



Chris Bell
Congress of the United States
House of Representatives
25th District, Texas

July 14, 2004

Joel Hefley, Chairman
Committee on Standards of Official Conduct
2372 Rayburn HOB
Washington, DC 20515

Alan B. Mollohan, Ranking Member
Committee on Standards of Official Conduct
2302 Rayburn HOB
Washington, DC 20515

RE: COMPLAINT FILED AGAINST REPRESENTATIVE DELAY 6/15/04 "COMPLAINT"

Dear Chairman Hefley and Ranking Member Mollohan:

I am writing not to amend my complaint but to inform the Committee on Standards of Official Conduct that Westar Energy commissioned a report which investigated its company's 2002 plan to influence pending federal legislation by making political donations. This plan included a \$25,000 donation made to Majority Leader Tom DeLay. Westar Energy voluntarily gave the report to the Federal Election Commission, and I urge the committee to request the report compiled by Mr. Tom Jenkins of O'Connor & Hannan law firm.

In 2002, Westar Energy conducted an internal probe of the company's finances, headed by the law firm of Debevoise & Plimpton, with the assistance of consultants from PriceWaterhouseCoopers. The report included allegations of corruption, sweetheart financial deals, unjust enrichment, fraud and a disinformation campaign by former Westar executive David Wittig.

After receiving the Debevoise & Plimpton report, Westar retained O'Connor & Hannan lawyer Jenkins as expert counsel to investigate the campaign finance issues raised in the initial report. Attorney Jenkins then conducted his own year-long probe into possible illegal political contributions which occurred during the tenure of former Westar executives, David Wittig and Douglas Lake.

Citizens for Responsibility and Ethics in Washington (CREW) has requested Mr. Jenkins' report and any exhibits, attachments, or correspondence accompanying the report under the Freedom of Information Act, 5 U.S.C. §552, et. seq. I urge the committee to request the Jenkins' report

because I believe it will provide information necessary to determine whether the committee should investigate count one of the complaint.

I also wanted to inform you of other developments which may be germane to the complaint. In the July 12, 2004 article, "DeLay's Corporate Fundraising Investigated," *The Washington Post* wrote that, "Enron's top lobbyists in Washington advised the company chairman that then-House Majority Whip Tom DeLay (R-Tex.) was pressing for a \$100,000 contribution to his political action committee, in addition to the \$250,000 the company had already pledged to the Republican Party that year" at the time pending energy deregulation legislation was before the House.

The article added that "DeLay requested that the new donation come from 'a combination of corporate and personal money from Enron's executives,' with the understanding that it would be partly spent on 'the redistricting effort in Texas,' said the e-mail to Kenneth L. Lay from lobbyists Rick Shapiro and Linda Robertson." An email sent to Former Enron CEO Ken Lay suggests that Representative DeLay personally requested corporate money from Enron. *The Post* also writes that this email "is one of at least a dozen documents" that suggests Representative DeLay directly solicited corporate monies used to garner a Republican majority in the Texas House of Representatives. According to Texas state law, candidates for state office are not allowed to use corporate money in political campaigns.

It has also been brought to our attention that Representative DeLay's counsel, Ed Bethune, was the chief lobbyist for Burlington Northern, a corporation which could be implicated in the Travis County grand jury investigation. While I realize the rules of the House Committee on Standards of Official Conduct do not address conflicts of interest, I believe the committee should be apprised of this potential conflict as you move forward.

Sincerely,

A handwritten signature in black ink that reads "Chris Bell". The signature is written in a cursive, flowing style with a large initial "C" and "B".

Chris Bell
Member of Congress