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FROM SUFFRAGE TO SUBSTANTIVE HUMAN RIGHTS: THE
CONTINUING JOURNEY FOR RACIALLY MARGINALIZED
WOMEN

BANDANA PURKAYASTHA*

This Article highlights racially marginalized women's struggles to substantively access rights. Suffrage was meant to acquire political rights for women, and through that mechanism, move towards greater equality between women and men in the public and private spheres. Yet, racial minority women, working class and immigrant women, among others, continued to encounter a series of political, civil, economic, cultural, and social boundaries that deprived them of access to rights. From the struggles of working-class immigrant women for economic rights, to equal pay, and better work conditions, to the struggles of Japanese American women who were interned because they were assumed to be "the enemy" of the state, the history of the twentieth century is replete with contradictions of what was achieved in the quest for rights and what was suppressed. This Article touches on some key moments in history to illustrate the struggles of racially marginalized women to build lives of human dignity—lives that are secure from bodily harm, and from severe economic, social, and political inequalities. The quest for rights—human rights that might help secure the conditions that enable people to build secure, dignified lives—remains an unfinished journey.

INTRODUCTION

June 4, 1919, when the Nineteenth Amendment was passed by both houses of Congress, was a culmination of a long struggle for women to get the right to vote. In 1920, Tennessee became the last state needed to

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ratify women's right to vote, and the deciding vote was cast by Harry T. Burn, apparently at his mother's behest; this ratification is another remarkable victory in this long journey.¹ The road was paved with conflicts within the suffrage movement, as well as the conflicts with other groups outside the movement as people fiercely opposed the idea of women's suffrage. Yet, as this Article will highlight, it is not enough to examine this achievement through the lens of men vs. women's rights alone. An intersectional lens, one that examines access to political rights by focusing on how structures of race and class intersect with structures of gender, offers a more complex picture of a process that led to unequal freedom—consequently, an unfinished journey—for different groups of women. As Evelyn Nakano Glenn argued in her book *Unequal Freedom*, even after formal documents and rulings define rights, these rights are often re-interpreted and boundaries reinforced at local levels to ensure that some groups cannot access rights.² These patterns of inclusion and exclusion have led to a parallel journey by non-white groups for rights, a journey which remains unfinished today.

About ten years before the House of Representatives passed the Nineteenth Amendment, young women who worked in textile factories in New York City went on strike to protest unequal pay, harsh work conditions, and the racist, sexist, and classist supervision that consigned their lives to ongoing misery.³ It was not as if working class women were not part of the suffrage movement—after all, the ratification of the Nineteenth Amendment was achieved first in the western states, where people recognized that women were workers, often as co-participants in the quest to create homesteads.⁴ But these young women in New York were “immigrants” and, consequently, racial outsiders. Their struggles for economic and social rights did not draw the support of the mainstream women's movements.⁵ At the same time, the contributions of African

1. For an account, see, for example, A. Elizabeth Taylor, *Tennessee: The Thirty-Sixth State*, in *VOTES FOR WOMEN!: THE WOMAN SUFFRAGE MOVEMENT IN TENNESSEE, THE SOUTH, AND THE NATION* 53, 59 (Marjorie Spruill Wheeler ed., 1995).

2. EVELYN NAKANO GLENN, *UNEQUAL FREEDOM: HOW RACE AND GENDER SHAPED AMERICAN CITIZENSHIP AND LABOR* 132–33 (2002).

3. ANNELISE ORLECK, *COMMON SENSE AND A LITTLE FIRE: WOMEN AND WORKING-CLASS POLITICS IN THE UNITED STATES, 1900–1965* 5 (2d ed. 2017).

4. Claire Phelan, *So Long the Journey: The Study of Women in the American West*, 4 *J. ARTS & HUMAN.* 48, 48–58 (2015). See also CORRINE M. MCCONNAUGHY, *THE WOMAN SUFFRAGE MOVEMENT IN THE AMERICAS: A REASSESSMENT* 207 (2013).

5. A few activists did support these women, but that support did not alter the position of the dominant movements. This pattern, where a few groups have sided with racial minorities

American women and men to this cause, their key role at different stages of the movement as well as their conception of rights which went well beyond the mere right to vote, remained, and continues to remain, under-acknowledged.⁶ Racist ideologies also continued to shape policies and practices that enforce a wide variety of boundaries in matters of politics, social life, and economic opportunities against many other citizens and immigrants of color. In the next few sections, I discuss the struggles over rights, how rights have been claimed, and identify impediments to rights. As described in Part I, I use an intersectional approach to reflect on the struggles, and I situate the idea of rights within a wider human rights framework to encapsulate the ways in which racialized minority women (and men) have articulated rights. Their continued struggle to achieve these rights, described in Part II of this Article, reflects the “unfinished journey.”

I. “THE ILLUSION OF SUFFRAGE” THROUGH AN INTERSECTIONAL AND HUMAN RIGHTS ENTERPRISE FRAME

In her article *The Illusion of Suffrage*, Ronnie L. Podolefsky documented how a variety of structural conditions, such as the poll tax, prevented women from exercising their vote after the Nineteenth Amendment was passed and ratified.⁷ While 2019 marked the celebration of a hundred years of women’s suffrage in the United States, many of the discussions have focused on the rights of women *qua* women. Yet, recent work on intersectionality has pointed out that the intersections of the structures of gender, race, class, and sexuality often provide a more nuanced and robust account of the disparate outcomes that diverse groups of American women have experienced.⁸ The intersectionality frame

or working-class women, while the dominant streams of rights movements opposed their inclusion, have been true throughout U.S. history. In this article, I emphasize the prominent women’s organizations did not include these marginalized women’s demand within their spectrum of advocacy. Evelyn Nakano Glenn argues that the Progressive Era women’s movement was “often premised on the notion of women’s role as domestic housekeepers [which] uniquely qualified them to clean up and reform politics. This approach made the suffrage movement less able to forge alliances with working-women, new immigrants, and blacks.” GLENN, *supra* note 2, at 47.

6. *Id.* at 46; *see generally, e.g.*, AFRICAN AMERICAN WOMEN AND THE VOTE, 1837–1965 (Ann D. Gordon et al. eds., 1997).

7. *See generally* Ronnie L. Podolefsky, *The Illusion of Suffrage: Female Voting Rights and the Women’s Poll Tax Repeal Movement after the Nineteenth Amendment*, 73 NOTRE DAME L. REV. 839 (1998).

8. *See generally, e.g.*, PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT* (1990); GLENN, *supra* note 2.

continues to reveal a series of boundaries, impediments, and violence that groups deemed non-white had to navigate in order to exercise their right to vote.⁹ Thus, any study of the history of how racial categories were created or changed, over the nineteenth and twentieth centuries,¹⁰ shows the ways in which dominant groups continued to hold the power to prevent people from accessing rights. An intersectional approach for understanding the unfinished journey towards suffrage reveals two principle boundaries: one maintaining white privilege (and non-white marginalization) and another the boundary between citizen and foreigner. Over the past hundred years, these boundaries have intermingled, and have contributed to this unfinished journey for most racial minority women.

From the late nineteenth century to the twenty-first, the laws governing migration, settlement, and citizenship in the United States have reflected an uneasy intersection between the country's need for cheap labor and continued political reluctance to allow the newest labor migrants access to any modicum of political rights.¹¹ The structural boundaries against "inappropriate foreigners" in the United States have often borrowed from racist logics used against native women, i.e., African American women, Native American women, and women of Latino origin who resided within the United States for centuries, to construct the restrictions under which "foreigners" were to live their lives in the United States.¹² These structural boundaries included anti-miscegenation laws, stringent segregation of housing and education, indentured forms of labor or slavery, little to no rights to own property, participate politically, or

9. For a longer discussion of racism and how this affected the journey towards women's suffrage, see generally LAURA E. FREE, *SUFFRAGE RECONSTRUCTED: GENDER, RACE, AND VOTING RIGHTS IN THE CIVIL WAR ERA* (2015).

10. GLENN, *supra* note 2. Evelyn Nakano Glenn, among others has described how slave owners created the category "black" from a variety of African origin groups, and then used the one drop rule to ascribe this category to "mixed-race" people. Simultaneously a series of policies and practices prevented "blacks" from accessing political rights. *Id.* On the other end of the spectrum, Noel Ignatiev's book documents how the Irish, once considered to be non-white, captured voting booths to vote for their candidates and keep others out, and joined in violence against African Americans, Latinos and Asians in order to acquire their status of being part of the white group. NOEL IGNATIEV, *HOW THE IRISH BECAME WHITE* (Routledge 1995).

11. For discussions on Asian American migration and the history of discriminatory laws, policies, ideologies, and practices that restricted the lives of Asian-origin migrants, see generally ANGELO ANCHETA, *RACE, RIGHTS AND THE ASIAN AMERICAN EXPERIENCE* (1998); YEN LE ESPIRITU, *ASIAN AMERICAN WOMEN AND MEN: LABOR, LAWS, AND LOVE*, (2d ed. 2007); U.S. COMM'N ON CIVIL RIGHTS, *CIVIL RIGHTS ISSUES FACING ASIAN AMERICANS IN THE 1990'S* (CreateSpace Indep. Publ'g Platform 2015).

12. GLENN, *supra* note 2.

even testify on their own behalf in courts.¹³ An intersectional lens reveals how the unfinished journey for suffrage reflects these intersecting boundaries which excludes groups from *substantively* accessing this right.

While suffrage focuses on the acquisition of political rights, the underlying objective is to exercise the ability to participate fully, as equals of enfranchised men, in the nation's affairs. Along with the right to vote, scholars have pointed to other rights—civil, economic, social, and cultural—necessary to fulfill the objectives of political rights and acquisition of the kind of material circumstances that enable people to exercise franchise.¹⁴ Indeed, as Carol Anderson's book on African Americans and the struggle for human rights points out, the mere fact that suffrage was granted did little to erase the violence and local impediments that prevented African Americans from accessing their right to vote.¹⁵ Similarly, others have documented a series of boundaries that people of Asian and Latino origins faced as they struggled to acquire the right to vote.¹⁶ At the same time, these groups have continued to protest, organize, and struggle to access rights so that the understanding of the unfinished journey includes both an account of the boundaries and of the struggles.

Along with an intersectional lens highlighting the structural boundaries that diverse groups of women have faced in their quest for suffrage, this Article draws upon another concept—"human rights

13. See generally *ESPIRITU*, *supra* note 11.

14. For accounts of the violations of these rights in the United States, see generally *HUMAN RIGHTS IN OUR OWN BACKYARD: INJUSTICE AND RESISTANCE IN THE UNITED STATES* (William T. Armaline et al. eds., 2011). For the roots about the argument about social and economic rights, see generally T.H. MARSHALL, *CLASS, CITIZENSHIP, AND SOCIAL DEVELOPMENT* (Doubleday 1964). The pertinent point is that many groups, including the poor of all racialized groups, cannot take many the other rights for granted so their struggles inevitably involve struggles over a variety of rights. For the racialized minority groups, there are extra burdens involved with breaking through the intersecting race/class/gender barriers in order to access rights substantively.

15. CAROL ANDERSON, *EYES OFF THE PRIZE: THE UNITED NATIONS AND THE AFRICAN AMERICAN STRUGGLE FOR HUMAN RIGHTS, 1944–1955* 58–62 (2003). See Podolefsky, *supra* note 7, for a discussion about the poll tax. Similarly, literacy tests further undermined women's rights to vote in an era when it was not typical for women to get an education. In her 2003 book, Anderson describes the large-scale violence and hosts of local laws and practices that intended to prevent African American women and men from voting. ANDERSON, *supra*, at 58–65 (on violence).

16. There is a vast literature on the subject of racial minority voting and political participation. See generally, e.g., MARISA ABRAJANO & ZOLTAN L. HAJNAL, *WHITE BACKLASH: IMMIGRATION, RACE, AND AMERICAN POLITICS* (2015); Su Sun Bai, *Affirmative Pursuit of Political Equality for Asian Pacific Americans: Reclaiming the Voting Rights Act*, 139 U. PA. L. REV. 731 (1991); Jeanette Wolfley, *You Gotta Fight for the Right to Vote: Enfranchising Native American Voters*, 18 U. PA. J. CONST. L. 265 (2015).

enterprise.”¹⁷ The term “human rights” captures the spectrum of rights—political, civil, economic, social, and cultural—that non-white groups have articulated as a key to becoming equal as citizens.¹⁸ For instance, African American experiences have shown that organized violence as well as local laws that require extra proof to qualify for voting substantively erode the intentions of suffrage.¹⁹ This history of struggle emphasizes that the exercise of political rights cannot be easily separated from access to civil, economic, and social rights. Thus, human rights, as used in this Article, indicate the linked nature of rights. At the same time, the human rights enterprise approach emphasizes that access to rights emerges through a terrain of struggle for these rights. The Civil Rights movement, for instance, included struggles to access voting rights along with struggles to access related social and economic rights, including non-segregated education and housing that had been upheld through *Plessy v. Ferguson*’s²⁰ principles of separate but equal. The United States, like many nation-states, has not easily conferred rights to groups beyond those whose rights were enshrined during the drafting of the Constitution; many rights have been achieved through organized social movements making claims upon the state. The women’s suffrage movement, the Civil Rights movement, and the LGBTQ movement are part of this long history of breaking boundaries to seek rights.

This Article draws upon these two concepts—intersectionality and human rights enterprise—to discuss *substantive* access to rights. Substantive access refers to the actual ability of groups to exercise their rights. This Article mostly uses examples drawn from immigrant groups,²¹ especially women of Asian origin, to illustrate why and how a

17. WILLIAM T. ARMALINE, DAVITA S. GLASBERG & BANDANA PURKAYASTHA, *THE HUMAN RIGHTS ENTERPRISE: POLITICAL SOCIOLOGY, STATE POWER, AND SOCIAL MOVEMENTS* (2015) (discussing primarily the articulation and achievement of human rights as outlined at the international level through the charter of human rights; but including the overlap between the Civil Rights struggles in the United States and American involvement in the creation of human rights).

18. *Id.* at 18.

19. For barriers on voting, see, for example, Podolefsky, *supra* note 7, at 839. *See generally, e.g.*, HANDS ON THE FREEDOM PLOW: PERSONAL ACCOUNTS BY WOMEN IN SNCC (Faith S. Holsaert et al. eds., 2010).

20. *See, e.g.*, Ethan P. Fallon, *The Lingering Battleground Between Race and Education*, 60 LOY. L. REV. 727, 739 (2014); *see generally* *Plessy v. Ferguson*, 163 U.S. 537 (1896), *overruled by* *Brown v. Board of Educ.*, 347 U.S. 483 (1954).

21. The line between immigrants and natives is tenuous. Both accounts of Latinas and Asian Americans show that these groups are assumed to be immigrants in spite of their centuries-long presence in the United States. Here, I pick Asian American examples partly

narrow imagination of women *qua* women's right to vote has paved the path of the unfinished journey. There is a significant amount of scholarship on the experiences of those who were abducted, enslaved, or indentured under conditions that resembled slavery in all but name.²² Similarly, the scholarship on Native Americans is replete with genocide, abuse and abduction of Native women by settler colonialists.²³ These scholarly accounts inform this Article even though I focus mostly on women of Asian origin. The next Part draws upon immigrant examples to discuss some key themes that illustrate the reasons for an unfinished journey. The conclusion is a reflection on substantive human rights as a way of thinking about suffrage.

II. LOCAL SPACES AND INTERNATIONAL PLATFORMS. WHOSE RIGHTS? WHOSE VOICES?

A. *Local Struggles*

The first two decades of the early twentieth century—when women's right to vote was granted and ratified—were marked by the arrival of large numbers of immigrants from Europe to the United States. This was also a period when there were strong feelings against the latest immigrants, and a series of laws restricted the arrival and living conditions of migrants.²⁴ These bans followed earlier attempts to prevent specific groups of migrants from coming to the United States. In the nineteenth

because of some of the historical cases that illustrate the fights over suffrage through the years. My own knowledge and understanding also contribute to this decision. *See also infra* Subpart II.A (local struggles).

22. *See generally* ISABEL WILKERSON, *THE WARMTH OF OTHER SUNS: THE EPIC STORY OF AMERICA'S GREAT MIGRATION* (2010). Wilkerson describes the easy impunity with which the labor of African Americans and their bodies were commandeered by former slave owners. *Id.* One of the greatest, yet invisible, migrations in American history, the migration of millions of African Americans from the American South to the North, was a response to the violent oppression of indentured African Americans. For the condition of Asian American women, see *supra* note 11. For a discussion of Native American women, see *infra* note 23.

23. *See generally* ALISSE PORTNOY, *THEIR RIGHT TO SPEAK: WOMEN'S ACTIVISM IN THE INDIAN AND SLAVE DEBATES* (2005); Hilary N. Weaver, *The Colonial Context of Violence: Reflections on Violence in the Lives of Native American Women*, 24 *J. INTERPERSONAL VIOLENCE* 1552 (2009).

24. *See generally* RITA J. SIMON & SUSAN H. ALEXANDER, *THE AMBIVALENT WELCOME: PRINT MEDIA, PUBLIC OPINION AND IMMIGRATION* (1993), to get a sense of the newspaper discourse and political party manifestos discussing the morals, character, and potential for assimilation and threat that these migrants posed to the American nation. For a discussion of the immigration laws, see *First Arrivals, First Reactions: U.S. House of Representatives: History, Art, & Archives*, U.S. HOUSE OF REPRESENTATIVES, <https://history.house.gov/Exhibitions-and-Publications/APA/Historical-Essays/Exclusion-and-Empire/First-Arrivals/> [<https://perma.cc/J49P-R3PE>].

century, the arrival of the Chinese was seen as a threat to white American labor and nationhood, and laws were passed to control these “Orientals” as they were called at that time.²⁵ First, Chinese women were subject to a migration ban via the Page Act of 1875,²⁶ which prohibited Chinese women from migrating unless they could prove they were *not* prostitutes.²⁷ The ban against Chinese women migrating to the United States meant that the Chinese laborers could not form families and have children.²⁸ The severe restrictions on Chinese women’s migration were followed by the ban on all Chinese migration in 1882.²⁹ As male migrants began to be recruited from Japan to fill some of the labor shortages, resulting from the Chinese migration bans especially in Hawaii, the Japanese government and the United States cooperated on the “Gentlemen’s Agreement” in 1907³⁰ to control Japanese labor migration. This agreement allowed the wives of male migrants to follow their husbands. These women were then recruited to work in the fields and domestic care labor to other male workers.³¹ Similarly, informal agreements with the United Kingdom to shut down the routes of potential migrants from its colonies affected the migration of people from the Indian subcontinent.³² Some Indian males, who had been moved by the British Army to China, were able to migrate to the United States via

25. See generally Mark Kanazawa, *Immigration, Exclusion, and Taxation: Anti-Chinese Legislation in Gold Rush California*, 65 J. ECON. HIST. 779 (2005); Edward J.M. Rhoads, “White Labor” vs. “Coolie Labor”: The “Chinese Question” in Pennsylvania in the 1870s, 21 J. AM. ETHNIC HIST. 3 (2002).

26. Page Act of 1875, Pub. L. No. 43–141, 18 Stat. 477.

27. See sources cited *supra* note 11. For a longer discussion of the impact of this ban on the Chinese immigrant community, see ENTRY DENIED: EXCLUSION AND THE CHINESE COMMUNITY IN AMERICA, 1882–1943 (Sucheng Chan ed., 1991).

28. A series of other laws prohibited laborers from marrying other women. See generally, e.g., Deenesh Sohoni, *Unsuitable Suitors: Anti-Miscegenation Laws, Naturalization Laws, and the Construction of Asian Identities*, 41 L. & SOC’Y REV. 587 (2007).

29. ENTRY DENIED, *supra* note 27; ESPIRITU, *supra* note 11.

30. ASIAN AMERICAN SOCIETY: AN ENCYCLOPEDIA 557 (Mary Yu Danico & Anthony C. Ocampo eds., 2014).

31. See generally EVELYN NAKANO GLENN, ISSEI, NISEI, WAR BRIDE: THREE GENERATIONS OF JAPANESE AMERICAN WOMEN IN DOMESTIC SERVICE (1986).

32. Some of these agreements were enforced through bans on migrants who would need more than a single continual journey to reach the United States. See generally S. Chandrasekhar, *History of United States Legalization with Respect to Immigration from India*, in FROM INDIA TO AMERICA: A BRIEF HISTORY OF IMMIGRATION, PROBLEMS OF DISCRIMINATION, ADMISSION AND ASSIMILATION 11–28 (S. Chandrasekhar ed., 1982); S. Chandrasekhar, *The Emigration and Status of Indians in the British Empire*, 24 SOCIAL FORCES 152 (1945).

Canada, but there was no provision for female migration.³³ Other migration bans against Asians, including the Immigration Act of 1917,³⁴ created from an Asiatic barred zone from Turkey to Polynesia, followed by the National Origins Act of 1924,³⁵ continued to restrict migration. At the same time, local laws and policies, along with violence against people of Asian descent ensured that lives of these foreign men and women would not benefit from the suffragette victories of 1919.³⁶ Neither the demands for economic and social rights, that is, labor, education and housing rights, nor the publicizing of large-scale violence against immigrant groups, nor the movements and protests they initiated demanding rights to education and citizenship in exchange for labor, drew much support from the dominant factions of the suffrage movement. The suffrage movement continued to focus on women *qua* women, while racist laws ensured that many groups would not fall within the definition of “woman”; instead,

33. The British colonial powers in India strictly controlled the migration of the colonized, so that the United Kingdom alone could benefit from its widespread use of indentured colonial labor across their own colonies. As a result of the informal agreements between the United Kingdom and the United States, Indians were only allowed to migrate until 1917, provided they could arrive in a single journey—a geographical and technical impossibility in those days. The men in the Indian army were in China, from where a single—albeit perilous—sea journey was possible. In *Making Ethnic Choices: California’s Punjabi Mexicans* (1994), Karen Leonard discusses that some of these Indian men were later able to marry Mexican-origin women, creating Punjabi-Mexican communities. However, Mexican-origin people also faced a series of local law and policy restrictions that circumscribed their lives severely. Access to suffrage was rarely possible for them.

34. Immigration Act of 1917, Pub. L. No. 64–301, 39 Stat. 874.

35. See Immigration Act of 1924 (Johnson-Reed Act), Pub. L. 68–139, 43 Stat. 153. This law applied to all migrants, including those from Southern and Eastern Europe.

36. Juan Gonzales and others have provided many details about each of these groups, illustrating how the national laws intersected with state and local policies and ordinances. See generally JUAN GONZALES, *RACIAL AND ETHNIC GROUPS IN AMERICA* (1990). These laws remained in place until after 1965 when the Civil Rights movement led to rethinking of race-based immigration laws. See generally ROGER DANIELS, *GUARDING THE GOLDEN DOOR: AMERICAN IMMIGRATION POLICY AND IMMIGRANTS SINCE 1882* (2004), which describes the slight easing of these bans as a door opening slightly, from the 1960s, to ensure the arrival of highly-educated migrants, the group of doctors, engineers and scientists whose expertise was most in demand at that time. Given the selection process of these laws, the primary immigrants were mostly male. For a specific account of the experience of these laws, see generally Bandana Purkayastha & Margaret Abraham, *Feminisms in the United States Diaspora*, 54 *ECON. & POL. WEEKLY* 66–78 (2019) (including a special section on Indian diasporas). Margaret Abraham has also discussed how the restrictions on the lives of these “wives” often placed them in a relationship of coverture with their spouses. See generally MARGARET ABRAHAM, *SPEAKING THE UNSPEAKABLE: MARITAL VIOLENCE AMONG SOUTH ASIAN IMMIGRANTS IN THE UNITED STATES* (2002).

they would be treated according to the dominant identity ascribed to them: Asian, Latino, or African American.³⁷

The outcome of this lack of support for the rights of “immigrants” is starkly evident in the 1940s, at the time of Japanese American internment.³⁸ Japanese American women had only been allowed to migrate as wives, as Nakano Glenn, Monisha Das Gupta, and others demonstrate. The history of labor in Hawaii shows that these women not only provided care-work, but they also became a source of low wage labor as they worked on plantations or in domestic service.³⁹ A series of national and state laws ensured these women would never get access to U.S. citizenship, which in turn made suffrage meaningless for them.⁴⁰ Then, the onset of World War II and the Japanese Imperial Army’s attack on Pearl Harbor unleashed a storm of security fears within the United States. The forcible removal of 128,000 Japanese Americans to internment camps, two thirds of whom were American citizens (the other third being denied citizenship because of immigration policies against people of Asian origin)⁴¹ is testimony to the ways in which rights are legally and substantively withheld from selected groups of people based on the color line.⁴² Once people believed in the national security

37. See sources cited *supra* note 16.

38. On the Japanese American internment, see generally GREG ROBINSON, *A TRAGEDY OF DEMOCRACY: JAPANESE CONFINEMENT IN NORTH AMERICA* (2009); MICHU NISHIURA WEGLYN, *YEARS OF INFAMY: THE UNTOLD STORY OF AMERICA’S CONCENTRATION CAMPS* (1976); Elizabeth Rholetter Purdy, *Korematsu v. United States*, in *ASIAN AMERICAN SOCIETY: AN ENCYCLOPEDIA* 613 (2014). A key point which became evident through the internment, as well as the forcible removal of Mexican migrants in the 1950s, was that many people were not entitled to any rights beyond providing their labor. Thus, of the interned Japanese Americans, two-thirds were American citizens but the other third was not legally allowed to apply for citizenship. The forcible repatriation of Latino immigrants through “Operation Wetback” in 1954 shows a similar trajectory where long-term residents, women and men, as well as some citizens, were repatriated to “their” countries. GONZALES, *supra* note 36, at 259. See generally JUAN RAMON GARCIA, *OPERATION WETBACK: THE MASS DEPORTATION OF MEXICAN UNDOCUMENTED WORKERS IN 1954* (1980).

39. See GLENN, *supra* note 31; see generally Piya Chatterjee & Richard Cullen Rath, *Imperial Plantations: Past Present, and Future Directions*, 23 *J. HIST. SOC.* 1 (2010); see generally Monisha Das Gupta & Sue P. Haglund, *Mexican Migration to Hawai’i and U.S. Settler Colonialism*, 13 *LATINO STUD.* 455-480 (2015).

40. GONZALES, *supra* note 36.

41. See MITCHELL T. MAKI ET AL., *ACHIEVING THE IMPOSSIBLE DREAM: HOW JAPANESE AMERICANS RECEIVED REDRESS* (1999) (providing an account of the struggle over reparations); see generally WEGLYN, *supra* note 38.

42. This denial of political rights is starkly evident today among the wives of the highly skilled workers who are in the United States on H-1 visas. The wives of these workers are allowed to come to the United States legally but are not allowed to work. A narrow window of

propaganda, the question of the rights of these women (and men), most of whom were born in the United States, was answered by a resounding silence.

The lack of support for Japanese Americans who were moved to internment camps without being able to access their right to due process⁴³ is another example of the inability of groups to exercise their rights, including *women's rights*, substantively. Both the stratification of rights based on white vs. non-white binaries and the boundaries constructed between foreigners vs. natives remain relevant as structures of stratification.⁴⁴ Similarly, through the 1990s, new immigration laws further eroded female immigrants' rights.⁴⁵ These constantly changing

opportunity was opened in the Obama era, but it has been shut down during the Trump era. As Shivali Shah points out in *Middle Class, Documented and Helpless: The H-4 Bind*, in *BODY EVIDENCE: INTIMATE VIOLENCE AGAINST SOUTH ASIAN WOMEN IN AMERICA 195–210* (Shamita Das Gupta ed., 2007), these female migrants are placed in vulnerable political positions. A recent hate crime that led to the death of an Indian migrant made his widow an illegal migrant since her status was dependent on his working visa. See Lauren Smiley, *After Srinivas Kuchibhotla's Murder, Widow Fights for Her Home*, WIRED (Sept. 22, 2017), <https://www.wired.com/story/stricken-by-tragedy-an-immigrant-fights-for-her-home/> [<https://perma.cc/CJJ2-QJLD>].

43. The Japanese Americans, including those who were U.S. citizens by birth, did not have much recourse to seeking legal solutions. The *Korematsu* case (*Korematsu v. United States*, 323 U.S. 214, 217-18 (1944)) and *Hirabayashi* case (*Hirabayashi v. United States*, 320 U.S. 81, 100 (1943)) that challenged Japanese American curfew and internment ruled in favor of the government. See generally Eric L. Muller, *Korematsu, Hirabayashi and the Second Monster*, 98 TEX. L. REV. 735 (2020). There were a few exceptions to the lack of support of the people sent to the internment camps. As most major universities and colleges barred their doors to the Japanese Americans, the University of Connecticut was one of the few Eastern universities that allowed twelve young people of Japanese American ancestry, male and female, to be enrolled. This was achieved through the efforts of the local Quakers who had objected to the internment when it was imposed. They voluntarily offered to teach in the camps and later negotiated with the University to admit these American citizens. See Sherry Fisher, *Japanese-Americans Recall Special Moments at UConn*, ADVANCE (Oct. 27, 2003), <http://www.advance.uconn.edu/2003/031027/03102701.htm> [<https://perma.cc/Z2MC-S8UA>]; Cathy Schlund-Vials, *UConn Reads: Religion and Inclusion, a UConn Story*, UCONN TODAY (Feb. 28, 2017), <https://today.uconn.edu/2017/02/uconn-reads-religion-inclusion-uconn-story/> [<https://perma.cc/QK5J-4JJN>].

44. See discussion *supra* Subsection II.A. See also *supra* notes 36, 42, and 43.

45. Margaret Abraham has written about the structure of immigration laws that, in effect, place trailing spouses—often women, in positions of coverture relative to the primary migrant. See ABRAHAM, *supra*, note 36, at 51. Since the passage of the Immigration and Marriage Fraud Amendments, the trailing spouse has to prove to the immigration authorities that they have not engaged in fraudulent marriages to come to the United States after a period of three years. Those who experience domestic violence find very limited options to move out of the marriages since their political status is dependent on being able to go to the immigration services with their spouse in order to get visa on their own right. The Violence against Women's Act now provides some relief theoretically, but its provisions often create new burdens that many immigrant

immigration laws—which often affect post-immigration generations as well—contribute to the unfinished struggle for rights of different groups of women in the United States.

B. *International Platforms*

Just as immigration laws and a range of local policies against non-white persons undermined access to women's right to vote substantively, the history behind some of the key moments of the United States' international engagements on the question of women's rights were also problematic. Some American women, like Katherine Mayo or Virginia Gildersleeve—who became prominent through their writing or because of their leadership positions⁴⁶—actively engaged in suppressing the claims of political rights of women elsewhere.⁴⁷ Three examples illustrate the

women are unable to comply with. Violence Against Women Act of 1994, Pub. L. No. 103–322, 108 Stat. 1902 (codified as amended in scattered sections of 8, 18, 22, 28, 34, and 42 U.S.C.).

46. Katherine Mayo, as I discuss later in this section, wrote *Mother India* (1927), a book on the conditions of Indian women. As Mrinalini Sinha documents in *Specters of Mother India: The Global Structuring of Empire* (2006), Katherine Mayo's book was widely used by U.S. politicians and academics to formulate their ideologies about "Indian women." In *Power Interrupted: Antiracist and Feminist Activism Inside the United Nations* (2016), Sylvanna M. Falcón documents Virginia Gildersleeve's role, as a US representative to the UN. See SYLVANNA M. FALCÓN, POWER INTERRUPTED: ANTIRACIST AND FEMINIST ACTIVISM INSIDE THE UNITED NATIONS 48–50 (2016) (including Gildersleeve's position about women from "backward countries"). Gildersleeve was the Dean of Barnard College, a testimony to her achievement, as a woman, in academia. She wrote: "[A]t this stage in the advancement of women the best policy is for them is not to talk much about the abstract principles of women's rights but to do good work in any job they get, better work if possible than their male colleagues". Falcón writes that Gildersleeve was so entrenched in her position that she neither heard NAACP leader Mary MacLeod Bethune's speech on people of color in the United States, nor did she appear to know that in many of those "backward countries"—Brazil, Uruguay, and the Dominican Republic, which had women representatives seeking women's rights to be written into the U.N. charters—had the right to vote. It is not my intention to assess whether women like Katherine Mayo or Virginia Gildersleeve were actually feminist or active in the U.S. women's movement. However, in the case of Indian women's quest for suffrage and political independence, and within the United Nations deliberations, Mayo and Gildersleeve became de facto representatives of "American women's voices." As a result, their roles are widely criticized globally by women's groups in the Global South and they have been used as exemplars of the problems of thinking about women qua women in the quest for women's rights.

47. Some of these threads of support or opposition require a longer historical account. India presents an excellent example of women's quest for equality, emancipation, and ultimately suffrage from the late nineteenth century. However, as Radha Kumar documents, when women in British colonies (of that period) organized for suffrage, British and American suffrage leaders often sided with their governments' imperial policies and with proselytizing Christian groups, in deciding not to align with these colonized women in their search for freedom from colonialism and suffrage. RADHA KUMAR, THE HISTORY OF DOING: AN ILLUSTRATED

ways in which some American women played important roles in undermining the claims for women's rights elsewhere.

During the late nineteenth and early twentieth century, the same period as the U.S. suffragettes' struggle for their right to vote, India, then a British colony, was the site of a significant women's movement. This women's movement in India, with national, regional and local organizations engaged in activism, raised consciousness about women's rights, made claims on why women should be given the right to vote, and demanded a variety of rights—education, marriage and inheritance.⁴⁸ Indian women's groups presented their demands repeatedly to the British colonial government; their claim for the right to vote was rejected by the British in 1918. When Indian women leaders sought the help of British feminists, they offered to “save” their “Indian sisters” from Indian men, but were not open to providing political support for their demands for suffrage.⁴⁹ However, the efforts of the British to deny Indian women their rights rested, among other rationales, upon a book by American author Katherine Mayo.⁵⁰ Her 1927 book *Mother India* was constructed as the most “authoritative” account of the degradation of Indian women; this account enabled the British colonial power to justify its presence in India to save Indian women.⁵¹ This lack of support is especially remarkable because, by 1920, many of those political-rights-seeking women had already been elected as leaders of the political organizations that Indians—men and women—had organized.⁵² Much like the United States and Western Europe, not every woman was involved in the struggle for suffrage, but a large number of Indian women had been part of the movements for women's rights so that they soon emerged as a formidable force in the movement for India's independence. Rebuffed by the British,

ACCOUNT OF MOVEMENTS FOR WOMEN'S RIGHTS AND FEMINISM IN INDIA, 1800–1990 88 (1993).

48. See generally *id.*; GERALDINE FORBES, *WOMEN IN MODERN INDIA* (1996); KATHERINE MAYO, *MOTHER INDIA: SELECTIONS FROM THE CONTROVERSIAL 1927 TEXT* (Mrinalini Sinha ed., 2002).

49. KUMAR, *supra* note 47.

50. MAYO, *supra* note 46.

51. See *id.*

52. The Indian National Congress (INC) was the political organization for Indians. This party, with mostly male members, elected two female leaders—Annie Besant and Sarojini Naidu—as President of INC by 1921. KUMAR, *supra* note 47.

the women leaders decided that their road to suffrage had to be part of the quest for independence from the British.⁵³

This historic case from India illustrates the ways in which racism and gender intersected in defining the access to suffrage for colonial subjects; racism as well as internal and international colonialism created boundaries for non-white groups within and beyond the United States. Within the United States, Jim Crow conditions—widespread routinized violence and lynching, segregation, laws, and policies intended to control African Americans—continued to prevail.⁵⁴ The history of the centuries long struggle for rights is written elsewhere,⁵⁵ but it is important to emphasize one aspect of this struggle: by the 1910s, and with increasing urgency by the 1940s, African American leaders sought to draw attention to apartheid within the United States. In spite of “emancipation” and the constitutional right to vote, apartheid structures continued to restrict whether African Americans—men and women—could exercise their right to vote. As part of their effort to challenge apartheid within the United States, African American leaders began to create networks and act in solidarity with other oppressed people around the world as they challenged colonialism over the first decades of the twentieth century. Carol Andersen’s seminal book *Eyes Off the Prize: The United Nations and the African American Struggle for Human Rights, 1944-1955* documents the history of African Americans’ struggle for rights within the United States and at the United Nations.⁵⁶ This claim for human rights repeatedly emphasized a focus on political, civil, economic, social *and* cultural rights—the kind of rights that racially oppressed people had been seeking for decades. African American suffragists had already found that organizing for suffrage alone was not sufficient to guarantee their voices would not be erased, nor would their claim for rights—their vision of linked rights—shape the objectives

53. Indeed, Indian independence in 1947 and the Indian Constitution that was formally adopted in 1950, reflect universal franchise and non-discrimination against groups that had been historically marginalized. Interestingly, India’s constitution, written around the same period as the Universal Declaration of Human Rights, reflects rights as linked political, civil, social, economic, and cultural rights. *See generally* KUMAR, *supra* note 47; FORBES, *supra* note 48.

54. For a description of the violence African Americans experienced, see ANDERSON, *supra* note 15 and WILKERSON, *supra* note 22. By building alliances with the Southern groups who supported these conditions, the women’s rights leaders tacitly supported this violence within the United States. *Id.*

55. *See, e.g.*, HANDS ON THE FREEDOM PLOUGH, *supra* note 19.

56. ANDERSON, *supra* note 15. For other accounts of the international movements against apartheid and racism, see GERALD HORNE, *THE END OF EMPIRES: AFRICAN AMERICANS AND INDIA* (2008) and Sean Chabots, *A Culture of Peace in Motion: Transnational Diffusion of the Gandhian Repertoire from India to the US Civil Rights Movement*, 33 PEACE RES. 29 (May 2001).

of the right to vote.⁵⁷ As they organized at the international level, they encountered powerful opponents within the United States and on international platforms where U.S. representatives tried to stifle their voices.⁵⁸

Echoes of U.S. representatives' racism and gendering were evident during the formation of the United Nations. The debates over trusteeship councils—the governance of colonies after the formation of the United Nations—were marked by the efforts of powerful countries, which had colonies, to uphold their continuing rights to exercise these powers in the colonies. Along with these debates came the discussions about the position of women within in the United Nations and the language of its charter. As Sylvanna Falcón has described, of the 160 signatories to the UN charter, only four were women.⁵⁹ Virginia Gildersleeve, from the United States, Bertha Lutz from Brazil, Minerva Bernardino from the Dominican Republic, and Wu Yi-Fang from China were the only women among the representatives of countries at the deliberations to form the United Nations. While the Latin American and Caribbean delegates advocated for the right of women to access and participate in the United Nations,⁶⁰ Gildersleeve asserted that it was unnecessary for the pro-women language to be part of the charter. She argued that women, especially those from “backward countries,”⁶¹ had to prove themselves in order to be included in such decision-making bodies. The implication that women from countries around the world had to prove themselves closely followed the colonial logic that colonial powers were in the process of bringing development and modernity to the places that lacked these conditions. A beneficiary of the women's movement in the United States, Gildersleeve became an instrument in blocking women in this international platform; eventually the U.N. charter included language that

57. For instance, Pauli Murray, the legal scholar whose work was central to the writing of the Civil Rights legislations, is relatively unknown in history though Alice Paul's role is acknowledged. *See generally* PATRICIA BELL-SCOTT, *THE FIREBRAND AND THE FIRST LADY: PORTRAIT OF A FRIENDSHIP: PAULI MURRAY, ELEANOR ROOSEVELT, AND THE STRUGGLE FOR SOCIAL JUSTICE* (2016). For the struggles over women's rights within the U.N. charters, see generally FALCÓN, *supra* note 46.

58. *See* ANDERSON, *supra* note 15, at 130–36; FALCÓN, *supra* note 46, at 86–88, 130–34; *see generally* LAURA FREE, *SUFFRAGE RECONSTRUCTED: GENDER, RACE, AND VOTING RIGHTS IN THE CIVIL WAR ERA* (2015).

59. FALCÓN, *supra* note 46, at 47.

60. *Id.* Falcón points out that the tenor of the language of the U.N. charter was about non-discrimination on the grounds of sex, and sometimes race.

61. *Id.* at 50.

the organization would place no restriction on the representation and participation of women.⁶²

Another instance of this type of global engagement can be taken from the history of the evolution of human rights. Eleanor Roosevelt, who chaired the human rights committee, is often lauded as “the” champion of human rights and women’s freedom. However, she too showed a similar reluctance to support the language of women’s rights during the writing of the Declaration of Human Rights.⁶³ Roosevelt was engaged in several controversies during this period. The official American stance was actively against the ideas of economic, social, and cultural rights, which were seen as part of the Soviet political agenda.⁶⁴ There were also bitter conflicts within the United States about the right of oppressed Black Americans to bring up the issue of racism on the global platforms, and Roosevelt was under pressure to deflect anti-racist advocacy. At the same time, Roosevelt is also on record as supporting the idea that the preamble to a human rights declaration should be written to reflect that all *men* are created equal.

As Gita Sahgal has pointed out,⁶⁵ Hansa Mehta, the representative from India, i.e., the very country where women were supposed to need the British colonial presence to save them, was a key architect in inserting the non-patriarchal language into the preamble of Universal Declaration of Human Rights (UDHR). According to Sahgal and others, Hansa Mehta was responsible for the wording of the Article I that “All human beings are equal in dignity and rights,” arguing that if the word “men” were used,

62. See *Universal Declaration of Human Rights*, U.N., <https://www.un.org/en/universal-declaration-human-rights/> [<https://perma.cc/MRB9-9P4F>] (especially the language in Article 1). For a discussion about the non-gendered language, see generally Gita Sahgal, *Who Wrote the Universal Declaration of Human Rights?*, WOMEN LIVING UNDER MUSLIM LAWS (Dec. 13, 2011), <http://www.wluml.org/news/international-who-wrote-universal-declaration-human-rights> [<https://perma.cc/FQ8H-TPV6>].

63. See REBECCA ADAMI, WOMEN AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS 67, 92 (2019).

64. ANDERSEN, *supra* note 15, at 130–34. See ADAMI, *supra* note 63; Susan Waltz, *Reclaiming and rebuilding the history of the Universal Declaration of Human Rights*, 23 THIRD WORLD Q. 437, 444 (2002). See PAUL GORDON LAUREN, THE EVOLUTION OF INTERNATIONAL HUMAN RIGHTS 215–16 (1998) for a brief overview of the earlier work by Bogdill Begtrup of Denmark, Minerva Bernadino of the Dominican Republic, and others in generating the political pressure to ensure women were included explicitly within the charter of human rights.

65. Sahgal, *supra* note 62.

the UDHR would not be regarded as inclusive but rather taken to exclude women.⁶⁶

That language continued to be the anchor for the later development of the Conventions on Women, including the Convention for the Elimination of Discrimination Against Women (CEDAW) in 1979, and declaration against violence, in the form of Declaration of Elimination of Violence Against Women (DEVAW) in 1994.⁶⁷ Along with non-gendered language, the package of human rights—*political, civil, economic, social, and cultural rights*—that were enshrined at the United Nations—reflected the kind of rights that racial minority groups in the United States and people from many colonies had sought. While many of these international conventions remain in contention in the United States today, the international journey for human rights has, at least, linked moved the conversation from the right to vote to the right to substantively access linked rights. The unfinished journeys about equity in pay, access to all kinds of education, occupations, housing, health, safety from violence, and the rights of gender non-binary groups, fall within the scope of the mainstream women's group's struggle for rights in the United States. While there is much greater recognition of the challenge faced by racially marginalized people, even *access* to political rights remains part of the unfinished journey.

III. RIGHTS IN THE TWENTY-FIRST CENTURY JOURNEYS

If these historic examples provide a glimpse into the ways in which the lack of access to a variety of rights is tied to the issue of voting rights, then the twenty-first century has created a series of new challenges. The

66. *Id.* See also ADAMI, *supra* note 63. Additionally, Hansa Mehta was one of the fifteen women who were part of the Constituent Assembly that *wrote* India's constitution. LAUREN, *supra* note 64, at 212–13, points out that another Indian female delegate, Vijay Lakshmi Pandit, was elected the President of the U.N. General Assembly; she condemned South African apartheid as a violation of the principles of the UDHR and immediately brought the issue of South African apartheid to this world body.

67. For details on CEDAW, see <https://www.un.org/womenwatch/daw/cedaw/> [<https://perma.cc/DGQ4-JK7K>]. For DEVAW, see https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.21_declaration%20elimination%20vaw.pdf [<https://perma.cc/Y93K-9V9W>]. As former Special Rapporteur on Violence Against Women, Yakın Ertürk, and I have written, each of these steps in the advocacy for women's participation and access to international platforms have constituted their substantive access to a variety of rights. See generally Yakın Ertürk & Bandana Purkayastha, *Linking research, policy and action: A Look at the Work of the Special Rapporteur on Violence Against Women*, 60 CURRENT SOC. 142 (2012). While several American women have been involved in these international struggles for institutionalizing women's rights as human rights, the United States is one of the few countries that has not ratified CEDAW.

twenty-first century data shows that gerrymandering, purging of voter rolls, and similar tactics have continued to erode the right to vote.⁶⁸ Similarly, the elimination of section five of the Voting Rights Act affected the voting rights of people of color.⁶⁹ As criminal justice scholars have repeatedly pointed out, disenfranchisement of felons—a term whose scope has been expanding as previous civil crimes have now become criminal offenses—has led to further erosion of the rights to vote among communities of color.⁷⁰ The number of females is growing within the criminal justice system, so these links between criminal convictions and loss of voting rights is not simply about racial minority males any longer.⁷¹ Similarly, the alignment of the goals and methods of immigration and criminal justice—crimmigration—has created new categories of deportable and criminally punishable offenses, which has increased the

68. ARMALINE, GLASBERG & PURKAYASTHA, *supra* note 17, at 79–114.

69. *A Dream Undone* outlines a long history of disenfranchising non-white groups. Jim Rutenberg, *A Dream Undone: Inside the 50-year Campaign to Roll Back the Voting Rights Act*, N.Y. TIMES (July 29, 2015), <https://www.nytimes.com/2015/07/29/magazine/voting-rights-act-dream-undone.html> [<https://perma.cc/F573-V78P>]. See ARMALINE, GLASBERG & PURKAYASTHA, *supra* note 17, and the chapter on the civil rights movement for more on the struggle for voting rights.

70. Menjivar and Leisy point out how violence continues to be normalized and made legal. See generally Cecilia Menjivar & Leisy Abrego, *Legal Violence: Immigration Law and the Lives of Central American Immigrants*, 117 AM. J. OF SOC. 1380–1421 (2020). The issue of violence affects all types of migrants, including those who are widely considered to be “model minorities” and are typically not seen as vulnerable to political disenfranchisement and violence. In *Human Rights in Our Own Backyard*, Iwata and Purkayastha documented how Sikh migrants encounter hate crimes, suspicion, and extra surveillance. Miho Iwata & Bandana Purkayastha, *Reflections on Cultural Human Rights*, in HUMAN RIGHTS IN OUR OWN BACKYARD 113, 113–24 (Armaline et al. eds., 2011). Saher Selod has written about the ways in which Muslims have to keep presenting themselves, even today, to avoid becoming subjects of draconian scrutiny by the state. Muslim women are of course at the center of this extra scrutiny. See generally SAHER SELOD, *FOREVER SUSPECT: MUSLIM AMERICANS AND RACIALIZED SURVEILLANCE IN THE WAR ON TERROR* (2018). While the link to political, disenfranchisement does not appear to be obvious, the constant threat of violence, the repeated scrutiny of people in their everyday lives as well as their presumed connections with enemy states is reminiscent of the 1940s situation of Japanese Americans. At that time, on paper, American citizens of Japanese origin had the right to vote; it did not stop the state from putting them into camps and restricting them from accessing those rights. It has taken many decades for some Japanese Americans to get justice through the legal process. See generally *Korematsu v. United States*, 323 U.S. 214 (1944), *abrogated by Trump v. Hawaii*, 138 S. Ct. 2392 (2018).

71. See Aleks Kajstura, *Women’s Mass Incarceration: The Whole Pie 2019* (Oct. 29, 2019), <https://www.prisonpolicy.org/reports/pie2019women.html> [<https://perma.cc/8Z79-RH5A>].

proportion of immigrant women who are likely to be cut off from their access to political rights.⁷²

The growing category of temporary workers—those who work in almost indentured conditions since their presence depends on the company who hired them—now crosses from the most highly educated to less educated. The women who migrate to provide childcare, elder care, and other domestic services that enable other women to go to work remain in the same ambiguous position regarding access to rights even when they are here legally. In the journey to access economic opportunities, including breaking glass ceilings in white collar occupations, the mainstream movements have not been fighting for the economic-political rights of these groups. While many immigrant groups continue to fight for labor rights, against everyday violence, their organizing remains unfinished.⁷³

Violence continues to be a key factor in women's access to rights. When the Violence Against Women Act (VAWA) was first being discussed, mainstream feminist groups explicitly rejected provisions to ensure the safety of immigrant—foreign—women who were going to be affected by their lack of political rights.⁷⁴ As a result of continuing advocacy and organizing by immigrant women's groups, newer iterations of the VAWA now include some provision for "dependent spouses" to advocate for themselves. However, other laws that have expanded the conditions for deportation and circumscribe the lives of immigrant women act as barriers to accessing rights.⁷⁵

72. See Allison S. Hartry, *Gendering Crimmigration: The Intersections of Gender, Immigration and the Criminal Justice System* 27 BERKELEY J. GENDER L. & JUST. 1, 6 (2012).

73. For examples of many such struggles, see generally Maura Toro-Morn et al., *Introduction: Immigrant Women and Labor Disruptions*, in IMMIGRANT WOMEN WORKERS IN THE NEOLIBERAL AGE 1 (Nilda Flores-Gonzales et al. eds., 2013).

74. Shamita Das Gupta, *Battered South Asian Women in U.S. Courts*, in BODY EVIDENCE: INTIMATE VIOLENCE AGAINST SOUTH ASIAN WOMEN IN AMERICA 211, 211–28 (Shamita Das Gupta ed., 2007).

75. Violence, that restricts access to rights, is not only about what happens within homes, nor does it only occur among intimate partners. As Black Lives Matter activists have reminded us, racial minority women are subject to violence that is facilitated or perpetrated by the state. The terms for forced deportations of immigrants has expanded while the conditions for holding immigrants in detention have worsened. See, e.g., TANYA MARIA GOLASH-BOZA, *DEPORTED: IMMIGRANT POLICING, DISPOSABLE LABOR AND GLOBAL CAPITALISM* (2015); Monisha Das Gupta, "Don't Deport Our Daddies": *Gendering State Deportation Practices and Immigrant Organizing*, 28 GENDER & SOC'Y 83, 83–109 (2014). There is also a growing number of people being held in prisons and detention centers. The United States is one of the leaders in incubating businesses that profit from detention, partly from lower costs associated with privatization of prisons. See generally Livia Luan, *Profiting from Enforcement: The Role*

CONCLUSION

This brief overview has outlined, using experiences of racial minority women and men, the complicated structures that affect who ultimately has the right to vote and, more importantly, who can substantively exercise this right. Several decades of scholarship now indicates that thinking about suffrage as something that was won and enshrined in the Constitution is not sufficient for understanding the extent to which this right has been realized. The use of intersectionality frameworks, which analyze the ways in which structures of race, class, gender, sexuality, and other axes of power and discrimination, offer ways to examine the immense roadblocks for people to access their rights to vote. The adoption of a human rights approach that emphasizes the links between rights helps us to further focus on the complex structural barriers that impede access to rights to vote. For people of color, labor rights, rights to education, housing, health and other conditions that enable them to build lives of human dignity—lives that are not constantly buffeted by insecurities arising from the economic, political, and social structural systems—are intimately tied to the right to vote.

The moment when the Amendment, granting the right to women's suffrage, was ratified in 1920 was very significant. It was a culmination of decades of struggles that are important to celebrate in U.S. history. However, without understanding that access to the right to vote is an outcome of intersecting structural barriers, it is difficult to understand the continuing impediments that affect racialized minority women. Without robust solidarities among those who are struggling for fair labor conditions, violence-free lives, and access to voting rights without having to repeatedly prove they belong on the voter lists, the promises of franchise are not attained. It is important to pay attention to the struggles that continue in our own backyards, as many groups continue on the unfinished journey to claim promises of suffrage in fullest measure. In essence, the struggles for suffrage were about being recognized as humans worthy of rights. That essence remains a distant dream for many citizens in this country.

of Private Prisons in U.S. Immigration Detention, MIGRATION POLICY INST. (May 2, 2018), <https://www.migrationpolicy.org/article/profitting-enforcement-role-private-prisons-us-immigration-detention> [https://perma.cc/L9UX-MPX9].