



ST. MARY'S  
UNIVERSITY

## The Scholar: St. Mary's Law Review on Race and Social Justice

---

Volume 3 | Number 2

Article 1

---

1-1-2017

### Bridging the Gender Gap

Susan Estrich

*USCGould School of Law*

Follow this and additional works at: <https://commons.stmarytx.edu/thescholar>

---

#### Recommended Citation

Susan Estrich, *Bridging the Gender Gap*, 3 THE SCHOLAR 153 (2017).

Available at: <https://commons.stmarytx.edu/thescholar/vol3/iss2/1>

This Article is brought to you for free and open access by the St. Mary's Law Journals at Digital Commons at St. Mary's University. It has been accepted for inclusion in The Scholar: St. Mary's Law Review on Race and Social Justice by an authorized editor of Digital Commons at St. Mary's University. For more information, please contact [egoode@stmarytx.edu](mailto:egoode@stmarytx.edu), [sfowler@stmarytx.edu](mailto:sfowler@stmarytx.edu).

## REFLECTION

### BRIDGING THE GENDER GAP

SUSAN ESTRICH<sup>†</sup>

In the 2000 Presidential election, women made up 52% of the total vote.<sup>1</sup> If women were the only people voting, Al Gore would have won handily, carrying 31 states and 370 electoral votes, with 54% of the vote compared to 43% for Bush.<sup>2</sup> Additionally, the number of women governors jumped from three to four with new women leading Arizona, Delaware, Montana and New Hampshire.<sup>3</sup> The number of women in the Senate increased from 9 to 13, with the elections of Hillary Clinton (NY), Debbie Stabenow (MI), Jean Carnahan (MO), and Maria Cantwell (WA).<sup>4</sup> In California, three feminist candidates—Susan Davis, Jane

---

<sup>†</sup> Robert Kingsley Professor of Law and Political Science, University of Southern California Law School. B.A. (with highest honors), Durant Scholar, 1974, Wellesley College; J.D., *magna cum laude*, 1977, Harvard Law School.

1. See Center for Policy Alternatives Releases Post-Election Analysis: Does 'W' Really Stand for Women?, U.S. NEWswire, Nov. 10, 2000, at 1, available at 2000 WL 26851138; Bonnie Erbe Scripps, *Bush Should Woo Women*, DESERT NEWS (Salt Lake City), Nov. 14, 2000; Bonnie Erbe Scripps, *Bush White House Must Open Door to Women*, CHI. ST. TIMES, Nov. 17, 2000, available at 2000 WL 6705083.

2. *Post-Election Analysis*, *supra* note 1.

3. See Pat Swift, *Gender Gap Loomed Largest in this Election*, BUFFALO NEWS, Nov. 11, 2000, at D1, available at 2000 WL 5699550; see also Karin Fischer, *Officials Expect Change in EPA Relationship: Groups Prepare as Whitman Starts to Head Agency*, CHARLESTON DAILY MAIL, Jan. 31, 2001, at 1A (revealing that New Jersey governor Christine Todd Whitman had been appointed by President Bush as the director of the Environmental Protection Agency, thus lowering the number of female governors from five to four).

4. See David Ammons, *Recount Ratifies Democrat's Senate Win*, CHI. TRIB., Dec. 3, 2000, at 6, available at 2000 WL 29782624 (reporting that, after a recount, Maria Cantwell of Washington had defeated her incumbent Republican opponent); Swift, *supra* note 3 (referring to the three women that were determined winners on election day); see also Mary Leonard, *Senate Women Gain Stature: Once They Were Nine and Counting; Now*

Harman, and Hilda Solis—defeated incumbents to win election to the House.<sup>5</sup>

In the days after the election, feminist leaders held press conferences to trumpet these victories. To be sure, “[w]omen voters defeated incumbents, increased the number of women governors and senators, and brought new feminists to the House.”<sup>6</sup> In the end, however, George W. Bush is President, and men run 87% of the Congress, and 92% of the states.<sup>7</sup> The number of women running for state legislature actually decreased in 2000 for the first time in the decade.<sup>8</sup> On the same day that Attorney General John Ashcroft was pledging allegiance to *Roe v. Wade*<sup>9</sup> in order to win confirmation, the President was reinstating the ban on American service men and women and their dependents receiving abortions in military hospitals at their own expense, and cutting off family planning funds to international organizations that use their own funds for abortions.

The truth is that Democrats did well among some, but not all women, and that the 2000 elections made clear that substantial obstacles continue to confront women seeking elective office, particularly executive positions. While Gore carried over 90% of all African Americans and 62% of all Hispanics, only 48% of white women voted for him.<sup>10</sup> Among married women as a group, there was almost no gender gap.<sup>11</sup> Women who did not have jobs outside of the home supported Bush by 52%.<sup>12</sup> It was sin-

---

*They're Thirteen and Exuberant*, CHI. TRIB., Jan. 24, 2001, at 2, available at 2001 WL 4033363.

5. See Linda Berg, *November Elections a Turning Point for Women*, NAT'L NOW TIMES, Apr. 1, 2000, at 2, available at 2000 WL 13873477 (naming Davis and Harman as endorsed, feminist candidates); Erin Kelly, *Women Make Gains*, CHI. SUN-TIMES, Nov. 12, 2000, at 18, available at 2000 WL 6704427 (noting the three victories).

6. Press Release, Patricia Ireland, Women Prove Pundits Wrong: Election 2000 Feminist Analysis (Nov. 8, 2000), available at <http://63.111.42.146/search/default.asp?mode=displayArticle&PickArticleID=2114&EnterSearchCriteria='Women> (on file with The Scholar: St. Mary's Law Review on Minority Issues).

7. See Women's Policy Inc., *Women's Caucus*, at <http://www.womenspolicy.org/caucus/> (last visited May 18, 2001) (counting all of the women in the House of Representatives and Senate and determining a percentage of all females in Congress).

8. See Ellen Goodman, *Not Enough Women in Office*, DESERET NEWS (Salt Lake City), Dec. 8, 2000, at A29; *Women Slip in State Office Elections: Decrease a Concern Despite Gains in Top Posts*, NEWSDAY, Nov. 25, 2000, at A10.

9. *Roe v. Wade*, 410 U.S. 113 (1973).

10. CNN.com, *CNN Exit Poll* (Nov. 8, 2000), at <http://www.cnn.com/ELECTION/2000/results/index.epolls.html>.

11. See Robert J. Bresler, *The Muddled Meaning of the 2000 Election*, USA TODAY (MAG.), Jan. 1, 2001, available at 2001 WL 10656857.

12. See Cathy Young, *Venus at the Ballot Box*, REASON, Feb. 1, 2001, at 1721, available at 2001 WL 7608012.

gle, working women who provided Gore's strongest base of female support.<sup>13</sup>

No one has ever suggested that women are a voting bloc with the same sort of cohesiveness found, for example, among Jewish voters or black voters. The notion of a "women's vote" and a "gender gap" are a product of the realization that for most of the last two decades, women tend to be more likely to vote Democratic than men; Democrats who win tend to win by winning majorities or pluralities among women and minorities, and minorities among white men.

In my experience in Presidential politics, Democratic candidates and their staffs tend to look at these patterns early in the fall and decide that their problem is male voters. Doing fine with the women, they conclude, but we've got problems with the men, particularly white men. So they ride around on tanks, talk tough on crime, and go out of their way to explain that they really are not against guns. Men are the target; women, the other. This does not mean that events are not done to court women voters; they are. But they are special events for the other. I remember at one point in the Gore campaign receiving a call from a top Gore staffer asking for my suggestions on what the Vice President should say on "Women's Endorsement Day." You must be kidding, I replied; you're having a "women's endorsement day." When I started in politics, we did those "specials" because it was the only way to get any women in the room. But that was twenty years ago. There is no such thing as "Men's Endorsement Day." When a group of men decide to endorse, they call it Tuesday.

There is certainly nothing wrong with Democrats seeking male votes. But there is every reason to believe that we may have greater potential with women who are not voting Democratic than with men who are not. The cleavages reflected in the voting patterns reflect the same divisions facing feminism as a political movement. The challenge, for feminist organizers as well as political candidates, is to find the bridges that will unite women across the lines of race, outside work, and marital status that currently divide us.

The Equal Rights Amendment,<sup>14</sup> which failed to be ratified in the 1980s, was killed by exploiting these very divisions.<sup>15</sup> Phyllis Schlafly,

---

13. See Bresler, *supra* note 11 (revealing that 63% of single women supported Al Gore); Roy Teixeira, *Lessons for Next Time*, AM. PROSPECT, Dec. 18, 2000, at 1214, available at 2000 WL 4739567 (noting the support that Gore received from all classes of working women).

14. Equal Rights Amendment, H.J. Res. 208, 92d Cong., 2d Sess. (1972).

15. See Carolyn Cox Cohen, *International Mavericks: A Comparative Analysis of Selected Human Rights and Foreign Policy Issues in Iran and the United States*, 33 GEO. WASH. INT'L L. REV. 197, 253-54 (2001); Herma Hill Kay, *From the Second Sex to the Joint*

who lived like a feminist and preached like a conservative, convinced traditional women that equality would benefit professional women at their expense; that married women, and women who do not work outside the home needed the protection of paternalist laws, not a mandate of equal treatment. Go to any schoolyard or suburb in America and you can find the same tensions between the working mothers and the non-working mothers, between single women and married women.

But the reality of an individual woman's life rarely fits so easily, much less permanently, into the political categories. Working women take time off; non-working women rarely stay that way permanently. Sooner or later, almost all of us become working women. Half of all married women will end up, at least for a time, as unmarried women. Most women, even if they do not have their own children, have children who play a major role in their lives. And children grow up, whether they belong to you or someone else. Full-time mothering is not a permanent job, and with our life spans getting longer<sup>16</sup> and the cost of living getting higher, the reality is that most of us will at some point find ourselves as single working women. If we voted that way, Al Gore would be President.

---

*Venture: An Overview of Women's Rights and Family Law in the United States During the Twentieth Century*, 88 CAL. L. REV. 2056-60 (2000); P. Michael Villalobos, *The Civil Rights Restoration Act of 1987: Revitalization of Title IX*, 1 MARQ. SPORTS L.J. 149, 150 (1990).

16. See Dr. Randy Eichner, *A Healthy You: Aging Trends to Chew On*, DAILY OKLAHOMAN, Jan. 7, 2000, at 02, available at 2000 WL 26079258; *Long Life is Getting Longer*, STAR TRIB. (Minneapolis-St. Paul), Oct. 11, 2000, at 12A, available at 2000 WL 6992748.