

Foley resigns amid scandal

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Disgraced former Congressman Mark Foley (R-Florida) acknowledged through his attorney Tuesday, October 3 that he is gay. The disclosure came several days after Foley resigned Friday, September 29 amid revelations of sexually explicit Internet exchanges he had with a teenage male who was a former congressional page.

"I am deeply sorry and I apologize for letting down my family and the people of Florida I have had the privilege to represent," Foley said in a statement released by his office last week. Two days later he checked himself into rehab for abusing alcohol and "other behavioral problems."

In the days since, new pieces of the story emerged. On October 3 Foley's attorney David Roth claimed that the ex-congressman had been molested between the ages of 13 to 15 by a clergyman – Foley was raised Roman Catholic, serving as an altar boy – and, "Mark Foley wants you to know that he is a gay man."

Foley "reiterates unequivocally that he has never had sexual contact with any minor," said Roth. "Any suggestion that Mark Foley is a pedophile is false." Foley did not use either revelation as an excuse for his misconduct.

The exchanges at the root of the controversy, at least what has been revealed so far, were attempts by Foley to elicit masturbatory fantasies from the teenager, reported to be 17 years old at the time, who had already completed the page program and returned home. Foley is 52. The most detailed exchanges, from 2003 and 2004, were sent from his personal e-mail account.

Foley's instant messages, such as those requesting a picture, and "Do I make you a little horny?" are best described as pathetic and creepy. But they do not suggest that physical contact ever occurred between the persons, who were then in different states at the time of the exchanges.

ABC News, which broke the story, says it has additional exchanges that are more graphic. It did not state why its source chose to save the IMs, or how the messages came into ABC's possession.

Appearing on Fox News, former page Tyson Vivyan described "an almost surrealistic relationship with Congressman Foley" through IMs, once the 17-year-old returned home to Knoxville. "Almost immediately the conversation turned sexual."

"At first, not knowing who it was, it didn't overtly shock me. It's the Internet, it's the mid-90s. I'm a teenage guy. Things like that are less than unnormal. You get stuff like that all the time.

"Upon figuring out several weeks later that it was Congressman Foley, I was kind of taken aback by the whole situation," Vivyan said. "But it didn't overtly surprise me because there had been rumors about Congressman Foley, of which the majority of my class were aware of during my tenure in D.C.

"There was a moniker by which we described Foley – FFF. It stood for Foley the fag from Florida," Vivyan said on the program.

"When you found out it was Foley, did you cut off the chat?" asked Bill O'Reilly.

"Absolutely not," said Vivyan. "I never pursued or welcomed anything sexual from the congressman. My important thing was trying to maintain and build platonic, strong contacts in Washington, D.C. for my future, just like any good, politically savvy individual would."

Several former pages, of both sexes, told the *New York Times* that Foley was one of the few members of Congress who even bothered to speak with them. Some have continued periodic correspondence with him. They saw Foley's attention as mentoring but acknowledged hearing rumors that he was gay, though none claimed experiencing inappropriate conduct.

The *Miami Herald* quoted Andrew Tobias, the openly gay treasurer of the Democratic National Committee, as knowing Foley personally. "The last time I saw Mark, he was 19 years into a relationship. That was sad that it had to be hidden."

Prior to this week's disclosure that Foley is gay, he had been outed several times by gay activists. Recurrent rumors of his sexual orientation arose during his 2003 bid for the Republican Senate nomination in Florida. At a press conference he denounced those rumors as "revolting and unforgivable" and declined to discuss his sexual orientation. He later withdrew from the campaign, citing the failing health of his father.

Mel Dahl, a Florida gay activist and writer, recalled being dragged by his partner to one of Foley's Senate campaign appearances in a conservative part of the state. "The first thing I noticed was the adorable, barely legal young men who made up his entourage," Dahl said.

"When he got up to speak I was mortified," said Dahl. "It was all this bullshit about putting God and the Bible back in the schools and how Judge Roy Moore was right to stand up to the federal courts on the Ten Commandments issue. I don't think he believed a word of it himself but he knew it would play well to that audience."

Foley was first elected to Congress in 1994, compiling a voting record that has straddled a moderate-conservative line. The Family Research Council rated him at 69 percent for the first half of the 109th Congress, the lowest among Florida Republicans. The Human Rights Campaign rated him 88 percent in its last rating, one of its highest scores from either party among the Florida delegation.

HRC had endorsed Foley in his re-election bid this year.

Foley played a leadership role on AIDS issues, supported the Employment Not-Discrimination Act, opposed anti-gay provisions of faith-based legislation, and voted against the Federal Marriage Amendment.

He also co-chaired the Congressional Missing and Exploited Children's Caucus and helped to write much of the legislation strengthening prosecution of pedophiles and child pornographers.

Many online postings have charged Foley with being a pedophile and abusing children. However, as yet, no evidence has been presented of sexual contact, only online exchanges. Additionally, while pedophilia is defined as a sexual attraction to pre-pubescent children, Foley is accused of inappropriate sexual communication with teens aged 16 and older.

The legal age of sexual consent in the District of Columbia, and much of the rest of the country, is 16.

Blame game

The finger pointing in Washington began immediately, hyped by the bitterly partisan election fight for control of Congress.

House Speaker J. Dennis Hastert (R-Illinois) and Majority Leader John A. Boehner (R-Ohio) acknowledged that they had known about at least some of the exchanges as early as last fall. But they had been assured by John Shimkus (R-Illinois), chair of the page program, that it had been investigated and Foley had been told to have no more contact with the youth.

Minority Leader Nancy Pelosi (D-San Francisco) called for an investigation by the House Ethics Committee and the House voted to do so, 409-0. In a news release, she characterized Foley's exchanges as "Internet stalking of an underage former House page." Within hours, her office released a "corrected" statement that dropped the "stalking" language.

"Why did [Republican Congressman] Tom Reynolds cover up congressman's sex crimes?" charged a release by the Democratic Congressional Campaign Committee.

Senator John Kerry (D-Massachusetts), campaigning for the Democrat running for Foley's old seat, said of the exchanges, "I think every parent in America was disgusted and disturbed by it."

The Democratic National Committee put out a press release asking, "What did Coach H [Hastert, a former high school wrestling coach] and his buddies know and when did they know it?"

Hastert wrote a letter asking the FBI to investigate not only whether Foley broke any federal laws but also "the extent [to which] there are persons who knew or had possession of these messages [some from as long as three years ago] but did not report them to the appropriate authorities."

On October 1, the FBI announced it was initiating that investigation. It also appears that the FBI reviewed some of Foley's exchanges with young men in July of this year, but concluded that no federal law had been violated.

Some Republicans are pointing fingers at Hastert as mishandling the situation from the start. In an October 3 editorial, the conservative *Washington Times* called for his resignation.

The national gay organizations seemed frozen in shock, first declining to comment on the man who heretofore had been one of the few Republican congressmen they could count on for support. When they did issue press releases several days later, the focus was on Republican reactions.

"The language from high-level conservatives in the last couple of days has been deeply troubling," said Joe Solmonese, president of the Human Rights Campaign. "They continue to try and dodge responsibility for their cover up, instead opting to do what they do best by blaming gays."

"Given similar past sordid situations in the page program perpetrated by male members of Congress against female pages, it's absurd to blame the Foley spectacle on his being gay, closeted or otherwise," said Matt Foreman, executive director of the National Gay and Lesbian Task Force.

A week ago, Foley was thought to be a sure bet to keep his congressional seat, but with the Republican Party unable to replace Foley's name on the ballot with the name of the new candidate, many analysts consider it likely that the Democrats will pick up the seat.

The Democrats need just 15 more seats to gain control of the House, so they are hoping to spin the issue from the lapses of one man into those of an entire party. However, some in the gay

community have begun to express concern that Democrats may be too willing to fan the flames of homophobia in their quest to pin Foley's transgressions on the majority party.