

ROLL CALL

Watchdog Seeking Senate Westar Probe

By Damon Chappie
Roll Call Staff Writer
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A new liberal watchdog group said it will ask the Senate Ethics Committee to investigate allegations that Sen. Richard Shelby (R-Ala.) promised legislative favors for a Kansas utility company in exchange for campaign donations.

Melanie Sloan, executive director of Citizens for Responsibility and Ethics in Washington, said her group will file a complaint against Shelby with the ethics panel, following up on a similar complaint lodged last week with the disciplinary committee of the Alabama state bar association.

Shelby, who chairs the Senate Banking Committee, denied any wrongdoing.

The group, which said it intends to use the legal system to fight political corruption, also filed a complaint with the Louisiana state bar against Rep. Billy Tauzin (R-La.), the chairman of the House Energy and Commerce Committee.

The complaints relate to political donations both lawmakers may have solicited from Westar Energy, a company now under federal investigation, in return for their support of an amendment to the energy bill that would have saved Westar billions of dollars.

House Majority Leader Tom DeLay (R-Texas) and Rep. Joe Barton (R-Texas) were also implicated in internal company documents that spelled out the financially troubled firm's plans for campaign donations aimed at winning favorable treatment in the energy bill.

Shelby "is our anchor on the Senate side," and "he's made a substantial request of us for supporting" the Senator's former chief of staff in a Congressional race, the Westar documents said. The former Shelby aide, Tom Young, lost his bid for a House seat but received \$15,000 in donations from Westar executives.

Sloan said she decided to file with the state bar associations because Shelby and Tauzin are lawyers and are subject to ethical rules for attorneys in their home states. House rules in place since 1997 prohibit outside groups from filing ethics complaints directly with the House Committee on Standards of Official Conduct. But Senate rules allow outside groups to file directly with the six-member Senate Ethics Committee.

Sloan indicated the Senate complaint would be modeled on the bar complaint against Shelby.

The group requested that the state bar association investigate whether Shelby violated the Rules of Professional Conduct which govern the conduct of lawyers. The Rules prohibit members of the bar from engaging in conduct “involving dishonesty, fraud, deceit or misrepresentation,” as well as from “interfering with the administration of justice.” The Alabama rules also prohibit stating or implying “an ability to influence a government agency or official.”

“If Mr. Shelby did, in fact, seek political donations from Westar in return for Mr. Shelby’s support of the Westar amendment, Mr. Shelby may have violated ... a bribery statute prohibiting a public official from, ‘directly or indirectly,’ seeking, receiving, accepting, or agreeing to receive anything of value personally or for any other person or entity in return for being influenced in the performance of an official act,” wrote Sloan, a former federal prosecutor.

“Since Sen. Shelby made no such request for funds and clearly opposed Westar’s legislative initiative, this claim is baseless and absurd,” said Shelby spokeswoman Andrea Lofye.

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