

Citizens for Responsibility and Ethics in Washington

June 23, 2003

Select Committee on Ethics
U.S. Senate
Room 220 Senate Hart Office Building
Washington, D.C. 20530

Re: Request for Investigation into Conduct of Senator Richard C. Shelby

Dear Chairman Voinovich and Vice Chairman Reid:

As a concerned citizen and Executive Director of Citizens for Responsibility and Ethics in Washington, a non-profit, non-partisan organization, I request that you begin an investigation to determine whether Senator Richard C. Shelby committed a violation of the Senate Rules of Conduct.

It appears that Senator Shelby may have committed a violation of paragraph 1 of Rule 37 which states:

A member, officer, or employee of the Senate shall not receive any compensation, nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt or accrual of which would occur by virtue of influence improperly exerted from his position as a Member, officer, or employee.

According to the Senate Rules, this provision was intended “as a broad prohibition against members, officers, or employees deriving financial benefit, directly or indirectly, from the use of their official positions.”

Senator Shelby may have violated this rule by illegally providing legislative favors in exchange for campaign contributions from Westar Energy. Internal Westar documents suggest that Senator Shelby sought donations from Westar executives in exchange for giving the company help with legislation providing a federal exemption for Westar from regulatory authority, saving the company billions of dollars. Although I cannot attach these documents, they are available for inspection on Westar’s website, wstnres.com, under the heading of “Special Committee Report,” exhibit numbers 236-239.

The Westar documents detail a plan to give approximately \$56,500 in donations “to get a seat at the table” of a House-Senate conference committee. Exhibit 236, states:

[t]he total of the package will be \$31,500 in hard money (individual) and \$25,000 in soft money (corporate). Right now we have \$11,500 in immediate needs for a group of candidates associated with Tom Delay, Billy Tauzin, Joe Barton and Senator Richard Shelby.

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Further review of exhibit 236 suggests that Mr. Shelby solicited donations on behalf of Tom Young, the Senator's former chief of staff who was running for Congress. In response to an e-mail question from one Westar executive to another asking who Tom Young was, and why the Westar executive should donate money to him, the executive was told that:

Tom Young is Senator Shelby's chief of staff who is running for the House in Alabama. Shelby is a member of the Senate Energy Committee and the Banking Committee . . . and is the lead Republican on all Senate [Westar amendment] related matters. He is our anchor on the Senate side. **He's made a substantial request of us for supporting Young's campaign.** (*emphasis added*)

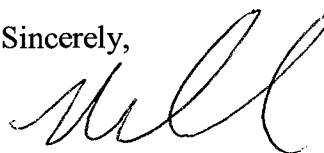
Westar executives then made the contributions described in the documents. I have attached a document detailing Westar officials' political donations and you will see that Westar executives and lobbyists contributed generously -- in fact they donated \$15,000 in one day -- to Tom Young's campaign.

If Mr. Shelby did, in fact, seek political donations from Westar in return for his support of the Westar amendment, Mr. Shelby may have violated 18 U.S.C. § 201(b)(2)(A), a bribery statute prohibiting a public official from, "directly or indirectly," seeking, receiving, accepting, or agreeing to receive anything of value personally or for any other person or entity in return for being influenced in the performance of an official act.

Such conduct, even if not in violation of federal law, clearly creates the appearance that wealthy donors have access to the political system that is denied to most citizens. As a member of the United States Senate, Senator Shelby's conduct should be beyond reproach. Therefore, I request that the Select Committee on Ethics investigate this matter to see if Senator Shelby has violated the Senate Code of Conduct.

If I can be of any further service, please do not hesitate to contact me.

Sincerely,



Melanie Sloan
Executive Director