

The Problem With the Mark Foley Problem

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Unfortunately, it appears those of us who have argued that the current ruckus on Capitol Hill is not a Mark Foley Scandal but a Republican Congressional Leadership Scandal may be losing the debate.

A week after Foley's political career imploded — after details of his emails and instant messages to teenage congressional pages began to surface — the fascination with the former congressman seems actually to be on the rise. Yesterday's New York Times features a lengthy profile of Foley beginning on its front page today, while talk radio and the blogosphere are abuzz with discussion of every new salacious detail about a politician who until last Thursday was barely known outside the precincts of central Florida and a few blocks of Washington, DC. My most amusing progressive radio show on the dial, Stephanie Miller's morning program, features daily reports on "La Cage Aux Foley."

Everywhere Americans look or listen, the shorthand for the whole affair is "The Foley Scandal."

The focus on Foley is problematic for a number of reasons.

First and foremost, it turns what ought to be a discussion about the win-at-any-cost approach of the Republicans who run Congress into a wildly speculative discourse on one troubled man and what his experience says about everything from pedophilia to workplace ethics to privacy and gays in politics. Everyone is getting into the act, from moralizing conservatives — like Family Research Council Tony Perkins claiming that "tolerance and diversity" are to blame for the whole mess — to Desperate Democrats describing Foley as a "pedophile predator." The tone of the discussion is especially disturbing at a time when right-wing forces have placed anti-gay initiatives on the November 7 ballots in eight states. Prospects for beating those measures in states such as Wisconsin, Colorado and Arizona are not helped by discussions that, whether intentionally or unintentionally, reinforce inaccurate yet persistent stereotypes.

While I have shied away from writing at much length about Foley's personal story — preferring to focus on the far more serious and significant issues that have been raised about how the Republican leadership places politics above all other concerns — it seems that some consideration of the congressman's circumstance is in order. I was convinced of this when my wise colleague Katha Pollitt emailed the other day with some smart questions about a line in one of my articles on the scandal. In a piece discussing the pressures on Foley as a closeted Republican, I wrote, "Unlike the vast majority of homosexuals — who, as a group, are less likely to be attracted to children than heterosexuals — the congressman began to engage in activities that were inappropriate and potentially illegal. Details that have surfaced in recent day suggest that Foley had made a mess of his life — a mess that exploded on him and his party when it was revealed that the co-chair of the Congressional Caucus for Missing & Exploited Children had sent 'Do I make you a little horny?' e-mails to teenage boys." Katha wanted to know whether I meant to suggest that closeted gay men were more likely to be attracted to teenagers — a notion about which she was distinctly, and correctly, dubious.

I appreciated the question, and others from friends and colleagues regarding Foley's personal story and whatever conclusions can be drawn from it, because they provide an opening to explore the backstory of a controversy that could yet depose the Speaker of the House.

As regards Katha's specific question, I don't buy the argument that being closeted caused Foley to be attracted to particular groups of men or boys. Sure, the need to cloak a huge part of his identity created pressures on the congressman. But, right or wrong, I'm of the view that our behavioral penchants and tendencies are set early in life. **I share the position of Matt Foreman, the executive director of the National Gay & Lesbian Task Force, who says: "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." In other words, what Foley did is what Foley did. It makes little sense to try and find in his specific actions indicators of broad patterns or universal tendencies among gays or straights, people who are in the closet or people who are out.**

So, then, the question becomes: What was up with Foley?

With all the new twists and turns in his story — including this week's declarations by the former congressman's lawyer that he's an alcoholic and a survivor of childhood sexual abuse — that's a tough question to answer with precision.

But, as someone who has covered Foley for many years and had an opportunity to spend a good deal of time with the man, let me offer some thoughts:

I first got to know Foley a number of years ago when he was one of the few Republicans who was speaking up on the issue of media consolidation. Always interested in media issues — especially as they related to the film and music industries — the congressman had a good eye for the changing character of our communications after the passage of the noxious Telecommunications Act of 1996.

Foley's insights about the collapse of the political discourse on local radio stations that were bought up by national chains, as well as his concerns about the homogenization of music playlists, made him stand out not just from his fellow partisans but from most members of Congress. I appreciated Foley's intelligence, and his enthusiasm. He was a less regimented Republican than most, which made him more interesting than the average member of the party's House caucus. I wrote about Foley frequently and we appeared at some of the same forums on media issues.

I knew Foley was gay, and was aware that he was in a long-term relationship with a Florida physician. As someone who saw him in a number of settings, I never had a sense of him as being "on the prowl." He was gregarious, even boisterous. I thought that Foley seemed oddly immature for a veteran legislator; someone who always seemed to be trying a little too hard. But in hindsight I suspect that he was trying a bit too hard to fit in with folks who he did not want to stereotype him as just another conservative Republican. Some people speculated that he was experiencing a bit of a mid-life crisis as he passed the age of 50 and looked at the prospect that he had hit a political ceiling in a Republican Party. GOP leaders had made it clear that they would not support him for higher office, but that very much wanted him to hold onto a "safe" seat in a electorally volatile state.

Foley had always been a good politician, but in the first years of the Bush presidency he began losing his touch. It was no secret that Foley was struggling with questions of how "out" he could be. The struggle heated up in 2003 when, as he was preparing to seek Florida's open U.S. Senate seat, Foley became the subject first of "he's gay" whispering campaign and then of articles in gay and lesbian publications and finally daily newspapers that discussed his sexuality

in varying degrees of detail. Foley did not handle the controversy well, and ultimately ended up folding that campaign. Two years later, in 2005, he again toyed with making a Senate bid. But, by that point, party leaders were clearly and unequivocally discouraging him from seeking any office but the one he held.

Foley's political tightrope walk became an increasingly difficult one as the Bush administration and Florida Republicans ramped up their use of anti-gay messages to energize the party's social conservative base. My sense of Foley in recent years was that the congressman was growing increasingly isolated within his own party, and increasingly lonely in Washington. He wanted out. And he had job offers, good ones, coming from the entertainment industry, which is always on the hunt for Republicans who can lobby on its behalf. Foley was unenthusiastic about seeking reelection in 2006.

More than a year ago, he had begun hinting about exiting politics for a lobbying gig, or perhaps what he considered a dream job in the movie industry. Undoubtedly, complaints about his emails to pages were a factor, although at the time no one outside Foley's inner circle and the offices of House Speaker Dennis Hastert and a few other key players in the GOP caucus knew of them

This spring, as the deadline for declaring his candidacy for another term approached, Foley was pressured by Republican Congressional Campaign Committee chair Tom Reynolds, R-New York, to make one more run "for the good of the party." Reynolds wanted to keep open seats at a minimum in what was shaping up as a difficult political year. Though we now know that the RCCC chair was aware of Foley's troubling emails, holding the House was Job One. Foley finally agreed to seek another term, and the rest is history.

But it is a more complex history than the shorthand version that reporters who are covering this fast-breaking scandal — including this writer — have tended to describe.

There is more to Foley's story than the "sleazy hypocrite" label that has been attached to him by Democratic critics in particular. Yes, the congressman was a co-chair of the Congressional Caucus on Missing and Exploited Children, and, yes, his office was the source of a steady stream of blunt pronouncements about the need to crack down on those who prey on children. If one accepts that 16- and 17-year-old young men who are past the legal age of majority and who are living away from home are children, or if one is simply unsettled by abuses of the power relationship between a senior member of Congress and teenage pages who dream of political careers, then it is evident that the "hypocrite" tag may be the kindest that can be attached to Foley.

But the congressman was not so hypocritical when it came to social issues. He was one of the most prominent members of former New Jersey Governor Christine Todd Whitman's "It's My Party Too" group, which has worked to pull the GOP away from the grip of the religious right — although you would not know about the association from the group's website, from which all Foley references have been removed. Foley has been reelected in recent years with support not just from moderate GOP groups such as the Log Cabin Republicans and the Republican Majority for Choice but with generous campaign contributions from groups that generally back Democrats, such as the Human Rights Campaign and the Service Employees International Union.

The Log Cabin Republicans, the party's chief advocacy group for gay and lesbian rights, strongly endorsed Foley this year, noting that: "He has consistently voted against the anti-family marriage amendment, and has supported the hate crimes bill, the Employment Non-Discrimination Act (ENDA), and the Early Treatment for HIV Act."

It is true that Foley was an imperfect player on issues of concern to gays and lesbians. Early in his career, he voted for the Defense of Marriage Act, and unlike another supporter of that foul

measure, former Senator Paul Wellstone, he never renounced the vote. Foley also faced legitimate criticism for failing to be a leader in challenging the military's failed "Don't Ask, Don't Tell" policy. But his record was still better than those of all but a few Congressional Republicans — and, it should be noted, many Congressional Democrats.

So, while Foley may have refused to publicly acknowledge that he was a gay man until this week, he chose frequently to vote as a supporter of gay rights. That distinguished him from other Republicans who have become the focus of scandals, such as former Congressman Ed Schrock. Before the 2004 election, Schrock, a Virginia Republican who regularly voted against gay rights and enjoyed Christian conservative support, was ruined politically when recordings began to circulate of the congressman using a telephone service on which men placed ads to arrange liaisons with other men. Like Foley, Schrock quickly quit his seat.

There are those who will suggest that the fact that both Schrock and Foley were closeted Republicans is an important factor in this discussion, and that being closeted really was Foley's primary problem. One of the Florida congressman's most consistent critics, online journalist Mike Rogers, told the Miami Herald, "I do believe that he had unhealthy sexual advances to these guys because he was living his life as a closeted gay man. Healthy gay men who are mature and dealing with their sexuality in a mature way don't hit on kids who are 16 years old. What's his signature issue [child protection]? You don't know whether to laugh or cry." Rogers has been covering these stories for a long time, and he certainly has a right to assess them as he thinks appropriate. But, again, I'm not of the view that being a closeted Republican is the issue. There is no question that Foley struggled with the challenge of how to be a prominent Republican and a gay man without acting as a total hypocrite. No doubt, in recent years in particular, he struggled with a sense of isolation within a party that was, unquestionably, more understanding and respectful of gays and lesbians in its congressional caucus during the days when an ascendant Newt Gingrich was running the show. But other closeted congressional Republicans — and Democrats — have managed their lives without scandal.

My sense of Mark Foley in recent years was that he was becoming an increasingly sad and lonely man. How that sadness and loneliness related to his inappropriate and potentially illegal actions is something that, no doubt, Foley and others will explore in the future. **But, I remain in agreement with the National Gay and Lesbian Task Force's Matt Foreman, when he says of Foley's circumstance: "It's a tragedy for him and his family. I don't want to get into the pain of the closet. It's irrelevant if he's gay or not."**

Above all, however, I agree with something else that Foreman says: "What's clear is that the House leadership elevated holding onto a seat above the interests of young people in the page system. And they want to talk about 'moral values'? Please."

Pity Mark Foley or hate him, try to understand this congressman or try to demonize him, but understand that the fundamental truth of the current moment is that Republican leaders in the House knew that one of their own had a problem and chose to disregard that knowledge in order to protect a "safe" seat and their shaky grip on power.

That, to my view, is the greater scandal.