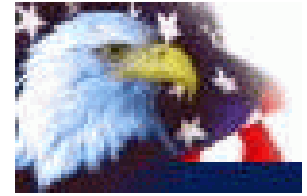




GREATER HOUSTON  
**PACHYDERM  
CLUB**



**NEWSLETTER**

**AFFILIATED WITH THE REPUBLICAN PARTY**

**HONORARY**

The Honorable Tom DeLay

The Honorable Kevin Brady

The Honorable John Culberson

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**PACHYDERM  
LUNCHEONS  
EVERY TUESDAY**

**Double Tree Guest Suites**  
5353 Westheimer (two blocks west of the Galleria)  
Noon-1:15 p.m. \$14.00 per person  
No Reservations Required Visitors Welcome  
**PARKING \$1.00**

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**PROGRAMS FOR AUGUST, 2005**

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**Tuesday, August 2, 2005**

**Speaker: T. Gerald Treece, Vice President, Associate Dean and Professor of Law**  
<http://www.stcl.edu>



As Distinguished Professor and Director of Advocacy at South Texas College of Law, Treece leads the program the school started in 1978. Most recently, the school was named the nation's best for trial advocacy training, according to a poll of law school faculties by U.S. News and World Report. For years, South Texas students have honed their skills in moot court competition under Treece's leadership. The school currently holds 91 national titles. Associate Dean Treece will tell us more about STCL's acclaim and long-term domination of national competition in trial advocacy.

**Tuesday, August 9, 2005**

**Speaker: John Culberson, U.S. Congressman, 7<sup>th</sup> District of Texas**  
<http://www.culberson.house.gov>



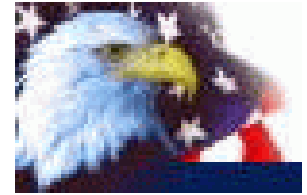
Elected in 2000, Culberson is the third Congressman to represent District 7. First created in 1965, he followed first George H. W. Bush and then, Bill Archer. A native Houstonian and graduate of SMU and South Texas College of Law, Culberson served 14 years in the Texas House of Representatives before his election to Congress. He currently serves on the House Appropriations Committee and on numerous Subcommittees including Transportation. While at home during his recess from DC, the Congressman will discuss various topics of importance to Houstonians like the BRAC Commission hearings, creation of the new Border Protection Corps, and the latest on rail and other transportation issues that will affect our region.

Our Web Site: [www.greaterhpc.org](http://www.greaterhpc.org)

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**Tuesday, August 16, 2005**

**Speaker: Carol Keeton Strayhorn, Texas State Comptroller of Public Accounts**

<http://www.window.state.tx.us>



Republican gubernatorial candidate, Strayhorn was the first woman in history elected as Texas Comptroller. She was re-elected in 2002 with the highest vote total of any winning statewide elected official in Texas getting more votes than any woman candidate nationwide of either party. She is a common sense conservative and an education watchdog calling herself "One tough Grandma, watching out for Texas." Strayhorn is the daughter of the late Page Keeton, the longtime dean of UT Law School in Austin. Her youngest son, Scott McClellan, is White House Press Secretary to President Bush. Strayhorn will discuss her vision for Texas if elected governor in 2006.

**Tuesday, August 23, 2005**

**Speaker: Dwayne Bohac, State Representative, District 138**

<http://www.bohac.com>



Property tax reform, strengthening public education and neighborhood quality of life ranked at the top of Rep. Bohac's priorities for the recently completed 79<sup>th</sup> Legislative Session. Dwayne will discuss meaningful accomplishments by lawmakers so far this year and what the Texas Legislature achieved during the subsequent Special Sessions called by the governor.

**Tuesday, August 30, 2005**

**Speaker: Mark White, President, GeoVox Security, Inc.**

<http://www.geovox.com>



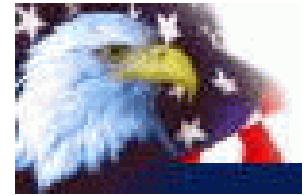
Former Attorney General and governor of the State of Texas, White is president of GeoVox Security who markets the AVIAN Heartbeat Detector. AVIAN is an acronym for *Advance Vehicle Interrogation and Notification Systems* which consists of an industrial personal computer loaded with specially developed software, a touchscreen monitor and special sensors. This product detects the presence of persons hidden in vehicles in less than 1 minute. AVIAN is currently in use worldwide in prisons, military compounds and border patrol checkpoints. Mr. White will discuss its merits in reducing illegal border infiltration and human smuggling.

For more information regarding our programs or speakers, please email Verdene Ryder at [verdene@earthlink.net](mailto:verdene@earthlink.net) or call (713) 686-4336

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# GREATER HOUSTON PACHYDERM CLUB



**NEWSLETTER**

## **LEADERS OF THE PACH**

### **OIL IN ALASKA - THE ENVIRONMENTAL CON GAME!**



— **Bob Shults**

**McFall, Sherwood & Breitheil, P.C.**

If there is any self-evident fact in regard to the energy policy of the United States today, it is that we must become less dependent on oil from the Middle East. One major effort at doing just that did not make it into the energy legislation that just passed in Congress. This failure was largely because of the votes of moderate, or uninformed, Republican legislators who would not stand up to the extreme environmental lobby.

This “hot button” issue in the energy bill that wound its way through Congress was the “opening the Alaskan Natural Wildlife Refuge to oil exploration.” The bill, in its final form, did not open the ANWR. Let’s look at some facts.

First, why open the ANWR? The probable production from the portion of the ANWR proposed for exploration (more on this below) is estimated to be between 5.7 and 16.0 billion barrels of produceable oil. These estimates are for posted volumes of technically recoverable, undiscovered oil. By comparison, the onshore and state waters of the lower 48 states are estimated to contain 13.0 - 33.8 billion barrels combined. Therefore, the ANWR lands have

probable recoverable reserves equal to one-half the total production in the rest of the US-onshore and offshore.

Second, the total land mass of the ANWR is 19.6 million acres. These acres are at the very northern tip of Alaska, near the Arctic Circle. Of that, 17.16 million acres are protected by law and cannot be touched. The only area where drilling is proposed is the Coastal Plain, the 1.5 million acres at the northern tip of ANWR. Even this area will not be fully opened. Only 2000 acres would be explored. That is one-hundredth of one percent (.0001) of the total land mass of ANWR and is not the dominant range of any animal species in the ANWR.

Similar overstatements of possible impact occurred when Prudhoe Bay was being opened for exploration. At the time, in the early 1970s, that Prudhoe Bay was developing, environmentalists were outraged about the impact on the Central Arctic Caribou herd that oil development would have. This herd calves in the Prudhoe Bay area. At that time, the herd was estimated at 5,000. The most recent population estimates place the herd size at 32,000, a six-fold increase in the time that Prudhoe Bay has been developed and explored.

It is time for our Party to insist that reality rules and that the United States take every responsible action it can to become more self-sufficient in its supplying our energy needs.

### **THE TRIAL LAWYERS’ ADDITIVE**

— **Doug Bandow**

Congress just finished wrangling

over a federal energy bill filled with pork. But budget waste has garnered less attention than one of the bill’s most sensible provisions that was eliminated, limiting legal liability for producers of methyl tertiary butyl ether (MTBE). Government normally shouldn’t protect companies from lawsuits, but Washington is largely responsible for the problem -- the focus of a number of lawsuits, including scores of consolidated cases being heard in New York.

MTBE began as a gasoline additive in 1979 to make gasoline burn more cleanly. Congress mandated use of oxygenates to reduce carbon dioxide emissions, intending to subsidize already heavily subsidized ethanol.

However, MTBE proved to be the superior product. It could be shipped via pipelines and emitted less pollution than ethanol. The Sierra Club called MTBE one of the ten most environmentally useful products.

Unfortunately, the additive can contaminate the water supply if it leaks from a pipeline or storage tank. The result is unpleasant, not dangerous.

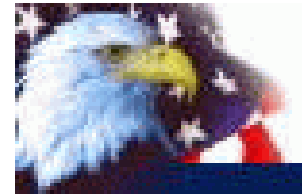
Robert M. Hirsch of the U.S. Geological Survey explained: “MTBE is primarily an aesthetic (taste and odor) problem.” Thankfully, seepage is limited. Said Hirsch, “MTBE levels do not appear to be increasing over time and are almost always below levels of concern from aesthetic and public health standpoints.”

Actually, the Congress and EPA recognized the potential problem when they mandated use of oxygenates and approved MTBE for use, respectively. Contamination occurs because pipelines and tanks leak, not because MTBE makers are careless. The Geological Survey’s

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**NEWSLETTER**

Hirsch explained: “The few locations in our database with high concentrations of MTBE may be associated with leaking underground storage tanks.”

Indeed, leakage has dropped as tanks have improved. The EPA reports that new MTBE releases are down 60 percent from those between 1998 and 2000.

All of which means that the fault lies with those who own pipelines and tanks. And, reports the EPA, the responsible parties clean up about 95 percent of all spills.

But chemical and oil companies have deeper pockets than independent gas station owners. And today defendant negligence has increasingly little to do with negligence lawsuits. Enter the trial bar.

Just three law firms handle most MTBE cases and actively troll for new clients among states and cities. Some municipalities are suing simply because they fear that contamination might eventually occur.

Estimates of potential damage claims are enormous. Frederick baron of the Dallas law firm Baron & Budd argues that “the liability of the oil companies is in the billions.”

Ironically, the use of MTBE is being phased out. However, liability for past cases remains.

The legislation before Congress would have simply protected the MTBE makers from product liability suits based on the claim that the additive is per se defective, rather than that product makers were negligent. Anyone responsible for leaky storage tanks or pipelines would

remain liable under several theories, ranging from negligence to breach of contract to breach of warranty.

But a finding of fault would require a demonstration of fault. Which seems fair for anyone seeking millions or hundreds of millions of dollars in damages. The provision is no corporate bailout.

There are many bad provisions in the energy bill now before Congress, but restricting MTBE liability wasn't one of them. However, the protection did not make it into the final bill. The Congress just can't stand up to a coalition of plaintiffs' lawyers and environmental activists!

## **BILL VERSUS HILLARY IN 2008**

*— From the New York Observer*

As you may have noticed, the 2008 presidential race is already underway. In the Democrats' corner is the wronged spouse turned rising star, Senator Hillary Rodham Clinton. And for the Republicans, the leading contender appears to be physician and Senate majority leader Bill Frist of Tennessee. While a lot can happen between now and 2008, Senators Frist and Clinton both play a mean hand of political poker, and a face-off between the two wouldn't be for the faint of heart.

Senator Clinton, of course, says she's entirely focused on being re-elected to the Senate in 2006. But her recent tacking to the right on many issues is clearly aimed at appealing to America, not just New York State. This means that, should the Republicans attempt to run against the “old” Hillary in 2008,

they'll be out of luck. Her support of the death penalty, her newly moderate positions on abortion and abstinence, and her hawk-like support of the war in Iraq will protect her in the Midwest and Southwest.

But a race against Bill Frist would hardly be a walk in the park. The majority leader presents himself as the Beltway's answer to the Good Samaritan, a surgeon who specialized in heart and lung transplants before being elected to the Senate in 1994. His campaign ads will surely feature footage of swashbuckling trips that the Senator made to the Sudan, where he pulled on medical gloves and performed minor operations such as hernia surgery and hip replacements in operating rooms with no electricity.

He's managed to magnetize the conservative branch of the party without scaring away the moderates. And he won't lack funding: Even if America has thawed toward Mrs. Clinton, Mr. Frist will still be able to raise enormous amounts of cash with her as an opponent.

No speculation about a Frist-Clinton match-up would be complete without taking the charismatic, straight-shooting John McCain into account as a possible candidate. If he ran, the Arizona Senator would galvanize Republican voters who are exhausted by the Bush administration's alleged failures and attract Democrats who suspect he's far more moderate than he appears. Mr. McCain has been a familiar TV presence of late, and has not been shy about telling the White House where it's gone wrong.

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