

RECORD OF PROCEEDINGS of the HIGH COURT OF IMPEACHMENT

On the Trial of
Warren Kenneth Paxton Jr, Attorney General of Texas

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

NINTH DAY

(Friday, September 15, 2023)

APPEARANCES

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, Mr. Dick DeGuerin, Mr. Mark White III, Ms. Harriet O'Neill, Ms. Erin M. Epley, Mr. Mark E. Donnelly, Ms. Terese Buess, Ms. Donna Cameron, Mr. Brian Benken, Ms. Lisa Bowlin Hobbs, Mr. Jim Yarbrough, Ms. Stella Jares, Mr. Dan McAnulty, on behalf of the House Board of Managers.

Mr. Tony Buzbee, Mr. Anthony Dolcefino, Mr. Dan Cogdell, Mr. Anthony Osso, Mr. Judd E. Stone II, Mr. Christopher D. Hilton, Ms. Allison M. Collins, Ms. Amy S. Hilton, Ms. Kateland R. Jackson, Mr. Joseph N. Mazzara, Mr. J. Mitchell Little, Attorneys for Respondent.

PROCEEDINGS

(9:09 a.m.)

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

PRESIDING OFFICER: Bailiff, you may call the jury.

(Senate members enter the Senate chamber)

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

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

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

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

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

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

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

In your name we offer this prayer, amen.

PRESIDING OFFICER: Amen.

You may be seated.

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

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

(Applause)

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

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

And Lola Fender, our deputy chief counsel.

They've done tremendous work.

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

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

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

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

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

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

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

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

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

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

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

As I said in my remarks on opening day, your decision must be based only and only on the facts and evidence presented here in this chamber. You are the sole judges of the credibility of the witnesses. Evidence consists of the testimony of the witnesses and the materials admitted into evidence during this trial. Statements by attorneys in this trial are not evidence. Questions asked by attorneys are not evidence.

I have no idea of how long the jury is going to deliberate. It could be hours. It could be days. Once they have notified me that all members are ready to vote, we will alert the media for a time certain when the members will come to the floor to cast their votes, and we will post that on the impeachment page of the state website.

We will try to give the media and the public ample time to be ready for that time certain, at least 30 minutes' notice.

I know you are interested in the outcome of the trial so check in on the website from time to time.

No evidence whatsoever, members, outside this chamber shall be considered for any purpose. Nothing that I have said as Presiding Officer and Judge or that I have done or I have ruled shall be considered as an opinion on facts or the case, and my words and actions should not influence your vote one way or the other. I do not have the vote. You have the vote.

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

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

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

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

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

They will not have their phones with them during deliberations. They will not talk to staff during deliberations, legal counsel or anyone else, Members. Only to each other during deliberations.

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

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

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

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

The attorney general's legal counsel will also have one hour for final arguments. Once again, after closing arguments by both sides, I will read the charge as you have written in your rules to the jury and you will begin deliberation.

I will now read the articles of impeachment.

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

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

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

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

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

Specifically, Paxton caused employees of his office to prepare an opinion in an attempt to avoid impending foreclosure sales of properties belonging to Nate Paul or business entities controlled by Paul. Paxton concealed his actions by soliciting the chair of a Senate committee to serve as a straw requestor.

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

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

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

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

Article No. IV – and both parties had asked me to read these articles before their closing arguments.

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

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

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

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

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

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

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

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

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

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

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

While holding office as attorney general, Warren Kenneth Paxton misused his official powers by concealing his wrongful acts in connection with whistleblower complaints made by employees whom Paxton had terminated.

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

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

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

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

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

While holding office as attorney general, Warren Kenneth Paxton engaged in bribery in violation of Section 41, Article XVI, Texas Constitution. Specifically, Paxton benefited from Nate Paul providing renovations to Paxton's home. Paul received favorable legal assistance from or specialized access to the Office of the Attorney General.

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

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

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

Article XVI, conspiracy and attempted conspiracy.

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

Article XVII, misappropriation of public resources.

While holding office as attorney general, Warren Kenneth Paxton misused his official powers by causing employees of his office to perform services to his benefit and the benefit of others.

Article XVIII, dereliction of duty.

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

Article XIX, unfitness for office.

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

Abuse of public trust, Article XX.

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

Give us one moment.

(Pause)

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

(Bench conference off the record)

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

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

Mr. Murr.

HOUSE MANAGERS' CLOSING STATEMENT

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

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

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

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

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

(Video played of the following proceedings)

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

(Video ended)

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

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

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

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

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

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

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

He gave the keys to the office.

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

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

Your screen, please.

(Video played of the following proceedings)

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

(Video ended)

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

Mr. Paxton wants you to find that even though Nate's Paul – Nate Paul's story was ludicrous that it was completely fine for him to hire a five-year practicing attorney as an outside attorney to do Mr. Paul's bidding. He wants you to find that it

was completely okay for Mr. Paxton and Nate Paul's lawyer to direct Mr. Cammack to issue grand jury subpoenas against judges, court clerks, police officers, and the spouse of a lawyer involved in a civil lawsuit with Nate Paul.

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

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

Mr. Paxton has admitted that he does not know much about criminal law. When he asked for money from this chamber to settle the lawsuit filed by staff members he wrongfully terminated, he wouldn't even answer a senator's question about the hiring of Mr. Cammack and instead deflected to his staff member that he said was better qualified to answer. But when it came to Nate Paul and his requests, all of a sudden Mr. Paxton knew best.

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

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

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

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

This is wrong.

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

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

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

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

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

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

PRESIDING OFFICER: Mr. Buzbee.

We'll start the clock when he begins speaking.

House, you have 50 minutes and 35 seconds remaining.

ATTORNEY GENERAL PAXTON'S CLOSING STATEMENT

MR. BUZBEE: May it please the Court. Here we are in the Senate chamber in the most historic trial that's been had in this state in the last hundred years on this evidence. There is shame here, and the shame sits right there that they would bring this case in this chamber with no evidence.

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

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

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

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

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

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

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

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

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

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

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

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

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

PRESIDING OFFICER: Yeah.

MR. BUZBEE: Can we get this working?

(Discussion off the record)

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

MR. BUZBEE: There are no coincidences in Austin.

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

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

(Pause)

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

PRESIDING OFFICER: Do you want to – do you want the screen to catch up to where you are?

MR. BUZBEE: Yes, sir.

PRESIDING OFFICER: Okay.

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

Let's talk about the burden of proof. That is super important here, and I want you, Senators, please, to look at your screen and look at the burden of proof. Beyond a reasonable doubt. Beyond a reasonable doubt. That means, that means that you have no doubts that are reasonable. No doubts – that is an incredibly high burden.

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

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

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

What a joke. What a joke.

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

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

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

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

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

They can go back to Maine. This is Texas.

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

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

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

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

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

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

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

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

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

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

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

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

No. Never. Didn't happen.

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

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

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

And these people, these people, got up here and used words like "conspiracy," "crimes," "bribery," all kinds of really loaded words, and all were false.

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

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

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

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

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

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

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

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

Staffers were not only wrong on their assumptions, they were wrong on the law. Can you believe that they didn't realize that the only person in that office that can actually have the authority to sign an outside counsel contract was Ken Paxton himself, and anybody else was designated. He's the only one that can do that. They didn't like that.

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

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

That is not how it works. That is not how it works.

Let's cook up a bar complaint against Ken Paxton. Let's allocate \$50,000 to hire an outside lawyer by the name of Johnny Sutton without any approval or telling the boss. They figured out real quickly once they talked to Maxwell that, you know what? We don't have anything. We need to beef this up. We don't have anything. And even though it's been three years, they still don't have anything.

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

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

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

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

And so they took a long walk on a short pier. The House Managers did the same. The House Managers did the same. They, in a four hour-hearing, decided to impeach the attorney general of the state of Texas and, then they spent months and months trying to collect evidence to support it, and they did not. They failed.

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

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

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

The Bush era ends today in the state of Texas.

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

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

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

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

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

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

This guy thought he had been targeted by the FBI. And the only thing that this man did was let's find out the truth. Let's see if that's really true. That's all he did. Because he knows a little bit about people coming after you with no evidence. He can identify with that.

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

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

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

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

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

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

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

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

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

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

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

That bucket has no validity. That bucket is empty.

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

But what you heard from the young man who spent more time with Ken Paxton than anybody, sometimes 24/7, 365 days a year, is there was never an agreement at all, he never agreed to do anything for Nate Paul and never got a darn thing from Nate Paul with the exception of a lunch. A lunch. A lunch that was public on a patio for everybody to see.

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

That holds no water.

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

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

But it's not just a history of problems, there is a recent history. Starting in 2019. And I urge you to look at the evidence, at the memo that was submitted, at the memo that every one of Ken Paxton's subordinates reviewed before they all signed off on the intervention. This was not Ken Paxton causing anybody to do anything. This was subordinates who reviewed the evidence provided and decided we need to intervene.

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

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

Did they prove anything beyond a reasonable doubt with regard to that article? The only thing that we've – that we've seen beyond a reasonable doubt in that article is the Mitte Foundation has major problems and that the AG's office intervened and now the Mitte Foundation stands to make millions upon millions upon millions of dollars on their speculative investment. And I wish I could get an investment like that. 3 million-dollar investment, they stand to make almost 20 million. That hurts really good, doesn't it?

So we know the intervention is hogwash.

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

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

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

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

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

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

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

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

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

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

And we know, of course, Nate Paul put his entities in bankruptcy, and there was never any foreclosures anyway.

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

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

That bucket's empty.

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

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

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

No, not at all.

Total baloney.

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

That bucket's empty.

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

The office of the district attorney made a referral.

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

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

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

And then they try to pretend like they weren't involved, even though Cammack didn't know how to do a grand jury subpoena, so he had to rely upon the DA's office to do it. They were intimately involved. They were actively involved. They were helping him get the subpoenas, and they never said this is wrong. In fact, they thought, I'm glad you're doing it because I don't want to investigate the people that I have to work with.

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

And then lied about it.

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

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

Cammack admitted, I never told him what I was – it was my idea to issue subpoenas, and I never told him who they were going to be issued to.

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

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

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

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

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

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

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

God, that's fear – that's terrifying. That should terrify every one of you.

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

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

He said, Heck no. I thought it was persuasive. I thought it was convincing. And I was excited to be involved in it.

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

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

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

And these whistleblowers, let's – so-called whistleblower – in order to be a whistleblower, in order to be – let this sink in. In order to be a whistleblower, you have to have a good-faith belief that a crime has occurred. In order to have a good-faith belief that a crime has occurred, you have to have evidence.

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

And you can tell from the texts, you can tell from the text of these so-called whistleblowers which – what they really are is disgruntled ex-staffers. They were combative, they were insubordinate. They called their brand-new boss a joke. How long would somebody on your staff last if they were texting their sub – or their colleagues calling you a joke? You would fire them on the spot.

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

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

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

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

The investigative report, I encourage you to read it. It's very lengthy. It's very lengthy. That's Article VII. It is documented and detailed. It explains everything that happened. It's a full investigation, and it's pretty darn good. And it lays out in great detail the events. And it's been un rebutted.

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

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

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

This woman got a job. She got it on her own merit, and she continues to work even today. Is getting checks from her job here in Austin even today. She has an apartment. She pays for her own apartment.

That bucket is empty.

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

You should be ashamed of yourselves. Ashamed of yourselves.

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

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

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

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

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

We showed you the transaction from front to back.

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

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

Every bucket of what General Paxton supposedly received, every bucket of what Nate Paul supposedly received, empty. Empty.

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

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

MR. BUZBEE: So the Hail Mary, that's Roger Staubach. Remember him? That's a Hail – the Hail Mary is, well, let's just throw in a bunch of malarkey at the end. Conspiracy, although there's no agreement and no furtherance of a conspiracy, misappropriation never happened, dereliction of duty. Boy, when you're accused as a Marine officer of being derelict of duty, that's bad. Let's throw unfit for office, abuse of the public – there's no evidence to support any of the articles. That means there's no evidence to support any of these articles.

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

That ain't the way it works.

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

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

You've seen the video. It's all over the Internet. You know, my favorite author said justice limps along, but gets there all the same. We should have never had to do any of this. Because this case is a case about nothing. It's a case about nothing.

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

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

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

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

PRESIDING OFFICER: You have five minutes.

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

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

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

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

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

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

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

How much time, Your Honor?

PRESIDING OFFICER: One and a half minutes.

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

Can I see the picture of Brandon Cammack? One of the things that's really harder than it looks when you are a criminal defense lawyer is to argue to a jury, I need the picture, not the statement.

There we go. Thank you.

And thank you, Erick, for everything.

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

PRESIDING OFFICER: One minute left.

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

Look, I respect David Maxwell. I've known him for a long time, but with respect to that legacy, his milk carton has expired. It's over. When he gets up there and looks you in a straight face and says it's a crime to investigate whether or not something is a

crime. Come on. We were born at night, but not last night. That is dumber than a bucket of hair for a Texas Ranger to say it's a crime to investigate the legality of the search.

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

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

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

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

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

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

I suspect he did some things that you probably didn't like. I get that. I understand that. But that's not the issue. The issue is whether the proof is there that is so convincing that it convinces you beyond a reasonable doubt. The same standard of proof that's in a death penalty case, it's not. It's not. It's not.

Two words. Two words. Not guilty.

Thank you.

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

Yes, would you remove your easels?

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

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

AFTER RECESS

PRESIDING OFFICER: Waiting – we have one juror missing. Wait a moment.

(Pause)

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

HOUSE MANAGERS' CLOSING STATEMENT (CONTINUED)

REPRESENTATIVE MURR: Thank you, Mr. President.

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

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

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

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

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

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

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

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

(Video played of the following proceedings)

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

(Video ended)

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

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

He became involved in the drafting of an opinion for the first time ever. He covered up his misdeeds by creating a straw requestor, a Senate chairman, to hide the fact that he had no valid requestor as required by Chapter 402 of the Government Code.

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

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

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

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

On your screen is Exhibit 657.

Articles III and IV, same thing. We have listed some of the top exhibits that we suggest you look at when you deliberate. To summarize, Mr. Paxton does not dispute that the law enforcement exception is designed to protect victims, law enforcement, informants, and practices.

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

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

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

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

The House has also established that Mr. Paxton provided Nate Paul with confidential information. It would be impossible for Nate Paul to know the specific details of who signed the sealed probable cause affidavit in connection with the application for the search warrant without being improperly provided that information by Paxton.

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

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

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

Listen to Mr. Vassar.

(Video played of the following proceedings)

MR. HARDIN: Was there a clear clash here between what the judicial system had decided somebody that should – that should be sealed versus a man under investigation seeking the sealed information?

MR. VASSAR: Yes, that was my opinion.

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

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

(Video ended)

REPRESENTATIVE MURR: And still more.

(Video played of the following proceedings)

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

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

(Video ended)

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

Listen to Mr. Bangert about precedent.

(Video played of the following proceedings)

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

(Video ended)

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

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

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

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

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

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

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

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

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

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

Let's talk about that real quick.

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

Cammack was not sworn in and was not supervised by the Travis County District Attorney's Office.

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

(Video played of the following proceedings)

MR. HARDIN: In what way?

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

(Video ended)

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

Let's hear from –

(Video played of the following proceedings)

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

(Video ended)

REPRESENTATIVE MURR: This entire investigation by Mr. Cammack was illegal.

Let's listen to Ranger Maxwell.

(Video played of the following proceedings)

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

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

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

You've got the transcript there for both of those –

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

MR. COGDELL: Where they say – you say you reviewed the transcripts of the July 12th interview, and you have reviewed the transcripts of the August 5th interview. Show me the language where in either one of those interviews, Ranger, that they asked you to commit a crime?

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

MR. COGDELL: Where does – I'm sorry –

MR. MAXWELL: It's in Operation Longhorn.

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

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

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

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

(Video ended)

REPRESENTATIVE MURR: And finally, I ask you also listen or recall testimony of Mr. McCarty.

(Video played of the following proceedings)

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

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

MR. DeGUERIN: What was your reaction to that?

MR. McCARTY: I was stunned.

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

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

MR. DeGUERIN: Why is that bad?

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

(Video ended)

REPRESENTATIVE MURR: Ethics 101. And Mr. Paxton has not disputed the testimony of Mr. McCarty.

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

(Video played of the following proceedings)

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

MR. WEBSTER: So is this a general question about special prosecutors, is that –

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

MR. WEBSTER: Okay.

SENATOR HUFFMAN: Yeah.

MR. WEBSTER: I'm happy to address that. So –

SENATOR HUFFMAN: I would actually rather General Paxton would address it, but if –

ATTORNEY GENERAL PAXTON: He knows this, like, backwards and forwards. He was a prosecutor, so he knows this issue very well.

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

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

SENATOR HUFFMAN: Sure.

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

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

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

And that's not what happened with the Brandon Cammack situation. We hired him to be outside counsel. That contract was signed by the general. And then he went to go work because he was hired on to assist the Travis County DA's office.

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

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

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

(Video ended)

REPRESENTATIVE MURR: This body knows the law.

On September 29th of 2020, Jeff Mateer was leading a Zoom meeting about opioid litigation when he received an urgent message that there was an emergency. Mateer knew it was something important. He learned that an individual representing himself as a special prosecutor for the Office of the Attorney General and Nate Paul's personal attorney had served a grand jury subpoena on a bank seeking information relating to Nate Paul and his activities.

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

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

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

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

Despite all their efforts, Mr. Paxton's senior staff realized they could not stop him. They believed that he had committed crimes and abused his office. And that he had attempted to involve them. They knew that I had no choice but to report them.

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

(Video played of the following proceedings)

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

(Video ended)

REPRESENTATIVE MURR: Let's hear what Mr. – what Ranger Maxwell had to say.

(Video played of the following proceedings)

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

(Video ended)

REPRESENTATIVE MURR: And Mr. Mateer.

(Video played of the following proceedings)

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

(Video ended)

REPRESENTATIVE MURR: And Mr. Penley.

(Video played of the following proceedings)

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

I explained all the practical investigation difficulties, that we shouldn't be trying to investigate the feds. And there were many things we couldn't investigate. We didn't have the power. We didn't have a way to get at those sealed search warrants?

(Video ended)

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

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

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

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

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

Let me remind you of what Mr. Brickman said.

(Video played of the following proceedings)

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

MR. BRICKMAN: Yes.

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

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

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

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

Do you see where I'm at?

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

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

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

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

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

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

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

Is that a true or untrue statement?

MR. BRICKMAN: It is false.

(Video ended)

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

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

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

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

Let's look at Articles IX and X: In exchange for abusing his office to help Nate Paul, Mr. Paxton reaped tangible benefits. What we know is that Nate Paul gave Mr. Paxton's mistress a job so that she could move from San Antonio to Austin to be closer, provided free Uber rides to her apartment. And Nate Paul provided renovations, free renovations to Mr. Paxton's Austin home until he was caught.

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

Look at this next chart. It has a lot of data on it, but just look at the colors for me. This chart is a demonstrative based on Exhibit 700, Exhibit 700.

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

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

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

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

Next, I show you – this Uber exhibit also shows that the rides are paid for with a credit card linked to Nate Paul's billing address in Austin and not Ken Paxton's in Collin County. Not Ken Paxton's in Collin County.

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

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

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

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

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

He returns to Austin and arrives at the airport at 10:00 p.m.

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

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

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

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

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

Mr. Wicker testified that he heard Kevin Wood tell Mr. Paxton I will have to check with Nate at least three times. Kevin Wood, who avoided being served multiple times with subpoenas in this matter.

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

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

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

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

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

While Mr. Paxton's attorneys suggest that there must be some time of overtly stated agreement if people are going to conspire, he also knows there are no coincidences in Austin. Mr. Paxton was using an inordinate amount of the OAG's resources for Nate Paul.

Listen in.

(Video played of the following proceedings)

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

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

(Video ended)

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

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

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

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

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

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

The burden is satisfied.

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

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

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

Is it a coincidence that Nate Paul gave Ken Paxton's mistress, Laura Olson, a job while Mr. Paxton was doing Nate's bidding?

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

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

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

There are no coincidences in Austin.

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

To Mr. Paxton, it meant serving himself and his friend Nate Paul. Mr. Paul brought incredible wealth and a lavish lifestyle to the partnership. And Mr. Paxton brought the incredible power of the state.

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

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

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

Look at what Mr. Paxton did to them.

Think of Ranger Maxwell. In September of 2020, he was a Hall of Fame hero with 40 years of experience, a man of honor above reproach, one month later, that lifetime of service meant nothing. When he was an obstacle to Mr. Paxton he was suddenly a liar, a rogue, a liability that had to be fired.

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

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

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

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

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

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

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

Now is your time to do right.

Mr. President.

PRESIDING OFFICER: Mr. Leach, you have about nine minutes.

REPRESENTATIVE LEACH: Thank you, Lieutenant Governor.

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

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

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

And as strong as we believe the evidence to be, make no mistake, this is not an easy vote for you. It's not. It shouldn't be, and I trust that it's not. It wasn't for me.

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

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

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

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

Mr. Buzbee, you said in your closing that we're here because we hate Ken Paxton, and you could not be more wrong. I have loved Ken Paxton for a long time. I've done life with Ken Paxton. We've traveled together, attend church together, attended countless Cowboys and Baylor football games. Heck, we're both former Baylor student body presidents.

PRESIDING OFFICER: You have five minutes.

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

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

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

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

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

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

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

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

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

REPRESENTATIVE LEACH: Thank you, Lieutenant Governor.

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

PRESIDING OFFICER: Thank you, Mr. Leach.

Thank you, Counselors, from both sides.

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

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

These are the instructions as you have written:

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

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

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

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

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

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

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

God bless all of you. Thank you for your service to Texas. We stand adjourned until the members notify my office that they are ready to return and vote on all 16 articles.

(Proceedings adjourned at 11:53 a.m.)