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The Effect of Gendered Scandals on the Passage of Women's Issues Legislation: Louisiana State
University Title IX Failures and the Elimination of the Pink Tax

by

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Introduction

For decades, scholars have been studying the effects of women in state legislatures. The role of women in changing the way bills are discussed, successfully promoting legislation, and translating their election success into the substantive representation of women's issues have all been the subject of intense scholarly attention. This thesis seeks to add to this body of literature by focusing on whether scandals, particularly a gendered scandal, can change the policymaking environment in a way that enhances the odds of success for legislation that focuses on women's issues. Using the "pink tax" as the quintessential women's issue, the role of the Louisiana State University Title IX scandal in changing Louisiana's legislative environment is explored. Our findings suggest that the scandal helped create a favorable environment for repealing Louisiana's "pink tax."

Scandal

As defined by Sherman (1978), scandal is a "negative public reaction to deviance." The classification of a scandal is dependent on three conditions. First, the public's reaction to an action or event must surpass disapproval, containing "intense outrage and anger." Second, the public group that is reacting must be surprised by the action. Finally, the action must be committed by an institution or individual who is imbued with social trust. Bovens and Hart (1996) and Maesschalck (2002) expand the definition, arguing that avoidable policy disasters can be viewed as scandals when politically and socially relevant groups see public policymakers as blameworthy.

Thompson (2000) argues that there are two avenues by which scandals can affect policymaking. One avenue involves the altering of the balance of political power. This can occur when a scandal provides a window of opportunity for new actors to contest the current balance

by attacking the legitimacy of those in power and advancing their interests. Scandals can play a role in conflict expansion and monopoly destruction that Baumgartner and Jones (1993) argue allows for significant policy change. The second avenue is that the scandal itself causes actors to reconsider the way they are viewing the problem by challenging their existing belief structures; “Here, the belief systems of policy makers constitute the crucial intervening variable through which scandals affect policies” (Maesschalack 2005).

Typically, when a scandal is linked to legislation, the legislation pertains to the particular policy area where the scandal occurred. For example, an ethics scandal might lead to changes in ethics laws, or a child abuse case that was missed by caseworkers might lead to tighter monitoring policies. In this thesis, we are broadening the potential impact of a scandal by hypothesizing that a scandal can have more far-reaching effects when it is gendered in nature. There are two potential avenues through which a gendered scandal could change the policymaking environment in ways that heighten the odds of success for legislation dealing with women’s issues. First, women’s voices might carry more weight under this tense environment (Thompson 2000). Second, the scandal may affect the belief systems of policymakers regarding women and the issues that directly impact them (Maesschalack 2005).

Women’s Issues

Women’s issues are defined in a variety of ways by legislative scholars. Generally, women’s issues bills are thought to concern women’s rights, health, safety, and economic status (Reingold and Schneider 2001). Sometimes, issues concerning children, education, and social welfare are considered women’s issues as well. Scholars struggle to maintain a consistent definition of women’s issues. Some consider women’s issues as those that primarily affect women while others include issues that are thought to be “traditional” concerns for women as

mothers, wives, and caretakers (Reingold, et al. 2021). The differing interpretations appear to stem from the “normative assumptions about the types of issues women legislators should pursue if they are to represent women well” (Osborn 2012). More recently, work by Volden, Wiseman, and Wittmer (2016) allows female legislators to decide for themselves how women’s issues should be defined. They examined proposed legislation in the U.S. Congress over forty years and looked for gender differences in sponsorship by topic. Their list of women’s issues includes civil rights and liberties, education, health, housing, and community development.

By potentially giving women’s voices more weight and/or altering the set values and opinions of legislators typically in opposition of women’s issues legislation, gendered scandals may have the ability to increase the passage of women’s issues legislation.

Literature Review

The number of women in state legislatures has increased dramatically since the 1970s. The growing gender diversity has turned scholars’ attention to how the changes produced by diversity affect the legislative process. Communication between lawmakers, policy priorities, and legislative success have all been subjected to serious scrutiny. For the purpose of this thesis, the focus will be on the factors linked to legislative success on women's issues.

Women’s Caucus

While a scandal may create an environment more favorable for the passage of women’s issues legislation, it may not be sufficient to result in passage alone without the presence of a women’s caucus. Women’s caucuses, formed to pursue women’s interests and support women legislators, have the power to affect the legislative process. They facilitate mobilization and can give women access to additional resources. Women’s caucuses encourage collaboration through co-sponsorship, creating positive relationships across party lines (Holman and Mahoney 2018).

In every state legislature, women are the minority, so getting the entire caucus to vote on behalf of a bill does not guarantee passage. However, some argue that the voting bloc does hold power and wield influence.

The presence of a formal caucus represents political clout, allowing groups to potentially overcome the adversity of being the minority (Thomas 1994). Thomas (1991) finds a relationship between the presence of a women's caucus and the passage of women's issues bills. From the 12 states studied, Thomas (1994) found women's issues bills were more likely to pass in the five with women's caucuses. Other studies have not found a relationship between women's caucuses and unified group-voting among women (Osborn 2012). This suggests that other institutional features may be necessary to encourage collaboration.

Holman and Mahoney argue that collaboration among female legislators is more likely when the share of women in the legislature is increasing and when the Democratic Party is in control of the legislature. Collaboration under these two conditions is heightened by the presence of a women's caucus. They also maintain that when polarization levels are high, women will collaborate in institutions that have a women's caucus but not in legislatures that lack one.

Gender of Sponsor:

Women legislators are more likely to draft policy on women's issues (Saint Germain 1989; Thomas 1994; Dodson and Carroll 1991; Bratton and Haynie 1999; Reingold 2000) and serve on committees related to these issues (Diamond 1977; Carroll and Taylor 1989a; Thomas 1994; Reingold 2000) than men. But aside from taking on a greater interest in women's issues, scholars have not reached a consensus on whether or not women are more successful in getting their bills passed. Ellickson and Whistler (2000) found that women were slightly more likely to get their bills passed than men. Volden (2010) finds that women face a variety of disadvantages

in the legislative process, such as typically lower levels of seniority and limited influence, resulting in the cultivation of new strategies to break down barriers. That being said, Volden finds that women experience greater legislative effectiveness under certain circumstances. For example, “the high effort and consensus building activities of women in the minority party lead to a greater proportion of their proposed bills receiving committee hearings, votes on the floor of the House, and passage into law, when compared to minority party men.” Others have found women to be just as likely as men to pass legislation (Saint-Germain 1989; Thomas 1991, 1994).

When specifically focused on women’s issues bills, Saint Germain (1989) and Thomas (1994) found that the passage of such bills was more likely to be successful when sponsored by women. On the other hand, Bratton and Haynie (1999) found that of the legislatures they studied, women-sponsored women’s issues bills were no more likely to pass than male-sponsored women’s issues bills. Volden, Wiseman, and Wittmer (2016) find that in Congress, bills on women’s issues are less likely to pass when sponsored by a female. More recent research by Kalaf-Hughes, MacDonald, and Santoro (2021) argues that women are more successful than men in navigating the legislative process due to their entrepreneurial efforts.

Co-Sponsors:

Co-sponsorship, or signing onto the legislation of another author, is associated with higher quality bills and greater bill success (Barnes 2016; Eatough, Preece, and Barber 2020; Gutmann and Thompson 2012; Kirkland 2011). Bills with co-sponsors of differing parties and backgrounds are more likely to experience success, as they receive support from a wider range of legislators. Co-sponsorship matters the most early in the legislative process, acting as a signal to other legislators (Box Steffensmeier, Christenson, and Craig 2019; Bratton and Rouse 2011; Swers 2005; Wilson and Young 1997).

Women are more likely to co-sponsor than men. The cause is likely rooted in gender norms, as women are incentivized to work collaboratively (Bauer, Yong, and Krupnikov 2017; Schneider and Bos 2019). As noted previously, women face larger obstacles in the legislative process. Co-sponsorship is just one mechanism of collaboration that allows women to attain bill success. Evidence suggests that the sponsorship of multiple women legislators signals prioritization of a bill. However, with only female co-sponsors alone, the bill can be compromised. Large numbers of both men and women co-sponsors are most beneficial for the success of the bill (Wittmer and Bouché 2013).

Number of Women in the Legislature:

The number of women in state legislatures may affect the way legislators pursue policy and act towards one another. While one may generally assume the more women, the better, the truth of the matter is a bit more complicated. An increase in the number of women will lead to an increase in the drafting of legislation on “women’s issues” by women, but only to a certain extent (Osborn 2012; Carroll and Taylor 1989). Once the number of women has surpassed a certain percentage, women may pursue other types of policy (Reingold 2000) and face more backlash from men (Kathlene 1994), who feel their power and numbers are threatened.

Based on the work of Kanter (1977) which explores the effects of sex ratios on group behavior, critical mass theory has been cultivated among those studying state legislatures. The idea is that when women make up a small percentage of the legislature, thought to be 15% or less, conformity to the norms of the male majority are more likely. But as the percentage of women increases to the critical mass, thought to be 25% to 30%, women take a more comfortable stance and work towards legislation on women’s issues. Both St. Germain (1989) and Thomas (1991) found that as the proportion of female legislators increased, so, too, did

legislative activity concerning women's issue bills. However, it should be noted that St. Germain's study only consisted of one state, Arizona. While single state studies can add to the understanding of how women affect legislative activity, these findings need to be replicated in other states to make sure they are generalizable across the board. Thomas (1994) studied the increase of women legislators in the 1980s, finding that as the number of women increased, the amount of women's issues policy did not change. Thomas proposed this was because the number of women had not yet reached the critical mass, where women could control the result of policy proposals, and argued that at the critical mass, bills would be almost guaranteed passage.

Other social scientists have reached different conclusions regarding how the number of women in the legislature influences legislative activity. Carroll and Taylor (1989) found that the greater the proportion of women in state houses, the lower the likelihood of their work on women's issues policy. The point in which legislation began to dwindle was when the proportion of women hit 25%, leading the authors to conclude that after reaching a particular critical mass, women no longer feel a responsibility to put so much focus on women's issues policy. Based on the "intrusiveness effect" proposed by Yoder (1991), the theory that highly masculinized occupations become more resistant to women as their numbers increase, Kathlene (1994) argues that increasing numbers of women in the legislature may not actually facilitate a welcoming environment. Rather, men, who feel their power threatened, may increase pressure on women. Kathlene compared conversational dynamics in committee hearings from the Colorado state legislature and found that as the number of women participating increased, men became more verbally aggressive and dominant.

There is debate around whether increasing the number of women will lead to increases in the legislative success of bills concerning women's issues. However, there is a growing body of

evidence that supports the argument. As discussed above, critical mass theory is used to explain a range of different outcomes, such as instances where increased numbers of women result in greater attention to women's issues or where increased numbers of women result in little or no change, on the grounds that women may not yet constitute a critical mass or have surpassed said mass. Generally, these studies assume that the percentage of women in the institution is the key determinant of their behavior. Empirically, studies in support of critical mass theory find that women in legislatures with high proportions of women introduce and pass more bills on women's issues than their female counterparts in low-representation legislatures (Bratton 2005; Thomas 1991; Thomas 1994). Thus, as the number of women increases, so, too, does the enactment of women's issues bills (Saint-Germain 1989; Skard and Haavio-Mannila 1985).

Additionally, evidence has shown that increasing women's legislative representation influences the allocation of government expenditures, leading to greater spending in areas that concern women (Funk, Paul, and Philips 2021). Studies of women's representation in national legislatures find that increasing the number of women legislators is associated with increased spending on traditionally feminine issues relative to traditionally masculine ones. For example, greater representation increases spending on social welfare, healthcare, and family benefits (Bolzendahl 2011; Chen 2013; Park 2017; Clayton and Zetterberg 2018), and decreases spending on the military and defense (Koch and Fulton 2011; Clayton and Zetterberg 2018). The underlying suggestion is that as women increase in the legislature, so, too, does the success of women's issues bills.

Party Composition:

Some scholars find that the critical mass metric centered on gender fails to account for legislators as individual critical actors. It assumes that as the number of women increases, so

does intra-gender collaboration (Childs and Krook 2008). The role of political parties in state legislatures supports this critique. In state legislatures, the majority party generally has more power. Often, leaders of the majority party decide which legislative members are assigned to each committee. Some members are granted leadership, while others are not. From committees, bills can be scheduled strategically. Further, votes can often fall along party lines, giving the majority deciding power.

Looking more specifically at the roll-call voting process, Kingdon (1977) argues that partisan context is important to the decision-making process. When facing various conflicting influences, legislators' constituency and party offer strong cues for behavior. Cox and Poole (2002) argue that parties are "procedural cartels," leading to cohesive procedural votes and the creation of deals that benefit members. The majority party has the power to control legislative agendas and members' actions.

When it comes to predicting legislative behavior, party identification is the best predictor of an elected official's voting behavior (Poole and Rosenthal 1997). In fact, work by Reingold (2000) suggests that Democratic partisanship trumps gender when it comes to explaining votes on women's issues. Historically, the Democratic Party is more supportive of issues deemed important to women (Swers 2002). However, not every action and decision falls perfectly along party lines. Despite their party affiliation, Republican women legislators are often more moderate than their male co-partisans (Frederick 2009; Thomsen 2015), sometimes supporting more liberal bills centered around women's issues. The work of Poggione (2004) supports this claim, concluding that women legislators hold more liberal policy positions than men when it comes to welfare policy. While Epstein, Niemi, and Powell (2005) acknowledge that women legislators hold more liberal positions than their male co-partisans, they find that women legislators hold

more similarities with their co-partisans than women of other parties. More recently, Klar (2018) finds partisanship dominates gender identity when dealing with women's issues.

Louisiana State University Title IX Scandal and the Pink Tax:

This thesis applies the theory that gendered scandals may change the policymaking environment by enhancing the odds of success for women's issues legislation to the Louisiana State University Title IX sexual misconduct scandal and the passage of the elimination of the pink tax in 2021.

In November of 2020, *USA Today* published a scathing article addressing Louisiana State University's mishandling of several sexual misconduct complaints, including those against popular athletes. Three incidents involved Derrius Guice, the previously celebrated LSU football running back. One member of the LSU diving team "told her coach and an athletic department administrator that Guice raped her friend after she had passed out at a party" (Jacoby, et al. 2021). He took nude photographs of an LSU student without her consent and sent them to his teammates. And he allegedly raped a previous member of the women's tennis team. In each incident, federal laws and LSU policies were not followed. University officials failed to follow protocol, as did the Title IX office, which never reached out to the latter two students about their experiences. Drake Davis, another former member of the LSU football team, physically abused another former member of the women's tennis team on several occasions. She informed Donovan White, an athletic trainer at the time, but he failed to report the events to the Title IX office. Her father also reported the abuse twice to Mike Sell, the co-head coach of the women's tennis team, who is said to have responded, "Couldn't be possible, wouldn't be possible" (Jacoby, et al. 2021). The abuse continued to escalate, resulting in the breakage of bones. The victim once again informed White, senior athletic trainer Micki Collins, and senior associate

athletic director Miriam Segar, who filed a Title IX report. However, the office did not hold an interview until two months later, after the victim had already endured abuse at least three more times. *USA Today* reported that at least seven LSU officials knew of the ongoing abuse without doing anything about it. Consistent in each one of these cases is the knowledge and inaction of LSU officials; “LSU officials either doubted the women’s stories, didn’t investigate, or didn’t call the police” (Jacoby, et al. 2021).

Guice and Davis were not the only LSU football players accused of sexual misconduct in the past few years. In fact, this problem is not exclusive to LSU athletics. Three LSU students were sexually harassed by the same fraternity member and went through an extremely cumbersome process to get any form of justice. One of the victims found herself stuck in the same class as her offender. After suffering from panic attacks, she decided to report the case to the school and discovered another student had been assaulted in the same manner by the same boy. Both decided to file a Title IX case, but the process took over six months. During this period, LSU denied both women protection from the offender, refused to switch the offender out of the victim’s course, and did not allow the victim to take the class online. Eventually, he was found guilty but received only mild reprimands, the most severe punishment being four semesters of deferred suspension, a period in which the student must stay out of trouble or risk actual suspension. The students fought for stronger sanctions, mentioning another woman who suffered at the hands of the fraternity member; yet, the third woman was never contacted by LSU. In the end, the fraternity member was suspended from campus for two semesters.

Following the article, more and more was uncovered about the failures of both LSU officials and the Title IX office. Several female students were subjected to greater harm due to LSU’s inaction. LSU is the flagship university and receives about a quarter of its funding from

the state (Scott 2021). Students protested LSU's inaction on several occasions, and there was and continues to be great public dismay over the affair. Following the article and the outrage that ensued, the Louisiana State Legislature held three hearings from March 10th to April 8th through the Senate Select Committee on Women and Children, concerning LSU's failures and campus sexual misconduct. Out of the scandal came the passage of sexual harassment reform: Act 472, authored by Rep. Freeman, creates a framework for acceptable Title IX procedure.

The same session the LSU Title IX scandal dominated the legislature, a bill proposing the elimination the pink tax was introduced for the third time. This time, it passed. The "pink tax," a prime example of a women's issue, is a form of gender discrimination conducted by businesses and government entities, according to proponents of its elimination. Companies charge women more for products such as razors and shampoo than their male counterparts, chalking higher prices up to higher manufacturing costs. In many cases, the only difference between products targeted for women and men is the color, leading to the classification of the mark-up as a pink tax (Joint Economic Committee 2016). In most states, period products such as tampons and pads are subject to a state sales tax, the "tampon tax." The taxation of feminine hygiene products falls beneath the umbrella term of the "pink tax" because these products are excluded from the list of necessities exempt from taxation. In Louisiana for instance, groceries, utilities, and prescription drugs, including Viagra, are exempt from the state sales tax while tampons, pads, and diapers are not. Many argue that period products and diapers are necessities. The added cost of the sales tax makes access to these goods more difficult for low-income individuals (O'Donoghue 2021) leading to practices that can increase negative health outcomes such as infection. For example, unhygienic products may be used; and pads, tampons, and diapers may be worn far longer than suggested.

The negative effects of these taxes are not limited to health. Period poverty, the inadequate access to period products, can cause girls and women to miss school and work for fear of bleeding through clothing. Additionally, the inability to afford diapers can act as a barrier in accessing childcare. Two of the most significant social safety net programs for women and children, the Supplemental Nutrition Assistance Program (SNAP) and the Women, Infants, and Children Program (WIC) prohibit the purchase of period products or diapers using their funds. As of September 2021, over 850,000 Louisianans utilize SNAP (Louisiana Budget Project 2021). As of October 2021, around 89,000 individuals receive WIC benefits per month (Louisiana Department of Health 2021).

In Louisiana in 2019, women working full-time jobs earned 73.6 percent of the earnings of their male counterparts (U.S. Bureau of Labor Statistics 2020); and women (20.7%) and children (27%) were more likely to struggle beneath the poverty line than men (17.1%) (Louisiana Budget Project 2019). Further, data collected by the federal government in 2014 found that families in “the lowest-income quintile of diaper buyers spend nearly 14 percent of their after-tax income on diapers” compared to the less than 3 percent of those in the middle quintile (Badger and Eilperin 2016). By forcing the most vulnerable to bear an unequal cost, the pink tax contributes to both gender and income inequity.

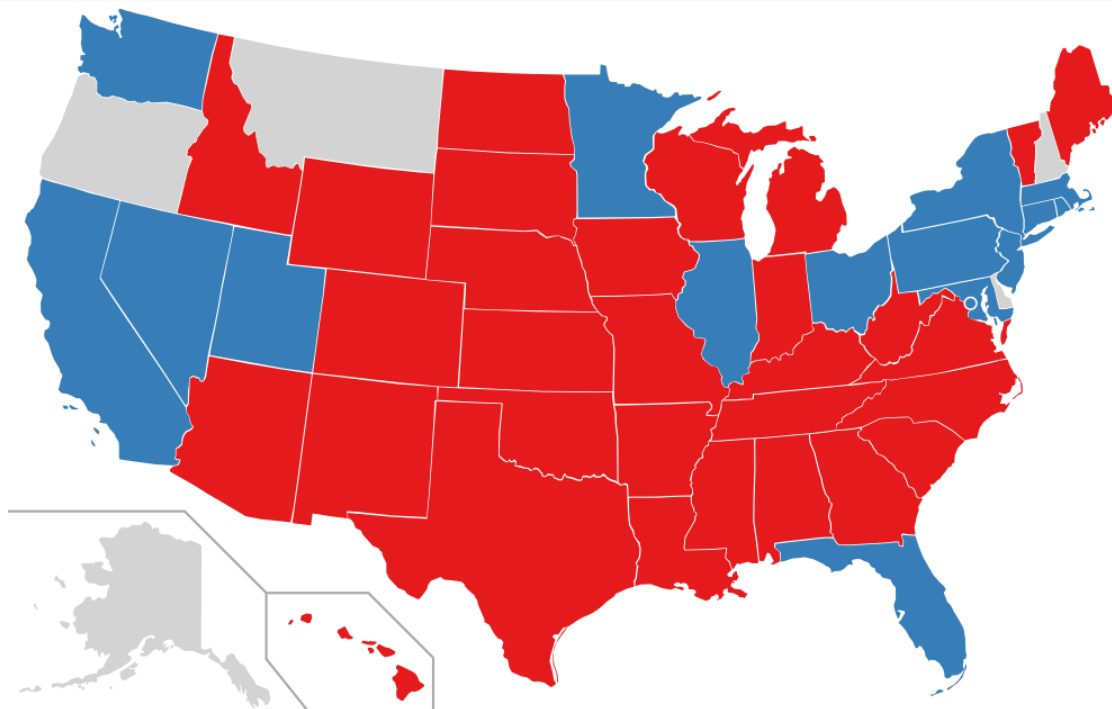
Figure A contains information on the tampon tax by state. Prior to 2016, there were nine states that did not tax tampons because they have no state sales tax or tampons are classified as medical supplies or paper products which are not taxed in the state. As of April 2021, 20 states do not subject menstrual products to a state sales tax (Epstein 2021). On July 1st, 2022, Louisiana will join the ranks. Representative Aimee Adatto Freeman, a Democrat representing the New Orleans area, sponsored the “pink tax” removal bill, House Bill 7, that passed in the

2021 Regular Session. Rep. Freeman authored House Bill 7 in part because she believes women should be treated fairly when it comes to paying sales tax (Rosato 2021). She also believes the bill will help the most marginalized women and families in the state.

Figure A. Map of US states with a tampon tax as of August 2019.

Legend

- Tampon tax
- No tampon tax
- No sales tax



Rep. Freeman was not the first to attempt to repeal the pink tax in Louisiana. In 2017, former Senator J.P. Morrell of District 3 proposed Senate Bills 24 and 27. The first bill proposed the exemption of diapers and feminine hygiene products for state and local sales and use tax. The bill was sent to the Committee on Revenue and Fiscal Affairs, where Sen. Morrell resided as Chairman. The bill was amended in committee and sent to the Committee on Finance where it died without a hearing. Senate Bill 27 was a companion bill attempting to exempt diapers and feminine hygiene products for state and local sales and use tax through constitutional amendment. Senate Bill 27 was sent to the Committee on Revenue and Fiscal Affairs, proposed

with amendments, and returned to the calendar. Senate Bill 27 was never called to the Senate Floor for debate.

In 2019, Senator Morrell proposed Senate Bills 4 and 5. Like Senate Bill 27 of 2017, Senate Bill 4 was a joint resolution, attempting to exempt diapers and feminine hygiene products for state and local sales and use tax through constitutional amendment. The bill was referred to the Committee on Revenue and Fiscal Affairs and reported without amendments. Then, Senate Bill 4 was sent to the Committee on Finance, where it was reported with amendments before passing out of committee. In the Senate, it failed to receive the required $\frac{2}{3}$ vote on the floor (21 yeas and 12 nays). It was then returned to the calendar. Senate Bill 5 followed Senate Bill 24 of 2017, proposing the exemption of diapers and feminine hygiene products for state and local sales and use tax. The bill was referred to the Committee on Revenue and Fiscal Affairs, adopted with amendments, and sent to the Committee on Finance, where amendments on enactment were recommended and adopted. The bill then passed in the Senate (29 yeas and 5 nays). In the House, the bill was referred to the Committee on Ways and Means. With amendments, the bill was passed to the Legislative Bureau. Senate Bill 5 moved from the Legislative Bureau with no amendments to the House floor. On the floor, the bill was amended (59 yeas and 39 nays) and passed (98 yeas, 0 nays). The amendment by Representative Jay Morris added a tax holiday for guns to the repeal of the pink tax. The bill was sent back to the Senate, where amendments proposed by the House were rejected (37 yeas and 0 nays) after Sen. Morrell asked members to reject the bill with the House amendments. Members from each chamber were appointed to a conference committee where the bill died.

In 2021, Representative Aimee Adatto Freeman of District 98 proposed House Bill 7. Similar to Sen. Morrell's bills, House Bill 7 provided for a sales and use tax exemption for

feminine hygiene products and diapers. The bill was referred to the Committee on Ways and Means, where it passed favorably, before passing on the House floor (62 yeas, 32 nays). In the Senate, it was sent to the Committee on Revenue and Fiscal Affairs, where it was adopted with amendments before heading to the Legislative Bureau. The Legislative Bureau passed the bill to the Senate floor where it passed (28 yeas, 1 nay). Back in the House for consideration with amendments, the House refused to concur with the Senate amendments (51 yeas and 42 nays). A conference committee was put together with legislators from both chambers and provided a report. With 63 yeas and 36 nays, the report was approved in the House. In the Senate, the report was adopted with 33 yeas and 1 nay. The bill was then signed by the Speaker of the House and President of the Senate before reaching the governor and being signed into an act. Table 1 contains a tally of floor votes for the 2019 and 2021 sessions.

Table 1. Floor Votes

Voting Period	Votes					
	Yeas	Yeas - Women	Nays	Nays - Women	Absent	Absent - Women
2019 Senate Vote - Final Passage, May 8th	29	4	5	1	5	0
2019 House Vote - Amendment by Rep. Jay Morris, May 30th	59	9	38	6	8	3
2019 House Vote - Final Passage, May 30th	98	15	0	0	7	3
2019 Senate Vote - Reject Amendment by Rep. Jay Morris, May 31st	37	4	0	0	2	1
2021 House Vote - Final Passage, May 25th	62	11	32	8	11	2
2021 Senate Vote - Final Passage, June 7th	28	4	1	0	9	2
2021 House Vote - Concur Senate Committee Amendments, June 8th	51	10	42	10	12	1
2021 House Vote - Adopt Conference Committee Report, June 10th	63	15	36	5	6	1
2021 Senate Vote - Adopt Conference Committee Report, June 10th	33	4	1	0	4	2

Hypotheses

Due to the theoretical development on the topic of gendered scandals and their role on the legislative activity of women's issues bills, the following hypothesis is proposed:

H_{1a}: The LSU Title IX scandal increases the likelihood of the elimination of the pink tax passing.

In addition to H_{1a}, the following hypothesis is proposed after the consideration of women's caucus literature:

H_{1b}: The LSU Title IX scandal and the efforts of the Women's Caucus increase the likelihood of the elimination of the pink tax passing.

This thesis suggests another condition under which a women's caucus might result in greater collaboration – gendered scandal. Holman and Mahoney suggest that women in Republican dominated legislatures who collaborate pay a high price for collaboration and that consistent strategic action is necessary to achieve legislative success. When the legislative environment has been altered by a gendered scandal, women's voices are empowered, and the belief systems of their male counterparts are altered or, at the very least, momentarily shaken. In these instances, women's caucuses allow women to strategically collaborate in an environment free of the high costs of collaboration.

Data and Methods

The "pink tax" bill in Louisiana provides an excellent opportunity to analyze the role of a gendered scandal that, while not centered in the legislature, consumed much of the session. The LSU Title IX scandal dominated newspaper headlines during the session and those stories frequently carried quotes by legislators. In an article from *The Advocate*, "In LSU harassment scandal, lawmakers look to legislative session to fix the 'broken system'," Republican Representative Neil Riser is quoted saying, "As a parent or as a student or grandparent, if you're

making that decision and you see a pattern developing, you might not want to attend that university.” As mentioned previously, three committee hearings were held concerning the events during the 2021 Regular Legislative Session. This scandal allows for the opportunity to explore whether the gendered nature of the LSU Title IX incidents influenced the likelihood of broader women’s issues legislation passing.

Ideally, to analyze whether or not any of the factors known to influence legislative success played a role in the successful passage of the bill, a multivariate analysis would be conducted that would allow for an assessment of each factor’s impact on the odds of success while holding all other factors constant. Unfortunately, the number of observations (the instances of voting on the “pink tax”) does not allow for such an analysis. Instead, we must use descriptive statistics and qualitative evidence to attempt to illuminate the role of the aforementioned factors. In addition to collecting data on gender diversity, partisanship, and co-sponsorship, committee hearings were viewed, using archived committee hearing videos, to identify groups in support of and/or opposition to the bill. Outside support for the bill increased each session. In addition to the many “green cards” of the 2021 committee hearings, both chairmen from each committee noted the numerous emails of support sent in for House Bill 7, with 51 sent in total. To assess the role of the LSU Title IX scandal in the successful passage of the repeal of the pink tax in 2021, policy stakeholders were interviewed via email and phone call. An email was sent to 10 of the groups who provided green cards in the committee hearings on the bill from different sessions. These ten groups were selected based on their consistent presence in the legislature from 2017 to 2021. Of the groups contacted, six responded. Respondents were asked to comment on the role of the LSU Title IX scandal, the Louisiana Legislative Women’s Caucus, and the gender of the bills’ sponsors during the legislative sessions when the elimination of the pink tax was

introduced. As for the LSU Title IX scandal, four of the six respondents agreed or strongly agreed that the scandal created an environment that was much more hospitable towards women's issues and towards the "pink tax" bill in particular. One respondent stated, "I don't think Senator Hewitt would have taken a walk if not for the scandal. I also don't think the members of the Women's Caucus would have been so relentless in its pressure on her and Senator Cloud without the scandal. It was a real unifier." Two other respondents noted that the scandal muted the voices of the opposition to the point that only one senator voted against it. During the voting of the final passage of House Bill 7 in the Senate, Senator Katrina Jackson reminded a colleague, "You voted for it last time, Womack. Remember Peacock is the only one who doesn't like women in the chamber."

When asked about whether or not sponsor gender played a role in the bill's passage, one policy stakeholder indicated that they strongly disagreed with this idea; and three were neutral on the role of sponsor gender. Two respondents indicated a belief that having a female sponsor helped with passage in 2021.

Additionally, the authors of the bill, former Senator Morrell and Representative Freeman, were contacted to discuss the overtime progress of the bill. While Morrell was unavailable for comment, Rep. Freeman responded with her thoughts. In her comments, Representative Freeman indicated that she does not believe the LSU Title IX scandal played any role in the success of the bill. While she believes the scandal led to the successful passage of campus sexual assault reform, which she worked on with Republican Senator Beth Mizell and Republican Representative Neil Riser, she does not credit the scandal in the success of other women's issues legislation. When asked about the potential effect of the scandal on the passage of other women's issues legislation, Rep. Freeman responded that more women's issues bills would have passed if

that had been the case, adding that many women's issues bills failed in committee. Additionally, she does not believe that the women's caucus was key to the passage of House Bill 7. Rep. Freeman noted that she did not have full support of the caucus. As seen in Table 1, 5 women voted against the bill in its final form and 3 were absent. All but one of those women were members of the 26-member caucus.

While stakeholders were split on whether or not sponsor gender played a role, Freeman was confident. Based on her experience, Rep. Freeman believes that having a woman as the author, building a strong coalition, and the persistence of the bill were key components in its passing. When discussing the gender of the sponsor, Freeman mentioned that she and Morrell were asked very different questions throughout the legislative process. On the topic of coalitions, she noted that having the support of an Archdiocese as well as the Right to Life organization helped garner legislative support, especially when flyers signifying said support were placed on the desks of legislators. Regarding the persistence of the bill, Freeman discussed the collaborative and strategic planning between she and former Sen. Morrell to keep the conversation on the elimination of the pink tax going, concluding that, "Sometimes it takes this much time to keep an issue at the forefront of people's minds."

It appears the scandal may have played a role in the bill's passage although there is a sense of nuance. For instance, some may say that coalition-building was the key source to passage, but perhaps coalition-building was more feasible because of the scandal. Based on the conflicting opinions of the policy stakeholders and Rep. Freeman, we cannot come to a conclusion on H_{1a}.

The Louisiana Legislative Women's Caucus existed in 2017, 2019, and 2021. The number of the women in the caucus grew with the number of women entering the legislature.

However, the women’s caucus did not publicly support the “pink tax” bill in any of the three legislative sessions, nor did all of the members vote in support of the bill. However, Senator J.P. Morrell was not a member of the caucus, being a man. Following the work of Holman and Mahoney (2018), Representative Freeman may have had a collaborative advantage due to her membership. While Rep. Freeman disagrees, the opinions of the policy stakeholders support the existing literature. Based off of what we know of the caucus throughout each session, the literature on women’s caucuses, and the comments from policy stakeholders and Rep. Freeman, we cannot come to a definitive conclusion on H_{1b}.

In 2017 and 2019, Senator J.P. Morrell was the author of the bills proposed to get rid of the pink tax. Morrell served as a representative in the Louisiana House of Representatives from 2006 to 2008 and then as a senator from 2008 to 2020, reaching his term limit. Representing District 3, a portion of Orleans, Jefferson, and St. Bernard parishes, Morrell served as the Chairman of the Committee on Revenue and Fiscal Affairs in 2017 and 2019, the committees in which his bills were first heard. In 2021, Representative Aimee Adatto Freeman authored the “pink tax” bill that passed. Freeman assumed office as a representative in 2020, representing Orleans parish. Representative Freeman’s thoughts on the role of the gender of the author align with the findings of Saint Germain (1989) and Thomas (1994). The change in the gender of the sponsor may have played a role in the successful passage of the bill.

In 2017, Senator J.P. Morrell did not take on any co-sponsors for Senate Bills 24 and 27. In 2019, Morrell had three co-sponsors on Senate Bill 4 and four on Senate Bill 5, all Democrats. In 2021, Representative Freeman had 31 co-sponsors by the time House Bill 7 passed. Of the 31 co-sponsors, 21 were men, 12 held leadership positions, and two were Republicans (see Table 2).

Both the number of co-sponsors on House Bill 7 as well as the diversity (in terms of gender and position) may have played a role in the passage of the bill.

Table 2. House Bill 7 Co-Sponsorship Breakdown

Variables	2021 Legislative Session		
	Engrossed	Reengrossed	Enrolled
Number	5	22	31
Number of Men	1	15	21
Number of Republicans	1	1	2
Number in Leadership	1	6	15

The literature regarding the number of women in the legislature suggests that as the percentage of women in a legislature increases, the likelihood of the elimination of the pink tax passing increases. From 2017 to 2021, the ratio of women in the Louisiana State Legislature only changed slightly (see Table 3). In 2017, women made up 15.38 percent of the legislature, with 22 members out of 143. In 2019, the number rose to 15.97, with a gain of a single seat. And in 2021, women made up 18.88 percent of members of the state legislature, with 27 seats. Although the number of women increased, the numbers were small. With such small changes, it seems unlikely that the passage of the bill could be attributed to this change, as it never reached the critical mass. The literature also suggests that as the percentage of women in a legislature passes 25%, the likelihood of the “pink tax” passing decreases. Given that the percentage of women legislators did not reach beyond 15.97 percent in the 2017 and 2019 sessions, this suggestion does not have a place in this scenario. Following Carroll and Taylor’s work, perhaps the proportion of women in the 2021 session was in the “sweet spot.” With higher numbers, but not enough to reduce interest in women’s issue bills or threaten the power of the male dominated chambers, the legislature may have been a welcoming environment for women to propose their bills on women’s issues.

Table 3. Legislative Composition

Variables	Legislative Session		
	2017	2019	2021
Number of Republicans	87 - 60.84%	89 - 61.81%	95 - 66.43%
Number of Democrats	54 - 37.76%	52 - 36.11%	46 - 32.17%
Number of Women	22 - 15.38%	23 - 15.97%	27 - 18.88%
Women's Caucus	22	23	26
Sponsorship	0	3 and 4	31

The Louisiana State Legislature has been dominated by the Republican Party for several decades. Each year the “pink tax” bill was proposed, 2017, 2019, and 2021, Republicans made up the majority (see Table 3). The Democratic Party in Louisiana held 38 seats in the House in 2019 and 14 seats in the Senate. Those numbers actually dropped by the 2021 Regular Legislative Session. There were 35 Democrats in the House and 11 in the Senate. The literature on party composition insinuates that an increasing number of Democrats in the legislature would result in an increased likelihood of passage. However, the legislative composition throughout the years proves that this wasn't a factor in the passage of the elimination of the pink tax.

As the impact of party and gender are considered, it is worth noting that the gains in female legislators occurred exclusively in the Republican Party. The number of Democratic women was static while the number of Republican women grew from 11 in 2017 to 16 in 2021 (see Table 4). While the Senate gained one more female in 2021, the House gained three females for a total of 21. Perhaps the “sweet spot” proposed by Carroll and Taylor occurred among female Republicans, as their numbers reached a spot where some Republican women felt comfortable pursuing women's issues despite their partisanship. Of the 16 Republican women in the legislature in 2021, 8 voted for the elimination of the pink tax.

Table 4. Women in the Legislature

Variables	Legislative Session		
	2017	2019	2021
Number	22 - 15.28%	23 - 15.97%	27 - 18.75%
Party Affiliation	R - 11 (50%)	R - 12 (52.17%)	R - 16 (59.26%)
Number in Leadership	6 - 27.27%	7 - 30.43%	10 - 37.04%
Party Affiliation in Leadership	R - 2 (33.33%)	R - 3 (42.86%)	R - 7 (70%)

Conclusion

In many respects, this project raised more questions than answers. The interview with Representative Freeman illuminated two factors that she believes influenced passage that were not addressed in the thesis's literature review or in the qualitative analysis. Coalition-building and persistence in bill proposals factor quite heavily in her analysis of why she was successful. Future iterations of this line of research should certainly examine their effects. Representative Freeman also mentioned the influence of daughters on their fathers' votes. In her study, Washington (2008) provides quantitative evidence that the children of legislators can influence voting behavior. Additionally, she finds that each additional female child increases a legislator's "propensity to vote liberally, particularly on reproductive rights." A study focused on Louisiana over multiple years could certainly include the role of daughters in the socialization of their fathers regarding women's issues, but the type of outright lobbying on the part of daughters that was described by Representative Freeman would be difficult to capture.

Again, the qualitative nature of the analysis makes it difficult to discern the true impact of each variable. A quantitative analysis would be better suited to untangle each variable's magnitude. The next step for this project would require studying a few of the state's legislative sessions, those of 2017, 2019, 2021, and at least 2022. From there, one would need to determine the legislative success of all women's issues bills, not just that of the "pink tax" bill, in each

session. Further, a set definition of a women's issue bill would need to be qualified for consistency. Taking the variables into account, the goal would be to determine whether or not the 2021 session was an outlier. In other words, the role of the scandal might be made clear if we see a higher passage rate for women's issue bills in 2021 compared to both previous years and those that came after.

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