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She Legislates, He Scandalizes: Reenvisioning the Impact of Political Sex Scandals on Assemblywomen in New York

Hinda Mandell, Rochester Institute of Technology

Abstract: A rash of three political sex scandals within the span of less than two years, from 2012 to 2014, shook the New York State Assembly. All of the sex scandals involved male politicians accused of sexual harassment of female staffers and subordinates. This study investigates how New York State assemblywomen were impacted by the scandals of their male colleagues, exploring the “contagion” of scandals (Adut 2008). Interviews were conducted with eight assemblywomen in 2014, although all 33 assemblywomen serving in the legislature at the time of this research endeavor were invited to participate in a research interview. Findings indicate that assemblywomen felt compelled to defend their sullied institution, and that the private behavior of their scandal-tarnished male colleagues blemishes their reputations as well, even though they played no role in the scandalous events. This reinforces the notion of scandal as “contaminating,” and demonstrates that further exploration is needed in gendering scandal, where male bodies become a liability to the state, and female bodies assume the gendered characteristics of rational, stable and competent.

Keywords: political scandal, New York State Assembly, state legislatures, gender, elite interviews, politicians

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Over the course of a year and a half, from 2012 to 2014, news of scandal-tarnished New York State assemblymen became public, receiving prominent coverage in New York’s most storied dailies, including the *New York Times*, *New York Daily News* and the *New York Post*—not to mention coverage in local TV outlets and online news sites. It was like a parade of male state lawmakers behaving egregiously, aggressively and chauvinistically, as allegations of sexual harassment of female subordinates and staffers drew the resignations of two state lawmakers (Vito Lopez in 2013 and Dennis Gabryszak in 2014) and the beleaguered apology of a third assemblyman, Micah Kellner, in 2013.

Today, while sexual harassment continues in workplace structures (O’Leary-Kelly, Tiedt and Bowes-Sperry 2004)—which Joan Acker (1990) describes as inherently masculine—politicians who engage in the chauvinist activities that have been a part of the Assembly for generations can now become a liability to the state. It is not just that they are breaking Assembly rules by sexually harassing people. It is also that media frenzies are embarrassing to the institution, and as interviews with assemblywomen at the heart of this study have explained, embarrassing on a personal level as well, denoting the “contagious” element of scandal (Adut 2008). Sexual harassment is also time-consuming and costly to the functioning of the Assembly, requiring, by Assembly rules, an investigation. Additionally, due to the recent trio of scandal, the Assembly paid more than \$200,000 to outside law firms to develop an anti-harassment policy (CBS News

2014), as well as \$200,000 for the establishment of a hotline to aid government workers reporting sexual harassment (Lovett 2014a).

The three political sex scandals, all involving sexual harassment of female government employees and interns, occurred one right after the other. The occurrence of political sex scandal may have its roots in the founding of our republic (Summers 2000), but academic inquiry into this topic, as a subject ripe for research, is more recent (Mandell 2012; Adut 2008; Apostolidis and Williams 2004; West 2006; Lull and Hinerman 1997). In an effort to move the scholarship on scandal beyond media analysis, this study is grounded in interviews with New York State assemblywomen to investigate how recent male scandal has impacted them personally and professionally, including their ability to do their job when a state body is enmeshed in the distractions and legal wrangling of sexual harassment and ethics investigations associated with the scandals affecting three of their male colleagues. It is necessary to note that there is a gender gap in political sex scandals, as there has never been a major political sex scandal involving a female politician, although considering the reasons for this is beyond the scope of this article. (See Mandell 2014 for a summary of the possible reasons.)

Ari Adut (2008) points to three major elements necessary for an event to become a scandal: the transgression (whether real or perceived), publicization of the transgression (typically by the media), and a public that is interested to “consume” scandal. Expectations of what makes something scandalous are socially constructed (Adut 2008), and therefore studying scandal can be a fruitful exercise to unpack the construction of gender norms surrounding power and sexuality in society (Mandell 2012).

Private events involving a lawmaker or elected official may occur behind closed doors, but that does not mean that a) the event will remain private, and b) only the people involved in the event are affected by it. Scandal has the potential to taint everyone who comes in contact with it, including not only those involved in the private event but also all who learn of it, because it involves shame, (im)morality and a sexuality that is often exploitative and exploited. As such, scandal has contagious elements and threatens contamination of those who broach its borders directly or indirectly (Adut 2008).¹ According to Adut, scandal contamination represents the demoralization and shame of the public, which consumes news of scandal, or “the individuals, groups or institutions that hold high status in the eyes of this public” (2008, 22). As members of the scandal-tarnished institution (the Assembly) and as colleagues to the scandal-tarnished (male) politicians, the female legislators have experienced second-hand scandal contagion. After all, they circulate within close professional proximity to the male offenders and they were elected to a governing body believed by the general public to be corrupt. As such, these assemblywomen are in a unique position to offer their insight about scandal’s impacts and its effects of indirect contamination.

The Complex Dynamic of a Feminist Researcher Interviewing Elite Female Politicians

As a feminist researcher, I privilege women’s voices in a society that makes them structurally subordinate to men’s (Meyers 2008). New York State assemblywomen hold a minority position in the Assembly, occupying only 33 out of 150 seats at the time of this research, and a number of my interviewees expressed frustration that while an assemblywoman may chair an influential committee, women’s power overall is curtailed since there has never been a female Assembly Speaker or New York State Governor. Yet, while assemblywomen hold a minority position within the Assembly, and certainly within the state legislature (which also includes the Senate), they still hold positions of significant power and privilege, since they are officeholders who have been elected by the voting public and are therefore charged with making laws that shape the state.

While feminist scholarship instructs academic researchers to question and locate our place, power and privilege in interview relationships, the assumption, generally, is that the researcher holds the balance of power over the interview participant (Ross 2001; Reinharz and Davidman 1992). As a researcher interviewing state lawmakers, however, my subordinate position—even as a “privileged” academic—was made clear from the outset. For instance, when I asked one assemblywoman during a phone interview why she was interested and willing to speak with me about gender and scandal, she told me that she tries to grant all interviews. “You’re not special,” she said. In another instance, I was brought into an assemblywoman’s office as she was reviewing and signing documents. She hardly looked up from her papers as I began to introduce myself and seat myself across from her at her desk. A third assemblywoman suggested books I should read for my own edification about political battles within the Texas Legislature. While it is true that “I’m not special”; that the document-focused assemblywoman was making unapologetic and efficient use of her limited time; and that books about the Texas Legislature would be useful for my research, the dynamic between the interview subjects and myself was certainly much more hierarchical, where I often felt like a subordinate student to their more experienced wisdom, than in interview settings with non-elite subjects, where perfunctory chitchat forms the foundation for the interview relationship.

Therefore, I follow in the tradition of other feminist researchers who have sought to place themselves within the framework of their work and reflected on how their social position has contributed to the interview dynamic. Joseph A. Conti and Moira O’Neil note that the acknowledgement of research “micropolitics”—described as “the power dynamic in the research process”—is central to feminist research, and they argue that “analysis of the micropolitics within the research process is not simply an afterthought but central to the documentation and dissemination of the research” (Conti and O’Neil 2007, 67). Their descriptions of their own research efforts to recruit elite participants from within the World Trade Organization mirror, in some ways, my experience attempting to secure interviews among New York State assemblywomen. E-mails went unanswered; faxes ignored. Recruited participants had little time to spend with Conti and O’Neil, and they recalled instances of being belittled by interview subjects. They also note that elite participants multitasked during interviews, which “added another dimension to the authority relationship” (2007, 72). As a researcher who is in the business of making knowledge claims, I think it is psychologically healthy to find myself in a position of subordinate power when research interviews have previously, typically, tipped the balance of power in my favor. After all, as Albert Hunter reminds us, “knowledge and power are intimately related. Differences in the distribution of knowledge are a source of power, and power may be used to generate and maintain differences in the distribution of knowledge” (1995, 151). Therefore, “studying up” indeed presents unique challenges to researchers, who are accustomed to a comfortable perch on a privileged branch of scholarship, and especially to feminist researchers, who are trained to acknowledge through reflexive practice their position of power in relation to those they study (Rose 1997). Karen Ross notes that feelings of subordination in the face of power are, in and of themselves, an example of “the incredibly privileged access that one is being granted” as a researcher (2001, 162). And while an academic might not enjoy feeling “schooled” in the moment, reflection should easily reveal that even having access to political figures is a proof of their acknowledgment of our power and academic cachet.

Feminist methodologists generally encourage multiple interviews with the same participant (Reinharz and Davidman 1992), and indeed describe this method as a cornerstone of feminist research, because multiple meetings can bolster the interviewer-interviewee relationship. But Shulamit Reinharz and Susan E. Chase note in their chapter on “Interviewing Women” (2002) that the sisterly bonds so favored by some feminist researchers are often based on constructed pretenses, and that it is more important to establish

rapport than affective bonds. Linda McDowell argues that the establishment of sisterly bonds was out of the question in her interviews with women bankers in London: “Many of the women whom I interviewed were extremely forceful and clearly had little time or desire for a sisterly exchange of views” (1998, 2137). Reinharz and Chase note the particular challenges to interviewing elite women:

Powerful women are more likely than less powerful women to be accustomed to speaking and being heard, and so they may not find the interview experience psychologically empowering or therapeutic.... In fact, they may have difficulty finding time to schedule an interview. (2002, 226)

Indeed, the demanding schedules of elite politicians make the methodological feminist ideal of multiple interviews a real impossibility. The gatekeepers who control access to elites are often successful in blocking researchers from gaining access in the first place: “Few social researchers study elites because elites are by their very nature difficult to penetrate” (Hertz and Imber 1995, viii). Robert J. Thomas reminds us that “visibility is not the same as accessibility” (1993, 81) and that “opportunities for data collection are limited and not easily repeated” (84). This is especially so since elites are “always powerful and usually knowledgeable, often on their guard, sometimes keen to demonstrate their relative power and knowledge and your relative powerlessness and ignorance” (McDowell 1998, 2137).

With these caveats and potential power pitfalls in mind, I mailed a letter to every New York State assemblywoman, comprising 33 letters total, and hoped that “luck and chance” (McDowell 1998, 2135), so often associated with scheduling elite interviews, would gracefully land at my feet. I felt buoyed by my aim to produce new knowledge in an arena where it is difficult to gain access. While I knew it might be a challenge, I was also assured that my approach was not an academic pipe dream. Beth Reingold (1992) interviewed state legislators in California and Arizona about their views on the representation of women in state government.² Her work resulted in an impressive response rate of 63 percent, netting 81 interviews with male and female legislators. However, due to the nature of my work, focusing exclusively on what can be an off-putting (and potentially even incendiary) subject of gender and sex scandals, I had a hunch that I would not be able to secure as many interview responses, proportionally. Mine is a topic that receives much media attention, but its very nature, filled with gossip, speculation and titillation, is not initially conducive to fostering trust between an unknown interviewer and her potential subjects.

Scholars who employ interview methodology in their study of elites, including political elites, call for the production of additional research on what they describe as an understudied research area (Kezar 2003; Smith 2006; Woods 1998; Harvey 2011). Lacking in the literature, however, is guidance about how to access political elites when at the very core of the proposed interview is a sensitive topic that politicians would, most likely, be hesitant or even unwilling to talk about with an academic who is a stranger to them. Nonetheless, the difficult nature of the topic should not prevent us, as researchers, from attempting to pursue it for the purposes of formulating questions and producing knowledge.

Scholars who study elites acknowledge the role of fortune (whether good fortune or misfortune) in their effort to solicit interviews from those in power. Interviewing elites is “both an art and a craft” (Peabody et al. 1990, 451); it involves “luck and a willingness to take advantage of opportunities” (Ostrander 1995, 9), while “a great deal depends on luck and chance” (McDowell 1998, 2135). “Frankly, ‘getting the interview’ is more art than science,” notes Kenneth Goldstein (2002, 669); “The bottom line is that there are no silver bullet solutions, and scheduling and completing elite interviews takes a fair bit of luck” (671). Lastly, and perhaps most importantly, “Opportunities for data collection are limited and not easily repeated” (Thomas 1993, 84).

Researchers pursuing the elite-interview approach are advised by methodologists to contact their prospective interviewees with a letter outlining the topic and plans for their research inquiry, which should be typed on university letterhead (Peabody et al. 1990; Aberbach and Rockman 2000; Goldstein 2002). However, scholars disagree about the extent to which researchers should be forthcoming about their research topic. Darren G. Lilleker suggests presenting one's research area "in fairly broad terms" when the topic for study is sensitive in nature (2003, 209). Yet McDowell (1998) applies the golden rule of treating others as she would like to be treated herself, which is openly and with transparency. Similarly, William S. Harvey (2011) encourages researchers to be forthcoming with their research aims, and Goldstein advises them to "spell out the basic outlines of your research" while also sharing how the information from the interviews will be disseminated and used (2002, 671). Meanwhile, Joel D. Aberbach and Bert A. Rockman suggest a veiled approach that offers potential interview participants only "the general purpose" (2000, 674) of the research subject. I opted to be transparent in stating the subject matter of my research to the New York State assemblywomen I sought to interview.

Before reviewing the research method I employed, it is first necessary to revisit the three sex scandals that occurred within a period of one and a half years, from 2012 to early 2014, in the New York State Assembly.

The Scandals and Their Aftermath

Over the course of 2012-2014, a period of 18 months, three sex scandals shook the New York State Assembly. Let us take a look at each scandal individually.

Vito Lopez (2012)

The Vito Lopez affair was the most prolonged of the three scandals that occurred within the Assembly, and Lopez was the highest-ranking legislator embroiled in sexual harassment allegations. In the summer of 2012, two women who worked for Lopez, described by the *New York Times* as "one of the last powerful Democratic Party bosses in New York City" (Hakim 2012), alleged they were victims of sexual harassment. The Assembly Speaker, Sheldon Silver, censured the then-71-year-old legislator. The New York State ethics commission investigated the allegations that Lopez had "verbally harassed, groped and kissed" the two aides, and it also examined the legislature's policy of handling such claims (Hakim 2013a). Lopez resigned his Assembly seat in May 2013, and in the statement announcing his resignation also said that he would run for New York City Council in the fall elections (Kaplan and McKinley 2013). He was fined \$330,000 by the legislative ethics panel in June 2013, a sum that was described as "the largest fine in [the panel's] history" (Hakim and Kaplan 2013). In September 2013, Lopez lost in the Democratic primaries for the New York City Council.

Micah Kellner (2013)

A year after the allegations against Lopez had surfaced, in July 2013, Micah Kellner, a 34-year-old assemblyman from Manhattan, apologized for the inappropriate online chats he had with a female member of his staff in 2009, while playing Scrabble with her on Facebook (Hakim 2013b). The lawmaker told this junior staffer in an online exchange through Google Talk that he hired her because she was cute, and that he would like to fall asleep next to her. When the staffer reported to her supervisor in 2009 that she was

harassed by the assemblyman, the supervisor provided a report to the Assembly's Democratic counsel. The counsel, however, did not initiate an ethics investigation, and was ultimately forced to resign in July 2013 for his inaction on the sexual harassment charge (Hakim 2013b). In September 2013, Kellner ran for New York City Council (while still serving as assemblyman) but lost. In 2013, when new reports of the sexual harassment incidents from 2009 were made public, the Assembly referred the allegations to its ethics commission (Odato 2013). The Ethics and Guidance Committee's investigation stripped Kellner of his committee chairmanships, mandated that he attend additional sexual harassment training, and prohibited him from hiring interns (Colvin 2013). While Kellner did not resign his Assembly seat in the wake of the sexual harassment scandal, he decided not to seek reelection when his term expired in December 2014 (Lovett 2014b).

Dennis Gabryszak (2014)

The assemblyman from Buffalo area resigned in January 2014 after seven female staffers came forward saying he had made inappropriate remarks and sexual advances toward them via text messages, on Facebook, and in person (Kaplan 2014). Days after Gabryszak resigned, the female staffers he had targeted released a graphic video to the media that shows the former assemblyman alone in a bathroom stall, pretending to masturbate or receive oral sex (Katz 2014). In the video, which he allegedly sent to female members of this staff, Gabryszak appears to orgasm, flushes the toilet and asks, staring straight at the camera, "Is this what you wanted?" (HuffPost New York 2014). At the time of this writing, Gabryszak remains out of public office.

Running for Office Post-Scandal

It is worth noting that I conducted the interviews with assemblywomen in early spring 2014, following the fall 2013 primaries that saw several recognizable, New York-based, scandal-tainted politicians attempting to return to elected office—and failing in their pursuit to do so. While only one of them was a disgraced assemblyman—Vito Lopez, who lost in the Democratic primaries for a seat on the city council—two others also sought political redemption. They were former New York Governor Eliot Spitzer (who had sex with prostitutes) running—and losing—in the Democratic primaries for New York City comptroller, and former New York Congressman Anthony Weiner (of nude Twitter notoriety), who ran—and lost—in the primaries for mayor of New York City. The failed bids of these three scandal-tainted politicians, who each resigned from elected office in the wake of a sex scandal, played into my conversations with assemblywomen regarding male power and privilege within a scandal culture.

Methodology

I mailed a letter to every assemblywoman in March 2014, when the New York State Assembly was in session. (The legislative body is in session every year from January to June.) The lawmakers received my recruitment letter just as the legislature passed (on time) its budget, one of the most significant and time-consuming tasks of the legislative session. Therefore, I was hoping that the legislators might have at least a few minutes to entertain questions from an academic researcher. Additionally, my recruitment letter did not specify a deadline, indicating that I was free to speak with them at their convenience.

I focused on the New York State Assembly—and not the State Senate—because recent sex scandals had occurred in the former legislative body, which had 33 female legislators and 117 male legislators in spring

2014. The Assembly is also the larger governing body, in comparison to the state Senate, in terms of the number of lawmakers and the legislative power it holds. Women legislators within the Assembly accounted for 22 percent of state lawmakers in that governing body. At the time of this research in 2014, New York State was ranked 33 out of 50 for its representation of women within the entire state legislature, with 20.7 percent of elected seats in the state legislature—which includes both the Assembly and the Senate—belonging to women (Center for American Women and Politics 2014).³ In comparison, during the same year Colorado ranked first in the nation, with 41 percent of women holding elected office within its state legislature.

The recruitment letter I sent to assemblywomen identified my research interests and university affiliation. I wrote that the purpose of my study “is to explore how male scandal impacts female politicians.” Also included in the letter were ways in which information from the interviews might be published and disseminated (Goldstein 2002). I followed the guidelines set forth by scholars who have employed interviews with members of the political elite by typing my invitation for a research interview on university letterhead (Peabody et al. 1990; Aberbach and Rockman 2000; Goldstein 2002) and applying the golden rule of communicating with potential participants openly and honestly about the delicate nature of this research (McDowell 1998; Harvey 2011).

I e-mailed a follow-up note requesting an interview one week after sending the letter by mail and I called the offices of all 33 assemblywomen two weeks after the original mailing date. I received an initial trickle of positive responses to my research request, but mostly I just left voicemails and messages at assemblywomen’s district offices and with their schedulers. By April, four assemblywomen said they were interested in being interviewed. I sent out a second round of research letters that month, again followed by phones and e-mails. With only a handful more interviews scheduled after the second round of attempted recruitment, I sent a third research invitation by mail to assemblywomen in mid-May, with further e-mail and phone follow-up to their offices. After two and a half months of participant recruitment, I was able to conduct seven formal interviews, which included five interviews over the phone and two interviews in person. I also spoke briefly on the phone with an eighth assemblywoman during one of my follow-up phone calls in the recruitment stage. While we scheduled a time to talk more in depth, in the end she was not available to keep that date. The longest scheduled interview lasted 66 minutes and the shortest 16 minutes, with the average interview length of the seven interviews being 33.8 minutes. Interviews with the seven assemblywomen were recorded and transcribed. The brief phone interview with the eighth assemblywoman was recorded by note taking. A semistructured interview guide was employed, where I asked the same six questions of all participants (excluding the eighth participant, with whom the impromptu phone call focused on why she wanted to talk about gender and scandal), while also allowing the interview to move in unexpected and spontaneous directions, like a conversation (Kvale 1996). The interview protocol is reproduced in Appendix A below. All participants were offered anonymity, which they accepted because of the sensitive nature of the interview subject.

A Snapshot of the Assemblywomen Who Participated in This Study

Due to the anonymity granted to the assemblywomen, I cannot provide any identifying information about their work, position, background (including professional, personal or ethnic background), or years of service within the state legislature. Therefore, I will write of this group of eight lawmakers in the aggregate without providing any individual identifying information. These eight women, in total, have 105 years of experience serving within the New York State Assembly. They serve on 30 distinct committees, subcommittees and

task forces, chairing seven separate committees or subcommittees, out of the total of 104 committees, subcommittees, legislative commissions, and task forces within the New York State Assembly. Therefore, the interviewed assemblywomen represent 28.85 percent of all committee, subcommittee and legislative commissions within the New York State Assembly. Lastly, the median average for the number of committees on which these lawmakers serve is 7.5.

The Listening Guide Method of Analysis

Interview transcripts were analyzed using *The Listening Guide*, a methodology pioneered by Carol Gilligan, which allows for a multivoiced reading of each participant's standpoint(s): "*The Listening Guide* is a method of psychological analysis that draws on voice, resonance, and relationship as parts of entry into the human psyche" (Gilligan et al. 2003). Gilligan et al. refer to transcript readings as "listenings," and readings are done sequentially, guiding the researcher into distinct modes of listening. Sequential "listenings" allow the researcher to place each participant's multilayered voices, sometimes conflicting, in concert with each other: "Simultaneous voices are co-occurring. These voices may be in tension with one another, with the self, with the voices of others with whom the person is in relationship, and the culture or context within which the person lives" (Gilligan et al. 2003, 159).

Four sequential listenings make up *The Listening Guide*. The first listening has two parts, including "listening for the plot" and "the listener's response to the interview" (Gilligan et al. 2003, 160). The second listening is the construction of an "I-poem," where the researcher underlines every first-person pronoun along with the verb that follows it immediately. For instance, an I-poem can look like, "I wanted / I hated / I couldn't believe." This step allows the researcher to hear how the participant speaks of herself. The third listening is known as "listening for contrapuntal voices" (164). In this step, the researcher looks for the relationship between the different voices as they relate to the research question. For instance, there can be a voice of pain and a voice of satisfaction. Each voice is underlined. In this iterative process, "The researcher begins with an idea about a possible voice, creates an initial definition or description of this voice, listens for it, and then assesses whether the definition of this voice makes sense and whether it is illuminating some meaningful aspect of the text" (168). The fourth and final step of *The Listening Guide* is analysis. After reviewing the transcript through at least four previous readings (the plot, the I-poem, at least two contrapuntal readings), the reader studies her notes and attempts to answer what has been learned, what evidence exists, and whether the research question needs to be changed. Therefore, a complete "listening guide" process includes at least five readings of each transcript.

This multireading process continues for each transcript, as the researcher searches for similarities and differences across interviews. According to Gilligan et al., this process is best used "when one's question requires listening to particular aspects of a person's expression of her or his own complex and multilayered individual experiences and the relational and cultural contexts within which they occur" (2003, 169). This method was selected as a way to let assemblywomen voice their multilayered views on gender and power within a political body and institution. It provides an analytical space for a research endeavor where subjects sit in a position of power but also recognize their subordinate status, as a minority within the governing body to which they were elected. Additionally, Susan J. Carroll and Kira Sanbonmatsu, in their study of women legislators across the US, cite Gilligan as foundational in her findings that "care and responsibility figured centrally in women's resolution of moral dilemmas" (2013, 45). Moral dilemmas of female legislators figure prominently in my work, since I am interested in how they maneuver through a culture of male scandal and

its impacts. My research question asks, “How do New York State assemblywomen view the sex scandals of their male colleagues as impacting them?”

Throughout my contrapuntal readings, where I listened for each participant’s co-occurring voices, I coded three different categories after doing an initial round of *The Listening Guide*, where prevalent and recurring themes began to emerge through the data. These three codes are: a) Scandal tarnishes the reputations of female legislators; b) Male scandal in politics is no different than male scandal in other fields; and c) There is a gender difference between men and women that accounts for the prevalence of male scandal and the deficit of female sex scandal in politics. Because the code about the assemblywomen’s concern over their tarnished reputation received the most attention from the greatest number of interview participants, it will be the focus here.

When Assemblymen Become Enmeshed in Scandal, Assemblywomen Take the Heat

Seven of the eight assemblywomen said male scandal tarnishes their own reputation as members of the legislature because the frequency of male scandal leads members of the public to believe they work in a corrupt, depraved environment, which devalues their work overall. Five of the assemblywomen were so concerned about the legislature’s tarnished reputation, which they attributed to the boorish behavior of certain scandal-prone male colleagues, that they addressed this concern at the start of the interview. Assemblywoman A⁴ said within the first minute of the interview that the public sees the misdeeds of a politician involved in a scandal as tarnishing other members of his political community, supporting Adut’s (2008) argument that scandal threatens to contaminate those who come in contact with it—whether by news consumption (members of the public) or through one’s networks (Assembly colleagues):

It affects all of us because, even though I’m not involved in it, people... people lump us all together, and when they feel that a legislator is doing something wrong—the government is doing something wrong—we are all wrong. And I think people don’t distinguish often between... particularly in the political realm, because I think... unfortunately I don’t think they start with the premise that [*sic*] respect for government or understanding government. I think many people feel that people that run for office are always in it for personal reasons—not to help people.

Assemblywoman B said male scandal impacts her because it denigrates the legislature as a whole, and that it is an example of the erosion of respect for authority, where elected officials are increasingly dismissed as corrupt and out to satisfy their own interests:

I think the biggest impact here in this capacity that’s so frustrating to me is it just gives the entire institution a black eye. And so for me, it just—it just diminishes the respect for the office and diminishes the respect for elected officials in general to feel that, “Oh, all politicians are shady.” Or, “All politicians are on the take.” They just fuel all the scandals and all the negativity toward elected office.

Assemblywoman B added that members of the Assembly have even said they wouldn’t let their daughters work within the legislative body because of the perceived prevalence of sexual harassment of their female staff by male legislators. Yet the assemblywoman defends the safety of the institution:

Well, first of all, I would let my daughter work here, because I have a teenage daughter. But second of all, I just think it’s those kind of statements that kind of fuel this thing like this is a dangerous place.... And I just think that’s so unfortunate. I would let my daughter work here. But I’ve also raised her to stick up for herself

and speak up for herself. But anyway, that's my biggest concern, is that it's just—it does bother me to see that I don't think there's enough respect for government and for government institutions.

Assemblywoman C said she suffers from guilt by association—according to the public and the news media:

Assemblywoman: The biggest problem is that the newspapers and the people that you meet think the place is a disaster. And here you are, trying to be ethical, and you're part of it.

Interviewer: So it like rubs off on you. It's like their activity tarnishes or blemishes you.

Assemblywoman: Oh, no question. No question.

Interviewer: Yeah, yeah.

Assemblywoman: We all feel that. All of the women, I think, feel that.

While the three aforementioned assemblywomen expressed deep frustration at the ways in which male scandal impacts them by diminishing their reputation among the public and the press, they did not express outright anger. (Perhaps they felt anger, but their tone of voice did not convey it.) However, the following four assemblywomen, D, E, F and G, did direct their anger at various subjects—measured by the intensity and sharpness with which they spoke—including the news media, the general public, the occurrence of scandal itself, and male power.

Assemblywoman D began the interview by expressing her anger at the way in which politicians' tarnished reputations are codified by the misdeeds of a few. "There's just been a lot of... It's not just cliché but it's predictable and to some degree inaccurate, I think, perception about the Assembly and about these scandals." By speaking with an academic, she said she hoped for a more nuanced, complicated discussion about how male scandal impacts her work and reputation. She said newspaper editorials constantly berated Albany for its "dysfunction," a sentiment that is then parroted by the public. She expressed anger at feeling paralyzed because, if she were to counter these sentiments, no one would believe her, as they are so firmly rooted in people's minds: "Like there's almost no point in arguing against them. Ah, let people think what they're going to think, and I'll just keep on doing my work." But that attempt to ignore what she feels is hostility does not work, and she is bothered again by the ongoing onslaught against the Assembly's reputation and feels personally attacked because "it's your job. It's your profession." She explains:

Assemblywoman D: But I say to them, when you attack the whole institution and say the whole legislature is this, the whole legislature is that, it's corrupt or it's full of sexual predators or whatever, it does hurt my work. Because I don't do my work alone. I do my work as part of a team. So I want to defend my team. At some level, I want to try to correct the record, even though you can't do it out in the editorial boards there. They'll just laugh you out of the room, right? So I do it because maybe you won't laugh me out of the room.

Interviewer: Right. No, I won't.

Assemblywoman D: You know what I mean?... You know, a constant attack is disempowering and makes a body less effective. So I feel defensive about that. And I feel a need to have a strong legislature because they're the voice of the people across the state.

Assemblywoman E echoed the sentiment that the Assembly is "not particularly respected by the public," and that the prevalence of male scandal is reflective of the dominant male position within the broader

culture. “I don’t think that we are anything but a reflection of society,” she said. “So ... ‘Why is there male hubris in politics?’ Because there’s male hubris in the movie industry; there’s male hubris in the banking industry; there’s male hubris in all of these various corporate cultures.” Assemblywoman G mirrored that view, arguing that sexual misbehavior in the Assembly is not unique to its body: “I just think that it reflects the larger society. Most bad behavior are [*sic*] about men in our society, and that’s true for all crime, not just sexual crime but all crime, so we’re no different.”

Assemblywoman E added that the electorate should do its part in electing people who do not have a history of sexual misbehavior, and should not reelect (as they have in some instances) those who have been under indictment for corruption. When I asked her about the misbehavior of some of her male colleagues, she expressed frustration that she even has to talk about this. She said: “When I’m asked by reporters, I suggest that they talk to the men, because frankly, I think the women are completely and utterly baffled. I really don’t even know what to say about it.” Yet male scandal has a direct impact on her work, mostly in publicly defending the institution where this behavior takes place. Says Assemblywoman E:

You have to defend the institution, which is annoying because you’re defending it because of some jerks. On the other hand, ridiculing that behavior is a way of bonding with your audience ... it’s also just one of those things that undermines the willingness of good people to be involved in public service. So that’s how it affects me. I don’t want to spend another minute talking about the bad behavior of people who should never have been here in the first place, many of whom were here with a fair amount of power.

Assemblywoman G echoed the frustration that she even has to talk about male sexual impropriety. She said that the leadership becomes busy, engrossed and burdened dealing with legal issues surrounding scandal—such as sexual harassment charges and ethics investigations. As a result, she doesn’t have access to the leadership to push forward her legislative agenda, which is what she was elected to do.

Interviewer: I feel a little bit like a therapist asking this, but how does that make you feel?

Assemblywoman G: How does that make me feel? I guess annoyed.

Interviewer: That’s the word I was thinking of, yeah.

Assemblywoman G: Yeah, annoyed. It’s like we’re dealing with this nonsense instead of doing the people’s work and advancing issues that matter to people. We’re getting stuck in this. We’re getting bogged down on things that we shouldn’t be.

Another assemblywoman to express her anger, directed generally at men in power, was the legislator I spoke with briefly on the phone while making my follow-up calls. She said she was bothered by her work’s sullied reputation, and that her gender makes her an outsider, a status she resents:

It’s been talked about for a very long time. In any job—not just politics. It becomes part of the culture, “You work up there?!” It’s repulsive. As a woman in politics, it’s very difficult. You’re never part of the old boys’ club, slap in hand and chatting. There’s never been a woman speaker. It’s just... I hate being in a world that’s dominated by men. It’s male domination. If you’re strong—it’s almost like they think you’re a witch if you scream like they do.

An Improvement in How Scandal Is Handled

In May 2004, the New York State Assembly adopted a policy that bars “fraternization” of members with interns (Hakim 2008). According to a memo to Assembly members and their staff, dated January 24, 2005, which is included in the 2013–14 employee information guide I obtained from a member’s office, interns are not allowed to attend any reception that serves alcohol. Additionally, interns must wear an ID card that clearly reads “Intern” and are not required to work past regular business hours. The goal of the policy is to curtail sexual relationships between Assembly members and interns.

Five of the seven assemblywomen whom I interviewed in depth noted that new policies and procedures have improved the way sexual scandal is handled in the Assembly in recent years, and that the outspoken voices of assemblywomen have led to this improvement. According to Assemblywoman D,

And well for a long time they got away with it, right? They’re not getting away with it anymore. That’s the other thing. It’s a good thing. It’s out in the open. It’s being reported. Twenty, thirty, forty years ago there was no reporting this stuff.

But Assemblywoman D cautioned that no matter how many policies they enact, some male legislators will find ways to abuse their power, and in the meantime other important issues affecting people’s lives need attention. She said:

We’ve got all kinds of kids not getting, really, a good education. We’ve got them about to destroy our water with fracking. You know, I’ve got much more important things—all this is kind of oh, what’s new? What’s new under the sun? And let me go back to my work. Could we please stop talking about sex? You know because it’s nothing new under the sun. It’s always been with us. It’s always going to be with us. We’ll try to fix it some more. But I think we’re always going to have you know this stuff amongst us.

Assemblywoman E also noted the improvements to sexual harassment policy, which were initiated by women lawmakers:

Assemblywoman: I think that we’ve made and are making some changes in the way that we handle it. And I think that that’s been probably moved along by the response of the women.

Interviewer: Hmm. Can you tell me a little bit more about that?

Assemblywoman: Well, it goes back several years. We changed our policy around fraternization with interns. We have increasingly strict guidelines.... So I do think if you have strong policy statements, and make them well known, and make it clear that they will be... that they must be adhered to, you can change behavior.

But it’s not just interns who can be victimized by sexual harassment—it’s professional staffers and aides as well. Assemblywoman B said women are more comfortable coming forward about ill-treatment than they have been in the past:

I think there’s more of an openness to reporting.... I’m old enough to have been where things that you would never even think to report—like things now are just less tolerated. So most of this is good news that we’re not tolerating as much, and people are willing to speak up more.

Assemblywoman C said the women members “are very committed to changing the culture.” She added:

We shouldn’t have that young women who are interested in the legislature or politics or government have any second thoughts about working here.... And I think we’ve created an environment where parents and mothers and fathers and young women particularly are going to say, Hmmm, is that what I want?

Lastly, Assemblywoman A noted that efforts to improve sexual harassment policy, and to reduce sexual harassment within the state Capitol, brought a deeper sense of connection to each other among women lawmakers. She said:

Yeah, we talk about the sexual harassment problem as well as [about] what needs to be done and... and informing the speaker of our positions and our feelings and so on. So, you know, I tend to think with our comments that we've moved something along, and it hasn't all been public, but I think we have in that process. It really almost united us in a different way than we've been united before around other issues.

These interviews demonstrate that women lawmakers view themselves as making an impact within the culture of the Assembly, despite being in the minority and despite opposition and challenges to equity that women face in any governing body. While they acknowledge that it will never be possible to fully eliminate sexual harassment within the Assembly, they identify as hopeful agents of cultural change while still maintaining a sense of realism regarding certain inevitability of (male) abuse of power. According to Assemblywoman D,

It's happening less because of the new consciousness about it. Because of training, because of sexual harassment training and abusive-power training. But the people that are very pathologically ill can't hear that. The feedback loop is broken. They don't see it in themselves.

Assemblywoman F echoed the view that despite the increased sexual harassment prevention training, some men will always act in a sexually aggressive manner:

I mean we all sit in the same sexual harassment classes—male, female.... We all hear the same thing. We all hear what's illegal, what's too far, what's overstepping your boundaries. And people hear these things, and they still do them. That is just like the kid on the playground whose mother tells him to [be] home at 5, and he doesn't come home until 6. Some people are not going to follow the rules, and they're going to allow their emotional, sexual desires to control their rights and wrongs.

Therefore, while there's an improvement within the Assembly culture, with an increased adherence to rules and procedures relating to sexual harassment, problem male agents will continue to contaminate the culture. As presented, seven of the eight assemblywomen interviewed expressed urgent concern that male scandal tarnishes their reputation even though they played no role whatsoever in the scandalous events. They've been tarnished as members of the Assembly, feeling pilloried by the public and press, a position they resent because they feel guilt by association. As professionals, they take their work seriously, yet it is sullied simply because they share a job title with the scandal-tarnished Assembly members. The contagious nature of scandal has infected them, and they are forced to defend their work and the institution that not only employs them but which they believe in. They feel compelled to halt the contagion, so that a sullied reputation can't be indirectly transmittable; but at the same time there is a recognition—and a deep frustration—that male problem agents will continue to act out in sexually aggressive ways, indicative of a pathology that cannot easily be cauterized by a slowly changing culture that mandates sexual harassment training and the prohibition against socializing with interns.

Discussion

The interviews reveal a pattern where the legislators are placed in the very female position of being affected by male behavior—in fact, being victimized by it because it occupies unwanted space mentally and professionally, and becomes an uninvited part of the government institution—yet feeling compelled to

defend the institution that hosts this behavior. What is at stake for these assemblywomen is their symbolic representation as part of the governing collective (Pitkin 1967). Even though they have not been the subject of a scandal frenzy, they have expressed that the status of their position, what it means and stands for in relation to their constituents and the public, has been tarnished by the legislative position they share with men caught in scandal. As Assemblywoman C put it, “I’m very loyal to the institution, and the institution has been badly damaged.” Historically, aggressive and domineering male behavior was tolerated (if barely) by female staffers and subordinates, cementing a pattern of culturally embedded sexual harassment within the institution of the New York State Assembly. While the assemblywomen have noted in interviews that they are working to change the atmosphere as it relates to sexual harassment within the Assembly, and that the workplace culture has become more transparent and less hospitable to unwanted sexual advances by male members, the Assembly remains—as a government body dominated by male members—an institution where androcentric gender norms prevail.

Yet assemblywomen feel strongly compelled to defend an institution that has not historically been hospitable to women, even if these female politicians have been able to succeed within its structures. The sociologist Joan Acker argued back in 1990 that “the most powerful organizational positions are almost entirely occupied by men” and that “power at the national and world level is located in all-male enclaves at the pinnacle of large state and economic organizations” (Acker 1990, 139). Today, one can hardly describe most political governing bodies across the world as exclusively “all-male.” As mentioned, at the time of this writing, just under one quarter of the Assembly members in New York are women. And at the highest levels of government, in US Congress, women occupy 104, or 19.4 percent, of the 535 congressional seats (Center for American Women and Politics 2015). Thankfully, in the nearly 25 years since Acker wrote of “all-male enclaves” in state organizations, we have been able to chip away at the “all-male” attribute. But women’s minority position in state and federal government remains clear. Indeed, a May 2014 report from the Institute for Women’s Policy Research predicted that we will have to wait until 2121 to witness men and women making up equal parts of the US Congress (Baer and Hartmann 2014). The report noted that state legislatures, with more male members than female, are “the major pipeline for higher office” (Baer and Hartmann 2014, 34). Therefore, further analysis is needed when women in minority positions working within powerful political institutions defend the institutions that have historically stunted their advancement.

Yet by placing primacy—as I have done—on the interview theme of assemblywomen defending the institutions that have historically oppressed them and women staffers, I only succeed in advancing an uncomplicated, antiwoman rhetoric that is against my aims as a feminist researcher. I have already noted that five of the seven assemblywomen whom I interviewed in depth said new policies, implemented through their efforts as a group, have improved the way sexual scandal has been handled in the Assembly in recent years. This demonstrates that even as a minority these lawmakers have been able to positively impact the culture of the legislative body. Feminist political scientists use critical-mass theory “to describe how the effect of increasing the numbers of women in politics accelerates and makes further increases inevitable” (Lovenduski 2001, 744). With female representation between 15 and 40 percent of the legislative body, the New York State Assembly falls within the category of a “tilted” group. “Women in tilted groups are able to evade performance pressures and token isolation, which had previously prevented them from forming coalitions with other women, as well as role entrapment, so that they can pursue interests that may not conform with female stereotypes” (Childs and Krook 2008, 728). In this study, we see women forming bonds with other women, which may be indicative of their tilted status, as a step up from a “skewed” group

with lower representations of women (Lovenduski 2001). Yet we also witness women pursuing interests that conform to female stereotypes—namely, that women should be the leading agents to push for policy changes relating to sexual harassment, and that women—and not men themselves—are in effect the bodies whose responsibility it is to police and sanction brutish male behavior.

While there was general agreement among the assemblywomen that they have pushed and are continuing to push for a change in Assembly culture through new sexual harassment policies, there was no consensus on whether electing more women to the Assembly would curb instances of male sexual harassment within the legislative body.

Interviewer: What is the conversation that you either overhear or participate in among your female colleagues in particular when news breaks of a sex scandal in the Assembly?

Assemblywoman C: Oh, not again. We need more women.

Interviewer: Yeah.

Assemblywoman C: That's our default response.

Assemblywoman B echoed the importance of electing more women: “I think that the more you see women in positions of authority, I think it does help. So yeah, I do think it makes a difference. It absolutely makes a difference.” Yet other colleagues argued that gender itself is not the dividing line. According to Assemblywoman D,

You know I have lots of wonderful progressive male colleagues that are... I would rather have... To me it's not a gender divide necessarily. I mean, you might have a man running against a woman and she's more conservative on these things than a man, and I'm less in agreement with her. I'm not going to put her in just because she's a woman. Give me a good, progressive male any day of the week than a woman who's going to vote the wrong way on things that are important to me.

Additionally, Assemblywoman F said that even if women assume positions of greater leadership within the Assembly, men will continue to act out sexually. In her own words, “I don't necessarily think that if there were women in those positions that would prohibit men from not being able to control their testosterone.”

Considering that the assemblywomen expressed no clear consensus on whether a critical mass of elected women would overwhelmingly change the culture within the Assembly, deeper analysis is necessary to open new channels to envision the gender dynamics that emerged from these interviews. The geographer Robyn Longhurst, who explores the gendered ways in which people interact with space and place, provides the theoretical framework to complicate the analysis of the gendered body and the state in *Bodies: Exploring Fluid Boundaries* (2001). In political sex scandals, male bodies, particularly those belonging to white men, violate the Western construction of a rational, stable, focused, and accomplished individual defined by his sense of effective self-agency and in total control of his body. The rational man sees “the body as little more than a container for the pure consciousness it [holds] inside” (Longhurst 2001, 13). Men, therefore, have the power to “transcend their embodiment” (13), separating themselves from the bodily messes and functions of daily life, and asserting themselves as “solid and in control” (42). In direct contrast, the female body has long been constructed and regulated as dangerous because its fluid, viscous elements threaten contamination, and its bodily functions cannot guarantee containment of the woman's monthly menstrual flows and the oozes of a pregnant body (Longhurst 2001; Grosz 1994; Douglas 1980). Yet in political sex scandals, the bodily leakages and seepages, typically constructed as dangerous and contaminating when they come from women, are now dangerous and contaminating when coming from scandal-tarnished men.

Before the rise of an aggressive and fractured media-technology system that thrives on the broadcast of sexual frenzy and scandal (Sabato, Stencil and Lichter 2001), before Watergate and Vietnam, when male political elites were protected by male reporters who sought access and proximity to power, and before the establishment of anti-sexual-harassment laws at the state and federal level, aggressive male behavior in the political sphere, including sexual harassment, was part of the workplace fabric, explained away with the catchphrase “boys will be boys.” Today, aggressive male behavior in the workplace becomes a liability to the state in our mediated age, where scandal is commodified by the news industries and consumed by the public. The potential for personal humiliation (suffered by the politician) and a sullied reputation (suffered by the offending politician, his colleagues and the institution they belong to, due to scandal’s contagion) is not only a possibility but a likely occurrence when a politician engages in a once-protected, even standard behavior of earlier generations. In all three of the Assembly scandals, the politicians engaged in aggressive, dominating heterosexual behavior. Their heterosexual status was not at risk. Indeed, it was their hyper-heterosexual masculine behavior that put their jobs at risk, resulting in the resignation of two offending politicians (Lopez and Gabryszak) and the decision of the third (Kellner) not to seek reelection.

When men act out in sexually aggressive ways, they are cast aside as “bad apples” within the organization or institution that employs them. Organizations are constructed as gender-neutral, “since men in organizations take their behavior and perspectives to represent the human,” and therefore “behaviors such as sexual harassment are viewed as deviations of gendered actors, not ... as components of organizational structure” (Acker 1990, 142). If the organizational structure itself is asserted as gender-neutral, then aggressive masculine behavior within it is interpreted as the actions of a few bad apples who cannot adapt to changing organizational expectations. The sexual relief (literalized as supposed ejaculation in Gabryszak’s case) sought by male politicians engaged in scandalous activities belies the ideal of the masculine body, which is ordered, clean and in control (Longhurst 2001; Grosz 1994). In the occurrence of sex scandals we see a swap of gendered bodies, where the bodily leakage and seepage, considered dangerous and revolting when associated with the female body, becomes equally dangerous for transgressing male politicians who risk humiliation, mediated notoriety, and the loss of their job. Their behavior shames the state and distracts from the business of doing people’s work. It results in humiliating media attention, linking the dysfunction of the male politician to the dysfunction of the likewise shamed and sullied state, which the women politicians, not embroiled in sexual scandal, feel compelled to defend, or at least are placed in the position of defending. Therefore, in times of male sexual scandal, female legislators come to embody the traditional construct of the male body. They are stable, undistracted, stalwart, reliable. They are gender-neutral. They have institutional longevity. There is little risk of them humiliating and betraying the state since, as previously noted, there is a genuine gender gap in the occurrence of political sex scandals. With sex scandals, the male body, in its pursuit of illicit leakage—of viscous emissions—becomes unpredictable and distracted. When female politicians argue that the scandal provoked by their male colleagues compels them to defend a sullied institution, we can view this defense not as an action of women defending an institution that has historically minimized them, but as embodying the traditionally male construct of gender-neutral competence (Acker 1990; Grosz 1994). Ultimately, the female colleagues of scandal-prone male politicians become an asset to the state, as their bodies are in control, contained, and not leaking the fluids that cross (professional) boundaries and (bodily) borders. Political sex scandals, therefore, represent a unique opportunity to understand the fluid nature of the gendered construction of bodies. It is not the oozing, viscous female body that needs to be feared and loathed, but the male body in its hegemonically masculine state (Jackson 1991) that can pose a danger to governmental institutions.

Notes

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1. I have come across the following examples of “contagious” sex scandals within contemporary politics (all details are part of the public record or retrievable via a simple online search): 1) In 1989, news reports detailed the groping by Illinois Representative Gus Savage of a Peace Corps worker in Zaire. Savage was ousted in the subsequent primary elections and succeeded by Mel Reynolds, who resigned from Congress in 1995 after he was convicted of statutory rape. 2) In 1999, Louisiana Senator Robert Livingston was outed by *Hustler* magazine for having an extramarital affair. Livingston resigned and was succeeded by David Vitter, who had his own scandal when news broke of his affair with prostitutes in 2007. 3) Florida Representative Mark Foley resigned in 2006 when news broke that he had sent sexually explicit pager messages to male interns. His congressional replacement, Tim Mahoney, resigned in disgrace in 2008 when he admitted to an extramarital affair with a former staffer to whom he paid hush money. 4) In 2009, then South Carolina Governor Mark Sanford (currently a congressman) admitted to an affair with an Argentinean woman. The governor who succeeded Sanford, Nikki Haley, had to fight public rumors reported in the news in 2011 that she had extramarital affairs with a blogger and a lobbyist.

2. See also Carroll and Sanbonmatsu (2013) for an analysis of the factors impacting women’s decision to run for statewide legislative office in a large-scale research effort orchestrated by the Center for American Women and Politics.

3. When I raised New York’s ranking with an interview subject, she said, “The ... number of women in a legislature is far more closely correlated with how much legislators are paid. So where it’s \$2,000 a year, [it’s] loaded with women.” New York State legislators are paid \$79,500 annually plus a per diem. In Colorado, they are paid \$30,000 plus a per diem (National Conference of State Legislators 2014).

4. All interview subjects were granted anonymity, so each assemblywoman was given a letter to represent her in lieu of a fake first name (which seemed inappropriate for elected lawmakers).

Appendix A

Interview questions asked of New York State assemblywomen:

1. Why are you interested to be interviewed on the topic of gender and political sex scandals?
2. To me, scandal matters. When a politician resigns, it can leave his or her constituents in a lurch, result in distracting media attention, and impact the public’s mistrust of government. How does scandal matter to you?
3. There are so few instances of scandal with female politicians. Is there ever talk among your female colleagues that women lawmakers should be in more leadership roles because they don’t get caught up in scandal?
4. There are so many instances of male politicians engaged in sex scandals who then have enough support to run again: Vito Lopez, Anthony Weiner, Eliot Spitzer. Is this an example of male privilege? What’s going on here?
5. What is the conversation you overhear among your female colleagues when news breaks of another male political sex scandal?
6. In your opinion, why is there a gender gap in political sex scandals? Why is it the men who get caught misbehaving?

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