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Joan Claybrook, President

## **Rep. Tom DeLay Misrepresents Findings of the House Ethics Committee**

### ***Dodging Responsibility through Double-Speak***

DeLay defiantly proclaimed November 19, 2004, at a news conference on the steps of a House Office Building:

“Mr. [Chris] Bell’s libelous complaint against me, which the committee disposed of on a unanimous, bipartisan basis, without finding me in violation of any rule, has resulted in that same bipartisan committee finding Mr. Bell guilty of nine separate counts of rule violations.”

“The facts are, I have not been indicted in Austin, Texas. And the facts are the indictments that have been brought by this partisan D.A. in Austin, Texas, against three of my associates are frivolous.”<sup>1</sup>

The following examines DeLay’s assertions line-by-line to distinguish fact from fiction.

#### **DOUBLE-SPEAK #1: “Mr. Bell’s libelous complaint against me ...”**

Breaking an informal ethics détente within Congress that members shall not file ethics complaints against other members, Rep. Chris Bell (D-Texas) filed a three-part complaint against DeLay with the House ethics committee on June 15, 2004. The complaint provided substantial documentation behind its charges.

Bell’s complaint alleged the following offenses by DeLay:

- Soliciting contributions from corporations, such as Westar, in exchange for official action benefiting the corporations.
- Using a political action committee, Texans for a Republican Majority (TRMPAC), to launder corporate money into Texas state elections.
- Improperly using federal resources in diverting the Federal Aviation Administration (FAA) to search for and interdict Democratic state legislators attempting top boycott a redistricting vote.

The House ethics committee accepted and investigated the complaint, and issued a formal letter of admonishment to DeLay on October 6, 2004, finding “[t]he fact that a violation results from the overaggressive pursuit of one’s legislative agenda simply does not constitute a mitigating factor.”<sup>2</sup> The committee determined that DeLay’s zealous actions had violated ethical standards in the first and third allegations noted above and deferred the second allegation to a pending criminal grand jury investigation in Texas.

The committee concluded:

“In view of the number of instances to date in which the Committee has found it necessary to comment on conduct in which you have engaged, it is clearly necessary for you to temper your future actions to assure that you are in full compliance at all times with the applicable House Rules and standards of conduct. We remind you that the House Code of Official Conduct provides the Committee with authority “to deal with any given act or accumulation of acts which, in the judgment of the committee, are severe enough to reflect discredit on the Congress.”<sup>3</sup> [emphasis original]

It is implausible to assert libel when the committee or the court finds merit in the charges.

**DOUBLE-SPEAK #2:** “... which the committee disposed of on a unanimous, bipartisan basis ...”

The House ethics committee unanimously approved the formal admonishment of DeLay in response to Bell’s complaint.

Following the unanimous formal rebuke of DeLay, some House Republicans (not on the ethics committee) threatened Committee Chairman Joel Hefley (R-Colo.) for finding against DeLay.<sup>4</sup>

**DOUBLE-SPEAK #3:** “... without finding me in violation of any rule ...”

Though few observers ever expected any action from the House ethics committee on the complaint against DeLay, the committee issued two stunning admonishments against DeLay in one week for ethics violations.

In the October 6 letter of admonishment to DeLay, in response to Bell’s complaint, the committee found DeLay in violation of at least two ethics rules. The committee concluded:

**“Your actions regarding the energy company golf fundraiser at The Homestead resort on June 2-3, 2002.** With regard to the solicitation and receipt of campaign contributions, the Committee has clearly stated that a Member may not make any solicitation that may create even an appearance that, because of a contribution, a contributor will receive or is entitled to either special treatment or special access to the Member in his or her official capacity. This point is made on p. 34 of the *Campaign Activity* booklet that the Committee issued in December

2001. In the same vein, a Member should not participate in a fundraising event that gives even an appearance that donors will receive or are entitled to either special treatment or special access.

“On the basis of the information before the Committee, the Committee concluded that your participation in and facilitation of the energy company golf fundraiser at The Homestead resort on June 2-3, 2002 is objectionable in that those actions, at a minimum, created such an improper appearance.”<sup>5</sup> [emphasis original]

**“Your use of governmental resources for a political undertaking.** The Committee has long taken the position that House standards of conduct prohibit Members from taking (or withholding) any official action on the basis of the partisan affiliation (or the campaign support) of the individuals involved....

“The submissions that you made to the Committee argue that those contacts with the FAA were proper, but those arguments are not persuasive....

“Indeed, this consideration highlights a separate basis on which the contacts with the FAA were objectionable, and that is that such use of federal executive branch resources to resolve an issue before a state legislative body raises serious concerns under the fundamental concepts of separation of powers and federalism. The enforcement of the rules of the Texas House – like enforcement of the rules of the U.S. House of Representatives or any other legislative body – is the responsibility of the Members, officers and employees of that body.”<sup>6</sup> [emphasis original]

DeLay not only was found in violation of ethics rules in response to Bell’s complaint, but he has a history of receiving formal rebukes from the ethics committee for violating ethics rules.

Just one week earlier on September 30, 2004, the House ethics committee also unanimously found DeLay in violation of ethics rules against creating an appearance of impropriety in offering his endorsement for a political candidate in exchange for a floor vote on the Medicare prescription drug bill.<sup>7</sup> And in 1999, the ethics committee issued a private letter of reprimand to DeLay for violating ethics rules by blocking a floor vote on legislation because the association supporting the bill had hired a Democrat who was a former member of Congress as its chief officer.<sup>8</sup>

**DOUBLE-SPEAK #4:** \_“... has resulted in that same bipartisan committee finding Mr. Bell guilty of nine separate counts of rule violations.”

The House ethics committee determined that Bell’s complaint was filed properly according to House rules and was sufficiently substantiated to warrant investigation of DeLay. As noted by the committee:

“Representative DeLay’s submissions raised three major objections to the complaint and Representative Bell’s conduct in this matter. For the reasons set out below, our conclusion is that two of those objections – that the complaint was not properly filed under Committee Rule 14(a), and that Representative Bell’s

acceptance of assistance in drafting of the complaint violated House Rule 24 – are not valid. Representative DeLay’s other major objection – which is that the complaint includes innuendo, speculative assertions and conclusory statements in violation of Committee Rule 15(a)(4) – is a matter that should be taken up separately by the Committee...”<sup>9</sup>

On November 18, 2004, the House ethics committee sent Bell a letter stating that his complaint violated a rule of procedure that a complaint “shall not contain innuendo, speculative assertions, or conclusory statements.” The letter cited several examples of Bell’s complaint using inflammatory language that the committee found objectionable. Nevertheless, the letter was offered as a warning to Bell and all members of the House that such inflammatory language may serve as the basis for rejecting any complaint in the future, but that the committee chose to accept Bell’s complaint because “it also contained allegations that warranted Committee consideration.”<sup>10</sup>

The House ethics committee did not issue any formal reprimand or admonishment to Bell for ethics violations. The committee was angry that Bell did not follow the proper procedures of decorum in his complaint, but found it worthy of consideration, anyway. The dishonor of a formal reprimand and admonishments have been reserved by the committee for Tom DeLay only.

**DOUBLE-SPEAK #5: “The facts are, I have not been indicted in Austin, Texas. And the facts are the indictments that have been brought by this partisan D.A. in Austin, Texas, against three of my associates are frivolous.”**

Travis County District Attorney Ronnie Earle, to whom DeLay is referring, has a distinguished career as a prosecutor in Texas, and has not been afraid to prosecute elected officials for campaign finance and ethics violations. But 12 of 15 elected officials he has investigated have been fellow Democrats, including former Attorney General Jim Mattox, State House Speaker Gib Lewis, State Treasurer Warren G. Harding and Lt. Gov. Bob Bullock, who was not convicted – and later mentored then – Gov. George W. Bush.<sup>11</sup>

Two of DeLay’s three close aides that have been indicted in the Texas grand jury investigation – Jim Ellis, director of ARMPAC, and John Colyandro, director of TRMPAC (both DeLay leadership PACs) – are alleged to have committed first-degree criminal violations for “knowingly” laundering \$195,000 in illegal campaign contributions.

The grand jury investigation has resumed.

November 23, 2004

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<sup>1</sup> FDCH Political Transcripts, “U.S. Representatives Tom DeLay and Henry Bonilla Hold a News Conference on an Ethics Investigation of Representative DeLay” (Nov 19, 2004).

<sup>2</sup> Reps. Joel Hefley, Chairman, and Alan Mollohan, Ranking Member, House Committee on Standards of Official Conduct, Letter to Rep. Tom DeLay, (Oct. 6, 2004).

<sup>3</sup> Id.

<sup>4</sup> Alexander Bolton, “Hefley: ‘I was Threatened,’” *The Hill* (Oct. 13, 2004).

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<sup>5</sup> Reps. Joel Hefley, Chairman, and Alan Mollohan, Ranking Member, House Committee on Standards of Official Conduct, Letter to Rep. Tom DeLay (Oct. 6, 2004).

<sup>6</sup> Id.

<sup>7</sup> House Committee on Standards of Official Conduct, “Investigations of Allegations Relating to Voting on the Medicare Prescription Drug, Improvement, and Modernization Act of 2003” (Sept. 30, 2004).

<sup>8</sup> Added in a footnote to the committee’s October 6, 2004 admonishment of DeLay: “In addition to the two matters addressed in this letter and the conduct addressed in the Committee report of last week, there was the Committee letter to you of November 7, 1997 that concerned, in part, statements that may create the impression that official access or action are linked with campaign contributions, and a confidential Committee letter to you of May 7, 1999.”

<sup>9</sup> Reps. Joel Hefley, Chair, and Alan Mollohan, Ranking Member, House Committee on Standards of Official Conduct, Memorandum to the Members of the Committee (Oct. 6, 2004).

<sup>10</sup> Reps. Joel Hefley, Chair, and Alan Mollohan, Ranking Member, House Committee on Standards of Official Conduct, Letter to Rep. Chris Bell (Nov. 18, 2004).

<sup>11</sup> Jackie Calmes, “Washington Wire,” *Wall Street Journal* (Nov. 19, 2004).