



The Dependent Variable:

March 16, 2015

Public Integrity Hinges on Prosecutorial Independence

Bipartisan Public-Integrity indictees DeLay and Flores both had much more affinity with AG than Travis Co. DA

New York Gov. Andrew Cuomo killed his own ethics panel when it targeted lawmakers’ outside income—a touchy issue for Cuomo’s Democratic Party.¹ Luckily Cuomo did not control the federal prosecutor who arrested Democratic [Speaker Sheldon Silver](#) in January for allegedly taking \$4 million in bribes.

Texas’ ruling Republican Party is clamoring to defund the independent Public Integrity Unit of the Travis County District Attorney and transfer its anti-corruption powers to the Texas attorney General. Not coincidentally, Texas’ last Democratic attorney general left office at the end of the last century (four years before an independent federal prosecutor [indicted](#) him in 2003!).

Because dependent prosecutors don’t prosecute, *Lobby Watch* used campaign data to measure how close recent Public Integrity indictees were to recent Travis County district attorneys and to state attorneys general.

The data overwhelmingly show that Travis County prosecutors Ronnie Earle and Rosemary Lehmborg were far more independent from former Democratic Rep. Ismael “Kino” Flores and Tom DeLay’s Texans for a Republican Majority PAC (TRMPAC) than were Attorneys General Greg Abbott and Ken Paxton.

Researchers identified top contributors to DeLay’s TRMPAC and to Kino Flores. Then they tracked what those donors gave to recent Republican Attorneys General and Democratic Travis County prosecutors. Superficial party labels might suggest that Democratic Rep. Flores had more in common with Travis County’s Democratic prosecutors than with the GOP Attorneys General. Campaign data suggest otherwise.

Crossover Contributors to Public Integrity Indictees and Attorneys General Greg Abbott and Ken Paxton

Public Integrity Target	Total Raised	Time Period	Abbott Crossover Amount (%)	Paxton Crossover Amount (%)	Target’s Abbott and/or Paxton Crossover
Flores	\$1,637,894	7/00–3/10	\$7,246,886 (28%)	\$380,544 (37%)	\$1,589,399 (97%)
TRMPAC	\$1,496,426	11/01–4/04	\$8,211,169 (32%)	\$155,844 (15%)	\$902,951 (60%)

The table below lists the top contributors to Ki-no Flores from July 2000 through the time of his 2010 corruption conviction. Almost all of these

big donors are lobby interests that funded Abbott and Paxton during the same period. Yet precious few of them funded Earle or Lehmborg.

What Rep. Ismael Flores' Top Contributors Gave to Certain Legal Officials (July 2000 through March 2010)

Flores Amount	Abbott Amount	Paxton Amount	Lehmborg/ Earle Total	Contributor	City
\$71,171	\$135,000	\$19,500		TX Assn. of Realtors	Austin
\$64,500	\$1,357,765	\$42,000		Bob & Doylene Perry (Perry Homes)	Houston
\$23,501	\$107,720	\$11,565	\$1,071	HillCo Partners lobby firm	Austin
\$19,600	\$24,339	\$2,150		Wholesale Beer Distributors of TX	Austin
\$13,000	\$22,000	\$1,279		TX Restaurant Assn.	Austin
\$12,750	\$24,500	\$2,000		Associated Gen'l Contractors of TX	Austin
\$11,500	\$67,500	\$4,000	\$3,071	TX Automobile Dealers Assn.	Austin
\$11,000	\$84,186	\$6,250		TX Medical Assn.	Austin
\$10,750	\$56,000	\$5,750		TX Dental Assn.	Austin
\$9,823	\$3,400	\$500		TX Package Stores Assn.	Austin
\$9,300	\$2,548	\$2,000		Licensed Beverage Distributors	Austin
\$9,000		\$250		Lobbyist Joe A Garcia	Austin
\$8,000	\$42,500	\$2,000		BG Distribution Partners	Houston
\$8,000	\$160,213	\$4,000		Valero Energy PAC	San Antonio
\$7,500		\$250		TX Bail Assn. PAC	Dallas
\$6,500	\$6,000	\$3,500		American Electric Power Co.	Columbus
\$6,350		\$250		TX Assn. for Interior Design	Houston
\$6,000	\$51,808	\$6,100		TX Assn. of Builders	Lubbock
\$5,510	\$135,000	\$10,000		AT&T, Inc. PAC	Austin
\$5,500	\$37,500	\$11,500		Farmers Employee & Agent	Austin
\$5,500	\$10,000	\$5,000		TX Consumer Finance Assn.	Austin
\$5,250	\$29,000	\$3,500		TX Society of Architects Committee	Austin
\$5,000		\$7,500		TX Assn. of Mortgage Attorneys	Houston
\$5,000	\$11,000	\$1,000		TX Manufactured Housing Assn.	Austin
\$4,850	\$11,000	\$1,500	\$71	Graydon Group lobby firm	Austin
\$4,750	\$77,500	\$250		Jim Dannenbaum (Dannen. Engineering)	Houston
\$4,500	\$76,000	\$2,000		Akin Gump Strauss Hauer & Feld	Austin
\$4,500	\$21,500	\$3,000		TX Ophthalmological Assn.	Austin
\$4,250	\$52,000	\$3,750		Time Warner Cable	Houston
\$4,000	\$45,000	\$4,000		BBVA Compass Bank	Austin
\$4,000	\$54,000	\$12,500		TXU Corp.	Dallas
\$4,000	\$186,950	\$2,500	\$500	Linebarger Groggan Blair...	Austin
\$4,000	\$8,900	\$2,800		Trinity Industries	Dallas
\$3,500	\$49,891	\$1,500		Gardere Wynne Sewell LLP	Dallas
\$3,500	\$69,500	\$7,750		TX Apartment Assn.	San Antonio
\$3,500	\$32,000	\$9,500		TX Bankers Assn.	Austin
\$3,300	\$13,000	\$1,600		TX Electric Cooperatives PAC	Austin
\$3,250	\$131,928	\$1,000		Locke Lord LLP	Houston
\$3,000	\$90,000	\$500	\$1,500	Bank of America	Austin
\$3,000	\$5,000	\$1,000		Lobbyists Robert/Gordon Johnson	Austin
\$3,000	\$1,500	\$750		Lloyd Gosselink	Austin
\$3,000	\$57,500	\$3,750		TX Society of CPAs	Dallas
\$3,000	\$205,660	\$6,000	\$2,500	Vinson & Elkins TX	Houston
\$3,000	\$24,500	\$1,000		Wal-Mart	Bentonville

During his last 10 years in office, Flores served on the powerful Appropriations Committee and chaired the Licensing Committee, raising \$1.6 million. Flores received a stunning 97 percent of this money from contributors who bankrolled Abbott or Paxton in that same period.

Had the Attorney General's Office controlled the Public Integrity Unit, how many crossover contributors would have pressured Attorney General Abbott not to hold Flores accountable for official corruption? And how would Abbott—who spent his last six years in that office [refusing](#) to pursue a \$29,000 state ethics fine against crony Supreme Court Nathan Hecht—have handled that pressure?

Tom DeLay's Texans for a Republican Majority PAC (TRMPAC) raised almost \$1.5 million from late 2001 until early 2004. In a state that prohibits corporate contributions to candidates, TRMPAC took two-fifths of this money from corporations—without reporting that corporate money to the Texas Ethics Commission.

The Public Integrity Unit focused on TRMPAC's transfer of \$190,000 in corporate funds to the Republican National Committee, which then contributed the same amount to Texas House candidates in 2002. A Travis County jury convicted DeLay on related conspiracy and money laundering charges in 2010. In partisan-split decisions, two state appeals courts overturned that conviction in 2013 and 2014.

The table on the next page lists TRMPAC's top contributors. Since TRMPAC's corporate contributors could not legally contribute to Abbott, Paxton, Lehmborg or Earle, the table shows what these candidates received from related corporate PACs or executives.

Two-thirds of TRMPAC's top contributors also bankrolled Abbott's attorney general campaign in that same period (the big TRMPAC donors who ignored Abbott mostly were out-of-state

corporations seeking to influence Congress). Altogether, TRMPAC crossover contributors accounted for one-third of the money that Abbott raised during TRMPAC's existence.

Paxton, who was just pursuing his first term in the House in this period, took just 15 percent of his money from TRMPAC crossover contributors. Still, TRMPAC raised 60 percent of all its money from contributors who also gave to Abbott or Paxton. In contrast, just one top TRMPAC contributor gave to Lehmborg or Earle.² That's prosecutorial independence.

Prosecutors hit Flores and New York Speaker Sheldon Silver for taking large payments of undisclosed or unitemized personal income. Prosecutors allege that Silver did little work for some \$4 million in bribes and kickbacks that he received from a real estate company and asbestos law firm.³ The Public Integrity Unit convicted Flores for failing to disclose [\\$847,000](#) in real estate, gifts and income. Flores, whose penchant for getting a cut of government contracts won him the moniker "Mr. Ten Percent," got some of that unreported income from his contributors HillCo Partners and Dannenbaum Engineering.⁴

Texas and New York politicians still do not make themselves disclose their outside business clients, much less to itemize personal income from them. Business thrives in this hothouse of political corruption. As Flores attorney Roy Minton [put it](#), "We have failure to report income on financial statements every single day around here, and nobody else gets indicted." Touché.

Transferring the Travis County District Attorney's Public Integrity Unit to the Attorney General's Office would eradicate prosecutorial independence and disarm Texas' political-corruption cops. Like its counterpart in the Empire State, this is the unstated goal of the ruling party of this crony-capitalist state. In red states and blue, powerful politicians fund police for the governed—not the governors.

Data Notes:

Indefensibly, Travis County does not disclose [campaign data](#) in electronically searchable formats. Researchers scoured PDF images of Earle and Lehmborg reports to flag any top contributors to TRMPAC or Flores. All "Lehmborg/Earle" contributions listed in the accompanying tables went to Earle except for the \$2,500 that Vinson & Elkins gave Lehmborg in 2008. During this study's time period, Earle raised a total of \$276,783 (July 2000 through June 2009); successor Lehmborg raised \$431,291 (2007 through June 2010). Earle's money includes \$500 that he collected in 2000 from lobbyist Mike Toomey. Four years later Earle [subpoenaed Toomey](#) about how he helped TRMPAC, Texans for Lawsuit Reform and the Texas Association of Business engineer a Texas House Republican majority. Such are the ephemera of history.

**What Top Contributors to Tom DeLay's TRMPAC
Gave to Certain Legal Officials
(November 2001 through April 2004)**

TRMPAC Amount	Abbott Amount	Paxton Amount	Lehmburg/ Earle Total	Contributor	City
\$170,000	\$1,357,765	\$11,000		Bob & Doylene Perry (Perry Homes)	Houston
\$150,000	\$37,500	\$1,000		Farmers Insurance Co. PAC	Austin
\$142,500	\$289,008	\$1,000		James Leininger (Kinetic Concepts Inc.)	San Antonio
*\$100,000	\$2,500			Alliance for Quality Nursing Home Care	Washington
\$55,000	\$390,904			T. Boone Pickens (BP Capital)	Dallas
*\$51,000	\$29,000			Burlington Northern Santa Fe Co.	Fort Worth
*\$50,000				Diversified Collection Services Inc.	Pleasanton CA
*\$50,000	\$11,000			El Paso Energy	Houston
*\$50,000				Questerra Corp. (MeadWestvaco Corp.)	Richmond VA
\$35,000	\$154,100	\$1,000		Louis Beecherl (Beecherl Co's)	Dallas
*\$27,500				Constellation Energy Group	Baltimore MD
*\$25,000	\$40,000			Belmont Oil & Gas Corp. (J. Ralph Ellis)	Irving
\$25,000	\$145,309	\$5,000		John Lattimore (Lattimore Materials)	McKinney
\$25,000				National Republican Legislators Association	Washington
*\$25,000				Old Country Store Inc. (Cracker Barrel)	Lebanon TN
*\$25,000	\$4,500	\$500		Phillip Morris/Altria (Jack Dillard)	Richmond VA
*\$25,000	\$10,000		\$1,000	Reliant Resources, Inc.	Houston
*\$25,000				Sears Roebuck & Co.	Chicago IL
*\$25,000				Westar Energy	Topeka KS
*\$25,000				Williams Co's Inc.	Tulsa OK
*\$20,000	\$15,000	\$1,000		AT&T	Dallas
*\$20,000				Bacardi USA	Bermuda
\$16,000	\$58,000			James A Elkins (First City Bancorp)	Houston
*\$15,000				PerfectWave Technologies	Poway Ca
\$15,000	\$25,500			David Underwood (Wachovia Securities)	Houston
\$13,126	\$4,650			Texas Association of Business	Austin
\$10,000				John W Barger (Barger Broadcast)	San Antonio
\$10,000	\$45,000			Contran Corp. PAC (Harold Simmons)	Dallas
*\$10,000				Cornell Companies	Houston
\$10,000	\$2,000			Houston Harte (Harte-Hanks Communication)	San Antonio
\$10,000	\$36,500			Geraldine Tincy Miller (Henry Miller Real Estate)	Dallas
\$10,000	\$21,000			Charles R Miller (Meridian Advisors)	Houston
\$10,000	\$19,938			Benjamin Streusand (Home Loan Corp)	Woodlands
*\$10,000	\$52,000			US Risk (Randall Goss)	Dallas
\$10,000	\$42,500			Sam Wyly (Ranger Capital)	Dallas
\$10,000	\$42,500			Charles J Wyly (Ranger Capital)	Dallas
\$7,500	\$22,000			George 'Tim' Hixon (Hixon Properties)	San Antonio

* TRMPAC corporate contributor.

Notes

¹ Cuomo appointed his anti-corruption Moreland Commission in July 2013 and abruptly shuttered it in March 2014.

² Hugh Rice Kelly, the general counsel of TRMPAC corporate contributor Reliant Resources, gave Earle \$1,000 in 2001.

³ Glenwood Management and Weitz & Luxenberg.

⁴ The undisclosed HillCo payments went to the lawmaker's then-dependent son, Ismael Flores, Jr.