

The Impact of Discriminatory Harassment on Gender Representation in Elected Office in the United States

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ABSTRACT: The United States has seen a dramatic increase in women serving in elected office in the past decade. This study looks at the types of harassment female politicians receive and reviews whether this harassment impacts the representation gap between men and women in elected office in the U.S. The findings suggest that women face more discriminatory harassment than their male colleagues. This harassment is most often due to their gender, but other factors such as race, religion, and their individual opinions on controversial topics play a role in the harassment as well. Of the seven women surveyed who are still currently in office, four said the harassment was worse during their campaign. During their campaigns, these women faced death threats, threats of sexual assault, stalking, vandalism of their homes and cars, home and car break-ins, racism, sexual harassment, anti-Semitism, and online harassment. The policy recommendations regarding online harassment and the Violence Against Women Act intend to mitigate the harassment that impacts gender representation in elected office in the United States. It is suggested that a gender neutral policy be created that addresses social media harassment of all politicians. It is recommended that next reauthorization of the Violence Against Women Act include a clause that would deem female politicians a protected class. The goals of this clause would be to mitigate the increased likelihood that female politicians have of harassment in comparison to their male counterparts and to increase gender representation in elected office in the U.S.

KEYWORDS: politics, gender representation, harassment, gender discrimination, elected office

Introduction

Discriminatory harassment of women in politics maintains the lack of gender representation in elected office in the United States. The plight of harassment keeps some women from running for office while others drop out once in office or even during their campaigns. For those women who choose to remain in office despite the harassment they face, continued service can become a constant battle against emotional, mental, and sometimes physical abuse. Discriminatory harassment can be a major deterrent for women running for elected office or serving in elected office. This deterrent contributes to the lack of female representation in the United States' local, state, and federal government bodies. Discriminatory harassment refers to the denigration of a person on the basis of a particular aspect about that person such as race, class, gender, or sexuality. This type of harassment can be experienced in multiple ways, whether through physical or emotional violence. The more emotionally abusive forms include threats, intimidation, unreasonable hurdles to success, dangerous rhetoric, and/or 'trolling' on social media. This study analyzes the various forms of harassment female-identifying candidates for local, state, and federal offices face when campaigning and once they assume office. This study will also analyze data collected from

people who have resigned from office or have left a campaign due to discrimination. Data from women who have run for elected office and lost will also be examined.

The story of Kiah Morris originally inspired this research and thus, will be highlighted first and referred back to throughout. Kiah Morris was a State Representative in Vermont from the Democrat Party. She was first elected to the seat in 2014 and re-elected unopposed in 2016. In August of 2018, Kiah Morris announced she would not be running for re-election and resigned only a month later (Flynn 2019). In 2018, she was the only African American in the Vermont State House of Representatives (Estrada 2019). She faced a slew of racist threats on social media and in-person from white supremacists and other hate groups. "We had propaganda being left underneath the door of the Democratic Party. I had a home invasion, vandalism, even the woods near my house where we'd go and walk frequently as a family had swastikas painted all over the trees there," Morris said in an interview with *Vermont Edition*. Morris also noted that her seven-year-old son had also seen and was able to comprehend the online threats. In a post on Facebook, a user told Morris, "We will continue to fight against your efforts to make our town/state look more like your ugly mongrel son" (Estrada 2019). Of the legislators interviewed and surveyed for this research, three of the elected officials from Vermont also mentioned the plight that Kiah Morris and her family faced.

Currently, two policies exist in the United States that are able to protect elected officials from harassment but these policies also apply to all citizens who are either employed or identify as women. These two policies are: 1) the U.S. Equal Employment Opportunity Commission's (EEOC) view of offensive conduct that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, or the Americans with Disabilities Act of 1990 and 2) The Violence against Women Act, more recently reauthorized in 2013. These policies are not enough because of the unique and heightened threats to women seeking or in elected office. Therefore, women in elected office and those running for elected office need to be considered a protected class with specific policies implemented to protect them from the heightened and particular harassment they receive.

Background

The first Women's Rights convention took place almost 180 years ago in 1848. Elizabeth Cady Stanton, Lucretia Mott, and others active in the anti-slavery movement convened the convention that resulted in a Declaration of Sentiments modeled on the Declaration of Independence. The Declaration was the first written mention of the suffrage movement, a movement that would eventually give women the right to vote in 1920 with the addition of the 19th amendment to the U.S. Constitution (CAWP 2019). Although women couldn't vote until 1920, the first woman ran for office in 1866 Elizabeth Cady Stanton ran as an independent for the U.S. House of Representatives; she received 24 of the 12,000 votes.

The United States has yet to elect a female to serve in the role of President. The statistics become even more drastic when one considers the race and sexuality of women running for public office.

The impact of a lack of gender representation in politics is multifaceted. As with all issues of representation, a small number of women in politics subliminally discourages more women from running for elected office as they do not see themselves in the majority. Additionally, this small population of women in our elected bodies has been proven to impact policy and the economy (Schwab 2017: 1-361). In 2017, the World Economic Forum (WEF) found that broad gender parity in economic participation and opportunity, education attainment, health, and political empowerment and participation is reversing for

the first time since WEF began measuring gender representation. Although considerable progress has been made globally for gender equity, women are still financially equal to their male counterparts (Schwab 2017: 1-361). The WEF uses the Global Gender Gap Index (GGGI) to determine what the relative gaps are between men and women worldwide. This study will focus on the economic gaps measured by the GGGI. WEF found that, “the gaps between women and men on economic participation and political empowerment remain wide: only 58% of the economic participation gap [between men and women] has been closed [...] and about 23% of the political [achievement] gap [between men and women] has been closed].”

The GGGI uses three ratios to calculate political empowerment: females at ministerial level over male value, females with seats in parliament over male value, and number of years with a female head of state (last 50 years) over male value. The GGGI uses five data points to calculate economic participation and opportunity: female labor force participation over male value, wage equality between women and men for similar work, female estimated earned income over male value, number of female legislators, senior officials and managers over male value, and female professional and technical workers over male value.

According to the WEF report, the United States has closed about 78% of its economic gender gap and has closed less than 12% of the political participation gap between women. (Schwab 2017: 1-361) This shows that while women in the United States are beginning to find themselves in similar economic positions to their male counterparts, the United States still has a lot of progress to make towards political equality. These scores, coupled with the U.S.’ scores from health and educational attainment, places the U.S. at a rank of 96, between Pakistan (95th) and Vietnam (97th) (Schwab 2017: 1-361).

A. Data on Current Gender Representation in the U.S. Congress

The United States is currently in its 116th Congress. This meeting of the U.S. Congress currently sees a Republican majority in the U.S. Senate and a Democratic majority in the U.S. House of Representatives. The chart below [Figure 1] is from the Center for American Women (CAWP) in Politics at Rutgers University. This figure shows the growth of gender representation across the United States from 1961-2017 (Dittmar et al 2017).

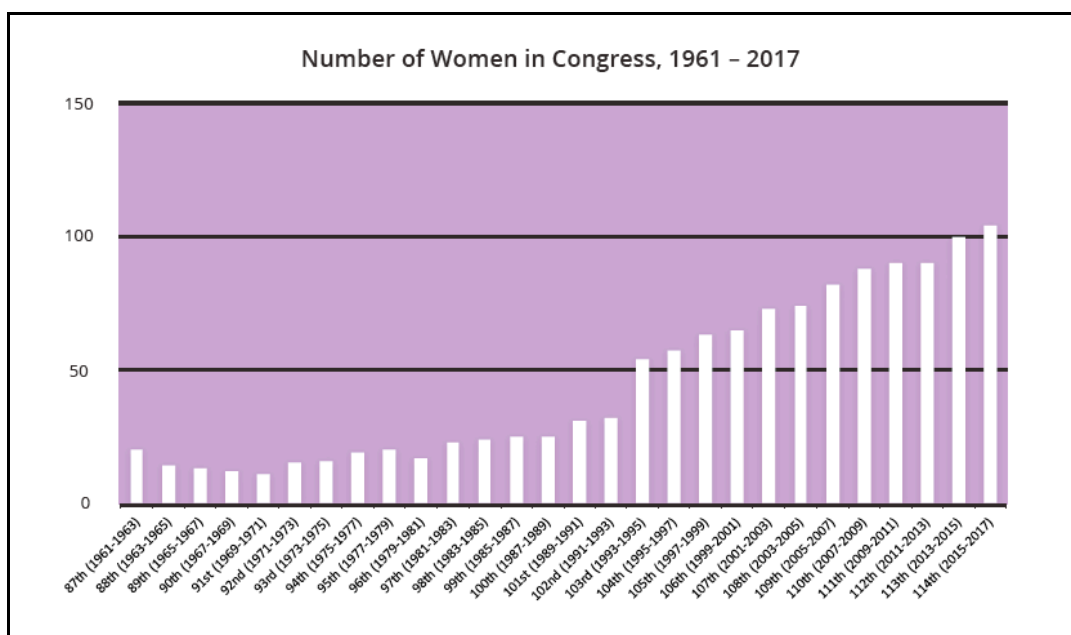


Figure 1. Number of Women in Congress 1961-2017

This report by CAWP interviewed various female legislators in the 16th U.S. Congress. According to CAWP, “Almost all believe women also bring different perspectives than men to their work in Congress because of their life experiences. They bring to bear a gender lens on various issues, not just issues that might commonly be considered women’s issues.” (Dittmar et al 2017). The United States is also seeing increased party polarization and CAWP spoke to female legislators on this. A majority of the women interviewed for the CAWP study reported that they believe women are more likely to work in a bipartisan fashion, citing frustration with the gridlock that party polarization creates. CAWP also spoke to women that did not find that support for bipartisanship was based on gender.

The greatest issue reported via the CAWP study was that women in Congress still struggle to be heard or feel as though they have a place in Congress. Representative Cathy McMorris Rodgers, a Republican from Washington state, said,

“I’m always trying to figure out how I can present in a way that will be heard more effectively. I certainly had those experiences where I feel like I say something and then someone else maybe says something very similar. I almost feel what I said wasn’t heard, right? But someone else around the table will be recognized for having said it, and that puzzles me. And so, I’m always trying to figure out how to present in a way that will be heard.” (Dittmar et al 2017)

Similarly, Representative Kathleen Rice, a Democrat from New York, said, “I think the biggest challenge for a woman is not to be kind of painted into a corner of, okay, so you’re a woman, so you can care about these issues that are women’s issues.”

While harassment is not the only reason why there are less women in elected office in the United States, it is a reason that warrants further study. Issues or hurdles such as representation, economic strain, parenthood, and educational attainment also play a role in the lack of female politicians in the U.S. The following section will discuss the current rules that exist in the United States that attempt to protect elected officials, of all genders and races, from harassment.

B. Current Rules against Harassment of Elected Officials

A common theme in rules or policies surrounding harassment, is that the alleged harassment must be proven to be severe or pervasive. There are not any laws that currently protect elected officials specifically from harassment. The following standards of harassment policy can be applied to politicians as politicians also qualify as employees and citizens. This standard is consistent with the U.S. Equal Employment Opportunity Commission’s (EEOC) view of offensive conduct that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, or the Americans with Disabilities Act of 1990. If the harassment is severe or pervasive enough that it creates a hostile or abusive work environment, legal action can be taken (EEOC 2020). The complication comes through when these harassment cases are brought to court as these policies exist to limit or cease harassment between fellow employees or supervisors and employees. While elected officials often work together and even in the same building, they are not technically colleagues in the sense that two teachers at the same school are colleagues; thus, these policies, in court, may not hold up for elected officials.

The EEOC has developed new guidelines in recent years due, in part, to the #MeToo movement that began in 2006 by sexual harassment survivor and activist Tarana Burke and gained notoriety in 2017 after the allegations against then prominent film producer, Harvey Weinstein. The EEOC has identified risk factors that increase the likelihood of harassment occurring in the workplace. The risk factors that the research found relevant to this case study are as follows:

1. Homogeneity – lack of diversity.
2. Workplaces where some employees don't conform to workplace norms – i.e. a single-sex dominated workplace culture.
3. Cultural and language differences – segregation of personnel with different cultures or nationalities.
4. Workplaces with “high value” personnel – Employees with high value (actual or perceived) to the employer (in this case, the “employer” is the U.S. public or voters)
5. Workplaces that rely on customer service or client satisfaction – constituents and/or voters. (EEOC 2020)

All of the elected officials surveyed for this research reported at least one or more examples of these risk factors taking place.

Of course, threatening public officials in the United States is considered a federal crime, the class depends on the level of official receiving the threat (i.e. a threat against the President of the United States is a Class A felony) (18 Sentencing Classification of Offenses § 3559). In order to qualify as a felony, however, the threats must meet three criteria: there must be a transmission in interstate commerce; there must be a communication containing the threat; and the threat must be a threat to injure the person of another (United States v. DeAndino, 958 F.2d 146 (1992).) Data that reports the number of threats an elected official receives, especially the POTUS, are difficult to retrieve as the Secret Service prefers not to report these incidents publicly. Additionally, with new communications technologies such as Facebook and Twitter, threats have become more common and harder to classify (18 Publicity Concerning Threats Against Government Officials § 879).

C. Violence Against Women Act

The Violence Against Women Act (VAWA) was passed in 1994. VAWA is considered a landmark piece of legislation. It sought to improve criminal justice and community-based responses to domestic violence, dating violence, sexual assault and stalking in the United States. It has been reauthorized three times, in 2000, 2005, and 2013. After expiring in December of 2018 during the 2018-2019 government shutdown in the United States, the bill faced reauthorization once again in 2019; though it passed through the U.S. House of Representatives, the bill has since been ignored by the U.S. Senate (Killough 2019).

While female elected officials are still, of course, women, they do not have specific protection within VAWA. VAWA does include protection against stalking, sexual violence, rules regarding the use of fire arms during threats, and provided grants to local law enforcement for cybercrime protections, which are occurrences that have been reported by female elected officials. However, as these occurrences can often be heightened or more regular for women in elected office, it is necessary to have further protections for this specific class.

D. Social Media: Added Difficulty

Social media creates added difficulties to harassment claims as each social media website or application creates its own guidelines for what is deemed harassment or criminal. In response to the growing anecdotal evidence that female politicians and hopeful candidates face more harassment than their male colleagues, training groups such as VoteRunLead are changing their training programs (Margolin et al 2018). These groups train hopeful female politicians on how to handle trolling, harassment, and violence. They emphasize that these occurrences *will likely* happen and teach women what to do when they do happen. They

also stress that this type of training is in no way meant to deter women from running, but just prepare them for what is an unfortunate likelihood.

These organizations have seen an increase in women wanting to run for office since the 2018 election of President Donald Trump. These organizations have also noted that women seem more vocal about the harassment they face during their campaigns and in office due to the #MeToo Movement.

A study at the Georgia Institute of Technology examined the social media harassment policies of various social media platforms, such as Facebook, Twitter, Instagram, and LinkedIn. The study found not one of the fifteen social media platforms they looked at explicitly defined harassment. Twitter and Instagram did describe certain activities that would be taken into account when considering allegations of harassment. Within the platform-specific policies, the researchers found common words that were mentioned in connection with online harassment (Pater et al 2016).

	Abuse	Attack	Bullying	Defame	Eating Dis.	Harm	Hate	Impersonate	Intimidate	Libelous	Racist	Self-harm	Self-injury	Self-mutilation	Stalking	Threat	Torture	Vulgar
Facebook		X	X		X		X		X				X	X		X		
Twitter	X	X																
LinkedIn	X					X				X								
Pinterest		X	X		X	X	X					X				X		
Instagram	X		X	X	X		X	X	X				X		X	X		
Tumblr					X							X	X	X	X			
Flickr	X			X		X	X	X	X	X	X				X	X	X	X
Meetup				X		X	X		X	X	X	X			X	X	X	X
Vine								X				X				X		
Classmates	X		X	X			X		X		X				X	X		
VK				X							X		X			X		
Tagged	X			X		X	X			X	X				X	X		X
Ask.fm			X								X	X				X		
MeetMe	X					X										X		
Google+			X				X	X								X		

Figure 2. Words Used in Online Harassment Policies

Popular social media platforms are failing to create proper policies surrounding harassment for everyday citizens. With this knowledge, it is easy to understand how policies specifically addressing the harassment of politicians has still yet to be created.

Despite the growing research and media coverage surrounding social media's influence on the increase in harassment, bullying, and hate speech, there has been no policies created to directly address the harassment of politicians (Jones et al 2013). This growing research also reveals that women face a disproportionate amount of harassment online in comparison to men (Simons 2015). While women are considered a protected class, female politicians specifically are not and therefore do not have specific policies or guidelines that can protect them from the online harassment they receive.

Methodology

For this study, an eight-question survey was utilized. The email addresses of public and elected officials are characterized as public knowledge and are therefore posted online or

can be obtained by calling state houses, town halls, and other public buildings. For those who have once served in an elected office or who ran and lost the race for an elected position, their emails were gathered through word of mouth. About half of the respondents reached out personally to the lead researcher and requested a longer conversation. The seven survey questions were as follows:

1. What elected position do you currently serve in, have served in, or ran for?
2. What is your gender identity and race?
3. Have you experienced discriminatory harassment? In your own words, can you describe the incidents to me? (If there were threats, did they come from U.S. citizens or other countries?)
4. Why do you think you experienced these incidents? Were they during your campaign or while you've been in office (or both?)
5. Have you needed help from law enforcement? If yes, has law enforcement been cooperative?
6. How did your family feel about you running for public office? If they were not supportive, why?
7. If you faced harassment, was it worse during the campaign or once you assumed office?

In total, thirteen women participated in the survey. The thirteen women surveyed included candidates, women that currently serve in elected office, and women that are no longer in office. They represented three different racial categories: white, black, and Asian. These women were State Representatives, State Senators, candidates for the U.S. House of Representatives, candidates for State Senate, candidates for Governor, and candidates for State Representatives. The female politicians reported experiencing social media threats, sexual harassment, vandalism, home invasion, burglary, stalking, racism, misogyny, anti-Semitism, death threats, and threats of sexual assault.

Limitations

There were a few circumstances that hindered this research that needed to be made known. Political officials have busy work days and many occurrences and duties they have to attend to; completing a survey for a study that will not directly benefit them is, understandably, not a top priority. Finally, the final portion of this research took place during the Covid-19 Pandemic. Reasonably, legislators had to turn almost their entire workload towards creating policies during the pandemic and could not spend time taking the survey necessary to complete the data collection. Due to the above listed caveats, this research is only based on thirteen data sources and no formal or statistically significant conclusions can be made.

Findings

The thirteen women surveyed included candidates, women that currently serve in elected office, and women that are no longer in office. They represented three different racial categories: white, black, and Asian. Each of the thirteen women reported experiencing harassment in a variety of different ways.

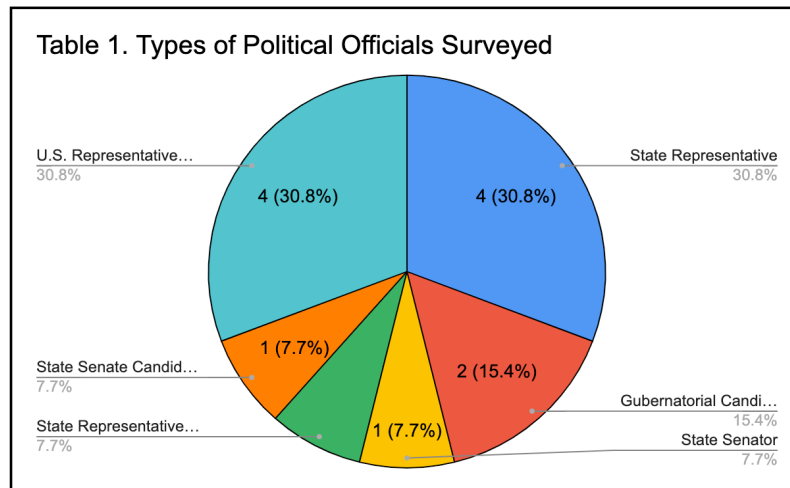


Table 1. Types of Political Officials Surveyed

There was a stark contrast in response to harassment between women who had children and women who either did not have children or had adult children. Those with young children took the harassment much more seriously or spoke to law enforcement at a quicker rate than those without children or with adult children. One of the women with adult children acknowledged this contrast and stated that had her children been younger, she would have considered not running for office at all. Four of the six women surveyed who have young children reported that some of the threats they received were targeted toward their children and that their children had been victims of some sort of bullying in school due to their mother's candidacy. Of the seven women surveyed who are still currently in office, four of those women said the harassment was worse during their campaign. During their campaigns, these women faced death threats, threats of sexual assault, stalking, vandalism of their homes and cars, home and car break-ins, racism, sexual harassment, anti-Semitism, and online harassment.

The data shows the types of harassment those who were surveyed and/or interviewed reported experiencing. The female politicians reported experiencing social media threats, sexual harassment, vandalism, home invasion, burglary, stalking, racism, misogyny, anti-Semitism, death threats, and threats of sexual assault. Most of these experiences were during the campaign cycle, however for those who went on to win their seats, the harassment continued once they assumed office.

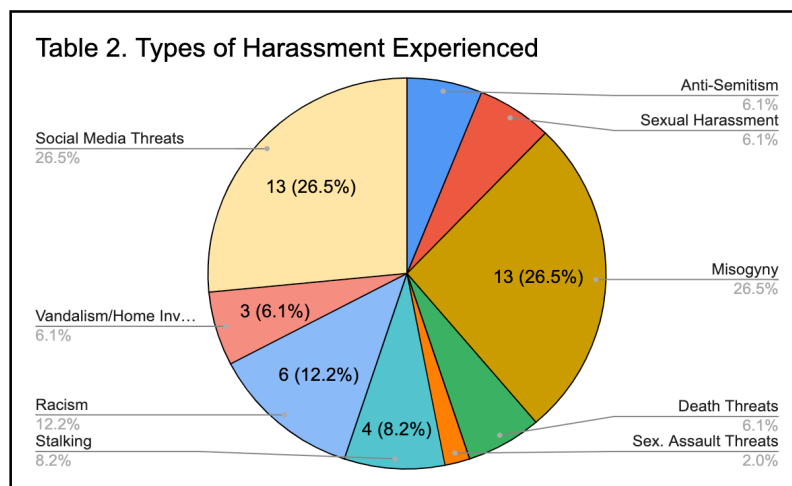


Table 2. Types of Harassment Experienced

Of the thirteen women surveyed and/or interviewed, only two decided to drop out of the race or leave office. For the eleven women surveyed who chose to stay in office, continue their campaigns, or are hoping to run for office again, they cited the harassment they received as a reason for continuing. This is not to say that they are in office or feel empowered *because* of the harassment, but *despite* the harassment. Many of the women surveyed said they felt called to run due to policies and general politics in the United States that they do not agree with that stem from misogyny and a largely patriarchal system of government.

A final common theme amongst the women surveyed and/or interviewed was that those who required help from law enforcement found that law enforcement was both understanding and efficient in their response. Of the women surveyed, local, state, and federal law enforcement became involved in four of the five reported cases.

A. Highlighted Anecdote: Christine Hallquist

Christine Hallquist was a gubernatorial candidate in Vermont in 2018. After winning the 2018 Democratic nomination for Governor of Vermont, she became the first openly transgender major-party nominee for governor in the United States. The research anticipated that Hallquist's publically reported harassment was due to her gender identity, however the data collected through an interview with Hallquist proved otherwise.

"As soon as I won the primary, I started getting threats from all over the world," reported Hallquist. "In fact, it seemed like I was receiving much more threats from overseas than the United States. The majority of those threats are because I'm a woman. I went into this thinking my gender identity as transgender would be the issue but it really experienced misogyny for the most part. I really believe it's the man's way of keeping women down."

Hallquist faced extreme amounts of discriminatory harassment. She received death threats from both U.S. citizens and abroad. At the time she won the Democratic nomination, her team had received about a dozen death threats by phone and social media (North 2018). Upon her interview in December of 2019, she had received a death threat a month prior, almost a year after her campaign ended. Hallquist said, "Even a month ago I received a death threat. We got a call from the Vermont State Police, the Capitol police, and Vermont Attorney General T.J. Donovan's office."

She told her team early on that she anticipated the more successful her candidacy became, the more threats they would receive. "My staff handled the calls. We would get calls daily," said Hallquist, "When we determined it was a credible threat, we involved the Vermont State Police and the Federal Bureau of Investigation (FBI). One of the first death threats I got was from a group called The Proud Boys. They are a white supremacist organization [...] They were one of the earliest and most regular of the death threats."

"When you throw homophobia, transphobia, and misogyny together, it becomes very aggressive," Hallquist said of those who threatened her. Despite all of these threats, Hallquist said that she plans on running again within the next half-decade. "This definitely isn't slowing me down," said Hallquist. What drives Hallquist forward, and many of the other women I spoke to, is the support from other women and drive to change the misogynistic tendencies and policies of society.

Hallquist also reported that her and her team downplayed the threats they received during the campaign as they didn't want that message to become a part of the campaign. Many of the women surveyed and interviewed for this research also reported that much of the threats they received and faced both during their campaigns and while in office were downplayed purposefully. This is an interesting point to highlight as it calls into question how many threats female politicians receive daily that are not reported to the

public. The research even spoke to female politicians who asked that their more alarming stories be kept private.

Policy Suggestions

A. Policy Suggestions on Harassment via Social Media

Research does not need to be completed to come to the conclusion that politicians receive exceeding amounts of harassment, whether in person or online. Politicians of all genders are public figures and thus are often subjected to name calling, threats, stalking, and general discriminatory behaviors. With this knowledge and the data collected from this study, it is suggested that a gender neutral policy be created that addresses social media harassment of all politicians. Additionally, this policy should include a clause that deems female politicians a protected class with a supplemental need for protection from online harassment.

Each politician should be required to sign a Code of Conduct when they are elected into office that discusses the correct way to interact with fellow politicians online. This suggestion comes from the data in this study that revealed that six of the thirteen women surveyed reported that they were harassed by male politicians, some of whom worked in the same building or district as the women they were harassing.

The U.S. Government currently has minimal jurisdiction in the realm of social media and enforcement relies almost solely on the harassment clauses created by individual social media platforms. As revealed in the study by the Georgia Institute of Technology, social media platforms have yet to create succinct harassment policies (Pater et al. 2016). Federal policy that requires social media platforms to create specific and detailed harassment policies for U.S. citizens and politicians would be a great next step. Additionally, a policy that would specifically address the harassment of female politicians would be a further step towards progress.

B. Policy Suggestions related to the Violence Against Women Act

The United Nations allows politicians to report cases of harassment, intimidation, and psychological abuse against politically active women through a specific channel. This channel, though, was not created until after 2016. In 2016, former Secretary of State Madeleine Albright pointed out that the United Nations then did not track acts of violence against women who engage in politics. As chair of the National Democratic Institute, she directed the nonprofit to work closely with the U.N. special rapporteur on violence against women to establish said channel (Margolin et al 2018).

Similarly, and specifically, in the United States there is currently no formal way of tracking the threats that female politicians, or any politician of any gender, receives. The Violence Against Women Act, though vital and beneficial for everyday women, does not have specific protections for female politicians. Female politicians, as noted from the data for this research, receive, in general, a very large number of threats during their campaign and while in office. The United States government needs to put in place policies that would serve to protect its very own members. It has become increasingly clear that gender representation is pivotal to continued political progress in the United States and a lack of protection should no longer serve as a deterrent for women who feel compelled to run for elected office.

Given the data from this study and the lack of protective clauses for female politicians in VAWA, it is recommended that next reauthorization of VAWA include a clause that would deem female politicians a protected class. The goals of this clause would be to mitigate the increased likelihood that female politicians have of harassment in comparison to their male counterparts and to increase gender representation in elected office in the U.S.

Conclusion

To mitigate the impacts of discriminatory harassment on female politicians in the United States, changes need to be made in current policies. Social Media platforms have a responsibility to their users and need to create more detailed policies to protect not only politicians in general, but also every user of social media. One suggestion to create this change is to demand that the U.S. federal government create a policy that requires social media platforms to create such policies and follow through on the enforcement of those policies. Additionally, should the Violence Against Women Act be reauthorized, it should include language that defines female politicians as a protected class in order to increase the protections they receive and add protections for online harassment specifically.

The impact of the gender gap amongst the population of elected officials in the U.S. is multifaceted. As with all issues of representation, a small number of women in politics subliminally discourages more women from running for elected office as they do not see themselves in the majority. This small population of women in our elected bodies has been proven to impact policy and the economy. This study revealed that despite the harassment, a large number of women are still persevering and maintaining their elected seats. The United States government should aid these women who choose to serve the country despite the emotional, mental, and sometimes physical abuse these women receive by incorporating modern policy and protections for them.

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LARAMIE: *The Impact of Discriminatory Harassment on Gender Representation*

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