

# LOBBY WATCH

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Toomey's SMerck®:

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## Experts At A Loss To Explain How Governor Got HPV Bug

The Capitol has been abuzz since Governor Rick Perry issued an executive order on February 2 directing prepubescent Texas girls to get vaccinated for sexually-transmitted viruses that can cause cervical cancer. At the heart of the controversy is a central question unaddressed here: Should the state mandate this vaccine? Auxiliary Who? When? and How? questions have fanned the controversy further.

There would have been much less controversy if the governor had promoted the vaccine differently. It would have been different if he fast-tracked vaccine-mandate *legislation*—rather than resorting to executive fiat. It would have been different if he had held a prime-time press conference—rather than issuing a statement late on the Friday preceding the Super Bowl. He further invited controversy by granting vaccine maker Merck & Co. a statewide monopoly without concessions—rather than negotiating a deep vaccine discount for poor Texans. Finally, there would have been fewer questions if this initiative came from a longtime champion of women's health—rather than an official previously AWOL on health policies.

Governor Perry's uncharacteristic executive order has fostered endless speculation about what occurred behind the scenes. Much of this speculation has focused on Merck's political connections and money trail.

Merck launched a major state push after a U.S. Centers for Disease Control panel unanimously endorsed administering the vaccine in late July 2006. Two

months later Merck's PAC spent \$74,250 in a single day to influence elections in five states. It directed 60 percent of that money to 82 candidates in Texas.<sup>1</sup>

Texas has a much larger vaccine market for the human papilloma virus (HPV) than the other four states Merck invested in last fall. The droves of Texas lawmakers that Merck targeted suggest that it initially planned to shepherd a vaccine bill through the legislature. Apparently concluding that this strategy would fail, Merck's lobby then called for a gubernatorial sneak.

Merck's PAC donations last September accounted for 82 percent of the \$53,950 that it injected into Texas during the entire 2006 election cycle. During this September surge, Merck PAC increased its investment in Governor Perry from \$1,000 to \$6,000. Meanwhile five other Texas candidates immediately returned a total of \$2,750 to Merck's PAC.<sup>2</sup>

### Merck PAC Money To States (Sept. 2006)

State	Amount
Texas	\$44,500
Pennsylvania	\$12,750
North Carolina	\$12,000
Oklahoma	\$3,500
Iowa	\$1,500
<b>TOTAL:</b>	<b>\$74,250</b>

Source: Federal Election Commission

## Merck PAC Contributions in Texas (2005 and 2006)

Amount	Candidate	Party	Office
\$6,000	Rick Perry	R	Governor
\$2,500	Susan Combs	R	Comptroller
\$2,500	Tom Craddick	R	Speaker
\$2,500	David Dewhurst	R	Lt. Governor
\$2,000	John Whitmire	D	S-15
\$1,000	Kip Averitt	R	S-22
\$1,000	†John Carona	R	S-16
\$1,000	†John Davis	R	H-129
\$1,000	†Dianne Delisi	R	H-55
\$1,000	Robert L. Duncan	R	S-28
\$1,000	Craig Estes	R	S-30
\$1,000	Troy Fraser	R	S-24
\$1,000	†Mario Gallegos	D	S-6
\$1,000	Glenn Hegar	R	S-18
\$1,000	†Kyle Janek	R	S-17
\$1,000	*Frank Madla	D	S-19
\$1,000	Jim Pitts	R	H-10
\$1,000	Florence Shapiro	R	S-8
\$1,000	Carlos Uresti	D	S-19
\$1,000	Leticia Van De Putte	D	S-26
\$1,000	Jeff Wentworth	R	S-25
\$1,000	†Royce West	D	S-23
\$1,000	†Judith Zaffirini	D	S-21
\$500	Dan Branch	R	H-108
\$500	†Betty Brown	R	H-4
\$500	†Garnet Coleman	D	H-147
\$500	Dawonna Dukes	D	H-46
\$500	Craig Eiland	D	H-23
\$500	Rob Eissler	R	H-15
\$500	Dan Gattis	R	H-20
\$500	Charlie Geren	R	H-99
\$500	Helen Giddings	D	H-109
\$500	Linda Harper-Brown	R	H-105
\$500	†Carl Isett	R	H-84
\$500	Lois Kolkhorst	R	H-13
\$500	Mike Krusee	R	H-52
\$500	Brian McCall	R	H-52
\$500	†Jim McReynolds	D	H-12
\$500	Geanie Morrison	R	H-30
\$500	*Gene Seaman	R	H-32
\$500	David Swinford	R	H-87
\$500	†Larry Taylor	R	H-24
\$500	†Vicki Truitt	R	H-98
\$500	Beverley Woolley	R	H-136
\$500	††Bill Zedler	R	H-96
\$500	†John Zerwas	R	H-28
\$250	Alma Allen	D	H-131

Amount	Candidate	Party	Office
\$250	Kevin Bailey	D	H-140
\$250	*'Rob' Beckham	R	H-71
\$250	Leo Berman	R	H-6
\$250	Bill Callegari	R	H-132
\$250	*Scott Campbell	R	H-72
\$250	Norma Chavez	D	H-76
\$250	Byron Cook	R	H-8
\$250	Joe Crabb	R	H-127
\$250	†Myra Crownover	R	H-64
\$250	Kirk England	R	H-106
\$250	Kino Flores	D	H-36
\$250	†Dan Flynn	R	H-2
\$250	Veronica Gonzales	D	H-41
\$250	Ryan Guillen	D	H-31
\$250	†Kelly Hancock	R	H-91
\$250	*Talmadge Heflin	R	H-149
\$250	††Jim Jackson	R	H-115
\$250	†Phillip King	R	H-61
\$250	Susan King	R	H-71
\$250	*Jim Landtroop	R	H-85
\$250	Eddie Lucio III	D	H-38
\$250	Jose Menendez	D	H-124
\$250	Sid Miller	R	H-59
\$250	†Jim Murphy	R	H-133
\$250	Rene Oliveira	D	H-37
\$250	†Rob Orr	R	H-58
\$250	Diane Patrick	R	H-94
\$250	Aaron Pena	D	H-40
\$250	Larry Phillips	R	H-62
\$250	Patrick Rose	D	H-45
\$250	Mark Strama	D	H-50
\$250	Yvonne Toureilles	D	H-35
\$250	†Corbin Van Arsdale	R	H-130
\$250	*Martha Wong	R	H-134
\$200	Ana Hernandez	D	H-143
<b>\$53,950 TOTAL</b>			

†Signed letter urging governor to rescind vaccine order.

†Served on a major health committee last session.

\*Lost 2006 election.

## Merck's 2007 Texas Lobbyists

Merck Lobbyist	Value of Merck Contract
Holly duBois Jacques	\$100,000 - \$150,000
Lara Laneri Keel	\$25,000 - \$50,000
Michael Toomey	\$25,000 - \$50,000
<b>TOTAL: \$150,000 - \$250,000</b>	

Merck so far has agreed to pay a total of up to \$250,000 to three Texas lobbyists this year, which doubled what it spent in 2006. Merck's associate director of state government affairs in Austin is Holly Jacques, who also is registered to lobby for Merck in Oklahoma.<sup>3</sup>

## Merck's Texas Lobby, 1995-2007

Year	Min. Value of Contracts	Max. Value of Contracts	No. of Contracts
1995	\$85,000	\$185,000	4
1996	\$85,000	\$185,000	4
1997	\$110,000	\$245,000	5
1998	\$60,000	\$135,000	3
1999	\$10,000	\$45,000	3
2000	\$75,000	\$160,000	3
2001	\$100,000	\$210,000	4
2002	\$75,000	\$170,000	4
2003	\$130,000	\$225,000	4
2004	\$130,000	\$225,000	4
2005	\$50,000	\$120,000	3
2006	\$60,000	\$135,000	3
*2007	\$150,000	\$250,000	3
<b>TOTAL</b>	<b>\$1,120,000</b>	<b>\$2,290,000</b>	<b>47</b>

\*Shows contracts active in February 2007.

To assist Jacques, Merck retains Texas Lobby Group partners Lara Laneri Keel and Valens "Mike" Toomey—who was Governor Perry's roommate when the two men served in the Texas House in the 1980s. Because of their long, close relationship, many capitol

insiders believe that the governor contracted the HPV-vaccine bug from Toomey.

Except for when he served as Governor Perry's chief of staff in 2003 and 2004, Toomey has lobbied for Merck every year since 1995. During his lobby hiatus in the governor's office, Toomey parked his clients with two lobby colleagues.<sup>4</sup> He then revived this client list upon returning to the lobby in late 2004.

Just before joining Governor Perry's staff, Toomey participated in the 2002 electoral strategy sessions of the now-indicted Texans for a Republican Majority PAC (TRMPAC) and Texas Association of Business (TAB). His lobby partner, Lara Laneri Keel, lobbied for TAB during that controversial period.<sup>5</sup>

Toomey, Keel and their firm spent another \$135,968 on Texas' 2006 elections. Attorney General Greg Abbott was a top recipient of Texas Lobby Group money (\$12,500). His office is drafting an opinion on whether or not Governor Perry has the authority to order Texas girls to be vaccinated. In contrast Governor Perry received just \$541 tied to this firm. Yet this contribution took the form of an in-kind contribution from Toomey, who contributed "research" to the Governor's campaign in late October 2006—one month after Merck PAC's big push into Texas.

## Major Donor Affiliated With The Texas Lobby Group

Contributor	Contributions In 2006 Cycle
Texas Lobby Group LLP	\$62,218
Michael Toomey	\$61,406
Lara Laneri Keel	\$12,344
<b>TOTAL:</b>	<b>\$135,968</b>

## Texas Lobby Group Donations (2005 and 2006)

Amount	Recipient	Party	Office
\$16,000	Susan Combs	R	Comptroller
\$12,500	Greg Abbott	R	Attorney General
\$7,300	TX Opportunity PAC	R	
\$7,094	David Dewhurst	R	Lt. Governor
\$5,000	TX Republican Leg. Caucus	R	
\$5,000	†John Zerwas	R	H-28
\$4,000	†Dianne Delisi	R	H-55
\$4,000	Craig Estes	R	S-30
\$4,000	David Swinford	R	H-87
\$3,500	Norma Chavez	D	H-76
\$3,015	Dan Patrick	R	S-7
\$3,000	*Kevin Christian	R	H-71
\$2,500	*Terry Keel	R	Criminal Appeals
\$2,500	†Tommy Williams	R	S-4
\$2,250	*Ben Bentzin	R	H-48
\$2,000	Brandon Creighton	R	H-16
\$2,000	Kirk England	R	H-106
\$2,000	Glenn Hegar	R	S-18
\$2,000	†Kyle Janek	R	S-17
\$2,000	Edmund Kuempel	R	H-44
\$2,000	†Nathaniel 'Tan' Parker	R	H-63
\$2,000	Joe Straus	R	H-121
\$2,000	*Bill Welch	R	H-47
\$1,500	†Bob Deuell	R	S-2
\$1,500	Craig Eiland	D	H-23
\$1,500	Patrick Rose	D	H-45
\$1,200	Joe Driver	R	H-113
\$1,000	Rafael Anchia	D	H-103
\$1,000	Kip Averitt	R	S-22
\$1,000	*James 'Rob' Beckham	R	H-71
\$1,000	Warren Chisum	R	H-88
\$1,000	*Al Edwards	D	H-146
\$1,000	Kino Flores	D	H-36
\$1,000	Veronica Gonzales	D	H-41
\$1,000	Chris Harris	R	S-9
\$1,000	Juan Hinojosa	D	S-20
\$1,000	†Phillip King	R	H-61
\$1,000	††Jodie Laubenberg	R	H-89
\$1,000	*Mercurio Martinez	D	H-42
\$1,000	Robert Nichols	R	S-3
\$1,000	Solomon Ortiz	D	H-33
\$1,000	*Lee Parsley	R	Appeals Court-3
\$1,000	Aaron Pena	D	H-40
\$1,000	Robert Puente	D	H-119
\$1,000	Richard Raymond	D	H-42
\$1,000	Republican Party of TX	R	
\$1,000	*Laura M. Salinas	D	H-143
\$1,000	Michael Schneider	R	Dist. Judge-315
\$1,000	Eliot Shapleigh	D	S-29
\$1,000	Mike Villarreal	D	H-123

Amount	Recipient	Party	Office
\$1,000	Michael Williams	R	Railroad Com.
\$1,000	Judith Zaffirini	D	S-21
\$541	Rick Perry	R	Governor
\$500	Kevin Bailey	D	H-140
\$500	Leo Berman	R	H-6
\$500	Dan Branch	R	H-108
\$500	John Davis	R	H-129
\$500	Ryan Guillen	D	H-31
\$500	†Patricia Harless	R	H-126
\$500	Linda Harper-Brown	R	H-105
\$500	Armando Martinez	D	H-39
\$500	†Jim Murphy	R	H-133
\$500	†Rob Orr	R	H-58
\$500	Inocente Quintanilla	D	H-75
\$500	Don Willett	R	Supreme Court
\$500	††Bill Zedler	R	H-96
\$300	*Kent Grusendorf	R	H-94
\$150	TX Assoc. of Business PAC		
\$100	HillCo PAC		
\$18	John Otto	R	H-18
<b>\$135,968</b>			<b>TOTAL:</b>

† Signed letter urging governor to rescind vaccine order.

†† Served on a major health committee last session.

\*Lost 2006 election.

<sup>1</sup> Merck PAC reported to the Federal Elections Commission that it moved the \$74,250 to the states on September 28, 2006. Yet some Texas candidates did not report *receiving* these funds until as late as December 2006.

<sup>2</sup> Joe Nixon returned \$1,000; Michael Savoie returned \$250; and Carter Casteel, Kent Grusendorf and Elvira Reyna each returned \$500.

<sup>3</sup> A donor to Merck's federal PAC, Jacques' only recent direct contribution in Texas was \$200 to Supreme Court Justice Don Willett last year.

<sup>4</sup> Bill Messer and Ellen Williams.

<sup>5</sup> The cousin of this lobbyist's spouse, former Rep. Terry Keel, made a failed 2006 bid for the Texas Court of Criminal Appeals, which is the state court of last resort for the criminal charges pending against TRMPAC and TAB.