



Politics

## Tom DeLay: How the 'Hammer' Got Nailed

by Alex Markels



Harris County Sheriff's Office

Former U.S. House Majority leader Tom DeLay posed for a booking photograph on October 20, 2005, after he was charged with money laundering and conspiracy. A judge threw out one count on Dec. 6, but DeLay still faces up to 20 years in prison if convicted.

### DeLay Conspiracy Timeline:

**Nov. 2001:** Tom DeLay holds a press conference to announce the creation of a new political action committee: Texans for a Republican Majority, or TRMPAC. "We stand on the cusp of holding legislative majorities in both (legislative) chambers as well as every major statewide office. That's our opportunity," DeLay's statement read.

### May - June, 2002:

Corporations including Bacardi U.S.A., Sears, Roebuck and Co., Cracker Barrel, and Diversified Collection Services contribute hundreds of thousands of dollars to TRMPAC, writing checks totaling between \$25,000 and \$100,000 each.

*NPR.org*, December 6, 2005 · One fact that isn't in dispute about the indictments against former House Majority Leader Tom DeLay on money laundering and conspiracy charges: The Texas Republican knows how to get things done.

A master at corralling disparate congressional interests and securing their votes, the 58-year-old former pest exterminator -- known as the "Hammer" for his forceful persuasive tactics -- has proven equally adept at fundraising for his party.

In 2001, DeLay put those skills to work in a drive to reverse the Democrats' century-old domination of the Texas House of Representatives. To that end, he helped found a political action committee called TRMPAC, short for Texans for a Republican Majority, which solicited contributions from a wide range of corporate supporters, such as retailer Sears Roebuck and Bacardi, the liquor manufacturer.

The fundraising effort was a huge success, channeling hundreds of thousands of dollars to Republican candidates in the 2002 election cycle. By the morning after the vote, Republicans controlled the Texas legislature, the governor's office and state supreme court for the first time since Reconstruction. Even better, the Republicans' new majority gave them the votes they needed to push through the redrawing of the state's congressional districts, cementing their domination over Texas politics and all but assuring that six new Republican congressmen were headed to Washington after the 2004 election.

There was just one drawback to DeLay's fundraising campaign: Texas, like many other states, prohibits the use of corporate contributions to fund political campaigns. To avoid breaking the law, DeLay's political action committee sent \$190,000 directly to the Republican National Committee, which is allowed to fund individual campaigns. The contribution was sent along with a list of seven candidates "with totals next to their name totaling, coincidentally, \$190,000," noted Craig McDonald, director of Texans for Public Justice, a nonpartisan public interest group that filed a civil complaint to against TRMPAC in 2003. "Those checks were then sent back to those candidates, having been laundered -- that is, turned from corporate money illegal in Texas to clean non-corporate money."

Neither DeLay nor his attorneys deny that funds totaling \$190,000 went in and out of the RNC. "Well, I suppose it does look bad, but it really isn't \$190,000 in and \$190,000 out," said Dick DeGuerin, DeLay's criminal defense lawyer. "It's not the same money."

**Sept. 12, 2002:** TRMPAC's executive director, John Colyandro, writes a \$190,000 check to the Republican National Committee, with an attached note specifying dollar figures totaling \$190,000 for seven Republican congressional candidates from Texas.

**Nov. 2002:** Republicans win a majority of the Texas House for the first time since Reconstruction; Tom DeLay is elected U.S. House Majority Leader without opposition.

**2003:** DeLay leads a contentious redistricting effort in Texas to help his party win additional congressional seats, at one point asking the Federal Aviation Administration to track down Democrats who left the state to delay a vote in the state legislature.

**March, 2003:** Nonpartisan watchdog group Texans for Public Justice files a complaint with Travis County District Attorney Ronnie Earle in which it alleges that more than \$600,000 in corporate contributions to TRMPAC were used to back 23 Republican candidates in the Texas House of Representatives.

**Sept. 2004:** A Texas grand jury indicts three of DeLay's TRMPAC associates, John Colyandro, Jim Ellis and Warren RoBold, on charges that they broke Texas' campaign finance rules barring corporations from contributing to political campaigns.

**Sept. - Oct. 2004:** DeLay is admonished by the House Ethics Committee on three separate issues, including asking the FAA to locate the Texas Democrats and for offering political favors to a lawmaker's son in exchange for his vote on key legislation.

**Nov. 2, 2004:** Aided by DeLay's redistricting efforts, Texas Republicans pick up six seats in the U.S. House of Representatives.

**Jan. 2005:** Sears, Roebuck and Co. and Diversified Collection Services settle criminal case against them in exchange for their cooperation in the DeLay investigation.

What he disputes, however, is that DeLay himself had any direct involvement in the transactions, something DeGuerin claims his client learned of only after they were carried out. "He didn't make any of those decisions," DeGuerin said.

For his part, DeLay responded to the charges by calling the case "one of the weakest, most baseless indictments in American history," and accused the prosecutor, Travis County District Attorney Ronnie Earle, a Democrat, of carrying out a partisan vendetta against him. "Over the course of this long and bitter political battle, it became clear that the retribution for our success would be ferocious," said DeLay. "Today, that retribution is being exacted."

Earle has a 30-year track record of prosecuting the powerful, including both Republican and Democratic politicians, although his detractors note that the Democrats were mostly conservatives targeted more than a decade ago.

For his part, Earle denies any personal motives in the case. "The accusations that have been made against me -- in cases involving politicians for the last 30 years, have always had one thing in common -- they generally accuse me of the things they would do. And they assume that others would do what they do," said Earle, who noted that of the 15 elected officials he has prosecuted over the years, only 3 have been Republicans. "This whole investigation is about protecting the integrity of our electoral system. And I just couldn't ignore what had happened."

Neither could the grand jury in the case, which initially handed down indictments against DeLay on charges he conspired with two previously-indicted associates, Jim Ellis and John Colyandro, to break Texas' campaign laws, a crime that carries a penalty of up to five years in prison. Grand jury member William Gibson Jr. said he and his colleagues were convinced not by Mr. Earle, but by a data trail of email and phone logs indicating DeLay's direct knowledge of the payment scheme. "It wasn't Mr. Earle that indicted Mr. DeLay," said Gibson, "It was the 12 members of the Travis Country grand jury."

A second indictment came six days later. That charge raised the stakes by labeling the defendants' actions "money laundering," which exposes them to a stiffer possible sentence of up to 20 years in prison. With more at risk, DeLay's codefendants may feel additional pressure to cooperate with prosecutors. If they do, legal scholars say DeLay could face a much tougher battle.

For their part, DeLay and his lawyers have since moved to have the charges dismissed. In November, they successfully campaigned to have the presiding judge removed from the case, arguing that his recent contributions to Democratic candidates and causes showed his bias against DeLay.

A month later, the judge who succeeded him dismissed one conspiracy charge involving the breaking of Texas election laws. But he let more

**February 2005:** A civil trial begins in Austin, Texas, in which five defeated Texas Democrats allege that illegal corporate campaign contributions were funneled by DeLay to Republican opponents.

**Sept. 13, 2005:** Colyandro and Ellis are indicted on additional felony counts of violating Texas election law and criminal conspiracy to violate election laws.

**Sept. 28, 2005:** DeLay is indicted on criminal conspiracy charges for his role in a scheme to break Texas' campaign finance rules.

**Oct. 4, 2005:** A Texas grand jury sends up a second indictment against DeLay, this time on money-laundering charges, which carry a possible 20-year prison sentence.

**Oct. 20, 2005:** DeLay turns himself in at a Texas sheriff's office and is fingerprinted, photographed and released on \$10,000 bail.

**Dec. 5, 2005:** After DeLay succeeds in having the first judge in the case removed, a second judge throws out one conspiracy charge but lets the more serious charges involving money laundering stand.

serious conspiracy and money laundering counts stand. That makes it all but certain that Delay will face trial at the same time he is up for re-election. (A Gallup recently found him trailing a 'generic' democratic opponent by 13 percentage points.)

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