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Tom DeLay: Unfit to Lead

“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.”

-- House ethics committee on DeLay in its October 6, 2004, letter of admonishment.

“All of this stuff is frivolous and it has been proven to be frivolous. If there is anything else ongoing, it will also be found to be frivolous.”

– Tom DeLay, November 2004, in response to reporters’ questions regarding citations against him by the House ethics committee.

A Pattern of Misconduct

Known as “the Hammer” among congressional colleagues for his combative style, House Majority Leader Tom DeLay (R-Texas) has received more admonishments for ethical violations from the House ethics committee than any other sitting member of Congress. In fact, he received two scoldings from the committee in a single week in October 2004: one for offering his endorsement for the campaign of a congressman’s son in exchange for a vote for the Medicare prescription drug bill, and another for appearing to be unduly influenced in legislative decisions – even beyond the norm – by corporate lobbyists willing to make substantial donations to his leadership PACs. But DeLay’s run-ins with the House ethics committee did not begin there. In 1999, DeLay was reprimanded by members of the committee for threatening a trade association for hiring a Democrat.

Yet “the Hammer” continues to thrive in Washington. On the same day that DeLay received his third admonishment from the House ethics committee for disregarding moral principles, House Republicans called him a “great leader” and proceeded to rally behind their protégé. Despite DeLay’s unbridled disregard for the House code of ethics, not a single Republican congressperson has called for him to step down as House Majority Leader (CHECK).

Not everyone views DeLay and his tactics with such admiration, however. Public Citizen is part of a chorus of citizen groups calling for DeLay to be removed as House Majority Leader. (The

House Majority Leader decides on the content of legislation and is the disciplinarian for the Republican caucus.) Despite DeLay's ability to herd his caucus, DeLay lacks the moral integrity to serve in such a public leadership post. Worse yet, DeLay may be planning to use his leadership post to climb to the next position of Speaker of the House, just two heart-beats away from the Presidency.

A History of DeLay's Ethical Lapses

In 1995, Rep. DeLay became majority whip, a position he served in for eight years. DeLay was elected House Majority Leader by the Republican caucus in 2003.

As House Majority Leader, DeLay seems willing to disregard even the most fundamental of ethics standards in pursuit of his agenda. Whether he's busy punishing lobbying firms that hire Democrats (known as the "K Street Project") or providing legislative favors to campaign contributors, such as Westar Energy Corp., DeLay's service as the House Majority Leader has been an affront to the standards of ethical conduct.

Some of the more significant ethical controversies involving DeLay include:

- **Lying under oath.** During a deposition for a lawsuit filed by a former business partner in his pest company in 1994, DeLay claimed that he had not been an officer in the company for several years. Yet on congressional financial disclosure forms he filed in 1995, DeLay listed himself as chairman of the company's board of directors.ⁱ
- **Indecent conduct towards other members of Congress.** In 1997, DeLay shoved Rep. David Obey (D-Wisc.) and called him a "gutless chicken shit" for producing an article documenting that business lobbyists had written legislation introduced by DeLay.ⁱⁱ
- **Outrageous threats towards the press.** DeLay once proposed that the FBI investigate reporters who investigate members of Congress.ⁱⁱⁱ
- **Using campaign contributions as a means of punishing defectors.** In 2001, DeLay contributed \$70,000 and his endorsement to an opponent of Fort Bend County Sheriff incumbent Milton Wright because Wright refused to fire his campaign manager—the wife of a man who had sued DeLay and won a settlement years before.^{iv}
- **Using his position to dictate the administrative actions of private companies.** In 1999, DeLay received a private letter of reprimand by the House ethics committee for holding up an intellectual-property vote because the Electronics Industries Alliance, which supported the bill, hired a Democrat as its president.^v This is only one example of the pressure DeLay has put on the lobbying community, under the guise of the "K Street Project," to get lobbying firms to hire Republicans rather than Democrats.^{vi}
- **Being investigated for money laundering.** Three of DeLay's closest political aides – Jim Ellis, director of DeLay's leadership PAC, Americans for a Republican Majority (ARMPAC), John Colyandro, director of Texans for a Republican Majority (TRMPAC)

founded by DeLay, and Warren Robold, a principal fundraiser for DeLay – have been indicted by a Texas grand jury for criminal violations of laundering corporate money into Texas state elections.^{vii} The Texas grand jury is continuing its probe into whether DeLay also participated in the money laundering scheme.^{viii}

- **Receiving three separate ethics rebukes by the House ethics committee, two in one week.** On September 30, 2004, the House ethics committee found that DeLay had violated House rules in his efforts to pass the controversial Medicare prescription drug bill. The committee admonished DeLay for making an offer to Rep. Nick Smith (R-Mich.), who was retiring, that he would endorse Smith’s son for the seat if Smith would vote for the bill.^{ix}

Seven days later, the House ethics committee admonished DeLay for acting “beyond the bounds of acceptable conduct” in two separate citations:

- First, for the appearance of corruption in his dealings with executives from Westar Energy Corp. and other energy company executives on a golfing outing in West Virginia.

Internal Westar e-mails in 2002 outline Westar’s plan to buy a “seat at the table” in a House energy conference committee by contributing cash to influential lawmakers in exchange for their support of a special regulatory exemption. The exemption would have allowed Westar to split its regulated utility from the rest of its businesses, enabling executives to reap millions while \$3 billion in unrelated debt would have been transferred to the utility company, saddling consumers with higher electricity rates.

The company e-mails also say that Reps. DeLay (R-Texas), Billy Tauzin (R-La.) and Joe Barton (R-Texas) requested that Westar make contributions to their political allies instead of to their own campaigns. Westar executives complied by contributing a total of \$63,000, following a carefully drawn schedule for how much each executive was to donate to the various candidates across the country. The contributions included a \$25,000 soft money donation to DeLay’s TRMPAC for use in Texas state elections.

Following the planned series of campaign contributions, Westar executives were invited to attend a golf retreat by DeLay for electricity executives in West Virginia.^x The retreat occurred while energy legislation was still under consideration. Shortly thereafter, Westar received their special waiver. (When Westar’s CEO was indicted for falsifying documents, the waiver was quietly dropped.)

- Second, for using his position to divert Federal Aviation Administration (FAA) resources from monitoring safety in the skies to tracking Texas Democratic legislators fleeing a redistricting vote in the state legislature. DeLay admitted to using the FAA to track down Texas Democrats who were

abstaining from a now-infamous redistricting vote.^{xi} DeLay was subpoenaed in October 2004 to testify for a civil suit on his role in the GOP's use of state and federal resources for partisan purposes. He is currently trying to wiggle out of testifying.

- **Attempting to intimidate those who dare to speak out against him.** Following the most recent admonishment of DeLay, Rep. Joel Hefley (R-Colo.), the chair of the House ethics committee, was threatened by fellow House Republicans for retaliation.^{xii}

These are just some of the controversies and ethical lapses that swirl around Rep. Tom DeLay. The congressman has developed a reputation for intolerance of dissent and for pursuing political ends regardless of how unethical the means. DeLay has neither the integrity nor the demeanor to lead Congress in an honest and democratic manner.

November 15, 2004

Endnotes

ⁱ Jackson Thoreau, "Tom DeLay's Ethics Violations," www.MikeHersh.com: Political Commentary and Analysis (Nov. 30, 2003).

ⁱⁱ "Fighting Words," *Harper's Magazine* (July 1997).

ⁱⁱⁱ David Stout, "Leaders in House Act to Discourage the Spread of Embarrassing Stories," *New York Times* (Sept. 18, 1998).

^{iv} Peter Perl, "Absolute Truth," *Washington Post* (May 13, 2001).

^v Timothy Noah, "Who Cares If DeLay Bullies Lobbyists?" *Slate Magazine* (July 11, 2003).

^{vi} Erin Billings, "An End to Ethics Truce?" *Roll Call* (Feb. 2, 2004).

^{vii} Laylan Copelin, "2 DeLay Aides Booked, Freed," *Austin-American Statesman* (Oct. 13, 2004).

^{viii} *Ibid.*

^{ix} 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).

^x Joel Hefley and Alan Mollohan, "Memorandum to Members of the Committee" (Oct. 6, 2004).

^{xi} Joel Hefley and Alan Mollohan, "Memorandum to Members of the Committee" (Oct. 6, 2004).

^{xii} *Ibid.*