

LOBBY WATCH



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Where's The Texas A.G.?

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Rhode Island Suing Simmons Firm To Stop Lead Poisoning of Kids

• Could \$350,000 From Simmons' Companies Give Cornyn Lead Feet?

Although the attorney general of another state recently advanced his environmental lawsuit against a company controlled by Harold Simmons, the Dallas-based corporate raider appears to have this matter under better control in his home state.

A state judge ruled April 2 that Rhode Island could go to trial with its lawsuit against eight companies that made lead paint, including Simmons' NL Industries (formerly National Lead). The lawsuit seeks to force the industry to help clean up lead paint that poisons kids.

While 15 other states confidentially have contacted Rhode Island's attorney general to explore similar suits, Texas Attorney General John Cornyn is an unlikely candidate to follow suit. *Lobby Watch* has found that Simmons' holding companies may have moved \$350,000 to a secretive political fund that Cornyn co-founded.

AG money laundering

A critic of his predecessor's lawsuit against the tobacco industry, Cornyn has complained that other "mass state lawsuits" against "car

rental companies, pharmaceutical firms, makers of lead paint and gun manufacturers" could follow.

Cornyn voiced this concern in defense of the controversial fundraising appeal that he made last year for the Republican Attorney General Association (RAGA). Cornyn's pitch urged individuals, PACs and corporations to make stealth RAGA contributions *in the name of* the Republican National State Elections Committee PAC (RNSEC). Both PACs refuse to reveal which RNSEC contributions are earmarked for RAGA.

Fueling RAGA's secrecy is the fact that its early supporters reportedly include gun makers, Microsoft, tobacco lobbyists and Aetna—interests that fear lawsuits filed by attorneys general.

"This is absolutely an effort by people with special interests to stop attorneys general from pursuing their traditional role as protectors of the public interest," said Scott Harshbarger, the ex-attorney general of Massachusetts who now heads Common Cause.

Simmons' laundermat?

Lobby Watch checked to see if Simmons-controlled businesses have been contributing to the PAC that launders RAGA's money. The Simmons money found there would fill a triple-load washer.

Since RAGA's creation, RNSEC has received \$350,000 from Simmons' two main holding companies. Simmons' Contran Corp. (\$250,000 to RNSEC) has a controlling interest in Simmons' Valhi (\$100,000 to RNSEC), which controls NL Industries and Waste Control Specialists, the company that is lobbying to dump the nation's radioactive waste in Texas.

Simmons-Linked RNSEC Donations

(2000 Election Cycle)

Simmons Interest	RNSEC \$
Contran Corp.	\$250,000
Valhi, Inc.	\$100,000
TOTAL:	\$350,000

RNSEC received another \$211,000 since RAGA's creation from other companies that are defendants in the Rhode Island suit. This includes \$201,000 from ARCO (including chair emeritus Lodwick Cook) and \$10,000 from DuPont.

Political clout

John Cornyn, the man charged with defending Texas' legal interests, has taken \$31,000 in campaign money since 1998 directly from Harold Simmons.

Cornyn faced questions about RAGA and RNSEC money last year after he approved a sweetheart settlement of an Aetna lawsuit that his predecessor filed. Cornyn allowed Aetna (which gave \$75,000 to RNSEC after RAGA formed) to settle the lawsuit the way it likes to settle medical claims—without paying a dime.

Simmons personally contributed \$90,000 to the two gubernatorial campaigns of George W. Bush, whose presidential administration reportedly is considering a rollback of rules that would require industrial plants to start reporting how much lead they release into the environment.

Although many individuals and local governments have filed lead lawsuits against NL, Rhode Island Attorney General Sheldon Whitehouse filed the first and only state lawsuit against lead paint makers in 1999. The suit is modeled after those that Texas and other states used to recover billions of dollars in tobacco-related health care costs. Whitehouse's suit seeks to recoup hundreds of millions of

dollars from lead paint manufacturers to remove this toxic product from buildings where more kids can get poisoned.

NL Industries and its co-defendants have enlisted high-powered politicians in their defense. NL hired Gale Norton as a lead-paint lobbyist for the two years before Bush made her U.S. Interior Secretary. A top defense attorney for the industry is Richard Thornburgh, who was ex-President Bush's Attorney General.

Get the lead out

The lead industry's potential liability is far greater in Texas than Rhode Island. An Environmental Defense report ranks Texas No. 7 nationally in the number of its housing units that face elevated lead risks (180,000 units). Texas has eight times more of these housing units than does No. 37-ranked Rhode Island (www.scorecard.org/env-releases/lead/).

The U.S. Centers for Disease Control calls lead the nation's No. 1 environmental health threat to kids. Four percent of all pre-schoolers have high enough blood-lead levels to reduce intelligence and cause brain damage. Most of this exposure occurs when kids ingest dust from deteriorating lead

paint, which the government banned for residential use in 1978.

Early medical reports on child lead poisonings date to the beginning of the 1900s, when safer paint pigments already had been developed. Some European countries restricted the use of lead paint in 1909. The then-president of National Lead acknowledged in a 1921 letter to the dean of Harvard Medical School that "lead is a poison when it enters the stomach."

Given the tender ages of lead paint victims, it is ironic that National Lead sold its leading brand of lead paint under the little Dutch Boy label—sometimes marketing it to kids. National Lead distributed a kiddie booklet in 1930 that contained this eerie ditty:

*The girl and boy felt very blue
Their toys were old and shabby too
They couldn't play in such a place
The room was really a disgrace
This famous Dutch Boy Lead of mine
Can make this playroom fairly shine
Let's start playing right away
You'll find the work is only play*

If it was not for the huge influence that this industry wields, political minds might navigate more easily between the interests of children and those of an industry that exposed kids to a known brain poison. •