

Norton Says Foley and Others May Have Violated Federal Criminal and Civil Statutes- October 2, 2006

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Washington, DC-- Congresswoman Eleanor Holmes Norton (D-DC) looked at U.S. and D.C. criminal statutes following questions she received from other Members when she was on the House floor Friday night about whether any laws here have been violated by Rep. Mark Foley (R-FL), who resigned on Friday after e-mails and instant messages to House pages were revealed in press accounts.

Quick (but not exhaustive) research into the federal code revealed possible violations of federal laws by Foley. Title 18, Section 2422 of the U.S. Code bars use of any "facility or means of interstate…commerce, or within…the jurisdiction of the United States"; to "persuade, induce, entice, or coerce" any person under 18 to engage in "any sexual activity." The penalty is a fine and imprisonment of not less than five and up to 30 years.

There also may be a violation of Section 2252B, which is not limited to children. Section 2252B(b) punishes use of "a misleading domain name on the internet with the intent to deceive a minor into viewing material that is harmful to minors." The penalty is a fine and/or up to four years in prison, twice the prison time for the same crime involving adults.

Congress passed the Victims of Child Abuse Act in 1990 that included Section 2258, penalizing the failure to make a timely report of child abuse by professionals in federally operated or contracted facilities. However, this provision appears to be limited to the named professionals and does not specifically include Members of Congress. Yet, according to the language of the 1990 Act, a Member of Congress who acts as a "school official or administrator" conceivably could come under Section 2258.

A civil action also may be a possibility under the Congressional Accountability Act, which makes Title VII, including its sexual harassment provisions, applicable to Members of Congress and any office or employee of the House or Senate. The victim may be a man or woman and need not be a person of the opposite sex of the harasser, nor for that matter, must the victim be the person harassed, if an intimidating or hostile work environment has been created. Pages are employees of either the House or the Senate.

District of Columbia laws on sexual abuse of a child define a minor as under 16 years of age. Pages must be in their junior year of high school and no younger than 16.

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