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Foley checks into rehab as Republicans seek cover

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WASHINGTON - Republicans sought cover Monday from the FBI inquiry into former Rep. Mark Foley's sexual communications with underage male congressional pages, as the scandal's aftershocks spread across the political world and conservative activists began talking about a possible shakeup of the House Republican leadership.

As Foley, a Florida Republican, entered an alcohol and behavioral rehabilitation program, legal experts said criminal prosecution isn't a foregone conclusion. In some states, 16 is the age of sexual consent.

At a news conference in West Palm Beach, Fla., late Monday, Foley's lawyer, David Roth, said that Foley had sent the inappropriate e-mail messages while under the influence of alcohol and that he had kept his drinking problem secret.

Roth denied that Foley had ever had inappropriate physical contact with minors.

"Mark Foley has never, ever had inappropriate sexual contact with a minor in his life," Roth said. "He is absolutely, positively not a pedophile."

Although it hasn't been proved that Foley engaged in sexual acts with anyone under 18, ABC News on Monday reported sexually charged instant-message exchanges in which Foley urged a former page to meet him and referred to a prior meeting between them in California.

House Speaker Dennis Hastert, R-Ill., called a news conference on Capitol Hill to state unequivocally that no one in the party leadership knew until late last week of Foley's "vile and repulsive" instant messages, which ABC published online and which included explicit dialogue about masturbation. He said he wanted to find out who did know.

The FBI acknowledged Monday that it did not begin an investigation in late July after receiving copies of e-mails sent in 2005 by Foley to a Louisiana teenager, messages that troubled the boy's parents.

Key House Republicans learned of the e-mails in 2005 and chose to deal with Foley privately, warning him to cease contact with the 16-year-old former House page.

Hastert asked the Justice Department on Sunday to investigate not only Foley's actions, but what anyone in Congress knew about them.

Also Monday, ABC News posted on its Web site instant messages, reportedly between Foley and another former House page, in which the lawmaker repeatedly tried to set up a dinner date and indicated that the boy had spent time with him in San Diego. Previously disclosed messages had not indicated that Foley was trying

to make personal contact with the boys, who had served as runners and helpers for a year in Washington.

Hastert has been under fire since Foley's abrupt resignation Friday. Hastert then suggested that he was just learning there was a problem.

But Rep. Tom Reynolds, R-N.Y., chairman of the GOP's congressional campaign committee, has said he made Hastert aware of the situation months ago.

The head of the House Page Board, Rep. John Shimkus, R-Ill., acknowledged learning late last year, along with the House clerk, that Foley had sent a former page an e-mail that wasn't sexually explicit but that asked personal questions that made the young man uncomfortable.

Shimkus told Foley to stop communicating with the young man, but didn't share the information with his fellow Page Board members.

The New York Times, McClatchy Newspapers and the Washington Post contributed to this article.

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