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THE SENATE OF THE STATE OF TEXAS
SITTING AS A HIGH COURT OF IMPEACHMENT

THE MATTER OF §
WARREN KENNETH §
PAXTON, JR. §

TRIAL
VOLUME 9 - AM SESSION
SEPTEMBER 15, 2023

The following proceedings came on to be heard in
the above-entitled cause in the Senate chambers before
Lieutenant Governor Dan Patrick, Presiding Officer, and
Senate members.

Stenographically Reported by
Lorrie A. Schnoor, CSR, RDR, CRR

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A P P E A R A N C E S

FOR THE TEXAS HOUSE OF REPRESENTATIVES BOARD OF MANAGERS:

Mr. Rusty Hardin
Ms. Lara Hudgins Hollingsworth
Ms. Jennifer Brevorka
Ms. Megan Moore
Mr. Daniel Dutko
Ms. Leah M. Graham
Mr. Armstead Lewis
Ms. Aisha Dennis
RUSTY HARDIN & ASSOCIATES, LLP.
1401 McKinney Street, Suite 2250
Houston, Texas 77010
(713) 652-9000
rhardin@rustyhardin.com

Mr. Dick DeGuerin
Mr. Mark White, III
DEGUERIN AND DICKSON
1018 Preston
Houston, Texas 77002
(713) 223-5959
ddeguerin@aol.com

Ms. Harriet O'Neill
LAW OFFICE OF HARRIET O'NEILL, PC
919 Congress Avenue, Suite 1400.
Austin, Texas 78701
honeill@harrietonelllaw.com

Ms. Erin M. Epley
EPLEY LAW FIRM, LLC
1207 South Shepherd Drive
Houston, Texas 77019-3611
erin@epley-law.com

Mr. Mark E. Donnelly
PARKER, SANCHEZ, & DONNELLY, PLLC
700 Louisiana, Suite 2700
Houston, Texas 77002
mark@psd.law

Ms. Terese Buess
buesster@gmail.com

1 Ms. Donna Cameron
2 State Bar No. 03675050

3 Mr. Brian Benken
4 BENKEN LAW
5 1545 Heights Boulevard, Suite 900
6 Houston, Texas 77008
7 (713) 223-4051

8 Mr. Ross Garber
9 THE GARBER GROUP LLC
10 1300 I Street, N.W., Suite 400E
11 Washington, D.C. 20005
12 rgarber@thegarbergroup.com

13 Ms. Lisa Bowlin Hobbs
14 KUHN HOBBS PLLC
15 3307 Northland Drive, Suite 310
16 Austin, Texas 78731
17 lisa@kuhnhobbs.com

18 ALSO PRESENT:

19 HOUSE BOARD OF MANAGERS

20 Representative Andrew Murr
21 Representative Ann Johnson
22 Representative Briscoe Cain
23 Representative Terry Canales
24 Representative Erin Gamez
25 Representative Charlie Geren
Representative Jeff Leach
Representative Oscar Longoria
Representative Morgan Meyer
Representative Joe Moody
Representative David Spiller
Representative Cody Vasut

1 FOR THE ATTORNEY GENERAL:

2 Mr. Tony Buzbee
3 Mr. Anthony Dolcefino
4 Mr. Colby Holler
5 THE BUZBEE LAW FIRM
6 JP Morgan Chase Tower
7 600 Travis Street, Suite 7500
8 Houston, Texas 77002
9 tbuzbee@txattorneys.com

10 Mr. Dan Cogdell
11 Mr. Anthony Osso
12 COGDELL LAW FIRM
13 1000 Main Street, Suite 2300
14 Houston, Texas 77002
15 dan@cogdell-law.com

16 Mr. Judd E. Stone II
17 Mr. Christopher D. Hilton
18 Ms. Allison M. Collins
19 Ms. Amy S. Hilton
20 Ms. Kateland R. Jackson
21 Mr. Joseph N. Mazzara
22 STONE|HILTON PLLC
23 1115 West Slaughter Lane
24 Austin, Texas 78748
25 (737) 465-3897
christopher.d.hilton@proton.me

Mr. J. Mitchell Little
SCHEEF & STONE, LLP
2600 Network Boulevard
Suite 400
Frisco, Texas 75034
(214) 472-2140
mitch.little@solidcounsel.com

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VOLUME 9 - AM SESSION

SENATE IMPEACHMENT TRIAL

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1 P R O C E E D I N G S

2 FRIDAY, SEPTEMBER 15, 2023

3 (9:09 a.m.)

4 THE BAILIFF: All rise. The Court of
5 Impeachment of the Texas Senate is now in session. The
6 Honorable Lieutenant Governor and President of the
7 Senate Dan Patrick now presiding.

8 PRESIDING OFFICER: Bailiff, you may call
9 the jury.

10 (Senators enter)

11 PRESIDING OFFICER: Senator Alvarado, I
12 believe you are delivering the prayer this morning.

13 SENATOR ALVARADO: Good morning. In the
14 Father, Son, and Holy Spirit. Amen.

15 Heavenly Father, in this sacred chamber,
16 we come together as servants of the great state of Texas
17 united by the privilege of serving our fellow Texans and
18 serving you, Lord. As we near the end of these
19 proceedings, let us take a moment to reflect on the
20 weight of our task and express our gratitude for the
21 trust placed in us.

22 We recognize the solemn responsibility
23 that accompanies our positions, and we pray for the
24 guidance and wisdom needed to make decisions that honor
25 the best interest of the state of Texas.

1 As we stand here today representing
2 different communities and backgrounds, we're thankful
3 for the strength that comes from our differences. It is
4 through unity and collaboration that we find common
5 ground. Work together harmoniously and uphold the
6 values that define this great state.

7 We are grateful for the opportunity to
8 serve, for the chance to make a difference, and for the
9 trust that has been bestowed upon us.

10 May your grace shine upon this chamber
11 lighting our path as we navigate the challenge before us
12 with humility and dedication. With your presence, Lord,
13 as our guiding light, we are confident that we will meet
14 this challenge with unity, integrity, and a shared
15 commitment to the people of Texas.

16 In your name we offer this prayer, amen.

17 PRESIDING OFFICER: Amen.

18 You may be seated.

19 Good morning, everyone, in the gallery,
20 and those who are watching online.

21 Before I begin, I have a few remarks to
22 make. I first want to thank our clerk, Patsy Spaw, and
23 our entire team in Austin, our bailiff and all his team
24 for the work during the trial.

25 (Applause)

1 PRESIDING OFFICER: I've had questions who
2 are these people behind me. They've never been
3 introduced. This is Darrell Davila, my chief of staff,
4 former prosecutor, strong legal background.

5 This is Chris Turner, my legal counsel.
6 Strong legal background working for governors before
7 this.

8 And Lola Fender, our deputy chief counsel.
9 They've done tremendous work.

10 And, of course, Judge Lana Myers who
11 served as a prosecutor on a criminal court in Dallas and
12 on the 5th Court of Appeals.

13 I would not have been able to work through
14 these last two weeks without them. As I said on day
15 one, I've never been to law school, I've never taken a
16 course, but we prepared for the last three months to do
17 the very best job that we could to present a fair trial,
18 which I think we have done, to both parties during this
19 time. We've read thousands of pages of documents of
20 history of legal proceedings, and I even took a little
21 bit of a judge boot camp along the way.

22 So we've done the very best we can. And
23 in a very short period of time, the trial will be in the
24 hands of 30 members of the Senate who will vote.

25 This impeachment trial, for the -- only

1 the third time of the statewide impeachment in the
2 history of Texas has been closely monitored either
3 through the media or through people watching online each
4 day. I want to take a few minutes to go over a few of
5 the key rules and to explain about what is to happen
6 because this is an unusual proceeding, not a normal
7 trial. And I want to be sure the media reports it
8 correctly and that the public understands everything we
9 do will be in total transparency throughout this
10 process.

11 First of all, we've talked about the rules
12 a lot in here. The rules were written and voted on by
13 the members of the Court. The final vote was 25 to 3,
14 and these rules set out the framework for what has
15 happened and what is about to happen.

16 Let me highlight a few of the rules that
17 we often get the most questions on.

18 Pursuant to the rules written and adopted
19 by the senators, Senator Angela Paxton cannot vote
20 because of a spousal conflict. That's in rule 31.
21 However, the members kept the threshold to convict on
22 any article at two-thirds of 31 members. That means
23 it's still requires 21 votes to convict even though only
24 30 senators will cast a vote.

25 It only takes a conviction on one article

1 of the 16 articles to remove the attorney general from
2 office. Like any jury, the senators will deliberate in
3 private. But under rule 28, the Senators will cast
4 their vote in open court on the Senate floor without
5 debate one article at a time after each member has
6 finished their deliberations. All 16 articles will be
7 voted on.

8 I want to point out that under rule 28, it
9 provides an article of impeachment is not divisible.
10 What does that mean? That means the Senators must
11 consider each allegation in each article and determine
12 whether the managers have proved each allegation in an
13 article beyond a reasonable doubt before they can
14 consider whether an article warrants removal from
15 office. Then and only then may an article be sustained.

16 For example, if an article has three
17 allegations in it, and only two are proven beyond a
18 reasonable doubt in the mind of a Senator, then a member
19 shall not vote to sustain that article.

20 Members, under the rules you adopted, I
21 will read jury charges as written in rule 27 after the
22 conclusion of the final arguments.

23 As I said in my remarks on opening day,
24 your decision must be based only and only on the facts
25 and evidence presented here in this chamber. You are

1 the sole judges of the credibility of the witnesses.

2 Evidence consists of the testimony of the witnesses and

3 the materials admitted into evidence during this trial.

4 Statements by attorneys in this trial are not evidence.

5 Questions asked by attorneys are not evidence.

6 I have no idea of how long the jury is

7 going to deliberate. It could be hours. It could be

8 days. Once they have notified me that all members are

9 ready to vote, we will alert the media for a time

10 certain when the members will come to the floor to cast

11 their votes, and we will post that on the impeachment

12 page of the state website.

13 We will try to give the media and the

14 public ample time to be ready for that time certain, at

15 least 30 minutes' notice.

16 I know you are interested in the outcome

17 of the trial so check in on the website from time to

18 time.

19 No evidence whatsoever, members, outside

20 this chamber shall be considered for any purpose.

21 Nothing that I have said as Presiding Officer and Judge

22 or that I have done or I have ruled shall be considered

23 as an opinion on facts or the case, and my words and

24 actions should not influence your vote one way or the

25 other. I do not have the vote. You have the vote.

1 The fact that the House of Representatives
2 has preferred articles of impeachment to the Senate is
3 no inference of guilt. Like any defendant, the attorney
4 general is not required to prove he is innocent or
5 produce any evidence at all. The attorney general is
6 presumed to be innocent until proven otherwise.

7 Even if a member believes the House
8 Managers have proven every element of an article beyond
9 a reasonable doubt, the member may only sustain the
10 article if they also believe Attorney General Paxton
11 should be removed from office based on that article.

12 The senate jurors will begin deliberations
13 today after final arguments, and they will continue as
14 long as it takes.

15 For the public, in some respects,
16 understand this is like 16 trials in one. This is not a
17 normal trial. They have to decide on 16 separate
18 articles.

19 Unlike a normal jury, the Senators will
20 not arrive at a group decision. One -- each member has
21 come to their individual decision, they will come to the
22 floor and vote one by one on each article.

23 They will not have their phones with them
24 during deliberations. They will not talk to staff
25 during deliberations, legal counsel or anyone else,

1 Members. Only to each other during deliberations.

2 They will be allowed, if necessary,
3 depending on how long deliberations go, to sleep outside
4 the Capitol, but under strict rules, members. You shall
5 have no communications with anyone. You may not look at
6 television. You may not look at your phone unless it's
7 a call from a family member, and they should not discuss
8 anything. It should only be for a family personal
9 issue. You can tell your kids goodnight or your wife or
10 your husband, but you shall not read any news, look at
11 any news, go online, open up your computers.

12 Before retiring to deliberate today after
13 closing arguments, each juror will be given a copy of
14 the articles of impeachment. They will also be provided
15 with all the exhibits that have been admitted into
16 evidence.

17 Both sides will have one hour for final
18 arguments. The House Board of Managers having the
19 burden of proof has the right to open and close final
20 argument. They may divide their hour into any time
21 segments as they wish for open and close.

22 That means the House Board of Managers
23 will argue first and last, but only for that total of
24 one hour.

25 The attorney general's legal counsel will

1 also have one hour for final arguments. Once again,
2 after closing arguments by both sides, I will read the
3 charge as you have written in your rules to the jury and
4 you will begin deliberation.

5 I will now read the articles of
6 impeachment.

7 Article No. I, disregard of official duty
8 - protection of charitable organization.

9 While holding office as attorney general,
10 Warren Kenneth Paxton violated the duties of his office
11 by failing to act as a public protector of charitable
12 organizations as required by Chapter 123, Property Code.

13 Specifically, Paxton caused employees of
14 his office to intervene in a lawsuit brought by the Roy
15 F. and JoAnn Cole Mitte Foundation against several
16 corporate entities controlled by Nate Paul. Paxton
17 harmed the Mitte Foundation in an effort to benefit
18 Paul.

19 Article No. II, disregard of official duty
20 - abuse of the opinion process.

21 While holding office as attorney general,
22 Warren Kenneth Paxton misused his official power to
23 issue written legal opinions under Subchapter C,
24 Chapter 402, Government Code.

25 Specifically, Paxton caused employees of

1 his office to prepare an opinion in an attempt to avoid
2 impending foreclosure sales of properties belonging to
3 Nate Paul or business entities controlled by Paul.

4 Paxton concealed his actions by soliciting the chair of
5 a Senate committee to serve as a straw requestor.

6 Furthermore, Paxton directed employees of
7 his office to reverse their legal conclusion for the
8 benefit of Paul.

9 Article No. III, disregard of official
10 duty - abuse of the open records process.

11 While holding office as attorney general,
12 Warren Kenneth Paxton misused his official power to
13 administer the public information law, Chapter 552,
14 Government Code.

15 Specifically, Paxton directed employees of
16 his office to act contrary to law by refusing to render
17 a proper decision relating to a public information
18 request for records held by the Department of Public
19 Safety and by issuing a decision involving another
20 public information request that was contrary to law and
21 applicable legal precedent.

22 Article No. IV -- and both parties had
23 asked me to read these articles before their closing
24 arguments.

25 While holding office as attorney general,

1 Warren Kenneth Paxton misused his official power to
2 administer the public information law, Chapter 552,
3 Government Code.

4 Specifically, Paxton improperly obtained
5 access to information held by his office that had not
6 been publicly disclosed for the purpose of providing the
7 information of benefit to Nate Paul.

8 Article No. V, disregard of official duty
9 - engagement of Cammack.

10 While holding office as attorney general,
11 Warren Kenneth Paxton misused his official power by
12 violating the laws governing the appointment of
13 prosecuting attorneys pro tem.

14 Specifically, Paxton engaged Brandon
15 Cammack, a licensed attorney, to conduct an
16 investigation to a baseless complaint during which
17 Cammack issued more than 30 grand jury subpoenas in an
18 effort to benefit Nate Paul or Paul's business entities.

19 While holding office as attorney general,
20 Article VI -- disregard of official duty - termination
21 of whistleblowers -- Warren Kenneth Paxton violated the
22 duty of his office by terminating and taking adverse
23 personal action against employees of his office in
24 violation of this state's whistleblower law, Chapter
25 554, Government Code.

1 Specifically, Paxton terminated employees
2 of his office who made good-faith reports of his
3 unlawful actions to law enforcement authorities. Paxton
4 terminated the employees without good cause or due
5 process and in retaliation for reporting his illegal
6 acts and improper conduct. Furthermore, Paxton engaged
7 in a public and private campaign to impugn the
8 employees' professional reputations or prejudice in
9 their future employment.

10 Article VII, misapplication of public
11 resources - whistleblower investigation report.

12 While holding office as attorney general,
13 Warren Kenneth Paxton misused public resources entrusted
14 to him.

15 Specifically, Paxton directed employees of
16 his office to conduct a sham investigation into
17 whistleblower complaints made by employees who Paxton
18 had terminated and to create and publish a lengthy
19 written report containing false or misleading
20 information or statements in Paxton's defense.

21 Article No. VIII, disregard of official
22 duty - settlement agreement.

23 While holding office as attorney general,
24 Warren Kenneth Paxton misused his official powers by
25 concealing his wrongful acts in connection with

1 whistleblower complaints made by employees whom Paxton
2 had terminated.

3 Specifically, Paxton entered into a
4 settlement agreement with the whistleblowers that
5 provides for payment of the settlement from public
6 funds. The settlement agreement stayed the wrongful
7 termination suit inconspicuously delayed the discovery
8 of facts and testimony at trial, to Paxton's advantage,
9 which deprived the electorate of its opportunity to make
10 an informed decision when voting for attorney general.

11 Article No. IX, constitutional bribery -
12 Paul's employment of mistress.

13 While holding office as attorney general,
14 Warren Kenneth Paxton engaged in bribery in violation of
15 Section 41, Article XVI, Texas Constitution.

16 Specifically, Paxton benefited from Nate
17 Paul's employment of a woman with whom Paxton was having
18 an extramarital affair. Paul received favorable legal
19 assistance from or specialized access to the Office of
20 the Attorney General.

21 Constitutional bribery - Paul's providing
22 renovations to the Paxton's home.

23 While holding office as attorney general,
24 Warren Kenneth Paxton engaged in bribery in violation of
25 Section 41, Article XVI, Texas Constitution.

1 Specifically, Paxton benefited from Nate
2 Paul providing renovations to Paxton's home. Paul
3 received favorable legal assistance from or specialized
4 access to the Office of the Attorney General.

5 Article XV, false statements in official
6 records - whistleblower response.

7 While holding office as attorney general,
8 Warren Kenneth Paxton made false or misleading
9 statements of official records to mislead both the
10 public and public officials.

11 Specifically, Paxton made or caused to be
12 made multiple false or misleading statements in the
13 lengthy written report issued by his office in the
14 response of whistleblower allegations.

15 Article XVI, conspiracy and attempted
16 conspiracy.

17 While holding office as attorney general,
18 Warren Kenneth Paxton acted with others to conspire or
19 attempt to conspire to commit acts described in one or
20 more articles.

21 Article XVII, misappropriation of public
22 resources.

23 While holding office as attorney general,
24 Warren Kenneth Paxton misused his official powers by
25 causing employees of his office to perform services to

1 his benefit and the benefit of others.

2 Article XVIII, dereliction of duty.

3 While holding office as attorney general,
4 Warren Kenneth Paxton violated the Texas Constitution
5 his oaths of office, statutes, and public policy against
6 public officials acting contrary to the public interest
7 by engaging in acts described by one or more articles.

8 Article XIX, unfitness for office.

9 While holding office as attorney general,
10 Warren Kenneth Paxton engaged in misconduct, private or
11 public, of such character as to indicate his unfitness
12 for office as shown by the acts described in one or more
13 articles.

14 Abuse of public trust, Article XX.

15 While holding office as attorney general,
16 Warren Kenneth Paxton used, misused, or failed to use
17 his official powers in a manner calculated to subvert
18 the lawful operation of the government of the state of
19 Texas and obstruct the fair and impartial administration
20 of justice, thereby bringing the Office of the Attorney
21 General into scandal and disrepute to the prejudice of
22 public confidence in the government of the state as
23 shown by the acts of -- described in one or more
24 articles.

25 Give us one moment.

1 (Pause)

2 PRESIDING OFFICER: Members, will both
3 parties come forward for a moment.

4 (Bench conference off the record)

5 PRESIDING OFFICER: The House Managers
6 have decided to open for approximately ten minutes, and
7 then the defense will speak for their 60 minutes, then
8 the House will come back for the remaining time.

9 I will give each -- as we get -- as they
10 get to the -- near the end of their hour time, I will
11 give each side a ten-minute warning, a five-minute
12 warning, and a one-minute warning. And I have told them
13 that I'm not going to cut them off in mid-sentence, but
14 they'll have to wrap up when I say their time is up.

15 Mr. Murr.

16 REPRESENTATIVE MURR: Mr. President,
17 members of the Senate sitting as Court of Impeachment,
18 over the last two weeks, the Senate has faithfully
19 carried out its constitutional duty to listen to the
20 evidence. The framers of our Constitution placed a
21 heavy and solemn responsibility on this chamber.

22 The House did not come here lightly. We
23 discovered unprecedented abuse in the Texas attorney
24 general's office by Mr. Paxton. As elected officials we
25 take an oath to protect the citizens of this state and

1 the sacred public trust.

2 The Constitution charges us with policing
3 our own. If we don't keep public officials from abusing
4 the capacity of their offices, then, frankly, no one
5 can.

6 Mr. Paxton's attorneys like to remind
7 everyone that he was elected by 4.2 million voters, but
8 they have blindly ignored the fact that he has
9 ultimately ended up serving one person, himself.

10 Mr. Bangert explained Mr. Paxton's abuse
11 of office in perhaps the most succinct way, and I'll
12 direct you to your screen.

13 (Video played of the following
14 proceedings)

15 MR. BANGERT: I was deeply concerned that
16 the name and authority and power of our office had been,
17 in my view, hijacked to serve the interest of an
18 individual against the interest of the broader public.

19 (Video ended)

20 REPRESENTATIVE MURR: With the help of
21 Jeff Mateer, Ken Paxton was able to build an exceptional
22 executive management team. Mr. Paxton's top advisers
23 were thrilled to go work for him. They came to the
24 office because they believed in him and what he stood
25 for.

1 They were unabashedly conservative,
2 hardworking experts in their fields with rock-ribbed
3 principles. He had hired the best and brightest to help
4 run his office.

5 Mr. Mateer explained at the beginning of
6 trial that these advisers were committed to the rule of
7 law and to conservative governance. In this trial, you
8 have heard from eight of Mr. Paxton's top and at one
9 time most trusted advisers.

10 There have been several discussions about
11 what the evidence is, but, of course, their testimony is
12 evidence.

13 Mr. Paxton's advisers were excited about
14 what the office was doing for Texas. They circled
15 around Mr. Paxton and worked diligently to advance the
16 promises that he had made to voters. The travesty is
17 that Mr. Paxton's desire to deliver results for Nate
18 Paul eventually tore the office apart.

19 It metastasized and overwhelmed the
20 office. When it came to Nate Paul, Ken Paxton abandoned
21 and betrayed his trust in knowledgeable staff, his
22 conservative principles, and his commitment to family
23 values, the law, and his oath of office.

24 He repeatedly demanded that his top
25 deputies act as Nate Paul's personal lawyers and not the

1 state's lawyers.

2 He gave the keys to the office.

3 His lawyers have come in here and tried to
4 normalize his behavior. They are not denying that Ken
5 Paxton did any of the acts alleged. Instead, they want
6 you to believe there was nothing wrong with Mr. Paxton
7 ignoring his senior staff's repeated warnings about Nate
8 Paul.

9 Hall of Fame Texas Ranger David Maxwell
10 did not mince words.

11 Your screen, please.

12 (Video played of the following
13 proceedings)

14 MR. MAXWELL: My evaluation of the
15 allegations made by Nate Paul is that they were
16 absolutely ludicrous, without merit, no probable cause,
17 not even reasonable belief that a crime had been
18 committed. The nature of the allegations that he was
19 making were against the FBI, a investigator with the
20 Texas State Securities Board, two U.S. attorneys, the
21 federal senior federal magistrate, Mark Lane, and others
22 who were involved in the chain of the signing and
23 execution of the search warrants on -- that -- on his
24 business, his place of storage, and also his home.

25 (Video ended)

1 REPRESENTATIVE MURR: Now, it is clear
2 that Mr. Paxton's judgment was completely clouded by his
3 distrust of law enforcement. But his failed judgment
4 does not excuse his intentional abuse of office.

5 Mr. Paxton wants you to find that even
6 though Nate's Paul -- Nate Paul's story was ludicrous
7 that it was completely fine for him to hire a five-year
8 practicing attorney as an outside attorney to do
9 Mr. Paul's bidding. He wants you to find that it was
10 completely okay for Mr. Paxton and Nate Paul's lawyer to
11 direct Mr. Cammack to issue grand jury subpoenas against
12 judges, court clerks, police officers, and the spouse of
13 a lawyer involved in a civil lawsuit with Nate Paul.

14 They even want you to believe that going
15 and getting a grand jury subpoena isn't really a big
16 deal. This suggestion is absurd.

17 The ability to issue a grand jury subpoena
18 is a substantial power wielded by our government, and
19 allowing a private citizen to take that power to attack
20 enemies is truly shocking.

21 Mr. Paxton has admitted that he does not
22 know much about criminal law. When he asked for money
23 from this chamber to settle the lawsuit filed by staff
24 members he wrongfully terminated, he wouldn't even
25 answer a senator's question about the hiring of

1 Mr. Cammack and instead deflected to his staff member
2 that he said was better qualified to answer. But when
3 it came to Nate Paul and his requests, all of a sudden
4 Mr. Paxton knew best.

5 He refused to reply on the expertise of
6 his staff. He balked at their warnings. And then he
7 hid his actions when he went around them in his attempts
8 to move forward in helping Nate Paul. And he is
9 continuing to claim he knows best.

10 He is sitting here today saying that he
11 was completely entitled to do what he did and that these
12 witnesses were part of some deep state conspiracy. But,
13 once again, Mr. Paxton's claims are divorced from
14 reality.

15 The fact that every action complained of
16 would have benefited Nate Paul is not mere happenstance.
17 As Mr. Paxton's counsel has said, there are no
18 coincidences in Austin.

19 Now, let's be clear about what happened
20 here. Mr. Paxton enjoyed the power of his office. He
21 enjoyed his relationship with Nate Paul. It facilitated
22 the life Mr. Paxton wanted. And Mr. Paxton willingly
23 and blindly wielded the power he loved so as to maintain
24 the relationship he needed.

25 This is wrong.

1 The power of the office of attorney
2 general cannot and should not be handed over to a
3 private citizen to use to attack their perceived
4 enemies.

5 Mr. Paxton claims that he wants the truth,
6 but he hasn't even bothered to be here for the whole
7 trial. He came on the first day, he left at lunch, and
8 now he's here for closing. Clearly, he thinks that he
9 might just get away with this. Had he been here, he
10 could have seen the hundreds of exhibits and the
11 thousands of pages that have been presented to you with
12 13 witnesses over seven days that the House have
13 meticulously laid before you.

14 Mr. Paxton put the risk of the citizens of
15 Texas, of the businesses of Texas, and the lives of law
16 enforcement at stake. As the state's top cop, this
17 conduct is and was inexcusable.

18 His actions are precisely the type of
19 grave official wrongs that our Supreme Court has
20 explained merit impeachment.

21 He may claim to be one of us, but unlike
22 the public servants here today, he has no regard for the
23 principles of honor and integrity. He has betrayed us
24 and the people of Texas. And if he's given the
25 opportunity, he will continue to abuse the power given

1 to him.

2 Mr. President, I yield the rest of my time
3 for my closing.

4 PRESIDING OFFICER: Mr. Buzbee.

5 We'll start the clock when he begins
6 speaking.

7 House, you have 50 minutes and 35 seconds
8 remaining.

9 MR. BUZBEE: May it please the Court.

10 Here we are in the Senate chamber in the
11 most historic trial that's been had in this state in the
12 last hundred years on this evidence. There is shame
13 here, and the shame sits right there that they would
14 bring this case in this chamber with no evidence.

15 I am proud to represent Attorney General
16 Ken Paxton. If this can happen to him, it can happen to
17 anyone.

18 Now, you heard when we started this case,
19 you heard in the media that the evidence is ten times
20 worse than the public knows, but what a farce that was.
21 What a farce that was.

22 What we have seen instead is a bunch of
23 supposition, mights, maybes, could have been. That's
24 what we've seen in this trial.

25 The very first witness they brought to

1 you, the very first witness they brought to you -- it's
2 not working -- crumbled under oath. Do you remember?
3 Do you remember Jeff Mateer? Crumbled under oath.

4 So what is this case about? It's about
5 nothing. It's about nothing.

6 Think about it. They failed to gather all
7 of the evidence. They failed to review their own
8 evidence. They failed to talk to all the witnesses.

9 Think about this. Brent Webster, the
10 first assistant. Did they bring him here? Did they
11 even bother to ask him a question? They didn't even ask
12 him a question. He is the man who reviewed and
13 documented every single thing that occurred. They
14 didn't even call him. You know why they didn't call
15 him? Because he puts to bed all of their foolishness
16 and silliness.

17 They didn't take any sworn testimony.
18 They let witnesses assume and speculate. They failed to
19 even understand the law, and they couldn't even write
20 the articles correctly.

21 Look at the articles that the Judge just
22 read to you. They use words "pro tem." Their own
23 witnesses admit there was no attorney pro tem. They use
24 words like "the attorney general failed to protect
25 charities." That is not the attorney general's job.

1 And let me make sure we're clear about
2 something here. When the House Board of Managers
3 brought this case, they made an assumption. They
4 assumed that this man would quit. They assumed that
5 this man would run and hide. They assumed that Attorney
6 General Ken Paxton would resign.

7 Well, guess what? He did not resign. He
8 is proud and is ready to go back to work. And after
9 this is over, I expect he will go back to work.

10 He has been a rock. He has been a rock in
11 that office, the Office of the Attorney General has
12 accomplished more than any attorney general's office in
13 the country. You heard it from the witness stand.
14 Biden's policies come to die in Texas because Attorney
15 General Ken Paxton.

16 Now let's talk about the burden of proof.
17 We've heard about the burden of proof here and there --
18 is this working? Can I have one minute?

19 PRESIDING OFFICER: Yeah.

20 MR. BUZBEE: Can we get this working?

21 (Discussion off the record)

22 PRESIDING OFFICER: Yes, I've been
23 informed that the PowerPoint connection to your screens
24 stopped as soon as he began his --

25 MR. BUZBEE: There are no coincidences in

1 Austin.

2 PRESIDING OFFICER: We will stop the clock
3 here for a moment.

4 MR. BUZBEE: We're going to take just a
5 moment. Can we get this going, please? I need it for
6 the senators to see the screen.

7 (Pause)

8 MR. BUZBEE: Okay. Your Honor, I think
9 we're ready.

10 PRESIDING OFFICER: Do you want to -- do
11 you want the screen to catch up to where you are?

12 MR. BUZBEE: Yes, sir.

13 PRESIDING OFFICER: Okay.

14 MR. BUZBEE: They thought he would quit.
15 They thought they could bring a bunch of people, 15
16 people, not put under oath with a bunch of supposition
17 and guesses and mights and maybes, and they thought he
18 would quit. The Texas Tribune, The Dallas Morning News,
19 The Houston Chronicle, they thought; he would quit. He
20 did not quit. And he will not quit.

21 Let's talk about the burden of proof.
22 That is super important here, and I want you, Senators,
23 please, to look at your screen and look at the burden of
24 proof. Beyond a reasonable doubt. Beyond a reasonable
25 doubt. That means, that means that you have no doubts

1 that are reasonable. No doubts -- that is an incredibly
2 high burden.

3 Can you imagine if we were in any criminal
4 court in the United States that this case would not have
5 already been dismissed based on what we've heard from
6 this witness stand. This case would not be -- we would
7 not be in final argument. This case would be over, but
8 this is not a criminal trial. This is a political
9 trial.

10 I would suggest to you this is a political
11 witch hunt. I would suggest to you that this has --
12 this trial has displayed for the country to see a
13 partisan fight within the Republican party. Let's just
14 call it for what it is. That's what we're seeing here.
15 It's being played out on TVs across the country. There
16 is a battle for power because there's no doubt that
17 these folks did not prove a case. They didn't prove a
18 preponderance. They didn't prove anything other than
19 they don't like Ken Paxton.

20 Remember this fellow Gregg Cox. Do you
21 remember that guy? Gregg Cox, maybe, potentially,
22 possibly, might have, perhaps, conceivably, could be.
23 He thought he testified that the attorney general's
24 office was so corrupt they're involved in organized
25 crime. But you know what? I want to go work there.

1 What a joke. What a joke.

2 I had texts from my former Marine Corps
3 buddies that said that guy is a joke. To come in here
4 in the Senate of Texas and to get on the stand and these
5 people sponsored this guy, what a joke he was. And in
6 my view, that's exactly what their entire case has been,
7 a joke. Much ado about nothing.

8 The burdens of proof. Look at the burdens
9 of proof, Senators. Beyond a reasonable doubt.

10 Now, if you decided this case from The
11 Houston Chronicle, The Texas Tribune, Texas Monthly, The
12 Dallas Morning News, oh, my goodness gracious, Ken
13 Paxton's guilty.

14 But there ain't no evidence to support it.
15 The only evidence we have in this case is they don't
16 like Ken Paxton. And there is no doubt there have been
17 hundreds upon hundreds upon hundreds of articles about
18 Ken Paxton, how bad Ken Paxton is. Everybody has heard
19 it. And guess what? The voters heard it too. And
20 guess what? Ken Paxton won hands down, resounding
21 victory. He beat the latest in line for the Bushes.

22 Let it be known. Let it be clear now.
23 The Bush era in Texas ends today. We thought it had
24 ended in the primary when Ken Paxton beat George P. Bush
25 68 to 32. Well, we thought it was over. It wasn't.

1 Well, now we have an impeachment. It ends today.

2 They can go back to Maine. This is Texas.

3 This case has been nothing more than
4 assumptions. And you know what my dad used to tell me?
5 Assumptions make an ass out of you and me. And that's
6 been this entire case. It's all built on assumptions.

7 And jumping to conclusions. Think about
8 it. House repairs were paid for by Nate Paul. You know
9 how sad this is? I had to come here on behalf of the
10 attorney general of the state of Texas and disprove
11 their case because he had already been convicted in the
12 press. And now we know, I had to prove it to young Drew
13 Wicker. That young man believed, oh, you know, I heard
14 a stray comment. And I jumped to a conclusion that the
15 house repairs were paid for by Nate Paul. We all know
16 now that was wrong. We all know now that was wrong, but
17 that was in more than a hundred articles across our
18 country. Smearing this man's name, smearing his wife's
19 name, smearing a member of this body's name. And we all
20 saw it when we put this young man under oath and showed
21 him the documents. Guess what? Didn't happen. Wasn't
22 true. And that is indicative of their entire case.

23 We should not be in a position to where we
24 have to come in here and prove our innocence, but we
25 did. We did.

1 The referral from the DA's office had
2 nothing to do with banks. All of his top lieutenants
3 had no idea there was a second referral. You know why
4 they didn't know? Because the referral went directly to
5 Mr. Cammack. They didn't know about the direct referral
6 from the DA's office.

7 And you remember Margaret Moore? She came
8 in here and tried to pretend like she didn't know
9 anything about it because she wasn't supervising her
10 staff. Her staff knew all about it. Her top lieutenant
11 knew all about it.

12 They assumed the Cammack contract was
13 never executed but now we all have seen that Ken Paxton,
14 in fact, signed that contract.

15 They assumed that Laura Olson's job was
16 not legitimate, but now we have seen her employment
17 contract. We've seen her application. We've seen that
18 she's still working for World Class properties. And
19 still doing real work.

20 They assumed, they assumed that Wicker,
21 young man Wicker delivered a secret package in the
22 middle of the night in a dark alley. Never happened.
23 But if you were to watch the news and read the
24 newspaper, oh, my goodness, that happened.

25 Even a Texas Ranger, a Texas -- think

1 about this for a minute. You have a guy 6 foot 6, wears
2 a hat, cloaked with the authority of the state, comes in
3 here and says to these folks, I heard from five or six
4 people that Drew Wicker delivered a secret package in
5 the dark of night in an alleyway on behalf of Nate Paul.

6 Totally false. When he was asked, who
7 told you that, Ranger?

8 I can't even give you one name who told me
9 that.

10 Totally false. I asked the young man
11 directly: Did you ever deliver anything at night? Did
12 you ever deliver anything that had anything to do with
13 public records?

14 No. Never. Didn't happen.

15 Look at the position you -- these people
16 have put this man in and his wife. Prove your
17 innocence, attorney general. You've been convicted in
18 the press. Prove your innocence now.

19 If it can happen to him, it can happen to
20 anyone.

21 Foreclosures were stopped. There was a
22 press statement that multiple foreclosures were stopped
23 because of some informal guidance. Now we know that's
24 false too. Presumed, false.

25 And these people, these people, got up

1 here and used words like "conspiracy," "crimes,"
2 "bribery," all kinds of really loaded words, and all
3 were false.

4 And this young man, Vassar, who cried on
5 the stand in front of all of you because he had been
6 called a rogue employee, at the very time he was called
7 a rogue employee, he was joking and laughing and poking
8 fun and calling his new boss Brent Webster a jerk. But
9 when he came in here at the urging of these people, he
10 cried. He cried because he had been called a rogue
11 employee.

12 What is a rogue employee? A rogue
13 employee is somebody that doesn't do what the boss says.
14 You don't do what the boss says -- let me tell you
15 something. When I was a captain in the United States
16 Marine Corps and my staff sergeant didn't do what I told
17 him to do, he can -- he can register his disagreement,
18 but when the rubber meets the road, and I tell him,
19 we -- this is what we're going to do, he does it or he
20 resigns.

21 What he doesn't do, what he should not do,
22 what he will and should never do is go behind my back,
23 cook up bar complaints, cook up a bunch of foolishness,
24 and go to the authorities. That's not how it's supposed
25 to work.

1 This guy, Mr. Vassar, Mr. Vassar came
2 here, cried on the stand about being a rogue employee.
3 But, really, the truth is at the same time he was called
4 a rogue employee, he was laughing and joking about it.
5 What foolishness is this?

6 It's been three years since these
7 so-called whistleblowers -- now, think about what a
8 whistleblower means. That means that you have to have
9 evidence of a crime, and they admitted they had no
10 evidence of a crime.

11 And what have we heard from the FBI with
12 regard to Attorney General Ken Paxton? Crickets.
13 Nothing. Nothing.

14 If you don't think, if you don't think
15 that the Biden administration and its FBI and Department
16 of Justice would not love, would not love to indict Ken
17 Paxton, then you're not paying attention. They've done
18 nothing. You know why they've done nothing? Because
19 there's nothing to do.

20 This man did his job. And he should still
21 be doing his job.

22 Staffers were not only wrong on their
23 assumptions, they were wrong on the law. Can you
24 believe that they didn't realize that the only person in
25 that office that can actually have the authority to sign

1 an outside counsel contract was Ken Paxton himself, and
2 anybody else was designated. He's the only one that can
3 do that. They didn't like that.

4 This is a situation where the tail is
5 wagging the dog. Imagine if your staffs, one of your
6 staff members at some point decided that, you know what?
7 I don't think my boss has authority. I know more than
8 the boss, so I'm going to be in charge now. That is not
9 how it works. 4.2 million people decided who the
10 attorney general would be. They didn't elect Jeff
11 Mateer, Ryan Vassar, Bangert, none of those people.
12 Those are political appointees. Serving at the pleasure
13 of the attorney general just as everyone of your staffs
14 are as well.

15 They even had the nerve to come here in
16 front of you and say, well, I believed that when Ken
17 Paxton was in Ohio doing his job and trying to put
18 together a group of attorney generals in a case against
19 Google, well, he's out of the state now, we're in
20 charge.

21 That is not how it works. That is not how
22 it works.

23 Let's cook up a bar complaint against Ken
24 Paxton. Let's allocate \$50,000 to hire an outside
25 lawyer by the name of Johnny Sutton without any approval

1 or telling the boss. They figured out real quickly once
2 they talked to Maxwell that, you know what? We don't
3 have anything. We need to beef this up. We don't have
4 anything. And even though it's been three years, they
5 still don't have anything.

6 And 17 lawyers over there working since
7 May at \$500 an hour for each of them, hundreds of
8 thousands of dollars wasted, taxpayer money wasted, and
9 they still don't have anything.

10 Now, how did this happen? Well, they made
11 some assumptions. And then they figured out they had no
12 evidence, and it was too late to turn back.

13 Recall that one of the witnesses,
14 Mr. Mateer, Mr. Bangert said, well, once we went to the
15 FBI we were signing our death warrant.

16 Rightly so. You go to the authorities
17 with no evidence and accuse your boss of a crime and
18 there has been no crime and there's been no evidence of
19 any crime and it's all a bunch of supposition and
20 guesswork, rightly so.

21 And so they took a long walk on a short
22 pier. The House Managers did the same. The House
23 Managers did the same. They, in a four hour-hearing,
24 decided to impeach the attorney general of the state of
25 Texas and, then they spent months and months trying to

1 collect evidence to support it, and they did not. They
2 failed.

3 And then the lobbyists got involved. The
4 texts of support, TLR, yeah, we were against Ken -- we
5 spent \$6 million against Ken Paxton. We couldn't beat
6 him at the ballot box, maybe we can beat him, maybe we
7 can beat him in an impeachment trial.

8 George P. Bush decided let me re-up my law
9 license because maybe I can be the attorney general now.
10 I couldn't beat him in a -- in a fair fight. Maybe I
11 can beat him here.

12 And everyone of these so-called
13 whistleblowers, which are nothing but disgruntled
14 ex-staffers, they all hired the same lawyer who just
15 happens to be an Ashcroft Law Firm, who just happens to
16 be a protege of the Bush regime.

17 The Bush era ends today in the state of
18 Texas.

19 Have you ever met a lawyer that works for
20 three years for free who's a former U.S. attorney?
21 Who's doing legitimate work? Legitimate work?

22 I want to focus the allegations as best as
23 I can tell of what Nate Paul provided to our attorney
24 general are in three buckets: Campaign donation, house
25 renovations, and Olson job.

1 Let's focus on the first one. The
2 allegation is there was some sort of quid pro quo. You
3 have to have a quid pro quo for bribery. They're
4 throwing this word "bribery" around, it has a lot of
5 meaning. In this case it has none.

6 Let's focus on the person who supposedly
7 bribed our attorney general. This pain in the butt,
8 this described pain in the butt, Nate Paul. Entitled,
9 insistent, overbearing, manipulative, pushy,
10 threatening, presumptuous, brash, assertive, forceful,
11 militant. But he really believed that he had been
12 abused by the federal authorities.

13 And let me ask you a question: Do we
14 really believe that the federal authorities do not
15 sometimes abuse people? Do we believe that? Do we
16 believe that the FBI is always on the up-and-up? Do we
17 really believe that the Department of Justice is all out
18 to do the right thing?

19 Or can we all agree that sometimes they
20 pick and they choose who they go after? And when the
21 federal government comes after you, you better buckle
22 down.

23 This guy thought he had been targeted by
24 the FBI. And the only thing that this man did was let's
25 find out the truth. Let's see if that's really true.

1 That's all he did. Because he knows a little bit about
2 people coming after you with no evidence. He can
3 identify with that.

4 Heck, we see it here, the very reason I'm
5 standing here. He was come after by a group of
6 misinformed, ill-advised people with no evidence.

7 That's what -- now, do I know whether that
8 search warrant was altered? We will never know. We'll
9 never know. Nate Paul thought it was. We'll never
10 know.

11 And to suggest that the keys of the
12 attorney general's office were turned over to Nate Paul,
13 look at his correspondence. He was madder than a
14 hornet's nest with the attorney general's office:
15 You're not doing your job. You have a conflict of
16 interest. You guys are negligent. You're grossly
17 negligent.

18 He was mad. He was pissed because the
19 attorney general's office would not do what he wanted
20 them to do. He wanted them to investigate.

21 If you look at the correspondence from
22 Nate Paul, Senators, and you compare it to what you just
23 heard from Mr. Murr here, you're going to see two
24 different stories. Nate Paul was very unhappy with the
25 attorney general's office. That does not sound like

1 somebody who had the keys to the office.

2 He kept accusing the attorney general's
3 office of not being neutral. He accused the attorney
4 general's office of having bias. He accused the
5 attorney general's office of being in the bag for the
6 Mitte Foundation. He accused the attorney general's
7 office of employing people that were against his
8 interest.

9 That does not sound like somebody who's
10 running the attorney general's office. There was one
11 person running the attorney general's office, and that
12 man is sitting right there, and that is the man that
13 should be running the attorney general's office at the
14 end of this day.

15 But I urge you to look at the
16 correspondence and compare it with what you've heard.
17 Not only from these people, but in the media.

18 Nate Paul was very, very upset and very,
19 very unhappy with the attorney general's office. So
20 much so, so much so that he threatened to sue, that he
21 sent a letter and said, hold all of your correspondence
22 because I am going to sue you guys for your negligence,
23 for your bias. When you look at the documents and you
24 compare it to the arguments, you see a much different
25 picture.

1 Now, the allegation, the first bucket is a
2 campaign donation of \$25,000 made in October of 2018.
3 Everything that you have heard in this case was in 2020.
4 So think about that for a minute. Their entire case, a
5 campaign donation, a bribe, if you will, two years
6 prior. Complete ridiculousness, especially when you
7 look at all the other people that Nate Paul gave money
8 to, and especially when you look at the percentage just
9 in the year 2018 of the donations received by Attorney
10 General Ken Paxton. This man is a fundraiser. There is
11 a reason that he raises money politically because the
12 people like what he does. The people like Ken Paxton.

13 We know that a campaign donation as a
14 basis for bribery is complete hogwash. Imagine, imagine
15 if a campaign donation were considered to be a bribe two
16 years before the acts complained of, line up. We're
17 going to be doing a lot of impeachments in the City of
18 Austin.

19 That bucket has no validity. That bucket
20 is empty.

21 And let's look at the buckets of what Ken
22 Paxton supposedly did for Nate Paul. Foreclosure
23 guidance, Cammack retention, public records, and Mitte
24 intervention.

25 But what you heard from the young man who

1 spent more time with Ken Paxton than anybody, sometimes
2 24/7, 365 days a year, is there was never an agreement
3 at all, he never agreed to do anything for Nate Paul and
4 never got a darn thing from Nate Paul with the exception
5 of a lunch. A lunch. A lunch that was public on a
6 patio for everybody to see.

7 Most of the time you would think when
8 people are doing some untoward, they'd want to hide it.
9 These were public lunches for everybody to see. And if
10 a lunch is a bribe, then boy howdy, we got a problem
11 here, do we not?

12 That holds no water.

13 Let's look at Article I. It fails just in
14 its language. These people don't even know the goal --
15 the role of the attorney general's office. It is not a
16 public protector of charities. It's a public -- it's a
17 protector of the public's interest in charities.

18 And we know that previously Greg Abbott as
19 the attorney general had sued the Mitte Foundation as a
20 long and sorted history.

21 But it's not just a history of problems,
22 there is a recent history. Starting in 2019. And I
23 urge you to look at the evidence, at the memo that was
24 submitted, at the memo that every one of Ken Paxton's
25 subordinates reviewed before they all signed off on the

1 intervention. This was not Ken Paxton causing anybody
2 to do anything. This was subordinates who reviewed the
3 evidence provided and decided we need to intervene.

4 And it goes on and on, people punching
5 their spouse, people being indicted for this and that,
6 all kinds of problems with -- and the most important
7 problem, the thing I think that the subordinates were
8 really concerned about, is this charity that was only
9 worth \$15 million total is investing \$3 million into a
10 speculative land deal.

11 The bottom line is, every single -- and
12 what's so ironic and what's so egregious is that every
13 single person who signed off on the intervention in the
14 first article of impeachment came here and testified
15 that that's somehow wrong, but they all -- they were
16 involved in it. Utter hypocrisy. They not only signed
17 off on the intervention, which only lasted three months,
18 but they also signed off on an investigation of the
19 Mitte Foundation. That article fails. Period.

20 Did they prove anything beyond a
21 reasonable doubt with regard to that article? The only
22 thing that we've -- that we've seen beyond a reasonable
23 doubt in that article is the Mitte Foundation has major
24 problems and that the AG's office intervened and now the
25 Mitte Foundation stands to make millions upon millions

1 upon millions of dollars on their speculative
2 investment. And I wish I could get an investment like
3 that. 3 million-dollar investment, they stand to make
4 almost 20 million. That hurts really good, doesn't it?

5 So we know the intervention is hogwash.

6 Let's go to the written legal opinions
7 under 402, Article II.

8 Well, it fails on its face because there
9 was no written legal opinion, period. You heard our
10 Lieutenant Governor charge you and explain to you that
11 they have to prove what is in the article. They cannot
12 prove this article because there was never a written
13 legal opinion, period. That article is over.

14 But -- I mean, it's over. You can see it.
15 This is in formal guidance. This is not a legal
16 opinion, period.

17 But let's go a little further. They tried
18 to drag Senator Hughes into this foolishness and put his
19 name in this article, for what reason I don't know, and
20 act like having a straw requestor was somehow wrong.
21 And we all know that people that -- that work in the
22 state's business in this city know that straw requestors
23 are common. Every one of the House Board of Managers
24 has been a, quote, straw requestor at one point or
25 another. We know that.

1 And to put that in a public article, to
2 somehow besmirch Senator Hughes is foolishness.

3 But what was in Ken Paxton's mind when he
4 was looking for this informal guidance. Well, if we
5 want to know, we can look at his text, his text sent
6 directly to Mr. Bangert who was working on the informal
7 opinion. Look what he says: I think that it will
8 impact people's lives in a good way if we do this right.
9 Hundreds of people will be protected from harm and maybe
10 devastation.

11 These are real-time texts. This is not
12 three years later with a bunch of cooked-up foolishness.
13 This is the real-time thoughts of our attorney general
14 as to what he was thinking with regard to the informal
15 guidance.

16 And did you hear Drew Wicker when he was
17 asked about that? He said he knew a little bit about
18 it. General Paxton says we may prevent a grandmother
19 from being thrown out of her home.

20 And now they've turned this upside down.
21 They cooked it up and made it look somehow bad.

22 And you know what's most ironic is the
23 president, the president at the time, Donald Trump, a
24 month later issued the same guidance.

25 And we know, of course, Nate Paul put his

1 entities in bankruptcy, and there was never any
2 foreclosures anyway.

3 This is what we have to do. We have to
4 get up here and prove our innocence. How wrong is that?

5 And did you hear the financial guy from
6 the bank get up here and talk about they didn't lose a
7 penny, that they -- they not only didn't lose a penny,
8 they made a fortune.

9 That bucket's empty.

10 Let's talk about the abuse of the open
11 records process. Well, we've seen that that is bull.
12 We've seen that the abuse of -- misuse of official
13 information, that was bull.

14 Remember what you heard, that there was a
15 secret delivery in the dark of night in a sealed package
16 with top secret information. The problem with all that
17 was all that information had already been released. It
18 was already public. It was already public.

19 And then when young Drew was asked did
20 you -- you checked out for the general a packet that had
21 a CD in it. Was that what you gave to Nate Paul?

22 No, not at all.

23 Total baloney.

24 Never delivered any open records to Nate
25 Paul. Never delivered anything secret.

1 That bucket's empty.

2 Article V, the retention of Cammack. They
3 say he was a prosecutor pro tem. Well, that crumbled on
4 the stand, did it not? You have to vote on the language
5 of the articles. That should be 30 to nothing there was
6 never a prosecutor pro tem, game over. But we still
7 have to prove our innocence. So ridiculous.

8 The office of the district attorney made a
9 referral.

10 Mindy Montford. I want you to please pay
11 particular attention to her affidavit. She was one of
12 the subordinates of the elected DA, and she made it very
13 clear that it was her idea to do the referral.

14 And you know what she said? I didn't
15 think it was appropriate to send it to the Texas
16 Rangers. I didn't think it was appropriate to send it
17 to the FBI. So I referred it to the attorney general's
18 office. But guess what? It went to a Texas Ranger and
19 a former U.S. attorney, and they didn't want to fool
20 with it.

21 We had -- that's what you call a punt. We
22 don't want to do it. Let's punt it.

23 And then they try to pretend like they
24 weren't involved, even though Cammack didn't know how to
25 do a grand jury subpoena, so he had to rely upon the

1 DA's office to do it. They were intimately involved.
2 They were actively involved. They were helping him get
3 the subpoenas, and they never said this is wrong. In
4 fact, they thought, I'm glad you're doing it because I
5 don't want to investigate the people that I have to work
6 with.

7 And then when it was over, they tried to
8 wash their hands of it all. With all due respect,
9 typical politician.

10 And then lied about it.

11 Margaret Moore sent a letter to the --
12 that she made sure it was in the press that she didn't
13 have anything to do with this at all.

14 We all know that's not true. And she
15 didn't even mention that there had been a second
16 referral that was referred directly from the DA's office
17 directly to this young man, Brandon Cammack. And that's
18 the reason he sent the subpoenas, that the DA's office
19 helped him to issue. And they want to blame that on Ken
20 Paxton who had no idea about it.

21 Cammack admitted: I never told him what I
22 was -- it was my idea to issue subpoenas, and I never
23 told him who they were going to be issued to.

24 And Ken Paxton could not figure out why
25 the devil will Maxwell and Penley not do their jobs.

1 Ken Paxton had a chance to investigate the
2 feds. He wanted to investigate the feds. He wanted to.
3 Because he had seen how they operate, picking and
4 choosing who they -- who they convict or who they
5 charge. Weaponizing, weaponizing the FBI, abusing their
6 authority. He had an opportunity. He could not
7 understand why his subordinates would not do their jobs.
8 Instead of fighting about it, he got outside counsel.

9 And this young man, Mr. Cammack, who had a
10 signed contract from the attorney general, the state of
11 Texas was dealing with somebody the Texas Ranger had
12 decided in his mind on a Google search. Think about
13 this. Imagine, I was -- I hope Dave Maxwell never
14 Googles me. He had decided before he even looked at it
15 that Nate Paul was a criminal. My God, if that's how --
16 if that's how criminal work is done, that -- that your
17 top cop in the AG's office based on a Google search
18 decides somebody's a criminal, therefore I'm not going
19 to investigate his allegation of wrongdoing of the feds,
20 we've got a problem. We've got a problem. He decided
21 on a Google search that he wasn't going to do a darn
22 thing. He was never going to investigate his old
23 outfit, the Texas Rangers. He was never going to do
24 that. He was in the Hall of Fame, for God's sake. And
25 Penley's not going to investigate the feds because

1 that's where he spent most of his career.

2 And Ken Paxton said, look, there's a --
3 there's an allegation, let's look into it. And the only
4 thing he ever said was: Just find the truth.

5 So look at the points of view. You look
6 through the prism. Ken Paxton's prism is sometimes the
7 feds screw up.

8 Cammack's point of view, as a criminal
9 defense lawyer, is sometimes those who are making
10 allegations are wrong and screw up.

11 Maxwell and Penley, the feds never do
12 anything wrong, the Texas Rangers never do anything
13 wrong, and anybody that says they do, they're a
14 criminal.

15 God, that's fear -- that's terrifying.
16 That should terrify every one of you.

17 And so he issued subpoenas, and he thought
18 he was a special prosecutor. He was outside counsel, a
19 special prosecutor, whatever he was, he had the
20 authority of the AG's office only to investigate, to
21 investigate. And that's what the young man was doing.

22 And he made it very clear. In his
23 testimony, he was young, inexperienced, sincere, and
24 energetic. And he was asked point blank: Did you think
25 this was baseless?

1 He said: Heck no. I thought it was
2 persuasive. I thought it was convincing. And I was
3 excited to be involved in it.

4 Because if what was being alleged were
5 true, that would be a, quote, big deal.

6 The only thing that Ken Paxton ever told
7 that young man is seek the truth. That's what I suggest
8 to you. Seek the truth.

9 Nate Paul got nothing, nothing. It's a
10 darn shame that we have to come and prove that, but we
11 did.

12 And these whistleblowers, let's --
13 so-called whistleblower -- in order to be a
14 whistleblower, in order to be -- let this sink in. In
15 order to be a whistleblower, you have to have a
16 good-faith belief that a crime has occurred. In order
17 to have a good-faith belief that a crime has occurred,
18 you have to have evidence.

19 And you heard Mr. Vassar admit when he
20 went to the FBI, he had none. He had some guesses. He
21 had some maybes. He had none. And if these folks would
22 have done their job, you wouldn't have had to spend the
23 last two weeks of your time doing their job.

24 And you can tell from the texts, you can
25 tell from the text of these so-called whistleblowers

1 which -- what they really are is disgruntled
2 ex-staffers. They were combative, they were
3 insubordinate. They called their brand-new boss a joke.
4 How long would somebody on your staff last if they were
5 texting their sub -- or their colleagues calling you a
6 joke? You would fire them on the spot.

7 He is a joke. We all know that when you
8 bring in a new chief of staff, when you have a
9 disagreement with your chief of staff and you bring in
10 somebody else, that chief of staff is going to make sure
11 that she or he brings in their own people. That's the
12 way it works in politics, political appointees. And
13 when you go to -- when you come in and you talk to your
14 subordinates and they say, I won't work with you, what
15 happens then? They leave.

16 Nobody was ever mistreated. Nobody was
17 ever talked down to. They were treated with respect.

18 That's not what Brent Webster, the new
19 first assistant got in return. What he got in return is
20 screams, shouts, hollers, and talking behind his back
21 and calling him a joke.

22 And then they joked about being fired.
23 They were so torn up that they were joking amongst
24 themselves calling themselves the cool kids club.

25 The investigative report, I encourage you

1 to read it. It's very lengthy. It's very lengthy.
2 That's Article VII. It is documented and detailed. It
3 explains everything that happened. It's a full
4 investigation, and it's pretty darn good. And it lays
5 out in great detail the events. And it's been
6 unrebutted.

7 They had a chance to bring Brent Webster,
8 who was one of the authors of that report, who made sure
9 that everything was documented. It's lengthy. It has
10 exhibit after exhibit. It demonstrates that they did,
11 in fact, take the attorney general's name off of the
12 letterhead. It's there in black and white, the emails
13 back and forth when they did that. It's in that report.
14 Now they say the report is false.

15 And they throw around bribery. We know
16 why they included this, don't we? Because it captures
17 headlines. It captures headlines.

18 And you know why they mentioned Laura
19 Olson because it captures headlines, and they want to
20 shame people. They want to shame people. They want to
21 be morally superior to us all. There's no reason to
22 have done that. To this family. There's no reason to
23 have done that to this family.

24 This woman got a job. She got it on her
25 own merit, and she continues to work even today. Is

1 getting checks from her job here in Austin even today.
2 She has an apartment. She pays for her own apartment.

3 That bucket is empty.

4 I'm not going to spend too much time on
5 this, but let me say, I'm certainly not perfect, and I'm
6 going to assume that all of you feel the same. Because
7 we all have sinned and fallen short. The only person
8 that cannot be forgiven is somebody who's so cynical
9 that they don't ask for forgiveness. But if this
10 impeachment is based on a marital impropriety, then line
11 up. Line up. We're going to be doing a lot of
12 impeaching in this city.

13 You should be ashamed of yourselves.

14 Ashamed of yourselves.

15 Bribery. They convinced Drew Wicker based
16 on a stray comment that Nate Paul was paying for the
17 renovations. It took me about 20 minutes to disprove
18 it. They never asked for any of those documents. They
19 never ever asked. They never even -- they never even
20 talked to Kevin Wood, the contractor. They didn't even
21 bother. They assumed it was true, and I had to come
22 here on behalf of my client and disprove it. How wrong
23 is that? And that was the most serious allegation. It
24 wasn't just against the attorney general of our state,
25 but it was against a Senator in our state.

1 Did you see young Wicker's face on the
2 stand when I disproved it? I had to disprove it even to
3 the general's body man.

4 And let me tell you, the press reports
5 that again, I'm going to be lining up a lot of lawsuits
6 because that is absolute defamation. Because now we all
7 know it's absolutely untrue. That was the entire basis
8 of this case, supposition, and it can happen to you.

9 Not even going to go through it, no burner
10 phones, no secret email address, no promise to help
11 Nate, no agreement with Nate, nothing. Nothing. You
12 should be ashamed of what you've done here.

13 We showed you the transaction from front
14 to back.

15 Now, there was some suggestion that, well,
16 he decided to pay because he knew they went to the FBI.
17 Total baloney. The documents show something completely
18 different.

19 I urge you to look at Mateer's text and
20 look at the text to Chip Loper on the payment. Look at
21 the USAA docs that show that he was fighting with his
22 insurance company trying to get paid for these very
23 renovations and repairs that we have in evidence now.

24 Every bucket of what General Paxton
25 supposedly received, every bucket of what Nate Paul

1 supposedly received, empty. Empty.

2 So what do they do now? Well, you settle
3 a lawsuit. A lawsuit was brought against the attorney
4 general office, and you went to the legislature, which
5 is what you're required to do to get it funded. And the
6 reason we decided to settle it and the reason they were
7 begging to settle the case is because they didn't know
8 what the Supreme Court was going to do. And Ken Paxton
9 delegated that to one of his subordinates and said, hey,
10 settle it if you think it's appropriate. And that was
11 put before the legislature, and the legislature says,
12 no, we're not going to pay it. And they were begging.
13 The very people that came here to testify were the very
14 people begging to get paid. That makes me mad.

15 PRESIDING OFFICER: You have ten minutes
16 remaining in your time.

17 MR. BUZBEE: So the Hail Mary, that's
18 Roger Staubach. Remember him? That's a Hail -- the
19 Hail Mary is, well, let's just throw in a bunch of
20 malarkey at the end. Conspiracy, although there's no
21 agreement and no furtherance of a conspiracy,
22 misappropriation never happened, dereliction of duty.
23 Boy, when you're accused as a Marine officer of being
24 derelict of duty, that's bad. Let's throw unfit for
25 office, abuse of the public -- there's no evidence to

1 support any of the articles. That means there's no
2 evidence to support any of these articles.

3 These are thrown in later because as you
4 deliberate there's going to be somebody say, okay,
5 you're right, there's no proof of that, but we got this
6 article, we're just going to -- we'll use this to get
7 him. We got to get him. We got to get him. Don't do
8 that. That's not based on evidence.

9 That ain't the way it works.

10 Just throw it at the wall and hope
11 something sticks, that ain't the way it works in court,
12 and that should not be the way it works in a historic
13 impeachment proceeding. It holds no water.

14 So why are we here? We're here because
15 Dade Phelan got his feelings hurt. He was so drunk, so
16 drunk handling the House business knowing full well that
17 they had no evidence to support an impeachment, and they
18 hadn't done their homework when Ken Paxton says, hey,
19 man, you embarrassed the devil out of yourself, you
20 should resign, they sped up the process and impeached
21 this man.

22 You've seen the video. It's all over the
23 Internet. You know, my favorite author said justice
24 limps along, but gets there all the same. We should
25 have never had to do any of this. Because this case is

1 a case about nothing. It's a case about nothing.

2 And people are watching. It's not just
3 these people. There are thousands upon thousands of
4 people watching at home who will sit in judgment, who
5 have watched the evidence, who have been shown what has
6 been alleged and what is actually been proven and have
7 seen that they don't match up.

8 For me, as a son of a butcher and the son
9 of a woman who worked in our high school cafeteria who
10 had the -- just the gift from God to go to Texas A&M and
11 then go into our United States Marine Corps and then be
12 able to become a lawyer, a member of the bar of our
13 state, to be called to defend the sitting attorney
14 general of the state of Texas is a great honor, and it's
15 a great honor to stand here in front of you. I know in
16 the fiber of my being that all of this foolishness that
17 they've accused this man of is false. But the only
18 question I have in my mind is whether there is courage
19 in this room, whether there is courage in this room to
20 vote the way you know the evidence requires. I think
21 there is. I hope there is. I pray there is.

22 I'm asking you to agree with the
23 4.2 million Texans who put this man in office as
24 attorney general to put this man back to work and vote
25 not guilty.

1 MR. COGDELL: Mr. President, how much time
2 do I have?

3 PRESIDING OFFICER: You have five minutes.

4 MR. COGDELL: Morning. I had planned on
5 30 minutes, but I have five. So I guess there really
6 are no coincidences in Austin.

7 It may or may not surprise you that I'm
8 going to go in a different way from my colleague,
9 Mr. Buzbee. He's a fine lawyer. But I'm not going to
10 yell at you. I'm not going to scream at you. I'm not
11 going to point my finger and shake my fist. I just
12 think, first off, no offense, but you're politicians.
13 Y'all can probably get that faux -- rage quicker than
14 most mammals. That's -- it's a skill set you got.

15 I'm not going to attack my colleagues on
16 the other side. I don't think they are good lawyers; I
17 think they are great lawyers. They are living legends,
18 but here's the point about that. Mr. DeGuerin, it
19 is DeGuerin -- Mr. Hardin, Ms. Epley, Mr. Donnelly, some
20 of the greatest lawyers in Texas literally could not put
21 together a cogent case that could convince anyone that
22 these things occurred beyond a reasonable doubt. These
23 aren't second-chair misdemeanor prosecutors. They're
24 the best of the best. They did the best they could, but
25 the evidence simply wasn't there.

1 And my friends on the committee, here's
2 a -- here's a pro tip: If you're doing this
3 investigation that will literally cost millions and
4 millions of dollars and take weeks and weeks out of our
5 Senators' lives, you know one person you might have
6 talked to, me.

7 I've been representing Ken Paxton for
8 eight years. Do you think they could have called me and
9 said, hey, Dan, we got a problem with Paxton. What
10 about this dark of night? What about this kitchen
11 cabinets? What about this -- this Brandon Cammack?

12 I was literally -- sorry. I said I wasn't
13 going to scream -- I was literally having lunch with
14 Mr. Donnelly when this was going on. Do you think
15 before we wrote that check he could have said, hey,
16 Cogdell, buddy, let's talk.

17 They didn't do that. I'm not the world's
18 greatest lawyer, but I'm pretty easy to find. The fact
19 that they wouldn't literally pick up the phone and call
20 me, that's a clue that they were more -- more invested
21 in the conclusion that they wanted than they were
22 invested into the investigation.

23 How much time, Your Honor?

24 PRESIDING OFFICER: One and a half
25 minutes.

1 MR. COGDELL: I would make a joke about my
2 personal life, but I won't.

3 Can I see the picture of Brandon Cammack?

4 One of the things that's really harder
5 than it looks when you are a criminal defense lawyer is
6 to argue to a jury, I need the picture, not the
7 statement.

8 There we go. Thank you.

9 And thank you, Erick, for everything.

10 One of the things that's harder than it
11 looks is trying to explain to a jury what reasonable
12 doubt looks like. That, ladies and gentlemen, is what
13 reasonable doubt looks like in this case.

14 PRESIDING OFFICER: One minute left.

15 MR. COGDELL: Mr. Cammack told you this
16 wasn't a baseless investigation. This was a legitimate
17 investigation.

18 Look, I respect David Maxwell. I've known
19 him for a long time, but with respect to that legacy,
20 his milk carton has expired. It's over. When he gets
21 up there and looks you in a straight face and says it's
22 a crime to investigate whether or not something is a
23 crime. Come on. We were born at night, but not last
24 night. That is dumber than a bucket of hair for a Texas
25 Ranger to say it's a crime to investigate the legality

1 of the search.

2 By the way, that's how my friends
3 Mr. DeGuerin and Mr. Hardin and I make a living. It's
4 not a crime. It's not.

5 But Cammack said not a crime, legitimate,
6 I believed in it. I thought that was something there.
7 Paxton never asked me to lie, cheat, or steal, and I was
8 doing the best that I could.

9 That is game, set, match. I think that's
10 the phrase. I don't play tennis. It's game over.

11 The whole case was around this illegal
12 relationship with Mr. Paul and Mr. Wynne, who they
13 didn't call, and -- and my friend Ken Paxton.

14 PRESIDING OFFICER: Mr. Cogdell, you're
15 going to have to wrap up. I'm sorry.

16 MR. COGDELL: Let me just say this: It
17 was an honor to be here. Never thought I would. Thank
18 you. But this is not about me. It's not about Ken
19 Paxton. It's about whether or not you have a reasonable
20 doubt.

21 I suspect he did some things that you
22 probably didn't like. I get that. I understand that.
23 But that's not the issue. The issue is whether the
24 proof is there that is so convincing that it convinces
25 you beyond a reasonable doubt. The same standard of

1 proof that's in a death penalty case, it's not. It's
2 not. It's not.

3 Two words. Two words. Not guilty.

4 Thank you.

5 PRESIDING OFFICER: Mr. Murr, he went over
6 about a minute, so I'll give you an additional minute.
7 You have 51 minutes.

8 Yes, would you remove your easels?

9 And we're not going to take a long break.
10 They have a chance to come right back up, but I will
11 give you five minutes while they're taking down to
12 stretch, but do not leave the chamber.

13 (Recess: 10:50 a.m. to 10:57 a.m.)

14 PRESIDING OFFICER: Waiting -- we have one
15 juror missing. Wait a moment.

16 (Pause)

17 PRESIDING OFFICER: Mr. Murr, we did add a
18 minute to your time because they went a minute over, so
19 you have 51 minutes and a few seconds.

20 REPRESENTATIVE MURR: Thank you,
21 Mr. President.

22 When I gave the opening statement on
23 behalf of the House Managers, we told you that we wanted
24 you to hear from the witnesses and see the documents,
25 and so we're going to continue to do this.

1 On your screen, we're going to start with
2 Article I.

3 Now, we don't have enough time to go
4 through every piece of paper that was introduced at
5 trial and every word that was uttered under oath, but we
6 suggest that you look at these key exhibits related to
7 Article I. To summarize, the Texas attorney general
8 wields astonishing power and is required to use that
9 power to protect charities.

10 In fact, the Fifth Circuit Court of Appeal
11 has called it the public protector of charities. But
12 instead of protecting the Mitte Foundation, Paxton
13 forced his office into the Mitte lawsuit over the
14 objections of the charitable trust division solely to
15 help Nate Paul and his companies.

16 Mr. Paxton's obsession with helping Nate
17 Paul manifested itself in the Mitte litigation when he
18 demanded his deputies try to halt the lawsuit and force
19 the charity to accept Mr. Paul's lowball settlement
20 offer.

21 Mr. Paxton claimed that the office needed
22 to intervene to save the Mitte Foundation from excessive
23 attorneys' fees, but in reality, his actions harmed the
24 charity by causing it to respond to frivolous motions
25 and demands.

1 Instead of protecting charities,
2 Mr. Paxton harmed the Mitte Foundation only because he
3 wanted to help Nate Paul.

4 Now, in addition to exhibits, you will
5 hear -- you heard testimony proving evidence in
6 Article I. Here is just one of the highlights from
7 Mr. Bangert.

8 (Video played of the following
9 proceedings)

10 MR. BANGERT: -- or that he -- that he
11 directed us to intervene. It was clear to me the
12 intervention would benefit World Class Holdings and Nate
13 Paul.

14 (Video ended)

15 REPRESENTATIVE MURR: Article II, same
16 thing, trying to be compressed on time, but I want to
17 give you a highlight of some of the exhibits that we
18 want to direct you to. You can write these down and
19 look at them later during deliberations.

20 To summarize, Mr. Paxton abused his office
21 forcing his employees to draft the midnight opinion to
22 help Nate Paul avoid impending foreclosure sales.

23 He became involved in the drafting of an
24 opinion for the first time ever. He covered up his
25 misdeeds by creating a straw requestor, a Senate

1 chairman, to hide the fact that he had no valid
2 requester as required by Chapter 402 of the Government
3 Code.

4 The letter was clearly a 402 opinion, and
5 the Office of the Attorney General knew that, why else
6 go to all the trouble to find an authorized requester?
7 It doesn't make sense.

8 Even though the attorney general's office
9 had been promoted as Texas is open for business during
10 COVID, and Governor Abbott's emergency COVID order had
11 expressly permitted real estate transactions to continue
12 without limitation, Mr. Paxton forced his employees to
13 stop foreclosure sales based on the phony claim that
14 COVID made these outdoor sales on the courthouse steps
15 dangerous.

16 To accomplish this purpose, he forced his
17 employees to reverse their legal conclusions, and they
18 told you that, so that Nate Paul could benefit from a
19 legal opinion published at 1:00 o'clock on a Sunday
20 morning.

21 The very next day, Nate Paul attempted to
22 use the opinion letter to halt foreclosures in his
23 properties.

24 On your screen is Exhibit 657.

25 Articles III and IV, same thing. We have

1 listed some of the top exhibits that we suggest you look
2 at when you deliberate. To summarize, Mr. Paxton does
3 not dispute that the law enforcement exception is
4 designed to predict victims, law enforcement,
5 informants, and practices.

6 It is also undisputed that Mr. Paxton
7 directed his employees to act contrary to the law
8 enforcement exception and release confidential
9 information related to an ongoing investigation.

10 It is not a coincidence that Nate Paul had
11 pending lawsuits concerning the open records request and
12 the AG's no opinion -- no position opinion endorsed
13 disclosing sealed documents.

14 It is not a coincidence that even though
15 there are over 40,000 open records rulings each year
16 that Nate's request is the first and the only time that
17 Mr. Paxton ever cared about anything in the open records
18 division.

19 Now, after his advisers warned him
20 repeatedly not to release law enforcement records
21 relating to an ongoing investigation, Mr. Paxton
22 insisted that the office issue the no position letter.

23 The House has also established that
24 Mr. Paxton provided Nate Paul with confidential
25 information. It would be impossible for Nate Paul to

1 know the specific details of who signed the sealed
2 probable cause affidavit in connection with the
3 application for the search warrant without being
4 improperly provided that information by Paxton.

5 In May, Mr. Paxton obtained a copy of the
6 DPS file. That information was in there. He had the
7 file for seven to ten days. The DPS file was in a
8 manila envelope. Testified it was a quarter inch or
9 less in thickness. According to Mr. Wicker in May or
10 June of 2020, he handed off a manila envelope to Nate
11 Paul at Nate Paul's office.

12 In a meeting on August 5, 2020, with
13 Penley and Maxwell, Nate Paul and his lawyer presented a
14 presentation titled Operation Longhorn, revealing that
15 he knew the identity of the affiant and the probable
16 cause affidavit that still remains sealed.

17 There was also witness testimony
18 explaining that Mr. Paxton asked that the information
19 related to the ongoing law enforcement investigation be
20 released.

21 Listen to Mr. Vassar.

22 (Video played of the following
23 proceedings)

24 MR. HARDIN: Was there a clear clash here
25 between what the judicial system had decided somebody

1 that should -- that should be sealed versus a man under
2 investigation seeking the sealed information?

3 MR. VASSAR: Yes, that was my opinion.

4 MR. HARDIN: And was the information he
5 was seeking potentially harmful and dangerous to other
6 people, if disclosed?

7 MR. VASSAR: I believe so, to the extent
8 it revealed the -- the law enforcement information
9 within the probable cause affidavit, the investigators
10 that were involved, and other government officials that
11 participated in the decision.

12 (Video ended)

13 REPRESENTATIVE MURR: And still more.

14 (Video played of the following
15 proceedings)

16 MR. HARDIN: What did the attorney general
17 say in this meeting?

18 MR. VASSAR: He asked us to review the
19 file. He asked us what our interpretation of the file
20 was. He told us that he had spoken personally with
21 Mr. Paul. He said that he believed that something bad
22 had happened to Mr. Paul. He felt that Mr. Paul was
23 being railroaded by the FBI and by DPS. And General
24 Paxton said that he didn't trust law enforcement. He
25 asked us to find a way to release the information that

1 had been requested to be withheld.

2 (Video ended)

3 REPRESENTATIVE MURR: So despite his staff
4 telling him you can't release this type of information,
5 despite Mr. Paxton's claim that the decision did not
6 release any documents, the no position letter, that
7 opinion still created precedent that could help Nate
8 Paul and could help others obtain confidential
9 information.

10 Listen to Mr. Bangert about precedent.

11 (Video played of the following
12 proceedings)

13 MR. BANGERT: If our office refuses to
14 take a position on an issue like that and the Court sees
15 that, that is a strong signal, I believe, to the
16 Court -- and I've been a lawyer for over a decade, well,
17 getting close to -- that's a strong signal to the Court
18 about the attorney general's view of that file that we
19 would have gone out of our way to render a vastly
20 uncharacteristic decision.

21 (Video ended)

22 REPRESENTATIVE MURR: Let's talk about
23 Article V. Here's a summary of some of the key exhibits
24 that we direct you to in your deliberations.

25 Highlights, Mr. Paxton secretly signed a

1 contract to hire Brandon Cammack, a five-year lawyer
2 with no prosecutorial experience, to commence a criminal
3 investigation into Nate Paul's enemies. Mr. Paxton
4 hired Cammack September 4, 2020. And unbeknownst to his
5 deputies, fully executed the contract three weeks later
6 on September 28.

7 Paxton alone supervised Cammack's work in
8 which Nate Paul and his attorney Michael Wynne directed.

9 Paxton thought it would be a good idea for
10 Cammack to obtain grand jury subpoenas that would have
11 allowed Nate Paul to get the private email and telephone
12 records of law enforcement agents who investigated Nate
13 Paul, lenders, and opposing counsel.

14 Now, pursuant to the Texas Code of
15 Criminal Procedure, Article 20A -- I ask you to write
16 that down, Texas Code of Criminal Procedure Article 20A,
17 big capital A: The ability to obtain grand jury
18 subpoenas is a prosecutorial act. It is not a tool
19 available to outside counsel hired by the Office of the
20 Attorney General who has not been appointed an attorney
21 pro tem.

22 Now, let's talk about what that is. An
23 attorney pro tem is appointed when a DA, when a DA
24 recuses herself and it is a formal process in which that
25 district attorney goes to the court and asks for

1 permission to be recused.

2 Cammack was not an attorney pro tem, but
3 Paxton still permitted Cammack to obtain grand jury
4 subpoenas just like he was.

5 Thus, Paxton was illegally attempting to
6 use Cammack as an attorney pro tem when under the law,
7 which this legislature writes, says that cannot be.

8 Paxton communicated with Cammack using
9 only private encrypted communications like signal and
10 Proton Mail and extra phones.

11 The two talked several times a week, and
12 Cammack updated him about his work as a special
13 prosecutor.

14 Let's talk about that real quick.

15 Even though Mr. Paxton called Cammack a
16 special prosecutor, a term "special prosecutor" didn't
17 exist. He clearly wasn't one. A special prosecutor is
18 when a DA appoints someone to assist with their cases.
19 And that person is not on the payroll at the district
20 attorney's office but is sworn in by the district
21 attorney and becomes an assistant DA and a special
22 prosecutor, the DA continues to supervise the handling
23 of their case.

24 Cammack was not sworn in and was not
25 supervised by the Travis County District Attorney's

1 Office.

2 Let's listen to the testimony of former DA
3 Margaret Moore.

4 (Video played of the following
5 proceedings)

6 MR. HARDIN: In what way?

7 MS. MOORE: It is astonishingly
8 untruthful. There is no way that anyone could interpret
9 the facts as my appointing Mr. Cammack as a special
10 prosecutor. I couldn't pick him out of a lineup today.
11 I don't know him.

12 (Video ended)

13 REPRESENTATIVE MURR: So he wasn't a
14 special prosecutor, and he wasn't an attorney pro tem.

15 Let's hear from --

16 (Video played of the following
17 proceedings)

18 MR. MATEER: By that time, the 29th,
19 because the next day is when we go to the FBI and DOJ --
20 by that time, I had include -- I concluded that, you
21 know, Mr. Paxton was engaged in -- in conduct that was
22 immoral, unethical, and I had a good-faith belief that
23 it was illegal.

24 (Video ended)

25 REPRESENTATIVE MURR: This entire

1 investigation by Mr. Cammack was illegal.

2 Let's listen to Ranger Maxwell.

3 (Video played of the following
4 proceedings)

5 MR. COGDELL: Now, would you agree with
6 me, Ranger, that despite your concern or belief or hope
7 that Mr. Wynne or Mr. Paul would say something
8 incriminating or say something that would cause them
9 exposure criminally, neither Mr. Wynne nor Mr. Paul ever
10 asked you to do anything illegal?

11 MR. MAXWELL: Yes. They asked me to
12 interfere with a federal investigation, which is
13 absolutely illegal. It's also obstruction of justice.

14 MR. COGDELL: Show me, Ranger, in the
15 first hour or the second two hours on the investigation
16 or the interview of July 21st or August 5th.

17 You've got the transcript there for both
18 of those --

19 MR. MAXWELL: Counselor, you are showing
20 me the evidence right here. This is -- it's a map of
21 how he wanted the investigation to be done and to have
22 the AG's office follow how this was to be investigated
23 along with targeting six individuals.

24 MR. COGDELL: Where they say -- you say
25 you reviewed the transcripts of the July 12th interview,

1 and you have reviewed the transcripts of the August 5th
2 interview. Show me the language where in either one of
3 those interviews, Ranger, that they asked you to commit
4 a crime?

5 MR. MAXWELL: They're not in the
6 interviews, Counselor. They are in the documents you
7 are looking at right now. He lists six people as a
8 person of interest to be targeted in this investigation.

9 MR. COGDELL: Where does -- I'm sorry --

10 MR. MAXWELL: It's in Operation Longhorn.

11 MR. COGDELL: Now, what crime is Mr. Wynne
12 or Mr. Paul asking you to commit by tendering this
13 PowerPoint to you?

14 MR. MAXWELL: They entered the PowerPoint
15 and gave it to us to map out how they felt our
16 investigation that they wanted to be created should go.

17 MR. COGDELL: What crime is committed,
18 Ranger, by them asking you to investigate the legality
19 of a search warrant? What crime is that?

20 MR. MAXWELL: In my professional opinion,
21 to create this investigation and follow through, it will
22 be obstruction of justice and interfering with a federal
23 investigation.

24 (Video ended)

25 REPRESENTATIVE MURR: And finally, I ask

1 you also listen or recall testimony of Mr. McCarty.

2 (Video played of the following
3 proceedings)

4 MR. DeGUERIN: And did you learn or see
5 subpoenas, the grand jury subpoenas, that had been
6 issued to players in the Mitte Foundation case?

7 MR. McCARTY: I saw a grand -- a criminal
8 grand jury subpoena that had been issued to a bank.

9 MR. DeGUERIN: What was your reaction to
10 that?

11 MR. McCARTY: I was stunned.

12 MR. DeGUERIN: What do you mean? Explain
13 it.

14 MR. McCARTY: I saw a criminal grand jury
15 subpoena directed to a bank that was clearly seeking
16 information that would have aided World Class Nate
17 Paul's efforts against the Mitte Foundation.

18 MR. DeGUERIN: Why is that bad?

19 MR. McCARTY: Well, it's lawyer -- one
20 thing is it's lawyer ethics 101. So that was the first
21 thing that came to my mind. We are weaponizing the
22 criminal process to aid a civil litigant, and that is a
23 big no-no.

24 (Video ended)

25 REPRESENTATIVE MURR: Ethics 101. And

1 Mr. Paxton has not disputed the testimony of
2 Mr. McCarty.

3 Now, Brent Webster, on behalf of
4 Mr. Paxton, misled the Senate finance committee by
5 stating that he had proof that Mr. Cammack was an
6 attorney pro tem. Because he was allegedly being
7 supervised by the Travis County DA's office. I remind
8 you of this testimony. This is --

9 (Video played of the following
10 proceedings)

11 SENATOR HUFFMAN: I want to talk about the
12 appointment of special prosecutors, and I don't know if
13 you or the general need to answer this, is it rare for
14 your office to appoint a special prosecutor?

15 MR. WEBSTER: So is this a general
16 question about special prosecutors, is that --

17 SENATOR HUFFMAN: Just for the AG's office
18 in general.

19 MR. WEBSTER: Okay.

20 SENATOR HUFFMAN: Yeah.

21 MR. WEBSTER: I'm happy to address that.

22 So --

23 SENATOR HUFFMAN: I would actually rather
24 General Paxton would address it, but if --

25 ATTORNEY GENERAL PAXTON: He knows this,

1 like, backwards and forwards. He was a prosecutor, so
2 he knows this issue very well.

3 SENATOR HUFFMAN: Well, I'm wondering who
4 hired Brandon Cammack? Was that you?

5 MR. WEBSTER: Right. So if I can address
6 that.

7 SENATOR HUFFMAN: Sure.

8 MR. WEBSTER: So our office entered into a
9 contract for Brandon -- with Brandon Cammack to be
10 outside counsel, and so he was serving as outside
11 counsel for the AG's office.

12 Now, I have through the process of -- I
13 started, as you know, in October after this happened. I
14 have interviewed ADAs from Travis County, and I have
15 seen documents from Travis County that prove the fact
16 that the Travis County's DA's office made Brandon
17 Cammack a special prosecutor. We did not make Brandon
18 Cammack a special prosecutor. That was within the
19 purview of the Travis County DA's office.

20 So the "special prosecution" word gets
21 confusing at times because there's two types. One type
22 of a prosecutor is a pro tem prosecutor, and a pro tem
23 prosecutor can only be put in place when an -- when a
24 DA's office recuses themselves from the case.

25 And that's not what happened with the

1 Brandon Cammack situation. We hired him to be outside
2 counsel. That contract was signed by the general. And
3 then he went to go work because he was hired on to
4 assist the Travis County DA's office.

5 And the news glosses this over. No one
6 ever goes and looks at the Travis County DA's office's
7 files. They don't give really deep interviews on these
8 things. But the fact is he went and said, I'm the guy
9 that's going to be the outside counsel for the AG's
10 office, and I'm here to assist on your investigation.

11 And then through that process, he worked
12 with them to get grand jury subpoenas, and that's how he
13 became a special prosecutor.

14 SENATOR HUFFMAN: Hmm. And I'm aware of
15 the differences. I actually wrote the legislation that
16 determined on pro tem who could actually be appointed,
17 so, yes, I'm familiar with it.

18 (Video ended)

19 REPRESENTATIVE MURR: This body knows the
20 law.

21 On September 29th of 2020, Jeff Mateer was
22 leading a Zoom meeting about opioid litigation when he
23 received an urgent message that there was an emergency.
24 Mateer knew it was something important. He learned that
25 an individual representing himself as a special

1 prosecutor for the Office of the Attorney General and
2 Nate Paul's personal attorney had served a grand jury
3 subpoena on a bank seeking information relating to Nate
4 Paul and his activities.

5 This was a crisis moment. Mateer called
6 Bangert, Brickman, and other deputies who were in
7 meetings at the Capitol. They assembled, shared the
8 grand jury subpoena from the bank, and they were stunned
9 and outraged.

10 They realized that Mr. Paxton was using
11 criminal grand jury subpoenas to aid Nate Paul's civil
12 lawsuit against the Mitte Foundation.

13 In that room, Bangert, Mase, McCarty,
14 Penley, Vassar, and Brickman for the first time started
15 to share from their puzzle pieces what their office was
16 doing to benefit Nate Paul, not realizing how it all
17 connected.

18 The puzzle pieces came together that day,
19 and they realized they had a massive problem. Concerns
20 of bribery were raised. Mr. Paxton had allowed Nate
21 Paul to infect the office at the highest level.

22 Despite all their efforts, Mr. Paxton's
23 senior staff realized they could not stop him. They
24 believed that he had committed crimes and abused his
25 office. And that he had attempted to involve them.

1 They knew that I had no choice but to report them.

2 Mr. Paxton's counsel has argued with each
3 witness, save one, claiming that they should have spoken
4 to Ken Paxton before they went to the FBI. However,
5 this line of questioning ignored the months and months
6 of warnings, conversations, and pleas from senior staff
7 imploring that Mr. Paxton stop asking his office to do
8 work for Nate Paul. Here's a video.

9 (Video played of the following
10 proceedings)

11 MR. BANGERT: We were protecting the
12 interest of the state and ultimately I believe
13 protecting the interest of the attorney general, and in
14 my view, signing our professional death warrant at the
15 same time.

16 (Video ended)

17 REPRESENTATIVE MURR: Let's hear what
18 Mr. -- what Ranger Maxwell had to say.

19 (Video played of the following
20 proceedings)

21 MR. MAXWELL: I told him that Nate Paul
22 was a criminal, he was running a Ponzi scheme that would
23 rival Billie Sol Estes, and that if he didn't get away
24 from this individual and stop doing what he was doing,
25 he was going to get himself indicted.

1 (Video ended)

2 REPRESENTATIVE MURR: And Mr. Mateer.

3 (Video played of the following
4 proceedings)

5 MR. MATEER: I felt like we had been
6 trying to protect Mr. Paxton. On several occasions I
7 had gone to him -- and really my -- he had -- I mean, he
8 was my boss. He'd become a friend. I cared for him. I
9 cared for Senator Paxton. And I wanted him -- I wanted
10 him -- I mean, I think in one of the memos I say "come
11 clean." I mean, I wanted to help --

12 (Video ended)

13 REPRESENTATIVE MURR: And Mr. Penley.

14 (Video played of the following
15 proceedings)

16 MR. PENLEY: I told him that I was trying
17 to be a loyal subordinate and a friend, and I still
18 considered myself a friend even up to that very day.
19 And I was trying to walk him back from what I thought
20 was a dangerous line he was trying to cross. And I told
21 him all my reasons, that he could face criminal charges,
22 bribery, other things. It could be a media scandal. He
23 could get himself in a lot of trouble. He needed to
24 leave this alone, to back away from it.

25 I explained all the practical

1 investigation difficulties, that we shouldn't be trying
2 to investigate the feds. And there were many things we
3 couldn't investigate. We didn't have the power. We
4 didn't have a way to get at those sealed search
5 warrants?

6 (Video ended)

7 REPRESENTATIVE MURR: That's the testimony
8 that you've heard during this trial.

9 Now, Mr. Paxton's response was swift,
10 vicious and wrongful. He followed the classic playbook
11 of guilty: Deflect, deceive, and demonize.

12 Articles VI, VII, VIII, and XV detail
13 Mr. Paxton's attempts to misuse state resources to
14 conceal his bad conduct. By lying and smearing the
15 otherwise stellar representations of his loyal staff.

16 Again, we list out some of the exhibits
17 that we would direct you to during your deliberations.
18 Please write them down, if you can.

19 He used state resources to issue an
20 internal OAG report before this last election that
21 contained blatantly false statements and personal smears
22 against the whistleblowers.

23 Let me remind you of what Mr. Brickman
24 said.

25 (Video played of the following

1 proceedings)

2 MR. HARDIN: If in this report, if I asked
3 you just to take several four -- three or four examples
4 of things that you disagree with, have I asked you to do
5 that?

6 MR. BRICKMAN: Yes.

7 MR. HARDIN: All right. What I was --
8 what I wanted to ask you is, in this report, how would
9 you describe your reaction to it as accuracy as the
10 terms of what happened in these matters involving Nate
11 Paul?

12 MR. BRICKMAN: I would call this report a
13 whitewash full of lies.

14 MR. HARDIN: Now, if I may, let's just go
15 over to Page 5 and do this real quickly.

16 If I asked you to pick four or five
17 samples, can you just do that for me? And would you
18 look on Page 5 and see as to the first claim, what is --
19 what is untrue about that claim?

20 Do you see where I'm at?

21 MR. BRICKMAN: It says on two prior
22 occasions involving Nate Paul's interests, the open
23 records division sided with the government agency
24 against disclosing to Nate Paul. That is not true.
25 There was an open records decision that took no opinion

1 as to the release of the documents.

2 MR. HARDIN: On this Number 2 here, where
3 it says AG Paxton's involvement is consistent with his
4 predecessors and in line with his required duties and
5 legal obligations as attorney general of Texas, most
6 relevant here, the position taken by the AG in this
7 litigation was adverse to Nate Paul and in support of a
8 higher settlement amount to be paid by Nate Paul to the
9 Mitte Foundation, as opposed to the prospect of
10 continued and costly litigation that would
11 disproportionately benefit the charity's court-appointed
12 receiver and its lawyer.

13 All right. The third claim: This
14 informal guidance letter regarding foreclosure sales
15 written by Bangert was made in response to requests for
16 disaster counsel advice from Texas Senator Bryan Hughes
17 during the height of the pandemic and not for the
18 benefit of Nate Paul.

19 Is that a true or untrue statement? Is
20 that a true or untrue statement?

21 MR. BRICKMAN: It is an untrue statement.
22 The foreclosure opinion was for Nate Paul's benefit.

23 MR. HARDIN: Can we go to Page 6, please.
24 Look at the top.

25 Cammack legally -- Cammack -- Cammack

1 legally and properly exercised authority delegated to
2 him by both AG Paxton and the TCDAO. Cammack was
3 designated as outside counsel for OAG by AG Paxton, and
4 he was also knowingly appointed as a special prosecutor
5 by the Travis County DA's office.

6 Is that a true or untrue statement?

7 MR. BRICKMAN: It is false.

8 (Video ended)

9 REPRESENTATIVE MURR: Mr. Paxton did not
10 examine or cross-examine a single thing said by Blake
11 Brickman. Every word he said is unrefuted.

12 Let's look at a quick timeline. I want to
13 remind you that the whistleblowers were all
14 constructively terminated within 45 days of making their
15 report to the Trump FBI.

16 Mr. Paxton last attempted to silence those
17 whistleblowers with his request to the taxpayers that
18 the taxpayers pay \$3.3 million in hush money. Even when
19 he was specifically asked to justify the use of the
20 money, he declined and refused. And that is why we are
21 here.

22 Mr. Paxton refuses to take any
23 responsibility for abusing the esteemed office that he
24 holds.

25 Let's look at Articles IX and X: In

1 exchange for abusing his office to help Nate Paul,
2 Mr. Paxton reaped tangible benefits. What we know is
3 that Nate Paul gave Mr. Paxton's mistress a job so that
4 she could move from San Antonio to Austin to be closer,
5 provided free Uber rides to her apartment. And Nate
6 Paul provided renovations, free renovations to
7 Mr. Paxton's Austin home until he was caught.

8 And I'll show you that in just a minute.

9 Look at this next chart. It has a lot of
10 data on it, but just look at the colors for me.

11 This chart is a demonstrative based on
12 Exhibit 700, Exhibit 700.

13 Marked in orange are trips to and from
14 Ms. Olson's residence, which is shown as Exhibit 699.

15 Marked in blue are trips to Nate Paul's
16 residence.

17 Exhibit 700 shows that Nate Paul set up an
18 Uber account for Dave P. The account facilitated a
19 covert means for Paxton to maintain his affair. The
20 ride chart in this exhibit contains the latitude and
21 longitude for each pick-up and drop-off for Dave P.

22 Focus on the rides between July 30th, 2020
23 and October 2nd, 2020, when the rides suddenly stop.
24 October 2nd.

25 Next, I show you -- this Uber exhibit also

1 shows that the rides are paid for with a credit card
2 linked to Nate Paul's billing address in Austin and not
3 Ken Paxton's in Collin County. Not Ken Paxton's in
4 Collin County.

5 Next, I show you Exhibit 699, which shows
6 that Laura Olson was hired by World Class Property
7 company July 6th, 2020, and reports to Nate Paul.

8 Let's talk about a timeline that's really
9 important. You've seen a lot of documents, but let's
10 take a moment. I'm going to show you this timeline.
11 It's important.

12 This shows when Paxton found out about the
13 whistleblower report to the FBI and the actions that he
14 took immediately after that.

15 Now, Penley emails Cammack to tell him to
16 cease and desist at 9:18 on September 30th, 9:18 in the
17 morning.

18 At 10:35 that morning, Cammack forwards
19 the email to Paxton's Proton Mail address. Cammack
20 relentlessly calls Paxton that morning as well. Only
21 four hours later, Paxton decides to pay the Cupertino
22 Builders for renovation work completed in July,
23 completed in July, but were paying them now,
24 September 30th.

25 He returns to Austin and arrives at the

1 airport at 10:00 p.m.

2 At 10:57 p.m., Dave P. takes an Uber to
3 Nate Paul's house. Dave P. was picked up one block from
4 Paxton's residence.

5 The next day, October 1st, that was the
6 30th, next day, October 1st, Cupertino Builders creates
7 an invoice for Paxton at 7:50 p.m. The records show
8 that this invoice was never sent to Mr. Paxton.

9 That night, October 1st, Dave P. takes his
10 last ride to the Pearl Lantana apartments where Laura
11 Olson lives. We've tried to call her as a witness. The
12 Court announced that she was present but unable to
13 testify.

14 Next, this is an invoice from Nate Paul's
15 garage never sent to Paxton. He created it after it was
16 due, and the metadata tells us. So the metadata tells
17 us it was created on October 1, yet Mr. Paxton decided
18 to make payment on September 30th for work that had been
19 completed in July.

20 This is Exhibit 703. These are emails.
21 Why does Nate Paul need to know the schedule for the
22 renovations at the Paxton's home in Austin? Why does
23 Nate Paul need 20 photos of the new flooring in the
24 Paxton's home in Austin?

25 Mr. Wicker testified that he heard Kevin

1 Wood tell Mr. Paxton I will have to check with Nate at
2 least three times. Kevin Wood, who avoided being served
3 multiple times with subpoenas in this matter.

4 There are no coincidences in Austin. Nate
5 Paul was paying for these home renovations until it all
6 got found out.

7 Articles XVI through XX. They charge that
8 Mr. Paxton and Nate Paul's scheme to use the powers of
9 the Office of the Attorney General constituted
10 dereliction of duty, made him unfit for office, and
11 abused the public trust.

12 These articles asked the Senate to do
13 exactly what Mr. Paxton's counsel is begging you not to
14 do. To look at the entirety of Mr. Paxton's conduct.

15 And when the Senate does so, there is no
16 reasonable doubt that Mr. Paxton committed the acts set
17 forth in these articles and that these acts were an
18 abuse of office and a breach of public trust.

19 The witnesses have explained to you that
20 Mr. Paxton conspired with Nate Paul and others to harass
21 and intimidate their perceived enemies.

22 While Mr. Paxton's attorneys suggest that
23 there must be some time of overtly stated agreement if
24 people are going to conspire, he also knows there are no
25 coincidences in Austin. Mr. Paxton was using an

1 inordinate amount of the OAG's resources for Nate Paul.

2 Listen in.

3 (Video played of the following
4 proceedings)

5 MR. HARDIN: When the attorney general
6 kept raising Nate Paul issues of the ones that we've
7 gone through so far and later in the future, you have
8 any idea what kind of -- how much time or resources were
9 devoted to dealing with Nate Paul instead of real
10 concerns?

11 MR. BANGERT: We were devoting far more
12 resources to Nate Paul than we ever should have, given
13 the importance of those issues.

14 (Video ended)

15 REPRESENTATIVE MURR: The burden of proof
16 in this case is beyond a reasonable doubt. But what
17 does that mean? It means exactly what the words say, is
18 there doubt and is it reasonable?

19 Even though this isn't a criminal trial,
20 every day in this country criminal defendants are
21 convicted of crimes beyond a reasonable doubt with much
22 less evidence than you have seen in this trial.

23 We admitted over 3,000 pages of documents
24 in seven days' worth of testimony, and that will all be
25 accessible to you in your deliberations.

1 When we first started our case, it might
2 have been unclear what all the evidence was, and that
3 doubt was reasonable since Mr. Paxton was presumed
4 innocent. But as more evidence came in, the picture
5 became clearer, and the doubt faded. The puzzle pieces
6 came together.

7 The law does not require that we exclude
8 all doubt. When we have shown you enough evidence that
9 you can see what the puzzle is showing, that you know
10 what the picture is, then we have met our burden.

11 Now, Mr. Paxton's counsel would urge you
12 that we have to put every piece in the puzzle there for
13 it to be a picture, but that is not what our burden is.

14 The burden is satisfied.

15 Is it a coincidence that Paxton ordered
16 his people to intervene in the Mitte lawsuit when they
17 had already waived intervention?

18 Is it a coincidence that Nate Paul used
19 the midnight opinion to stop a foreclosure sale one day
20 after the opinion was issued?

21 Is it a coincidence that while discussing
22 the Paxton home renovations, Mr. Paxton's contractor
23 told him at least three times: I will have to check
24 with Nate?

25 Is it a coincidence that Nate Paul gave

1 Ken Paxton's mistress, Laura Olson, a job while
2 Mr. Paxton was doing Nate's bidding?

3 Is it a coincidence that within 45 days of
4 reporting to the Trump FBI, every whistleblower was
5 terminated or constructively discharged?

6 My counsel talked about a 25,000-dollar
7 campaign contribution from Nate Paul in 2018. And he
8 told you that Mr. Paxton is a fundraising machine.

9 Well, in our world, that is a good
10 campaign donor. That is a donor that you have a race,
11 the next year you pick up the phone and you call.
12 That's -- there should be a campaign donation in 2019.
13 Where is that? There should be a campaign donation in
14 2020. That is a good donor. Is it a coincidence that
15 there is no longer campaign contributions?

16 There are no coincidences in Austin.

17 Members of the jury, this is the most
18 important choice you have ever faced. In a hundred
19 years, it's probably the only vote that anyone will ever
20 talk about in your careers. It will also decide what
21 Texas politics look like, not just to the way cynical
22 people outside this chamber think, but this is about
23 what does public service mean. Public service.

24 To Mr. Paxton, it meant serving himself
25 and his friend Nate Paul. Mr. Paul brought incredible

1 wealth and a lavish lifestyle to the partnership. And
2 Mr. Paxton brought the incredible power of the state.

3 And the defense here isn't that he didn't
4 do it. It's that it doesn't matter because he won the
5 election.

6 No, Mr. Kinghorn summed it up in his
7 testimony yesterday. The Office of the Attorney General
8 of the state of Texas is Mr. Paxton's law firm, and he
9 is the firm's only client. He directs it to serve
10 himself, not the people of Texas. If you vote to
11 condone that, then high office will simply be the most
12 profitable choice for any self-serving crook, and it
13 won't even have to be hidden.

14 You're here despite political pressure
15 because you believe that public service is a calling
16 that you put people first. You have everything in
17 common with the whistleblowers. Each a faithful servant
18 who spent years fighting for their values with great
19 integrity.

20 Look at what Mr. Paxton did to them.

21 Think of Ranger Maxwell. In September of
22 2020, he was a Hall of Fame hero with 40 years of
23 experience, a man of honor above reproach, one month
24 later, that lifetime of service meant nothing. When he
25 was an obstacle to Mr. Paxton he was suddenly a liar, a

1 rogue, a liability that had to be fired.

2 We say we back the blue in this building,
3 but Mr. Paxton tossed him out with the others like the
4 garbage.

5 If you don't hold Mr. Paxton accountable,
6 that could happen to any of us. Your entire legacy
7 could be erased and rewritten on the whim of whoever
8 wins the next election.

9 That is a Godless, rudderless morality.
10 And it cannot be the new normal for Texas.

11 We must have a shared standard of
12 integrity, honesty, and service that transcends any
13 election. Your vote will set that standard.

14 PRESIDING OFFICER: Mr. Murr, you have ten
15 minutes left.

16 REPRESENTATIVE MURR: Now, at the
17 beginning of trial, we watched all of you place your
18 hand on Sam Houston's Bible and take your oath.
19 Sam Houston's Bible.

20 At that time, I reminded you that
21 Sam Houston told Texans, do right and risk the
22 consequences.

23 Now is your time to do right.

24 Mr. President.

25 PRESIDING OFFICER: Mr. Leach, you have

1 about nine minutes.

2 REPRESENTATIVE LEACH: Thank you,
3 Lieutenant Governor.

4 Distinguished members of the Senate, my
5 fellow House members, General Paxton, and to the people
6 of Texas. Let's be very clear. None of us want to be
7 here today. I don't. And I'm confident that you don't
8 either. But here we are with a heavy and historic
9 moment in front of us.

10 I stand before you today humbly on behalf
11 of the House Board of Managers to offer a few brief
12 closing remarks. These remarks have not been reviewed
13 by anyone. I didn't go to dinner with TLR last night.
14 George P. Bush didn't have a speech writer draft this
15 for me. Karl Rove is not sitting in my office right
16 now. This is me and me alone.

17 Ten days ago as these proceedings
18 commenced, I watched each of you, I sat right over here
19 and I watched each of you, Senators, place your hand one
20 by one on Sam Houston's Bible swearing to impartially
21 render a verdict based on the law and the evidence. And
22 as Chairman Murr has just articulately outlined for you,
23 the House Board of Managers believed that that evidence
24 meets the high standard of beyond a reasonable doubt.

25 And as strong as we believe the evidence

1 to be, make no mistake, this is not an easy vote for
2 you. It's not. It shouldn't be, and I trust that it's
3 not. It wasn't for me.

4 This will, if you're like me, be the
5 hardest vote, the most difficult vote, the heaviest vote
6 that you will ever cast in your time in the legislature.

7 This proceeding, we've had a lot of
8 discussion about whether this proceeding is civil or
9 criminal in nature, and as we've learned, it's been a
10 unique mix of both. But it's also very personal.

11 The vote that each of you will cast, I
12 should say the 16 votes that each of you will cast, will
13 be very personal, and they should be. We should treat
14 the heaviness and the historic nature of this moment
15 with the weight that it deserves.

16 Members, Senators, I certainly have done
17 so. In voting to impeach General Ken Paxton, my dear
18 friend, a political mentor, a brother in Christ, and a
19 once trusted adviser, this has not just been a hard
20 vote. This has been one of the most difficult things
21 I've ever had to do in my life.

22 Mr. Buzbee, you said in your closing that
23 we're here because we hate Ken Paxton, and you could not
24 be more wrong. I have loved Ken Paxton for a long time.
25 I've done life with Ken Paxton. We've traveled

1 together, attend church together, attended countless
2 Cowboys and Baylor football games. Heck, we're both
3 former Baylor student body presidents.

4 PRESIDING OFFICER: You have five minutes.

5 REPRESENTATIVE LEACH: I've block walked
6 for Ken. I've donated to Ken, supported Ken. I've
7 asked others to do the same.

8 The first bill that I ever passed in the
9 legislature in 2013, the only bill I passed that
10 session, was sponsored by then Senator Ken Paxton.
11 Which is one of the reasons that this is so difficult
12 for me and many of our House members and I know for many
13 of you it will be as well.

14 Over the years, Ken and I have spent hours
15 on the phone together. We've texted. We've called.
16 For the first years when he -- after he was elected
17 attorney general when he took office, I had an open door
18 to the attorney general's office. I could go up to the
19 eighth floor any time and visit with my friend. We
20 talked politics and policy. We talked life.

21 Members, I know as I look across this
22 floor, many of you had the same.

23 But a few years ago, those calls stopped,
24 and that open door was closed. And I became
25 increasingly concerned and alarmed at what I saw.

1 MR. BUZBEE: Your Honor, he's testifying,
2 and this is not proper. This is not based on any
3 evidence in this case. It's improper.

4 REPRESENTATIVE LEACH: Mr. Buzbee, this is
5 closing argument.

6 MR. BUZBEE: I understand what it is, but
7 I'm just saying, he's talking about personal things that
8 were not put into evidence.

9 PRESIDING OFFICER: Mr. Buzbee and
10 Mr. Leach, the jury will decide what is evidence.

11 REPRESENTATIVE LEACH: Thank you,
12 Lieutenant Governor.

13 Members, Senators, this has been -- the
14 point is I know it's not lost on you, Senators. This is
15 difficult for me. It's been difficult for many of us,
16 and I know it will be difficult for you, and it should
17 be.

18 While the law and the evidence is clear,
19 this is a personal vote for you, and it should be.

20 But make no mistake, we shouldn't have to
21 be here. I, like many of you in response to those
22 concerns, attempted to get answers, to have
23 conversations, to schedule meetings. I called
24 senator -- or General Paxton in front of our committee
25 12 times this session, and not once did he appear in

1 front of our committee for answers.

2 And with all due respect to my friend,
3 Mr. Cogdell, we do not as legislators have to go through
4 private counsel to have access to a statewide official.

5 Senator Huffman, if you wanted to meet and
6 have Comptroller Hegar come in front of your committee,
7 you don't have to go to his private counsel.

8 Senator Creighton, you don't have to
9 contact Mike Morath's private lawyer for him to come in
10 front of your committee.

11 Not once did he come answer questions in
12 public or in private. Which is largely one of the
13 reasons that we're here today. Because the people of
14 Texas deserve answers, and the legislature, the Senate,
15 and the House expected to get those answers.

16 Members, in closing, I see some of the
17 whistleblowers are here in the gallery this morning.
18 These are men and women of high esteem, character,
19 conservative to the core. And you courageously spoke
20 out knowing the consequences and taking the risk, much
21 like all of us have had to do and will have to do with
22 this vote. I want you to know that the House has seen
23 you and heard you.

24 Mr. Maxwell, I see you. You deserve more
25 than to be ridiculed and mocked on the floor of the

1 Texas Senate.

2 We hear you, and we see you. The House
3 has, and I'm confident that the Senate will as well.

4 In closing, one of my favorite quotes is a
5 quote of Martin Luther king. He says, that, quote,
6 cowardice asks the question: Is it safe? Expedience
7 asks the question: Is it politic? And vanity asks the
8 question: Is it popular? But conscience asks the
9 question: Is it right?

10 And there comes a time for each of us,
11 there will come a time for you, I believe this is it,
12 not to ask yourself what is safe or popular or politic
13 but what is right. And I believe that it is right, as
14 painful as it might be for us and for you, to vote to
15 sustain the articles of impeachment commended to you by
16 the Texas House of Representatives.

17 It's an honor to serve with each of you.
18 I pray God's grace and favor and his wisdom and
19 discernment over you as you deliberate and vote on this
20 historic matter. May God bless you, Senators, and may
21 God bless the people of Texas.

22 Thank you.

23 PRESIDING OFFICER: Thank you, Mr. Leach.

24 Thank you, Counselors, from both sides.

25 Under the rules passed by the Senate,

1 written and passed by the Senate 25 to 3, rule 27 says
2 that I shall give you the following instruction to the
3 Senators before deliberations begin.

4 And as a reminder to everyone who may have
5 tuned in late, we have no idea how long deliberations
6 will take, but we will try to notify you once every
7 member has decided they are ready to come to the floor
8 and vote. And we will alert the media, and we will put
9 it up on the website 30 minutes or a little bit more so
10 that you can be aware of when the Senators will be back
11 on the floor to vote individually on all 16 articles.

12 These are the instructions as you have
13 written:

14 Sustaining an article of impeachment means
15 that the impeached officer is removed from office for
16 the term the officer was last elected.

17 You are instructed that the rules adopted
18 by the Court of Impeachment establish that the burden of
19 proof rests on the House Board of Managers to prove an
20 article of impeachment beyond a reasonable doubt.

21 You are to determine if the allegation in
22 each article presented to you has been proven beyond a
23 reasonable doubt, and if so, shall the article of
24 impeachment be sustained, which would result in removal
25 from office.

1 The final question to be put to you after
2 each article is: Shall this article of impeachment be
3 sustained?

4 Members, we will adjourn for this day very
5 shortly. You will go to deliberate. I want to repeat
6 that if deliberations last until the night when you
7 leave here, you're not to talk to anyone about this
8 trial. You're not to talk or watch anything on
9 television about this trial, go online and surf any
10 news.

11 You have serious work to do, and I believe
12 that you will do it in a serious and responsible
13 fashion.

14 I'm going to order you to work till at
15 least 8:00 tonight in deliberations. You can work
16 longer if you wish. To be back here if you have not
17 come to a decision today on all 16 articles, to come
18 back tomorrow morning at 9:00 a.m. and work until 8:00
19 tomorrow night. If a decision is still not reached, to
20 be here at noon on Sunday. And if a decision is not
21 reached by late Sunday night, I may take the option of
22 sequestering you in the building. We all have slept
23 overnight in our office once or twice. I know I have.
24 If -- take as much time as you need to come to a
25 decision that you believe is the right decision.

1 God bless all of you. Thank you for your
2 service to Texas.

3 We stand adjourned until the members
4 notify my office that they are ready to return and vote
5 on all 16 articles.

6 (Proceedings recessed at 11:53 a.m.)

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C E R T I F I C A T E

STATE OF TEXAS)

COUNTY OF TRAVIS)

I, Lorrie A. Schnoor, Certified Shorthand Reporter in and for the State of Texas, Registered Diplomat Reporter and Certified Realtime Reporter, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me this 15th day of September, 2023.

/s/ **Lorrie A. Schnoor**

LORRIE A. SCHNOOR, RDR, CRR
Texas Certified Shorthand Reporter
CSR No. 4642 - Expires 1/31/24
email: laschnoor@prodigy.net