

Character & Support Letters

for

Tom DeLay

## Character and Support Letters for Tom DeLay

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14. Hon. Robert C. Lanier  
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Houston, Texas Former Mayor of Houston and personal  
friend for over twenty years
15. Sheppard H. Werlein, Jr.  
Precinct 4 Constable  
702 Mistycreek Dr.  
Richmond, Texas Security provider and friend for over  
twenty years

16. George W. "Bill" Ceverha  
5950 Cedar Springs Road  
Dallas, Texas  
Former State Legislative Colleague and  
personal friend for over thirty years
17. Senator Robert F. Deuell  
District 2  
P. O. Box 8609  
Greenville, Texas  
Texas State Senator
18. Representative Dan Flynn  
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Houston of Representatives  
P. O. Box 669  
Van, Texas  
Personal and Political Friend for over  
ten years
19. Susan Molinari  
Bill Paxon  
4004 Sharp Place  
Alexandria, Virginia  
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20. Gerald Geistweidt  
Attorney  
P. O. Box 1909  
Mason, Texas  
Personal friend for over thirty years
21. Terese & Sam Raia  
1 Turnabout Court  
Sugar Land, Texas  
Constituents and friends
22. Dr. Cassie Statuto Bevan  
Lecturer, School of Social Policy  
and Practice  
Fellow, Field Center for Children's Policy,  
Practice and Research  
University of Pennsylvania  
Strong Supporter and Advocate
23. Hon. Chase Untermeyer  
10000 Memorial Drive  
Houston, Texas  
Former Ambassador to Qatar  
Member of the Texas Ethics Commission  
Long time friend for over thirty years

24. Captain Rick Miller,  
U.S. Navy (Ret.)  
3218 Oakland Drive  
Sugar Land, Texas  
Constituent and personal friend for ten  
years
25. Melvin A. Dow.  
Attorney  
1221 McKinney  
Houston, Texas  
Personal family friend for over twenty-five  
years
26. Mickey Mixon  
1819 Redwood Ct.  
Sugar Land, Texas  
Political and personal friend for  
over twenty-five years
27. Lynda C. Mixon  
1819 Redwood Ct.  
Constituent and personal friend for over  
twenty-five years
28. Jeanie Mason  
915 Goldfinch Ave.  
Sugar Land, Texas  
Constituent and personal friend for  
over thirty-three years
29. Dwight A. Littlejohn  
Special Agent  
United States Capitol Police  
Washington, D.C.  
Security Detail while Majority Leader,  
acquaintance and friend
30. Debra W. Ross  
Former President of Spirit of Freedom  
Republican Women  
Precinct Chair #4107



ראש הממשלה  
Prime Minister

December 12, 2010

Dear Tom,

In this difficult time for you and your family, I wanted to express my appreciation for all you have done for Israel and for the Jewish people.

For two decades in Congress, you were a steadfast champion of a strong and secure Israel, and you worked tirelessly to strengthen the deep bonds of friendship between our two countries. You and your wife were also active and dedicated supporters of the successful efforts to free Soviet Jews trapped behind the Iron Curtain.

The people of Israel owe you and your family a deep debt of gratitude for your unwavering support over the years. In facing this difficult time, know that our thoughts and prayers are with you.

Respectfully,



Benjamin Netanyahu

Mr. Tom DeLay  
2806 Saint Annes Drive  
Sugarland, TX 77479  
USA

Jerusalem, Israel



## COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Benigno R. Fitial**  
Governor

**Eloy S. Inos**  
Lt. Governor

December 14, 2010

The Honorable Pat Priest

Your Honor:

My name is Benigno Fitial and I am the Governor for the Commonwealth of the Northern Marianas Islands (CNMI). I am writing today to express my strong support for leniency in the sentencing of my dear friend Tom DeLay.

For more than a decade I have known Tom to be an upstanding citizen who cares deeply not only about the people he was elected to represent but also those that have suffered injustice.

During Tom's tenure in the United States House of Representatives, he was particularly helpful to the people of the Northern Marianas Islands. When our islands were under attack by some Members of Congress, Tom flew to the CNMI to learn firsthand the plight of our people.

We are a very small community located in the middle of the Pacific Ocean and our economy is continually under duress. However, with Tom's support and leadership we were very successful in developing and maintaining new industries that helped our economy immensely.

I have also come to know Tom on a personal level and consider him a dear friend. I respectfully ask for your compassion during this process.

If you have any further questions please feel free to contact me at any time.

Yours truly,

A handwritten signature in black ink, appearing to read "Benigno Fitial".

Governor Benigno Fitial



December 10, 2010

The Honorable Pat Priest  
Blackwell-Thurman Criminal Justice Center  
509 West 11th, 7th floor  
Austin, Texas 78701

Your Honor:

I am writing on behalf of Tom DeLay with a request for leniency in his sentencing.

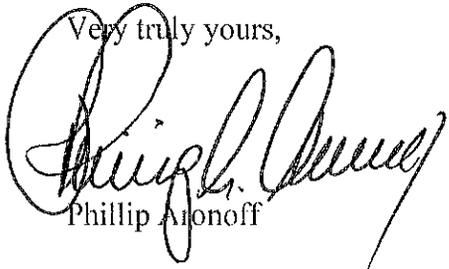
I have known Mr. DeLay for thirty years, since he was a member of the Texas House of Representatives. However, I am writing as a member of the Consular Corps in Texas, a position I have held for the past six years.

The citizens of Hungary, a NATO and European Union member country, required visas to visit the United States. These visas were time consuming and required a visit to the US Embassy in Budapest. Since joining the European Union Hungary believed it should be treated the same as its sister countries. With Mr. DeLay's help this became a reality. Today a Hungarian national wanting to visit the US is admitted under the visa waiver program. He was instrumental in this becoming reality.

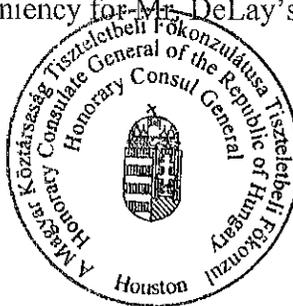
I share this with you so you will understand what a positive impact Mr. DeLay has had on the foreign relations of our country with our allies. Today Hungary has troops in Afghanistan supporting the US mission there.

Your Honor, I repeat my request to you for leniency for Mr. DeLay's sentencing.

Very truly yours,



Phillip Aronoff



***U.S. - ISRAEL OPPORTUNITIES, Ltd***

December 10, 2010

***Yoram Ettinger***  
*President*

To whom it may concern,

The late Tom Lantos, who was one of the most respected Democrats on Capitol Hill and the Chairman of the House of Representatives Foreign Relations Committee, told me shortly before his death: "While I disagree with Tom DeLay on most issues, there is no doubt that Tom DeLay was the leading champion of the Jewish People and the Jewish State on Capitol Hill."

Alan Makovsky, who was Tom Lantos' advisor on Middle East affairs, confirmed his boss' high esteem of Tom DeLay.

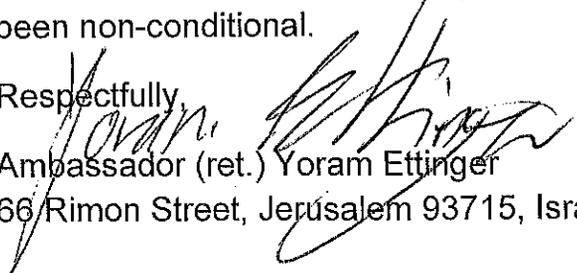
I have known Tom DeLay since 1985, when I served as Israel's Consul General in Houston, Texas. At that time, Tom was one of the early leading activists on behalf of "Let My People Go" – the campaign to free Soviet Jewry. Tom and his wife Christine served as "Big Brother and Sister" to many Soviet Jewish families, elevating their spirit and hope, assisting them in making ends meet and interceding on their behalf with the Soviet authorities.

I recall the moving scene when Tom and Christine were hugged and kissed, in Jerusalem, by Jewish families who made it out of the USSR, largely due to Tom's persistent humanitarian efforts.

During 1989-1992 I served as the Minister for Congressional Affairs at Israel's Embassy in Washington, DC and since 1993, I have been on a sustained contact with Capitol Hill as a consultant to Israeli leaders on US-Israel relations. During those years I was exposed to the dramatic expansion of Tom's efforts on behalf of the Jewish State and the Jewish People.

Tom's efforts were driven by principles and values and his support of the Cause of the Jewish People and Jewish State has always been non-conditional.

Respectfully

  
Ambassador (ret.) Yoram Ettinger  
66 Rimon Street, Jerusalem 93715, Israel



## COUNTY JUDGE

Fort Bend County, Texas

Robert E. Hebert  
County Judge

(281) 341-8608  
Fax (281) 341-8609

December 23, 2010

The Honorable Pat Priest  
Senior District Court Judge  
The State of Texas  
Austin, TX 78701

Dear Judge Priest:

I write this letter as a long-time friend of Tom DeLay. I have known Tom for over twenty years and I have had the pleasure to work closely with him as my congressman and as Majority Leader of the U.S. House of Representatives on several matters over the years of extreme importance to my home county and to the nation.

As an individual I found Tom extremely supportive and effective in helping pass legislation funding water quality research through the AWWA Research Foundation. He very quickly understood the need for federal support of this effort and was instrumental in providing millions of dollars over a ten-year period to this effort. Each dollar Tom helped raised was matched 6 to 1 with private sector money to support the research necessary to help provide quality water to America.

As County Judge of Fort Bend County, I worked with Tom as Majority Leader on a number of issues critical to the well-being of our citizens. Tom was successful in helping improve numerous transportation initiatives in the county, as was always available to look into issues which I felt were important to our constituents. Quietly, Tom worked with me over the years to find ways to help finance a much needed water and wastewater utility for a very low-income area in Northeast Fort Bend – a heavily Democratic area, but one with a great need and little money. He found over \$2.5 Million in direct aid for this effort and initiated a process which ultimately provided a \$20 Million authorization under WRDA shortly after he left office. He didn't do this for the votes or for profit as he received neither. He did this because he is a fair and compassionate man who was committed to serving everyone in his district to his best ability.

Tom DeLay served Fort Bend County well and showed many times that he is a man of compassion and honor. I urge you to also be compassionate at this time as you consider the matter before you.

Sincerely,  
A handwritten signature in black ink that reads "Robert E. Hebert". The signature is written in a cursive style with a large, sweeping initial "R".

Robert E. Hebert  
County Judge

***Congressman Louie Gohmert***  
***P.O. Box 8060***  
***Tyler, Texas 75711***

January 5<sup>th</sup> in the Year of our Lord 2011

Honorable Pat Priest  
Blackwell-Thurman Criminal Justice Center  
509 West 11<sup>th</sup>, 9<sup>th</sup> Floor  
Austin, Texas 78701

Dear Judge Priest:

Sentencing usually is not easy. It was not for me during my terms as a district judge. But, it truly is important to understand the heart that lies beneath the surface of the person being sentenced.

I grew to know the man you are going to sentence through running for Congress and serving in Congress with Tom Delay as the Majority Leader. The media called him "the Hammer," because they did not know how he was behind closed doors nor how he dealt with people he led. Because of his reputation I had read about in the media and because of my own hard-headedness, I expected to have confrontations with Majority Leader Delay. Yet, when I disagreed strongly with a major bill he was pushing, he could not have been nicer. In our meetings, he acted more like a well-reasoned equal who just wanted a chance to explain his position and why it made sense.

The man you are sentencing is a man with whom I expected to repeatedly butt heads. However, not only did he not butt heads when we disagreed, he used cerebral thinking and logic to make his case in thoughtful discussion\_ not a view of Tom Delay one gets from the media.

While the media painted Tom Delay as self-centered and self-absorbed, he did such things as agree to the reduction of a large portion of the Republicans in his own district during Congressional redistricting. That magnanimity made him far more vulnerable to defeat personally, while assisting other members of Congress from Texas who shared his concerns for America's future.

It is also critical to note that even in the evidence at your trial, his efforts were not to become wealthy himself, but to help elect people who shared his heightened concerns for America's future. Although those individuals are of a different political party than your own, the motivation was selfless.

Anyone who thinks Tom Delay's lack of personal greed must have meant he has been driven by a lust for personal power would reveal an ignorance of what privately drove the man. Those who were present in the room when the Speaker of the House was stepping down and Tom was the next logical choice to step up and become speaker confirm his incredible selflessness. At that time, Tom said he himself was too much of a lightning rod and had too much passion to be effective as Speaker; he felt it should be someone who was more low key and even-handed. So he suggested his own DEPUTY, Dennis Hastert, to be the next speaker. Those in the room knew the superior perks going to the third most powerful person in America as Speaker. They knew that U.S. House Speakers are memorialized but party leaders are not. Yet, the man you are to sentence thought more of his country's own good than he did of his potential power and personal perks.

When Republicans in the US House of Representatives realized that there was a District Attorney in Austin, Texas who was taking matters pertaining to Tom Delay before grand juries for potential indictment and they further were told that "a good prosecutor could potentially indict a ham sandwich," they realized there needed to be a rule change to their party rules. Prior to that time, the Republicans had a rule that if a leader within the party were indicted, he would be automatically removed from the leadership position. Democrats in the House were smart enough not to have such a rule at that time that might invite an overzealous Republican prosecutor to pursue one of their leaders. The Republican rule was then changed so that if a Republican leader were indicted, the remainder of the party leaders would investigate and report back within a certain period with their recommendation for proper action in that leader's situation.

Later, when some within his own party were whispering to Speaker Dennis Hastert that they should change the Republican rule back again, Speaker Hastert asked Tom to tell the Republican conference that he supported changing the rule back so that indictment would mean immediate removal from leadership. Even though such a change back might have returned attractiveness to a Democratic district attorney to get him removed by indictment, Tom dutifully stood up before the Republican conference and said he was supportive of changing the rule back again. I could not believe anyone could be so self-LESS as to make such a statement, but Tom Delay was and did make the statement. With his statement in support, the rule was changed back, and Tom was subsequently indicted though under a law that did not exist at the time of the acts in question. Those charges, as the court knows, were dismissed and Tom Delay was reindicted before a new grand jury basically at its inception which has now led to this time of sentencing.

As the court knows, it must look to a number of factors in promulgating a sentence. Is Tom Delay a threat to be a recidivist such that a strong deterrent message is necessary for him personally? He no longer has the political capacity to raise such money so personal deterrence does not seem to be an issue here.

Is a punitive sentence necessary to be a deterrent to the general public? Tom Delay has already lost all power, been overwhelmed with legal debt, had a nightmare scenario for his family, seen friends leave his social circle in droves, been held up to public ridicule incessantly, and even had to resort to dancing to raise money for his family. What he has already been through is not only a deterrent to people engaging in questionable activity, it even makes one wonder if it is worth trying to help the country by getting into the political arena at all. I personally have wondered that as well.

Regarding a court's obligation to consider public safety, the court will not likely affect public safety no matter how tough or how lenient the sentence is. In such a case, it certainly seems that a person who is probation eligible would be a good candidate for probation. Through probation, the court could further satisfy itself that proper activities are underway for helping the rehabilitation of both the nation and the person being sentenced. To that end, the undersigned would humbly request this court's good consideration.

Respectfully,



Congressman Louie Gohmert

TED POE  
2ND DISTRICT, TEXAS



COMMITTEES:  
FOREIGN AFFAIRS  
JUDICIARY  
FOUNDER OF CONGRESSIONAL  
VICTIM'S RIGHTS CAUCUS

Congress of the United States  
House of Representatives

Washington, DC 20515-4302  
January 5, 2011

Judge Tom Price  
Court of Criminal Appeals  
Supreme Court Building  
P.O. Box 12308  
Austin, TX 78711

Dear Judge Price,

I write to you in order to bring attention to the many positive things that former Representative Tom Delay did for the state of Texas during his over twenty years of service in the House of Representatives. Both during his time as an individual member of Congress representing the area south of Houston, and during his time in House leadership, Congressman Delay kept the interests of our state at the forefront of his work.

I have known Congressman Delay personally for about 25 years. I travelled with him to Israel in 1987, and he represented the interests of our country in a superior capacity and continued to do so during the rest of his lengthy career in public service. Congressman Delay has spent most of his life in public service and has been a champion for the people of the state of Texas.

During his time in Congress, Rep. Delay tirelessly advocated for NASA and the Johnson Space Center. The Johnson Space Center provides jobs for 3,200 civil servants, 110 astronauts and a workforce of over 15,000 contractors. Just in the Houston area alone, 31,497 related jobs in aerospace and other industries can be attributed to the Johnson Space Center. Today, these jobs represent over \$2.3 billion in personal income to our state.

Additionally, Rep. Delay fought against new federal environmental regulations which would have been detrimental to the energy industry in Texas. Today the state of Texas, and specifically the city of Houston, remain the energy capital of the world, accounting for hundreds of thousands of jobs.

Finally, I would like to bring attention to the support that Rep. Tom Delay gave to the military during his time in office. Today, there are 24 major military installations in Texas. These installations house over 194,956 personnel in the state and have an economic impact for the state of over \$44 billion each year. These facilities received support from Rep. Delay during his time as an individual member and his time in leadership.

Sincerely,

TED POE  
Member of Congress

Harris & Liberty County Office  
5001 Kingswood Drive, Suite 211  
Kingswood, TX 77339  
Phone: (281) 448-0242  
Fax: (281) 448-0262

Washington Office  
150 Cannon Building Office Building  
Washington, DC 20515  
Phone: (202) 225-0565  
Fax: (202) 225-5117

25500-01000001-01-01  
305 Oldfield School Road  
Beaumont, TX 77701  
Phone: (409) 212-1097  
Fax: (409) 212-0711

20110105 09:00:00

SAM JOHNSON  
THIRD DISTRICT, TEXAS

1211 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-4303  
(202) 225-4201

www.samjohnson.house.gov

2929 NORTH CENTRAL EXPRESSWAY  
SUITE 240  
RICHARDSON, TX 75080  
(972) 470-0092

Congress of the United States  
House of Representatives  
Washington, DC 20515-4303

COMMITTEES:  
WAYS AND MEANS  
  
RANKING MEMBER:  
SUBCOMMITTEE ON  
SOCIAL SECURITY  
  
DEPUTY WHIP  
  
COMMISSIONER:  
U.S.-RUSSIAN JOINT  
COMMISSION ON POW/MIAs  
  
REGENT:  
SMITHSONIAN INSTITUTION

January 6, 2011

Travis County Clerk of Court  
Blackwell-Thurman Criminal Justice Center  
P.O. Box 1748  
Austin, TX 78767

Case number: DIDC050904161  
State of Texas VS Thomas Dale DeLay

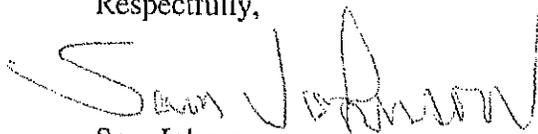
Attn: The Honorable Pat Priest

Your Honor,

I am writing this letter in regard to Tom DeLay. I have known Tom DeLay since the 1980s. We have worked together in the Texas Statehouse and the United States Congress on a wide range of issues. I can say unequivocally that the Tom DeLay I know is not someone who would knowingly break the law. The Tom DeLay I know is a man of deep conviction and great Christian faith. He has been a tireless warrior for liberty and free enterprise. He is a devout family man who not only cared for his own family, but he found others who had no family and gave them a home.

Tom DeLay has long record of service to the United States and to the State of Texas. Given that the legal issues of this case are novel and complicated, I respectfully request that no sentence be imposed before this longtime public servant has the opportunity to appeal this conviction. Please feel free to contact me if you wish to discuss this in person. I can be reached at 202-225-4201.

Respectfully,



Sam Johnson  
Member of Congress

Csj/dh

Congress of the United States  
House of Representatives  
Washington, DC 20515-4304

January 6, 2011

Mr. Dick DeGuerin  
1018 Preston Ave.  
Houston, TX 77002-1806

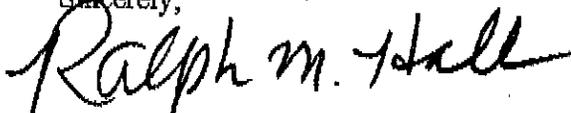
Dear Mr. DeGuerin:

I am writing on behalf of my friend and former Texas colleague in the House of Representatives, Tom DeLay. Tom has devoted much of his career working to improve the lives of Americans by promoting conservative policies and programs. He also has personally invested time and resources in promoting foster care and sponsoring foster care teenagers.

If Mr. DeLay committed any offense, it is my opinion that it would be for being a hardworking Republican Member of Congress and a dedicated public servant. I hope that the court will consider his years of public service in rendering their decision.

With best regards, I am

Sincerely,



Ralph M. Hall  
Member of Congress

104 NORTH SAN JACINTO STREET  
ROCKWALL, TX 75087-2508  
(972) 771-9118  
(972) 722-0907 FAX

COLLIN COUNTY COURT FACILITY  
1800 NORTH GRAVES STREET, SUITE 101  
MCKINNEY, TX 75069-3322  
(214) 728-9949  
(214) 726-9383 FAX

101 EAST PECAN STREET  
SHERMAN, TX 75090-6989  
(903) 892-1112  
(903) 868-0264 FAX

U.S. POST OFFICE  
320 CHURCH STREET, SUITE 132  
SULPHUR SPRING, TX 75482-2606  
(903) 886-8138  
(903) 439-0874 FAX

4303 TEXAS BOULEVARD, SUITE 2  
TEXARKANA, TX 75503-3094  
(903) 794-4445  
(903) 794-5577 FAX



JOE BARTON  
SIXTH DISTRICT, TEXAS

January 5, 2011

Mr. Dick Deguerin  
1018 Preston Ave.  
Houston, TX 77002-1806

Dear Mr. Dick Deguerin:

I have known Tom DeLay for over two decades. I had the privilege to serve with him in Congress from 1985 until he retired in 2006. I consider him to be a man of personal honor and high integrity. I value him as a personal friend.

I am not familiar with the specifics of the legal issues in his pending trial, but I am familiar with his political activities and fundraising efforts during the 2001-2003 time period. I was in numerous strategy meetings, brainstorming sessions, and fundraising events that he also participated in. At no time did I witness or hear him advocate or suggest doing anything that was outside the law. To the contrary, my recollection is that he emphasized just the opposite. He made it extremely clear that he wanted everything done according "to the book."

I do not believe that Tom knowingly, willfully, or intentionally violated any state or federal law. It should not be a crime to exercise your constitutional right to political freedom for your political party. Simply put, Tom DeLay should not be prosecuted because he played to win politically, within the rules.

I strongly urge maximum leniency in his sentence. Tom DeLay is a good, decent man.

Sincerely,

A handwritten signature in black ink that reads "Joe Barton". The signature is written in a cursive, flowing style.

Joe Barton  
Member of Congress



KEVIN BRADY  
8TH DISTRICT OF TEXAS  
DEPUTY WHIP

CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C.

COMMITTEE ON  
WAYS AND MEANS  
RANKING MEMBER, SUBCOMMITTEE ON TRADE  
SUBCOMMITTEE ON SOCIAL SECURITY  
JOINT ECONOMIC COMMITTEE  
RANKING HOUSE REPUBLICAN

Travis County Clerk of Court  
Blackwell-Thurman Criminal Justice Center  
P.O. Box 1748  
Austin, TX 78767

Case number: DIDC050904161  
State of Texas VS Thomas Dale Delay

Attention: The Honorable Pat Priest

Dear Judge Priest:

You have no doubt heard a lot about Tom DeLay over the course of this trial, but before you proceed further I would like to tell you about the Tom DeLay I know.

We have worked together in the United States Congress on a wide range of issues and I can say unequivocally that the Tom DeLay I know is not someone who would knowingly break the law. The Tom DeLay I know is a man of deep conviction and great faith. He has been a tireless warrior for liberty and free enterprise. This devout family man not only cared for his own family, he found others who had no family and gave them a home.

Tom Delay has long record of service to the United States and to the state of Texas. Given that the legal issue in this case is novel and complicated, I respectfully request that no sentence be imposed before this longtime public servant has the opportunity to appeal this conviction.

Respectfully,

  
Kevin Brady

MICHAEL C. BURGESS, M.D.  
26th District, Texas



WASHINGTON, DC OFFICE:  
229 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-7772  
[www.house.gov/burgess](http://www.house.gov/burgess)

**ENERGY AND COMMERCE**

SUBCOMMITTEES:  
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RANKING MEMBER

HEALTH

ENERGY AND ENVIRONMENT

**JOINT ECONOMIC COMMITTEE**

CONGRESSIONAL HEALTH CARE CAUCUS,  
CHAIRMAN

Congress of the United States  
House of Representatives  
Washington, DC 20515-4326  
January 6, 2011

DISTRICT OFFICES:  
1660 SOUTH STEMMONS FREEWAY  
SUITE 230  
LEWISVILLE, TX 75067  
(972) 434-9700

1100 CIRCLE DRIVE  
SUITE 200  
FORT WORTH, TX 76119  
(817) 631-8454

Travis County Clerk of Court  
Blackwell-Thurman Criminal Justice Center  
P.O. Box 1748  
Austin, TX 78767

Case number: DIDC050904161  
State of Texas VS Thomas Dale Delay

Attn: The Honorable Pat Priest

Your Honor,

As you continue to deliberate over this trial concerning Tom DeLay, I would be remiss if I did not share with you my thoughts about Tom.

I worked with him from my first day in Congress and he was an honest and even-handed leader. The Tom DeLay I know would never knowingly break the law. He believes in the Constitution of the United States and worked tirelessly as a Member of Congress to protect those rights and to ensure that they were not infringed upon.

I am not an attorney but I do realize this legal issue is unique and very complicated, before any sentence be imposed I would respectfully request that he be given the opportunity to appeal.

Sincerely,

A handwritten signature in cursive script that reads "Michael C. Burgess".

Michael C. Burgess, M.D.  
Member of Congress

Honorable John R. Carter  
U.S. Representative (TX-31)

December 17, 2010

Senior Judge Pat Priest  
331st Criminal District Court  
Blackwell-Thurman Criminal Justice Center  
509 West 11th, 9th Floor  
Austin, Texas 78701

RE: State of Texas vs. Tom Delay

Dear Judge Priest:

I have known and worked with Tom Delay since being elected to Congress in 2002. I know Tom to be an honorable man who keeps his word. Tom Delay is a family man and a good Christian. I believe he is a good candidate for a probated sentence.

I understand that sentencing has a punishment factor. Tom Delay has fallen from the number two leadership position in the House of Representatives to become an unemployable former member who no one will hire in his chosen field of politics. He has lost everything but his family. I hope these losses can be punishment enough.

It is true that Tom Delay has been a strong advocate for a Conservative Republican government. However, he is a reliable person who will follow all the rules of probation and meet all of his obligations to your honorable court.

As a retired District Judge of the 277th District Court, it is not my policy to make recommendations to other courts unless I believe the circumstances overwhelmingly warrant such action. I believe the Delay case warrants my comments.

I respectfully request that defendant Tom Delay be granted a probated sentence in this case. I am confident that he has learned a hard lesson and will be a successful probationer and a credit to society.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John R. Carter", with a long horizontal stroke extending to the right.

John R. Carter  
Member of Congress

BOB LANIER

January 4, 2011

The Honorable Pat Priest

Dear Judge Priest,

I've known Tom Delay since he was in the state legislature and I was Texas Highway Commission Chairman. He struck me then and now as diligent, forthright and dedicated to the people he was elected to serve.

He came to me after he was elected to Congress and said he wanted to study transportation matters with me and he did – with great interest and enthusiasm. I recall a public hearing in Fort Bend County on the comparative value to taxpayers of roads and bus systems as opposed to light rail. Attended by about 500 persons, the hearing went on for hours and Tom stayed for the entire proceeding, listening to concerns and learning all he could. He worked hard to understand transportation issues and devoured hard data from all sources available.

As first a member and then the chairman of the House Transportation Appropriations Committee he determined that while Texas was a very substantial donor state, Texas did not receive its fair share back. He worked hard to change that along with Texas Sen. Lloyd Bentsen and, to some extent, the undersigned. This resulted in substantial additional funds that allowed Texas to improve its highways, roads, transitways as well as light rail where justified. Texas' national standing on congestion improved.

Most of the issues on which I have worked with Tom have been in transportation, which has a large statistical base, including but not limited to census data. He worked on that basis as well as any public official with whom I have ever worked quickly – separating data from hogwash. I'm a Democrat, but our interactions were almost always on the merits, not political, and it worked on many matters for Texas, Houston and the nation.

BOB LANIER

Tom remains an able, productive person (he even dances well!) and I hope you will consider my plea for leniency in his sentencing, should it come to that. I believe he still has much he can offer his community and think that in many ways the past five years have been punishment for him. There's a lot of good left in Tom.

Thank you for your time and consideration in this matter.

Respectfully yours,

A handwritten signature in black ink that reads "Bob Lanier". The signature is written in a cursive, slightly slanted style.

Robert C. Lanier

**Ann and Sheppard H. Werlein, Jr.  
702 Mistycreek Dr.  
Richmond, Texas 77406**

December 30, 2010

The Honorable Pat Priest  
Senior District Court Judge  
The State of Texas  
Austin, TX 78701

Dear Judge Priest:

I have known Tom DeLay for over 20 years. He is one of the most honorable, dedicated public servants I have ever known. Tom is a strong Christian man and has changed many lives as a foster parent and an active participant in Child Advocates.

As the Precinct 4 Constable, I provided security for Congressman Delay when he was in district. Tom was assigned a security detail from the Capital Police who were responsible for his security while in Washington. I and my Office, through close coordination with Capital Police, were responsible for Tom's security when he was in the District.

It was my responsibility to insure his safety and security during travel, at functions, in church and even when on the golf course. Needless to say I had the opportunity to be with Tom during many different, not only public but private situations. Over the years I came to respect Tom very much and never saw him make a decision that was not based on both his Christian principles and what, he believed, was in the best interest of our Country. Not what was in his best interest, not what he could do to "line his pockets", not what would make Tom "look good" and not what He could do to gain more personal power but what was best for the United States of America and those that he was dedicated to represent.

Judge, from one public servant to another please show compassion. Tom has been destroyed both politically and personally. His opponents have won. He will never again be able to hold public office or influence our political system. Is this not punishment enough for a man that dedicated his life to serving, what he believed, was in the best interest of this Country.

Tom has made many mistakes and bad decisions, as all of us that have been in positions of power have. I believe that the decisions Tom has made while in office were not made for personal gain, but for the good of the citizen. I only wish that all of our public servants made decisions based on this principle, our Country would be much better served.

Thank you Sir for your service and I pray for you and the decision you must make that will ultimately dictate the remainder of this servant's life.



## George W. "Bill" Ceverha

5950 Cedar Springs Rd. Suite 200 Dallas, TX 75235 214-350-1894 214-956-6733(Fax)  
email: [bceverha@att.net](mailto:bceverha@att.net)

December 30, 2010

The Honorable Pat Priest  
%DeGuerin and Dickson  
7th Floor, The Republic Building  
1018 Preston Avenue  
Houston, Texas 77002

Dear Judge Priest,

Please accept this letter as my personal support of former congressman Tom Delay as you consider his punishment in January.

As you may remember from my testimony at his trial, I have known Tom for over 30 years and consider him to be my friend. During our service together in the Texas House of Representatives, he was one of my room-mates in Austin. In all those years, I have seen him as an individual who works hard to achieve his goals in public office, but always with integrity and honesty. Obviously, he has fought from a partisan standpoint in the political arena, but no more so than his political opponents. To my knowledge, he has never been accused of misusing public funds or trying to better himself at the expense of the taxpayer or his political contributors.

On a personal level, Tom is a dedicated husband and father, with his heart firmly planted in his Christian faith. In that regard, he is obviously the provider for his wife and family in a situation which has undoubtedly already cost him hundreds of thousands of dollars in legal fees over the past six years or so, with more legal expenses to come in his appeal process.

Please consider the alternative of probation and allow a good man to keep his role as father, husband and provider as his appeal proceeds.

Thank you for your consideration.





P. O. BOX 8609 • GREENVILLE, TEXAS 75404

January 3, 2011

The Honorable Pat Priest  
% DeGuerin and Dickson  
7<sup>th</sup> Floor, The Republic Building  
1018 Preston Avenue  
Houston, TX 77002

RE: Tom Delay

Dear Judge Priest:

I have the utmost respect for our judicial system and the prosecution and judicial proceedings regarding Mr. Delay including his conviction.

I would respectfully ask for probation for Mr. Delay.

Mr. Delay is not a personal friend. I have met him only a few times. However, I have followed his career through the years and admire his public service. While he has been involved in many partisan battles, the great extent of his career is dedicated and selfless public service with integrity and honesty. His conviction did not involve any personal gain or a mistrust of taxpayer money.

Mr. Delay, as you know, has a family. I would ask consideration for his family as well as you consider sentencing. His family has made many sacrifices in his years of public service as well. The Delay family has suffered much in terms of financial expenses and emotional expenses. Probation would seem a reasonable sentence when looking at Mr. Delay's entire career. Probation would allow Mr. Delay to be with his family and maintain his role as a father and husband. I see no danger to society with a sentence of probation.

Again, I have the utmost respect for our judicial system and I deeply appreciate your contribution to Texas and our country.

Sincerely,

Robert F. Deuell, M.D.

CC: George W. "Bill" Ceverha  
5950 Cedar Springs Rd, Ste 200  
Dallas, TX 75235

The State of Texas  
House of Representatives

P.O. Box 669  
Van, Texas 75790-0869  
Tel: 903-567-6822  
Fax: 903-567-6833



Representing  
Hunt, Rains, and  
Van Zandt Counties

**Dan Flynn**

State Representative • District 2

January 3, 2010

The Honorable Pat Priest  
%DeGuerin and Dickson  
7<sup>th</sup> Floor, The Republic Building  
1018 Preston Avenue  
Houston, TX 77002

Dear Judge Priest,

Please consider this letter as my personal support of former congressman Tom Delay as you deliberate his punishment in January.

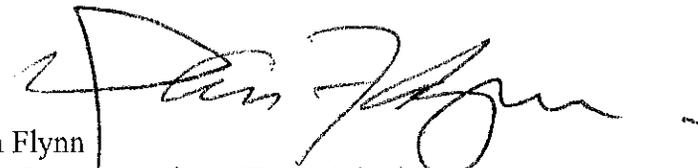
I have known Tom for approximately 10 years and know he was a strong congressional leader and well respected among his colleagues. Tom is a man of integrity and honesty who worked hard to achieve his goals in public office. He's fought hard in the political ring for his party's platform just as his political opponents have. As far as I know Tom has never been accused of misusing public funds or for that fact found guilty of any crime involving the laws of this land.

Tom is a dedicated husband and father and loves his family dearly. He is also a Christian relying on his faith to guide him. Tom is the sole supporter of his family and is in a situation which has cost him thousands of dollars in legal fees, with more legal expense expected in the future.

I respectfully request that you consider probation for Tom Delay and allow him to remain with his family during the appeal process.

Thank you for your consideration.

Sincerely,

  
Dan Flynn  
State Representative – House District 2

Not paid for or mailed at state expense.

Paid for by Dan Flynn Campaign, Dr. Rollin Sinsinger, Treasurer, P.O. Box 669, Van, TX 75790-0869

January 1, 2011

4004 Sharp Place  
Alexandria, Virginia 22304

Honorable Pat Priest  
Senior Retired District Judge  
District Court of Travis County  
Blackwell-Thurman Criminal Justice Center  
509 West 11<sup>th</sup>  
Austin, Texas 78701

Dear Honorable Judge Priest:

We are writing on behalf of our friend of the past two decades, Tom DeLay.

We first became acquainted with Tom when we arrived as newly elected Members of the United States House of Representatives from New York State in 1989 (Bill) and 1990 (Susan). We served alongside Tom through the end of our respective tenures in 1997 (Susan) and Bill (1999) and have remained close personal friends with him and his wife, Christine, throughout these many years and to this very day.

During our years in public service we have had the privilege of working alongside many hundreds of good elected officials, including local, state and federal representatives, executives and jurists. Without a doubt, Tom DeLay is the most dedicated, passionate, caring, honorable and principled among these fine people, and his commitment to our Nation has been the absolute hallmark of his public service career.

Tom DeLay came to public office from the private sector with the goal of making government work more effectively in the cause of a growing economy, to make America more resolute in the face of global challenges, and to insure that principles of faith and family were not subjugated in our society. Every day, we witnessed Tom labor on behalf of these heartfelt causes, and as a result of his leadership in Congress, significant progress was in all these areas. To Tom, being in office and in the Leadership in Congress was never about personal gain or hidden agendas but of advancing these causes and the agenda of America first, last and always.

Some wrongly suggest that Tom wanted to attain power in his own name, but our personal experience with him underscores that he constantly worked to advance others at his own expense.

Honorable Judge Pat Priest

Page 2

This was clear to all in a very dramatic way when, on December 19, 1998, the Speakership became available when Speaker-presumptive Bob Livingston took to the House Floor to announce that he would not serve in that post. Tom was next in line as Majority Leader, and could have easily ascended to the job that day by simply turning to his assembled colleagues and stating his intentions.

Bill, who was leaving Congress in a few weeks, was sitting between Tom and Dennis Hastert (then Chief Deputy Whip) when this drama unfolded. At that moment, Bill and Dennis turned to Tom and said he should, in fact, take the Speakership. But Tom said it would be counterproductive to the cause for him to do so, that our Party and our agenda needed a fresh face, and a different style of Speakership than he could offer, and he asked Dennis Hastert to consider standing for that office.

In American history, it is almost impossible to pinpoint any individual who, similarly positioned to ascend to the third highest office in the land, would reject that opportunity and hand it over to another, subjugating their ambitions for the cause in which they so strongly believed. But that is, precisely, what Tom DeLay did that day. For Tom, the cause was always bigger than his personal ambition or thirst for high office or recognition.

We also know Tom DeLay as a family man, a man of deep religious faith, a man who worried about the personal lives of his colleagues. On a regular basis, Tom reached out to help colleagues, to Hill staffers, to friends and to others in their times of need, when a broken spirit, a family challenge, a health or financial need was looming in their lives.

We witnessed time and again Tom's efforts that saved many a career, kept families together, and advanced the lives of countless individuals.

We witnessed it also when we traveled to Israel and met Jews from the former Soviet Union whose freedom Tom had fought for so valiantly over many years.

And, we witnessed Tom and Christine's commitment to the most vulnerable of our society, the children of Texas who needed an advocate, who needed a home, who needed a hand to pull them out of neglect, out of abuse, out of hopelessness. They used every position they held, every contact they made and every opportunity afforded them to help these children.

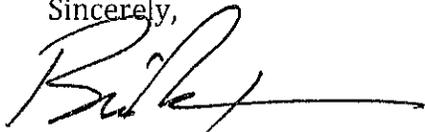
Finally, we witnessed Tom, our dear friend, come into our home time and time again, directly from the Floor of Congress, and pull off his tie, sit down on our floor, and play with our young daughters who, in turn, love him as a member of our family.

Honorable Judge Pat Priest  
Page 3

Tom DeLay is in every sense a joyful, kind, and compassionate man. He has always put others above self. He has always placed the cause of America, and Americans, first and foremost in his public service career.

We are honored to call Tom DeLay our friend, and respectfully ask this Honorable Court to carefully consider our comments and the comments of Tom's many other friends as sentencing is made in this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Paxton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

BILL PAXON

A handwritten signature in black ink, appearing to read "Susan Molinari". The signature is cursive and elegant, with a long horizontal stroke extending to the right.

SUSAN MOLINARI

**GERALD GEISTWEIDT**

Telephone: 325.347.6328

P.O. Box 1909  
Mason, Texas 76856

Facsimile: 325.347.6320

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January 3, 2011

The Honorable Pat Priest  
% DeGuerin and Dickson  
7th Floor, The Republic Building  
1018 Preston Avenue  
Houston, Texas 77002

RE: Tom Delay

Dear Judge Priest:

For more than 30 years, I have known Tom Delay and his family intimately. He was my desk-mate on the floor of the Texas House of Representatives. During his service in Austin, he was my roommate in an apartment shared by 3 Democrat and 3 Republican representatives. In all of our associations, I have found Tom to be a person of extraordinary honesty and integrity. All of those who know him well would agree with my opinion.

If Tom violated any law, as was determined in his recent trial, I know that the violation was the result of mistake and not intentional. His moral character and Christian principals simply would not allow him to consciously decide on an illegal course of action.

In considering Tom's sentence, please also consider his previously unblemished career of public service to the State of Texas, his many charitable acts outside of his political activities, and the needs of his wife and family for whom Tom is the primary provider and nurturer.

I remain proud to call Tom Delay my friend, and I pray you will grant him leniency in deciding his sentence.

Sincerely,



Gerald Geistweidt

**SAM B. RAIA**  
**1 TURNABOUT COURT**  
**SUGAR LAND, TEXAS 77478**

January 3, 2011

The Honorable Pat Priest  
c/o Dick Deguerin  
1018 Preston Avenue  
Houston, Tx.77002-1806

Dear Judge Priest,

My husband and I are writing this letter in support of our former Congressman Tom Delay who recently was found guilty in a case in which you were the Presiding Judge.

As friends of Tom and having served on the SREC for many years,we have known him to be a man of outstanding character as a Charitable Citizen, a State and U.S. Elected Official, and a Community Leader.

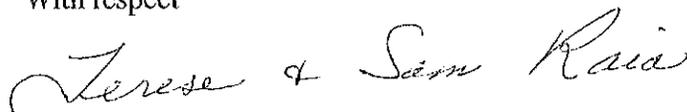
Tom's energy and communication skills for just causes and to keep his constituents informed of important issues during his years as a State Legislator and U.S. Congressman in the 22nd District was outstanding. His commitment to family values and Christian beliefs also speak volumes for his character.

One of Tom's charitable accomplishments was the development of the Rio Bend Community in Richmond, Tx., which were homes for Foster Children.

A major community service was providing funds to operate a state- of- the- art Airport to serve his District and surrounding communities. He also provided funding to improve the development of U.S. Hwy 59,years ahead of schedule,which had a positive economic impact in our area.

Therefore, we would like to beg you to consider Tom's achievements as an example of his character and contributions in the sentencing phase and not to consider the political implications of this case.

With respect

A handwritten signature in cursive script that reads "Terese & Sam Raia". The signature is written in dark ink and is positioned above the printed name.

Terese & Sam Raia

December 27, 2010  
Affidavit of Dr. Cassie Statuto Bevan  
Lecturer  
School of Social Policy and Practice  
University of Pennsylvania  
And

Fellow  
Field Center for Children's Policy, Practice and Research  
University of Pennsylvania  
[cbevan@sp2.upenn.edu](mailto:cbevan@sp2.upenn.edu)

Re: Sentencing of Tom DeLay

Before Senior District Judge of the State of Texas Pat Priest

Dear Judge Priest:

As you deliberate the sentence of Tom DeLay, I ask that you consider the documents that I have attached. For the sake of brevity, these documents indicate only some of the legislative actions that Mr. DeLay has taken on behalf of severely abused children.

The Washington Post Columnist Mary McGrory wrote on February 11, 2001, after the violent death of 23 month old Brianna Blackmond that: "Now Tom DeLay's ferocious skills are focused on an unlikely and worthy cause, the plight of children caught up in the District of Columbia's chaotic foster care system. DeLay as the champion of poor, luckless, loser kids?" McGrory noted that: "Many people know that DeLay and his wife Christine, have taken three troubled teenage foster children into their Houston home over the years. She quoted DeLay at a hearing as he raged: "I have seen things and heard things about the way that Child and Family Services is defaulting on its charter to care for children that turned my stomach." The famous self-described liberal columnist McGrory warned "He's not just talking. He will introduce a bill for a Family Court" The column entitled: "The Right Tool for the Job" concluding by observing, "The Hammer is coming. The designated nail, the DC child welfare world, is in for it."

As the Family Court Act moved through the US House of Representatives, opponents argued that judges should not have to serve longer than the current average of nine months in the family division because of the risk of "burnout." McGrory in a June 28, 2001 column entitled: "Juvenile Justice Tastes the Whip" quoted Mr. DeLay's reason for wanting "one judge one child" and five year terms for volunteer judges to serve in a separate Family Court "It takes time to learn the difference between the fakers, the liars, the compulsives, the mentally ill, chronic drug abusers, the alcoholics, and the parents who with supportive services can really stop hurting their children." Months after DeLay's bill "sailed" through the House with the support of both parties and picked up bipartisan cosponsors in the Senate, the bill stalled. McGrory

penned a headline "The Advocate Who Won't Quit" (November 11, 2001) referring to Mr. DeLay's tenacity in pursuit of court reforms despite those "who question his motives and his credentials as a champion of children for whom...life ain't been no crystal stair." The concluding paragraph made it clear that many in the DC community were counting on Mr. DeLay to prevail. "He (DeLay) gave his opponents a little taste of what was in store for them if they crossed him. The District's poor children could benefit, and the little martyr, Brianna Blackmond, can be remembered for something other than the way she died." The DC Family Court Act became law in January, 2002.

Mr. DeLay soon became embroiled in a debate over the interstate placement of foster children for out of home care or adoption . Foster children waiting for a placement out of state waited on average one year longer than placement within a single state. For the 100,000 abused children stuck in foster care waiting for adoptive families this delay was a major developmental and emotional setback. The bipartisan bill, HR 5403, received final passage on May 24, 2006. Many Representatives from both parties praised Mr. DeLay for his introduction of the bill and his work on securing final passage in both chambers. But it was Mr. Pete Stark (D-CA) who rose to speak on the House floor to say: "I note the presence of the gentleman from Texas (Mr. DeLay) with whom I have disagreed on almost every issue except in the area of helping children...I do not know if many of you know that the gentleman from Texas is responsible...in creating a family court in the District of Columbia...he has created a court here that helps children."

Mr. Stark continued "I want to remark on one other thing in Mr. DeLay's career. I am aware that, in Texas, he has created a most unique and it sounds to me like an exciting community called the Rio Bend Community. For those who are unfamiliar with this, it creates a subdivision of let us say eight homes. I suspect they are ranch homes or standard homes, where eight families who have foster children and perhaps birth children can live in close proximity and share babysitting and teaching. When I talk about sharing teaching, I am also aware that in this area of Rio Bend, Texas, the distinguished gentleman from Texas (Mr. DeLay) is known as Old Hypotenuse, and Old Hypotenuse has been tutoring the children in this community in geometry. He may not know that I got a 100 in geometry in high school, Mr. Speaker, and I might be able to come down and spell him for a while." (p. H3151).

Also acknowledging the failure to agree on policy issues, Mr. Dennis Cardoza (D-CA) summed up the sentiment of Congress by concluding that "there is no doubt that Mr. DeLay will be fondly remembered for his tireless work on behalf of foster children and disadvantaged youth." (H3152)

It is my fervent hope that you see what Mr. DeLay has done for abused children and will, no doubt, continue to do for these little martyrs. I ask that you allow Mr. DeLay the freedom to pursue his work on behalf of children.

I do hereby solemnly swear or affirm under the penalties of perjury that the above statements are true to the best of my knowledge, information and belief.

*Cassie Statuto Bevan*

Cassie Statuto Bevan

AKA "Cassie" *Cassie Statuto Bevan*

Sworn before me on this 27th day of December, 2010

*Alicia M. Hemati*

Alicia M. Hemati  
Notary Public

Com. exp. 02-16-2012

FOCUS - 2 of 4 DOCUMENTS

# The Washington Post

## washingtonpost.com

The Washington Post

February 11, 2001 Sunday  
Final Edition

### The Right Tool for the Job

**BYLINE:** Mary Mcgrory**SECTION:** OUTLOOK; MARY MCGRORY; Pg. B01**LENGTH:** 814 words

He strikes fear; he gets things done. When he decreed that the House should impeach Bill Clinton, it happened. His official title is House Majority Whip and his nickname is "The Hammer," and for good reason. Just ask a lobbyist who has been laggard in party contributions or an out-of-step member of the Republican Caucus.

Now Tom DeLay's ferocious skills are focused on an unlikely and worthy cause, the plight of children caught up in the District of Columbia's chaotic foster care system. DeLay as the champion of poor, luckless, loser kids? Some colleagues, especially Democrats who have experienced the rough side of his tongue and the chill of his laser-beam gaze, wonder.

Cassie Statuto Bevan, a veteran staff member of the House Ways and Means Committee and a friend of children, is not one of them. She's going to work for him. She's given up a job as executive director of a subcommittee to do it. And Republican Tom Davis of Virginia, chairman of the House District of Columbia subcommittee, says, "We all understand that Tom has a soft underbelly on this stuff."

Many people know that DeLay and his wife, Christine, have taken three troubled teenage foster children into their Houston home over the years. Mrs. DeLay, a former high school English teacher, is a worker for Court Appointed Special Advocates, an organization that provides hands-on help for overburdened social workers.

What propelled DeLay into action was the hideous case of **Brianna Blackmond**, a shiny-eyed 23-month-old child who was snatched out of a loving foster home and, against all reason, returned to her mother at Christmas 1999. She died a violent death two weeks later.

Everyone failed Brianna: the D.C. social worker who failed to file an adverse report about the house Brianna was taken to; her court-appointed lawyer, who hadn't seen her in a year and okayed the move, although his suggestion of a court-appointed homemaker (to help the mother become a better parent) fell through the cracks; the judge who failed to hold a hearing on the case, even though Brianna was to go to the home of a friend of her mother who had a history of neglecting her own four children.

In the larger sense, Brianna was a victim of the pernicious family preservation act, a 1993 federal law that holds that children are better off in just about any circumstances with their biological mothers. Against considerable contrary evidence, its proponents say that any woman can be made a mother by parenting classes. A hard-fought change in the law - making the child's best interests paramount -- has yet to penetrate some bureaucratic thinking.

Brianna's mother, who is retarded, had eight other children at the time. They had been removed from her care by the courts for neglect. Two Washington Post reporters, Scott Higham and Sari Horwitz, who have spent a year investigating Brianna's story, found out the most excruciating fact: Brianna's mother hadn't wanted Brianna back. She wanted her older children instead.

What got to Tom DeLay -- as to many who have read the gruesome record -- is that nothing has happened to those who were assigned to protect Brianna. Angela O'Brien has been charged with murdering her little Christmas guest, and Brianna's mother has been indicted for conspiracy and obstruction. But the perpetrators who set the atrocity in motion have, to all appearances, gone on as before. Nobody has been fired. The tardy social worker was reassigned. The judge who allowed Brianna to go to O'Brien's home, Evelyn E.C. Queen, imposed a gag order immediately. She recently retired. She has not apologized. Neither has anyone else.

When the grand jury that sat on the Brianna case proposed to widen its investigation to the responsible city officials, the U.S. attorney's office stepped in and cut off its activities with the two indictments. It could have been an example of government bureaucrats' mutual protective league at work, or else a considered judgment that an inquiry might uncover more than what could be handled.

At a September hearing on the Brianna tragedy held by the House District subcommittee, DeLay raged about the "complacency at the top": "I have seen things and heard things about the way that Child and Family Services is defaulting on its charter to care for children that turned my stomach."

He's not just talking. He will introduce a bill for a Family Court, which will put an end to rotating judges stepping in and out of children's cases. He's enlisted D.C. Mayor Anthony Williams, himself a foster child, in the enterprise.

DeLay will go out and see things for himself -- as he does in Texas -- and talk to unfortunate children. He has talked with the president about his plans, and hopes to recruit the first lady for his cause.

The Hammer is coming. The designated nail, the D.C. child welfare world, is in for it. It could be something to celebrate.

**LOAD-DATE:** April 2, 2002

**LANGUAGE:** ENGLISH

**PUBLICATION-TYPE:** Newspaper

FOCUS - 3 of 4 DOCUMENTS

# The Washington Post

## washingtonpost.com

The Washington Post

June 28, 2001 Thursday  
Final Edition

### Juvenile Justice Tastes the Whip

**BYLINE:** Mary Mcgrory**SECTION:** A SECTION; MARY MCGRORY; Pg. A03**LENGTH:** 770 words

Rufus King, chief justice of the District of Columbia Superior Court, is not used to having people talk to him the way House Republican Whip Tom DeLay addressed him intermittently for four hours at a hearing on D.C. court reform.

In his courtroom, His Honor is god. Any lip could get you jail time for contempt of court. Tom DeLay runs the House like a drill sergeant, and his contempt for the D.C. Court and its reform plans he made no attempt to conceal. The deference urged on him by various members of the District establishment is just not an option. The erstwhile professional exterminator from Texas promised, when he came to the Committee on Government Reform, to be "blunt." It was not necessary. He is not called "the Hammer" on the Hill for nothing.

DeLay calls the District's juvenile justice system "a failure," a designation that so riled Del. Eleanor Holmes Norton (D-D.C.) that she railed against DeLay, although not in his presence. She is a militant advocate of District home rule, a cause that is not helped by reminders of the shortcomings of the local government. The inadequacies of the Child and Family Service Agency were exposed in the hideous case of Brianna Blackmond, a two-year-old who was killed after being returned by court order to her retarded mother.

DeLay was so enraged by the noxious blend of apathy and arrogance that marked the conduct on every level -- from the judge who made the fateful decision without a hearing to the child's court-appointed lawyer, who hadn't seen his client for a year -- that he called for a complete overhaul of the system and the creation of an independent court. In response to this unprecedented raid on District turf, the establishment of bench and bar rallied around King and his scheme. His reform, DeLay stormed, would be by the court, of the court and "for the court." He charged that careerism, home rule and institutional imperatives all took precedence over the welfare of the children.

But under heavy fire from the champions of the status quo, DeLay retreated, agreeing that the new court would be under the jurisdiction of the old one.

Judge King never lost his cool under the barrage from the dais and never responded either to DeLay's questions or his often graphic charges.

Benign and bow-tied, magisterial and vague, His Honor stuck to his guns, which were "due process" and "burnout," two issues that DeLay never brought up, and repeated his mantra of "one family, one judge." That sounds like the DeLay remedy, but is not. Under the judges' reforms, a child's problems would be divided among judges, assigned to various "calendars." DeLay wants the child to be the pivot and all his troubles -- ending parental rights, preparing for adoption, whatever -- to be dealt with by the same judge.

Implicit in King's presentation was his belief that service on a family court is an imposition on a young, upward-bound judge. It is something he or she must do to get on; it's the same as "punching your ticket" in the military. After three years of mandated toil with the miserable, tangled, unremarked problems of the poor, the judge, according to King, is burned out. His Honor favors a term of three years; DeLay wants the bench to be occupied exclusively by volunteers, who would serve a minimum of five years. DeLay said at one point that what he really was looking for was a 15-year commitment.

He imported a juvenile judge from Travis County, Texas, F. Scott McCown, who serves happily on family court and claims that burnout occurs only from frustrations of the calendar system, whereby the judge gets only fragments of cases and seldom gets the satisfaction of a solution.

Eleanor Holmes Norton, obviously annoyed, rather waspishly inquired about the depth of Judge McCown's acquaintance with the District system.

Chairman Constance Morella (R-Md.) attempted to play the gracious hostess and suggested a splitting of the difference. Maybe a four-year term? There were no takers.

Sister Josephine Murphy of the Daughters of Charity, the administrator of St. Ann's Infant Home in Hyattsville, which has taken in abused and neglected children since the time of Abraham Lincoln, dismissed the "burnout" argument. She has been in the thick of it for 45 years, and said hardily, "I never get burned out."

DeLay gave the best reason for the longer term and in words that Judge King doesn't often hear: "It takes time to learn the difference between the fakers, the liars, the compulsives, the mentally ill, chronic drug abusers, the alcoholics, and the parents who with supportive services can really stop hurting their children."

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# The Washington Post

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### The Advocate Who Won't Quit

**BYLINE:** Mary Mcgrory**SECTION:** OUTLOOK; MARY MCGRORY; Pg. B01**LENGTH:** 799 words

One of the worthy enterprises that survived the tidal wave of emergency legislation that engulfed Congress after Sept. 11 was a measure, under the unlikely patronage of House Republican Whip Tom DeLay, to strengthen the family division of the Superior Court to deal with the District of Columbia's woefully inadequate child welfare system. Its chief sponsor is better known for non-humanitarian legislative activity.

DeLay recently demonstrated his powers of persuasion in the debate over the airport security bill, which passed the House after a strenuous lobbying effort by the White House -- even though President Bush had once indicated neutrality in the fight between Republicans and Democrats over federalizing baggage screening. Eighty-two percent of the public favored a federal takeover, but DeLay and House Majority Leader Dick Armey made the crass argument that they would be creating 28,000 new union-enrolled Democratic voters, and Bush helped wrestle a victory out of the House that could haunt all of them. Bush, like so many others, found it hard to say no to DeLay.

DeLay's support of District juvenile court reform baffles some people, who question his motives and his credentials as a champion of children for whom, in poet Langston Hughes's phrase, "life ain't been no crystal stair." But DeLay's wife is a child welfare advocate, and the DeLays have taken troubled teens into their home as their foster children.

DeLay was incensed by the atrocious death of 23-month-old Brianna Blackmond, a dimpled darling who two years ago was sent home for Christmas with her mentally retarded mother by a D.C. judge who held no hearing. The responsible adults let the child down every step of the way, yet no one ever apologized or was fired. DeLay held hearings, ripped into the agencies involved, vowed there would be no more Briannas.

The Superior Court judges who supervise juvenile justice -- cases are rotated among 59 of them -- took vehement exception to DeLay's proposal for a family court with 12 to 15 judges who would concentrate on children.

DeLay accused them to their faces of putting their careers and their turf ahead of the crying needs of abused and neglected children in the District. No one else talks to judges like that.

DeLay's bill, which had District Rep. Eleanor Holmes Norton as co-sponsor, sailed through the House, and picked up bipartisan support in the Senate. Democrat Mary Landrieu of Louisiana and Republican Michael DeWine of Ohio presented the House bill. A recent Washington Post series by Scott Higham and Sari Horwitz, which detailed the deaths of 229 children in the unsheltering arms of the District's child protection service, helped underline the urgency of the situation.

The bill calls for a five-year term for new family division judges. The terms were a hotly contested issue. The judges lobbied hard for three-year terms, arguing that the arduous and draining nature of the work led to burnout more than any other judicial assignment. Sen. Dick Durbin (D-Ill.), chairman of a District oversight subcommittee, took the burnout talk to heart enough to float a suggestion for a 6 1/2- year term with an 18-month sabbatical. DeWine objected, saying that certain counties in Ohio, where he was once a prosecutor, have six-year terms for their juvenile judges. "We never had trouble finding judges who wanted to devote themselves to child cases," DeWine said. "And burnout was never an issue that I encountered."

Meanwhile, to give matters a shove, Landrieu, who is chairman of a District appropriations subcommittee, got a vote for a \$ 24 million appropriation that is conditioned on court reform.

DeLay, who is not a notably patient man, issued a blistering statement on Thursday. "These senators can walk away from the needed court reforms. . . . But they should know that in reality they are abandoning the abused and neglected children in the District of Columbia who rely on the court to save their lives."

Durbin said he was "offended" by DeLay's statement and didn't need any lectures from DeLay on children's issues. Landrieu found it "unhelpful" and said it showed how little the House knows about the more circumspect and bipartisan Senate. DeLay's fellow Republican DeWine merely sighed.

Still, the effect of the DeLay bombshell was to galvanize. Landrieu and Durbin did some negotiating and compromising, and the sabbatical idea was dropped. Now everyone is looking forward to the markup of the bill on Wednesday before Durbin's subcommittee.

Once again, Tom DeLay is prevailing. He gave his opponents a little taste of what was in store for them if they crossed him. The District's poor children could benefit, and the little martyr, Brianna Blackmond, can be remembered for something other than the way she died.

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**SAFE AND TIMELY INTERSTATE PLACEMENT OF FOSTER CHILDREN ACT OF 2006**

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5403) to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

The Clerk read as follows:

H.R. 5403

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Safe and Timely Interstate Placement of Foster Children Act of 2006".

**SEC. 2. SENSE OF THE CONGRESS.**

It is the sense of the Congress that—

(1) the States should expeditiously ratify the revised Interstate Compact for the Placement of Children recently promulgated by the American Public Human Services Association;

(2) this Act and the revised Interstate Compact for the Placement of Children should not apply to those seeking placement in a licensed residential facility primarily to access clinical mental health services;

(3) the States should recognize and implement the deadlines for the completion and approval of home studies as provided in section 4 to move children more quickly into safe, permanent homes; and

(4) Federal policy should encourage the safe and expedited placement of children into safe, permanent homes across State lines.

**SEC. 3. ORDERLY AND TIMELY PROCESS FOR INTERSTATE PLACEMENT OF CHILDREN.**

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting "; and"; and

(3) by adding at the end the following:

"(26) provide that the State shall have in effect procedures for the orderly and timely interstate placement of children; and procedures implemented in accordance with an interstate compact, if incorporating with the procedures prescribed by paragraph (26), shall be considered to satisfy the requirement of this paragraph."

**SEC. 4. HOME STUDIES.**

(a) ORDERLY PROCESS.—

(1) IN GENERAL.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is further amended—

(A) by striking "and" at the end of paragraph (24);

(B) by striking the period at the end of paragraph (25) and inserting "; and"; and

(C) by adding at the end the following:

"(26) provides that—  
 "(A)(i) within 60 days after the State receives from another State a request to conduct a study of a home environment for purposes of assessing the safety and suitability of placing a child in the home, the State shall, directly or by contract—  
 "(I) conduct and complete the study; and  
 "(II) return to the other State a report on the results of the study, which shall address the extent to which placement in the home would meet the needs of the child; and  
 "(ii) in the case of a home study begun on or before September 30, 2006, if the State fails to comply with clause (i) within the 60-

day period as a result of circumstances beyond the control of the State (such as a failure by a Federal agency to provide the results of a background check, or the failure by any entity to provide completed medical forms, requested by the State at least 45 days before the end of the 60-day period), the State shall have 75 days to comply with clause (1) if the State documents the circumstances involved and certifies that completing the home study is in the best interests of the child; except that  
 "(iii) this subparagraph shall not be construed to require the State to have completed, within the applicable period, the parts of the home study involving the education and training of the prospective foster or adoptive parents;

"(B) the State shall treat any report described in subparagraph (A) that is received from another State or an Indian tribe (or from a private agency under contract with another State) as meeting any requirements imposed by the State for the completion of a home study before placing a child in the home, unless, within 14 days after receipt of the report, the State determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child; and

"(C) the State shall not impose any restriction on the ability of a State agency administering, or supervising the administration of, a State program operated under a State plan approved under this part to contract with a private agency for the conduct of a home study described in subparagraph (A)."

(2) REPORT TO THE CONGRESS.—Within 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report on—

(A) how frequently States need the extended 75-day period provided for in clause (1) of section 471(a)(26)(A) of the Social Security Act in order to comply with clause (1) of such section;

(B) the reasons given for utilizing the extended compliance period;

(C) the extent to which utilizing the extended compliance period leads to the resolution of the circumstances beyond the control of the State; and

(D) the actions taken by States and any relevant Federal agencies to resolve the need for the extended compliance period.

(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that each State should—

(A) use private agencies to conduct home studies when doing so is necessary to meet the requirements of section 471(a)(26) of the Social Security Act; and

(B) give full faith and credit to any home study report completed by any other State or an Indian tribe with respect to the placement of a child in foster care or for adoption.

(b) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—Part E of title IV of the Social Security Act (42 U.S.C. 670-679b) is amended by inserting after section 473A the following:

**"SEC. 473B. TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.**

"(a) GRANT AUTHORITY.—The Secretary shall make a grant to each State that is a home study incentive-eligible State for a fiscal year in an amount equal to the timely interstate home study incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

"(b) HOME STUDY INCENTIVE-ELIGIBLE STATE.—A State is a home study incentive-eligible State for a fiscal year if—

"(1) the State has a plan approved under this part for the fiscal year;

"(2) the State is in compliance with subsection (c) for the fiscal year; and

"(3) based on data submitted and verified pursuant to subsection (c), the State has completed a timely interstate home study during the fiscal year.

**"(c) DATA REQUIREMENTS.—**

"(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary a written report, covering the preceding fiscal year, that specifies—

"(A) the total number of interstate home studies requested by the State with respect to children in foster care under the responsibility of the State, and with respect to each such study, the identity of the other State involved;

"(B) the total number of timely interstate home studies completed by the State with respect to children in foster care under the responsibility of other States, and with respect to each such study, the identity of the other State involved; and

"(C) such other information as the Secretary may require in order to determine whether the State is a home study incentive-eligible State.

"(2) VERIFICATION OF DATA.—In determining the number of timely interstate home studies to be attributed to a State under this section, the Secretary shall check the data provided by the State under paragraph (1) against complementary data so provided by other States.

**"(d) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—**

"(1) IN GENERAL.—The timely interstate home study incentive payment payable to a State for a fiscal year shall be \$1,500, multiplied by the number of timely interstate home studies attributed to the State under this section during the fiscal year, subject to paragraph (2).

"(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of timely interstate home study incentive payments otherwise payable under this section for a fiscal year exceeds the total of the amounts made available pursuant to subsection (h) for the fiscal year (reduced (but not below zero) by the total of the amounts (if any) payable under paragraph (3) of this subsection with respect to the preceding fiscal year), the amount of each such otherwise payable incentive payment shall be reduced by a percentage equal to—

"(A) the total of the amounts so made available (as so reduced); divided by

"(B) the total of such otherwise payable incentive payments.

**"(3) APPROPRIATIONS AVAILABLE FOR UNPAID INCENTIVE PAYMENTS FOR PRIOR FISCAL YEARS.—**

"(A) IN GENERAL.—If payments under this section are reduced under paragraph (2) or subparagraph (B) of this paragraph for a fiscal year, then, before making any other payment under this section for the next fiscal year, the Secretary shall pay each State whose payment was so reduced an amount equal to the total amount of the reductions which applied to the State, subject to subparagraph (B) of this paragraph.

"(B) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of payments otherwise payable under subparagraph (A) of this paragraph for a fiscal year exceeds the total of the amounts made available pursuant to subsection (h) for the fiscal year, the amount of each such payment shall be reduced by a percentage equal to—

"(i) the total of the amounts so made available; divided by

"(ii) the total of such otherwise payable payments.

"(e) TWO-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the next fiscal year.

"(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post-adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under sections 423, 434, and 474.

"(g) DEFINITIONS.—In this section:

"(1) HOME STUDY.—The term 'home study' means an evaluation of a home environment conducted in accordance with applicable requirements of the State in which the home is located, to determine whether a proposed placement of a child would meet the individual needs of the child, including the child's safety, permanency, health, well-being, and mental, emotional, and physical development.

"(2) INTERSTATE HOME STUDY.—The term 'interstate home study' means a home study conducted by a State at the request of another State, to facilitate an adoptive or foster placement in the State of a child in foster care under the responsibility of the State.

"(3) TIMELY INTERSTATE HOME STUDY.—The term 'timely interstate home study' means an interstate home study completed by a State if the State provides to the State that requested the study, within 30 days after receipt of the request, a report on the results of the study. The preceding sentence shall not be construed to require the State to have completed, within the 30-day period, the parts of the home study involving the education and training of the prospective foster or adoptive parents.

"(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For payments under this section, there are authorized to be appropriated to the Secretary—

"(A) \$10,000,000 for fiscal year 2007;

"(B) \$10,000,000 for fiscal year 2008;

"(C) \$10,000,000 for fiscal year 2009; and

"(D) \$10,000,000 for fiscal year 2010.

"(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended."

(c) REPEALER.—Effective October 1, 2010, section 473B of the Social Security Act is repealed.

#### SEC. 5. SENSE OF THE CONGRESS.

It is the sense of the Congress that State agencies should fully cooperate with any court which has authority with respect to the placement of a child in foster care or for adoption, for the purpose of locating a parent of the child, and such cooperation should include making available all information obtained from the Federal Parent Locator Service.

#### SEC. 6. CASEWORKER VISITS.

(a) PURCHASE OF SERVICES IN INTERSTATE PLACEMENT CASES.—Section 475(5)(A)(ii) of the Social Security Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking "or of the State in which the child has been placed" and inserting "of the State in which the child has been placed, or of a private agency under contract with either such State".

(b) INCREASED VISITS.—Section 475(5)(A)(ii) of such Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking "12" and inserting "6".

#### SEC. 7. HEALTH AND EDUCATION RECORDS.

Section 475 of the Social Security Act (42 U.S.C. 675) is amended—

(1) in paragraph (1)(C)—

(A) by striking "To the extent available and accessible, the" and inserting "The"; and

(B) by inserting "the most recent information available regarding" after "including"; and

(2) in paragraph (5)(D)—

(A) by inserting "a copy of the record is" before "supplied"; and

(B) by inserting ", and is supplied to the child at no cost at the time the child leaves foster care if the child is leaving foster care by reason of having attained the age of majority under State law" before the semicolon.

#### SEC. 8. RIGHT TO BE HEARD IN FOSTER CARE PROCEEDINGS.

(a) IN GENERAL.—Section 475(5)(G) of the Social Security Act (42 U.S.C. 675(5)(G)) is amended—

(1) by striking "an opportunity" and inserting "a right";

(2) by striking "and opportunity" and inserting "and right"; and

(3) by striking "review or hearing" each place it appears and inserting "proceeding".

(b) NOTICE OF PROCEEDING.—Section 438(b) of such Act (42 U.S.C. 638(b)) is amended by inserting "shall have in effect a rule requiring State courts to ensure that foster parents, pre-adoptive parents, and relative caregivers of a child in foster care under the responsibility of the State are notified of any proceeding to be held with respect to the child, and" after "highest State court".

#### SEC. 9. COURT IMPROVEMENT.

Section 438(a)(1) of the Social Security Act (42 U.S.C. 638(a)(1)) is amended—

(1) by striking "and" at the end of subparagraph (C); and

(2) by adding at the end the following:

"(E) that determine the best strategy to use to expedite the interstate placement of children, including—

"(i) requiring courts in different States to cooperate in the sharing of information;

"(ii) authorizing courts to obtain information and testimony from agencies and parties in other States without requiring interstate travel by the agencies and parties; and

"(iii) permitting the participation of parents, children, other necessary parties, and attorneys in cases involving interstate placement without requiring their interstate travel; and"

#### SEC. 10. REASONABLE EFFORTS.

(a) IN GENERAL.—Section 471(a)(15)(C) of the Social Security Act (42 U.S.C. 671(a)(15)(C)) is amended by inserting "(including, if appropriate, through an interstate placement)" after "accordance with the permanency plan".

(b) PERMANENCY HEARING.—Section 471(a)(15)(E)(1) of such Act (42 U.S.C. 671(a)(15)(E)(1)) is amended by inserting ", which considers in-State and out-of-State permanent placement options for the child," before "shall".

(c) CONCURRENT PLANNING.—Section 471(a)(15)(F) of such Act (42 U.S.C. 671(a)(15)(F)) is amended by inserting ", including identifying appropriate in-State and out-of-State placements" before "may".

#### SEC. 11. CASE PLANS.

Section 475(1)(E) of the Social Security Act (42 U.S.C. 675(1)(E)) is amended by inserting "to facilitate orderly and timely in-State and interstate placements" before the period.

#### SEC. 12. CASE REVIEW SYSTEM.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by inserting ", in the case of a child who will not be returned to the parent, the hearing shall consider in-State and out-of-State placement options," after "living arrangement"; and

(2) by inserting "the hearing shall determine" before "whether the".

#### SEC. 13. USE OF INTERJURISDICTIONAL RESOURCES.

Section 422(b)(12) of the Social Security Act (42 U.S.C. 622(b)(12)) is amended—

(1) by striking "develop plans for the" and inserting "make";

(2) by inserting "(including through contracts for the purchase of services)" after "resources"; and

(3) by inserting ", and shall eliminate legal barriers," before "to facilitate".

#### SEC. 14. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this Act shall take effect on October 1, 2006, and shall apply to payments under parts B and E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part B or E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by a provision of this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from California (Mr. STARK) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

#### GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5403, the Safe and Timely Interstate Placement of Foster Children Act of 2006. I am pleased to be an original cosponsor of this bipartisan legislation sponsored by the distinguished gentleman from Texas (Mr. DELAY).

Throughout his career, the gentleman from Texas has been an outstanding advocate for children and foster care. As chairman of the Human Resources Subcommittee, as a longtime colleague in this body, and as someone who shares his passion for helping children, I would like to personally commend him and thank him for his dedication to helping at-risk children across this country.

Mr. Speaker, the subcommittee I chair has conducted numerous hearings

examining the Nation's child protection system. Every witness at these hearings has agreed that our current system fails to adequately protect children.

In December, Republicans in this Congress took the lead in providing \$100 million in new funds over the next 5 years to better equip courts and ensure collaboration among judges and social workers. We also added an additional \$200 million over the next 5 years for improved services for families, including preventive services to protect children and keep them from having to enter foster care in the first place.

Importantly, we pay for this new funding by ensuring States comply with Federal law and do not misspend other Federal funds. I believe these new resources will go a long ways towards better protecting children.

While these are important steps, we also must do more to ensure children are not needlessly lingering in foster care. The legislation before us today would require States to expedite the safe placement of foster and adopted children in homes across State lines.

Currently these placements take an average of 1 year longer than placements within a single State, delaying permanency with loving families for thousands of children. This legislation also would establish deadlines for completing home studies that assess whether a home is appropriate for a child.

The legislation authorizes up to \$10 million per year for incentive payments to States that complete home studies in a timely manner. In addition, the bill includes provisions to better ensure safety for children in foster and adoptive homes, and to give foster parents and relative caregivers a right to be heard and notice of any court proceedings held concerning a child in their care.

I thank my colleagues across the aisle for their assistance in bringing this bill to the floor today. I urge all of my colleagues to support this legislation so we can ensure children are placed in a timely and safe way with loving families.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

(Mr. STARK asked and was given permission to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, I rise in support of the Safe and Timely Interstate Placement of Foster Children Act of 2006, H.R. 5403, and ask my associates to vote for this legislation.

As the gentleman from California (Mr. HERGER) has so eloquently described, this will help foster children across the country. But I think an easier way to look at it is here in the District of Columbia area where we are a subway ride from three States. From Maryland to Virginia to D.C., we will find that a juvenile judge in one area may have a placement of a child with a relative or acceptable foster family in

another area as they move from Maryland to Virginia.

Now in California in the gentleman's district there, there may not be a lot of people wanting to go to Oregon or Nevada, it is a little longer trip. But in areas like the New Jersey-New York area, heavily populated areas are close by, and children could easily be placed in close proximity and have to cross State lines. This legislation will allow that to be done.

It takes care of a lot of technical details in terms of speeding up the process so that approval can be done across State lines, and it calls on States to update their requirements for approving the transfer of children across State lines and into foster care.

It probably will help older children, and by older I am saying 9 or older, who we have the most difficulty in placing in foster care. It is for that reason that this will help. Right now, a child 9 years or older has maybe a 20 percent chance or less of placement. We need to do better, and this bill will help.

We have 100,000 children ready for adoption, and this Congress should indeed do all that it can to expedite those procedures.

Mr. Speaker, I would like at this point first of all to commend the distinguished chairman of the Public Assistance Subcommittee of the Committee on Ways and Means, Mr. HERGER, for his Safe and Stable Families bill which we hope will be coming to the floor soon. It provides another \$40 million to train case workers to help in this area. Chairman HERGER has done yeoman's work on that bipartisan bill, and I know we are getting help from the junior Senator from the State of California who has offered to help expedite it on the Senate side, and with some luck, we will be able to pass that bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, replacing a void in a child's life or a parent's life and filling it with love and laughter is one of the most wonderful gifts in the world. As twice an adoptive mother, I know this joy firsthand. And also I believe it is our duty as legislators to work with adoption and foster care advocates to break down barriers, to bring more children and families together.

Today we have the opportunity to knock down a barrier to improve the lives of these kids right here in America. Right now, children are waiting as long as a year for paperwork to go through the system before they can be placed with a family. Imagine, Mr. Speaker, paperwork standing in the way of a permanent, loving home for a 100,000 lingering, at-risk kids. There is no excuse, and we can change it.

This legislation will expedite the safe placement of children into homes even

across State lines by instituting a 60-day deadline and giving financial incentives for States to process the paperwork quickly.

I commend the gentleman from Texas (Mr. DELAY) for his leadership on this most-important issue. He has been a devout advocate for foster kids and foster families as long as I have known him.

I also want to thank Chairman HERGER and Mr. STARK for their assistance on this bill. Thousands of kids are waiting to walk into the arms of a loving family and through the door of a permanent home. This legislation will move us closer to the day when every child feels the joy, love and security that a family can provide. I urge my colleagues to support this measure.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I cannot resist the opportunity to note that it is this issue of helping children that in my 34 years here has always brought us together as no other issue does. The gentleman from Ohio, with whom I have often disagreed on political issues, and I note the presence of the gentleman from Texas (Mr. DELAY) with whom I have disagreed on almost every issue except in the area of helping children. Now I suspect it is because the Republicans need more Republicans, and they are trying to get more children into politics, but other than that, Mr. Speaker, it is in the spirit of helping young people mature in this country.

I do not know if many of you know that the gentleman from Texas is responsible, and I say this having chaired the District Committee when there used to be one, but with the gentleman from the District of Columbia (Ms. NORTON), he was instrumental in creating a family court in the District of Columbia, which most other States or jurisdictions have. Now he has done some other things with legislation in Texas with which I have a little trouble. But other than that, he has created a court here that helps children.

I want to remark on one other thing in Mr. DELAY's career. I am aware that, in Texas, he has created a most unique and it sounds to me like an exciting community called the Rio Bend Community. For those who are unfamiliar with this, it creates a subdivision of let us say eight homes. I suspect they are ranch homes or standard homes, where eight families who have foster children and perhaps birth children can live in close proximity and share baby-sitting and teaching.

When I talk about sharing teaching, I am also aware that in this area of Rio Bend, Texas, the distinguished gentleman from Texas (Mr. DELAY) is known as Old Hypotenuse, and Old Hypotenuse has been tutoring the children in this community in geometry. He may not know that I got a 100 in geometry in high school, Mr. Speaker, and I might be able to come down and spell him for a while.

But I just want to commend the gentleman from California (Mr. HERGER)

and the gentlewoman from Ohio (Ms. PRYOR) and Mr. DELAY for the marvelous work they have done for children in this country. I hope we can continue in a bipartisan way to unify our efforts in the House to make every day for every child in this country more healthy with better education and a better opportunity to develop into citizens of which we can all be proud.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I rise today in support of H.R. 5403 sponsored by Mr. DELAY, and I would like to associate myself with Mr. STARK's remarks and that while we have not always agreed on every policy issue, there is no doubt that Mr. DELAY will be fondly remembered in this House for his tireless work on behalf of foster children and disadvantaged youth. I very much appreciate knowing him and the work we have done together. This is not our first effort to work together on a bill, and I appreciate Mr. DELAY and his work in this House.

As Members on opposing sides of the political spectrum, we are coming together today to do fabulous work. As an adoptive parent myself of foster children, I have seen firsthand the glaring problems of the system currently facing this Nation. At any time, there are roughly 500,000 children in foster care in the United States, moving from placement to placement, often living out of a suitcase or even worse, the symbol of foster children, which is a black garbage bag, hoping that one day a loving family will welcome them into their home.

H.R. 5403, Safe and Timely Interstate Placement of Foster Children Act, addresses one specific yet extremely important aspect of the system of adoption across State lines. Often an impediment to foster children's placement to permanent homes occurs when a child from one State is adopted by a family from another. The State where the family resides must complete a home study in order to verify that the placement is safe, secure and ready for the new child. Often, these types of home studies are a low priority for the State where the adoptive family resides and can lead to delays, often taking months and sometimes years to complete.

□ 1330

This legislation that we are considering today would establish a 60-day deadline for completing an interstate home study. If the State completes the home study within 30 days, H.R. 5403 would authorize a monetary incentive for the completed study to be used for the adoption-related expenses.

The children this bill seeks to help are already needy, neglected children without a voice who desperately want a permanent home, something that most all of us have always taken for granted. They want to go to school, the same

school with the same friends for more than a few months. They want someone to tuck them in at night and help them with their homework. They want to stop living out of a black garbage bag that doubles as a suitcase and have a real home with a bed they can call their own.

Over the years I have met numerous children from all over the country who are in various stages of foster care. I have heard great stories where children are reunited with their biological parents who are placed in loving, adoptive homes. But I have also heard of other stories that have just sickened me.

One boy I met at a school for foster children in my district told me the story of his life that seems quite fitting to this debate.

I met this young boy, and he had been placed in foster care at an early age and had been moved in and out of seven different foster homes up and down the State of California. As you can imagine, he grew jaded and resentful from the harsh life he was forced to live. He was also separated from brothers and sisters whom he loved very much. Finally, he was placed in a family that saw through his rough exterior and wanted to adopt him. This young boy was convinced that he had finally found a real home with devoted parents that he had always dreamed of.

However, soon after he was placed with his family, the father in this foster family was transferred to North Carolina and the family was forced to move. Unfortunately, they couldn't get the paperwork processed between California and North Carolina in order to facilitate the adoption. So this young boy was left behind in California and is now residing in a group home.

It is our job as Members of Congress to be a voice for these children and make sure their dreams are recognized. We owe it to them to streamline the adoption process and make Federal law work towards positive outcomes. If that means requiring a State to get their act in gear and complete timely home studies, then so be it.

Thank you, Mr. DELAY, for the legislation. Thank you, Mr. HERGER, for your work on this topic.

Mr. HERGER. Mr. Speaker, I hear these touching stories, and regrettably they are true, and the gentleman from California (Mr. CARDOZA) and some other stories we have heard, some 12 hearings of the tragedies that we see take place with these foster care children, not only being transferred seven times, as the gentleman from California mentioned, but maybe 50 or 60 in some cases.

Now it is my great pleasure to yield such time as he may consume to the author of this legislation, someone who we have been hearing a lot about, who has spent years, both he and his wife, working in this area, to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, this is the last piece of legislation that I will ever introduce in the United States House

of Representatives. I am incredibly honored to do this piece of legislation, particularly at this time. It shows that there is a strong feeling in this House, as exemplified by Mr. STARK; and thank you, sir, for your words and thank you for your work on this.

Mr. HERGER, Mr. Chairman, I greatly appreciate your work on not just this piece of legislation, but for foster kids and abused and neglected children around the United States.

Mr. CARDOZA, thank you for those words; and your words show your deep feelings and understanding for the plight of foster children in this country and how we are trying to make their life just a little bit better. I appreciate Mr. McDERMOTT's support for this legislation, too, and everybody's work on it.

I particularly appreciate Dr. Cassie Bevan, who has been on my staff for a long time, who has been the leading force in a lot of the work that we have been able to do, the good work that we have been able to do in this House of Representatives.

I pay particular tribute to my wife, who has a deep, deep abiding love for these children and what their future holds.

This bill, the Safe and Timely Interstate Placement of Foster Children Act, will bring urgently needed reform to America's broken system, a broken system of placing abused and neglected children in permanent homes across State lines.

The current system is an insult to any notion of compassion or justice that animates our national commitment to child welfare. Children are moved from home to home to home. They are looking for strong and safe and permanent homes.

We have one child in Rio Bend, that was mentioned by Mr. STARK, that is 17 years old, got into the system at age 6 or 7, in 10 years has been moved over 150 times, 160 times. Thousands of children are being shuttled in and out of our broken, debasing foster care system. They have foster or adoptive families out of State that are more than willing to provide them a permanent, safe and loving home.

Yet this system, as inefficient and backward as any government program, typically holds abused and neglected children in the perdition of government foster care for a full year longer than a child placed in-State, an extra year.

Do you realize what a year means to a child? It is forever. Just because a second government bureaucracy that operates without deadlines or incentives has its chance to let a child down. This is a year lost, Mr. Speaker, a year in the life of an innocent child, a year lost to abuse and neglect and violence and uncertainty and fear.

There is no justification or excuse for such monstrous inequality. The child welfare system exists for these children and must be organized around their needs, not the other way around.

So under this bill, once a child is deemed in need of an out-of-state

placement, the State has 60 days to find a child a foster or adoptive home and 14 days to approve that home. It also creates a financial incentive of \$1,500 for States that complete their home studies in 30 days or less.

Our society has a moral obligation to provide for children who are abused and neglected by their parents or others; and, despite the best intentions, our society is too often failing to do so. This bill will not instantly make life good for abused and neglected children in our society, but it can help make it better.

That, Mr. Speaker, is worth the vote of every Member of this body. So I urge my colleagues to support this legislation and just take one small step toward alleviating the burden of our abused and neglected sons and daughters.

Mr. STARK. Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. I yield 3 minutes to our distinguished majority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for recognizing me. I am pleased to stand in support of this legislation and also legislation that in such a significant way recognizes the great work that Mr. DELAY has done on behalf of foster children and on behalf of adoption.

Everyone in this body understands the long-term commitment that the gentleman from Texas has had on this issue. I expect that few outside of this body appreciate the great work that he has done, the tremendous commitment that Mrs. DeLay has made to foster children and to adoptive children in this case.

Here is a bill that once again looks at how much a year means in the life of a child that is going into a foster home, can't get placed in a foster home, can't get ready to be adopted. A year in life, if you are 3 or 5 or 15, is a long, long part of the life that you have lived.

The average now for children who are going into foster adoptive families across State lines is an extra year. This legislation tries to eliminate that year. This legislation tries to make it more possible for children to be placed with families as soon as possible, rather than longer than absolutely necessary.

This legislation is on the floor today, as many before it have been, because of Mr. DeLay's commitment and his family's commitment to the lives of children. The lives of children are dramatically changed when someone gets an opportunity to care about them.

Fortunately for the laws of the country, TOM DELAY has always cared about children. For the individual children that will be impacted by this bill, their opportunity comes quicker. The love and attention comes quicker.

I appreciate the comments that Mr. STARK has made. I appreciate the work that Mr. DeLay has done. I am sure our colleagues today will be eager to see us advance this important change in the law.

Mr. STARK. Mr. Speaker, will the distinguished majority whip yield?

Mr. BLUNT. I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, I do not think it should go unnoticed that the distinguished majority whip has become a recent adoptive father of, I believe, now a 7-month-old boy.

Mr. BLUNT. An 18-month-old.

Mr. STARK. We seriously hope that he will grow up to be a Democrat.

But, aside from that, I want to extend best wishes. He is a man who practices what he preaches and is doing his share to extend this concern for adoptive children in this country.

Mr. BLUNT. I thank my friend. Little Charlie Blunt will appreciate your comments as well. Thank you.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to a member of the Subcommittee on Human Resources, the distinguished gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the chairman for sponsoring the legislation, along with our colleagues on the committee, but especially Mr. DELAY and Mr. STARK for being the prime sponsors of legislation.

A lot of us have a lot of life experience that we bring to Congress. I know sometimes the general public doesn't believe that we do. Many of us are lawyers, and sometimes that is looked upon disparagingly by the general public.

But in my practice I dealt with the foster system, and I wasn't very pleased. Unfortunately, it didn't often work out as well as it should have for the children.

When I was a State senator, we had a debate about our foster system and our adoption laws and how we were treating children as chattel, the legal term for a possession. This bill helps move us away from that attitude. It helps us move toward treating children as the human beings that they are and the valued human beings who need love and nurturing that they are.

I rise in support of this bill, the Safe and Timely Interstate Placement of Foster Children Act. It will expedite the safe placement of foster adoptive children in foster homes across State lines. Currently, these types of placements take an additional year on top of all the years that the poor child has already spent in foster care.

The results of delaying safe placement have terrible implications for children. These delays are unreasonably long. They should not exist, and psychologists have stressed the importance of placing children in safe and loving environments in a timely manner.

The sooner a child is part of a safe and secure family, the sooner that child will thrive. Whether it be with a family member or another loving family, the best interests of that child dictate permanency.

Among other things, this bill will require courts to notify any foster par-

ents, pre-adoptive parents, relatives, caregivers of the child of any court proceeding to be held concerning the child and strengthen the right of these individuals to be at permanency hearings and perhaps to be the permanent home for that child.

All of these important changes to current law ensure that some of the most vulnerable children, not only those who have been neglected or abused but who are also on top of it, have been in foster care with a lack of security, that they get that security, that they get that security sooner, and that a safe and secure, loving home will be theirs.

□ 1345

Mr. STARK. Mr. Speaker, I yield such time as he may consume to the distinguished ranking member of our subcommittee, the gentleman from Washington (Mr. McDERMOTT).

(Mr. McDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, we can improve the lives of abused and neglected children in this Nation. One of the powers that we have, the Federal Child Welfare Program, is a lifeline we don't use enough, in my view.

We know as legislators that the system needs reform. We saw it around Katrina very much as youngsters were spread across the country and fell between the cracks in a whole variety of situations.

We know as parents that the vulnerable want and need only what our own children want and need, to be loved, cherished and protected. Today we have an opportunity to extend our hand as caring adults and take hold of vulnerable children, and we should take it.

H.R. 5403, proposed by Mr. DELAY of Texas, takes a step in the right direction. It has been here before, I have supported it before, and I am proud to do that again today.

As the ranking member of the Human Resources Subcommittee, I believe children come first, and there is no such thing as a political divide if we can better protect and nurture vulnerable children in America.

I stand here to support my Republican colleague, Mr. DeLay, and urge the House to unanimously pass this legislation.

Specifically, this bill strives to safely speed the placement of children in foster care or adoptive homes across State lines when this is considered an appropriate thing to do. This is very important, because today there are a number of barriers that prevent the timely placement of children in homes across State lines.

We are a very mobile population, and laws that used to seem to make sense really do not today, and that is why we need this bill. They include an overly long time to conduct home studies to ensure the safety of children, obtaining criminal background checks on prospective foster care and adoptive parents, inadequate State resources and

often a low priority assigned to interstate placement of foster and adoptive children. It is the latter that is really the problem.

This bill creates meaningful incentives for States to address these barriers, and I urge my colleagues to support this initiative. It is meaningful legislation. This is not symbolic. It has some real power to change things. But it is more than that. By passing this bill, we recognize the heroic efforts of countless Americans across this country, foster parents and the caseworkers who deal with them and the many others who strive to help kids who are in need.

By passing this legislation, we also rightly honor the leadership in fighting for vulnerable children by Mr. TOM DELAY. He has made a difference, and it is no surprise that he keeps fighting to protect and defend children. All too often, we are the light of hope for abused and neglected children. Today, let us curse the darkness by passing this bill.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. BRADY), a member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, this act ought to probably be entitled the Get Foster Children Out of the System Into a Safe Home As Soon As Possible Act, as it has real consequences for our foster children.

There have been so often foster children, even in the best system, that are lost in that system. These delays can be as, TOM DELAY has told you, just so harmful for them. Moving them forward is the right thing to do, and it is a possible thing to do.

Each week on TV, we watch on "Home Makeover" a set of people come together and build a complete home for a family in one week. Why can't we find a good, safe loving home for children in 2 months? It is important we do this.

Our family has been through two home studies in our adoption, and I know what a difference how soon and how accurate and how important these home studies can be done. We ought not let a State line get in the way of helping these children.

I can tell you that TOM DELAY has been such an advocate and champion for children. When you see the work of Rio Bend, what he and his wife are doing, it is just remarkable. I strongly support this bill.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no more speakers. I would just like to reiterate my thanks to all the people. I would like to mention Sean McCluskie, who has been my staff member on the Subcommittee for Human Resources for over 7 years and, unfortunately, is leaving us for greener pastures.

I want to thank all of the staff on both sides of the aisle who worked so hard on these bills that come before

our subcommittee which get little attention outside of the professionals in the social work field.

Again, I thank our Chair and thank Mr. DELAY and the people who have worked so well together to make this important step to improve the lives of foster and perhaps adoptive children.

Mr. Speaker, I yield back the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the legislation we are considering today is an important step that will ensure timely and safe homes for children. This bill would help speed up the interstate adoption process so that children could be placed in permanent, loving homes more quickly.

I thank my colleagues across the aisle, the gentleman from California (Mr. STARK) and others, for their work on this bipartisan legislation, and I again wish to thank the distinguished gentleman from Texas, Mr. DELAY, for his tireless work to improve the lives of abused and neglected children.

I urge all of my colleagues to join me in support of this legislation.

Mr. THOMAS. Mr. Speaker, I rise in support of H.R. 5403, the Safe and Timely Interstate Placement of Foster Children Act of 2006. I am pleased to be a cosponsor of this bipartisan legislation, which is sponsored by Mr. DELAY.

There are approximately 518,000 children currently in foster care. The legislation before us today is an important first step in our efforts to improve the structure that exists to find a family for these children in order to prevent them from needlessly lingering in foster care.

Specifically, H.R. 5403 would encourage states to expedite the safe placement of foster and adoptive children into homes across state lines. The data suggest that it takes 2 years on average for foster or adoptive children to be placed in homes across state lines. That is longer than the average time frame for placing children in homes within the same states. Under this legislation, states would be required to establish procedures to ensure interstate placements occur within 60 days.

The legislation also would authorize incentive payments to states that place children in safe homes within 30 days. Since we first began providing incentive payments to promote adoption in 1997, the number of adoptions of children from foster care has almost doubled. We expect this new incentive program will help expedite the safe placement of children lingering in foster care, especially when relatives or others have expressed an interest in providing a loving home.

Almost 20,000 children age out of foster care every year at age 18 without the benefit of a family to call their own. This legislation will improve that situation and ensure that more children are raised in loving families instead of waiting needlessly in temporary homes. Accordingly, I ask my colleagues to support this important legislation.

Mr. CAMP of Michigan. Mr. Speaker, I wish to express my strong support for legislation the House is considering today, H.R. 5403, the Safe and Timely Interstate Placement of Foster Children Act, introduced by Rep. TOM DELAY (R-TX).

First, I would like to commend Mr. DELAY for his work on behalf of foster children, and in

the development of this bill. As the sponsor of the Adoption and Safe Families Act, I have had the privilege of working with Mr. DELAY to improve the lives of children in foster care, and promote the adoption of children into safe and loving families.

As a cosponsor of H.R. 5403, the bill before us today further expedites the safe placement of foster care children. Under current rules, children wait a year or more for states to approve placements across state lines. Children deserve better treatment, and I am glad that H.R. 5403 places a 60 day deadline on the approval of placements across state lines. Importantly, the bill also seeks to keep families together by providing incentive payments for the placement of children with extended family members.

Again, I want to applaud Mr. DELAY for his tireless advocacy on behalf of foster children, and for his work on H.R. 5403. I am confident this legislation will improve the lives foster children everywhere.

Mr. HERGER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 5403.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 832, by the yeas and nays;

Adopting House Resolution 832, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

#### PROVIDING FOR CONSIDERATION OF H.R. 5427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 832 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 224, nays 190, not voting 18, as follows:

14 December 2010

**CHASE UNTERMEYER**

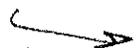
10000 MEMORIAL DRIVE, SUITE 920

HOUSTON, TEXAS 77024

Dear Judge Priest:

I have known Tom DeHay since 1978, before his election to the Legislature. I was a state representative myself at the time, and I watched Tom's natural ability and broad capacity for friendship make him an effective member from the very beginning. I became close friends with him and Christine, a friendship which got closer when Tom was elected to Congress and they moved to Washington, where I was then serving in the Navy Department.

As a congressman, Tom did good things for Texas and for all America. If he became more partisan than he had been in Austin, I blame the wretched political atmosphere that exists in our nation's



capital. In that universe, squelching the other guy becomes a priority, sometimes the priority. This may be unattractive, but it is not illegal. It is also an understandable human reaction, especially among competitive, committed people like Tom DeHay. At no point did he seek to enrich himself or to violate his oath of office. He may be accused of partisanship but not of criminality.

I am currently serving on the Texas Ethics Commission, having been appointed in January 2010. We did not hear Tom's case, but I know that the underlying allegation of wrongdoing — of using corporate funds to support individual candidates for elected office — has been severely challenged by the U.S. Supreme Court in Citizens United vs Federal Election Commission. Quite soon, both Congress and the Texas Legislature will have to repeal prohibitions on the use of corporate and union contributions in political campaigns; our Commission made exactly this recommendation to the Legislature at our last meeting.



In other words, the law under which Tom De Lay stands convicted is probably unconstitutional. And if that is so now, it was so in 2002. I urge Your Honor to consider this point and to grant Tom maximum leniency in your sentencing.

Knowing for more than three decades that Tom De Lay is a good man and a patriotic citizen, I have no hesitation in asking for your most sympathetic consideration of his case, and I thank you for reading this personal appeal.

Sincerely,



**CHASE UNTERMAYER**

Enclosed: Biographical sketch of Chase Untermeyer

## CHASE UNTERMAYER

Chase Untermeyer has been an international business consultant since returning in 2007 from Qatar, where he served three years as United States ambassador on appointment of President George W. Bush.

Ambassador Untermeyer has held both elected and appointed office at all four levels of government – local, state, national, and international -- over a period of almost 35 years, with work in journalism, academia, and business as well.

He is a 1968 graduate of Harvard College with honors in government. During the Vietnam War he served as an officer in the United States Navy aboard a destroyer in the Western Pacific and as aide to the commander of US naval forces in the Philippines.

Upon his return to Texas, Ambassador Untermeyer was a political reporter for the *Houston Chronicle* for three years before becoming executive assistant to the county judge (chief administrative official) of Harris County, Texas, the jurisdiction surrounding Houston. In 1976, he was elected to the first of two terms as a member of the Texas House of Representatives.

He left the Legislature in 1981 to go to Washington as executive assistant to then-Vice President Bush. Three years later, President Reagan appointed him Assistant Secretary of the Navy for Manpower & Reserve Affairs. When George Bush became president in 1989, Mr Untermeyer returned to the White House as Director of Presidential Personnel, responsible for advising the President on his appointments to federal office. In 1991, President Bush appointed him Director of the Voice of America, the overseas broadcasting arm of the US government, where he served until the end of the Administration in 1993.

Back in Houston, he was director of public affairs for Compaq Computer Corporation (since merged with Hewlett Packard) and vice president for government affairs and professor of public policy at the University of Texas Health Science Center.

Ambassador Untermeyer is a member of the Texas Ethics Commission, the Council on Foreign Relations, and the board of St Luke's Episcopal Health Charities. In previous part-time public service; he has been member and chairman of the Board of Visitors of the US Naval Academy, a commissioner of the Port of Houston, president of the Houston READ Commission, a member of the board of National Public Radio, member of the Defense Health Board, and chairman of the State Board of Education, appointed by then-Governor George W. Bush.

He is married to the former Diana Cumming Kendrick of Sheridan, Wyoming, whom he met when they were both on the White House staff. They have a daughter, Elly, born in Houston in 1993.

[December 2010]

**Captain Rick Miller, U.S. Navy (Ret.)**

3218 Oakland Drive  
Sugar Land, TX 77479

December 20, 2010

The Honorable Pat Priest  
c/o Dick Deguerin  
1018 Preston Avenue  
Houston, TX 77002-1806

Dear Judge Priest,

The purpose of this letter is to present a character statement in the case of former Congressman Tom DeLay, who was recently found guilty of certain charges under your purview as the Presiding Judge in his case.

My wife and I have the upmost respect for Tom DeLay for many reasons. Having known Tom and his family for about 10 years, since moving to Texas and residing in the same neighborhood, I have come to know the man and that what he stands for that speaks to his character and his personal beliefs.

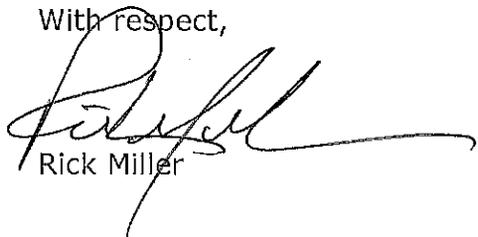
We know Tom DeLay to be an honorable, caring, compassionate and strong Christian family man. He has spoken at our Church, appeared at numerous community events for charitable organizations, and has never hesitated to help people in their time of need. He had always shown a passion to help the people of his district.

He and his wife have a heart for foster children. They have established the Rio Bend Community in the Richmond, TX area for children who do not have a family. It has been a much needed, very successful and rewarding endeavor to assist these special needs children.

Tom Delay's performance in Congress representing Texas' 22<sup>nd</sup> District was exceptional in every measureable way, especially for his constituents in the District and for Sugar Land and surrounding communities. From providing much infrastructure funding to helping the City of Sugar Land operate a model airport known all over the Country, Tom was always one whose priority was to serve his constituents as well as Texas and, for certain, America.

We would ask that you consider the exemplary character of this public servant in this case in your sentencing. We appreciate your time and efforts in considering our letter and hope that your decision regarding sentencing will consider the person and not the political aspects of the case.

With respect,



Rick Miller

**Melvin A. Dow**  
1221 McKinney, Suite 2100  
Houston, Texas 77010  
(t) 713.547.2068 / (f) 713.236.5674  
email melvin.dow@haynesboone.com

December 14, 2010

The Honorable Pat Priest  
c/o Mr. Dick Deguerin  
1018 Preston Avenue  
Houston, TX 77002-1806

Re: Tom DeLay

Dear Judge Priest:

I write this letter to urge that you sentence Tom DeLay to probation or a minimum monetary fine but not to prison time. My reasons are stated below, but first a brief introduction.

I am a Houston lawyer. I was born in Houston and have lived here all my life except for the time I attended law school and the time I was in Army. I have practiced law here since my discharge from the Army in 1954; I have been listed in Best Lawyers in America for 25 consecutive years; have been listed as one of the Top 100 Lawyers in Houston for several years; currently serve on the board of directors of a New York Stock Exchange real estate company; have previously been on the board of directors of a bank and on the board of directors of a title company; am past president of Congregation Beth Yeshurun, the largest conservative Jewish congregation in the world (over 2000 families) and have been officer or on the board of directors of various other charitable and philanthropic organizations. I write this letter personally and not on behalf of my law firm or any other organization.

I have known Tom DeLay for over 25 years. I also know Tom's wife Christine and their daughter, Dani. I have been with Tom in his office in Washington and also in his home and in other venues on various other occasions. Tom is a person of very strong opinions (I agree with some, but not all of them) and he works hard, energetically, and passionately to implement policies he believes in.

I have always found Tom to be a man of his word and deeply committed to his beliefs.

My reasons for the recommendations in this letter are as follows:

First, Tom has already paid a painful, heavy price and has already been punished severely. A few years ago, first as Majority Whip and then as Majority Leader, Tom was the most powerful person in the United States Congress -- counting both Democrats and Republicans and counting

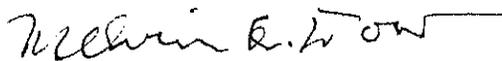
The Honorable Pat Priest  
c/o Mr. Dick Deguerin  
December 14, 2010  
Page 2

Senators and Members of Congress. In that position he had vast power with respect to the enactment of legislation and the ability to implement policies he supported. Now all of that is gone – a severe and painful punishment.

Second, to the extent that it is relevant, I believe Tom thought he was complying with the law. This is evidenced by the fact that he made no effort to disguise the fact that the amount of money transferred to the RNC was the exact same amount contributed by the RNC to candidates for the Texas legislature – all done essentially at the same time. It would have been easy to disguise the situation if the RNC had made a number of separate contributions in odd amounts at various different times (not simultaneously) spread over several weeks with a total that was not equal to the amount of corporate funds transferred to the RNC. Thus, none of the steps which would have disguised the situation were taken. I think this indicates that Tom and other parties involved did not disguise the transaction because they thought they were not in violation of the law. This is hypothesis on my part. I have not discussed the matter with any of the parties involved or any lawyers involved.

I know that there are strong political feelings and lots of publicity connected with this case. I urge you to rise above all of that and exercise independent judgment in the finest tradition of the American judicial system.

Respectfully,

A handwritten signature in black ink that reads "Melvin A. Dow". The signature is written in a cursive, slightly slanted style.

Melvin A. Dow

December 20, 2010

The Honorable Pat Priest  
c/o Dick Deguerin  
1018 Preston Avenue  
Houston, Texas 77002-1806

Dear Judge Priest

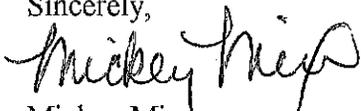
My name is Mickey Mixon, Precinct Chairman of Precinct 3035 and Vice Chairman of the Republican Party of Fort Bend County Texas. I am also a Deacon at Sugar Creek Baptist Church where Tom once attended. I have known Tom DeLay since 1985, and I have interacted with Tom in politics and in the church. In all my dealings with Tom I have been treated with respect and fairness. I could always trust Tom's word, and I could always voice my opinion to Tom. If he did not agree he would let me know.

Tom took his job as Representative in the US Congress with the utmost care. Tom's office here in Sugar Land was open and the employees were happy to serve the constituents. After my dad died, my mother needed help concerning my father's railroad retirement and social security. I talked to Tom about the situation, and he told me the steps to take, and because my mother lives in Houston TX, that I should contact my mother's Congresswoman for help. We spent 2 years trying to get the Congresswoman to help us resolve the problem with very little support or help. Finally I went back to Tom. He got the work done in a few months. Tom showed respect for the office by having me follow the chain of command, but when the other Congresswoman would not do her job, Tom stepped in and got it done for his constituent.

Tom DeLay has been loyal to the people of Fort Bend County in his service. He faithfully served the 22<sup>nd</sup> Congressional District in Washington and here at home. Tom was often in the district, meeting with citizens, whether for him or against him. I was honored to have him represent me in the US Congress, and I am proud to call him friend.

Please accept this letter as support for Tom DeLay.

Sincerely,



Mickey Mixon  
1819 Redwood Ct.  
Sugar Land TX 77498-2237  
281-491-9737 h  
281-565-0660 w

December 20, 2010

The Honorable Pat Priest  
C/o Dick Deguerin  
1018 Preston Avenue  
Houston, TX 77002-1806

Dear Judge Priest,

My name is Lynda Mixon, wife, mother and grandmother, and a retired school teacher of 23 years in the State of Texas. I first met Tom DeLay in 1985 in a Sunday School class at Sugar Creek Baptist Church in Sugar Land, Texas. Over the years I watched as Tom grew in his role as a political leader, and saw how hard he worked for the people he represented. Tom was always upfront and honest about his opinions and you could always depend on him to keep his word and to do what he said he would.

Tom DeLay put his job as a US Representative first in his role as politician. He faithfully served the 22<sup>nd</sup> Congressional District while continuing to stand for what he considered to be right and true. His service to his district and to the state of Texas was never ending. He worked long and hard for the people of Texas, Fort Bend County, and Sugar Land. It was always evident that he was proud of his home State and the people he represented.

Tom faithfully and willingly made himself available to his constituents. In all my dealings with Tom he acted in an honest and straight forward manner, and his office was open and happy to help anyone whether they were Democrat or Republican. He cared about young people, and on many occasions visited Kempner High School to talk to the students where I was a government teacher. Tom also talked and visited with many diverse groups in his district, constantly giving and reaching out to the citizens.

I have had the privilege and honor of knowing Tom DeLay through my church, the Republican Party, and my family. In 2000 my daughter married Tom's nephew. I know Tom DeLay to be a man of character who is honest and true to his word. He is a devoted husband and a loving father and grandfather. Tom and Christine DeLay have done so much for foster children through their Rio Bend project, and when I attended the grand opening of the ranch I was amazed at the tremendous effort they had put into making life better for children who are left without parents. Tom needs to be able to continue his unselfish service to Rio Bend and to the community at large. Tom DeLay's leadership abilities and his natural instinct to get things done can be used for good in our community to help countless people.

Thank you for reading my letter, and please accept this letter as a sign of my endorsement and support of Tom DeLay, I ask for your mercy for this man of character and of faith.

Lynda C. Mixon



1819 Redwood Ct.  
Sugar Land, Texas 77498  
281-491-9737 h

December 21, 2010

Honorable Judge Pat Priest

Dear Judge Priest,

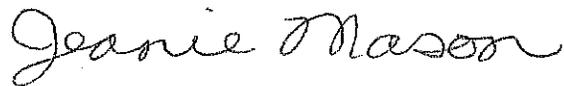
I am Jeanie Mason, a resident of Fort Bend County and Congressional District 22 since 1976. My husband, Norm Mason, and I have been active in Fort Bend County since we moved here.

We have known and been personal friends with the DeLay family since 1977. In 1978 when Tom ran for District 26 State Representative we were active in his first campaign and many campaigns since. Tom served well representing District 26 and subsequently Congressional District 22. We were pleased with the principles Tom stood for and the benefits he brought to our area including assistance in addressing our critical transportation needs for this fast-growing area.

Tom and Christine have invested their lives in this community in a personal and sacrificial way such as their endeavors in the Rio Bend foster care center. Many have been blessed through their participation in support of activities and events on behalf of charitable causes locally.

Our knowledge of Tom DeLay is that he has served as a man of character selflessly over an extended period of time in pursuit of the shared ideals of his community and his constituents. Thank you for your consideration on behalf of Tom DeLay

Sincerely,

A handwritten signature in cursive script that reads "Jeanie Mason".

Jeanie Mason  
915 Goldfinch Ave.  
Sugar Land, TX 77478

Honorable Pat Priest  
Senior Retired District Court Judge  
331<sup>st</sup> District Court  
Blackwell-Thurman Criminal Justice Center  
509 West 11<sup>th</sup> Street  
Austin, TX

Dear Honorable Pat Priest,

I am writing to express my concern and admiration for former House Majority Leader, Tom DeLay. I am a Special Agent employed by the United States Capitol Police based in Washington DC and our mission is to protect Members of Congress and their families. More specifically I am assigned to the Dignitary Protection Division and we are directly responsible for the safety and well being of Members of Congress in leadership. From 2004 through 2006, I had the pleasure and honor of being assigned to Tom DeLay. In 2005 I became Team Leader of his protection detail and that is when I really got to know Tom DeLay.

Initially, I was a bit skeptical when I heard that I was being assigned to Tom DeLay. I heard the rumors of how tough he was and how aggressive he could be. That was not a big concern for me because as a professional, I was focused on doing what I needed to do. As a rule of trade, we try not to get involved in a Protectee's politics or personal affairs. The political affairs are easy to stay away from, however, the personal level can be difficult considering how much time we spend with them and their families. As long as we maintain professionalism, it is pretty easy to find that balance.

During the time working for Tom DeLay I really got to see a totally different person than what the media portrayed. One thing that I remember most about him is that he was very respectful of our mission. He was very cooperative and verbal about his intentions and he looked for guidance from us when he had any concerns. After about three weeks of being assigned to him I remember thinking, "this guy is nothing like what I had heard". He was also very considerate from the standpoint of recognizing that we spent

so much time away from our families. He empathized with how things could be a little more difficult during the holidays so he would invite the Protection Team to his home for dinner. I spent Christmas 2004 and Thanksgiving 2005 with Tom DeLay and his family in Sugarland, TX. I recognized how much of a family man he was and I admire those values as well as his commitment to his faith. He went to 2nd Baptist Church every Sunday that I worked with him in Sugarland, TX. This impressed me considering his public reputation and I soon came to see that that was negatively exaggerated.

He also opened up his home to us during a natural disaster alert. In 2005 Hurricane Rita was approaching the Houston area and most of the city was evacuating west towards Austin. The DeLay's live in an all brick home so they were considered safe by most accounts so they decided to stay. This meant someone from the protection detail would have to stay as well. We stayed at a fairly new hotel not far from him but the General Manager believed the hotel would sustain a lot of damages if the hurricane did hit. Thus putting our agent in some real danger. Knowing the situation of the hotel, Mr. DeLay insisted that the agent remaining back come stay in his house until the storm passed.

One particular incident that I remember most about him is his appreciative nature. Early in the morning on my birthday in 2004, we were on our way to the airport when a fellow agent joked that I was getting old because I couldn't remember something. He eventually mentioned that it was my birthday and Mr. DeLay said, "Happy Birthday Dwight, sorry you have to work on your birthday". I said, "Thank you, sir" and I thought nothing more of it. Later on that evening we took him to a restaurant and as we normally did, we escorted him to his seat. Once he was in place the security team went to take up our post. Before we could walk away, he insisted that everyone sit with him. He had done that from time to time so it was not that unusual. After dinner, the waiter brought out a huge cake with candles and I was completely surprised. Almost everyone in the restaurant began to sing "Happy Birthday" led by no other than Tom DeLay. I was flattered to later learn from staff that it was Tom DeLay's idea and he put it all in motion.

Just before he retired, he put together a staff and security detail dinner party to officially say goodbye. There were agents and former staff in attendance that had worked for him 15 years earlier. Some former agents who moved on to different federal agencies in different parts of the country came back to say farewell. At the event, he expressed his appreciation for the commitment that we all had for him. Some people, including myself, spoke about Tom DeLay and how much of a pleasure it was for us to work for him.

Near the end, I began to realize the magnitude of what was happening and I was truly sorry for him and his family. I have followed this case through the media and I have gotten periodic updates from former staff members. I do not know much about the specific details but I do know what kind of Human Being Tom DeLay is. As the Team Leader of his Protection detail during the time this all started, I probably spent more time with him than anyone. I know he felt a certain level of comfort and privacy with us. There were no reporters, no cameras and in a lot of cases no staff during the most private moments when he was able to be himself and express his true character. His drive, determination, and full commitment to his position were also evident. From the outside looking in, I could also see how one in professional opposition of him could misconceive such qualities. From a more personal perspective, I recognized his true character as one of integrity, compassion, and kindness. This being completely adverse to what I had originally perceived based on public perception.

Thank you for your time and I hope this gives you a better understanding of who Tom DeLay truly is.

Sincerely,

A handwritten signature in black ink, appearing to read "Dwight A. Littlejohn". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dwight A. Littlejohn

**From:** DDeGuerin@aol.com (DDeGuerin@aol.com)  
**To:** ddhsmith@yahoo.com;  
**Date:** Fri, January 7, 2011 12:21:19 PM  
**Cc:**  
**Subject:** Fwd: Support letter for Former Congressman Tom DeLay

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From: ROSSDDKC@aol.com  
To: DDeGuerin@aol.com  
Sent: 1/7/2011 11:09:03 A.M. Central Standard Time  
Subj: Support letter for Former Congressman Tom DeLay

January 7, 2011

To The Honorable Pat Priest  
% Mr. Dick Deguerin  
118 Preston Avenue  
Houston, Tx 77002-9231

In all the years I have known former Congressman Tom DeLay, he is a Godly and honorable man. He worked hard for his constituent's, never for himself or his enrichment. He has always been generous with his time, and made the People and the Community part of his efforts.

I can not imagine Tom DeLay knowingly doing anything illegal. I believe he and his Family has suffered enough, please do not compound this by sending him to prison.

Sincerely,  
Debra W. Ross  
Former President of Spirit of Freedom Republican Women  
Precinct Chair #4107