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Issues & Controversies

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Women's Rights and Sexual Harassment: Are Further Steps Necessary to Ensure Gender Equality?

Introduction

SUPPORTERS ARGUE

More work must be done to ensure equal rights for women in American society. Women continue to face discrimination in the workplace, are underrepresented in government, and face widespread sexual harassment, sexual assault, and domestic violence. Limiting access to reproductive health services constitutes an attack on women's health and liberty.

OPPONENTS ARGUE

Women are already treated equally in American society and have, in many ways, surpassed men. Women are on track to outpace men as earners in many industries, and record numbers of women are serving in government. Limiting access to abortion is not sexist, and the prevalence of sexual harassment and assault may be overstated.



Kevin Dietsch/UPI/Newscom

People gather in Washington, D.C. on January 21, 2017 as part of the Women's March on Washington.

Many observers view a society's treatment of women as an important indicator of its intellectual, cultural, and economic progress. Yet for much of U.S. history, women were denied fundamental rights. Women had limited property rights until the mid-1800s, were not allowed to vote until 1920, and until recent decades were shut out from a variety of occupations. Many people believe that women still do not receive equal opportunity in the United States. According to the Bureau of Labor Statistics, for example, women on average make 82 cents for every dollar earned by men. Women also face a greater proportion of violence than do men. According to the Centers for Disease Control and Prevention, one in four women in the United States has been the victim of domestic violence, and the Rape, Abuse & Incest National Network (RAINN) reports that one of every six American women has been the victim of rape or attempted rape in her lifetime.

Nevertheless, many observers emphasize that women have made great strides in recent decades. In a controversial 2012 article in the *Atlantic*, "The End of Men," writer Hanna Rosin posited that women are quickly outpacing men in both educational and professional achievement:

Earlier this year, for the first time in American history, the balance of the workforce tipped toward women, who now hold a majority of the nation's jobs. The working class, which has long defined our notions of masculinity, is slowly turning into a matriarchy.... Women dominate today's colleges and professional schools—for every two men who will receive a B.A. this year, three women will do the same. Of the 15 job categories projected to grow the most in the next decade in the U.S., all but two are occupied primarily by women.

In July 2016, former senator and secretary of state Hillary Rodham Clinton (D, New York) became the first female presidential nominee for a major U.S. political party. According to many political polls, Clinton was favored to win the race, and many expected to see the historic election of the first woman president. In a stunning political upset, however, Clinton was defeated by businessman and Republican nominee Donald Trump. Although Clinton had won the popular vote, garnering about 3 million more votes than Trump, Trump carried key states and triumphed in the Electoral College.

In the aftermath of the election, some argued that gender discrimination may have at least partly explained voters' decisions to elect Trump, a man who had never held political office and had little experience in shaping government policies over Clinton, who had a long track record of public service. Trump had also stirred controversy throughout the campaign with comments that some claimed were misogynist. Others maintained that Clinton had lost not because of sexism, but because she was a deeply flawed candidate who had failed to connect with voters on touchstone issues—such as immigration, terrorism, and unemployment—in the forceful way Trump had.

The debate over women's status in American society remained a major issue after Trump became president. In October 2017, the *New York Times* detailed a litany of sexual assault allegations against film producer Harvey Weinstein. In the months that followed, women in the tech, media, and entertainment industries, as well as in the government, came forward with allegations of sexual discrimination, harassment, and assault against prominent, powerful men. Thousands of other women shared their own experiences with sexual harassment and sexual assault on social media, using the label #MeToo. Many referred to the wave of public accusations as a potential tipping point in how sexual harassment and assault are recognized and punished in the United States, but some questioned whether the moment would lead to lasting change. "[W]ith so many recent sexual harassment scandals permeating universities, board rooms and political campaigns from the Silver Screen to Silicon Valley to Sacramento," journalists Julia Prodis Sulek, Katy Murphy, and Martha Ross wrote in the *Mercury News* in October 2017, "is #MeToo just another trending-but-soon-to-be-eclipsed hashtag? Or have we arrived at a watershed moment for women that could finally force a culture shift?"

Are further measures necessary to achieve true equality between women and men?

Supporters of taking further measures to achieve gender equality argue that women still face widespread discrimination and obstacles not faced by men. Women are still vulnerable to sexual harassment and assault, they note, and they are underrepresented in government and other influential positions. Attempts to limit women's

access to contraception and reproductive health services, proponents contend, are discriminatory.

Opponents of taking further steps to achieve gender equality argue that women are already treated equally in the United States. In many prominent professions and industries, they contend, women rival men, and soon may overtake them. Gender discrimination, they maintain, plays less of a role in the workplace and politics than proponents allege. Additionally, defenders claim, the assumption that opposing abortion is incompatible with women's rights is mistaken.

Women's Rights in the Early United States

Although the United States was founded as a democracy in the 18th century, women were excluded from the electoral process in most parts of the country for more than 140 years. In early U.S. history, women were denied the right to vote and were forbidden from participating in many aspects of society and professional life. Married women were legally prohibited from inheriting property and signing contracts, and any wages they earned belonged to their husbands. Women could not serve on juries, and few had access to higher education, as most colleges and universities only admitted men. Many professions, such as law, medicine, and the ministry, barred women, who could expect to obtain employment in only a small subset of service-related jobs, for which they were paid much less than men earned for the same work.

In 1848, activist Elizabeth Cady Stanton and others organized the first women's rights convention in the United States, in Seneca Falls, New York. The gathering spanned two days and six sessions, centering mainly on the role of women in society. Stanton introduced the Declaration of Rights and Sentiments, parts of which echoed—and expanded—the rights set forth in the U.S. Declaration of Independence. "We hold these truths to be self-evident," the declaration stated, "that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." [See Declaration of Rights and Sentiments at Seneca Falls Woman's Rights Convention (primary source)]

The women's rights movement grew in the 1850s, but after the start of the Civil War (1861–65), many feminists focused their attention on ending slavery. In 1863, Stanton, along with social reformer Susan B. Anthony, formed the National Woman's Loyal League to call for the abolition of slavery. The group organized a massive petition drive toward this goal, collecting more than 400,000 signatures. The league's efforts helped build momentum for ratification of the Thirteenth Amendment to the U.S. Constitution, which ended slavery, in 1865. A few years later, the Fifteenth Amendment, which would give black men the right to vote, split the women's rights movement. Many opposed the amendment because it did not include women (whether white or black), but others supported it because they believed that granting African Americans the right to vote was an urgent priority. This split over the Fifteenth Amendment, ultimately ratified in 1870, divided the women's rights movement for years.

In the absence of a national amendment guaranteeing women's right to vote, some states and territories moved to unilaterally grant women suffrage. In 1869, the territory of Wyoming, which had not yet become a state, became the first U.S. jurisdiction to grant women the right to vote. Several states followed over the next few decades, including Colorado in 1893 and Utah and Idaho in 1896.

Suffragist Virginia Minor, meanwhile, attempted to win the right to vote through legal action. In 1872, she tried to register to vote in Missouri. After being rejected on the grounds of her gender, Minor sued the state, arguing that the Fourteenth Amendment to the U.S. Constitution, which granted citizenship to all people born in the United States, bestowed the right to vote upon women because citizenship inherently includes voting rights. In 1875, however, the U.S. Supreme Court ruled unanimously in *Minor v. Happersett* that the Constitution did not explicitly guarantee all citizens the right to vote, and that it was thus permissible to deny that right to women.

The Court's decision in *Minor* galvanized the movement for a constitutional amendment to explicitly secure women's suffrage. According to a history of women's rights on the House of Representatives website, the determination of many women in the late 19th century "to expand their sphere of activities further outside the

home helped legitimize the suffrage movement." The movement also received support from those who saw women's suffrage as a crucial step in the movement to secure equal rights for African Americans. "[A] growing number of black women actively supported woman's suffrage during this period," a history of the subject on the National Archives website states. "Prominent African American suffragists" insisted "that if white women needed the vote to protect their rights, then black women—victims of racism as well as sexism—needed the ballot even more." The effort to secure suffrage for women nationwide took decades. Finally, in 1920, the Nineteenth Amendment to the Constitution was ratified, guaranteeing women the right to vote.

In addition to pursuing political rights, women sought advances in higher education and the workplace. Women's colleges opened in the mid-1800s, and, later in the century, many formerly male-only colleges became co-ed or formed comparable institutions for women. Large numbers of women entered the teaching and nursing professions, and numerous states passed laws, known as the Married Women's Property Acts, that granted married women the right to own property, accept inheritances, and keep the salaries they earned. (Unmarried women already had these rights.)

Women also fought for reproductive rights. In 1873, Congress passed the first of a series of measures, known collectively as the Comstock laws after moralist and U.S. postal inspector Anthony Comstock, that banned the dissemination of information about contraception. Several states adopted similar laws. Margaret Sanger, who advocated for greater access to sex education and contraception, founded the first birth control clinic, in New York City, in 1916, and founded several organizations devoted to educating the population and overturning restrictions on birth control. One of these groups, the Birth Control Federation of America, would eventually evolve into Planned Parenthood, an organization that provides various reproductive services to women, as well as health examinations and cancer screenings. Sanger was repeatedly arrested for attempting to educate women about contraception.

In 1921, one year after women gained the right to vote, Congress passed the Sheppard-Towner Act, which provided federal funding for health clinics for pregnant women and children in an attempt to reduce infant mortality. This law, which lapsed at the end of the decade, marked the first major federal effort aimed specifically at helping women and their young children.

Women's Rights Movement Regains Momentum after World War II

While the first wave of feminist activism in the 19th and early 20th centuries focused mainly on suffrage and property rights, the second wave, which began in the early 1960s, concentrated on social equality. Also known as the Women's Liberation Movement, this second wave aimed to dismantle traditional attitudes toward sexuality, family, and reproductive rights, while also raising awareness of sexual harassment and sexual violence. Second-wave feminists also fought to end discrimination against women in the workplace and other sectors of American society.

Prior to World War II (1939–45), many Americans held mixed or negative attitudes toward working women. They believed that women should stay out of the labor force so as not to compete with male workers, particularly during the Great Depression of the 1930s, when jobs were scarce. While poor and working class women typically worked outside the home out of necessity, middle- and upper-class women were expected to marry men who would provide financially for them. As many men went overseas to fight during World War II, however, women were compelled to join the labor market in order to provide for themselves and their families, as well as to build the armaments and supplies needed by the U.S. military. From 1940 to 1945, the female percentage of the U.S. workforce rose from 27 percent to nearly 37 percent. By 1945, nearly one out of four married women worked outside the home.

The postwar era in the United States was characterized by rapid economic growth and a surge in the birth rate known as the baby boom. Many women who had joined the labor force during the war were encouraged to embrace domesticity and refrain from working outside the home. Popular media at the time, including many television programs, frequently portrayed women as finding happiness in marriage, domestic suburban life, and childrearing.

In 1949, French feminist Simone de Beauvoir published *The Second Sex*, a major philosophical work that examined the treatment of women throughout history. Influenced greatly by de Beauvoir, American writer Betty Friedan published her own feminist manifesto, *The Feminine Mystique*, in 1963, contending that the majority of American women were unfulfilled by marriage and childrearing. "Have not women...trapped themselves within the narrow walls of their homes?" Friedan asked. "The work they do does not require adult capabilities; it is endless, monotonous, unrewarding.... [T]hey are suffering a slow death of mind and spirit." Both books helped inspire a renewed interest in feminism and women's rights as well as hope for a return to the professional excitement many women had felt working outside the home during the war.

Supporters of this sentiment fought for more professional opportunities for women and against discrimination in the workplace. In 1963, Congress passed the Equal Pay Act, intended to abolish wage disparity based on sex. "While much remains to be done to achieve full equality of economic opportunity," President John F. Kennedy (D, 1961–63) said upon signing the bill into law, "for the average woman worker earns only 60 percent of the average wage for men—this legislation is a significant step forward." The following year, Congress debated a new civil rights law that sought to ban discrimination based on race, color, religion, and national origin. Feminists successfully lobbied for the law to include a ban on discrimination based on sex. Congress passed the landmark Civil Rights Act in 1964, and in 1965 the Equal Employment Opportunity Commission (EEOC) was formed to implement the law.

The second wave of the feminist movement also continued the battle for reproductive rights. The approval of the birth control pill by the Food and Drug Administration (FDA) in 1960 enabled women to more easily protect themselves against unwanted pregnancies. Religious groups, however, including the Catholic Church, opposed the use of birth control, warning that it went against Biblical teachings and would lead to sexual immorality. The fight over access to birth control pills and other forms of contraception invigorated a movement among women to gain more control over their own reproductive systems. At the time of the pill's approval, several states only allowed married women to obtain the pill, and two states, Connecticut and Massachusetts, outlawed contraception altogether.

In the 1960s and 1970s, however, a series of Supreme Court rulings broadened access to contraception. In 1965, the U.S. Supreme Court ruled 7–2 in *Griswold v. Connecticut* that the U.S. Constitution protected a "right to marital privacy," and that laws prohibiting contraceptive use by married couples violated this right. In 1972, the Court extended this ruling to apply to unmarried women.

The following year, the Supreme Court ruled in *Roe v. Wade* (1973) that the right to privacy extended to a woman's decision to have an abortion prior to the age of viability—the stage at which a child can survive outside the womb. The ruling effectively prohibited states from outlawing abortion in the early stages of pregnancy. *Roe v. Wade* prompted decades of battles between those who are "pro-life" and vehemently oppose abortion, and "pro-choice" activists, who view restrictions on abortion access as unconstitutional.

Women formed numerous groups in the 1960s and 1970s, meanwhile, to advance women's rights. The most influential and enduring of these groups, the National Organization for Women (NOW), was founded in 1966 by Betty Friedan and others "to bring women into full participation in the mainstream of American society now, assuming all the privileges and responsibilities thereof in truly equal partnership with men." NOW and other groups fought to gain passage of a constitutional Amendment to secure women's rights. Originally drafted by suffragist Alice Paul and first introduced in Congress in 1923, the Equal Rights Amendment (ERA) stated, "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." Congress passed the ERA in 1972, and sent it to the states for ratification. Opposition, led by lawyer and conservative activist Phyllis Schlafly, soon emerged, as critics argued that the amendment would force women to serve in the military and revoke gender-specific privileges that women currently possessed, including certain Social Security benefits afforded to wives. The ERA ultimately failed, falling three states short of ratification.



Women's Issues in the Modern Era

By the early 1980s, the feminist movement had helped shift social attitudes toward gender roles, allowing women to enter previously male-dominated spheres, such as professional sports, the military, Ivy League universities, and the U.S. Supreme Court. Despite these advances, however, women still faced numerous obstacles, including sexual harassment, sexual violence, and the gender wage gap.

Sexual harassment in the workplace gained national attention in 1991 when President George H. W. Bush (R, 1989–93) nominated federal judge and former EEOC chair Clarence Thomas to the U.S. Supreme Court. Attorney Anita Hill, who had worked for Thomas at the U.S. Department of Education and the EEOC, publicly testified that he had sexually harassed her by making a series of sexually inappropriate comments, overtures, and solicitations while acting as her supervisor. Thomas's supporters attacked Hill's credibility, and the Senate ultimately confirmed him to the Supreme Court by a vote of 52–48.

Millions watched Hill's testimony, however, and the standoff sparked a broad discussion about sexual harassment. "The bitter 'he said, she said' case of Anita F. Hill and Clarence Thomas has offered a rare look into the mechanics of power and decision-making in Washington," *New York Times* columnist Maureen Dowd wrote in 1991, "a city where men have always made the rules and the Senate remains an overwhelmingly male club."

Shortly after the Thomas confirmation hearings, President Bush dropped his opposition to a provision in the Civil Rights Act of 1991—a law reinforcing anti-discrimination provisions in the workplace—that would give victims of sexual harassment the right to seek damages in federal court. Congress passed the law, and the following year, the EEOC saw a 50 percent increase in harassment complaints. Additionally, apparently galvanized by the Thomas-Hill hearings, women became increasingly involved in politics. In 1992, in what some commentators called "the year of the woman," 5 new women were elected to the Senate and 24 to the House of Representatives, the largest such increase in U.S. history.

Conversations about sexual harassment continued into the tenure of President Bill Clinton (D, 1993–2001). During the 1990s, three women accused Clinton of sexual misconduct, including an alleged rape two decades earlier. One accuser, Paula Jones, filed a sexual harassment lawsuit against him in 1994. While Clinton was testifying under oath in that case, he was asked whether he had had sexual relations with White House intern Monica Lewinsky.

President Clinton's denial under oath, later demonstrated to be untrue, eventually led to his impeachment by the House of Representatives in 1998. (The Senate acquitted Clinton of the charges, and he completed his term as president.) Though Lewinsky maintained that her relationship with Clinton had been consensual, many criticized the president for taking advantage of his power to seduce a young subordinate.

Despite these controversies, President Clinton used his office to advance women's rights. In 1994, he signed the Violence Against Women Act, which provided federal funding to programs and services for victims of domestic violence, including violence prevention programs, funding for rape crisis centers and hotlines, and legal aid for survivors of domestic violence. The law was renewed in 2000 and again in 2005.

During the presidency of George W. Bush (R, 2001–09), much of the debate over women's rights centered around abortion access and reproductive rights. Many Republicans, who view the termination of a pregnancy as tantamount to the murder of a child, have attempted to limit access to the procedure through various regulations. While the Supreme Court's *Roe v. Wade* decision prohibits the government from banning abortion outright, many states have enacted laws making it more difficult to obtain the procedure, by, for example, instituting waiting periods or imposing stringent requirements on abortion clinics.

In 2003, President Bush signed the Partial-Birth Abortion Act, banning a procedure used to perform abortions in the second trimester (typically after 13 weeks of pregnancy, but often before the age of viability). The law faced legal challenges, but in 2007 the Supreme Court upheld it with a 5–4 vote in *Gonzales v. Carhart*. In the majority opinion, Justice Anthony Kennedy found that the government "has a legitimate and substantial interest in preserving and promoting fetal life."

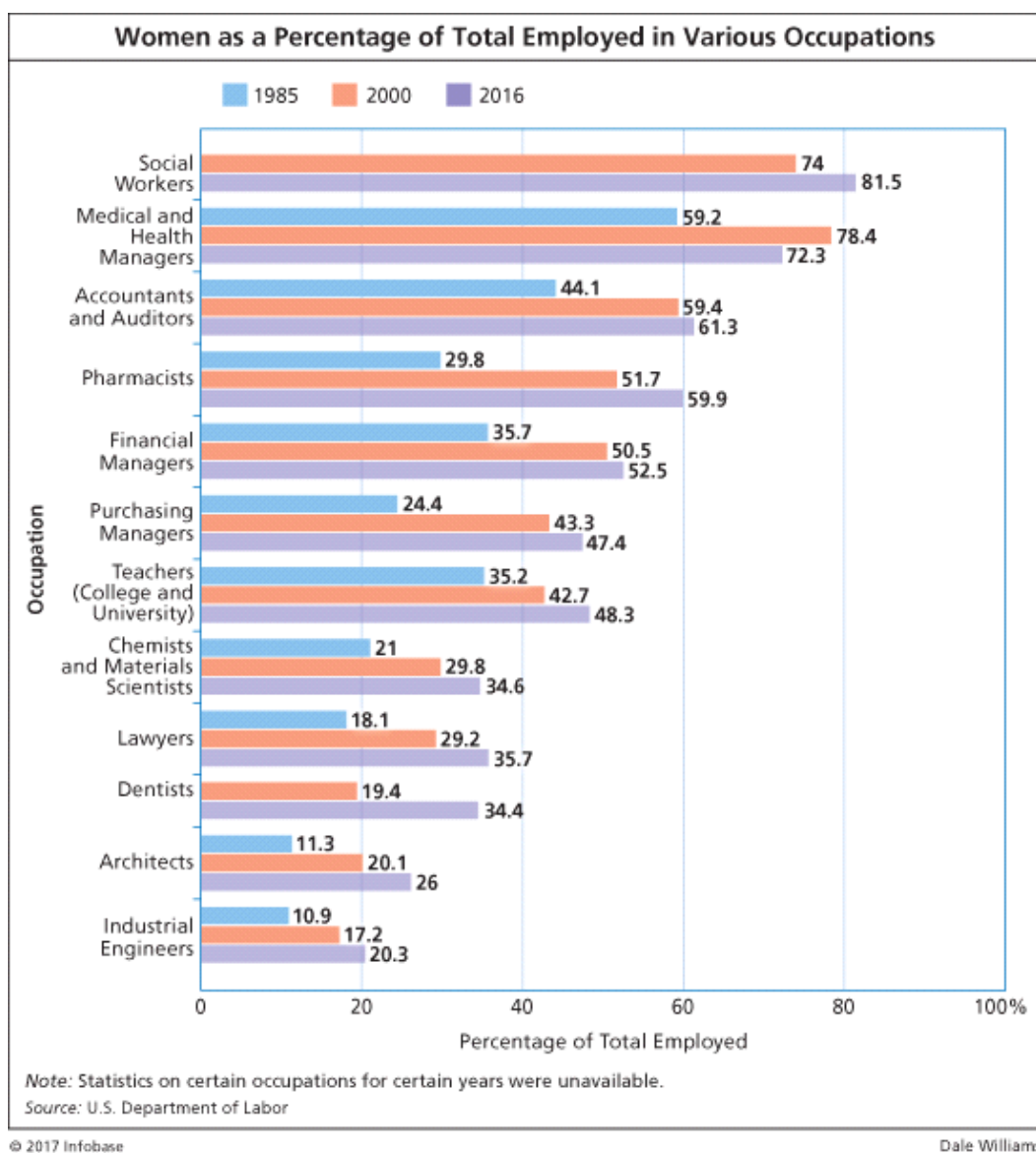
The debate over gender equality persisted throughout the tenure of President Barack Obama (D, 2009–17). The first law signed by President Obama was the Lilly Ledbetter Fair Pay Act, named for a Goodyear tire company employee in Alabama. Ledbetter had been hired by Goodyear in 1979, and when she retired from the company in 1998, she discovered that she had been paid significantly less than her male counterparts. Claiming she was a victim of gender discrimination, Ledbetter sued Goodyear. In 2007, the Supreme Court rejected her claim because she had not filed the suit within 180 days of receiving her first paycheck. The law signed by Obama requires that the 180-day statute of limitations for filing an equal pay discrimination lawsuit resets with each new paycheck, thus enabling long-time victims of pay discrimination to sue.

President Obama also supported renewing the Violence Against Women Act, which expired in 2012. Republicans in the House of Representatives opposed reauthorizing the law because of provisions added by the Senate that would have expanded its scope to include gay people, American Indians, and undocumented immigrants. Despite Republican opposition, Congress ultimately renewed the law with its new provisions in 2013. In signing the renewal, President Obama declared that the United States needed to work harder to eradicate violence against women. "[W]e've made incredible progress since 1994," President Obama said before signing the law's renewal. "But we cannot let up—not when domestic violence still kills three women a day. Not when one in five women will be a victim of rape in their lifetime. Not when one in three women is abused by a partner." [See *White House Promotes Renewal of Violence Against Women Act* (primary source)]

Issues surrounding women in the workplace made headlines in 2013 because of two high-profile female executives in the technology sector. In February, Marissa Mayer, the chief executive officer (CEO) of Yahoo!, prohibited the company's employees from working at home, claiming that working in the office boosted productivity, creativity, and collaboration. The move proved controversial, however, with some critics asserting that working from home made it easier for new mothers who could not afford full-time child care to keep their jobs. Mayer had generated discussion when she joined Yahoo! as the company's chief executive while seven months pregnant. Many commentators wondered whether women could successfully balance a career with a family, while others noted that men often scaled the corporate ladder despite having young children, and they maintained that it should be no different for women.

As many debated Yahoo!'s ban on telecommuting, another female executive, Sheryl Sandberg, the chief operating officer (COO) of Facebook, generated controversy with the release of her book *Lean In: Women, Work, and the Will to Lead*. Sandberg argued in the book that a greater number of large companies should be run by women, and that women should more aggressively pursue positions of power. While some commentators applauded her assertions, others argued that *Lean In* largely ignored the social realities faced by many women, particularly those from low-income or impoverished backgrounds who cannot afford child care services, and placed too few demands on employers to provide more flexible hours and family-friendly policies.

Debates over women's reproductive rights intensified during the tenure of President Obama, meanwhile, with Republican attempts to defund Planned Parenthood. In addition to providing health services to women, such as cancer screenings, Planned Parenthood also provides birth control and performs abortions. The organization receives a significant amount of money from the government, though it is not allowed to use such funds to perform abortions. Conservatives nevertheless believe that providing funding for other operations allows Planned Parenthood to allocate more resources to carrying out abortions, and have attempted to end federal support for Planned Parenthood. In January 2016, Congress passed a bill to defund the organization, but President Obama vetoed the measure.



While increasing numbers of women have been elected to political office in recent decades, the United States nevertheless lags behind other nations in this regard. According to the Inter-Parliamentary Union, a global organization founded to facilitate cooperation between governments, the United States ranked 104th in the world in 2017 in terms of the proportion of women serving in national legislatures, with 19 percent of seats in the House of Representatives being held by women, and 22 percent in the Senate. In Rwanda, by contrast, women held 61 percent of seats in its lower house, in Bolivia 53 percent, and in the United Kingdom 30 percent.

The nomination of Hillary Clinton as the Democratic nominee in 2016 was thus historic, and many predicted that it would culminate in the election of the first female president of the United States. Clinton, the wife of former president Bill Clinton, had served as a senator from New York from 2001 to 2009 and as U.S. secretary of state from 2009 to 2013. She had previously sought the Democratic nomination for president in 2008, but narrowly lost to then-senator Obama. In 2015, Clinton announced her candidacy for the 2016 Democratic nomination. Although observers initially considered her a clear favorite to win the nomination, a challenge by Senator Bernie Sanders (I, Vermont), who positioned himself to her left, proved stronger than expected, especially among younger voters, including many women.

The threat to Clinton's frontrunner status during the primary elections in 2016 prompted discussions about gender equality. Many Clinton supporters accused her critics—and the media in general—of discussing her in ways in which they would not refer to a male candidate, such as analyzing her physical appearance, clothing, and tone of voice. Others, however, noted that Clinton herself attempted to use her gender to garner support. In a presidential debate in February 2016, for example, after Sanders noted that she was the chosen candidate of Democratic leaders and power-brokers, she replied, "Senator Sanders is the only person who I think would characterize me, a woman running to be the first woman president, as exemplifying the establishment."

Clinton won the primary elections and accepted the Democratic presidential nomination in July 2016. Her main opponent in the general election, Republican Donald Trump, had garnered widespread media attention during the Republican primaries for a series of controversial comments, many of which had been criticized as misogynist. After facing a series of difficult questions from Fox News host Megyn Kelly during a primary debate in August 2015, for example, he said during an interview on CNN that she had "blood coming out of her eyes, blood coming out of her wherever." Some interpreted the comment as an insinuation that Kelly had asked Trump tough debate questions because she was menstruating.

Trump was also criticized for judging women by their looks. In an interview with *Rolling Stone* in September 2015, for example, he said of Carly Fiorina, an opposing Republican candidate for president: "Look at that face. Would anyone vote for that? I mean, she's a woman, and I'm not [supposed to] say bad things, but really, folks, come on." In March 2016, Trump retweeted an unflattering photo of the wife of another primary opponent, Senator Ted Cruz (R, Texas), side by side with a picture of Trump's own wife, Melania, a former model. The caption read, "A picture is worth a thousand words." The same month, Trump triggered criticism by saying during an interview with MSNBC host Chris Matthews that if abortions were illegal, women who obtained them anyway would have to face "some sort of punishment."

Despite such controversies, Trump secured the Republican Party's nomination and faced Clinton in the general election. Characterizations of Trump's behavior as sexist continued throughout the campaign season. He was criticized, for example, for calling Clinton a "nasty woman" during a presidential debate in October 2016. News reports, meanwhile, showed photos of Trump supporters wearing sexist t-shirts and buttons that used unsavory language and lewd references to genitalia to illustrate their support for Trump and to criticize Clinton.

On October 7, just a month before the election, the *Washington Post* published a leaked video of a recording of a conversation between Trump and television show host Billy Bush in 2005 prior to the filming of the NBC show *Access Hollywood*. On the recording, Trump can be heard describing how he is "automatically attracted to beautiful" women. "I just start kissing them," he said. "It's like a magnet. Just kiss. I don't even wait. And when you're a star, they let you do it. You can do anything.... Grab 'em by the [genitalia]. You can do anything." The tape

sparked widespread anger, as many characterized the comments as Trump boasting about sexual assault. Trump himself dismissed the recording as "locker room talk."

In response to outrage over the *Access Hollywood* tape, Trump apologized and attempted to turn attention on former president Bill Clinton's record of alleged sexual misconduct. Trump accused Hillary Clinton of having "bullied, attacked, shamed, and intimidated" her husband's "victims." Before a presidential debate against Clinton on October 9, Trump held a press conference in which three women who had accused Bill Clinton of sexual harassment or sexual assault expressed their support for Trump. In response to a question during the debate, Trump denied having ever actually performed the actions he described in the tape. Multiple women, however, came forward after the leak of the tape to publicly accuse Trump of having forcibly kissed or groped them.

On the eve of the election, most political polls and analysts predicted that Clinton would win and go on to become the first female president of the United States. Others, however, believed that a gap might exist between Americans' public attitudes and their private preferences. "In 1937, just 33 percent of Americans said they would vote for a female presidential candidate," journalist Daniel Bush noted on PBS *NewsHour*. "By 2015, that number had climbed to 92 percent. But giving a non-sexist answer to a pollster is easy enough; the country has almost aced that test. Actually voting for a female presidential candidate has proven to be a much bigger challenge."

On Election Day, Clinton received approximately 3 million more votes than Trump, but was defeated in the Electoral College—the state-based system by which American presidential elections are determined. Fourteen percent more women voters cast their ballots for Clinton than did for Trump, marking the biggest recorded gender gap in a U.S. presidential election. A majority of white women, however, voted for Trump, helping to cement his victory.

On January 20, 2017, Trump was inaugurated president. The following day, more than 500,000 people gathered in Washington, D.C., for the Women's March on Washington, with millions more participating in satellite marches around the country and the world. Protesters sought to bring attention to a variety of issues, including equal pay and reproductive rights, and many held signs criticizing and mocking Trump for what they viewed as his misogynistic behavior.

Debate over sexual discrimination, harassment, and assault continued throughout 2017. In April, Fox News fired television commentator Bill O'Reilly after the *New York Times* reported that Fox had paid more than \$13 million in settlements to women he allegedly harassed. Fox News co-founder and director Roger Ailes had resigned the previous July following sexual harassment allegations. In June 2017, Travis Kalanick, the co-founder and CEO of the transportation app Uber, resigned amid reports that the company tolerated a culture of sexual harassment. Indeed, a variety of sexual discrimination lawsuits drew attention to the alleged prevalence of sexist behavior in influential technology companies.

The issue of gender parity in the tech sector drew further attention in August 2017, when Google fired engineer James Damore after he circulated a memo criticizing the company's diversity policy. In his memo, Damore argued that psychological and biological differences between men and women made them better suited for different types of work. While critics of Damore charged that his attitudes were outdated and had no place in modern companies, his defenders insisted that firing him for merely voicing an opinion was stifling free speech in a misguided attempt to foster gender equality. Some argued that Damore's firing was illustrative of an overreaction to the problem of gender inequality. "Though studies and surveys show there is no denying the travails women face in the male-dominated industry," reporter Nellie Bowles wrote in the *New York Times* in September 2017, "some said that the line for what counted as harassment had become too easy to cross and that the push for gender parity was too extreme a goal."

The conversation surrounding sexual harassment and assault intensified in October when a report in the *New York Times* detailed disturbing allegations against film producer Harvey Weinstein, who allegedly harassed and assaulted many women over a span of decades and had been protected by a network of powerful industry allies that had

allowed him to continue his behavior. As the story spread, more than 80 women eventually came forth, describing similar accounts in which Weinstein had harassed or sexually assaulted them.

In the following weeks, dozens of women went public with allegations against powerful, high-profile men. Figures implicated in this flood of accusations included actors Danny Masterson and Jeffrey Tambor, comedian Louis C.K., comic book editor Eddie Berganza, and film directors Brett Ratner and James Toback. Other media personalities included television hosts Matt Lauer and Charlie Rose; *New Republic* publisher Hamilton Fish; and journalists and editors Michael Oreskes, Lockhart Steele, and Glenn Thrush.

In November, allegations of sexual assault upended a special Senate race in Alabama when multiple women accused Republican candidate Roy Moore, a former state judge, of initiating unwanted sexual contact with them. One of the women was 14 at the time of the alleged misconduct, while Moore had been an assistant district attorney in his 30s. Other women subsequently accused Moore of inappropriate behavior. Moore denied the charges, but many prominent Republicans urged him to withdraw from the race, and the Republican National Committee announced it would not provide any financial support for his campaign. In early December, however, a week before the election, President Trump forcefully endorsed him and the RNC restored its support and funding. On December 12, Moore lost to opponent Doug Jones, marking the first time in 25 years a Democrat had been elected senator from Alabama.

Prominent Democrats also faced accusations of sexual harassment and intimidation. In December 2017, Representative John Conyers (Michigan), the most senior Democrat in the House, resigned after facing multiple charges of harassment, including allegations that he fired a staffer for refusing to have sexual relations with him. That same month, Senator Al Franken (D, Minnesota) resigned after multiple women accused him of unwanted sexual advances, including groping and attempting to forcibly kiss them.

Spurred by these high profile cases, thousands of other women shared their own experiences with sexual harassment and assault on social media under the hashtag #MeToo. These accounts quickly mushroomed, and comments and reactions numbered in the millions. For many, this outpouring of stories provided a greater sense of how widespread sexual harassment was. "[A]s horrifying as the allegations against Weinstein have been, more appalling still is the sense that his behavior isn't uncommon," journalist Sophie Gilbert wrote in the *Atlantic* in October 2017. "That in industries across the world, from media to music to modeling to academia, women have encountered their own Weinsteins and have deduced, for whatever reason, that nothing could be done about it and nobody cared. The power of #MeToo, though, is that it takes something that women had long kept quiet about and transforms it into a movement."

The widespread and numerous allegations prompted self-reflection in many industries and institutions as to how to more aggressively recognize, root out, and punish sexual harassment. In November, the House Administration Committee held a hearing on sexual harassment in Congress. Testifying before the committee, two female legislators—Representatives Barbara Comstock (R, Virginia) and Jackie Speier (D, California)—shared a sampling of accusations that a variety of staffers had made against former and sitting lawmakers. In the wake of the hearing, many criticized Congress's method of handling sexual harassment allegations, which involves a lengthy, opaque mediation process that requires accusers to agree to non-disclosure agreements and continue working in their positions, potentially alongside the accused.

Supporters Argue: Further Measures Are Necessary to Protect Women's Rights

Supporters of taking further steps to ensure women's rights and gender equality argue that the United States has a long way to go before it can claim that men and women are treated truly equally. The freedom with which men have been able to abuse, assault, and harass women, they contend, is symptomatic of systemic inequality. "The world has always been run by men, and it still is today," Facebook chief operating officer Sheryl Sandberg wrote in a Facebook post in December 2017. "We are seeing what happens when power is held nearly exclusively by men. It gives rise to an environment in which, at its worst, women are treated as bodies to be leered at or grabbed, rather

than peers entitled to equal respect."

The highest-earning executives at successful American companies, supporters note, are still mostly male. "American women lag substantially behind men when it comes to their representation in leadership positions," a fact sheet released by the Center for American Progress, a liberal think tank, in May 2017 stated. "[T]hey are only 25 percent of executive- and senior-level officials and managers, hold only 20 percent of board seats, and are only 6 percent of CEOs."

The persistent wage gap between men and women, proponents further claim, is stark evidence that women are not treated equally in the workforce. "Overall, women earn 80 cents for every dollar earned by men, according to the National Partnership for Women & Families, with black women earning 63 cents and Latinas earning 54 cents," journalist Alia Dastagir wrote in *USA Today* in March 2017. "Female doctors, for example, are paid about \$20,000 less a year than male doctors."

Supporters note that women are particularly underrepresented in so-called STEM (science, technology, engineering, and mathematics) fields. "The low levels reflect institutional and societal biases," editor Tim Sandle wrote in *Digital Journal* in August 2017. "[O]ne strand of research concluded that the 'masculine culture' that pervades many STEM workplaces makes many women feel like they do not belong.... Moreover, women in science and technology are paid less than men (despite repeated reviews into the gender pay gap); they are promoted less, and win fewer grants."

The lagging number of women in American politics, supporters argue, signifies how much work the United States must do to catch up to its international peers. "Nearly a century after gaining national suffrage rights, American women represent a majority of voters, yet women represent less than a quarter of state legislators, a fifth of members of Congress, and an eighth of governors," Cynthia Terrell, head of the organization Representation 2020, which seeks to increase female participation in politics, wrote in the *Nation* in June 2015. "[W]e must do more. There is simply no substitute for what I call 'intentional action'—that is, rules designed to promote party parity for men and women in elected office."

Indeed, women in politics face particular scrutiny and inspire outsized scorn, proponents contend. "The more female politicians are seen as striving for power, the less they're trusted and the more moral outrage gets directed at them," Terri Vescio, a psychology professor at Pennsylvania State University, told PBS *NewsHour* in June 2016. "If you're perceived as competent, you're not perceived as warm. But if you're liked and trusted, you're not seen as competent."

Advocates assert that restrictions on women's access to abortion and contraception present major obstacles to equality. They contend that, were the Supreme Court to ever reverse *Roe v. Wade*—a move conservatives have pushed for decades—the impact on women's health and rights would be disastrous in states that chose to ban abortion. "We cannot go back to the days before *Roe*, when some women put their lives on the line when they needed to end a pregnancy," Nancy Northup of the Center for Reproductive Rights argued in a statement issued in January 2017. "Forcing women to travel thousands of miles across state lines for basic health care...is not only unconstitutional, it's unconscionable."

The United States, supporters point out, still struggles with staggeringly high rates of domestic violence perpetrated against women, and they charge that the government must preserve funding for programs under the Violence Against Women Act, which some conservatives have targeted for budget cuts. "One out of every five women in America will be a victim of sexual assault and one in four girls will be sexually abused before she turns 18," Sonia Ossorio, president of the National Organization for Women of New York, wrote in the *Huffington Post* in April 2017. "In total, one in three women will face some form of physical or sexual violence in their lifetime. Until we change these realities, there is nothing 'outdated' about spending less than one tenth of one percent of our federal budget on rooting out this epidemic of violence—except that we are spending too little."

Proponents argue that the spectacle of the presidential election of 2016—particularly the vitriol directed against Hillary Clinton and her loss to Trump, a man they deemed less qualified—demonstrated the barriers women in all fields face in reaching positions of power. "Research...has shown it's harder for assertive, ambitious women to be seen as likable, and easier to conclude they lack some intangible, ill-defined quality of leadership," journalist Susan Chira wrote in the *New York Times* in July 2017. "The fury and revulsion aimed at Mrs. Clinton—as well as the more open misogyny in some quarters in the wake of the election—has led many women to question whether they've underestimated a visceral recoil against women taking power in any arena."

All individuals holding leadership positions who have been found to have abused their power by harassing women, supporters argue, have a moral obligation to step down—including the president himself. "Al Franken felt it proper for him to resign," Senator Bernie Sanders (I, Vermont) remarked on *Meet the Press* in December 2017. "Here you have a president who has been accused by many women of assault, who says on a tape that he assaulted women. He might want to think about doing the same."

Opponents Argue: Further Measures Are Unnecessary to Protect Women's Rights

Opponents of taking further steps to protect women's rights and gender equality argue that statistics show that women have already achieved equality in the United States. They note, for example, that in educational attainment females are besting males. "Where men once went to college in proportions far higher than women—58 percent to 42 percent as recently as the 1970s—the ratio has now almost exactly reversed," Jon Marcus, higher-education editor at the *Atlantic*, wrote in August 2017. "By 2026, the [U.S. Department of Education] estimates, 57 percent of college students will be women. The new minority on campus? Men."

Critics of doing more to promote gender equality contend that proponents have overstated how much discrimination women face in science and technology industries. Women, they claim, may simply have preferences for other fields. "Much of the 'evidence' cited in support of discrimination does not actually demonstrate discrimination," social psychologist Lee Jussim wrote in *Psychology Today* in July 2017. "Of course, on moral grounds, we want to insure that all people have equal *opportunities* to enter any particular career. But if there are bona fide gender differences in preferences and interests, equal *opportunities* may never translate into *equal outcomes*."

Opponents also maintain that incidents of employment discrimination and sexual harassment, long cited as impediments to women's success, are often exaggerated. "The majority of women in the workplace are not tender creatures and are largely adept at dealing with all varieties of uncomfortable or hostile situations," commentator Katie Roiphe wrote in the *New York Times* in November 2011. "Show me a smart, competent young professional woman who is utterly derailed by a verbal unwanted sexual advance or an inappropriate comment about her appearance, and I will show you a rare spotted owl."

Men, opponents note, face gender discrimination too. "Much like the constant use of wage gap statistics that dramatically overstate the differences between the earnings of men and women in similar jobs," journalist Carrie Lukas wrote in *National Review* in July 2017, "the reluctance to acknowledge that sexism can work both ways complicates public discussions of these issues and undermines progress."

Movements such as #MeToo, opponents warn, could lead to an oppressive environment that limits communication and self-expression. Acclaimed film director Woody Allen, who himself has been accused of sexual abuse of minors, told the BBC in October 2017 that he worried of a "witch hunt atmosphere...where every guy in an office who winks at a woman is suddenly having to call a lawyer to defend himself. That's not right either."

Opponents contend that the level of success attained by Hillary Clinton—senator, secretary of state, presidential candidate—is evidence of how far women have come in American society. Clinton is generally seen by the public, they note, as an accomplished politician irrespective of the fact that she is a female. "[W]hen millions of Americans think of Hillary Clinton, they don't think of her gender," *National Review* editor Jonah Goldberg wrote in February

2016. "Some may think of her as a heroic liberal technocrat. Others might think of her as a deeply partisan politician. The list goes on.... What she is not is an icon for a category of humanity called 'womanhood.' This strikes me as a significant victory for feminism."

It was Clinton's weakness as a candidate, opponents maintain, not her gender, that cost her the presidency. "Those claiming sexism as an excuse for Hillary's loss have to grapple with this fact: The reason she didn't win isn't because not enough men voted for her, it's because not enough women did," Tom Breven, co-founder of *Real Clear Politics*, wrote in June 2017. "Plenty of factors played a role in Clinton's loss, but there's little evidence that sexism was one of them. Ultimately, she proved a lackluster candidate with an inferior message who failed to connect with voters in the states that mattered most."

Critics also contend that opposing abortion is compatible with feminism. Lauren Enriquez, a public relations manager at Human Coalition, a pro-life group, wrote in the *New York Times* in February 2017:

Anti-abortion women reject the version of "feminism" that infers that we cannot be equal to men unless we snuff out what is unique about us as women: our ability to protect, nourish and nurture new life inside of our bodies. We resist the conventional wisdom that women will succeed in school, career and life only if they relegate childbearing to an elusive "ideal" moment in time. We reject the pressure to believe that killing our children and living full lives are mutually inclusive. They're not.

Laws such as the Violence Against Women Act (VAWA), opponents argue, are actually ineffective and potentially discriminatory toward men. "[T]he programs operated under VAWA have never undergone scientifically rigorous evaluations to ensure that they are achieving their intended results," Christina Villegas, a fellow at the conservative Independent Women's Forum, wrote in the *Huffington Post* in 2013. "Furthermore, because VAWA was initially established on the premise that violence is caused by institutionalized sexism and patriarchal beliefs, the law has allocated financial and legal resources primarily to female victims, while ignoring the complex nature of violence and its causes."

Future of Gender Disparity in the United States Uncertain

Some have wondered whether the recent attention to sexual harassment and assault, including the #MeToo movement, will bring about concrete change in terms of how women are treated in the workplace and in general. "[T]alking about assault and harassment can be an empowering step," journalist Anna Walsh wrote in the *Washington Post* in October 2017. "But this collective display of trauma can too easily allow others, men especially, to offer sympathetic comments and social-media 'likes' without being forced to reflect on their own actions. Do they need to change the way they treat women? Do they look the other way or make excuses when they find out that someone they know has assaulted someone else? What other signals are they sending that say sexual violence will go unpunished?"

The debate over gender equality will also continue to touch on issues like child care, wage equity, and diversity programs that encourage gender parity in hiring. How attitudes toward sexuality, family, and gender politics will evolve remains to be seen.

Bibliography

Bevan, Tom. "Sexism Did Not Cost Hillary the Election." *Real Clear Politics*, June 1, 2017, www.realclearpolitics.com.

Bush, Daniel. "The Hidden Sexism That Could Sway the Election." *PBS NewsHour*, June 15, 2016, www.pbs.org.

Covert, Bryce. "Progress for Women Continues Flatlining at the Top Ranks of the Private Sector." *Nation*, December 11, 2012, www.thenation.com.

Cronin-Furman, Kate, and Mira Rapp-Hooper. "'Late-Breaking Sexism': Why Younger Women Aren't Excited

About Electing a Woman President." *Vox*, February 17, 2016, www.vox.com.

Dastagir, Alia. "What Do Men Get That Women Don't? Here Are a Few Things." *USA Today*, March 1, 2017, www.usatoday.com.

Dowd, Maureen. "When Hillary Clinton Killed Feminism." *New York Times*, February 13, 2016, www.nytimes.com.

Eberstadt, Mary. "Has the Sexual Revolution Been Good for Women? No." *Wall Street Journal*, March 30, 2012, www.wsj.com.

Enriquez, Lauren. "How the New Feminist Resistance Leaves Out American Women." February 27, 2017, www.nytimes.com.

Gilbert, Sophie. "The Movement of #MeToo." *Atlantic*, October 16, 2017, www.theatlantic.com.

Goldberg, Jonah. "To Feminist Consternation, Hillary Is Being Judged as an Individual—Not as a Woman." *National Review*, February 10, 2016, www.nationalreview.com.

Goldenberg, Kira. "On Leaning In." *Columbia Journalism Review*, March 4, 2013, www.cjr.org.

Hudson, Valerie. "What Sex Means for World Peace." *Foreign Policy*, April 24, 2012, www.foreignpolicy.com.

Jussim, Lee. "Why Brilliant Girls Tend to Favor Non-STEM Careers." *Psychology Today*, July 20, 2017, www.psychologytoday.com.

Kolbert, Elizabeth. "Firebrand: Phyllis Schlafly and the Conservative Revolution." *New Yorker*, November 7, 2005, www.newyorker.com.

Lukas, Carrie. "Sexism May Affect Women's Careers, but It's Not What Sank Hillary Clinton." *National Review*, July 28, 2017, www.nationalreview.com.

Marcus, Jon. "Why Men Are the New College Minority." *Atlantic*, August 8, 2017, www.theatlantic.com.

Mitchell, Josh. "Women Notch Progress." *Wall Street Journal*, December 4, 2012, www.wsj.com.

Northup, Nancy. "The Fight for Women's Reproductive Rights Can't Just Be About Winning or Losing the Abortion War." *Huffington Post*, January 17, 2013, www.huffingtonpost.com.

Ossorio, Sonia. "We Must Act to Save the Violence Against Women Act." *Huffington Post*, April 14, 2017, www.huffingtonpost.com.

Roiphe, Katie. "In Favor of Dirty Jokes and Risqué Remarks." *New York Times*, November 12, 2011, www.nytimes.com.

Rosin, Hanna. "The End of Men." *Atlantic*, July/August 2010, www.theatlantic.com.

Spakovsky, Hans A. Von. "Dear FEC, Trying to Get More Women Elected Is Not Your Job." *National Review*, May 1, 2015, www.nationalreview.com.

Sulek, Julia Prodis, et al. "#MeToo Moment Exposes Sexual Harassment, but Will Real Change Happen?" *Mercury News*, October 20, 2017, www.mercurynews.com.

Terrell, Cynthia. "We Need to Do More Than Fix the Pipeline to Get Parity for Women in Office." *The Nation*, June 19, 2015, www.thenation.com.

Villegas, Christina. "VAWA Needs a Serious Overhaul." *Huffington Post*, March 31, 2013, www.huffingtonpost.com.

Walsh, Anna. "#MeToo is Spreading. Are Men Getting Let Off the Hook?" *Washington Post*, October 16, 2017, www.washingtonpost.com.

Additional Sources

Additional information about women's equality in the United States can be found in the following sources:

Collins, Gail. *When Everything Changed: The Amazing Journey of American Women from 1960 to the Present*. New York: Little, Brown and Company, 2009.

Eberstadt, Mary. *Adam and Eve After the Pill: Paradoxes of the Sexual Revolution*. San Francisco, Calif.: Ignatius Press, 2012.

Rosin, Hanna. *The End of Men: And the Rise of Women*. New York: Riverhead Books, 2012.

Spruill, Marjorie. *Divided We Stand: The Battle Over Women's Rights and Family Values that Polarized American Politics*. New York: Bloomsbury USA, 2017.

Contact Information

Information on how to contact organizations that either are mentioned in the discussion of women's equality in the United States or can provide additional information on the subject is listed below:

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U.S. Bureau of Labor Statistics
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Internet: www.bls.gov

For further information about the ongoing debate over women's equality in the United States, search for the following words and terms in electronic databases and other publications:

Domestic violence
Feminism
#MeToo
Reproductive rights
Sexual harassment
Women's suffrage

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