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Joan Claybrook, President

Dec. 12, 2003

Noel Hillman, Chief
Department of Justice
Criminal Division, Public Integrity Section
1400 New York Ave NW
Washington, D.C. 20005

Mr. Hillman:

This letter follows up on correspondence I sent you on June 17, 2003, suggesting the possibility of violations of 18 U.S.C. § 201 (“Bribery of public officials and witnesses”) by U.S. Reps. Tom DeLay, W.J. “Billy” Tauzin and Joe Barton and several executives and lobbyists of Westar Energy (previously known as Western Resources).

The letter brought to your attention internal Westar e-mails detailing an alleged bribery scheme Westar officials may have initiated as part of their plan to enrich themselves by securing legislation to permit restructuring the company.

On December 3, 2003, a federal grand jury returned a 40-count indictment against two Westar executives implicated in the above-mentioned bribery scheme. According to the indictment, former CEO David Wittig and Douglas Lake, a former executive vice-president, structured a subsidiary, Westar Industries, “to systematically loot Westar of money and assets” in order to personally enrich themselves but leave debt behind for Kansas ratepayers.

This same plan to split the company relied heavily upon the company’s attempts to influence Congress – a plan described in full in the internal emails, and a plan carried out by Westar executives. In fact, several members of Congress appear to have fulfilled their end of the bargain, by inserting the provision Westar requested into last year’s energy bill conference committee. And Westar executives and their DC lobbyists contributed over \$60,000 to key allies of Reps. DeLay, Tauzin and Barton, the members who were aiding Westar.

Missing from 40-count indictment, which was brought by the U.S. Attorney for the District of Kansas in conjunction with the Department of Justice’s Corporate Fraud Task Force, based in Washington, D.C., however, are charges related to this alleged bribery scheme.

In light of these recent charges involving the restructuring plan behind the alleged bribery scheme, Public Citizen again urges the Public Integrity Section to fully investigate the most significant component of

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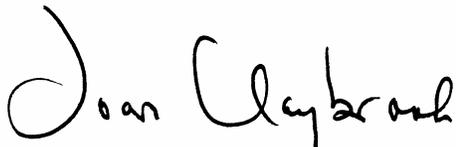
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Westar's fraudulent plan: to illegally influence Congress to secure the exemption from the Investment Company Act of 1940 that the executives sought in order for their nefarious plan to work.

We believe it is imperative for the Department of Justice to investigate this matter, particularly in light of the Dec. 10, 2003, ruling by the U.S. Supreme Court in *McConnell v. FEC*. Justices John Paul Stevens and Sandra Day O'Connor wrote: "As the record demonstrates, it is the manner in which parties have *sold* access to federal candidates and officeholders that has given rise to the appearance of undue influence. Implicit (and, as the record shows, sometimes explicit) in the sale of access is the suggestion that money buys influence. It is no surprise then that purchasers of such access unabashedly admit that they are seeking to purchase just such influence." [emphasis original]

Public Citizen respectfully requests a response to this letter, and an answer as to whether or not an investigation is under way. If an investigation is not under way, Public Citizen would appreciate a explanation.

Sincerely,

A handwritten signature in black ink that reads "Joan Claybrook". The signature is written in a cursive, flowing style.

Joan Claybrook
President, Public Citizen

Ralph Nader, Founder

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