Ickes in support of Native American self-determination.

Firmly an Indian movement, the NCAI still maintained that working with the federal government was the best way to negotiate for Indian interests, but the critical difference was that this organization would be Indian led. While the SAI and other small pan-Indian groups in the 1930s had allowed extensive non-native membership, the NCAI’s founders believed that keeping it Indian-led was the most effective way to preserve their interests. At the founding meeting in Denver, the NCAI laid out its Constitution and its goals for the coming years. One of the first efforts they planned to undertake was to bring the franchise to the two southwest states that still kept Indians from voting. In 1946, the president of the NCAI, Napoleon Johnson, proclaimed “against the dismal record, are all the excellent reasons why the Indians should form themselves into an active, independent, articulate group. Everybody else takes a hand in determining Indian welfare and Indian destiny – why should not the Indians themselves?”¹¹¹

¹⁰⁹ Bernstein, *American Indians and World War II*, 115.

¹¹⁰ Arthur C. Parker was an honorary member of the Seneca nation and was a founding member of the SAI. Hosmer, *Native Americans and Truman*, xxi.

¹¹¹ N.B. Johnson, “The National Congress of American Indians,” *The American Indian* 3 (1946): 1 – 5.

In both New Mexico and in Arizona, the NCAI received support from veterans. On the Navajo Reservation, a wave of returning veterans in 1946 made clear that a portion of the Navajo nation supported the NCAI and its push to secure self-determination. “Two Navajo veterans’ organizations joined the NCAI in 1946 despite the tribe’s official boycott. The all-Indian American Legion post at Window Rock, NM saw the NCAI as a powerful vehicle for expressing the concerns of Navajo vets to other Indians and to white politicians.”¹¹² In New Mexico, Miguel Trujillo joined in supporting the formation of the NCAI.¹¹³ While the NCAI initiated its push, the international pressures came to bear influence in New Mexico too.

Truman, the Cold War, and Native American Voting Rights

The NCAI’s founding and movement, which actively pointed out the mistreatment of American Indians by the federal government, came as the federal government reluctantly addressed Civil Rights under growing pressures during the Cold War. As the United States continued to promote an image of itself as the most advanced democracy in the World with no domestic problems, the reality was quite the opposite. Violence still defined racial segregation in the South and in the southwest there was growing concerns about the mistreatment of Indigenous communities. Amid a growing movement of African American veterans that called for the end of segregation, President Truman was forced to address Civil Rights as racial violence and discrimination became global problems in the context of the Cold War.¹¹⁴

¹¹² Bernstein, *American Indians and World War II*, 125.

¹¹³ Trujillo, interview by author.

¹¹⁴ For an extensive discussion on the ways that civil rights became interpreted in a global context see: Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton, NJ: Princeton University Press, 2011).

Truman's first step in addressing Civil Rights was to create a committee that would write a report outlining the current problems in the United States and what might be done to address them. Published as "To Secure These Rights: the Report of the President's Committee on Civil Rights," the Committee's Report was largely focused on the African American plight. Still, Native Americans Civil Rights were also a concern for Truman's administration.

In past years, American Indians have also been denied the right to vote and other political rights in a number of states. Most of these restrictions have been abandoned, but in two states, New Mexico and Arizona, Indians continue to be disfranchised. The constitution of New Mexico withholds suffrage from 'Indians not taxed.' In Arizona the state constitution has been interpreted to deny the vote to Indians as being 'persons under guardianship.' Protests against these legal bans on Indian suffrage in the Southwest have gained force with the return of Indian veterans to those states.

The constitutionality of these laws is presently being tested. It has been pointed out that the concept of 'Indians not taxed' is no longer meaningful; it is a vestige of the days when most Indians were not citizens and had not become a part of the community of people of the United States. Indians are now citizens and subject to federal taxation. They are also subject to state taxes, except for lands held in trust for them by the United States government. There is therefore little justification for denying them the franchise on the assumption that they are excused from the burdens of other citizens.¹¹⁵

In the end, the Report offered potential remedies for the problem of American Indian Civil Right violations explaining that:

to strengthen the right to citizenship and its privileges, the President's Committee Recommends... The granting of suffrage by the States of New Mexico and Arizona to their Indian citizens. These states have constitutional provisions which have been used to disfranchise Indians. In New Mexico, the constitution should be amended to remove the bar against voting by 'Indians not taxed.' This may not be necessary in Arizona where the constitution excludes from the ballot 'persons under guardianship' Reinterpretation might hold that this clause no longer applies to Indians. If this is not possible, the Arizona Constitution should be amended to remove it.¹¹⁶

The Committee's decision to include Native American problems was largely symbolic and meant to respond to Soviet propaganda targeting Indigenous communities, but it nevertheless had a

¹¹⁵ "To Secure These Rights: The Report of the President's Committee on Civil Rights," (Washington, D.C.: United States Government Printing Office), 40.

¹¹⁶ "To Secure These Rights," 161.

direct influence on the ongoing efforts to fight Native American disenfranchisement in the Southwest. The report importantly acknowledges the role that returning veterans were playing in the strife. Noting that protests against the New Mexico and Arizona statutes were heightened by returning veterans, the Committee acknowledged an important driver of post-war Indian politics. Ultimately, the Committee made clear that whatever efforts the two states had undertaken before to prolong a decision regarding franchise would no longer be accepted. A decision, in favor of voting rights, had to be made to please the federal government.

Trujillo v. Garley

Miguel Trujillo had enlisted in the Marine Corps like so many others after he heard of the attack on Pearl Harbor. He had experienced the military lifestyle during his education and was eager to do his part in the war. At age 35 and the primary provider for his wife and two children, the recruiter required he get his wife's signature acknowledging the risk he was taking.¹¹⁷ After basic training, because of Trujillo's education and previous experience working with the Bureau of Indian Affairs he was selected to be a recruiter. He returned to places he had worked previously: Taos, Laguna, and Isleta Pueblos, the Navajo Reservation, and went to Utah and California to recruit other Native Americans.¹¹⁸ Again experiencing other Native cultures and being exposed to their problems, Trujillo's sense of pan-Indianism was strengthened.

When the war ended Trujillo returned to life as before. His travels for the military had expanded his tribal connections, strengthening his belief in the significance of Pan-Indian groups. By 1946, back in Laguna, he returned to his teaching position at the Bureau of Indian Affairs-sponsored school and soon enrolled for his graduate studies in education at the

¹¹⁷ Trujillo, interview by author.

¹¹⁸ Trujillo, interview by author.

University of New Mexico (UNM) under the G.I. Bill, one of the first American Indians to do so. It was soon after returning to school that he met Laird Dunbar and became involved in the legal case that sought to bring the franchise to Pueblo Indians.

A graduate student in anthropology at UNM, Laird Dunbar enjoyed connections throughout the Albuquerque area when he did his research on Native American suffrage in early 1948. Among them was William Truswell, an attorney from Albuquerque who had extensive history with Native American cases. Truswell, in fact, had worked on two different Native American voting rights case in the year prior: *Lewis et al. v Sabin* and *Tapia et al. v Safford*. In *Lewis v. Sabin* two Zuni men and one Navajo man had filed suit after they were denied the right to vote under the New Mexico constitution. Ultimately, tribal disagreements on the Zuni reservation led their Zuni Tribal Council to ask the men to withdraw their case, which they did.¹¹⁹ In *Tapia v. Safford*, Pete Tapia (San Juan) had attempted to register to vote at the Santa Fe Recorder's Office before being denied on the same grounds. Defended by Henry Hughes of the Association on Indian Affairs, Hughes argued that New Mexico's constitution was not compatible with the Fifteenth Amendment and that Pueblo Indians did indeed pay state taxes.¹²⁰ District court judge David Chavez delayed making a decision on the *Tapia v. Safford* case in February of 1948 after hearing rumblings about another case being prepared by the NCAI that would also bring a challenge to New Mexico's statute.¹²¹

As *Lewis et al. v. Sabin* was withdrawn and the *Tapia v. Safford* decision was delayed, an Indigenous voting rights case in Arizona was gaining momentum.¹²² In November 1947, Frank

¹¹⁹ "Zunis Delay Court Appeal in Vote Case," *Santa Fe New Mexican* (January 28, 1948), 3.

¹²⁰ Venturini, "The Fight for Indian Voting Rights in New Mexico," 142.

¹²¹ Dunbar, "A Study of Suffrage," 31; and, Venturini, "The Fight for Indian Voting Rights in New Mexico," 142.

¹²² The context for Arizona and New Mexico is starkly different. In Arizona the primary push is centered around a desire to bring Social Security Benefits to ailing indigenous communities while in New Mexico it was much more

Harrison and Harry F. Austin, two Fort McDowell Yavapi Indians, attempted to register to vote at the Maricopa County Recorder's Office in Phoenix, Arizona.¹²³ Harrison had been drafted into World War II and upon his return saw the economic disparity between whites and Native Americans in Arizona. In a bid to bring economic change to the reservations, Harrison garnered the support of his tribe's leader Harry Austin before making an effort to bring economic change to the reservations. Through challenging wardship, Harrison and Austin believed they could bring the franchise to Arizona's Indians, and more importantly to them, secure social security benefits for those who qualified on Arizona's reservations. Initially appealing to their Congressman, Richard F. Harless, for help in challenging the state's Constitution, the *Harrison v. Laveen* case would go on to be decided in July of 1948. Arizona Chief Justice Levi Udall passed down his decision on July 8th: "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... [The court] holds that the term 'persons under guardianship' has no application to the plaintiffs or to the Federal status of Indians in Arizona as a class."¹²⁴

While the *Harrison v. Laveen* decision would make its way to Albuquerque newspapers and be used to encourage New Mexico to address the problem, the most important consequence of Arizona's case in New Mexico was in bringing Felix Cohen to the Southwest.¹²⁵ By 1948

centered around a hybrid patriotism that sought to bring a new wave of self-determinism to New Mexico's indigenous communities.

¹²³ Jenna Basset, "Restricted Citizenship: the Struggle for Native American Voting Rights in Arizona," (master's thesis, Tempe, AZ: Arizona State University Press, 2011), 84. Arizona is due for a full examination of the influences that come together in the late 1940s that move some Indians, like Harrison and Austin, to pursue voting rights. Because of the long, complex, and sometimes convoluted history of Indian voting in both states they both necessitate more thorough examinations. Especially in light of new scholarship produced by Maurice Crandall.

¹²⁴ *Harrison v. Laveen*, 67 Ariz. 337. For a thorough examination of the legal history before *Harrison v. Laveen* see Jenna Basset, "Restricted Citizenship."

¹²⁵ "Arizona Indians Eligible to vote High Court Rules," *Albuquerque Journal* (July 17, 1948), 2.

considered the premiere lawyer for Indian affairs, Cohen was outspoken about his determination to put an end to government paternalism and help bring about a new era of self-determination for Native Americans. As Collier's reputation had diminished, in his wake Cohen had filled the power void of non-native activists and lead the charge to bring the franchise to the southwest states from Washington. When the opportunity came to work as the legal counsel for the *Harrison* legal team which consisted of Congressman Richard F. Harless, Lemuel P. Mathews, and Ben B. Mathews, Cohen leaped onto it and provided important legal aid to their arguments.¹²⁶

Immediately after the *Harrison* decision, attention turned to New Mexico. Having served as counsel for the *Harrison* decision, Cohen next went to New Mexico where he joined William Truswell in supporting the franchise. When Truswell and Cohen met in early 1948 after the *Lewis et al. v Sabin* fallout, they joined forces with the NCAI's push in New Mexico to end disenfranchisement. The NCAI offered the help of William Curry, the organization's general legal counsel who had earned a reputation in legal battles over Shoshone and Alaskan indigenous land rights. Before his role in the NCAI, he had worked for the Chicago chapter of the ACLU and as an attorney for the BIA supporting Collier's agenda.¹²⁷ The NCAI's chaplain said of Curry: "His skin may be that of a white man, but we know that his heart is Indian."¹²⁸

In early 1948, Truswell, Cohen, and Curry set to creating a challenge through the courts to bring an end to the disenfranchisement in New Mexico. When it came time to make a challenge, the legal team looked to UNM for support. Truswell went through Laird Dunbar who

¹²⁶ Bassett, "Restricted Citizenship," 111.

¹²⁷ Cowger, *The National Congress of American Indians*, 54 – 64.

¹²⁸ Quoted in R.A. Schermerhorn, "America's Disadvantaged Minorities: the American Indian," *The Journal of Negro Education* 20, no. 3 (Summer, 1951): 294.

introduced Miguel Trujillo to Cohen and the rest of the legal team. Trujillo's military background appealed to Cohen and the NCAI who sought to highlight military service as a reason to give the franchise. He readily accepted the opportunity to challenge the courts to enfranchise American Indians and saw it as a way to protect his cultural autonomy.¹²⁹ Trujillo believed that he and others had embraced the hybrid patriotism of the new era and that the Pueblo people were well within their right to ask for the franchise as a means to carve out their own political identity based, in part, on the extensive service of Indians in the war.

For support from the Pueblo community, Trujillo turned to the APC. Trujillo, a member of the APC himself, had hoped that the new chairman and friend Abel Paisano (Laguna) would lead the council to support him. Ultimately, they found no interest in weighing in and many elders on the council again expressed their fears that voting rights would result in a loss of autonomy.¹³⁰ Despite the lack of outward support from the APC, members of the Isleta and Laguna Pueblos offered their encouragement to Trujillo, though perhaps it was more about supporting Trujillo, a respected member of the community, than it was the cause as most Pueblo Indians were still suspicious of voting rights.¹³¹

On June 14th, 1948 the plan began. Trujillo went to Los Lunas, south of the Isleta Pueblo and attempted to register to vote at the Valencia County Recorder's office. Eloy Garley, the Valencia County recorder, denied Trujillo's request based on his status as an "Indian not taxed." Two weeks later, on July 2nd, Cohen, Truswell, and the NCAI's counsel Curry filed an injunction

¹²⁹ Trujillo, interview by author.

¹³⁰ Sando, *Pueblo Profiles*, 60.

¹³¹ Lujan, interview by author; and, Trujillo, interview by author.

with the Federal District courts in Santa Fe.¹³² The case would be heard by a three-federal judge panel made up of Orié L. Philips, Bower Broaddus, and Royce H. Savage.

In the meantime, New Mexican newspapers began covering the upcoming case. A July 7th press release noted that “the case which is scheduled to test the right of Indians to vote involves an application for registration made by Miguel H. Trujillo, ex-Marine, a member of the Isleta Pueblo, and a candidate for an M.A. degree at the University of New Mexico.”¹³³ Later that month, on July 20th, the *Albuquerque Journal* ran “Chapman hopeful that New Mexico Lets Indians Vote,” which shared the words of Oscar Chapman, then acting Secretary of the Interior, who referred to the *Harrison v. Laveen* decision in Arizona as “extremely gratifying” and expressed hope that “New Mexico may also soon eliminate this form of discrimination.”¹³⁴

On August 2, the Santa Fe courtroom opened its doors at 10:00am for the case to be heard. In the end, Judge Orié Philips ruled that the New Mexico Constitution was indeed in violation of the fourteenth amendment and that “Indians not taxed” did not apply to Pueblo Indians who paid a variety of taxes: “Those portions of Article 8, section 1 of the Constitution of the State of New Mexico...which deny the right to vote to ‘Indians not taxed’ are in conflict with the Fourteenth and Fifteenth amendments to the Constitution of the United States and are, therefore unconstitutional and void.” Philips determined that at present there was no “adequate remedy at law” and thus, the court was within its rights to move forward with making the injunction permanent. While Trujillo had not paid ad-valorem taxes, he had nevertheless proven himself as a United States citizen through paying other forms of taxes and, though Trujillo's and

¹³² “Notice of Hearing on Application for Interlocutory Injunction,” filed July 2, 1948 (IPCC vertical files, Miguel Trujillo).

¹³³ “Press Release,” July 7, 1948 (IPCC vertical files, Miguel Trujillo)

¹³⁴ Associated Press, “Chapman Hopeful that New Mexico Lets Indians Vote,” *Albuquerque Journal* (July 20, 1948).

other Indians service in the war was "not entirely pertinent" to the case at hand, Judge Philips still deemed it important enough to mention. In his oral decision Philips argued the following.

We are unable to escape the conclusion that, under the Fourteenth and Fifteenth Amendments, that constitutes discrimination on the grounds of race. Any other citizen, regardless of race, in the State of New Mexico who has not paid one cent of tax of any kind or character, if he possesses the other qualifications, may vote. An Indian, and only an Indian, in order to meet the qualifications of a voter, must have paid a tax. How you can escape the conclusion that that makes a requirement with respect to an Indian as a qualification to exercise the elective franchise and does not make that requirement with respect to the member of any other race is beyond me. I just feel like the conclusion is inescapable.

Philips also made reference to Trujillo's and other Indians service in the military: "It is perhaps not entirely pertinent to the question here, but we know how these Indians...have responded to the need of the country in time of war in a patriotic whole hearted way, both in furnishing manpower in the military forces and in purchase of war bonds... why should they be deprived of their rights to vote now."¹³⁵ In the end, the court moved forward with a permanent injunction. It would not be until 1953 that the New Mexico legislature would actually change the Constitution and remove the phrase "Indians not taxed." The Court's filings were made public on August 12th, making the injunction official.¹³⁶

Local and national media praised the court's decision to make the injunction permanent. On August 4th, the *Albuquerque Journal* ran an article "Indians granted Right of Ballot by Federal Court." Five more articles would appear throughout the month that hailed the court's decision and encouraged the Indian franchise. Perhaps the most significant article was run on

¹³⁵ "Conclusions of Law and Opinion of the Court, *Trujillo v. Garley*, August 03, 1948," (Indian Pueblo Cultural Center, Albuquerque, New Mexico).

¹³⁶ Though the *Trujillo v. Garley* case brought the franchise to the Pueblos of New Mexico, the courts had made a distinction between Pueblos Indians and "treaty Indians", who were often still barred from voting. However, another case after the *Trujillo* decision *Bowman v. Lopez* ordered the clerk of McKinley County to register all the Navajo Indians on the reservation.

August 17th. Titled “President Candidates Asked to Help Indians,” the article detailed a request from the New Mexico Association of Indian Affairs asking for the Presidential candidates to consider providing aid to the Navajo nation, indicating Indian interest in politics. Though a small example, it nevertheless represents a desire to use their new political voice to enact favorable change. In the *New York Times*, an editorial claimed, “We do not see how the court could have reached another decision... the shame is that has been so long delayed.”¹³⁷

In the winter edition of *The American Indian*, a pro-Indian journal, two articles appeared hailing the *Trujillo v. Garley* decision. “At last courts have affirmed that American Indian citizens of New Mexico and Arizona may not be denied the right to vote by discriminatory clauses in state constitutions and tortuous interpretations of the meaning of the trust status of Indian land.” The article continued, “thousands of Indians are now registered to vote in New Mexico and Arizona... The Indian vote in those states cannot be discounted as a factor in the elections, and many Indian voters already realize that the ballot offers new initiatives in their own interests. *That is real emancipation.*”¹³⁸ In another article, Henry Christman identified the influence of the veterans and Truman’s Civil Rights report on bringing the franchise to New Mexico.¹³⁹ President of the NCAI, Napoleon Johnson, also hailed the decision and attempted to encourage the Jemez Pueblo Governor to support the franchise as well to send a message of Indian unity.¹⁴⁰

Perhaps most significantly the APC, reversing their stance from the 1930s, came out in support of Trujillo and the franchise and encouraged all Pueblo leaders to ask their tribes to

¹³⁷ Quoted in Henry Christman, “Southwestern Indians win the Vote,” *The American Indian* 4 (1948): 10.

¹³⁸ Emphasis my own. Editorials, “The Court Affirm Indian Rights,” *The American Indian* 4, no. 4 (1948), 1.

¹³⁹ Christman, “Southwestern Indians win the Vote,” 6 - 7.

¹⁴⁰ Venturini, “The Fight for Indian Voting Rights,” 168 – 169.

consider voting.¹⁴¹ Pueblo leaders sought to meet with the political candidates and ask them about their stance on Indian issues like land and animal rights. The *Albuquerque Journal* reported that APC chairman Abel Paisano “said he is sending a letter in the next few days to the 19 pueblo governors in which he will tell them to advise those who wish to go now and register.”¹⁴² Several days later, the media again reported that Paisano had come out in support of the franchise on his own Pueblo at Laguna. Leadership at Laguna, where Trujillo lived, met on September 20th and “debated the [franchise] at a day long session.” “At the end of the deliberation the council decided to urge all Laguna Indians of 21 years of age and up, both men and women, to register and vote. The Pueblo also is recommending that other Pueblos take similar action.”¹⁴³

In 1953, the New Mexico legislature amended §3-1-1, N.M.S.A., Comp., and officially removed the language "Indians not taxed" from the books.¹⁴⁴ In the meantime, Trujillo had been pushed out of New Mexican Indian politics by pressures from the BIA which had turned sharply to ending the relationship between the federal government and tribes through what became known as termination policy beginning in the early 1950s.¹⁴⁵ He continued to teach in Nevada before moving to California where he began pursuing a PhD in Education before returning to New Mexico sometime in the 1960s. Trujillo remained in Laguna until his passing in 1987. His accomplishments were hardly, if ever, a topic of conversation. His children, Josephine and Michael remember that their father was a humble man who did not seek to be remembered as a

¹⁴¹ It is ultimately unclear if this was an image pushed in the media by the APC to convey an image of unity in Pueblo societies or if this was a misrepresentation of actual Indian opinions.

¹⁴² “Pueblo Council Favors Voting,” *Albuquerque Journal* (September 15, 1948).

¹⁴³ “Laguna Pueblo Urges All to Vote,” *Albuquerque Journal* (September 23, 1948).

¹⁴⁴ *Montoya v. Bolack*, 372 P.2d 387 (N.M. 1962).

¹⁴⁵ For an overview of termination policy see: James E. Officer, “Termination as Federal Policy: an Overview,” in *Indian Self Rule: First-Hand Accounts of Indian-White Relations from Roosevelt to Reagan* ed. Kenneth Philip (Utah: Utah State University, 1995): 114 – 128.

hero for his actions.¹⁴⁶ Upon his passing there was an outpouring of media attention. In a presentation given to the APC by Gerald Wilkinson (Cherokee) on behalf of the National Indian Youth Council, Wilkinson argued that “we cannot squander the legacy of Miguel Trujillo. We must use it and make a better life for ourselves and our people.”¹⁴⁷

The broader struggle for all Indian voting in New Mexico would not conclude until 1962 with the *Montoya v. Bolack* decision.¹⁴⁸ Navajo reservation Indians had remained on the periphery of the *Trujillo v. Garley* case and as a result remained barred from voting because the *Trujillo* decision was directed only at Pueblo Indians. Though the *Bowman v. Lopez* decision in the immediate aftermath of the *Trujillo* case had provided a temporary injunction for Indian voting arguing that the *Trujillo* decision applied to the Navajo as well, Navajos returned to being barred the following year. The *Montoya v. Bolack* decision, which made reference to the *Trujillo v. Garley* decision, then, marked the ultimate end to legal, direct disenfranchisement against New Mexico’s Indians when in 1962 the courts once again reasserted the Indian right to vote.

Conclusion

The *Trujillo v. Garley* case was not a sudden triumphant victory in Pueblo history. For generations, Pueblo people found unexpected ways to express their tribal sovereignty and voting rights were the same. Unlike other civil right movements of the twentieth century that viewed the franchise as the ultimate recognition, the Pueblos were still concerned principally with sovereignty. World War II stirred discussions about loyalty and identity when Native Americans

¹⁴⁶ Bronitsky, "Isleta's unsung Hero,"; Trujillo, interview by author; and, letter from Josephine Waconda to Joe Sando, undated, (IPCC vertical files Miguel Trujillo)

¹⁴⁷ Gerald Wilkinson, "Voting Rights are Indian Rights," *Presentation Miguel Trujillo Committee All Pueblo Council* (April 18, 1988): 8. IPCC records.

¹⁴⁸ *Montoya v. Bolack*, 372 P.2d 387 (N.M. 1962).

responded to the call to war abroad. Non-native and native activists alike emphasized the irony of indigenous service. When the pressure of federal intervention was imminent some Pueblo Indians turned to accept the franchise, seeing it for the first time since the 1850s as an act of sovereignty.

In the aftermath of the Trujillo decision the federal government, now heading in the direction of termination policy, tried to separate Trujillo from Pueblo politics. As will be shown, their efforts were successful in sidelining Trujillo's accomplishment. Not only did the federal government reject Trujillo and the Indian franchise, many Native Americans did too. Historians who have hitherto considered this moment have correctly noted that he fell to historical obscurity, but in their attempts to restore him they do not consider the ways that voting has remained controversial in Indian country and the affect that has had on the memory of Trujillo's accomplishments.

CHAPTER 3

VOTING RIGHTS, IDENTITY, and MEMORY

“Miguel Trujillo is the father of what political power we have now and the greater political power we will achieve in the future.”¹⁴⁹ – Gerald Wilkinson (Cherokee)

Throughout the twentieth century, Native American voting in New Mexico remained controversial. Voting in the United States and American Indian identity were often in direct conflict with one another and in many ways still are. For many Pueblo Indians, voting rights carried the same threat that citizenship had in the years from the 1840s to the 1930s: a threat to cultural identity in the name of assimilation. Many feared that if voting came "land taxation would not be far off" and warned that the more Indians embrace American practices the more their culture would erode.¹⁵⁰ Because voting was and remains controversial, the legacy of Miguel Trujillo has been largely forgotten.

In the years after the *Trujillo v. Garley* decision, a rejection of the franchise was still widespread in New Mexico. Pablo Abeita, who in 1933 had claimed that he “hoped to be seven feet under the ground when [Pueblo people] voted,” had passed in 1940, a full eight years before the *Trujillo v. Garley* decision. Perhaps had Abeita been alive in 1948 and still a part of the APC, Trujillo would have been deterred from pursuing the case. But this could not be, and after 1948 Pueblo Indians were adopting voting rights as an expression of self-determination. In the immediate aftermath of the 1948 national election of President Truman, several democratic New Mexican politicians considered challenging the court’s decision. In the end, they elected not to challenge the Indian vote, but a larger problem remained; many of New Mexico’s Indians, if not

¹⁴⁹ Wilkinson, “Voting Rights are Indian Rights,” 1 – 5.

¹⁵⁰ Venturini, “The Fight for Indian Voting Rights,” 174.

most, continued to reject participation in the elections, remaining adamant that it was a threat on tribal sovereignty to participate in an American election.¹⁵¹

Carol Venturini has pointed to efforts undertaken by some Pueblo leaders immediately after the *Trujillo v. Garley* decision in 1948 and 1949 to consolidate the Indian voice into a powerful voting bloc that ultimately failed. Trujillo, along with Abel Paisano and the APC, met at Santo Domingo Pueblo in October 1948 and discussed their intentions to "survey candidates and parties on their platforms regarding vital Indian issues."¹⁵² Having previously argued that the "apparent indifference to the newly won voting rights" was accounted for by "the fact that no major party has voiced a stance on Indian problems," the Council made clear its hopes to mobilize Pueblo voters.¹⁵³ The APC had come out in support of the Republican candidates through a report produced by Joseph Padilla (Isleta), but when the election came in 1949 the voting bloc proved to be more imaginary than real when few Indians showed up to vote. While the attempt to mobilize had ultimately failed, the APC had at the very least articulated that participating in American elections is an act of Indian "self-interest."¹⁵⁴

Those who supported the franchise "expected to exercise free choice in determining their future – the right to self determination."¹⁵⁵ As Laird Dunbar had proposed, a voting Indian can better "make known any believed injustices," than without the franchise.¹⁵⁶ Self-determination became a critical response to Indian policy in the second half of the twentieth century as the

¹⁵¹ Venturini, "The Fight for Indian Voting," 184 – 185.

¹⁵² "Pueblos Place Approval on Indian Voting," *Gallup Independent* (October 2, 1948), 1 and 4.

¹⁵³ "Paucity of Indian Interest Blamed on Major Parties," *Gallup Independent* (September 13, 1948), 1.

¹⁵⁴ Quoted in Venturini, "The Fight for Indian Voting Rights," 182.

¹⁵⁵ Townsend, *World War II and the American Indian*, 215.

¹⁵⁶ Dunbar, "A Study of Suffrage," 2.

federal government embraced a new policy of termination set to end relations between tribal governments and the United States.

Though on the surface self-determination seemed to offer political autonomy, to others it was another false promise from the government. Robert Burnette (Lakota Sioux), a Marine Corps veteran from World War II recalled in 1983 that he believed self-determination, especially under the Indian Reorganization Act (IRA), was “misleading practically every Indian leader in this country into believe that some day they are going to have an Indian utopia where Indians can make their own decisions. That is not true, my friends.”¹⁵⁷ For Trujillo the notion of self-determination meant something different – the protection of tribal identity. It was not lost on Trujillo or others that self-determination would not result in “an Indian utopia where Indians can make their own decisions”, they were simply more concerned with the preservation of cultural identity.¹⁵⁸ Trujillo understood the franchise as a means to protect cultural identity because he believed Indians would be able to have a voice in protecting Indian interests, an understanding shared by a prominent Isleta politician today, Frederick R. Lujan.¹⁵⁹ Lujan, a member of the Isleta Tribal Council and former governor of Isleta expressed that voting rights are “how [Pueblos] want to engage ourselves.”¹⁶⁰

Other examples of efforts to utilize the franchise to bring meaningful change to Indian country are abundant, yet attitudes that reject the dual identity that voting seems to imply persist.

¹⁵⁷ Robert Burnette, *Indian Self-Rule: Firsthand Accounts of Indian-White Relations from Roosevelt to Reagan*, ed. Kenneth R. Philip (Salt Lake City, UT: Howe Brothers, 1986), 106. It is perhaps important to consider here the Burnette was from the Rosebud reservation. The Lakota Sioux colonial experience differed starkly from the Pueblos of New Mexico, and this in part could explain the differences in understanding the role of self-determination in protecting tribal identity.

¹⁵⁸ “Overview of Indian Affairs,” US Congress Special Committee on Investigations (January 30, 1989), <https://www.c-span.org/video/?5987-1/overview-indian-affairs>.

¹⁵⁹ Trujillo, interview by author; and, Frederick R. Lujan, interview by author, Isleta Pueblo, August 13th, 2019.

¹⁶⁰ Lujan, interview by author.

In 1989, Russell Means, a founding member of the American Indian Movement (AIM), proclaimed that American citizenship and by extension the franchise, are among the most detrimental policies the United States has taken. For Means, one of the most outspoken Native American activists of the twentieth century, forcing American Indians to be "subjected to American citizenship" was "a major obstacle in the free exercise of individual and tribal sovereignty."¹⁶¹ While Trujillo, the leadership of the APC, and the NCAI had argued that voting rights was a tactic to protecting tribal sovereignty, Means rejected the idea that the franchise was actually a form of self-determination. Because of these uncertainties surrounding what the franchise should mean to Indian identity the memory of Miguel Trujillo has suffered.

Today, there seems to be a growing political consciousness across Native America that again accepts and embraces the franchise as an important aspect of self-determination. In 2012, an article published in a tribal community newspaper claimed that "to not vote is a disservice to those who fought for decades to win that right for Native peoples."¹⁶² The elections of United States House Representative Debra Haaland (Laguna) from New Mexico's first congressional district and Sharice Davids (Ho-Chunk) from Kansas's third district reveal similar sentiment.¹⁶³ Both seen as important Indian leaders, their elections give a political voice to Native Americans across the country. In 2002, Native American voters were credited with helping re-elect incumbent democrat Senator Tim Johnson by a margin of only 528 votes in South Dakota.¹⁶⁴

¹⁶¹ "Overview of Indian Affairs," <https://www.c-span.org/video/?5987-1/overview-indian-affairs>.

¹⁶² Crandall, *These People Have Always Been a Republic*, 284.

¹⁶³ From correspondences between the author and Gordon Bronitsky, it seems to be that Debra Haaland was in fact inspired and potentially educated by Miguel Trujillo, further connecting the 1948 case to the election of Haaland. However, this has not been corroborated.

¹⁶⁴ T.R. Reid, "New Indian Voters Turned Race in S.D.," *Washington Post* (November 8, 2002).

Of course, as a rise in consciousness has resulted in the election of pro-Indian interest politicians, so too have efforts to disenfranchise Indian voters. In 2013, North Dakota became the state with the most restrictive voting I.D. laws in the country. Targeted primarily at restricting Native American voters, House Bill 1332 established that a permanent address was required as part of the voting process.¹⁶⁵ The legislation disproportionately affected American Indians who often do not have physical addresses on reservations.¹⁶⁶ After several North Dakota Native Americans, including Elvis Norquay, a U.S. military veteran, were denied the vote in 2014 based on the voter I.D. laws, the Native American Rights Fund (NARF) provided legal counsel in *Brakebill, et al. v. Jaeger* meant to challenge the state's legislation. On July 31, 2019, the US Court of Appeals for the Eighth Circuit accepted the results of House Bill 1332 and deemed that the voter I.D. laws did not violate the Constitution.¹⁶⁷ Rep. Deb Haaland has come out in opposition to these laws, stating that "there were laws on the books that automatically omitted Native American voters from exercising their right to vote by putting restrictions in place that disproportionately disqualify them."¹⁶⁸ These instances reveal the push and pull that still exists today over Indian electorates and shows again the complexities of indigenous voting. Certainly such restrictive voting I.D. laws suggest a fear of the power of a unified Indian voice.

Some members of the United States Congress promote Indigenous communities and voting rights through supporting legislation called the Native American Voting Rights Act. Introduced most recently again by U.S. Senator from New Mexico Tom Udall, the grandson of

¹⁶⁵ Matthew L. Campbell and Jacqueline De León, "Brakebill, et al. v. Jaeger (ND Voter ID Law), *Native American Rights Fund* (July 31, 2019).

¹⁶⁶ Lujan, interview by author.

¹⁶⁷ *Brakebill et al. v. Jaeger*, no. 18-1725 (8th Cir. 2019).

¹⁶⁸ Press Release, "Udall, Luján, NM Delegation Introduce Bicameral Native American Voting Rights Act," (March 12, 2019), <https://haaland.house.gov/media/press-releases/udall-luj-n-nm-delegation-introduce-bicameral-native-american-voting-rights-act>.

Levi Udall who decided the *Harrison v. Laveen* case, the Native American Voting Rights Act's primary goal is:

To fulfill the Federal Government's trust responsibility to protect and promote Native Americans' exercise their constitutionally guaranteed right to vote, including the right to register to vote and the ability to access all mechanisms for voting.¹⁶⁹

The Act would establish a Native American Voting task force, tribal designated voter registration sites, proper language assistance, and would make tribal identification a valid form for voting.¹⁷⁰

It has been co-sponsored by all three New Mexico House representatives, including Rep.

Haaland, as well as the state's junior Senator Martin Heinrich.¹⁷¹ Haaland expressed that she hoped the Native American Voting Rights act would "ensure everyone has equal access to make their voice heard in our democracy."¹⁷²

In a letter about the Native American Voting Rights Act, the Native American Voting Rights Coalition, the National Congress of American Indians (NCAI), and more than three dozen other voting rights advocacy groups, offered their support for the legislation and hailed Miguel Trujillo and Frank Harrison for their efforts over seventy years ago.

All of us suffer, and our elected government has less legitimacy, each time anyone, including an American Indian or Alaska Native, is prevented from registering to vote or being turned away at the polls. The Act takes significant steps towards achieving the equal political opportunities for Native Americans envisioned by Frank Harrison and Miguel Trujillo when they bravely sought to exercise their first right of citizenship over seventy years ago.¹⁷³

¹⁶⁹U.S. Senate, "A Bill to Protect the Voting Rights of Native American and Alaska Native Voters," 116th Cong., 1st sess., 6.

¹⁷⁰"A Bill to Protect the Voting Rights of Native American and Alaska Native Voters," 116th Cong., 1st sess., 1 – 31.

¹⁷¹Xochitl Torres Small represents the New Mexico 2nd district which covers the Isleta Pueblo and Ben Ray Luján represents New Mexico's 3rd district which includes the Laguna Pueblo.

¹⁷² Press Release, "Udall, Luján, NM Delegation Introduce Bicameral Native American Voting Rights Act," (March 12, 2019).

¹⁷³"A Bill to Protect the Voting Rights of Native American and Alaska Native Voters," 116th Cong., 1st sess., 1 – 31.

Because the franchise has been a pivotal aspect of American Indian politics in the second half of the twentieth century and especially in the twenty-first, as Maurice Crandall has pointed out, “it is tempting – even rewarding – to frame the narrative as one of a long struggle for Indian voting rights in New Mexico and Arizona, finally culminating in victory in the middle of the twentieth century.” Crandall correctly warned that doing so “only serves to reinforce a dominant Anglo-American historical trope.”¹⁷⁴ The franchise was not a saving grace that brought American Indians into a new political identity. The decision to embrace the franchise, like the decisions made by Indian leaders under Spain and Mexico, was and continues to be about “protect[ing] their rights as sovereign Native Nations.” In speaking about his mother’s election to the Yavapai-Apache Council, he reflected that “[indigenous people] realize that through our officers and our political activities, we continue to fight to maintain our status as sovereign indigenous nations in an imperfect system.”¹⁷⁵ The actions of Miguel Trujillo and the outcome of the *Trujillo v. Garley* case launched indigenous communities across New Mexico into a new version of that imperfect system. Voting rights represented a new tactic that could help them protect tribal identity and sovereignty.

Memory

Immediately after the *Trujillo v. Garley* decision, efforts to shape the historical memory of Miguel Trujillo began. By the mid-1950s, the Bureau of Indian Affairs (BIA), now under the stewardship of President Eisenhower, had forced Trujillo out of Pueblo politics through threats on his employment at the Laguna day school which still received funding primarily from

¹⁷⁴ Crandall, *These People Have Always Been a Republic*, 284 and 4.

¹⁷⁵ Crandall, *These People Have Always Been a Republic*, 289.

them.¹⁷⁶ In a move to separate Trujillo from the voting bloc of Indians in New Mexico, the BIA had made clear that it did not want Indian voting to continue and transferred him to a Nevada Indian day school.¹⁷⁷ When Trujillo returned to Laguna in the 1960s, the *Trujillo v. Garley* decision was already forgotten among many Pueblo leaders.

The BIA had proven effective in restricting access to the memory of Trujillo. Mentions of Trujillo and the *Trujillo v. Garley* decision are few and far between from 1948 to August 1989, when Trujillo passed, in both the media and in the historiography. In a 1988 meeting of the All Pueblo Council (APC), the executive director of the National Indian Youth Council Gerald Wilkinson hailed Trujillo's actions and his determination in bringing the franchise to Indian country. Reflecting on the 1980 democratic primary Wilkinson wrote:

I personally never thought much about the Indian vote until 1980. At that time Senator Kennedy was challenging President Carter in the Democratic primary. I had the honor of being on Senator Kennedy's campaign committee. I flew to many states to work on the Senator's behalf. In New Mexico we had 36 Indian Kennedy for President Committees. On election day over 200 Indians were hauling other Indians to the polls. In that primary 34% of all non-Indian Democrats voted but 67% of all Indian democrats voted. Kennedy won the primary by less than 5,000 votes. If Indians had voted the same percentage as other Democrats, Carter would have won. Indians won Kennedy that election in New Mexico. We have never let the Senator forget this and he hasn't. Clearly, we can be powerful at the polls.¹⁷⁸

Wilkinson applauded Trujillo for this. "The fact that Miguel Trujillo prevailed in [*Trujillo v. Garley*] means that we have a chance today to prevail in the political process. Miguel Trujillo is

¹⁷⁶ During the 1950s, even early in the decade under Truman, the BIA had adopted "termination" policy meant to end the relationship between tribes and the federal government. In bids to lessen the economic burden on the federal government, the BIA withdrew funds from tribes and reasserted their control over Indian politics.

¹⁷⁷ Trujillo, interview by author; and, Sando, *Pueblo Profiles*, 61.

¹⁷⁸ Gerald Wilkinson, "Voting Rights are Indian Rights," 1.

the father of what political power we have now and the greater political power we will achieve in the future.”¹⁷⁹

In 1989, Gordon Bronitsky’s article “Isleta’s Unsung Hero: Veteran’s toughest fight earns voting rights” was published, marking the first attempt by a historian to restore the memory of Trujillo. Bronitsky had become involved in trying to restore Trujillo’s memory in the late 1980s after Trujillo had suffered a serious stroke, rendering him largely incapacitated. He actively worked with Josephine Waconda, Trujillo’s daughter, to document his life and the *Trujillo v. Garley* decision. Joe Sando’s (Jemez) account of Trujillo in *Pueblo Profiles* marked the last attempt of anybody to consider the individual agency of Trujillo and restore his memory.¹⁸⁰ The 1998 book offered brief biographies of thirty-one Pueblo leaders. Sando recounted, through interviews with Josephine Waconda (Trujillo’s daughter), the life of Miguel Trujillo. He wrote, “in [Trujillo’s] effort to gain civil rights for Indians Trujillo confronted bias and prejudice from both Indians and non-Indians who discouraged Indian participation in the larger system of federal politics.”¹⁸¹ Ultimately, Sando argued “For his noble action and public spirit, this humble Pueblo Indian man has earned a place among the great leaders of this country.”¹⁸²

In the 1990s, after a series of lobbying campaigns by Joe Sando and Gordon Bronitsky, the city of Albuquerque agreed to make a public space honoring Miguel Trujillo. A small, cast bronze plaque was made that memorialized the *Trujillo v. Garley* decision and Trujillo himself. A small ceremony was held downtown on Martin Luther King Jr. Avenue where the plaque

¹⁷⁹ Wilkinson, “Voting Rights are Indian Rights,” 1 – 5.

¹⁸⁰ Joe Sando was a lifelong friend of Miguel Trujillo. Their shared experiences in rising to tribal power in the 1950s and their experiences in World War II may have shaped Sando’s understanding of Trujillo’s actions.

¹⁸¹ Sando, *Pueblo Profiles*, 61.

¹⁸² Sando, *Pueblo Profiles*, 64.

would be put in the Martin Luther King Jr. Memorial park. Joesphine Waconda and Michael Trujillo were both in attendance, though the event required Michael's memory be jogged before he could remember it at all before chuckling about its lack of significance.¹⁸³ The plaque, “strewn with litter and water-stained from rain... state[d] in error that [Trujillo] won voting rights for Native Americans in New Mexico in 1943, not 1948.”¹⁸⁴ The error was never fixed, and the plaque remained in place until 2009. When I went looking for this plaque in August 2019, I found nothing. In 2009 the Trujillo plaque had been stolen, melted down, and sold for scrap.¹⁸⁵ The adjacent plaque honoring Martin Luther King Jr remained. No efforts have since been undertaken to restore the Trujillo plaque or to place a new memorial. At the eulogy of Trujillo, Bronitsky said that he believes “the state, either consciously or unconsciously, has tried to bury a dark chapter in its history.”¹⁸⁶ The city's attempt to uncover this chapter of history only failed the memory of Trujillo more.

By placing the plaque next to memorials of Rosa Parks and Martin Luther King Jr, the city gave into the temptation “to frame the narrative [of Pueblo voting] as one of a long struggle for Indian voting rights... finally culminating in victory in the middle of the twentieth century.”¹⁸⁷ Trujillo’s actions did not represent the end of a long call for the franchise. Instead it demonstrated a new understanding of how to protect tribal identity and sovereignty in a colonial system. The franchise was a new tactic adopted late in a long struggle for tribal sovereignty, not the culmination of a movement to secure recognition as part of the American system.

¹⁸³ Trujillo, interview by author.

¹⁸⁴ Ray Riveria, “One Indian Hero, One Vote: History Books Ignore Miguel Trujillo even Though he Fought Stiff Odds for Indian Suffrage in New Mexico and Won,” *The New Mexican* (April 12, 1998): A1.

¹⁸⁵ Personal correspondence between author and Sherri Brueggemann.

¹⁸⁶ Riveria, “One Indian Hero, One Vote,” A2.

¹⁸⁷ Crandall, *These People Have Always Been a Republic*, 284.

In his 1989 article on Trujillo, Bronitsky ended by framing Trujillo in conversation with African American civil rights leaders. He wrote, “individuals like [Rosa] Parks and [Martin Luther] King [Jr.] gained recognition for their part in the struggle. Why hasn’t Trujillo achieved equal stature?”¹⁸⁸ This is an important question to consider, but an even more difficult one to answer. By drawing comparisons to the African American Civil Rights movement, we risk blurring the line that separates Indian problems of sovereignty and autonomy from claims for rights as American Citizens. The history of Indigenous participation in elections precedes the arrival of Europeans, and when voting rights came to New Mexican Indians in the mid-twentieth century it came as a new tactic to protecting tribal autonomy. Ultimately, when voting rights were accepted by some New Mexico’s Pueblos it was an example of their adaptive strength within the confines of colonialism and therefore carries with it a vastly different context to struggles for civil rights of other minorities in the country.

The risk of framing the *Trujillo v Garley* decision as the end of a civil rights struggle of a long fight for equality is palpable, but ultimately a disservice. As Maurice Crandall put it:

Some tellings of the history of Native American voting can be read this way: Indians suffered under Spain and Mexico, but eventually 'won' their long struggle for the right to vote in U.S. courts. Such a narrative, even if nuanced and well written, only serves to reinforce a dominant Anglo-American historical trope: namely, that what came before the U.S. seizure of much of the American Southwest from Mexico only set the stage for the more important events that would follow. Spain and Mexico were the introductory acts in this epic play, while the United States offered the dramatic conclusion.¹⁸⁹

In the end, Crandall argued that "The story of Indian voting in New Mexico and Arizona-Sonora must be seen as a long struggle to *continue* to secure the franchise - to use the vote to protect

¹⁸⁸ Bronitsky, “Isleta’s Unsung Hero,” 91.

¹⁸⁹ Crandall, *These People Have Always Been a Republic*, 3 – 4.

internal citizenship and the sovereignty of independent Native communities and thereby to challenge and subvert colonial power."¹⁹⁰

Still, because the *Trujillo v. Garley* decision was made in 1948 amid a context of shifting sentiments towards African American civil rights, it has been easy to frame Trujillo as a civil rights leader.¹⁹¹ Writing on the eve of the fiftieth anniversary of the *Trujillo* decision, in a *New Mexican* article in 1998 titled "One Indian Hero, One Vote," journalist Ray Riveria began by stating, "Seven years before Rosa Parks refused to ride in the back of the bus, Miguel H. Trujillo refused to go uncounted... While Parks' name is etched alongside Martin Luther King Jr.'s in every schoolchild's mind, Trujillo's name is scarcely mentioned if at all in state history books."¹⁹² Bronitsky, too did not separate the Indian franchise from other civil rights movements. He wrote, "...the name of Miguel H. Trujillo faded away. Few today recall him. Elsewhere in the United States the movement for equality and justice for all citizens gained momentum, changing forever the course of the country."¹⁹³

Whatever temptations there may be to frame the *Trujillo v. Garley* decision as part of a broader Civil Rights movement among Native Americans, they must be rejected. By comparing Trujillo's accomplishments directly with Civil Rights leaders, we risk completely misunderstanding the motivations of Trujillo and the broader context of Pueblo voting in New Mexico. Furthermore, in presenting Trujillo as a Civil Rights leader, we risk misrepresenting the

¹⁹⁰ Crandall, *These People Have Always Been a Republic*, 4.

¹⁹¹ Constructing a narrative that places the *Trujillo v Garley* case in a Civil Rights context also has the unintended consequence of holding Eloy Garley in contempt to Indian issues. This was not the case. Garley was in fact in support of Trujillo and a close associate of him. Today, Garley's son remains an important leader in the Los Lunas veterans association where many Isleta veterans are active.

¹⁹² Riveria, "One Indian Hero, One Vote," A2.

¹⁹³ Bronitsky, "Isleta's Unsung Hero," 90 - 91.

intentions of Pueblo Indians which has been, and always will be, to protect their tribal sovereignty and autonomy.

After the destruction of the Trujillo plaque in New Mexico, only one artifact remains that preserves the legacy of Trujillo and Indian voting – a poster in the Indian Pueblo Cultural Center (IPCC) in Albuquerque. Instead of hailing Trujillo as a Civil Rights hero, recognizing his place in New Mexico’s history is perhaps the first important step. What Pueblo Indians have made of the franchise in the last sixty years show that voting remains controversial, but that does not mean that Trujillo should remain a footnote in history books. Trujillo effectively demonstrated that American Indians find unique ways to protect tribal culture. Voting rights was not in any way simply about being able to vote. Participating in American elections is in itself an expression of tribal self-determination and an act of sovereignty. It is also perhaps worthwhile to give more thought to a new memorial to Trujillo that connects him to the people who came before him and fought for the same recognition of sovereignty and autonomy.

CHAPTER 4:

CONCLUSION

“These Indian wars aren’t over, only the battlegrounds have changed. Now we’re in courtrooms.”¹⁹⁴ – Juan Mancias, Chairman Carrizo

When the *Trujillo v. Garley* decision was passed down New Mexico’s Pueblo Indians entered a new era of political agency. Many have remained suspicious of voting rights to this day, but others have become fluent in their new act of self-determination. In 1988 when the APC held a convention to honor Miguel Trujillo, they again made calls for voter participation and harkened to the importance of Trujillo as a leader. When Gerald Wilkinson delivered his speech at the convention, he did so trying to remind people of the sacrifices of the people who came before in pursuing sovereignty. He attempted to remind the Pueblo people that what Trujillo fought for was more political autonomy than they had. He proclaimed, “We are here today to honor Miguel Trujillo whose act of heroism did so much to honor all of us. Sometimes what we consider at the time to be a small thing in our lives turns out to be an event of enormous importance.”¹⁹⁵

When first considering this project, it was tempting to frame Trujillo as an individual actor who suddenly in the 1940s, amid a national sentiment shift, decided to challenge Indian voting. It was not until I began to consider how the history of Pueblo voting, political participation, and sovereignty influenced him that I began to think otherwise. After interviewing Michael Trujillo, it became apparent to me that this was a story far more nuanced than I had

¹⁹⁴ Juan Mancias quoted in Nina Lakhania, “‘That’s Genocide’: Ancient Tribal Graves Threatened by Trump Border Wall,” *The Guardian* (December 16, 2019).

¹⁹⁵ Wilkinson, “Voting Rights are Indian Rights,” 1.

anticipated. This point of view was only solidified when Maurice Crandall's research became available.

Acts of resistance, small or large, have defined Pueblo politics since the Spanish period. Since the Spanish arrived in New Mexico *en masse* in 1598, the Pueblos, like every other Native American group, have been forced to find ways to navigate the system and find small, meaningful ways to express sovereignty. While at first the Pueblos had managed to negotiate a hybridized political system that allowed them relative autonomy, later periods were marked by much more stark rejections of Indian sovereignty. Navigating the colonial system has been the legacy of conquest among Native Americans. From initial violent resistance to participating and engaging in American politics, Native Americans have been arguing for a recognition of their sovereignty from the start. In 2019, as President Donald J. Trump worked to build a border wall separating the United States from Mexico, his actions impeded on the sovereignty of the Carrizo peoples in south Texas. Like Trujillo over seventy years before, the leadership of Carrizo chose to challenge the courts and assert Indian self-determination. The Chairman of the Carrizo, Juan Mancias, succinctly described this new way of navigating the colonial system. "These Indian wars aren't over, only the battlegrounds have changed. Now we're in courtrooms."¹⁹⁶ Voting rights and court challenges were new tactics to fighting the Indian wars.

A new memorial is under consideration by the City of Albuquerque to honor Miguel Trujillo. His face will be immortalized by an artist on Martin Luther King Jr. Boulevard in Albuquerque, New Mexico, near where the previous memorial was. Alongside Rosa Parks and Martin Luther King Jr., Trujillo will be painted into a mural in a reimagining of the Civil Rights

¹⁹⁶ Juan Mancias quotes in Nina Lakhania, "That's Genocide': Ancient Tribal Graves Threatened by Trump Border Wall," *The Guardian* (December 16, 2019).

park downtown. Perhaps this is the wrong step to be making when Indians themselves are still coming to terms with the complexity of participating in United States elections. By raising him as a civil rights hero, the city not only repeats the same disservice it committed when it erected its first memorial in the 1990s, it also continues to reject the long history of Indian voting in the state. Instead of dismissing the history of Indigenous electorates, it is time for the state to recognize that Indians have been, and will always be, fighting for their recognition as sovereign nations. As Crandall responded to his own call to raise the generations before Trujillo as important figures of Indian history, this thesis has responded to his call to bring Trujillo's story into context.

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