



#MeToo and Public Officials

*A post-election snapshot of allegations
and consequences*

By Jamillah Bowman Williams, J.D., Ph.D.

Associate Professor of Law, Georgetown University Law Center

November 9, 2018

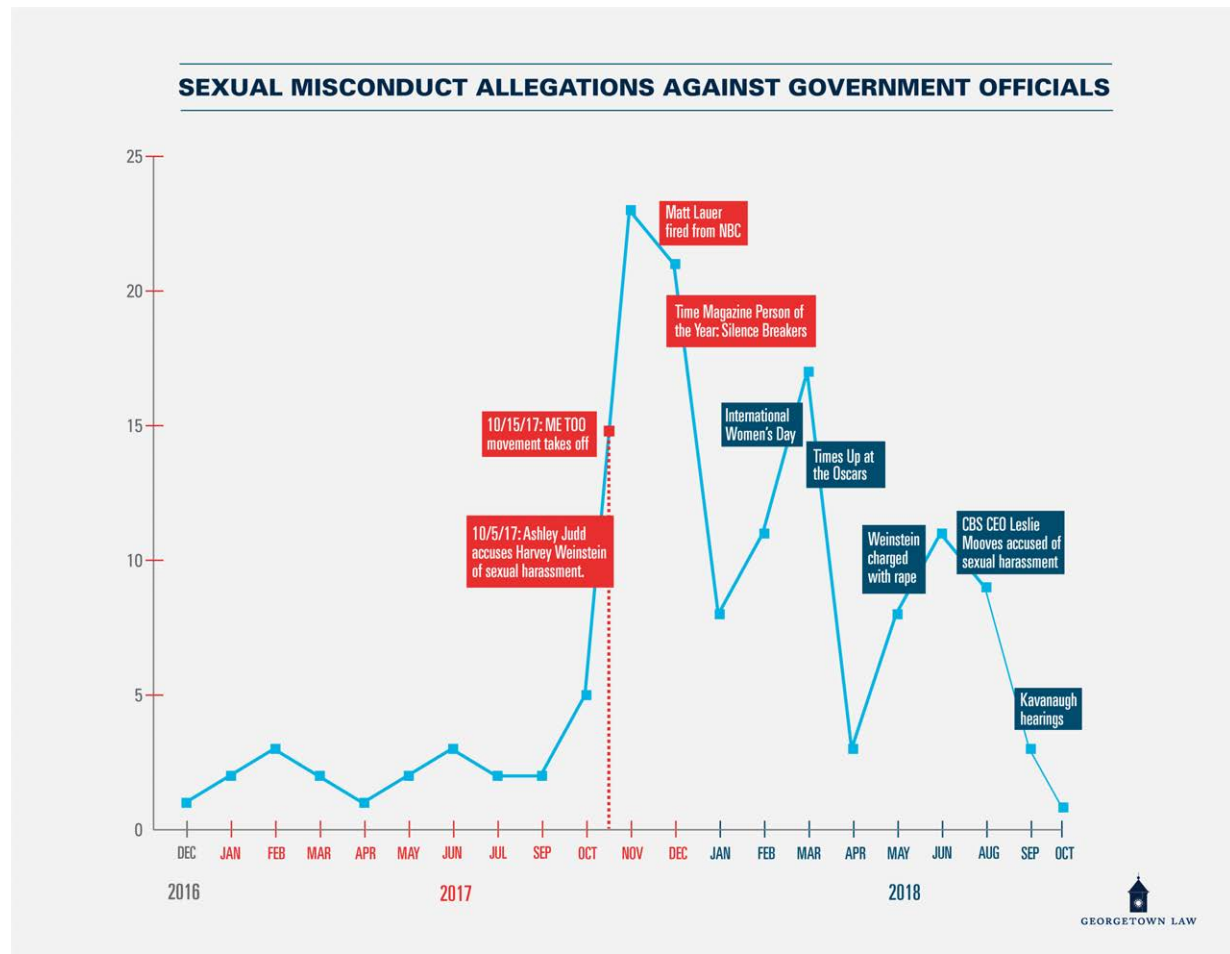


GEORGETOWN LAW

In the most exhaustive accounting of its kind to date, this study shows that a total of at least 138 government officials in both elected and appointed positions, have been publicly reported for sexual harassment, assault, misconduct, or violence against women since the 2016 election. These include all allegations of sex-related misconduct reported in national, state, and local media.

A large majority of these officials – 104 of them, or 75 percent -- have left or been ousted from their positions. After this week’s midterm election, 34, at most, will remain in office by January 2019. One elected official’s close race is pending a recount.

#MeToo Takes off



As the #MeToo movement has made evident, sexual harassment and assault commonly go underreported. In fact, sexual assault is the [most underreported](#) violent crime in America, with [70% never reported](#) to police. Even after the rise of #MeToo, among survey respondents who said they had experienced workplace harassment in the past year, [76 percent did not report it](#). Many victims fear retaliation or think that nothing will change, concerns that may be heightened when the perpetrator holds a position of power. This is no different for government officials who may use their title as a pass to harass, and whose misconduct is often tolerated to maintain the status quo. Those who do report officials are often forced to keep their claims [secret](#), which can enable repeat offenders.

However, #MeToo has spurred a series of spikes in public accusations of government officials. The number of allegations rose after October 2017, when a [New York Times report](#) detailed Harvey Weinstein's sexual assaults and harassment of numerous women; the hashtag #MeToo gained momentum shortly after. The reporting has since dropped off, particularly in the wake of the Brett Kavanaugh hearings. In that highly publicized case, Dr. Christine Blasey Ford faced death threats for speaking out against Kavanaugh, and despite her testimony, he was still confirmed to the U.S. Supreme Court. The hearings seemed to confirm victims' worst fears that not only would they face retaliation for reporting perpetrators, but that nothing would change as a result.

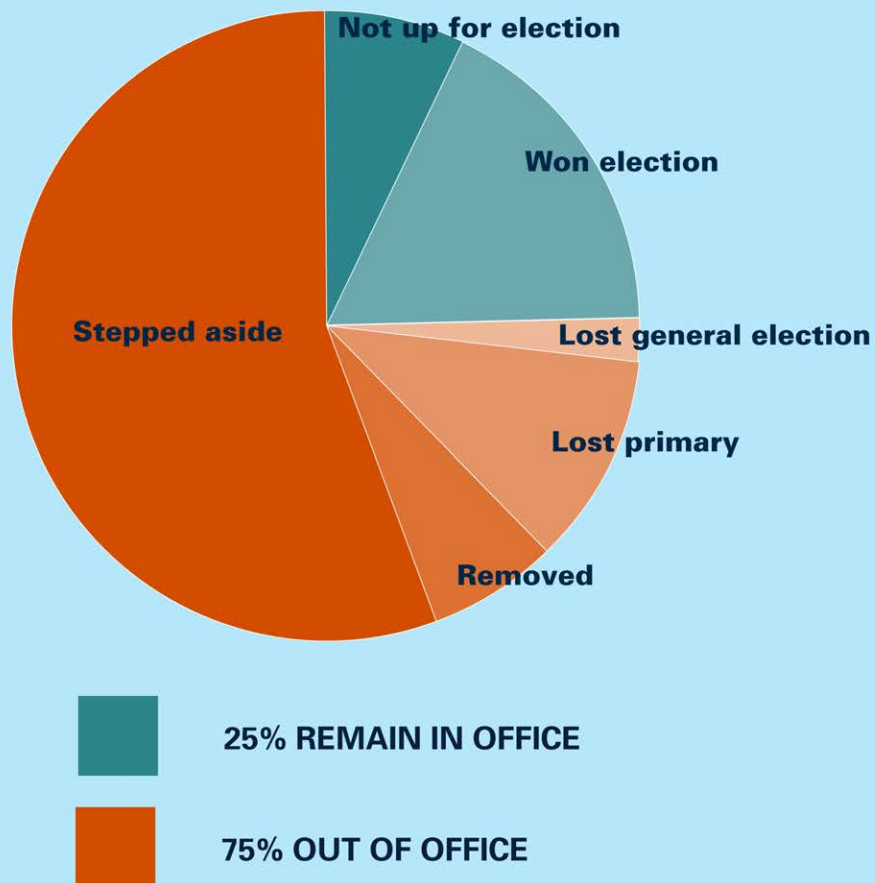
Consequences

Dr. Ford's experience does not necessarily reflect the broader picture, however. In fact, most of the accused officials in our findings have since fallen from power. Of the 25 appointed officials, 23 have been fired or resigned. Two former officials running for elected office suspended their campaigns. Of the 111 elected officials reported, 75 are no longer in office. Forty-three either resigned or retired promptly without completing their terms, 4 were removed, 11 completed their terms, but decided not to run again, 15 lost their primary or another elected office, and 2 committed suicide. Beyond losing political positions, some of these officials also face legal action, including 7 civil lawsuits and 12 criminal charges. This type of accountability is historically [unprecedented](#).

Nonetheless, of the 27 government officials accused of sexual misconduct who ran for office this week, 23 were reelected or elected to a new government position, 3 lost, and one is headed for a recount. These statistics are consistent with typical election trends, considering that an average of [92 percent of state legislators are reelected](#) in any given election year. So for those who sought reelection, sexual misconduct allegations appeared to have little influence on outcomes. Instead, voters were focused on other [political issues](#), such as health care, immigration, and the economy, and most were committed to voting along party lines.

#MeToo Pushes Government Officials Out

Status of 138 public officials accused of sexual misconduct during the 2016-2018 election cycle

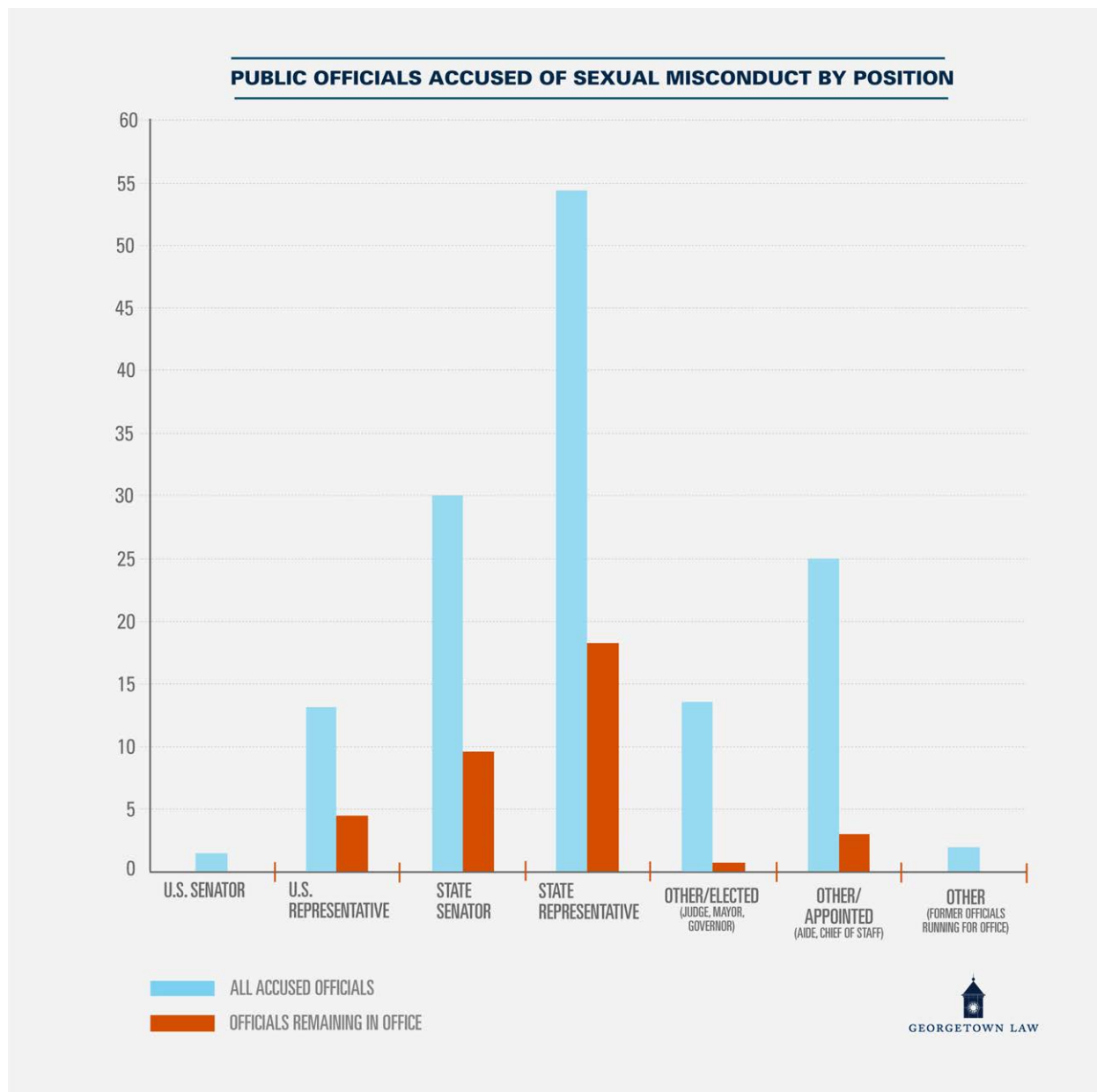


Data compiled on 11/8/18 with one election outcome still pending recount.



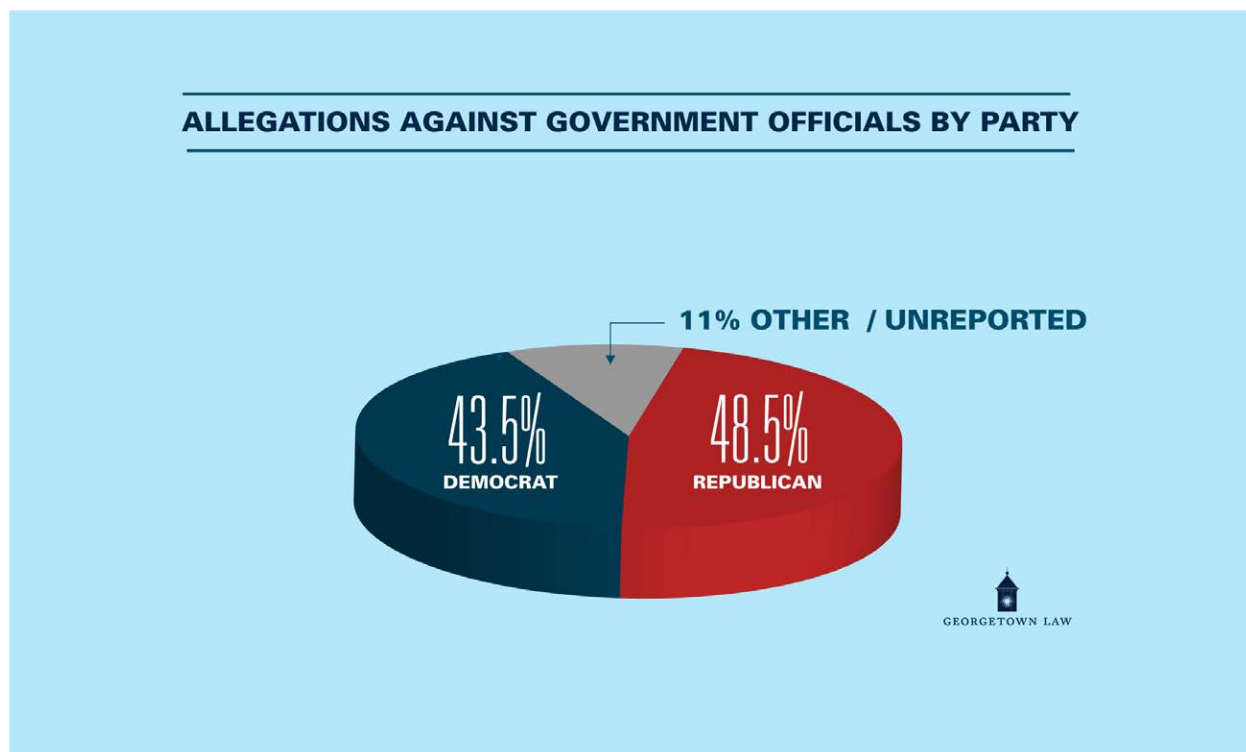
GEORGETOWN LAW

Who has been publicly accused?

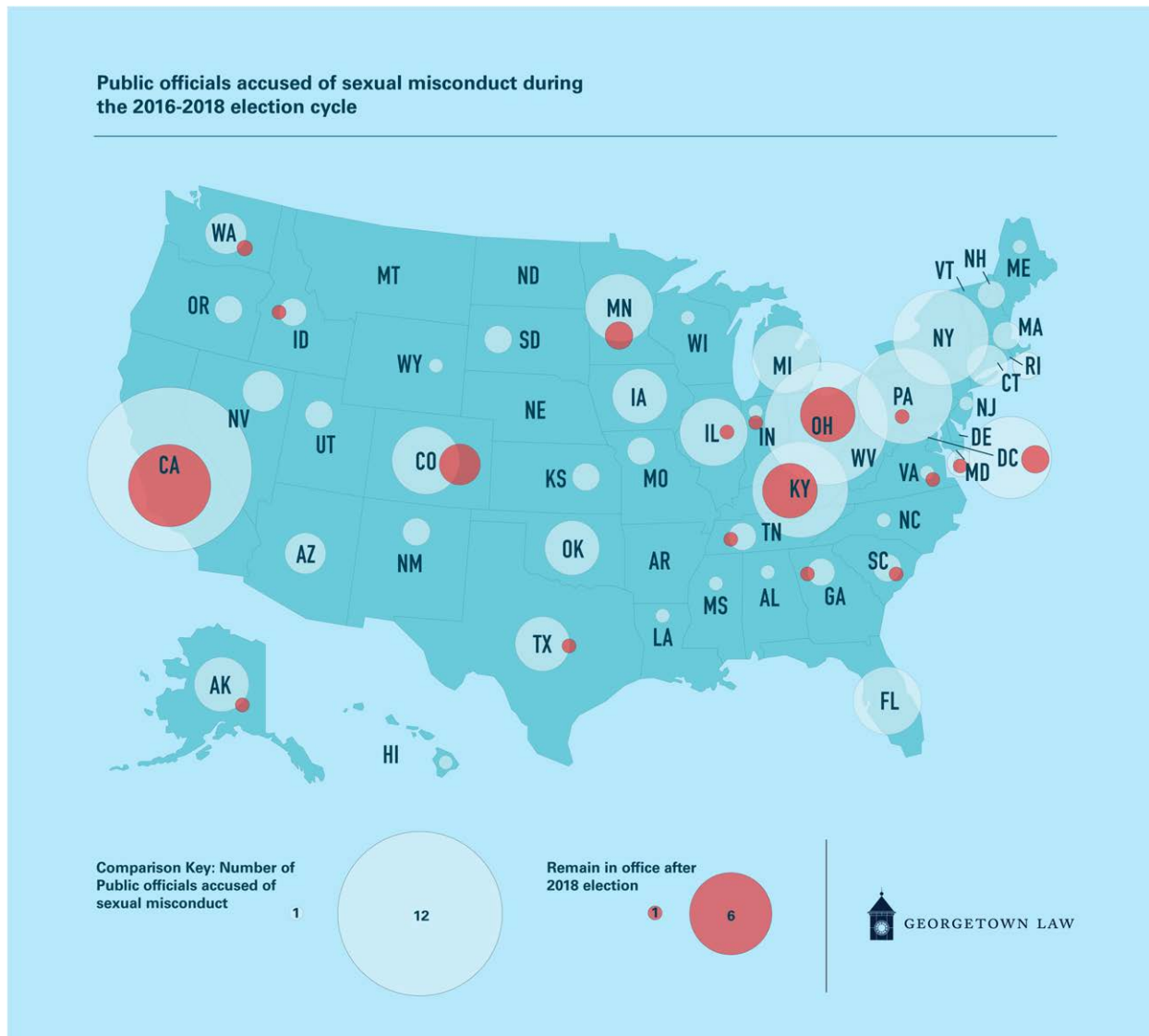


Those accused in our findings include state legislators, members of U.S. Congress, and other elected and appointed officials. All but three are men. Some are habitual perpetrators, who have been accused by more than a dozen women. Most of the allegations pertain to behavior within the workplace, including unwanted kissing and groping, masturbating in front of others, sending sexually explicit photos, discussing sexual fantasies, sexual advances toward subordinates, and a range of threats and retaliation for non-compliance. Some of the reported misconduct has also occurred outside of official government responsibilities, including violent assaults, domestic violence, sexual misconduct with minors, rape, and sex trafficking. Many of these

claims have been settled by paying victims large [settlements](#), paid for with taxpayer dollars. Others have prompted internal investigations into the toxic workplace culture that feeds this type of behavior. Some states have responded [swiftly](#), while others continue to operate with little [transparency](#) or accountability, [frustrating](#) victims, advocates, and constituents.



As shown above, there were no clear partisan trends in the accusations against government officials, as Republicans and Democrats shared a relatively even distribution of the allegations.



Reporting has also occurred across the country with no distinct regional trends. California appears to be a hot spot with 12 officials reported, but as the most populous state, this 9 percent of allegations is less than the state's 12 percent of the U.S. population. States with smaller populations such as Montana, North Dakota, and Delaware have no public allegations. Reports of misconduct were notably high compared to the overall population in Ohio, Kentucky, Alaska, and Washington DC.

See the chart at the end of this report for exact figures.

Disrupting the power structure

Although these reports are likely the mere tip of a longstanding and deeply immersed iceberg of sexual misconduct, they are yet another sign that #MeToo is slowly beginning to disrupt the power structure. For too long, government has been an institution where men have heightened status relative to women. Before Tuesday's election, [80 percent](#) of members of the U.S. Congress were men and [75 percent](#) of state legislators were men. In this environment, sex stereotyping remains rampant, breeding a problematic culture of sexual harassment and misconduct that has been largely protected by secrecy.

As for the remainder of the submerged iceberg – those many cases that continue to go unreported - this state of affairs can also be chipped away with broader cultural changes. This week was an excellent starting point, as women candidates made history: they not only [ran in record numbers](#), but they won many races, putting their representation at a [historic high](#). Congress will now have the [highest number of female representatives](#) in its history, and women [won nine gubernatorial races](#), with some races still too close to call or headed for a recount. Two of the three accused officials that lost elections this week were replaced by women. While women are not immune to misconduct and/or complicity, with these types of changes, we may eventually reach a point where women are no longer seen as subordinate in the realm of politics.

Legislative action needed

Overall, it is encouraging that more people are speaking out against harassment and assault, and individuals in power are beginning to be held accountable. However, we also need to change our laws. The laws that our officials oversee fail to give adequate protections to many women who suffer sexual harassment or misconduct at the hands of less visible men. For example, harassment laws must be expanded to include those victims left unprotected by federal law – such as domestic workers, temporary workers, independent contractors, farm workers, interns, and those working for small employers. The statute of limitations should also be extended to allow reporting over longer periods of time so victims have time to process, reflect, and decide how to move forward. Use of non-disclosure agreements that silence victims should be restricted, and mandatory arbitration agreements that prevent claimants from accessing a court of law should be banned.

The only people who can change these laws are our government officials. Thus, it is critical that we elect policy makers who support legislation that advances gender equity, who respect women, and who lead by example. On the upside, in 2018, 281 bills in support of gender equity and ending harassment were introduced in state legislatures across nearly all 50 states, but more of these proposed bills need to be passed and adopted.

While it is important for #MeToo to advocate that guilty officials face consequences for their actions, the movement must also go beyond individual accountability. It should also spark cultural changes and make sure that those in office are taking the legislative steps necessary to achieve the broader pursuit of gender equity.

Methodology

Using LexisNexis, GoogleNews and NewspaperArchive, we performed a series of searches based on a series of key word phrases and indexed subject terms. These included, but were not limited to, words denoting general types of allegations, such as “sexual harassment,” “sexual misconduct,” “sexual assault,” “inappropriate touching,” and “abuse,” which were searched in association with positions such as “government official,” “state senator,” “legislative bodies,” “local government,” “Congress,” “assemblymen,” “governor,” “congressman,” and “state representative.”

The search was limited to online and print newspapers and publications from the United States, and looked at reporting conducted from November 2016-October 2018. Individual behavior is identified, and others accused of enabling or hiding another individual’s harassment or misconduct are also accounted for. In some circumstances the incident takes place in earlier years, but the accusation happened or was reported within the November 2016-October 2018 timeframe.

Public officials accused of sexual misconduct during the 2016-2018 election cycle

State	Number of Officials Accused	Number of Officials Who Will Be in Office as of Jan. 2019
Alabama	1	0
Alaska	4	1
Arizona	3	0
Arkansas	0	0
California	12	6
Colorado	5	3
Connecticut	3	0
Delaware	0	0
Florida	5	0
Georgia	2	1
Hawaii	1	0
Idaho	2	1
Illinois	5	1
Indiana	1	1
Iowa	4	0
Kansas	2	0
Kentucky	7	4
Louisiana	1	0
Maine	1	0
Maryland	2	1
Massachusetts	2	0
Michigan	5	0
Minnesota	5	2
Mississippi	1	0
Missouri	2	0
Montana	0	0
Nebraska	0	0
Nevada	3	0
New Hampshire	2	0
New Jersey	1	0
New Mexico	2	0
New York	5	0
North Carolina	1	0
North Dakota	0	0
Ohio	9	4
Oklahoma	4	0
Oregon	2	0
Pennsylvania	7	1
Rhode Island	2	0
South Carolina	2	1
South Dakota	2	0
Tennessee	2	1
Texas	5	1
Utah	2	0
Vermont	0	0
Virginia	1	1
Washington	3	2*
Washington DC	6	2
West Virginia	0	0
Wisconsin	1	0
Wyoming	1	0

*One election is still pending recount as of 11/8/18.