

LOBBY WATCH



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Supreme Court Heeds Corporate Call: Republican Brethren Where ART Thou?

• Donors Who Gave Associated Republicans \$2 Million Gave \$560,839 To High Court Candidates.

Just six days after a Democratic state judge issued a temporary restraining order barring Associated Republicans of Texas (ART) PAC from spending more corporate funds until after the November election, the all-Republican Texas Supreme Court unanimously vacated that order this week. The court's ruling officially reopened the ostensibly illegal corporate electioneering season.

The plaintiffs in the case are two Democratic candidates for the Texas House who cite Texas' prohibition on corporate political contributions to demand that ART PAC be barred from raising or spending more corporate funds. The case (*IN Re Norman F. Newton*) aims a double-barrel shotgun at the high court's perilous claim to impartiality. After all, Texas' seven sitting justices are all Republican politicians—most of whom have taken campaign money from the same donors who bankroll ART.

Over the past decade, ART PAC has given nine successful Texas Supreme Court candidates \$38,352. Three current justices who backed ART in the recent ruling walked away with \$13,186 of this money. The author of this opinion, Justice Nathan Hecht, is the current court's top recipient of ART cash. (Current and former justices took \$5,900 more from ART's attorneys at DeLeon Boggins & Icenogle.)

These direct PAC contributions greatly understate ART's influence over the Texas Supreme Court, however, given that much of ART's money comes

from wealthy donors who also bankroll the justices directly. ART PAC has raised almost \$2 million since 2000 from just 26 major donors who gave that PAC between \$20,000 and \$338,500 *apiece*.

ART PAC Contributions To Justices (1993-2004)

Justice	Amount
Greg Abbott	\$6,500
James Baker	\$1,000
John Cornyn	\$3,500
Craig Enoch	\$7,000
Alberto Gonzales	\$2,166
Deborah Hankinson	\$5,000
*Nathan Hecht	\$6,056
*Harriet O'Neill	\$5,000
*Priscilla Owen	\$2,130
TOTAL:	\$38,352

* Current justice

Nineteen of these same big donors also contributed to the campaigns of Texas Supreme Court justices or current candidates, giving them \$560,839 over the past decade. Led by Justice Nathan Hecht, six of the current justices who ruled that ART can keep spending corporate money raised an impressive \$235,691 from ART PAC's leading patrons. The only current justice untainted by this money is Steven Smith. Democrat David Van Os is the only current candidate for the court who has not taken money from ART's top donors.

Top Donors To Associated Republicans of Texas PAC

ART PAC Amount (2000- Present)	Amount To High Court Justices & Current Court Candidates*	Contributor	Company/Interest	City
\$338,500	\$24,000	William McMinn	Sterling Group (chemicals)	Houston
\$307,150	\$1,750	Mike Boylan	Houston Property Mgmt. Co.	Houston
\$250,000	\$8,563	Governor Bush Committee	Commander in Chief	Austin
\$140,000	\$6,350	David & Doug Hartman	Hartman & Assoc. (investments)	Austin
\$115,000	\$98,000	James Leininger	Kinetic Concepts (hospital beds)	San Antonio
\$110,000	\$8,500	John McGovern	McGovern Allergy Clinic	Houston
\$100,000	\$0	Altria Corp. Services	Formerly Philip Morris tobacco	New York
\$75,000	\$67,000	Gordon Cain	Sterling Group (chemicals)	Houston
\$68,000	\$23,482	Boone Pickens	BP Capital, Inc. (energy speculator)	Dallas
\$57,500	\$14,750	Frank Liddell, Jr.	Locke Liddell & Sapp attorney	Houston
\$37,800	\$12,500	American Insurance Assoc.	Insurance	Austin
\$35,450	\$100	Kent Grusendorf	State representative	Arlington
\$27,000	\$1,700	Verne Philips	Attorney	Austin
\$25,000	\$0	Gregory Barnes	Self-Employed lobbyist	Austin
\$25,000	\$0	Jack Hamilton	Davis Hamilton Jackson (investing)	Houston
\$25,000	\$0	Jon Huntsman	Huntsman LLC (chemicals)	Salt Lake
\$25,000	\$44,150	Robert McNair	Cogen Technologies Energy Group	Houston
\$25,000	\$15,000	Pfizer	Pharmaceutical giant	New York
\$25,000	\$0	Bill Ratliff	Ex-Senator, lobby consultant	Mt Pleasant
\$25,000	\$89,000	Reliant Energy	Electricity	Houston
\$25,000	\$93,844	TX Civil Justice League	Protecting businesses from lawsuits	Austin
\$24,200	\$0	William H. Giesenschlag	Rancher	Somerville
\$24,000	\$1,650	Tom B. Hudson	Graves Daugherty Hearon attorney	Austin
\$20,775	\$500	Harry Lucas	Lucas Petroleum Group	Austin
\$20,000	\$50,000	Albert Huddleston	Hyperion Resources (energy)	Dallas
\$20,000	\$0	Prudential Financial	Insurance	Charlotte
\$1,970,375	\$560,839 (TOTALS)			

*1993 To Present

**Donations To High Court Justices
And Current Court Candidates
From Top ART PAC Patrons**

Justice/Candidate	Amount ('93-Present)
Greg Abbott	\$72,100
James Baker	\$15,863
*Scott Brister	\$6,500
John Cornyn	\$20,850
Craig Enoch	\$35,000
Alberto Gonzales	\$18,353
♣ Raul Gonzalez	\$49,845
♦ Paul Green	\$12,872
Deborah Hankinson	\$36,600
*Nathan Hecht	\$63,403
*Wallace Jefferson	\$37,828
*Harriet O'Neill	\$32,100
*Priscilla Owen	\$48,135
Tom Phillips	\$23,656
Xavier Rodriguez	\$16,303
Mike Schneider	\$21,206
♣ Rose Spector	\$2,500
♦ ♣ David Van Os	\$0
*Jesse Wainwright	\$47,725
TOTAL:	\$560,839

- *Current justice
- ♦ Current candidate
- ♣ Democrat

In his ART opinion, Justice Nathan Hecht seems to anticipate that his ruling could be construed as a partisan hatchet job. In explaining why the Supreme

Court allowed ART to bypass the usual stop at an intermediate appeals court, Hecht invokes a 1990 ruling in which the high court similarly leapt directly into the electoral fray. In that case (*Sears v. Bayoud*), the court granted a Democratic Supreme Court candidate's request that his Republican opponent be struck from the ballot because he lacked constitutionally prescribed qualifications for the office. Hecht's subtext seems to be that the court rules on the basis of law—not partisanship.

Unfortunately, the case that Hecht cited supports the opposite conclusion. When the Texas Supreme Court struck down a Republican's candidacy for the high court in 1990, a Democratic majority controlled that court. In fact, the three Republican members of that court (Hecht, Tom Phillips and Eugene Cook) all joined a lone Democrat's scathing dissent that thrashes the majority for reaching "back into the historical record for something—anything—to support the conclusion it wants to reach." The Republican-dominated dissenters would have left the disputed Republican on the ballot.

The chief difference between the court then and now is that the current justices are all from one party and not a single justice strayed from the party line. In a way, Justice Hecht is correct to suggest that the court consistently followed a *stare decisis* doctrine, albeit one based on human nature rather than the law. The timeless precedent that the court invoked in 1990 and again this week is the one whereby the justices take care of their own. •