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Travis County District Attorney Ronald Earle today released the following statement:

On August 31, 2007, District Court Judge Mike Lynch threw out an indictment by the Travis County Grand Jury charging the Texas Association of Business (TAB) with making illegal political expenditures and illegal political contributions in seeking to elect a slate of candidates to the Texas Legislature in 2002.

Judge Lynch's ruling prevents the case from going to trial. The Travis County District Attorney's Office has today appealed that ruling.

In a lengthy order throwing out the indictment, Judge Lynch complained about the "muddled case law in this area, the many varied and complex theories of prosecution, and the many oral and written arguments presented."

The issues presented by this case are too important to allow confusion about complicated legal issues to deprive the public of the protections afforded by Texas law. These issues cannot be resolved unless this case is taken to trial.

The effect of the judge's decision was to deprive the public of a trial, at which the public would get to see what is being done to them. The rule of law depends on courts following the law.

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The acts that constituted the crime that is the subject of this prosecution are not as simple or as easily understood as the assault and theft cases that usually populate the dockets of trial courts. Yet those acts by the Texas Association of Business and its member corporations were assaults on democracy and sought to steal an election from the public for the benefit of the Defendant and the corporations that were its benefactors.

TAB's attorneys have argued that corporations have the same First Amendment rights as human beings. This is patently absurd and it is dangerous to democracy. The United States Supreme Court has said that corporations can be treated "differently from individuals."

The indictment in this case alleged that TAB commissioned powerful attack ads and paid for them with corporate money. This was done in coordination with political action committees (PACs) that were campaigning for certain pro-business candidates in legislative races all over the State. After meeting with these PACs, TAB planned and executed an attack strategy that involved vitriolic negative ads.

Courts have recognized the dangers of corruption in this type of negative coordinated attack advertising. TAB engaged in this type of advertising and paid for it with corporate money in violation of Texas law.

The Supreme Court has warned, "Corporate wealth can unfairly influence elections...." The Court has "recognized that 'the compelling governmental interest in preventing corruption support[s] the restriction of the influence of political war chests funneled through the corporate form.'"

This case involves exactly the type of corporate speech that the Supreme Court has recognized that the public has the right to prohibit because of the clear danger of real corruption and the erosion of public trust in our electoral process.