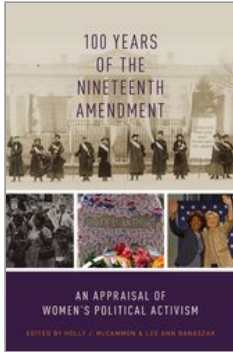


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100 Years of the Nineteenth Amendment: An Appraisal of Women's Political Activism

Holly J. McCammon and Lee Ann Banaszak

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From Seneca to Shelby

Intersectionality and Women's Voting Rights

Celeste Montoya

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Abstract and Keywords

One hundred years after the passage of the Nineteenth Amendment, the ability of women—all women—to effectively exercise the right to vote is far from guaranteed. This chapter provides a broad overview of women's voting rights that emphasizes the intersections of gender and race starting with the woman's suffrage movement of the eighteenth and nineteenth centuries and moving to the recent attacks on voting rights and the potential intersectional implications they might have. This analysis takes what are often treated as two separate narratives of voting rights, one about gender and the other about race, and identifies the intersectional interventions that have or might be made in order to create a more inclusive and continuous account of women's voting rights.

Keywords: voting rights, civil rights, race, racism, intersectionality, disenfranchisement, voter suppression, voter identification, discrimination

Just seven years shy of the one hundredth anniversary of the Nineteenth Amendment, news broke about how a new and restrictive voting law passed in Texas might serve to restrict the ability of women to vote (Goodwyn 2013). Highlighted in these stories were two Texas women, District Judge Sandra Watts and state senator and gubernatorial candidate Wendy Davis. Both faced challenges at the polls for discrepancies between how their names were listed on voting registers and on their driver's licenses, a relatively common discrepancy related to marital name changes. Ultimately, both were able to avoid casting a provisional ballot, many of which are never properly certified and counted, by exercising an amendment that allowed them to sign an affidavit swearing to their identity. These stories were instrumental in highlighting one potential gender impact of current trends in voter restrictions. Changes in women's names may put them at higher risk of being excluded from voting.

At the same time, however, these examples drew the attention away from the pervasive racial and class dimensions of voter suppression. The implied message was that Texas's law is so strict that even these two politically prominent women who are *clearly* legitimate voters were impeded from exercising their constitutionally given right. That these two cases were highlighted over the numerous other examples of voting rights being impeded, in ways that are less easy to remedy, is reminiscent of earlier dilemmas in the history of women's suffrage, when the rights of middle-class white women were strategically emphasized and promoted over those of people (including women) who were marginalized by their racial, ethnic, or socioeconomic position, or all three. The potential exclusion of the two women mentioned here provide some of the few contemporary references to threats made to *women's* voting rights in the past century, despite the reality that millions of women, many of them women of color, have been impeded from voting since the ratification of the Nineteenth Amendment.

Diverging historical accounts of voting rights have emerged, one focusing predominantly on gender and the other centered primarily on race. Both leave an **(p.106)** incomplete assessment of women's voting rights. The application of intersectional analysis to the woman's suffrage movement has been an important intervention to the hegemonic narratives that emphasize the experiences of white middle-class women

(Hewitt 2010). Intersectional analysis moves beyond single-axis understandings of gender oppression to recognize and examine multiple and intersecting dimensions of oppression, such as race and class (see Crenshaw 1989, 1994; Collins 1986; Hawkesworth 2003; McCall 2005; Hancock 2007).

Intersectional interventions include probing the exclusionary elements of the mainstream movement and better incorporating the contributions and experiences of women from different social locations. Yet these intersectional accounts are far from universal, and continued emphasis is placed on the struggle for formal voting rights over the actual practice of them. A more complete and ongoing assessment of women's voting rights has been limited by the Seneca Falls-to-suffrage narratives. Even narratives with stronger intersectional emphases stop with ratification of the Nineteenth Amendment. This temporal boundary reinforces a premature victory, particularly given that scholars have identified voter suppression as a pervasive and consistent feature of US political practice and institutions, accompanying and persisting beyond almost every expansionary voting effort, from historic constitutional amendments to contemporary efforts to increase accessibility (Bentele and O'Brien 2013; Keyssar 2000; Piven and Cloward 2000; Piven 2009; Wang 2012).

While analyses of women's suffrage have stopped short of examining voter suppression, examinations of voter suppression remain relatively silent on the issue of gender. Rather, historical and contemporary studies tend to emphasize race and, to a lesser extent, socioeconomic status. While the emphasis on racial oppression is a crucial part of understanding historical and contemporary patterns of voter suppression and exclusion, the lack of gendered analysis creates the same partial accounts that eclipse the experiences of women, particularly women of color. While gendering racially motivated voter suppression is more complicated, in that sometimes gender served to mediate oppressive measures, the importance of interrogating the experiences is crucial to developing a more complete understanding of historical and contemporary voting rights.

In this chapter I seek to highlight the importance of more intersectional analyses of both the impediments to and the mobilization for voting rights. This chapter is by no means meant to be a comprehensive intersectional analysis, but

instead offers to highlight some of the ways that scholars have or might begin to address the complexities of intersecting oppressions in the evolution of US voting rights. In particular, I focus on the race-gendered dimensions of voting rights and suppression. The chapter is thus organized into three sections. In the first section, I discuss the intersectional interventions that have been or might be made in historical accounts of the woman's suffrage movement, highlighting the racialization and tactics of the movement, the varied participation and experiences of women, and efforts to further expand the boundaries of what is understood as the woman's suffrage movement. In the second section I focus on the historical practice of voter suppression subsequent to the ratification of the Fifteenth and Nineteenth Amendments, respectively, as well as the mobilization efforts aimed **(p.107)** at ending suppression leading up to the adoption and amending of the Voting Rights Act of 1965. Here I highlight the experiences of differently situated women (in particular, women of color) in order to understand the ways in which racialized practices and experiences might have also been gendered. The third section shifts the focus to contemporary trends in voter participation and suppression, demonstrating how additional intersectional analyses might contribute to a more comprehensive evaluation of women's voting rights and practices.

Racing the Woman's Suffrage Narrative

Over the past several decades, critical scholars have worked to challenge and expand traditional and exclusionary narratives of women's suffrage. Yet, as argued by feminist historian Nancy Hewitt, the "Seneca Falls to suffrage" narrative remains prominent, heavily influenced by Elizabeth Cady Stanton and Susan B. Anthony's six-volume *History of Woman Suffrage* (Hewitt 2010: 17). This narrative focuses predominantly on the experiences of white, middle-class educated women in the Northeast; prioritizes the importance of de jure voting rights over de facto; and obscures the experiences of millions of women that remained excluded from the franchise even after the Nineteenth Amendment was ratified. This section of the chapter provides a brief overview of the ways in which scholars have amended and contested traditional narratives of woman's suffrage to decenter its focus on white, middle-to-upper-class, educated, northeastern women and instead highlights "the political claims that women [and men] from diverse racial, national, class, and regional

backgrounds brought the US women's rights movement" (Hewitt 2010: 21). In this section I focus on three types of intersectional interventions scholars have made to this narrative: (1) the critique of racialized movement strategies and discourse (arising out of a lack of acting or thinking intersectionally), (2) the contributions made by women of color to the movement (located at the intersections of oppression), and (3) inquiries into women's voting rights that move beyond what is understood as the "woman's suffrage movement."

Race and Racism in the Woman's Suffrage Movement

The genesis of the woman's suffrage movement was strongly linked to the abolition movement and efforts to establish the rights of blacks. Many of the well-known leaders—for instance, Susan B. Anthony, Elizabeth Cady Stanton, Lucy Stone, and Sarah and Angelina Grimké—were active in the antislavery movement (Wheeler 1995). They, along with black activists such as Sojourner Truth, Harriet and Margaret Forten, Caroline Remond Putnam, Josephine St. Pierre Ruffin, and Frederick Douglass, helped advocate for a “universal suffrage” (Terborg-Penn 1995, 1998). Angelina Grimké was especially vocal about the call to unity, stating, “I want to be identified with the Negro. Until he gets his rights, we shall never get ours” (Lerner 1967: 353). Attempts to forge solidarity went the other way as well. **(p.108)** Angela Davis (1983: 51) acknowledges Frederick Douglass “for officially introducing the issue of women's rights to the black liberation movement where it was enthusiastically welcomed.”

Despite calls for solidarity, racial divisions were also rampant in the early struggles for women's rights. Although Frederick Douglass was present, not a single black woman was in attendance at the famous Seneca Falls convention (Davis 1983). It was not until two years later that Sojourner Truth would give her famous “Ain't I a Woman” speech at the 1851 women's convention in Akron, Ohio. The speech itself might be seen as an intersectional intervention to address not only the patriarchal stereotypes of female frailty but also to challenge the racism of white feminists who opposed her participation. The fragility of movement solidarity in some quarters, and the absence of it altogether in others, became more evident when the Fifteenth Amendment was passed in 1868, providing that the “right of U.S. citizens to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.” The omission of women from the Fifteenth Amendment caused a split within the movement for universal suffrage, igniting racial tensions that would last for decades (Terborg-Penn 1995, 1998; Newman 1999; Sneider 2008). Organizations advocating for universal suffrage, like the American Equal Rights Association, disbanded in the context of the amendment debate, and from this split emerged two rival woman suffrage organizations. The National Woman Suffrage Association (NWSA) headed by Stanton and Anthony represented those who opposed the

amendment by virtue of its exclusion of women. The American Woman Suffrage Association (AWSA) headed by Stone included those who supported the amendment regardless, seeing it as a step in the right direction. Black suffragists were represented on both sides of the split, although Sojourner Truth notably continued to attend meetings for both (Terborg-Penn 1995, 1998).

Race played a divisive role in all levels of the movement, from the national to the local. In 1890 the AWSA and the NWSA merged into the National American Woman Suffrage Association (NAWSA), but the new organization was relentless in its pursuit of the franchise, using exclusionary strategies to court and maintain tenuous alliances with women's suffragist organizations in the South, many of which did not allow black members (Wheeler 1995). Criticisms of these tactics were written by Ida B. Wells and W. E. B. Du Bois. Wells, a black journalist best known for her antilynching work, was an active supporter of women's suffrage. She criticized Susan B. Anthony for refusing to support the efforts of black women and minimizing the visible participation of black allies such as Frederick Douglass, out of fear of alienating southern white women (Davis 1983). Du Bois, who had once expressed great optimism regarding women's suffrage and its potential to contribute to the voting rights both of black women and men, published reports on the movement's racism. In an editorial, he criticized Anna Shaw for stating "that all Negroes were opposed to woman suffrage" and notes that "In America . . . the war cry is rapidly becoming 'Votes for White Women Only' " (Yellin 2013: 400).

The segregation in the suffrage movement was fairly pervasive in the South, but also in the West. In both regions, women's clubs played a large role in regional and **(p.109)** local movements, and these clubs were almost entirely segregated (McConaughy 2013; Wheeler 1995). Even more problematic than the strategic exclusion of black women and other women of color from organizations and events as a mean of appeasing certain segments of the movement were the employment of racist frames or even outright opposition to racial rights by white suffragists. This includes discourse encouraging voter suppression, such as when Henry Blackwell asserted that the "negro problem" could be solved by attaching the literacy qualification to the right to vote. Blackwell along with other suffragists leveraged racism in support of the women's vote by

arguing that southern white women would counterbalance the votes of black men and women, such that “the political supremacy of your white race will remain unchanged” (Wheeler 1995). But, even the “ostensibly ‘neutral’ stance assumed by the leadership of the NAWSA with respect to the ‘color question’ actually encouraged the proliferation of undisguised racist ideas within the suffrage campaign” (Davis 1983; Gilmore 1996).

Despite being overlooked within or more deliberately excluded from suffrage organizations, a growing number of African American women actively supported women’s suffrage (Wheeler 1995). The National Association of Colored Women (NACW) was formed by black women in 1896, and included many prominent black female activists such as Harriet Tubman, Mary Church Terrell, Ida B. Wells, Adella Hunt Logan, and Frances E. W. Harper (Hooper 2012). The NACW worked for women’s suffrage along with broader civil rights agendas. While these black women worked within their own organizations, some also staged small but meaningful interventions within the mainstream movement. A notable example came in the organization of a 1913 suffrage parade. Alice Paul, who would later form the more confrontational National Woman’s Party, was responsible for organizing the march and had been quietly discouraging black women from participating, confiding to an editor, “As far as I can see, we must have a white procession, or a Negro procession, or no procession at all” (Walton 2010: 64). The Delta Sigma Theta sorority, an organization for black women, was the only group to participate in the march. Paul’s compromise was to place these women at the end of the parade after the men’s section. Ida B. Wells, also a member of Delta Sigma Theta, was vehement in her opposition to this segregation and defiantly marched with the Illinois delegation.

Expanding the Border of the “Woman Suffrage Movement”?

Addressing the racism within the woman suffrage movement as well as the interventions made by black women and allies committed to universal suffrage helps challenge and expand popular narratives; however, it still provides a rather limited analysis of women’s voting rights for the time period. A wider geographical and racial lens starts to better include the concerns of Native American women, Spanish American women, and various groups of immigrant women engaged in more encompassing struggles for citizenship that went beyond securing the vote. While these women were not necessarily excluded because of their gender, they **(p.110)** nonetheless represent the need to broaden our understandings of the struggle for women’s suffrage.

Examples of this are found by looking west. In an effort to court more women settlers, the territories and states of the West were among the first to offer women’s suffrage. Starting with Wyoming in 1869, Colorado, Utah, Idaho, Washington, California, Oregon, Kansas, and Arizona all provided pre-Nineteenth Amendment voting rights to women. But these voting rights did not extend to all women. Asian Americans, Mexican Americans, and Native American women were all excluded (Hewitt 2010). Mexican American women lost many of the rights they had held under Spanish and later Mexican laws, when the borders of the Southwest were redrawn to establish what would become the modern United States (Hewitt 2010). Although technically granted citizenship, Mexican Americans were frequently prevented from exercising their rights, as discussed in the next section.

Other groups were outright excluded from citizenship. The 1882 Chinese Exclusion Act, which remained in place until 1943, not only halted Chinese immigration, but it also prohibited Chinese immigrants already living in the United States from becoming citizens. In the West, the Chinese faced similar discrimination to that of southern Blacks living under the Jim Crow laws (Scher 2010). Asians, in general, were often victims of violence and targets for discriminatory laws. South Asian Indians and Filipinos were not permitted to naturalize until 1946, and for Japanese, it was not until 1952.

Similar to Mexican American women, Native American women also experienced the loss of rights as the United States grew. Women who had held positions of religious and political

authority in some of the tribes prior to colonization were displaced as more patriarchal forms of governance were imposed and tribes lost autonomy (Hewitt 2010). Throughout the United States and its territories, Native Americans were involuntarily treated as wards and excluded from voting. States and territories adopted exclusionary measures that kept tribal members from voting (Scher 2010). Some special local arrangements were made to grant citizenship to certain individuals or tribes, but these cases were tenuous exceptions and the process of naturalization was so demanding that few Native Americans could undertake it (McCool, Olson, and Robinson, 2007). Later, the Fourteenth Amendment and the Civil Rights Act of 1866 specifically excluded “Indians.” The Indian Citizenship Act of 1924 was the first major federal step aimed at providing citizenship to enrolled members of tribes, those living on a federally recognized reservation, or those practicing Native culture. The 1924 law did not, however, ensure the right to vote.

The tenuous or nonexistent citizenship status of all of these groups excluded their women from exercising the voting rights granted to white women. To the extent that these women mobilized, it was often in seeking broader rights than just voting and with less emphasis on gender identity. That is not to say, however, that the experience was not gendered. The activist work within the black women’s club movement in the South and its counterparts for Mexican American women in the Southwest demonstrate the relevance of women mobilizing as women of particular racial/ethnic orientations. One might also consider both the gendered and racial dimensions that the embodied experiences of women held when they **(p.111)** struggled for the protections of citizenship. One might consider the example of Susette La Flesche, also called Inshata Theumba or Bright Eyes (Newman 1999). Part Ponca, a midwestern native tribe, Susette was a spokesperson for Native rights. She often traveled with male leaders of the Indian reform movement, serving as a translator. Alice Cunningham Fletcher, another member of the movement, describes her “clad in the garb of a white woman . . . The old stereotyped picture of the savage faded. . . . The skill with which the eloquence of the Chief was rendered into ringing English by the young Indian woman showed that the door of

language could be unlocked and intelligent relations made possible between the two races” (Newman 1999: 121).

Gendering Voter Suppression and the Voting Rights Act
For many of the suffragists, the Nineteenth Amendment was celebrated as a momentous and long overdue victory for women’s voting rights. But for some American women, the Nineteenth Amendment, not unlike the Fifteenth, was largely a symbolic victory. In practice, many would still be denied the right to vote. Southern black women were the largest contingent of female voters barred from the polls, although they were joined by millions of Asian and Mexican Americans in the West and Native Americans across the country (Hewitt 2010). For these women, the Voting Rights Act of 1965 (VRA) and its extensions in the 1970s represent more accurate markers for securing the right to vote (Hewitt 2010; Hine and Farnham 1994; Smooth 2006).

While African Americans were ostensibly granted the right to vote under the Fifteenth Amendment and women the right to vote under the Nineteenth Amendment, voter suppression countered expansion efforts as both parties attempted to manipulate voting populations (Wang 2012). Most of these strategies worked with and perpetuated racist and xenophobic narratives contextualized within different regions of the country. Because of this, the VRA and its subsequent additions, as well as voter suppression before and after its passage, are generally understood as affecting people of color. Yet while race was often the most salient dimension, the suppression, its resistance, and the impact of the VRA all had gendered dimensions. Wendy Smooth (2006) notes that the passage of the VRA significantly increased representation for women. She calls for an intersectional analysis of the VRA, recognizing the messiness of such considerations as it “requires race and politics scholars and activists to relinquish their proverbial hold on the Voting Rights Act as racial policy” and “women and politics scholars and activists [to make] an investment in the ongoing battles to protect and extend voting rights” (401).

Gender and Voter Suppression

Gendering the civil rights narrative of voting rights requires messy intersectional work. In this section I start with a critical historical perspective of voter suppression following the ratification of the Fifteenth and then the Nineteenth **(p.112)** Amendments and provide an overview of struggles leading up

to the passage of the Voting Rights Act and its extension. My discussion uses the experiences of women of color to demonstrate the ways in which the separate narratives of women's suffrage and racial voting rights converge and are necessary for providing a more inclusive analysis of women's voting rights.

The most noted form of systematic voter oppression occurred in the post-Reconstruction Jim Crow South. After the Fifteenth Amendment was ratified, an array of policies and tactics were developed to obstruct blacks (who were often Republicans at that time) from participating in elections. Jim Crow laws legalized the disenfranchisement of racial minorities through the imposition of literacy tests, poll taxes, property ownership requirements, grandfather clauses (that required voters to be eligible to vote prior to 1866 or to have a relative who was eligible), along with the more subjective "good character" tests. Although these laws might also exclude poor whites from voting, it was not unusual for actual poll practices to take place along racial lines. Poor and illiterate whites might be "allowed" to participate, while blacks who were literate or able to pay the poll taxes were turned away. Accompanying the formal institutions of restrictive voting laws were the informal institutions of violence and intimidation. In addition to arduous registration rules and practices, African Americans might also be punished for voting. In some cases, black voters were fired, evicted, or had loans recalled (Hillstrom 2009).

More extreme measures were used against black voters by members of white supremacist groups like the Ku Klux Klan (KKK), which used cross burnings, bombings, beatings, rapes, and even lynching as both punishment and warning (Hillstrom 2009). Du Bois, a supporter of women's suffrage, initially thought of it as a means of boosting black participation; "It is going to be more difficult to disenfranchise colored women than it was to disenfranchise colored men" (Yellin 2013: 406). After the Nineteenth Amendment, however, he provided important coverage of how black women's voting rights were now suppressed. For example, he published Walter White's exposé on the disenfranchisement of black women in Florida in which White recounted the ways in which a black woman might be tricked into and then arrested for perjury when attempting to vote. White stated, "I found many cases equally as flagrant where Negro women had been imprisoned for such 'offenses' as these" (Yellin 2013: 407-408). Black women were

not exempt from the extreme physical violence enacted upon the African American community. Danielle McGuire (2004: 907) argues that “during the Jim Crow era, women’s bodies served as signposts of the social order, and white men used rape and rumors of rape not only to justify violence against black men but to remind black women that their bodies were not their own.”

While southern Democrats are often the focus of historical voter suppression discussions, the Republicans in the North were not much better, and voter suppression was widespread throughout the western US territories. In the North, similar tactics to those found in the South were employed against immigrants and factory workers who were more likely to vote for Democrats (Scher 2010). Irish, Italian, and other eastern and southern European immigrants were among those **(p. 113)** most commonly targeted for voter suppression. A common tactic employed was an earlier form of voter identification. Poll watchers might challenge the legitimacy of voters (often relying on racial and ethnic cues) and demand proof of citizenship. In addition to being subject to these formal exclusions, voters were also harassed, intimidated, and otherwise victimized.

Immigrants in other parts of the United States were subjected to other forms of exclusion. In the Southwest, Mexican Americans were frequently denied the right to vote, even though many of them had been officially extended citizenship. Poll taxes and literacy tests were utilized, as well as more violent means of intimidation. The Texas Rangers used similar tactics against Latinos as were used against southern blacks, including lynchings, house burnings, and executions, in part to discourage them from voting (National Commission on Voting Rights 2014; Flores 2015). The challenges to voting for Mexican American women often lay at the intersection of gender, race, and class. Cotera (1997) speaks of the experiences of Chicanas in this part of the country: “If Chicanas could not afford the poll tax, they couldn’t vote. If they could cross the tracks in the Anglo part of town only to work as domestics, they couldn’t vote; if they were US citizens, but had no documents, they couldn’t vote. If they were not physically able to resist the Sheriff’s threats and blows, they couldn’t vote. Finally, if the polling place was in a

private home (a common practice in Texas) and if the homeowner did not allow Mexicans in, they couldn't vote" (214).

While there is little record of suppression efforts aimed solely at women after the passage of the Nineteenth Amendment, there are ways other than or in addition to race or ethnicity in which women might have fallen victim to suppression efforts. For example, given the low levels of women's education, particularly among poorer women, literacy tests provided a formidable obstacle even when women were given the right to vote. Similarly, given paternalistic inheritance and coverture laws, women might not be able to afford poll taxes without the financial support of male family members. Exercising an intersectional imaginary raises numerous questions that might be pursued in a more thorough analysis of women's voting rights in the decades following their formal inclusion to the franchise.

Voting Rights Act of 1965

The Voting Rights Act, signed into law on August 6, 1965, was seen as a significant victory for the black civil rights movement. First and foremost, the act established federal jurisdiction over what had previously been left up to the states, with the stated goal “To enforce the fifteenth amendment to the Constitution.” The act had two main provisions. It prohibited states or public subdivisions from imposing any “voting qualification of prerequisite to voting, or standard, practice or procedure . . . to deny or abridge the right of any citizen of the United States to vote on account of race or color.” This put an end to literacy tests and poll taxes. It also required that jurisdictions with a history of discrimination submit new election rules or plans to federal officials for “preclearance.” The preclearance provision in the VRA required local officials to seek federal approval first for any changes in **(p.114)** state law concerning voting. This shifted the burden to states to prove to federal officials that changes were not discriminatory on the basis of race, color, or language minority status.

Women, particularly black women, were a part of the activism leading up to the adoption of the VRA and surrounding its implementation. Their experiences within the movement reflect the complexity of gender at the intersection of race. Florenza Grant, a black woman from North Carolina who challenged local white authorities to obtain voting rights, states that “Women can have a more powerful impact on some things . . . than men can” (Valk and Brown 2010: 139). She argues that black women were less vulnerable to physical assault, making them able to join protests when men were unable, and were relatively immune from economic repercussions (Valk and Brown 2010). This is not to say that women did not suffer, because many did suffer retaliation, but rather that in some instances their gender identity provided them some modicum of protection.

The testimony of Fannie Lou Hamer, however, tells a different story. Hamer, one of the best known female civil rights leaders and a key organizer in the Mississippi Freedom Summer, was active in efforts to address voting rights. In her 1964 testimony before the Credentials Committee of the Democratic National Convention, she describes attempts to register and the subsequent violence. On the night of September 10, 1962, a house she was staying at was shot at sixteen times; that

same night, two women were shot in Ruleville, Mississippi. In June 1963, after attending a voter registration workshop, she was violently arrested. In her testimony, she recounts the beating of her female cellmate, as well as her own. Danielle McGuire (2004: 910) provides this description of the story that Hamer told on national television “and continued to tell ‘until the day she died.’ ”

Hamer received a savage and sexually abusive beating by the Winona police. “You bitch,” one officer yelled, “we’re going to make you wish you were dead.” He ordered two black inmates to beat Hamer with “a long wide blackjack,” while other patrolmen battered “her head and other parts of her body.” As they assaulted her, Hamer felt them repeatedly “pull my dress over my head and try to feel under my clothes.”

Women like Hamer, as well as women’s organizations and women in black churches, helped lead voter drives. But they were also a part of the violent confrontations. Women were among those beaten on Bloody Sunday in 1965, when police unleashed tear gas and billy clubs on the participants of a peaceful march for voting rights from Selma to Montgomery.

For some women, as well as some men, the threat of violence within this contentious public sphere was intimidating. Essie Alexander, a black woman living in a small city in the Mississippi Delta, recalls some of the hesitations of black women: “So I felt like if the men needed to register, then the women did, too. But the first time, I had a time trying to get the other women to go. . . . I was kind of the spokesman for those few women, because they were kind of bashful” (Valk and Brown 2010: 152–153). For many of the women, participating in the civil rights movement would represent their entry into a new sphere of political participation **(p.115)** and leadership that had heretofore been seen as a male domain, thus helping to facilitate both the consciousness and mobilizing skills necessary for the overlapping feminist movement of the 1970s.

Once the Voting Rights Act was adopted, circumstances began to change. The new law had an immediate impact on voter registration. During the first six months after it was signed, federal registrars processed over one hundred thousand applications for African American voters in the United States

(Hillstrom 2009). African Americans registered to vote in Mississippi went from 6.7% to 59.8% in 1968, and most jurisdictions covered under the preclearance provision in the VRA saw a 25% increase in black registered voters by the 1968 presidential election (Hillstrom 2009)

The VRA would prove to be the mechanism for advancing voting rights for other groups as well. Although the VRA technically provided racial equality in voting rights, the act brought specific activism so that Native, Hispanic, and Asian Americans were covered by the law's provisions. In 1975 the VRA was renewed and expanded to protect these minority groups, due in no small part to the persistence of US House members Herman Badillo (New York), Ed Roybal (Los Angeles), and Barbara Jordan (Houston), who introduced the legislation, as well as representatives of the civil rights groups that testified in the congressional hearings about ongoing discriminatory practices (Berman 2015; Flores 2015). Included in the revised law was a prohibition on state laws requiring ballot and voting information exclusively in English and a provision for bilingual election requirements. The revised law also expanded preclearance to cover jurisdictions with large numbers of language minority groups that had low registration or turnout (Brown-Dean et al. 2015). In 1982 the VRA was renewed again with an added provision that gerrymandering could not be used to dilute minority voting strength. The 1982 change also allowed for assistance to blind, disabled, or illiterate citizens, and the act was also amended to clarify that discriminatory purpose was not required to bring a lawsuit to invalidate procedures that result in discrimination (Brown-Dean et al. 2015).

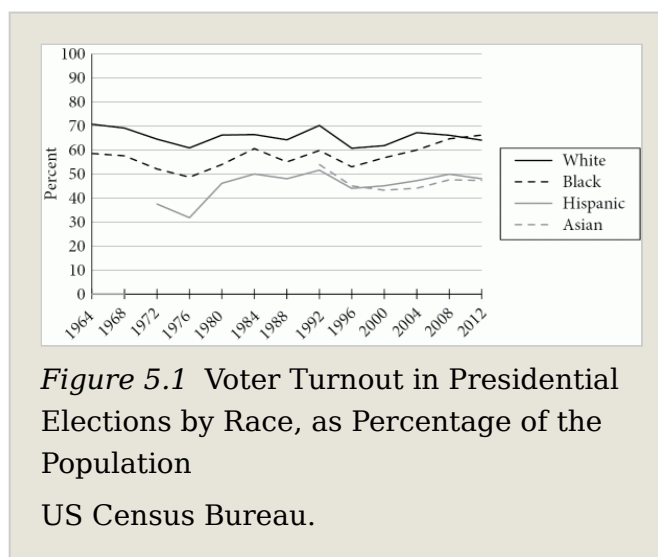
While technically the VRA did not address gender, it nonetheless expanded women's voting rights by virtue of expanding the rights granted to the groups to which women belonged. The added diversity to the "women's vote" has played a significant role in shifting some of the voting behaviors that are now considered to be gendered (such as trends in voter turnout and the gender gap). The next section starts with a look at contemporary voting patterns and the importance of adding intersectional dimensions to the analysis. The discussion also provides an overview of contemporary trends in voter suppression and considers the

ways in which an intersectional analysis has been or might be incorporated to provide a more comprehensive analysis of women's voting rights in the twenty-first century.

Women's Voting Rights in the Twenty-First Century

Today, scholars note that women actively exercise their vote (Macmanus 2014; Dittmar 2015). Starting in the 1980s, women's voting participation began to exceed **(p.116)** men's. This trend has continued into the twenty-first century. The consistency of gendered patterns in voter participation, even across race (discussed later), is perhaps why women's voting rights receive such scant attention. When contrasting gender patterns (as seen in Nancy Burns et al.'s chapter) and race patterns (see Figure 5.1), this emphasis might seem clear. In Figure 5.1, rates of voter turnout among whites are consistently higher than other racial groups, except in the 2008 and 2012 elections, with Barack Obama's candidacy. However, this type of analysis replicates problems of the past in which race and gender are treated as distinctive structural positionings, and overlooking the complex ways in which they, along with other relevant factors, intersect.

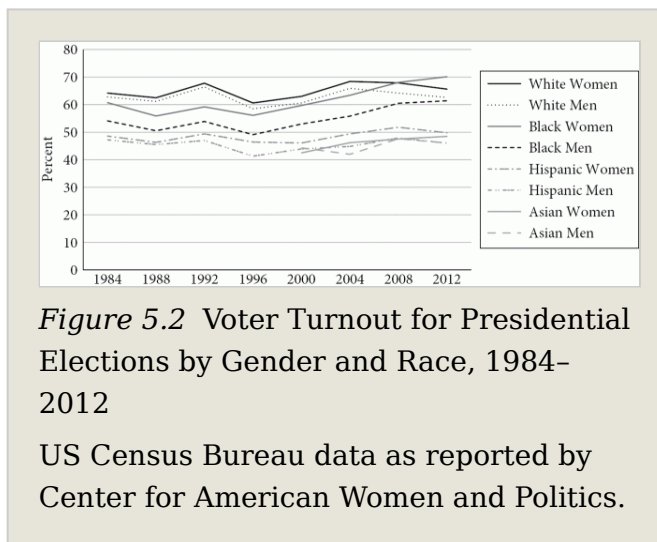
An intersectional analysis, however, illustrates patterns that are both gendered and raced (see Figure 5.2). As mentioned above, the gender gap in voting turnout



is fairly consistent across races. In the past thirty years, women, regardless of race or ethnicity, in most cases have been more likely to vote than men of the same race. The single exception to this pattern is found for Asian American women. In 2000, Asian American men outvoted Asian American women; however, this is the last year in which this effect occurs. But these gendered patterns are also raced. Until 2008, white women had the highest level of voting turnout. In 2008, with the candidacy of Barack Obama, there is a decrease in white women's voting turnout at the same time that black women continue to increase their turnout, thus becoming the group with the highest level of voting turnout. In 2008 and 2012, a decrease in the racial gap between white

men and black men occurred, although white men still participate at higher rates than black men. Although Latinas consistently outvote Latino men, both groups vote at significantly lower rates than whites or blacks of either gender. Asian Americans tend to have the lowest level of turnout, although sometimes their turnout exceeds that of Latino men, and in 2012 Asian women's voting rates rivaled that of Hispanic women.

This relatively simple intersectional analysis shows us that



disaggregating women's voting patterns can expand our understanding of how women vote. It (p.117) also illustrates that women of color are an important part of the contemporary gender gap in voter turnout. In fact, they represent 74% of the growth in eligible women voters since 2000 (Harris 2014). They are arguably an even more important part of the modern partisan gender gap in presidential voting. In the last three presidential elections, the majority of white women and men have supported the Republican candidates; the political behavior of racial/ethnic minority women has maintained the contemporary partisan gender gap (Bejarano 2014). This was dramatically evident in the 2012 presidential election (see Figure 5.3). Intrarace gender gaps occurred for whites, Latinos, and blacks, but the overwhelming support for Democratic incumbent Barack Obama by Latinas and especially black women reinforced the partisan gender gap. Thus, when Republicans are characterized as having a "woman problem," it is really a problem in attracting women of color. (p.118) I discuss this

contemporary issue in light of voting restrictions in the subsequent section.

Regulating Voting in the Twenty-First Century

After the passage of the Voting Rights Act in 1965 and its expansion in the subsequent renewals, some of the more blatant forms of voter suppression

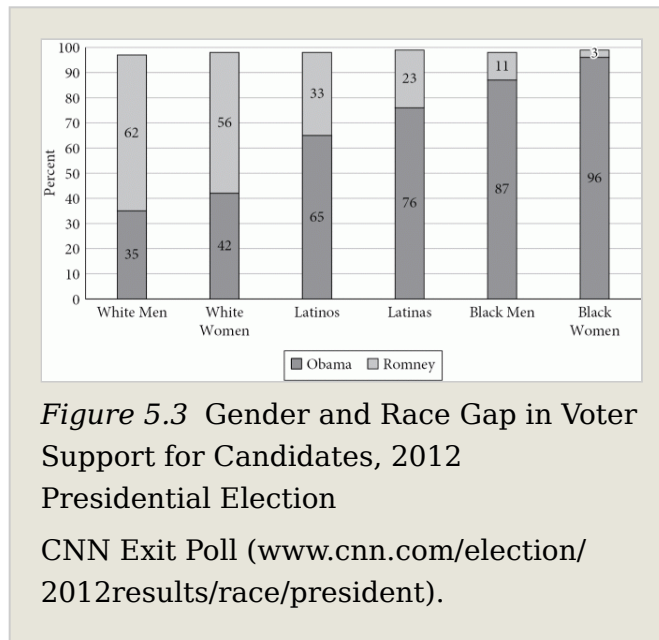


Figure 5.3 Gender and Race Gap in Voter Support for Candidates, 2012 Presidential Election

CNN Exit Poll (www.cnn.com/election/2012results/race/president).

become illegal. Suppression did not end, but its tactics simply became more sophisticated. Minnite (2010: 88-89) argues that “today, voter suppression strategies are pursued through subtle forms of intimidation and obstruction.” While both parties historically have engaged in voter suppression, demographic shifts and trends in partisan voting in the new millennium have favored Democrats in ways that provide the party with incentives to expand voter turnout. Republicans have been left with two choices to capture the shifting demographics: realign on key party issues (for example, immigration reform as an appeal to the growing Latino electorate) or regulate voting so as to demobilize certain segments of the population. While unsuccessful attempts have been made on the former, electoral success at the state level has allowed Republicans to introduce a wave of voting regulations across the country (Bentele and O’Brien 2013 Hicks et al. 2015). While Democrats have helped champion expansionary efforts such as early voting, extended voting hours, and mail-in ballots, Republicans have countered these initiatives and promoted stricter voter registration laws. This subsection provides a brief history of events and trends in the twenty-first century.

The 2000 presidential election between George W. Bush and Al Gore brought renewed scrutiny to the voting process and to suppression efforts that had never completely gone away (Scher 2010). That the election was too close to call, particularly in districts with reported irregularities, caught the attention of civil rights group and the American public more broadly. After an unprecedented Supreme Court ruling halted recounts, the US Civil Rights Commission and the NAACP held a series of hearings scrutinizing possible obstructions made to curtail minority participation (Hillstrom 2009). They found that minority voters nationwide experienced problems, including but not limited to changes in poll locations without notice, the closing of polls while long lines remained, and the incorrect removal of names from voting registries. Florida, in particular, faced intensified scrutiny for its close count (Wang 2012). There it was reported that Republican Secretary of State Katherine Harris had ordered a purge of 57,700 names from the voter registry. Ninety percent of the voters purged were eligible voters, 54% of whom were black or Hispanic citizens. Studies also found that a high number of ballots were invalidated in counties where there were large numbers of African American voters (Wang 2012). Although Florida received the most media attention, similar trends were apparent throughout the country (Wang 2012).

The controversy surrounding the 2000 election instigated a number of new measures, not all of them conducive to increasing voter participation. The 2002 Help America Vote Act was a mixed piece of legislation that demonstrated **(p. 119)** divergent party efforts (Wang 2012). Democrats focused on addressing some of the problematic practices of the 2000 election, while Republicans emphasized voter fraud as their primary concern, an argument they have continued to use despite evidence that in-person voter fraud is extremely rare (Minnite 2010). The issue of voter identification was hotly debated, with Republicans arguing for the integrity of the process and reframing voting as a *privilege* instead of a *right*, and Democrats and civil rights advocates arguing that voter identification provisions would contribute to the disenfranchisement of Latinos, African Americans, the elderly, and the disabled (Wang 2012). The final bill included a compromise provision in which first-time voters must provide some sort of identification, the type of which each state could determine. Despite the legislation's initial intentions, voting

rights advocates argued that the 2004 election was even worse in regard to the number of irregularities and policy manipulations (Wang 2012).

A more rigorous review of the voting process happened when the Voting Rights Act was up for reauthorization in 2006. Proponents of the renewal pointed to a number of controversial measures, including voter ID laws, redistricting, registration purges, and the invalidation of ballots (Hillstrom 2009). Bill Lann Lee, chair of the National Voting Rights Commission, testified on the findings of a study looking at voting rights from 1982 to 2005: “The evidence demonstrates unfortunately that the persistence, degree, geographic breadth, and methods of voting discrimination are substantial and ongoing” (Lee 2006). Opponents, meanwhile, focused on the provision of preclearance, arguing that preclearance placed an unfair burden on states based on reasons and violations that were now outdated. After a vigorous debate, the act was renewed with preclearance, passing in the House 390-33 and in the Senate 98-0.

A mere two years after the renewal, the battle continued in the 2008 presidential election. Voting rights advocates tried to counter mounting restrictive efforts (Wang 2012). Some states, many of which were considered battleground states, had very visible controversies. In Florida, a “no match, no vote” rule with few avenues of recourse was placed in effect, which impacted approximately twenty-two thousand voters, with Democrats being four times as likely as Republicans to have their registration rejected. Georgia instituted a “citizenship check” using out-of-date records on citizenship that incorrectly flagged a number of newer citizens as ineligible. Although a court injunction mandates that these voters be allowed to cast a “challenged” ballot, the Georgia law effectively disenfranchised a disproportionate amount of nonwhite voters. Purges using strict criteria and flawed data resulted in substantial purges in swing states Colorado and Ohio, a number of which were not entirely rectified. In Michigan (and elsewhere), foreclosure lists were used as the basis of mounting challenges at the polls. Across the country, voters faced prohibitively long lines and substandard polling resources, notably in poorer urban communities of color (Scher 2010; Barreto and Leal 2014).

Despite efforts to the contrary, the mobilization of nontraditional voters played a significant role in securing a victory for the country's first African American president, Barack Obama. The 2008 election was seen as a landmark for increased voter turnout among a range of demographic groups that have regularly been **(p.120)** unrepresented. Overall, voter turnout increased by 5 million, from approximately 126 million to 131 million (U.S. Census Bureau 2010). The increase included approximately 2 million more African American voters, 2 million more Hispanic/Latino voters, and 600,000 more Asian American voters (U.S. Census Bureau 2010). Also notable was an increase in younger voters, particularly among those of college age. What followed this increase, however, was an electoral backlash (Wang 2012). The 2010 midterm election strengthened Republican representation at the state level, including a wave of Republican governors. This marked a major shift in the movement for restrictive voting that had begun stirring in 2000; from early 2011 until the 2012 election, state lawmakers introduced 180 restrictive voting bills in forty-one states, a trend that has continued in recent years (Weiser and Opsal 2014). In a study looking at restrictive voting proposals, scholars found that they occurred most frequently in competitive states under the control of Republicans, where African Americans are concentrated and both minority and low-income individuals have begun turning out at the polls more frequently (Bentele and O'Brien 2013; Hicks et al. 2015; Weiser and Opsal 2014).

The fight on voting rights was taken to a new level when the Supreme Court decided to hear *Shelby County v. Holder*. Shelby County, a preclearance jurisdiction in Alabama, sued the US attorney general in the US District Court for the District of Columbia, making the claim that sections 4(b) and 5 of the Voting Rights Act are facially unconstitutional and seeking to place a permanent injunction against their enforcement. In 2011 Judge John D. Bates found against the plaintiffs and upheld the provisions, arguing that evidence used to justify reauthorization by Congress in 2006 was sufficient. The US Court of Appeals for the DC Circuit affirmed the decision of the District Court in 2012, also finding the evidence in the *Congressional Record* to be sufficient to justify reauthorization. But on June 25, 2013, in a 5-4 decision, the Supreme Court struck down Section 4(b), the provision on preclearance. In the majority opinion (joined by fellow

conservatives Antonin Scalia, Anthony Kennedy, Clarence Thomas, and Samuel Alito) Chief Justice John Roberts argued that the basis for covered jurisdictions was outdated, “Nearly 50 years later, things have changed dramatically. . . . Blatantly discriminatory evasions of federal decrees are rare . . . The tests and devices that blocked access to the ballot have been forbidden nationwide for over 40 years” (*Shelby v. Holder* 2013).

In a scathing dissent Ruth Bader Ginsburg argued that the Court had overstepped its bounds, overturning a precedent in which it has “repeatedly reaffirmed Congress’ prerogative to use any rational means in exercise of its power in this area [to protect the rights to vote, and in particular to combat racial discrimination in voting].” Furthermore, she argued that preclearance works, citing the fact that “between 1982 and 2006, DOJ objections blocked over 700 voting changes based on a determination that the changes were discriminatory.” In fact, more than three thousand voting changes were prevented under preclearance between 1965 and 2013, and this figure does not include likely thousands of additional proposed changes deterred from emerging by preclearance (National Commission on Voting Rights 2014).

(p.121) The ruling effectively returned power to the states and shifted the burden of proof back to plaintiffs. “Without the preclearance requirements, plaintiffs will always be playing catch-up against recalcitrant jurisdictions” (Short 2014: 106). It did not take long to see the ramifications of the ruling, particularly in states that had heretofore been covered under preclearance (Brandesky, Chen, and Tigas 2014). On the day of the Supreme Court ruling, Texas attorney general Abbott stated that Texas should immediately enact measures regarding a stringent voter ID law and redistricting that had both been rejected previously by a federal court. Additionally, two months after the Supreme Court decision, North Carolina passed a number of measures, including a law with strict new photo ID requirements. The state also eliminated same-day voter registration and instituted a shortened early voting period (Brandesky et al. 2014). Virginia passed a number of new voting laws, including measures to restrict accepted voter identification and to purge voter rolls using the federal Systematic Alien Verification Entitlements database, which critics argue uses faulty data. Similar trends continued in other preclearance states. But it was not just the preclearance

states changing their policies. Several non-preclearance states also strengthened voting restrictions. Republican legislators in Arkansas overrode the governor's veto of a strict new voter ID law, and Nebraska shortened early voting by ten days. The dramatic increase in more stringent voting laws that occurred after *Shelby* demonstrated that the "issue is not how to combat discrimination in areas previously covered for preclearance, but how to combat it across the country" (Short 2014: 107).

The Disparate Impact of Voter Restrictions—Intersectional Considerations

The National Commission on Voting Rights (2014: 135) issued a report in 2014 focusing on the "new generation of tactics for limiting minority voters' access to the ballot." The commission identified what it argues are some of the most concerning trends, including "new state laws that limit acceptable types of voter identification to those types that racial minorities are least likely to possess, substantial cutbacks to the days and hours of early voting periods popular with minority voters, and polling place relocations and closures in heavily-minority communities" (2014: 135). It also discussed redistricting plans that dilute minority voters, restrictions on voter drives (which bring in almost twice the rate of Latino and African American than white voters), proof of citizenship requirements, voter purges, and felony disenfranchisement. Although race is frequently, if not always, one of the primary dimensions of discrimination in these policies, there are others. Gendered impacts can also be a product of new polling practices. Here I suggest how an expanded intersectional analysis might be developed to more fully assess the growing restrictive policies.

This chapter began with a discussion of voter identification laws—Texas's law in particular, and its discriminatory impact. These ostensibly neutral state laws are a popular tactic, framed by supporters as maintaining the integrity of the vote. Prior **(p.122)** to 2000, states generally had ID requirements that were fairly easy to satisfy, with most allowing voters to simply attest to their identity (National Commission on Voting Rights 2014). Between 2001 and 2012, 910 voter ID bills were introduced across a variety of states (Hicks et al. 2015). By the 2014 elections, thirty-one states had voter identification laws in force, although only about a third of them today are considered strict (Underhill 2014).

Voter identification laws have been criticized by opponents for their discriminatory impact, described by some as a modern-day poll tax. Because these laws vary in the type and degree of restriction, their impact also varies. A 2006 survey by the Brennan Center, however, suggests the disparate impact they might have. According to the survey, as many as 11% of US citizens (just over 21 million individuals) do not have government-issued photo identification. This is disproportionately higher among African Americans (25%), Latinos (16%), those over age sixty-five (18%), those ages eighteen to twenty-four (18%), and those earning less than thirty-five thousand dollars a year (15%). In particular, the Brennan Center reported that only 66% of voting-age women with ready access to any proof of citizenship (already a restricted number) have a document with their current legal name. This translates into roughly 32 million women who might be excluded due to inadequate voter identification. While these trends represent different dimensions of discrimination that are problematic when viewed in isolation, they are complicated by virtue of their intersections. Women, and women of color in particular, are overrepresented among lower socioeconomic groups, and women make up a disproportionate percentage of the elderly (Eichner and Robbins 2015; Ortman, Velkoff, and Hogan 2014). Also relevant are missed dimensions, such as how voter ID laws might impact voters with disabilities or voters who are transgender.

In the wake of the new laws, stories have emerged highlighting the intersectional gendered dimensions of discrimination. For example, Virginia Lasater, a ninety-one-year-old white woman who had voted and worked on campaigns for seventy years, was physically unable to obtain a photo ID when she faced a one-hundred-person wait at the Tennessee Department of Motor Vehicles, with no place to sit and no assistance from state workers (Macnamara 2011). Dorothy Cooper, a ninety-six-year-old African American woman also from Tennessee, showed up with her rent receipt, a copy of her lease, her former voter registration card, and her birth certificate, but was denied a photo ID because her birth certificate had her maiden name on it. She later stated on MSNBC that she did not have as many problems when trying to vote under the Jim Crow laws (Macnamara 2011). Sammie Louise Bates, who remembers counting the money needed to

pay poll taxes with her mother, could not afford to pay the forty-two dollars for the birth certificate needed to register under Texas's new voter ID law (Weiser 2015).

In addition to voter identification restrictions, a number of measures have been proposed or adopted that impact the accessibility of voting. Eight states passed laws cutting back on early voting days and hours, many eliminating weekend and evening hours when minority voters are more likely to vote (National Commission on Voting Rights 2014; Weiser and Opsal 2014). These types of restrictions have **(p.123)** complex intersectional impacts. A survey inquiring about reasons people did not vote in the 2012 presidential election (before many of the most restrictive policies were put into practice) shows interesting patterns across race and gender (see Table 5.1). For example, 22.2% of the women of color surveyed cited they were too busy, followed by men of color (21.7%), white men (19.7%), and then white women (16%). White women were most likely to cite illness or disability (their own or a family member's), followed by women of color, both at almost twice the rate of men regardless of race. White women and women of color were more likely than men to have transportation problems, and people of color were more likely than those who are white to have such problems. Interestingly enough, low levels of interest or efficacy were less likely reported by women and particularly women of color.

Felony disenfranchisement provides another challenge to women's ability to vote, although its race-gendered impact has been woefully underexplored. While studies focus on the racial impact of voter disenfranchisement, any attention given to gender generally focuses on the plight of black men (for exceptions see Alexander 2010 and Smooth 2006). The Sentencing Project (2013) has provided some of the rare studies on black women. They report that in 2000 black women were incarcerated in state and federal prisons at six times the rate of white women. By 2009, this ratio decreased to about three times the rate. Given these persisting racial disparities, additional studies that focus on the intersections of gender and race in regard to voter disenfranchisement are much needed.

Table 5.1 Reasons cited for not voting in 2012 presidential election, by gender and race

	White		Persons of Color	
	Men	Women	Men	Women
Not interested, felt my vote wouldn't count	17.8%	14.9%	16.7%	11.5%
Too busy, conflicting work or school schedule	19.7%	16.0%	21.7%	22.2%
Illness or disability (own or family's)	9.6%	18.6%	9.5%	16.7%
Transportation problems	2.0%	3.4%	3.8%	5.7%

Data from US Census Bureau as reported by Harris 2014.

While this survey provides some suggestive support for considering the race-gendered impact of polling practices, numerous other considerations might be made. For example, while most laws allow voters to bring their children to the polling station, some states place restrictions on the number of children who may accompany a parent, making it difficult for women with more than two children (in the case of Indiana) to vote unless they have childcare. How are these voters, along with those who are disabled, to deal with long, cumbersome lines at inadequate polling sites? What intersectional impact is there in the increased purging of voter registration lists? Do face-to-face challenges at the polls by groups such as True the Vote have an intersectional impact? These are just a few intersectional considerations relating to the types of restrictions being put in effect across the country. Many of these questions remain unanswered and therefore point to the **(p.124)** need for more systematic studies looking across multiple, intersecting social locations to more fully assess the wide-ranging and often gendered impact of restricting voting policy and practices.

Conclusion

Celebrating the centennial anniversary of the Nineteenth Amendment is important. It is right that we recognize this historical moment in the evolution of women's political rights. At the same time, it is imperative that we also recognize just what we are celebrating. This anniversary does not represent one hundred years of women voting; there have been too many exclusions of women voters over the past one hundred years to celebrate such an achievement. An intersectional analysis of this history demonstrates that the fight continued well beyond ratification and goes on even today. One might instead consider this moment in time as a juncture requiring a rallying cry. One hundred years later, not only are many women still effectively excluded from the franchise, but new threats continue to emerge. While 1920 was a momentous occasion in the path to women's suffrage, we must recognize other events that were just as important, if not more so, such as the 1965 Voting Rights Act. Better yet, we must recognize that the battle is far from over. Rights gained must be put into practice, exercised, and continuously protected lest they be lost.

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