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SENATE

{ REPORT
No. 1645

QUALIFICATIONS OF VOTERS IN ALASKA

FEBRUARY 26, 1927.—Ordered to be printed

Mr. WILLIS, from the Committee on Territories and Insular Possessions, submitted the following

REPORT

[To accompany H. R. 9211]

The Committee on Territories and Insular Possessions, having had under consideration H. R. 9211, report it back without amendment and recommend its passage.

The facts necessitating this legislation are clearly set forth in the House report, which is hereto attached. This report is as follows:

The bill is designed to alter the existing election laws of Alaska in only one particular. It provides a literacy test for voters. At the present time there is no such test in Alaska, and under existing law any citizen of the United States and of the Territory of Alaska is permitted to vote regardless of his or her mental qualifications.

The test provided in the bill is considered by your committee to be a fair test and is in accord with the law of most of the States of the Union. Most of the very few States that have no literacy test for voters have no need of it, since there is scarcely any illiteracy in those States. The majority of States, however, have even stronger provisions on the subject than is included in this bill.

The bill provides that every person, before being allowed to vote, shall, without the aid or assistance of any person whomsoever, legibly sign his or her full name, and write his or her sex and address in the registration or poll book. If he or she appears to the election officers, or any one of them, not to have the ability to read and write as required by the bill, they shall then be required in the presence of the election officers to read in the English language a passage of not less than 10 lines chosen at random by the election officers, or some one of them, from the Constitution of the United States, and to legibly write in the English language a passage of not fewer than 10 consecutive words similarly chosen from the Constitution of the United States.

The bill was indorsed and its approval urged by numerous citizens, civic organizations, and officials of the Territory. Among others your committee received telegrams, letters, or petitions in the behalf of the enactment of this measure from the following: Hon. J. J. Connors, mayor of Juneau, and the Juneau Chamber of Commerce; the American Legion, Department of Alaska; the Commercial Club of Ketchikan; the Sitka Post of the American Legion; the Fairbanks Commercial Club; the Petersburg Commercial Club; the mayor of Anchorage, and the Anchorage Chamber of Commerce; the Cordovia Chamber of Commerce; the Wrangell City Council; and numerous others.

Your committee finds that there is a very urgent necessity for the approval of such legislation and that the people of Alaska demand it.

The Legislature of the Territory of Alaska has not the authority to enact the required remedial legislation. The attorney general of Alaska gave the 1925 legislature a written opinion that it had no authority to enact legislation requiring an educational test for voters.

Your committee is informed in a telegram from Mayor J. J. Connors and Mr. Shattuck, president of the Chamber of Commerce of Juneau, that a careful check of the returns of the 1924 general election shows a minimum of 1,100 Indian votes in that judicial division, and that 90 per cent of the Indian vote is illiterate and incapable of intelligent exercise of the franchise.

Two years ago Congress enacted a law granting all Indians in the United States and its Territories citizenship. This did not grant Indians in the States the privilege of the franchise. In Alaska, however, it carried with it the right to vote, since there was no literacy test under the Territorial election laws.

In addition to the Indian illiterates there are a considerable number of illiterate Russian creoles and aleuts who are exercising the privilege of the franchise.

The vote of the Indians in the first division of Alaska in 1924 has been variously estimated at from 840 to 1,170.

There is evidence at hand to show that the illiterate Indians were carefully schooled to mark their ballots in accordance with marked sample ballots. It has repeatedly been charged that in some communities the Indians were supplied with perforated sample ballots which the voter laid over the official ballots and marked through the perforations. It has been stated by one of the canvassing officers that one ballot that came to his attention had the crosses marked diagonally across the ballot and not in front of the names of the candidates.

In some of the Indian villages every ballot cast was a duplicate of every other so far as persons voted for went. This is cited as one indication of the lack of independence and knowledge on the part of the voters.

At Yakutat some 29 votes cast and counted were written in longhand. They were all in the same handwriting and marked in the same way.

The Territorial election law of 1915 had been held to be void so far as the penalties provided for illegal voting and false swearing are concerned.

Prior to the passage of the act of 1924 making all Indians citizens, Alaska Indians were not qualified as citizens under the Indian severalty law of 1887, and they could not vote.

Most of the illiterate Indians who vote are wards of the United States Government to the extent that they are assisted by the Government and enjoy certain exclusive privileges.

The bill does not impose any restrictions upon Indian citizens that it does not also impose on all other races. It applies purely to illiterates, but it so happens that the great majority of the illiterates in Alaska who do now exercise the franchise are Indians.

If all the illiterate Indians, Aleuts, and Eskimo in the Territory were to vote, and the vote should be consolidated, as the Indian vote in southeastern Alaska now is, there would be perhaps seven or eight thousand additional illiterate votes cast.

Nearly all of the Indians, Aleuts, and Eskimo in Alaska retain their tribal customs and laws. The population of Alaska is about 52,000, several thousand more than one-half being illiterate Indians, Aleuts, and Eskimo.

The literacy test provided is to protect the Government from the dangers incident to the control of elections by the group voting of an illiterate citizenry. The younger Indians are being educated, and many now of voting age are educated. They will and should qualify to vote.

The general purpose of the bill is to provide an educational qualification for suffrage in Alaska. This proposed legislation is drawn along the lines familiar in many of the States and is believed to be a wise step forward. The restrictions are not such as to bear heavily upon the population, but are calculated to encourage better preparation for the duties of citizenship and greater purity and sanctity of the ballot.