

LOBBY WATCH



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Railroad Porter:

October 21, 2010

Treasurer of Notorious Leininger PAC Runs For Railroad Commission

- David Porter Tossed Incumbent Victor Carrillo Off *El Ferrocarril*.
- Waiting for Superman: Where's Dr. Leininger?

What's Montague? It is nor hand, nor foot, nor arm, nor face, nor any other part belonging to a man. O, be some other name! What's in a name? That which we call a rose by any other name would smell as sweet. –Shakespeare's Romeo & Juliet

After spending more than \$1 million on the 2004 Republican primary, incumbent Railroad Commissioner Victor Carrillo was forced into a runoff by opponent Robert Butler, who spent less than \$7,000. Carrillo survived that campaign only to get trounced in this year's primary—despite the fact that he outspent challenger David Porter 17 to 1.

Confronting unknown candidates on the ballot, many GOP voters apparently prefer Anglo-sounding names. *Jesus Cristo!* Nonetheless, David Porter's Anglo-sounding name rang *Lobby Watch's* bells.

Porter has been the treasurer of the Texas Republican Legislative Campaign Committee (TRLCC) since 2006. That's when school-voucher activist James Leininger used Porter's PAC as a \$2 million vehicle to attack the GOP incumbents who had opposed Leininger's agenda. Most incumbents survived the Leininger-funded primary challenges.

Created by GOP consultant Jeff Norwood, GOP activist Bill Crocker and Porter,¹ the now-dormant TRLCC PAC may provide Texas' best-documented case of a candidacy operating as an almost wholly owned subsidiary of a single PAC, consultant and donor.

Campaign Spending in 2010 Railroad Commission Primaries

2010 Railroad Commission Candidate	Party	Amount Spent 1/09 To 3/2/10	March '10 Primary Vote
Victor Carrillo	R	\$633,512	39%
David Porter	R	\$37,196	61%
Jeff Weems	D	\$87,060	100%

Mark Williams, the candidate in question, unsuccessfully challenged Longview Republican Rep. Tommy Merritt in the 2006 primary. Going into the primary, Williams reported raising \$486,276, with Porter’s PAC supplying 95 percent of it.

As *Quorum Report* noted at the time, TRLCC PAC wasn’t giving Williams much cash. It was making in-kind contributions of voter lists, research, polls, media production and media buys.² In other words, that campaign was like a movie. It was set in Longview, financed from San Antonio by Leininger and directed from Austin by Norwood, who cast Mark Williams in the lead role. (Williams later said Norwood recruited him to oppose Merritt.) Through the Williams campaign, Norwood and TRLCC unleashed blistering attacks on Merritt.

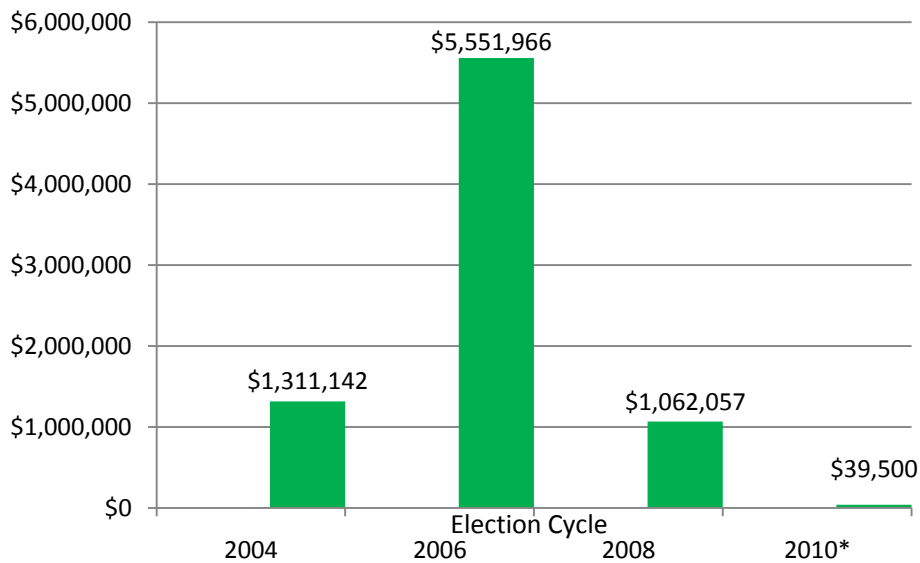
Merritt survived the 2006 onslaught only to be narrowly defeated this March by GOP challenger David Simpson. This time, Merritt’s opponent received no apparent aid from Leininger, whose bankroll is seldom seen this cycle.

Given Porter’s current campaign to regulate Texas’ oil industry, it’s worth reviewing the bizarre chapter that ensued after Merritt defeated a candidate who seemed to be an appendage of Porter’s PAC.

Shortly before the 2006 primary, Rep. Merritt retaliated with a defamation lawsuit that alleged that Williams’ attacks were made with reckless disregard for the truth. The suit named Williams, Leininger and political consultant Jeff Norwood of Anthem Media as defendants.

After running up more than \$650,000 in legal bills, Williams settled the case by apologizing for any statements that may have contained “inadvertent mischaracterizations of Representative Merritt’s record.” It didn’t end there. Williams sued Norwood in 2007, alleging that his consultant failed to honor promises that that the candidate’s legal bills would be paid. Williams said in legal filings that he took this to mean that Leininger would pay.³

Leininger’s Legendary Campaign Spending Is Almost Undetectable So Far this Cycle



Leininger Sum 1//09 – 10/10	Candidate	Office Held Or Sought	2010 Primary Outcome	Notes
\$25,000	Rick Perry	Gov.	51%	TX’s longest-serving governor
\$5,000	Victor E. Leal	HD 87	45%	Rep. Swinford’s open seat
\$5,000	Rebecca Simmons	S. Ct.	18%	Lost to Debra Lehrmann
\$2,500	Milton A. Rister	HD 20	23%	Rep. Gattis’ open seat
\$2,000	Marialyn Barnard	4 th COA	100%	Incum. facing Dem. challenge

In a 2007 letter obtained by *Quorum*, Williams' attorney wrote that Norwood based his statements about covering the legal bills "upon specific statements by Dr. Leininger." According to the attorney, William Worthington, "Dealing with Leininger and his counsel has been, to say the least, a Kafkaesque experience. They have variously admitted, qualified and denied any such agreement, deferred responding or answering questions, threatened, and wholly ignored even a modicum of responsible behavior."⁴

A Longview state district court appears to have dismissed Williams' lawsuit in 2008. Most attorneys involved in the case did not return calls about it. Leininger's attorney, Laura Prather, left *Lobby Watch* a voice message, saying that the judge in the case issued a summary judgment in Leininger's favor.

A couple years after these bizarre events, the consultant who reportedly dug up the dirt for the Merritt attack ads ran for the House seat now being vacated by Georgetown Rep. Dan Gattis.⁵ Indeed, Milton Rister is one of just five candidates whom Leininger supported so far this cycle. Yet the conservative doctor is not spending as liberally as he

did in 2006 and Rister lost a four-way GOP primary in March to Charles Schwertner.

Jeff Norwood's Anthem Media has billed 14 clients more than \$1 million this cycle. One of those clients is David Porter, who derailed a Hispanic Railroad Commissioner in the Republican Primary.

Between now and November 2, Texas voters will pick a new regulator for the oil and gas industry. This is a big responsibility for people who don't know what the misnamed Railroad Commission actually does. Further complicating matters, neither name on the ballot sounds all that foreign:

Railroad Commissioner:

- David Porter, REP
- Jeff Weems, DEM

Like Shakespeare's Juliet, each voter now faces difficult choices. Which melodious name wouldst thou compare to a rose? And who is best equipped to oversee this great state's choo-choos?

All aboard!

Anthem Media's Clients This Election Cycle

Amount Paid To Anthem (Jan. '09 to 9/22/10)	Anthem Media Clients	Office Held Or Sought	2010 GOP Primary Outcome	Notes
\$385,246	Nicholas Taylor	HD 66	33%	Won primary runoff
\$145,739	Ben Bius	SD 5	32%	Lost to Steve Ogden
\$100,370	Jeff Brown	S. Ct.	17%	Lost to Debra Lehrmann
\$91,500	Elizabeth Jones	RR Com	NA	U.S. Senate aspirant
\$86,212	Erwin A. Cain	HD 3	60%	Challenging Mark Homer
\$51,962	Leslie B. Yates	14 th COA	48%	Lost to Sharon McCally
\$51,677	Donald R. Margo	SD 78	52%	Challenging Joe Moody
\$30,500	Scott King Field	3 rd COA	47%	Lost to Melissa Goodwin
\$17,418	Dan Huberty	HD 127	49%	Won primary runoff
\$12,528	Jim Murphy	HD 133	100%	Challenging Kristi Thibaut
\$12,497	Fritz Lanham Lyne	HD 69	60%	Rep. Farabee's open seat
\$10,588	David J. Porter	RR Com	61%	Defeated Victor Carrillo
\$7,500	William W. Zedler	HD 96	64%	Challenging Chris Turner
\$1,165	James Lombardino	Family Judge	41%	Won primary runoff
\$1,004,902	TOTAL			

Note: Conservative Republicans of Harris Co. also paid Anthem \$7,440 in this period.

Top In-Kind Contributions From TRLCC PAC to Mark Williams In the 2006 Republican Primary

Amount	Contribution Description
\$91,268	Media Buy
\$48,495	TV Buy
\$46,354	TV Buy
\$27,166	TV Buy
\$25,865	TV Buy
\$23,085	Media Production
\$22,980	TV Buy
\$22,800	TV Buy
\$9,740	Poll
\$9,482	Radio Buy
\$8,769	Media Production
\$8,640	Direct Mail

Source: Williams' campaign disclosures.

NOTES

¹ "Norwood Leaves Client on the Hook for \$670K in Legal Fees," *Quorum Report*, August 14, 2007.

² "Norwood Leaves Client on the Hook for \$670K in Legal Fees," *Quorum Report*, August 14, 2007.

³ "Merritt Attorney Says Never Saw Emails Promising Williams Legal Bills Were Covered," *Quorum Report*, August 28, 2007.

⁴ "Trying To Get Paid By Leininger Was Kafkaesque Says Williams Attorney," *Quorum Report*, August 15, 2007.

⁵ "One Costly Lesson In State Politics," *Houston Chronicle*, September 2, 2007.