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## WOMEN OF COLOR—WHAT THEIR VOICES TEACH US<sup>1</sup>

JACQUELINE MERTZ\*

It was 1970; I was seventeen, pregnant, and just about to graduate high school. My boyfriend was twenty and in the army. What do I do? My boyfriend's solution to our predicament was to punch me in the stomach so that I would abort. Luckily, the abortion law had just passed in New York, and I was able to have a legal abortion.

Unable to attend college, I ran off to join the anti-war and feminist movements. I began learning about the historical and current oppressions experienced by people of color, women, and the white working class. Less than a year later, I was raped by an African-American man. Everything I had learned about the oppressions of people of color became a sea of fear and contradiction within me. I asked myself the question: How do I reconcile this contradiction between my support for the struggles for people of color, with the struggle for women to be respected as equals with men, free from male violence, regardless of their color?

My answer was to look to the leadership of women of color in their struggles for the survival of their families, themselves, and their nations, in the face of racism, sexism, and national oppression. I confronted my fears and contradictions by continuing to do support work with Native Americans, African-Americans, Hispanics, Africans, Asians, Palestinians, and working class whites. The issues I became involved with included land and treaty rights, women's issues, prisons, jobs, forced sterilization, housing and health care. By doing support work with people of color, I put myself in the position of others in order to make links to my own experience. The spirit of the struggle is well expressed in the statement by the Sovereign Native Women's Conference in 1976:

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<sup>1</sup> In this essay, I will be addressing white feminists and speaking as one of them.

We are women, who are called Indians. We are from many nations within the borders and boundaries claimed by the United States. We have met in counsel at Lawrence, Kansas to express our concerns for a better future . . . for our little sisters and brothers who are with us, our children who are not yet born . . . and on behalf of our elders, because their spiritual strength provides us the energy and courage and patience to deal with your system and to continue their dreams of freedom. After five days of meetings, we conclude there was nothing to say about what we need. Our elders, long ago, in the treaties, reserved all of the rights, properties, and guarantees of services necessary to provide protection and support for the quality of life we require to live with dignity as Indian human beings.<sup>2</sup>

### I. INTRODUCTION

When the oppression of women is viewed through the eyes of the white feminist movement, it appears superficial when compared with the struggles of women and people of color.<sup>3</sup> A white feminist perspective masks the critical distinctions between struggles that women of color face with respect to racism, sexism, and national oppression, and the struggles white women face in terms of sexism and economic oppression.<sup>4</sup>

A dominant white view of women's oppression limits our knowledge and understanding of women of color's history and struggle, by generalizing our own experiences as if they were the experience of all women.<sup>5</sup> White supremacist attitudes are a major obstacle to a unity that would enable white women and women of color to find solutions that lead to qualitative changes for all.<sup>6</sup>

Studying and learning from women of color's experience will deepen our understanding of white women's oppression. Listening and learning from women of color will give white women the genuine opportunity to understand, support, and unify with women and men of color in their struggle for self-determination.<sup>7</sup>

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<sup>2</sup> Prairie Fire Organizing Committee, 1 BREAKTHROUGH 71, 72 (1977) (citing The Sovereign Native Women's Conference, held at Haskell Institute, Lawrence, Kansas, May 18, 1976) [hereinafter BREAKTHROUGH].

<sup>3</sup> Prairie Fire Organizing Committee, WOMEN'S LIBERATION AND IMPERIALISM 1, 3 (1977) [hereinafter WOMEN'S LIBERATION AND IMPERIALISM].

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Self-determination as used collectively in the colonial sense. For a further discussion on this topic, please see generally JIM MESSERSCHMIDT, THE TRIAL OF LEONARD PELTIER 2 (South End Press 1983).

## II. PURPOSE

In this paper, I will examine the leading role women of color play in teaching us about the definitions of women's oppression. In addition, I examine what it means to support and learn from the struggles of women of color in the context of their struggles against racial, national, and sexual oppression. Furthermore, I examine importance of building genuine solidarity between the white feminist movement and women of color's struggles against racial, national, and sexual oppression.

## III. LEARNING FROM WOMEN OF COLOR

[T]he paradox at the heart of feminism: Any attempt to talk about all women in terms of something we have in common undermines attempts to talk about the differences among us, and vice versa.<sup>8</sup>

Over the past two decades, women of color have challenged white feminists to embrace our differences, and redefine notions collectively known as "women." The voices and experiences of women of color lead may *teach us* about the mobility of their identities, "within the context of the complex interrelationships of their feminist, antiracist, and nationalist struggles."<sup>9</sup>

"Gender essentialism" is a term used to describe a monolithic view of women's experience, as one that separates women of color's experience from other aspects that affect their lives such as race, class, and sexual orientation.<sup>10</sup> The corollary of "gender essentialism" is "racial essentialism," the belief that there is a monolithic "Black Experience" or "Chicano Experience."<sup>11</sup> Gender and racial essentialisms are ways in which the dominant culture, which consists of primarily white, straight, and socio-economically privileged people, assert their perspective over gender and racial minorities.<sup>12</sup> To learn from women of color, white women must move beyond their own self-interest of holding on to a monolithic view of women's experience, and permit an emergence of differences among our experiences to be heard. Opening ourselves up to listening and learning from women of color will lead us to a more complete understanding of women's oppression

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<sup>8</sup> Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581, 587 (1990) (quoting Elizabeth V. Spellman, *Inessential Woman: Problems of Exclusion in Feminist Thought* 3 (1988)).

<sup>9</sup> Adrienne Katherine Wing, *Global Critical Race Feminism, An International Reader* 13 (2000) (citing Chandra Mohanty, *Introduction: Cartographies of Struggle*, in *THIRD WORLD WOMEN AND THE POLITICS OF FEMINISM* 7 (Chandra Mohanty et al. eds., 1991)).

<sup>10</sup> Harris, *supra* note 8, at 588.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

and eventually to a stronger feminist movement.<sup>13</sup>

This monolithic view I call "white exceptionalism." Exceptionalism comes from the dominant white culture's interpreting its white experience in the world as universal. Whites thereby come to believe they are entitled to speak for all. In essence, that whiteness describes the world. This philosophy is based in our country's history of dominance over people of color. White women have historically aligned themselves on the side of their self-interests, and white women have not supported the central role women of color play in our liberation.

#### IV. HISTORICAL PERSPECTIVE

[L]ook at me! Look at my arm! I have ploughed, and planted, and gathered into barns, and no man could head me! An ain't I a woman? I could work as much and eat as much as a man-when I could get it- and bear the lash as well! And ain't I a woman? I have borne thirteen children, and seen them most sold off to slavery, and when I cried out with my mother's grief, none but Jesus heard me! And ain't I a woman?<sup>14</sup>

Within the United States, the nature of oppression that women have faced has been divided along the lines of conquering and conquered peoples.<sup>15</sup> White women, mainly from Europe, came to the U.S. as bondservants or wives of free settlers.<sup>16</sup> In both instances, they were subjected to male supremacist oppression through the exploitation of their labor, and their lack of legal, political, or economic rights.<sup>17</sup> The whiteness of the European women, however, enabled them, at times, to earn their way to freedom.<sup>18</sup> Black women, however, forcibly taken from their homelands, were consigned to permanent servitude.<sup>19</sup>

As wives, white women participated with their husbands in the development of land taken from Native Americans.<sup>20</sup> Due to white women's powerlessness and dependency on men, they became entrenched in the white supremacist power structure that perpetuated the destruction of Native women, men, and children.<sup>21</sup> This history has made white supremacy a

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<sup>13</sup> See generally Harris, *supra* note 8.

<sup>14</sup> See *id.* at 588 (citing Sojourner Truth, Address at the Women's Rights Convention in Akron, Ohio, 1851, reprinted in BLACK WOMEN IN NINETEENTH-CENTURY AMERICAN LIFE: THE WORDS, THEIR THOUGHTS, THEIR FEELINGS 234,235 (B.J. Lowenberg & R. Bogin eds. 1976)).

<sup>15</sup> WOMEN'S LIBERATION AND IMPERIALISM, *supra* note 3, at 8.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

primary obstacle in developing a women's movement that upholds the rights of women of color, on their terms.<sup>22</sup> Instead, white women repeatedly distinguish the oppression women of color face as women from the oppression women of color face from racial and national oppression.

Although white women abolitionists, like Lucy Stone<sup>23</sup> and the Grimke sisters,<sup>24</sup> were active leaders in the struggle for women's rights and for Black freedom from slavery, that solidarity was broken after the Civil War.<sup>25</sup> White supremacy, in the feminist movement, was seen in the first wave of the movement of the early 19<sup>th</sup> century. After the Civil War, the Republican Party pitted women's suffrage against the struggles of Black people. The Fourteenth Amendment to the Constitution of the United States, proposed in 1866, was explicitly limited to male citizens.<sup>26</sup> The Fifteenth Amendment to the Constitution of the United States,<sup>27</sup> outlawing suffrage discrimination on the basis of race, also excluded women. Black men and women argued that the passage of both the Fourteenth and Fifteenth Amendments were necessary steps in Black people's struggle for equal rights.<sup>28</sup> White women responded by organizing against these amendments on racist grounds.<sup>29</sup> For example, the National Women's Suffrage Association began a campaign for women's right to vote, which turned attention and support away from blacks and immigrants struggle for the right to vote.<sup>30</sup> Subsequently, this kept blacks and immigrants out of power.<sup>31</sup> By narrowing its concern to women's suffrage, the women's movement abandoned women's of color's struggle against super-exploitation from racial and sexual oppression.<sup>32</sup>

The first wave of the women's movement failed to take the struggles of women's and racial oppression for women of color seriously.<sup>33</sup> The failure to

<sup>22</sup> *Id.*

<sup>23</sup> Lucy Stone (Aug. 13, 1818-Oct. 18, 1893) "is known to women's history not only as one of the most important workers for suffrage and other women's rights in the 19th century and as a prominent abolitionist, but also as the first woman to keep her own name after marriage." *Lucy Stone*, at [http://womenshistory.about.com/library/bio/blbio\\_stone\\_lucy.htm](http://womenshistory.about.com/library/bio/blbio_stone_lucy.htm) (last visited Feb. 27, 2003).

<sup>24</sup> "At a time when women were supposed to stay home and keep their political views there with them, Sarah [Grimke (1802-1873)] and Angelina Grimke [(1806-1879)] were out of pace with the times. Having strong opinions about slavery and women's rights, these sisters shocked all who knew them by speaking out and getting involved with making changes on both." *Sarah Moore Grimke and Angelina Emily Grimke Weld*, at <http://www.ledomaine.net/NWM/bio/grimkes.html> (last visited Feb. 27, 2003).

<sup>25</sup> *Women's Liberation and Imperialism*, *supra* note 3, at 22.

<sup>26</sup> See generally U.S. CONST. Amend. XIV; see also *id.*

<sup>27</sup> See generally U.S. CONST. Amend. XV; see also WOMEN'S LIBERATION AND IMPERIALISM, *supra* note 3, at 8.

<sup>28</sup> WOMEN'S LIBERATION AND IMPERIALISM, *supra* note 3, at 8.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.* at 22.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

actively support the relevant issues facing women of color, destroyed political alliances, between women of color and white feminists.<sup>34</sup> The lessons Sojourner Truth<sup>35</sup> tried to teach were ignored.

#### V. MODERN DAY PERSPECTIVE-ARE WE STILL IGNORING THE LESSONS?

We the Indian people, may be the only citizens of this nation who really understand this form of government, and respect the Constitutional ideals, as it was originally copied from the Iroquois Confederacy. Unless you develop a respect for the most basic principles behind this form of government, you are doomed to be just another "civilization" significant only for its barbarism.<sup>36</sup>

In the second wave of the feminist movement, women of color are speaking out, and their voices are beginning to be heard. As Angela Harris points out, feminists are acknowledging that women of color's reality has multiple consciousness that is based not only on their oppression as women but, on the bases of race, class, and sexual orientation, as well.<sup>37</sup> The struggle continues, however, for white feminists to understand that women of color identities cannot be sifted out from the complex mixture of race, class, and sexuality.

#### VI. YVONNE WANROW

Relevant to the understanding of women's identities as complex is a discussion of the Yvonne Wanrow case. Yvonne Wanrow is a Native American woman who was tried for the murder of a white child molester. Although her case occurred over twenty years ago, the lessons from her struggle are still relevant to the discourse on feminist legal theory today. In particular, Elizabeth M. Schneider, in her article *The Dialectic of Rights and Politics:*

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<sup>34</sup> *Id.*

<sup>35</sup> Sojourner Truth is a well-known African American abolitionist. She was born circa 1797 in Ulster, New York, and died in 1883. *Sojourner Truth*, at <http://www.ledomaine.net/NWM/bio/truth.html> (last visited Feb. 27, 2003).

Only gaining her freedom after New York abolished slavery, she moved to New York City, working as a servant. She was then about thirty years old. Sometimes she preached on street corners, both, against slavery and on women's rights. In 1843, she began to believe God wanted her to "travel up and down the land" making his word known. Isabella became Sojourner (meaning wanderer) Truth, traveling throughout the country and speaking wherever an audience could be found. Though she suffered abuse and physical attacks, her eloquence made her famous.

In 1864, she was invited by President Abraham Lincoln to the White House, where she was appointed counselor to freedmen in the capital. After the Civil War, Sojourner Truth continued to help the newly emancipated slaves, while improving the lives of women.

*Id.*

<sup>36</sup> BREAKTHROUGH, *supra* note 2, at 73 (citing The Sovereign Native Women's Conference, held at Haskell Institute, Lawrence, Kansas May 18, 1976).

<sup>37</sup> Harris, *supra* note 8, at 587.

*Perspective From the Women's Movement*, writes about the lessons she learned, as an attorney on Yvonne Wanrow's appeal to the Washington State Supreme Court.<sup>38</sup> Similarly, I will discuss my perspective as a white feminist, working on Yvonne Wanrow's case, but in the context of support work with the Native American Defense Committee and the Leonard Peltier Defense Committee.

*A. The Case of Yvonne Wanrow-Legal Analysis*

In the case of *State v. Wanrow*,<sup>39</sup> a jury convicted Yvonne Wanrow, a Native American woman, of second-degree murder for shooting and killing a white man, William Wesler.<sup>40</sup> Yvonne believed Wesler had tried to molest one of her children.<sup>41</sup> Wesler and Kelly had entered Yvonne's baby sitter's home uninvited, while Yvonne and her children were present.<sup>42</sup> Yvonne, standing 5'4" tall, with a cast on her leg and using crutches, claimed that her perception of the danger and knowledge that a known child molester had entered her house drunk, necessitated she act in self-defense and shoot Wesler in order to protect herself and her children.<sup>43</sup>

A jury convicted Yvonne based on two misstatements of the law. First, in "evaluating the gravity" of the danger Yvonne faced, the jury was instructed to consider only the circumstances "at or immediately before the killing."<sup>44</sup> For Yvonne, an important factor, was the prior information that Wesler was a known child molester and had previously tried to molest one of her children.<sup>45</sup> Yvonne's belief was grounded not only in the imminent danger, but the previous interaction and knowledge about Wesler.<sup>46</sup>

Second, the trial court instructed the jury to apply the equal force standard, whereby the person claiming self-defense can only respond with the force equal to that which the assailant uses.<sup>47</sup> There are two ways of interpreting equal force. One is the standard formulation that a gun equals a gun, and strength equals strength. Another way of interpreting equal force is to look to the substance of the force. In this case, Yvonne a 5'4" woman in a cast and crutches, in comparison to Wesler, a 6'2" drunk man entering the home uninvited. Since Wesler was not carrying a gun, the jury, in accessing Yvonne's claim to self-defense, was not permitted to consider her perception

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<sup>38</sup> Elizabeth M. Schneider, *The Dialectic of Rights and Politics: Perspective From the Women's*, 61 N.Y.U.L. REV. 589 (1986).

<sup>39</sup> *State v. Wanrow*, 559 P.2d 548 (Wash. 1977).

<sup>40</sup> *Id.* at 551.

<sup>41</sup> *Id.* at 550-51.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Wanrow*, 559 P.2d at 551.

<sup>45</sup> *Id.* at 550-51.

<sup>46</sup> *Id.* at 551.

<sup>47</sup> *Id.* at 558.



of the gravity of the danger.<sup>48</sup> The jury, therefore, had no choice but to find Yvonne guilty based on a male standard of equal force,<sup>49</sup> i.e. a gun equals a gun and strength equals strength.

Since the jury was told only to apply the equal force standard, evidence concerning the lack of police protection "in such situations,"<sup>50</sup> was not presented. In addition, the jury did not consider the pervasiveness of violence against women and children, Yvonne's knowledge of Wesler as a child molester, or her subjective belief that she could only defend herself and her children with a weapon.<sup>51</sup> Therefore, the jury could only apply the equal force standard and was not allowed to consider Yvonne's perspective in assessing her claim to self-defense.<sup>52</sup>

Attorneys with the Center for Constitutional Rights developed a legal strategy based on women's "equal right to trial."<sup>53</sup> Their argument challenged sex-bias in the law of self-defense, as reflected in the jury instructions.<sup>54</sup> Further, they advocated for the inclusion of Yvonne Wanrow's perspective as a Native American woman.<sup>55</sup> The challenge to sex bias in the law of self-defense is based on issues such as the prevalence of acts committed by women in the face of physical abuse or sexual assault, domestic violence, and child abuse. The different circumstances in which women and men kill, the physical and psychological barriers preventing women from defending themselves, and the labeling of women who kill as unreasonable or "crazy" should also be considered.<sup>56</sup> The argument advanced by the attorneys for the Center for Constitutional Rights was that if a jury did not understand Yvonne Wanrow's experience and how it shaped her conduct, the jury could not understand that her conduct reflected her experience, and thus was a reasonable act of self-defense.<sup>57</sup> Since the jury was not allowed to consider this defense, Yvonne Wanrow was not treated fairly under the law.<sup>58</sup>

Yvonne won her appeal, and her conviction was reversed. The Court found that Washington law had been misconstrued in two ways. First, the jury instructions had limited the jury's consideration of the circumstances to "at or immediately before the killing."<sup>59</sup> Properly construed, the law would

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<sup>48</sup> *Id.*

<sup>49</sup> *Wanrow*, 559 P.2d at 551.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Wanrow*, 559 P.2d at 551.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Wanrow*, 559 P.2d at 555-56.

allow the jury to consider Yvonne's knowledge of Wesler's reputation, his prior aggressive behavior, and circumstances known to the defendant prior to the killing.<sup>60</sup> Second, the equal force instruction misconstrued Washington law and denied Yvonne equal protection. If, under the instruction, Yvonne, a 5'4 woman with a cast on her leg and using a crutch, must, under the law, repel an assault by a 6'2 intoxicated man without employing a weapon in her defense, then the jury could not find the degree of danger to be objectively reasonable.<sup>61</sup> An instruction that an equal force standard be applied, without proper instruction on circumstances leading to the use of unequal force, violates Yvonne Wanrow's right to equal protection of the law.<sup>62</sup> The third error in the trial court's jury instructions was the failure to let the jury consider the reasonableness of Yvonne's act from her perspective, "seeing what she sees and knowing what she knows."<sup>63</sup> The Court stated:

The respondent was entitled to have a jury consider her actions in the light of her own perceptions of the situation, including those perceptions which were the product of our nation's long and unfortunate history of sex-discrimination' . . . Until such time as the effects of that history are eradicated, care must be taken to assure that our self-defense instructions afford women the right to have their conduct judged in light of the individual physical handicaps which are the product of sex discrimination. To fail to do so is to deny the right of the individual women involved to trial by the same rules which are applicable to male defendants.<sup>64</sup>

*B. Yvonne Wanrow's Case- A Legal Feminist's Perspective on Lessons Learned*

Elizabeth Schneider, in her article, *The Dialectic of Rights and Politics: Perspectives From The Women's Movement*, states: "Of the many cases on which I worked at the Center, one, *State v. Wanrow*, stands out for me because it so clearly demonstrates that legal argument which is tied to and express the concerns of a social movement can assist in the political development of that movement."<sup>65</sup> Schneider engages in dialogue on the role of rights discourse as a necessary aspect of political and legal strategies for change.<sup>66</sup> Through her article, she responds to Critical Legal Studies scholars ("CLS") and feminist critics of legal rights discourse. She describes the "Crits" position as one that believes that only individuals can possess rights, as they are

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<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.* at 558-59.

<sup>63</sup> *Id.* at 557 (citing *State v. Dunn*, 506 P.2d 321, 322 (Wash. 1973)).

<sup>64</sup> *Wanrow*, 559 P.2d at 559.

<sup>65</sup> Schneider, *supra* note 38.

<sup>66</sup> See generally *id.*

inherently individualistic.<sup>67</sup> Rights discourse portrays individuals as "separated owners of their respective rights, and this separates the struggle for individual rights from the struggle for group rights."<sup>68</sup> Rights claims are viewed as indeterminate, and arguing for one's individual rights does not solve conflicts between rights, or transform social relations.<sup>69</sup> CLS scholars argue that the use of individual rights claims by social movements and the subsequent reliance on rights granted by the state, keeps people passive and dependent on the state because their rights can only be exercised to the degree the state permits.<sup>70</sup> Legal strategies that use rights discourse in social movements tend to weaken the power of the movement since the state now defines the goals and obscures actual political choice and self-determination.<sup>71</sup> Schneider also points out that feminist critics of rights claims see a women's claim to equal rights as hierarchical, premised on the view that the law is patriarchal, reflecting a male perspective that is objective and distant, and incapable of including a female view of the law.

In contrast to the CLS scholars, Schneider argues that although rights discourse can be alienating, individualistic, and can restrict political vision and debate, it can at the same time, "enhance political growth, affirm human values, and aid in the development of collective identity."<sup>72</sup> She argues that rights discourse is dialectical, in that it involves a complex, dynamic, and larger process simultaneously advancing and holding back political growth.<sup>73</sup> The dialectical process, the connection of ideas that seem to be in opposition to each other, aids us in seeing the interconnectedness of rights assertions and the collective political struggles.<sup>74</sup> She believes that rights critics do not account for the complex dialectical relationships between assertion of rights, and political struggle.<sup>75</sup> Instead, rights critics have a static view of rights discourse and rights assertion, which divorces theory from practice. Schneider views theory and practice as dialectically related, and feminist theory as characterized by an emphasis on the interrelationship of theory and practice.<sup>76</sup> Feminist theory reveals the social complexities of the individual experience, and vice-versa.<sup>77</sup> Feminist theory links the individual

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<sup>67</sup> *Id.* at 594-96.

<sup>68</sup> *Id.* 594 (citing Frances Olsen, *Statutory Rape: A feminist Critique of Rights Analysis*, 63 TEX. L. REV. 387, 393 (1984)).

<sup>69</sup> *Id.*

<sup>70</sup> Schneider, *supra* note 38, at 594.

<sup>71</sup> *Id.* at 594-5 (citing Peter Gabel and Paul Harris, *Building Power and Breaking Images: Critical Legal Theory and the Practice of Law*, 11 N.Y.U. REV. L. & SOC. CHANGE 369, 375 (1982-1983)).

<sup>72</sup> *Id.* at 595.

<sup>73</sup> *Id.* at 596.

<sup>74</sup> *Id.* at 601-05.

<sup>75</sup> Schneider, *supra* note 38, at 605.

<sup>76</sup> *Id.* at 607.

<sup>77</sup> *Id.*

to social change through consciousness raising and practice, and the practice of asserting an individual's rights can have a profound influence on affecting social change.<sup>78</sup>

The political insights into sex-bias in self-defense that could help to explain Yvonne Wanrow's situation arose out of legal formulation and argumentation. But the legal argument concerning the 'equal right to trial' grew out of a political analysis of sex discrimination . . . The legal argumentation brought together diverse strands of feminist analysis and theory concerning sex-biased treatment of women in the criminal justice system.<sup>79</sup>

Schneider references her work on the Yvonne Wanrow's case to illustrate that legal struggle is not just about winning a case, but also a way to express politics and demands of social movement. In addition, legal struggle assist in the political definition of that movement. Yvonne Wanrow's victory represented to Schneider a political analysis regarding sex-bias in the law of self-defense. Furthermore, the victory illustrated the absence of a women's perspective in the courtroom, and clarified feminist analysis on problems facing women who kill in self-defense.<sup>80</sup> Lessons that may be learned from Yvonne Wanrow's case are characterized by Schneider as follows:

The legal formulation thus moved the political work to a different level. It raised the political question of what a women's perspective might be and what equal treatment would look like. It focused further legal work on the disparate hurdles that limit women defendants' choice of defense—particularly the various ways which women experiences were excluded from the courtroom – and laid the foundation for political legal strategies to remedy the problems created by this exclusion.<sup>81</sup>

Although, I agree with Schneider's dialectical approach to rights discourse, the problem with what she presents as the lessons learned from Yvonne Wanrow's case is that it only represent a part of the picture. Yvonne Wanrow's case did advance the individual rights of women who kill in self-defense. The case was also significant in that it legitimized a women's perspective on violence against women and children and their reaction to it. The criticism that CLS scholars make about rights assertions ignoring the complex political struggles that people of color face as groups, is evident in what was learned from Yvonne's case. Although Schneider learned how the practice of engaging in an individual legal rights struggles can affect social change for women. Yvonne Wanrow's case teaches not only about the right

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<sup>78</sup> *Id.*

<sup>79</sup> *Id.* at 610.

<sup>80</sup> Schneider, *supra* note 38, at 610.

<sup>81</sup> *Id.*

she had as women to fight back against violence against women and children, Yvonne's case also illustrates her right to fight back as a Native American woman who represents the complex social and political struggles Native Americans face in a white dominated system that has committed genocide and severe oppression against them. As the Court in Yvonne's case said, "seeing what she sees and knowing what she knows" will be useful to a broader understanding of a multi-consciousness of oppression.<sup>82</sup> The Court only referred to her perspective as a woman. However, Yvonne's fight as a Native American woman teaches a lesson the white feminist movement needs to learn from women of color.

#### VII. LEARNING FROM NATIVE AMERICANS WORKING IN SUPPORT OF YVONNE WANROW

"Yvonne is part of the struggle of Native American peoples against genocide and for National Sovereignty. Yvonne is fighting for all Indian people and their children. She needs our consistent support right now at this critical time in her case."<sup>83</sup> This quotation comes from the Native American Defense Committee, and was written by Native American men who worked in support of Yvonne Wanrow. During Yvonne Wanrow's case, Native Americans involved in their political struggle for self-determination were under attack by the legal system. In 1978, I had privilege to participate in the Native American Defense Committee, which was comprised of mostly Native Americans who had faced, or were facing the white criminal justice system. The Native American perspective on their political struggle has been aptly captured by fellow Native American Leonard Peltier, who said that "[a]n Indian in prison is a political prisoner because of the way he is treated because he is a prisoner of an alien political system."<sup>84</sup> This political analysis comes from Native American's experience in a system they consider foreign to them in terms of their identity as sovereign tribal nations.

#### VIII. THE RELATIONSHIP BETWEEN THE CASE OF LEONARD PELTIER AND THE CASE OF YVONNE WANROW

By adding my name to America's growing list of Indian political prison's the United States government continues its act of genocide to keep our nations from throwing the yoke of oppression off our backs, and hopes that we will accept their form of government, but as a struggling nation we

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<sup>82</sup> *Id.* at 608 (quoting *Wanrow*, 559 P.2d at 557).

<sup>83</sup> *Native American Defense Committee Newsletter* (Native American Defense Comm.), 1979, at 5.

<sup>84</sup> *Id.* at 1; see also *Civil And Political Rights, Including The Questions of Torture And Detention; Religious Intolerance*, THE INT'L INDIAN TREATY COUNCIL, A NON-GOVERNMENTAL ORGANIZATIONS IN SPECIAL CONSULTATIVE STATUS, available at [http://193.194.138.190/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.2002.NGO.49.En?Open](http://193.194.138.190/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.2002.NGO.49.En?Open) (last visited Feb. 27, 2003).

must never accept defeat. In the spirit of Crazy Horse . . . , Your brother Leonard Peltier and all my brothers at Marion.<sup>85</sup>

The above argument was made in the case of Leonard Peltier, a Lakota warrior.<sup>86</sup> Leonard Peltier was convicted of killing two FBI agents who invaded Wounded Knee, on the Pine Ridge Indian Reservation, South Dakota, in 1975.<sup>87</sup> Leonard's defense committee put forward an analysis that claimed Leonard's case was a challenge to the U.S. government's jurisdiction to try him.<sup>88</sup> Leonard has continually argued, along with his innocence, that he has a right, as an Indian belonging to a sovereign Indian Nation, to be judged either by an Indian or an international court. Since our government continues to commit oppressive acts against Indian Nations within the borders of the United States and does not honor the treaties between Indian Nations and the U.S. government, it has no right to judge Native Americans. Leonard's case took the struggle for his individual rights as an Indian, and put forward an analysis that extended to all Indian Nations within U.S. borders.

This legal argument did not persuade the Eight Circuit, and Leonard is serving two life prison terms.<sup>89</sup> Like the analysis put forward in Leonard Peltier's case, Yvonne's perspective as a Native American is as much a part of what her case meant to her, and her Indian supporter's, as was her struggle for women's right to self-defense. Both Yvonne Wanrow's case and Leonard Peltier's case make the links between individual rights and the rights of Indian Nations in relationship to the systematic oppression Indians continue to face in the U.S. In comparison to how Schneider describes Yvonne's issues, Yvonne's Indian supporters described the situation this way: "Yvonne, Colville Indian, was convicted by an all white jury during the same year the government attacked Wounded Knee."<sup>90</sup>

However, the support for Yvonne from the white feminist movement was a strong part of the type of support she needed to win. In fact, like Leonard, she would not have won her case if she had also put forward the legal argumentation that the United States government had no right to try her. However, the fact that she was convicted, by an all white jury, and the fact that the deceased was a white man, was as much a part of Yvonne's legal and political struggle as was her conviction by a jury that was not given the feminist legal analysis of self-defense. As Schneider points out in her article, Yvonne was facing, a criminal justice system and police who do not

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<sup>85</sup> *Native American Defense Committee Newsletter*, *supra* note 83, at 2 (quoting Leonard Peltier, 1979).

<sup>86</sup> *United States v. Peltier*, 585 F.2d 314 (8th Cir. 1978).

<sup>87</sup> *Id.* at 320.

<sup>88</sup> *Id.*

<sup>89</sup> *Id.* at 335.

<sup>90</sup> *Native American Defense Committee Newsletter*, *supra* note 83, at 6.

understand how to respond to women who face abuse and fight back.<sup>91</sup> Yvonne, however, also faced a criminal justice system that responds to Indians with racial and cultural oppression.

Leaving out this part of the analysis of the case limits what we learn from the voices of women of color. The struggle against oppression will not succeed if we fail to take into account the unique experiences and perspectives of people of color. We do not move forward. Understanding a woman of color's struggle from her perspective is critical to the development of the feminist movement. Yvonne supported Leonard, and Leonard supported Yvonne. To Yvonne and Leonard, their struggles were not and are not separate; therefore, no one else has the right to separate them. This reciprocity is what they both teach us.

#### IX. MY VOICE-WHAT I'VE LEARNED

Because of color values, we'll never have the same experiences in life.<sup>92</sup>

It is a leap of consciousness by whites to see ourselves in them.<sup>93</sup>

My practice in advocating for the support of the importance of the experiences of women and men of color has taught me the significant role they play in exposing how white and male supremacist power structures are used against poor and oppressed peoples, politically, legally, and socially. Through my support work with Native Americans, in particular, I learned to respect the leading role people of color play in their struggle to be free of racial, national, and sexual oppression. I was pushed to understand that only people of color can define how, when and where, their struggles will unfold against the power structures of oppression.

As I worked, listened and learned from women and men of color about their own struggles for liberation, I began a process of informal learning that was itself liberating for me. From my real life experiences, as a white working class woman without formal education, I was able to internalize and externalize what I understood about my own oppression and connect that knowledge to the oppression of others in a genuine way. While raising a child, I was slowly able to receive a formal education. I was learning from an intellectual perspective, what I had experienced personally, and what I had learned from working in support of the liberation of others.

When I became a Certified Nurse-Midwife/Nurse Practitioner, I worked for sixteen years in an urban county hospital. I was fortunate to have

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<sup>91</sup> Schneider, *supra* note 38, at 607.

<sup>92</sup> *The Way Home* (1998). *The Way Home* is a documentary produced by Shakti Butler.

<sup>93</sup> *Id.*

the opportunity to deliver woman from all over the third world, as well as poor women from urban poor communities in and around Oakland, California. Once again, I was given the opportunity to learn from women of color. As their midwife, I was given the privilege to provide them health care, and assist in their struggles to survive poverty, drugs, domestic and community violence, and being non-English speaking.

To live and work in such a diverse poor community, along with my own struggle to survive, has given me a deeper understanding of what is at stake when we theorize about women's and national liberation. On the one hand, I've seen the universality of women's struggles to change the quality of our lives for our families, our communities, and ourselves. On the other hand however, from my personal experiences and intellectual perspective, I have come to appreciate and respect the differences we have when it comes to defining our fight for respect, equality, and self-determination, both individually and collectively.

#### X. BUILDING TRUE SOLIDARITY.

Consciousness is hard work and it is not comfortable, but to stop is our privilege.<sup>94</sup>

We can change it, we can resist this stuff, it is not static.<sup>95</sup>

A feminist view that is dominated by a white feminist's perspective, without including women of color's perspective, and without continuing to work in support of the struggles against racial and women's oppression, keeps us isolated and ignorant of one another's struggles. To develop a feminist internationalist theory, however, that plays a leading role in the strategy for liberation, requires that white women truly listen to the voices of women of color, and look to their practices for the leadership in developing that theory. Because every experience deepens our understanding, placing ourselves in positions to risk our safe places as whites enables us to confront our own racism, through concrete support work and consciousness raising. The white feminist movement can take a qualitative leap towards building a feminist movement that genuinely includes the voices of women of color. For example, never again would we raise the issue of a women's right to reproductive choice, without simultaneously raising the issues of forced or coerced sterilization of women of color, particularly poor women, who face issues of survival of their families, as a part of the struggle for their reproductive rights.

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<sup>94</sup> *Id.*

<sup>95</sup> *Id.*



## XI. CONCLUSION

I believe, that if we, as white women, are to be united with women of color in our struggle for true equality and respect, we must respect the leadership and teachings that women of color bring to the struggle for women's liberation. We must participate, with them, in opening more opportunities for their voices to be heard, and heard strongly. We must take the risks, look, listen and learn, "then tell the truth, and show by example."<sup>96</sup> The struggle continues.

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<sup>96</sup> *Id.*