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Democratic leader's affiliation with Chamber raises eyebrows

By Paul J. Nyden

Staff writer

Nick Casey, chairman of the West Virginia Democratic Party, is a registered legislative and administrative lobbyist for the U.S. Chamber of Commerce Institute for Legal Reform.

Some critics are questioning Casey's association with a national group that routinely supports Republican candidates.

Last year, the state Chamber of Commerce and West Virginia Medical Association worked together to spend hundreds of thousands of dollars on television advertisements attacking incumbent Democratic Supreme Court Justice Warren McGraw, who lost the election to Brent Benjamin.

The ads blamed McGraw and the Supreme Court for many of West Virginia's economic ills.

Casey filed his lobbyist registration form with the state Ethics Commission on March 11.

He said Gov. Joe Manchin urged him to file because Casey was the individual who spoke to U.S. chamber officials about proposed tort reform legislation that was later passed by the state Legislature.

Casey, a Charleston lawyer, is also registered to lobby for: APS Healthcare, Consumer Health Care Products Association, Lexis Publishing, Rite Aid Corp. and the Roman Catholic Diocese of Wheeling-Charleston.

B.B. Smith, a retired Affiliated Construction Trades Foundation lobbyist, said on Friday, "I don't see how he could be chairman of the Democratic Party and lobby for an outfit that fights against most Democrats who run..."

"If he is working for the National Chamber of Commerce, he needs to step down as chairman of the party," said Smith, a boilermaker who also served as a vice president of the West Virginia AFL-CIO.

Casey said he registered as a lobbyist because Gov. Joe Manchin asked him to talk to Thomas J. Donohue and other U.S. Chamber officials during the legislative session.

“They got a hold of the governor’s office and said, ‘We are going to be aggressive. You aren’t doing enough. We will eat you up.’

“The governor told me to talk it through with them,” Casey said. “That’s how I ended up being a registered lobbyist.”

Casey said the Chamber of Commerce was most interested in modifying the existing “joint and several liability” law.

“Joint and several liability” means any person or company partially responsible for causing an injury, even if that person or company was only responsible for 1 percent of that injury, could, in rare cases, be made to pay all the damages due an injured party.

The Chamber of Commerce wanted to raise that percentage from 1 percent to 50 percent. Manchin wanted 25 percent and the Legislature raised it to 30 percent, Casey said.

The Chamber believed the existing law targeted “deep pocket” defendants based on their ability to pay, rather than their degree of fault.

(Hypothetically, a manufacturer who makes underground mining machines could be held responsible for all damages suffered by an injured miner if a mine operator who bought the machine failed to maintain it safely, then went bankrupt and had no assets to pay the injured miner.)

Casey said he was concerned that U.S. Attorney Kasey Warner could have charged him with illegal lobbying activity if he did not register as a lobbyist with the Ethics Commission.

Bob Fitzsimmons, a Wheeling lawyer and former chairman of the Ohio County Democratic Party, said, “The Chamber of Commerce has an agenda. They are trying to buy all the political offices in the state.

“They set the tone in the McGraw race. When someone becomes a registered legislative and administrative lobbyist, they can funnel money into someone’s pocket who has a relation to the governor, who sets policies and guidelines for the state.”

Fitzsimmons added, “Nick Casey is a good lawyer and a nice person. But I am shocked and embarrassed that our Democratic Party could be infiltrated by an organization with goals contrary to its primary goals and policies.

“I think Nick Casey should resign. There is nothing wrong with groups and organizations having beliefs. But this organization is aligned with the Republican Party. It is an obvious conflict.”

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