

LOBBY WATCH

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Checkmates:

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TRMPAC Donors Financed TRMPAC Judges' Campaigns

- DeLay PAC's Donors Gave Chief Justice 26% of His "Funds"

The three GOP judges who went out of their way to rule for Tom DeLay's Texans for a Republican Majority PAC (TRMPAC) last month took 10 percent of the money for their most recent campaigns from donors who also financed TRMPAC. Twenty crossover donors gave \$637,150 to TRMPAC and \$119,825 to the TRMPAC justices.

Justice Alan Waldrop, who wrote the TRMPAC ruling, arguably owes his office to TRMPAC donors. With TRMPAC donors supplying 14 percent of his 2006 war chest, Waldrop won with just 51 percent of the vote. Justice Bob Pemberton won elections in 2004 and 2006 with less than 52 percent of the vote.¹ TRMPAC donors supplied six percent of the money that he raised for those two campaigns.

Chief Justice Ken Law—who faces Democrat Woodie Jones in November—reported raising \$106,122 through June 2008. TRMPAC donors supplied a striking 26 percent of Chief Law's campaign "funds" to date.

In their exertions to spring DeLay and two cronies from TRMPAC money-laundering charges, these three judges produced a ruling that makes absurd technical distinctions between "funds" and "checks." The judges then suggested that TRMPAC did not illegally launder corporate political funds because TRMPAC's checks were not "funds."

The judges' reliance on TRMPAC donors is remarkable given that TRMPAC raised a large chunk of its money from out-of-state corporations.² Most of these donors were chasing DeLay's congressional influence and have not contributed to these appellate judges in Texas.

Top donors to both TRMPAC and the TRMPAC judges include a couple of "Swift-boaters" known for doing—and spending—whatever it takes to influence elections. Homebuilder Bob Perry—who gave the TRMPAC judges \$17,000—was the No. 1 donor to TRMPAC and Swift Boat Veterans for Truth. Perry and his wife also gave \$20,000 to DeLay's legal defense fund.

TRMPAC Justices—In More Ways Than One

3 rd Court of Appeals Justice	Post-TRMPAC Election(s) ³	Total Itemized Donations For Those Election(s)	Total From TRMPAC Contributors	Share From TRMPAC Contributors
Ken Law	2008	\$106,122	\$27,675	26%
Bob Pemberton	2004, 2006	\$816,212	\$47,650	6%
Alan Waldrop	2006	\$327,780	\$44,500	14%
TOTAL:		\$1,250,114	\$119,825	10%

Donors Who Gave To TRMPAC and The Three TRMPAC Judges on the 3rd Court of Appeals

Total To TRMPAC Justices	Contributor	Donor's Favorite Justice(s)	Total To Favorite Justice(s)	TRMPAC-Related Total
\$23,500	Locke Liddell & Sapp	Waldrop	\$15,000	\$5,000
\$17,000	Bob Perry (Perry Homes)	Pemberton	\$9,500	\$170,000
\$16,500	Harold Simmons (Contran Corp.)†	Law	\$10,000	*\$10,000
\$10,000	Peter O'Donnell (investor)	Law/Waldrop	\$10,000	\$5,000
\$7,500	Farmers Employ./Agent PAC	Pemberton	\$5,500	\$150,000
\$7,000	AT&T PAC	Law/Pemberton	\$5,000	*\$20,000
\$6,000	John Nau (Silver Eagle Dist.)†	Pemberton	\$5,000	*\$5,000
\$5,000	James Leininger (Kinetic Concepts)	Waldrop	\$5,000	\$142,500
\$5,000	James/Adriana Streetman (homebuilder)	Pemb./Waldrop	\$5,000	\$250
\$3,250	B.J. 'Red' McCombs (McCombs Auto.)	Waldrop	\$2,000	\$2,500
\$2,650	RDM Enterprises PAC (Drayton McLane)	Pemberton	\$2,650	*\$5,000
\$2,500	Louis A. Beecherl (Beecherl Co's)	Law	\$2,500	\$35,000
\$2,500	Burlington Northern Santa Fe PAC	Pemberton	\$1,500	*\$51,000
\$2,500	Koch PAC (petrochemicals)	Law/Waldrop	\$2,000	\$3,000
\$2,500	R. Bruce LaBoon (Locke Liddell)	Waldrop	\$2,500	\$1,000
\$2,500	Robert Rowling (TRT Holdings)	Pemberton	\$2,500	\$5,000
\$2,000	Peter/Julianna Holt (S.A. Spurs)	Law	\$2,000	\$1,000
\$1,500	Reliant Energy‡	Pemberton	\$1,000	*\$25,000
\$250	James Hayne (Catto & Catto insurance)	Law	\$250	\$250
\$175	Meredith Mallory (investor)	Law	\$175	\$650
\$119,825 TOTALS				\$637,150

*Corporate contribution to TRMPAC.

†Simmons and Nau gave to the justices personally; their companies gave corporate funds to TRMPAC.

‡Reliant Energy split off CenterPoint Energy and Reliant Resources (a corporate donor to TRMPAC) in 2002. CenterPoint's PAC and two of its executives gave another \$5,500 to Pemberton and \$1,000 to Waldrop.

Perry triggered a previous scandal by writing a check to TRMPAC Treasurer Bill Ceverha to defray Ceverha's legal bills from a TRMPAC lawsuit. As a member of a state pension board, Ceverha then snubbed his obligation to disclose this gift publicly by reporting Perry's gift as "a check" of an unspecified amount. Texas Ethics Commissioners ridiculed themselves last year by upholding the propriety of such nondisclosure.

Perry also had a hand in the two \$5,000 checks that HillCo PAC wrote to Justices Waldrop and Pemberton in 2006. Perry supplied 61 percent of the money that this lobby firm's PAC raised that election cycle.

Dallas billionaire Harold Simmons is another big backer of TRMPAC, the TRMPAC judges, the Swift-Boat attacks and DeLay's legal defense fund. Simmons now is spearheading fundraising for Swift Boat's current reincarnation: the anti-Obama American Issues

Project.⁴ Simmons and two of his companies⁵ gave \$30,000 to DeLay's legal defense fund.

Another Simmons company, Waste Control Specialists, owns a nuclear waste dump in West Texas. To expand this dump, Waste Control is pursuing a slew of regulatory permits in Austin. The Sierra Club already has challenged one of these permits in a state district court overseen by the Third Court of Appeals.

The TRMPAC judges took more money from Locke Liddell & Sapp (now Locke Lord Bissell & Liddell) than any other TRMPAC donor. Justice Alan Waldrop worked for Locke Liddell from 1988 to 2005.

Waldrop also served as general counsel to Texans for Lawsuit Reform, which worked closely with TRMPAC and the Texas Association of Business to help Republicans win a majority of Texas House seats in 2002. When plaintiffs in the civil case against

TRMPAC subpoenaed records from Texans for Lawsuit Reform (TLR), Waldrop headed TLR's efforts to brush aside this snooping. TLR's PAC gave \$20,500 to the TRMPAC justices. TLR founder Dick Weekley gave them another \$10,250.

In 2002, lobbyist Mike Toomey coordinated meetings between TRMPAC, TLR and the Texas Association of Business.⁶ The TRMPAC judges took \$5,620 from Toomey's family, lobby firm and lobby partner.⁷ Toomey also served as Governor Rick Perry's chief of

staff in 2003, when the governor appointed Bob Pemberton to the Third Court of Appeals.

Loeffler Jonas & Tuggey, which represented TRMPAC defendant Jim Ellis, gave the judges \$2,180. One of DeLay's defense firms, Bracewell & Giuliani, gave the judges \$5,200.

Texans have as much confidence in this "justice system" as it deserves.⁸ ●

¹ Pemberton narrowly defeated Democrat Diane Henson in 2004. Henson then narrowly won a 2006 race for another Third Court of Appeals seat. From that perch, she wrote a scathing dissent that attacks the TRMPAC ruling issued by her colleagues Pemberton, Waldrop and Law.

² During the 2002 election cycle, corporate funds accounted for 39 percent of the \$1.5 million that TRMPAC raised. Much of this corporate money came from out-of-state companies. See http://www.tpj.org/page_view.jsp?pageid=262

³ Under the Judicial Campaign Fairness Act, judicial candidates can start raising money 210 days before the deadline to put their names on the ballot and keep fundraising until 120 days after the election. Contributions analyzed in this report cover: August 2007 through June 2008 for Chief Justice Law; August 2005 through March 2007 for Justice Waldrop and December 2003 through March 2007 for Justice Pemberton. In December 2003 Governor Rick Perry appointed Pemberton to a Third Court of Appeals seat that Justice Lee Yeakel vacated mid-term. In 2004 Pemberton was elected to finish the two remaining years of Yeakel's term. Voters then elected Pemberton to a fresh term in 2006.

⁴ "Group With Swift Boat Alumni Readies Ads Attacking Obama," *Washington Post*, September 14, 2008.

⁵ Contran Corp. and Valhi, Inc.

⁶ "AT&T, Aetna and Cigna helped pay for '02 mailings," *Austin American-Statesman*, May 16, 2004.

⁷ Bill Messer and Bill Messer, PC.

⁸ Commenting on Texas' judicial-selection system in 1999, U.S. Supreme Court Justice Anthony Kennedy said, "The law commands allegiance only if it commands respect. It commands respect only if the public thinks the judges are neutral." Justice Kennedy specifically was referring to a Texas Supreme Court poll that found that 83 percent of Texans say that state judges are influenced by campaign donations. "Justice for Sale," PBS Frontline, <http://www.pbs.org/wgbh/pages/frontline/shows/justice/interviews/supremo.html>