

July 20, 2006, 8:17PM

Follow the law

Inappropriate efforts to influence federal appellate judges in DeLay ballot case taint judicial process.

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IN an evenhanded decision, the U.S. Supreme Court upheld most of the Texas redistricting plan but invalidated one district that illegally reduced Hispanic voting power. The ruling displayed the court's ability to mete out impartial justice in a politically charged case. Unfortunately, some politicians seem to think an appeal to partisanship can influence how the federal courts rule.

A blatant example can be seen on the Harris County Republican Party Web site. It invites viewers to send a petition to the 5th Circuit Court of Appeals jurists who will decide whether former U.S. Rep. Tom DeLay must remain on the November ballot as the GOP candidate for the 22nd District. The petition declares, "Each day that goes by with Democrats perverting the process and denying the public their choice of candidates is a travesty of justice. This deliberate subversion undermines the will of the people and sets a horrible precedent for future elections."

The petition goes on to urge the justices to remove an injunction issued by U.S. District Judge Sam Sparks, a Republican appointee, keeping DeLay on the ballot. It also asks the court to declare the Republican ballot position officially vacant and allow district voters a fair choice of candidates.

The notion that judges can be influenced by a partisan petition is repugnant to the concept of an independent judiciary. The state GOP is represented in its appeal by a team of qualified lawyers. If Harris County party officials succeeded in affecting the outcome through such tactics, it would constitute a real subversion of the system and a truly horrible precedent for future litigation.

Equally misguided is Texas Attorney General Greg Abbott's decision to intervene in the case. He has every right to file a friend of the court brief, but his stated reason shows a slight grasp of the particulars of the case.

A spokeswoman for Abbott said Sparks had declared a portion of the Texas election code unconstitutional. In fact, neither the Democratic Party that sued to keep DeLay on the ballot nor the judge made that argument.

The judge actually ruled that the U.S. Constitution sets eligibility for congressional candidates and that a candidate's residency can be determined only on Election Day. GOP officials had declared DeLay ineligible after he won the party primary but moved his official residence to Virginia. DeLay and his wife continue to maintain their house in Sugar Land.

For the Texas attorney general to use the resources of the state to help his party win a favorable court judgment would be an intolerable conflict of interest. If Abbott does file a brief, it should recognize that Texas law prevents parties from replacing unpopular primary winners such as DeLay with stronger candidates — exactly what the state GOP is trying to do.

The credibility of American justice rests on judges' impartiality, both real and perceived. Attempts to influence the outcome — whether through petitions or briefs filed by elected officials seeking partisan advantage — only damage that credibility.

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