

## **FAA workers knew Laney's plane would point to Dems**

Report says 13 were aware of partisan battle

*By Karen Masterson and Armando Villafranca*

Houston Chronicle Staff Writers

July 12, 2003

Federal Aviation Administration employees knew they were involved in a partisan matter when they helped House Majority Leader Tom DeLay and other officials search for runaway Democratic Texas legislators in May, the Transportation Department concluded in a report released Friday.

The report said 13 FAA personnel, including air traffic controllers in Fort Worth, participated May 12 in an effort to track a plane belonging to former state House Speaker Pete Laney, D-Hale Center. The report stated that those controllers knew they were looking for a politician involved in a partisan battle.

Laney was among 50 Democratic state representatives who fled the Capitol to kill a GOP-backed redistricting plan by breaking the House quorum.

Their absence triggered a frantic manhunt after state House Speaker Tom Craddick, R-Midland, ordered the Texas Department of Public Safety to find the Democrats and return them to the Capitol.

A state district judge in Austin ruled Thursday that DPS troopers did not have that authority. The state attorney general said Friday that he will appeal that ruling.

Democrats have complained that DPS was heavy-handed in its search for the runaways and that Craddick, Gov. Rick Perry and DeLay, R- Sugar Land, improperly sought federal agency assistance in getting the legislators back to the Capitol. By the night of May 12, most had turned up in Ardmore, Okla., outside DPS jurisdiction.

The report on the FAA, written by the Transportation Department's Office of Inspector General, was sent to Sen. Joseph Lieberman, D- Conn., one of the Washington Democrats who has been pushing for federal investigations into the matter. Lieberman, a presidential contender, made the report public late Friday.

Transportation Secretary Norman Mineta called for an internal inquiry shortly after learning that DeLay's staff got information on Laney's plane from the FAA and passed the information on to Texas officials.

Mineta said through a spokesman Friday that he would quickly pursue policy changes to avoid such incidents in the future. "The secretary and the FAA administrator concur with the findings of the inspector general's report," said Transportation spokesman Lenny Alcivar. "At the secretary's direction, the department has already taken a series of steps that address the issues identified in the report as areas for improvement."

The measures include clearer internal guidelines for processing flight information requests from government officials and law enforcement agencies, he said.

According to the report, the FAA's chief congressional liaison officer, David Balloff, worked with DeLay's staff to track down Laney's plane but did not ask the purpose of the inquiry.

Balloff said he was unaware he was getting involved in a politically charged manhunt until he read newspaper reports the next day. He told the inspector general's office that he felt he had been "used" by DeLay's office.

But the report said that Balloff initially was evasive when superiors asked him about his work with DeLay, and didn't detail it until more than a week later.

The Democratic boycott killed proposals for congressional redistricting in the regular session that ended June 2, but the Legislature now is considering the issue in a special session.

Rep. Martin Frost - a Dallas Democrat who might be forced from office under some of the redistricting plans being pushed by DeLay and other Republicans - called the report "a damning indictment of Tom DeLay for treating the FAA as an arm of the Republican Party."

DeLay spokesman Jonathan Grella said the Transportation Department's report proves that the majority leader did nothing wrong.

"The report confirms what we've said for weeks," Grella said. "Our office inquired as to the location of some wanted legislators, which was public information. Accusations of improper activity are as false today as when the Democrats first made them."

The Transportation Department's report points out that at least some of the information sought on Laney's plane could have been obtained through commercial Internet sites.

After the Democrats failed to show up for work at the Capitol May 12, the FAA was asked for Laney's flight information by DeLay's Washington office and the U.S. Department of Homeland Security, which was responding to inquiries from the DPS.

In Austin on Friday, Texas Attorney General Abbott said he will appeal a ruling by state District Judge Charles Campbell that DPS troopers lacked the authority to search for the runaway legislators.

The ruling was "inconsistent with state law" and was made "without briefing, without analysis," Abbott said. "This significant issue deserves rigorous legal analysis by a higher court."

But an attorney for state Rep. Ron Burnam, D-Fort Worth, whose lawsuit led to the ruling, said the attorney general had had time to respond in court to the allegation that DPS should not have been used in the search.

The Homeland Security Department's inspector general recently reported it found no wrongdoing on the part of its air interdiction agents, who had tried to help locate Laney's plane at the request of the DPS.

The Justice Department is continuing an internal investigation into efforts to get FBI agents or U.S. marshals to bring the runaway state legislators back to Texas.

*Copyright 2003 Houston Chronicle*