

Summary of Complaint against Rep. Tom DeLay
Filed by Rep. Chris Bell
June 15, 2004

On June 15, 2004, Congressman Chris Bell (D-TX) submitted a complaint to the House Committee on Standards of Official Conduct regarding the conduct of House Majority Leader Tom DeLay. The complaint alleges that Representative DeLay violated the rules of the U.S. House of Representatives, the Federal bribery statute as well as Texas campaign finance laws to advance his political interests in the state of Texas.

The complaint charges that:

(1) Representative DeLay may have illegally solicited and accepted political contributions in return for official action.

In the spring and summer of 2002, then Majority Whip DeLay, may have violated Federal law and the rules of the House of Representatives by soliciting and accepting contributions for his Texas-based political action committee, Texans for a Republican Majority (TRMPAC), from executives of the Kansas-based Westar Energy Corporation in return for legislative assistance on an amendment to the energy bill pending before the House Energy and Commerce Committee that would have saved Westar billions of dollars.

Although Representative DeLay was not a member of the Committee, his position in the House leadership and his close ties to senior Republican Members of the Committee, including its chairman, afforded him extraordinary influence over the amendment's fate. Westar executives noted Representative DeLay's influence in internal company communications and contributed \$25,000 to TRMPAC to secure Representative DeLay's support.

Violations: 18 U.S.C. §201(b)(2) prohibits public officials from seeking, receiving, accepting or agreeing to accept anything of value in return for doing or omitting to do any act in violation of that official's official duty. Section 3 of the Code of Official Conduct provides that "[a] Member . . . of the House may not receive compensation and may not permit compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in Congress."

(2) Representative DeLay's TRMPAC may have laundered illegal corporate contributions for the purpose of influencing Texas legislative races and failed to properly disclose its financial activity.

Through TRMPAC, Representative DeLay used corporate money to secure Republican majority control of the Texas Legislature in the 2002 election in order to gerrymander Texas congressional districts to create more Republican districts. TRMPAC, which operates under Texas law for the purpose of influencing state elections, was managed by Jim Ellis, a top aid to Representative DeLay who also ran his federally registered Americans for a Republican Majority (ARMPAC). During the week of September 9, 2002, TRMPAC sent \$190,000 in corporate funds to the Republican National Committee in an apparent money-laundering scheme intended to provide candidates for the Texas State Legislature with additional funding shortly before the election. Because Texas law prevents corporations from making contributions to candidates, TRMPAC could not give the money to candidates directly. Instead, TRMPAC gave Jim Ellis a blank check drawn on the PAC's soft money account, which Ellis then made out to the RNC for \$190,000. Within three weeks, the RNC's state election committee sent the same amount back to Texas, divided among seven Republican candidates

for the Texas State House of Representatives.

Violations: Under Texas campaign finance laws and regulations, political action committees, such as TRMPAC, are prohibited from using corporate donations to help individual candidates. Moreover, PACs must disclose all the money spent to influence state elections to the Texas Ethics Commission (“TEC”). A comparison of TRMPAC’s filings with the IRS and the TEC shows that TRMPAC failed to accurately report its expenditures, further supporting the charge that TRMPAC used corporate money to support political candidates in a calculated and premeditated effort to evade and violate Texas law.

(3) Representative DeLay may have improperly used his office to urge federal agencies to assist in a partisan objective wholly unrelated to his official duties.

During the summer of 2003, Representative DeLay violated House Standards of Official Conduct prohibiting Members from contacting government agencies to further partisan goals by improperly using his office to exhort federal agencies, including the Federal Aviation Administration (“FAA”) and the Department of Justice, to search for and interdict state legislators absent from the state legislative session in Texas. On May 12, 2003, Rep. DeLay’s Congressional office pressed the FAA to provide assistance in locating an airplane that was believed to be flying some of the absent legislators out of Texas. Representative DeLay’s staff gave the FAA the tail number of the aircraft and, without providing any explanation for the request, asked the FAA to find the aircraft. The FAA tracked the plane and advised Representative DeLay’s staff that the aircraft was due to land in Ardmore, Oklahoma.

Violations: The standards of conduct applicable to Members under the 1970 Advisory Opinion No. 1 of the House Committee on Standards of Official Conduct require that contact with government agencies, whether it be in the cause of constituent casework, legitimate oversight or inquiries into official action, not be for “political... considerations.”

Conclusion

Upon entering office, Members of the U.S. House of Representatives are expected to adhere to the highest ethical standards. The clearest expression of these standards is found in the Code of Official Conduct (Rule XXIII of the *Rules of the House of Representatives*), which instructs a Member to “conduct himself at all times in a manner that shall reflect credibly on the House” and to “adhere to the spirit and the letter of the Rules of the House.”

Beyond the Code of Official Conduct, which applies only to the House of Representatives, Members are bound to abide by an extensive body of rules, regulations, and statutes relating to the appropriate conduct of all individuals in the service of the Federal government.

Finally, Members are expected to obey the same laws that apply to their constituents. No person, including a Member of Congress, is above Federal, state, or local law.

The complaint filed with the Committee on Standards of Official Conduct alleges that Representative DeLay failed to comply with the rules of the House, Federal statutes, and the laws of his own state. If Members of Congress are to fulfill their ethical and legal obligations today and in the future, they must understand that ethical failures will be swiftly investigated and, if warranted, justly punished by a bipartisan committee of their peers. Majority Leader DeLay’s conduct demands such an investigation.