Senator Menéndez Journal Statement – Court of Impeachment

The Texas Constitution allows the House of Representatives to begin and refer articles of impeachment and requires the Texas Senate to impartially try the articles presented before the body. Over the last couple of months, the Texas Senate has prepared to fulfill its duty. As the State Senator for Senate District 26, it was my duty to impartially review the evidence, listen to the arguments presented, and vote to ensure the protection of the public, the preservation of the integrity of a state government, and the foundation of our democracy.

As a member of the Senate, in the Senate Court of Impeachment, the Constitution grants us the heavy duty of ensuring that we impartially review all of the evidence before us. When holding office as an elected official or staff member of an elected official, we must ensure the trust, integrity, and well-being of the public is always placed first. The courage and bravery of the whistleblowers is what we should hope for those who serve the public. While I do not agree with every viewpoint of the whistleblowers, they put the State of Texas first in making a good-faith report to the proper authorities. When one earns the duty of a public servant, we should hope and expect that they hold the values of and service to people, over party and power. Each elected office does not belong to the office holder, it belongs to the people. We are temporary placeholders of office. The decisions we make during our tenure, and especially during this historic Court of Impeachment, will direct the trajectory of our government, democracy, and how it serves the people.

During the Impeachment Trial of Attorney General Warren Kenneth Paxton, Jr., twenty Articles of Impeachment were brought before the Texas Senate and sixteen were tried. The House Board of Managers provided over 3,000 pages of documents and 7 days' worth of testimony. Moreover, each of the whistleblowers testified providing critical evidence to support these articles. It was shocking to me that several public servants, including a decorated Texas Ranger, were mocked throughout the trial.

It is important to note that the Court of Impeachment is not a civil or criminal court. It is not the House's responsibility to give the Senate every single piece of evidence. Rather, the House must prove beyond a reasonable doubt that the Attorney General violated his oath of office, and committed acts outlined in each respective article of impeachment. After a thorough review, I voted to sustain articles of impeachment, as the House Board of Managers met the high burden of proof, beyond a reasonable doubt.

I am incredibly disappointed with the outcome of this trial. Before and during the trial, external forces applied pressure to prevent jurors from voting impartially. After an intense review of the evidence, an acquittal of every article of impeachment condones the morally bankrupt actions of Warren Kenneth Paxton, Jr. Moreover, it sends a message to future whistleblowers that their bravery may not produce justice. The final chapter of this decision is not written, and it is my belief that this outcome will be known as a profound error.

The confidence in our government institutions is derived from a system of checks and balances necessary to ensure that those in positions of authority serve the best interests of the people. In the future, it is my hope and prayer that we do not find ourselves in a similar circumstance, but if you do, I implore you to put the people of Texas first, as that will be the only way we can ensure that the government serves the people and democracy.

CHARLES SCHWERTNER

TEXAS SENATE PRESIDENT PRO TEMPORE

STATE SENATOR • DISTRICT 5

COMMITTEES: BUSINESS AND COMMERCE, CHAIR • FINANCE • STATE AFFAIRS

Date: September 16, 2023

To: Lourdes Litchfield, Senate Journal Clerk

Pursuant to Rule 8 of Senate Resolution 35, 88th Legislature (1st Special Session), I hereby submit the following statement to be entered into the *Senate Journal* as part of the official record of the Impeachment Trial of Warren Kenneth Paxton Jr., Attorney General of the State of Texas:

> I am proud of the deliberative and measured way the Texas Senate conducted the impeachment trial of Warren Kenneth Paxton Jr., the Attorney General of Texas. Simply put, the burden of proof - beyond a reasonable doubt - was not met. Impeachment is a powerful political tool that should be judiciously, thoughtfully, and rarely used.

Charles Schwertner
State Senator

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Peter P. Flores

The Senate of The State of Texas

Senator Pete Flores
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FOR IMMEDIATE RELEASE
September 16, 2023

MEDIA CONTACT:
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Senator Pete Flores Issues Statement on the Vote of Impeachment Articles

TODAY, AUSTIN, TX: Upon the final jury verdict of the high court of impeachment against Warren Kenneth Paxton Jr., Senator Pete Flores, R-Pleasanton, issued the following statement:

"It is my sworn duty to uphold the Constitution and conduct business in a way that brings honor to my district and the state of Texas," said Flores. **"My colleagues and I spent countless hours over the course of several months developing robust and fair rules for the procedures of the trial. These rules were in place to honor and maintain the longstanding decorum of the Texas Senate, and allow the Senate to act, as it is constitutionally obligated, as the deliberative body in this process.**

"The articles of impeachment brought against Attorney General Ken Paxton were serious allegations that warranted a complete and impartial trial. As a juror, I was sworn to the rule of evidence and the rule of law.

"The burden of proof in the impeachment trial follows the same standard as criminal proceedings, therefore a vote of conviction required proof beyond a reasonable doubt. Casting my vote was not something I took lightly – these were some of the most somber votes I've cast as a State Senator. I stand staunchly behind my vote after fully considering the evidence provided in this case."

###

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ROBERT L. NICHOLS
STATE SENATOR

September 18, 2023

Mrs. Patsy Spaw
Secretary of the Texas Senate
Austin, Texas
patsy.spaw@senate.texas.gov

Dear Mrs. Spaw:

The following is what I would like entered into the Journal, in my name, related to the impeachment:

I voted to impeach Attorney General Ken Paxton because of the credible testimony I heard and the many thousands of pages of evidence presented during trial.

The evidence included testimony from many of his top staff, including First Assistant AG Jeff Mateer, Deputy First Assistant AG Ryan Bangert, Deputy AG for Legal Counsel Ryan Vassar, Director of Law Enforcement Texas Ranger David Maxwell, Deputy AG for Criminal Justice Mark Penley, Deputy AG for Civil Litigation Darren McCarty and Deputy AG for Policy and Strategic Initiatives Blake Brickman. I believe these individuals displayed tremendous courage by reporting what they witnessed as violations of law.

Their testimony, combined with the totality of all the other evidence presented by the House Board of Managers, proved to me beyond a reasonable doubt that the Attorney General's actions violated Texas law and his oath of office.

The oath I swore, to render a true verdict based on the evidence presented, did not leave room for politics or second guessing. I have – and always will – vote for what I believe is right.

Sincerely,

Robert L. Nichols
State Senator, SD-3

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THE SENATE OF TEXAS
JUAN "CHUY" HINOJOSA
DISTRICT 20

COMMITTEES
JURISPRUDENCE
CRIMINAL JUSTICE
BORDER SECURITY

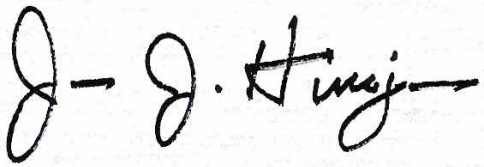
September 19, 2023

Senate Court of Impeachment

Statement from Senator Juan "Chuy" Hinojosa
For the *Senate Journal* of the Impeachment Trial

The impeachment of Attorney General Warren Kenneth Paxton, Jr. was a complex trial that encompassed civil, criminal, and political aspects. Unfortunately, politics prevailed over justice. My vote in this trial speaks for itself. I voted to uphold 15 articles of impeachment. The evidence was beyond a reasonable doubt. Regardless of party affiliation, my decision would have remained unchanged had Attorney General Paxton been a Democrat. I voted based on the facts and evidence guided by my oath and the Constitution.

In reflecting upon this situation, I am reminded of a powerful quote from George Orwell's novel, *1984*: "The party told you to reject the evidence of your eyes and ears. It was their final, most essential command." This quote serves as a stark reminder of the dangers of blindly following party lines, even when faced with undeniable evidence.



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The Senate of Texas

CÉSAR J. BLANCO
TEXAS SENATOR
DISTRICT 29

Statement on the Acquittal of Texas Attorney General Ken Paxton

"As a member of the Texas Senate and Court of Impeachment, I took a solemn oath to follow the Constitution and carefully evaluate the evidence presented before me. With a profound sense of responsibility and a heavy heart, I honored and upheld that oath that guided my decision to sustain 15 out of 16 articles of impeachment. However, the prevailing sentiment among my Senate colleagues led to his ultimate acquittal.

"These votes were historic and consequential, and the gravity of this impeachment trial cannot be overstated. While I disagree with the acquittals based on the evidence presented, we must respect the collective judgment of this body and recommit ourselves to the rule of law and serving the people of Texas."

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SEK 9/19/2023 3:35pm

Message in a Bottle to a Future Impeachment Tribunal

While I hope that the level of corruption that was the subject of this Impeachment trial does not continue and is never repeated in the future, I write this to lay out some basic principles gleaned from my review of previous impeachment trials and my experience in this one just concluded. I suggest these three principles:

1. Neutral
2. Thorough
3. Transparent

In my experience of high stakes confrontations, when the parties commit to the above principles, the validity of the results is more easily accepted.

First and most important is the mutual establishment of legal and administrative neutrality. The members of the Senate should establish rules of procedure in advance, select a neutral jurist to preside, and provide sufficient legal and administrative support to the senators as a body. The Paxton Impeachment started well – Lt. Governor Patrick appointed 7 senators to a Special Rules Committee which garnered near unanimous support for 31 well-crafted rules. The Senate stumbled, however, in succumbing to Lt. Governor Patrick's desire to preside. For this reason, I voted against the Senate Rules. Patrick is not a lawyer. This was evident in his inconsistent and often legally indefensible rulings on motions and objections. Also, he does not have a reputation for neutrality. This was evident in his fundraising immediately prior to the trial and his statements of extreme bias from the bench immediately after the verdict was returned. I recommend that, like almost every other impeachment trial in US history, any future Impeachment Tribunal select an experienced jurist with a strong reputation for neutrality to preside.

I further recommend that, in addition to a neutral presiding jurist, the Senate engage a lawyer to advise the Senators as a body in the drafting of the rules, pretrial motions, trial, and deliberation. Although both of the prior Texas impeachments were presided over by non-lawyer Lt. Governors, both selected seasoned attorneys trusted by the senators to explain, manage and even participate in the proceedings. The Senate has the authority of judge and jury and the power to execute or delegate all but its juror functions as it sees fit. The Senate can overrule the presiding officer or even take back powers delegated to a presiding officer. But, much of the Lt. Governor's management of this trial occurred outside the view of the senators. Take for instance the Lt. Governor's decision to excuse Ms. Olson, a key prosecution witness, from testifying. If a lawyer representing the senators was on hand for that decision, s/he could have

spoken to all senators, together or individually, about the legal standards and options available and, at the senators' direction, asked questions or made demands of the presiding officer. While all 31 of the senators were not aligned on outcome, all 31 should always be aligned in protecting the integrity of the process. Without a single point of legal advice and representation, the senators were at significant disadvantage in overseeing the integrity of this process.

Second, to truly allay the concerns for the integrity of an office through the impeachment process, the trial must be thorough. I cannot speak to the thoroughness of the House investigation. But, I can speak to the thoroughness of the Senate impeachment trial. The Lt. Governor's inconsistent evidentiary rulings were one impediment to thoroughness. Another impediment was the time limitation. Given the breadth of the allegations, the amount of time allotted to the parties was clearly insufficient. This is evident in the thousands of pages and hours of video evidence that were admitted into the record (in spite of the Lt. Governor's erratic rulings) but never published to the jury due to time constraints. For reasons no senator can explain (another reason for senators to have legal counsel), the Lt. Governor asked and both parties agreed to narrower limits on their time than was allowed in the Senate Rules. In the future, I suggest a pretrial conference with the parties and representatives of the Senate (perhaps the Senate's lawyer) after which the Senate sets time limits appropriate to the alleged facts. This impeachment included 20 articles and lasted 2 weeks. Other impeachments are shorter, such as that of S. Dakota Attorney General Ravnsborg which included 2 articles and took one day. Further, I recommend that the time limit set by the Senators can only be altered by majority vote of the Senators. In fact, I would advise that no Rule of the Senate be waived or changed without Senate approval, agreement of the parties notwithstanding.

I also recommend a running master list of admitted exhibits shared with the senators and, in a trial with as much documentary evidence as this one had, exhibits be made available to senators for their *in camera* review as soon as they are admitted into evidence. I realize that no ordinary jury in an ordinary trial is afforded this kind of access before ordinary deliberation. But senators are extraordinarily both judge and jury. As judges with a responsibility for management of the trial, the senators needed this access. As it was, the senators were left in the dark about motions and many of the evidentiary rulings made on their behalf by the Lt. Governor during trial. And, when deliberations began, senators were confronted with more than eight hours of video, 14 binders of documents, and no map to guide them through it. Most of the material had been rattled off as an exhibit number admitted by agreement and never published to the jury due to time constraints. Luckily, many of the senators had taken good enough notes to locate the exhibit numbers related to the most contested questions and some of the senators had developed timelines to be checked against the documents as they were located. In the future,

adequate time to present evidence and technology to securely store and make evidence available in real time to the senators can probably solve this problem.

Third, the integrity of the process is highest when the process is transparent and free of undue influence. The excellent work in advance of the trial by the Special Rules Committee was done behind closed doors and will largely be unknown to future impeachment tribunals and historians. Although the vote to approve them was public, the Senate Rules were drafted, debated and amended in private. The three main issues of debate were 1. Whether and how Senators who were implicated by or witnesses to the allegations would participate (Paxton, Hughes and Campbell); 2. Whether and how the Lt. Governor should preside and, 3. Whether all dispositive motions would remain with the senators to be decided by a simple majority or be decided by the Lt. Governor. To that third issue, although the senators retained in their rules authority over all dispositive motions and the Senators voted on the 16 dispositive pretrial motions in open session, the excellent brief on the pretrial motions written by the Special Rules Committee to the full Senate prior to that vote was only available to senators to view *in camera* and then destroyed. I suggest to future Senate tribunals to at least record closed door deliberations and preserve the documents for the historical record.

Senate administration and the Lt. Governor did well with live-streaming the proceedings and limiting all of the public and most of the media access to the gallery. And, the Lt. Governor did well to place the Senate and the parties under a gag order and to call for a fundraising moratorium during the trial (although the Lt. Governor had already accepted $3M in contributions and loans in late June from a pro-Paxton PAC). The Lt. Governor also admonished senators not to look at social media during the trial and prohibited the use of cell phones on the Senate floor.

Although gag orders, silencing "speech by contribution," and limiting access to and by media seem counter to transparency, it was a necessary although ultimately unsuccessful attempt to curb undue influence. During this impeachment trial senators and supporters were peppered with text messages that appeared coordinated. Former President Donald Trump posted on social media in favor of acquittal the day before closing arguments. Targeted social media posts and texts designed to manipulate outcomes continued into closing arguments and even deliberation. The Republican senators sagged under the weight of political pressure. What had started out as bipartisan deliberation began unraveling late in the afternoon and into Friday evening. By Saturday morning, deliberations had solidified along partisan lines (but for the 2 brave Republicans who would not ignore the overwhelming evidence). I suggest to future Senate Tribunals that a gag order and a fundraising moratorium be voted on by the Senate at the earliest possible date and that enforcement with real teeth be given to a neutral presiding

jurist. And I further suggest an investigation into the sources, content and funding for the social media campaigns in defense of Paxton to better understand whether and how they affected the outcome.

In closing, while history will likely view the outcome in this Impeachment trial as unjust, I hope history will also reveal that, in spite of the tremendous pressure focused on my Republican colleagues, the senators built a good process that was in many respects an improvement on the two prior impeachment trials in Texas. While I hope no future Senate will be called upon to endure another impeachment trial, I hope these notes and the experiences of others will inform an even better process next time.

SENATOR ANGELA S. PAXTON

DISTRICT 8

Over the last three months, many of our political leaders have been confronted with rare and complex questions as the impeachment of the Attorney General was rapidly thrust into the forefront of our public lives. I commend my colleagues in the Senate for their deliberative and careful approach in fulfilling their constitutional duty to try this case of impeachment impartially. Although I was prohibited from voting by the Rules adopted by the Senate, I agree with the final judgment in this case, and it accurately reflects the votes I would have cast on behalf of my constituents in Senate District 8.

This was a rushed and premature impeachment, driven by political disagreement, not hard evidence. The flimsiness of the "record" with which the Senate was presented was made painfully obvious during key moments as the impeachment trial progressed. Unfortunately, the House of Representatives did not develop a record of evidence admissible in court, but relied instead on hearsay and assumptions. No witnesses were put under oath, no one was cross examined, no documentary evidence was included, and House members voted to impeach after only four hours of debate. Rather than conduct an actual investigation, the House collected accusations and shoehorned them into articles of impeachment. I doubt whether this case would ever have made it past an actual grand jury (low as that bar may be), and I am certain it would have been thrown out at the pleading stage in an actual court of law. For these reasons, I would also have voted (along with six of my colleagues who did so) to grant the motions to dismiss this impeachment.

That being said, there is one precedent from the Rules adopted in these proceedings which should give all of us grave concern, given that future courts of impeachment will look to this one for guidance. Specifically, this Court included a rule that disenfranchised almost one million Texans: the constituents of the district I am duly elected to represent, Senate District 8. Rule 31 barred "[a] member of the court who is the spouse of a party" from "vot[ing] on any matter, motion, or question, or participat[ing] in closed sessions or deliberations."

Notwithstanding spousal privileges that apply in civil and criminal proceedings, Rule 31 contradicts the clear constitutional and statutory directives that every senator be present, take an oath to try the case impartially, and vote. Our framers explicitly provided for recusal as to other legislative matters, but did not do so for impeachment proceedings. This was not an oversight; it was by design. Entanglements of political, personal, private, and even familial interests between and among officials of the state's highest offices—including senators—are not just inevitable, but routine and pervasive. That is why our Constitution requires that every senator take an oath of impartiality when the Senate sits

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as a Court of Impeachment. Additionally, recusal is by definition a self-imposed action, and the determination of the appropriateness of any senator's recusal (or lack thereof) is properly left to that senator's constituents, who will make clear their pleasure or displeasure at the ballot box.

The very dangerous precedent here is that for some matter before a future senate, a group of senators might look to this Court for precedent to collectively ban another senator from voting and thereby disenfranchise the Texans represented by that member. This peril cannot be overstated. The circumstances surrounding this impeachment were unusual, to say the least, but it is precisely in those circumstances that future courts should adhere to a strict construction of our Constitution.

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Senate Journal Statement:

A Court of Impeachment is, and will hopefully remain, a rare occurrence in the Texas Senate. However, when a Senator faces this solemn responsibility, I believe it is useful to reflect on historical precedent and to learn from it.

The Court of Impeachment convened to consider the case brought against Attorney General Ken Paxton was often referred to as a "political trial." As the first impeachment of a statewide officeholder in the modern Information Age, this proved to be an accurate description by every definition, though one future Legislatures would be wise to avoid in order that this critical tool for accountability in state governance does not devolve into a mere political weapon the way many would argue it already has at the federal level.

Specifically, records will show that a great deal of money was invested by registered political entities as well as dark money organizations tied to interested parties with a stated goal of applying political pressure on Senators to sway votes, including an organized campaign to dismiss all articles before conducting the trial. Future Legislatures should be cautious that any impeachment proceeding with significant political implications is conducted in a manner which encourages free political speech and communication with constituents, but sets robust transparency requirements and guardrails for paid political advertising overseen with strict enforcement by the Texas Ethics Commission.

As to my own votes, which are found in this Journal, each reflects deep and prayerful consideration of the facts of the case, as well as scriptural guidance. I was obligated to conduct a thorough review of every item submitted into evidence and all relevant law, as referenced in the oath administered to me. Importantly, evidence in this case included thousands of pages of documentation containing critical detail – not only the points discussed in time-limited oral arguments.

As we move forward with the business of governing this great state, my sincere hope is that this proceeding yields lessons learned and spurs us toward a higher standard of ethics and accountability for our public servants, all consideration of politics set aside.

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The Senate of Texas

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Lois W. Kolkhorst

State Senator
District 18

September 19, 2023

To: Lourdes Litchfield

From: Senator Lois Kolkhorst

Re: Statement for the court of impeachment

Please find attached my statement for the Senate Journal regarding the impeachment Trial for Ken Paxton.

Sincerely,

Lois W. Kolkhorst
State Senator District 18

CC Patsy Spaw, Impeachment Clerk

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Senator Kolkhorst Journal Statement

Impeachment Trial of Warren Kenneth Paxton, Jr.

September 20, 2023

For the first time since 1975, the Senate of Texas was convened as a Court of Impeachment in the impeachment trial of Warren Kenneth Paxton, Jr. This was the first impeachment trial of a statewide official in 106 years. Prior trials were held in 1887, 1893, 1917, 1931, and 1975. In those past five trials, final judgement saw three of the accused be acquitted. No matter the claim or charge, the accused in America have been afforded due process and a fair trial and the judicial standard of innocent until proven guilty.

The removal of an elected official from office — to negate the vote of the people — should always be regarded as one of the highest and most difficult actions taken by the Texas Senate.

As for the annals of history, the Texas Senate spent several months preparing this Court of Impeachment. One of the most important points for future Courts of Impeachment to consider is precedent. In the Paxton trial, the Senate based its rules and all pre-trial preparation from the previous Courts of Impeachment. Great amount of detail was considered, even the fact that the 1917 Trial of Governor Ferguson was conducted each Monday through Saturday. The rules based on precedent set forth a fair and impartial trial.

As drafted by the Special Committee on Rules and Procedures for the Court of Impeachment and then approved by a vote of 25-3 [SR 35 (88-1)], the burden of proof was set as "beyond a reasonable doubt." This is the highest standard by which anyone is tried in our court system. It is beyond "reasonable suspicion"; it is beyond "probable cause"; it is beyond "preponderance of evidence"; it is beyond "clear and convincing."

Furthermore, the rules set forth that each Article of Impeachment would require one vote, but within that one vote were posed two questions: Did the evidence prove that he is guilty, and does that guilt reach a level that Warren Kenneth Paxton, Jr. should be removed from office?

On September 5, 2023, the Court of Impeachment for Warren Kenneth Paxton, Jr. convened. The first action of Senators after being sworn in as jurors was to vote on 16 dispositive, pre-trial motions. There were no oral arguments and no deliberation about these motions prior to the vote. I voted in favor to grant those motions. Those votes were predicated on the prior process by which the Articles of Impeachment had been presented and ratified by the Texas House of Representatives, which were delivered to and presented to the Texas Senate on the last day of the 88th Regular Session.

The Texas House, historically and with precedent, has always applied a higher standard to impeachment proceedings than what transpired earlier this year regarding the Paxton impeachment, particularly with regard to transparency of proceedings, presentation of evidence by both parties, and sworn testimony of witnesses.

To delineate between previous trials and the Paxton impeachment, a historical review is imperative. As previously noted, the Texas House had impeached five elected officials prior to Paxton, requiring the Texas Senate to conduct five impeachment trials. In the two trials that led to guilty verdicts, the House procedure was vastly different than in the Paxton affair:

- In the 1917 impeachment of Governor Ferguson, the House formed a Committee of the Whole, allowed evidence to be presented by both parties, and swore witnesses to oath. Governor Ferguson was allowed to attend the hearing and be represented by counsel on the House Floor.

- In the 1975 impeachment of Judge Carrillo, the House conducted over 20 public meetings hosted by a select committee, allowed evidence presentation by both parties, and swore witnesses to oath. The House members were presented over 170 documents and 15 volumes prior to voting. All members were allowed to submit questions during House proceedings.

My pre-trial motion votes were based wholly on concern with the process conducted by the Texas House of Representatives, especially the lack of any sworn testimony. Legitimate concerns were raised in the allegations that perhaps warranted a House investigation. However, the Paxton investigation that was ultimately completed was not conducted in a public setting nor did it include sworn testimony or properly-vetted evidence. Additionally, before voting on the House floor, Representatives were given only 48 hours to prepare. It has long been admired that the value of precedent provides predictability and stability to a process.

Without sworn testimony, witnesses were not tied to an oath or penalty of perjury when providing House information, building a case not on evidence but hearsay. Eventually when the Texas Senate conducted a proper, precedent-following process, we considered testimony under oath from 19 witnesses and hundreds pieces of submitted evidence by both the House Board of Managers and the defense.

As we learned during the trial, the House General Investigating Committee and House Board of Managers were originally provided testimony that later needed to be clarified or corrected once their witnesses were put under oath on the Senate witness stand. During examination, witnesses would correct what they had told House investigators or admit that they had no first hand knowledge. A case built on hearsay is a case with no evidence.

I remain concerned that straying from past precedents of the impeachment process by creating and endorsing a new process based on the House actions against Attorney General Paxton could lead to future weaponization of impeachment, and lead to unjustifiable, serious consequences for political rivals, future elections, and all Texas voters.

Unlike the United States Constitution and federal impeachment process, a Texas impeachment by the Texas House of Representatives can suspend an elected official indefinitely from office. Because of such immediate consequences, the Texas impeachment process should be conducted very somberly, carefully, thoroughly, and purposefully. It should never be rushed.

Throughout the first and second called special sessions earlier this year, and during the interim, my senior staff and I invested countless days and nights researching legal precedent and carefully examining these prior impeachments in past Texas history.

During the Paxton impeachment trial, the Senate heard 45 hours of sworn testimony from witnesses who were examined and cross-examined. This shed significant light on the circumstances of the allegations. I personally took over 150 pages of handwritten notes on legal pads, noting exhibits to further research once deliberations were to begin. Through diligent attention to the facts presented, as a juror, I concluded that of the 16 Articles of Impeachment considered, none rose to the standard of guilty "beyond a reasonable doubt."

Texas history will now record that we have seen six impeachment trials, with two resulting in impeachment and removal from office. The Paxton Impeachment experience should be a stark reminder of the respect we must all hold for the fragile bond between the government and the governed.

I sincerely hope that all elected officials at every level of government learn from this situation and from the sworn testimony shared in the Senate. Precedent matters. Truth matters. And ethics matter as well. This statement nor my votes in no way condone Mr. Paxton's moral challenges, but rather serve as a call to do better and be above reproach. Still, we should cherish the enduring belief that the accused are to remain innocent until proven guilty. And for this impeachment trial, evidence must meet the standard of "beyond a reasonable doubt." Simply put, that burden was not met.

CHARLES PERRY
TEXAS STATE SENATOR
DISTRICT 28

PAXTON IMPEACHMENT – NO WINNERS ONLY LOSERS

The impeachment trial of Warren Kenneth Paxton Jr., only the third impeachment in Texas history, has finally come to an end. I write this with the intent to provide perspective into the impeachment process from a Texas Senator who by the Texas Constitution has the roles of juror and judge. The hope is to give transparency to a non-transparent process due to the rarity in which it is used.

People are familiar with civil, criminal, and military trials. Established rules of evidence, due process, and courtroom administration are outlined, taught, and mandated. The Texas Constitution grants the legislature 100% of the rulemaking for impeachment trials. Therefore, impeachment is a 100% political process. The rules of impeachment grant discretion to the House of Representatives on how to originate, investigate, and refer an impeachment to the Senate for trial, where the Senate gets to develop the rules for the trial. There are no baseline standards to start from. In effect, traditional legal standards do not apply unless the legislature chooses to apply them. That said, the previous two impeachments chose to mirror the criminal justice system. The House violated no rules of investigation or referral to the Senate because they are allowed to design their own process. The Senate adopted trial procedures grounded in the criminal justice system. Not all provisions in a criminal case apply to impeachment, but the most important ones do. Specific to the Ken Paxton trial, the Texas Rules of Evidence, court administration, and standard for the burden of proof "beyond a reasonable doubt" were adopted.

On May 27, 2023, the House referred 20 Articles of Impeachment to the Texas Senate. The Senate is constitutionally required to take up the articles. The articles reflected items that had been in the media for years as well as some newer charges mostly relating to activity that allegedly occurred from 2020-2023. It was the House's responsibility to prove each of the 20 charges beyond a reasonable doubt. The Senate's adopted rules held four of the articles in "abeyance" because the Attorney General is still facing several pending charges related to alleged securities violations from eight years ago. Effectively, the Senate considered 16 of the 20 articles making it 16 mini-trials. Thus, there were 16 votes on the remaining articles, a vote on dismissing the articles held in abeyance, and a possible vote to forbid Ken Paxton from running again for any public office if convicted. In addition, there were 16 pre-trial motions voted on by the jurors. Thus, at the end of the process, we voted 33 times.

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CHARLES PERRY
TEXAS STATE SENATOR
DISTRICT 28

The articles were each to be decided on individually, but those with multiple charges under a single article were not divisible. In other words, an article that contained three charges required all three to be proven or the whole article would require an acquittal. Additionally, the article would need to be correct in its form as well as its subject matter. Jurors were to interpret the article as literally written and not based on what the charge should have said. Technical errors in the articles made some articles void. Therefore, several articles automatically failed.

My role as a juror was to determine two things. First, was the article factually supported, did it happen? Second, if it happened, did it rise to the level of impeachment? In other words, does the crime fit the time? Sixteen different articles went through the two-part test. Every Senator took a deep dive into the information presented to make their decision. The final vote was determined based on every individual Senator's vote, not a consensus vote of the 30 eligible voting Senators. In the final analysis, a majority of the individual Senators determined that the House had not met the high bar needed to remove an elected official from office.

Final thoughts, as a juror I made a decision based on the facts. As a judge, I considered the public impact on a more global level. My Senate colleagues treated this issue with the respect it demanded. Deliberations consisted of exhibit reviews and dialogue amongst members from all political persuasions. Anyone believing the politics of an impeachment can be separated from the process itself is naive. No party will ever remove an elected official from office unless the burden of proof beyond a reasonable doubt is proven by more than circumstantial evidence. The "if there's smoke, there's fire" standard is not a legal standard of proof. This is my honest assessment of the Ken Paxton impeachment process. The House strategy was built around 8 former employees of the Office of the Attorney General. They are by all accounts and even on the witness stand appeared to be good people that had a story to tell. The House did not bridge the gap between their testimony and the evidence. I do believe that Ken Paxton overrode internal policies and procedures that are meant to protect the public as well as the Office of the Attorney General. He was within his rights to do so, but this should serve as a wake-up call to stay within the lines. The conspiracy of personal benefit to the detriment of the public was never tied up with certainty. I have a reason for every article as to why I believe reasonable doubt exists. The last impeachment trial was paused for 30 days in the middle so the defendant could be tried and ultimately convicted by a federal court and then returned to be impeached. This is an example of a "smoking gun" that was missing in the Ken Paxton trial.

CHARLES PERRY
TEXAS STATE SENATOR
DISTRICT 28

There are many questions as to the process. My personal belief is that the unanswered questions created reasonable doubt and may have been answered had more time been devoted to the process before the Senate referral. Reforms to the impeachment process need to be made to protect the integrity of the process.

In the end, EVERYONE LOST- witnesses had to publicly relive their stories, Ken Paxton was involved in one more drama, and the political divide grew wider because half of the population would not be satisfied regardless of the decision.

Sen. Charles Perry
Senate District 28

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Sen. Alvarado's statement for the Senate Journal on the impeachment trial:

I offer this statement in support of my votes on the articles of impeachment against Attorney General Ken Paxton. After carefully reviewing the extensive evidence presented during the trial, impeachment and removal from office were warranted in my judgment and I voted to convict on 15 of the 16 articles. My decision was a solemn one, guided by my unwavering commitment to upholding the principles of accountability, transparency and justice.

After the Texas House of Representatives voted 121-23 to impeach Attorney General Paxton, the members of the Texas Senate took our constitutional duty to conduct a trial with the seriousness and import necessitated by the first impeachment of an official in half a century. In preparation for this historic trial, I – like many of my colleagues – spent many months reviewing the journal proceedings of the *Carrillo* trial, case law and other relevant documents. The members of the Senate's Impeachment Rules Committee in particular are to be commended for their efforts in drafting the rules and their legal analysis of pre-trial motions. They applied historic and legal precedent without bias.

The final rules reflected a broad consensus amongst the members as indicated by their near-unanimous passage. However, this experience has highlighted certain deficiencies. This trial placed significant time constraints on the parties to make their presentations unlike prior impeachment trials. With the sheer number of articles under consideration, it quickly became apparent that the time allotted was insufficient. In addition, future senators should consider appointing an impartial jurist to preside over the trial to ensure consistency in trial rulings as well as providing the senators an option to vote to override the presiding officer's ruling as existed in prior impeachment trials. We should have also appointed a general counsel for the senators as a whole to advise us as questions arose during the trial; the rules permitted it but we did not avail ourselves of this option.

Finally – and perhaps most importantly – we should have had stricter rules to curtail the influence of outside groups. The rules provided for a "gag order" but that order should have been issued as soon as possible after the Texas House proffered the articles of impeachment and included a prohibition on political contributions until the end of the trial. By not doing so, outside groups were able to give millions of dollars in political contributions leading up to the trial and bombarded senators with texts, emails, social media and other communications throughout the trial. Neither would have been allowed with a traditional jury. Ultimately, all of this tainted the deliberations and made a mockery of the impartiality of this process.

Throughout the course of the two week trial, the House Board of Managers and their counsel met their burden of proof with diligence and integrity. They presented a compelling case including thousands of pages of documents and hours of witness testimony. The latter included first-hand accounts from Attorney General Paxton's senior staff including First Assistant AG Jeff Mateer, Deputy First Assistant AG Ryan Bangert, Deputy AG for Criminal Justice Mark Penley, Deputy AG for Legal Counsel Ryan Vassar, Deputy AG for Civil Litigation Darren McCarty, Deputy AG for Policy and Strategic Initiatives Blake Brickman and Director of Law Enforcement

Texas Ranger David Maxwell. I commend these "whistleblowers" for their steadfast commitment to public service and principled stance against corruption – even in the face of enormous professional and personal cost. We heard over and over from these witnesses how Attorney General Paxton used the power of the office and bent the law for the benefit of one individual against the best interests of the public.

I cast my vote in favor of removal because the overwhelming evidence showed beyond a reasonable doubt Attorney General Paxton had committed the acts of corruption alleged in the impeachment articles. Corruption is a grave threat to the rule of law, especially when the state's top law enforcement officer is implicated. It erodes public trust in our institutions and undermines the very foundations of our democracy.

As elected officials, we are entrusted with the responsibility of upholding the highest ethical standards and it is our duty to hold one another accountable when those standards are breached. I believe all of my colleagues agree with these principles and most acknowledged the seriousness and weight of the evidence presented. Nonetheless, outside groups exerted tremendous pressure and swayed the final verdict away from accountability and justice.

Although I am disappointed in the outcome, I remain resolute in my belief in the resilience of our democracy and our commitment to the rule of law. May this process serve as a reminder of the importance of upholding our moral values, protecting the integrity of our democratic institutions and holding those who breach the public trust accountable.

Senate Journal Entry: Statement of Senator Tan Parker on the Acquittal of Attorney General Ken Paxton

When the High Court of Impeachment commenced in the Texas Senate, I cast my first votes in favor of dismissing all articles levied against Attorney General Ken Paxton. My reasoning was rooted deeply in the principles of justice, legal propriety, and the preservation of the democratic norms that govern the great state of Texas.

Historically, previous impeachment proceedings afforded the subject the right to be notified, represented by counsel, and the ability to cross-examine sworn witnesses prior to collecting testimonies. These long-standing established standards resulted in the evidence being meticulously laid out for weeks to assist the House members in their evaluation before casting their votes on the impeachment articles.

This deviation from historic precedent, during the impeachment trial of Attorney General Ken Paxton, was emphasized by Representative John Smithee, a veteran member of the House, during the House's vote on impeachment on May 27, 2023. His compelling oratory on the House Floor underscored the inadequacy of the record being sent to the Senate, highlighting the House's divergence from historical proceedings. His powerful words, likening the House's approach to a prejudiced system of "Hang 'em now and judge them later", served as a potent testimony to the inherent flaws in the process.

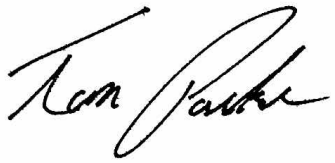
I firmly believe that the process undertaken by the Texas House General Investigating Committee was marred with glaring procedural errors that fundamentally undermined the credibility of the impeachment proceeding. The stark absence of sworn testimony, a requirement unequivocally stipulated in the Texas Government Code, exhibited a clear violation of legal standards that could potentially cast long-standing repercussions on the rule of law upheld in this state, overshadowing any measure of justice. Furthermore, the haste demonstrated by the House in conducting the impeachment procedure followed by the issuance of subpoenas even after referral to the Senate, significantly muddled the integrity of the investigative process.

Given such substantial digression from prior precedent and the rule of law in this state, I could not, in good conscience, endorse an impeachment process that seemed to have sidestepped the established norms of legal scrutiny and procedural propriety; therefore, leading me to vote to dismiss the articles of impeachment.

After the trial proceeded, acting as an impartial juror, it became abundantly clear that the prosecution's case lacked the evidence necessary to meet the burden of proof beyond a reasonable doubt, the standard established in the rules of this proceeding. Despite the gravity of the charges leveled against Attorney General Paxton, the presented testimonies and exhibits fell short of constructing a compelling and irrefutable case. This stark deficiency not only undermined the credibility of the prosecution's stance but also raised significant concerns regarding the hasty push toward a conclusion without proper due diligence and comprehensive analysis. A trial of this magnitude demands robust and incontrovertible evidence to substantiate claims, thereby ensuring justice is served in a manner that is both fair and beyond reproach.

I stand firm in my conviction that the articles of impeachment lacked the substantiated evidence and legal grounding necessary to warrant a conviction beyond reasonable doubt, and my voting record on each charge reflects this.

Undoubtedly, impeachment represents one of the most profound and consequential actions that can be undertaken against a public servant. It is vitally important that such proceedings adhere to the highest standards of fairness, transparency, and justice, where the substantiation of guilt is unequivocal and beyond any reasonable doubt. Our justice system firmly rests on these pillars, and I could not, with a clear conscience, endorse a trial of impeachment nor a verdict derived from inadequate evidence or that was marred by procedural missteps.



The Senate of The State of Texas

SENATE COMMITTEES:

VICE CHAIR
Transportation

MEMBER
Education
Finance
Higher Education, Subcommittee
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Senator Royce West
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President Pro Tempore
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September 20, 2023

Ms. Lourdes Litchfield
Journal Clerk
Texas Senate
1100 Congress Ave.
Austin, Texas

RE: Journal Statement of Sen. Royce West relating to impeachment of Warren Kenneth Paxton, Jr.

Ms. Litchfield:

Please find enclosed my statement for the *Senate Journal* relating to the Paxton impeachment.

Vince Leibowitz will transmit you a digital copy of the statement.

Thank you.

Sincerely,

Royce West
State Senator
District 23

RW: vl

STATEMENT OF STATE SENATOR ROYCE WEST FOR INCLUSION IN THE SENATE JOURNAL RELATING TO THE MATTER OF THE IMPEACHMENT OF WARREN KENNETH PAXTON, JR.

With regard to the impeachment of Attorney General Warren Kenneth Paxton, Jr., it is my opinion that the House Board of Managers proved the majority of the Articles of Impeachment beyond a reasonable doubt. Unfortunately, the majority of Republicans did not agree, and Paxton was acquitted.

Nearly every one of my Republican colleagues who voted not to sustain any of the Articles of Impeachment issued public statements in the hours following the verdict, claiming there was insufficient evidence to convict Attorney General Paxton on any of the articles.

At a press conference following the reading of the verdict, one of Attorney General Paxton's attorneys said the public should view the final result of the High Court of Impeachment as "nothing less than a full vindication," of AG Paxton.

I respectfully disagree with both my colleagues and General Paxton's counsel. There was sufficient evidence to convict general Paxton on the majority of articles, and his counsel's statement is outlandish. The final vote is not a vindication of Attorney General Paxton or his conduct in any way, because the evidence remains in the historical record and will be judged by history.

As a former prosecutor, I have been involved in numerous cases in which persons were convicted of more serious crimes with less documentary evidence than was available to the High Court of Impeachment against Attorney General Paxton.

I do not understand how my colleagues in the majority, who voted against sustaining any Articles of Impeachment came to their conclusions. The majority has, however, set a poor example for future generations of elected officials by exonerating Attorney General Ken Paxton. This exoneration will be viewed by Texans as the Senate approving of this despicable and unbecoming behavior committed by a statewide elected official. As a legislative body, we missed an opportunity to reaffirm our expectations of fitness for office, thus lowering the bar for future generations of elected officials.

I challenge those who carefully study the record of this impeachment to look at both the testimonial and documentary evidence proffered by the House Board of

Managers. I encourage you to do this particularly with regard to Article IX. The evidence concerning Article IX was clear and convincing: it showed that AG Paxton used an Uber account on his cell phone that was linked to the credit card of Nate Paul, and used that Uber account to visit both Nate Paul and Laura Olsen, his mistress.

The documentary evidence submitted to the High Court of Impeachment concerning this Uber account raises even more questions. The exhibits placed in evidence clearly show that Nate Paul used his World Class Holdings email to set up the Uber account for Paxton, and that many of Paul's credit cards were tied to the account. What the documentary evidence does not show, however, is whether or not the credit cards used by Paul to fund AG Paxton's Uber rides were corporate credit cards or personal credit cards. Because the evidence has been redacted to remove that information, we do not know the answer to that key question. Further, we do not know, based upon the evidence, whether Attorney General Paxton's acceptance of Uber rides from Nate Paul, violated campaign finance laws or penal statutes related to gifts to a public servant.

If the credit cards were corporate credit cards, it raises the important issue of whether or not the Attorney General also took an improper corporate contribution from Nate Paul and World Class Holdings or another Paul-affiliated entity. If the credit cards Nate Paul used to fund the Uber rides were personal credit cards, then the question occurs whether or not Attorney General Paxton accepted individual contributions, which he should have reported to the Texas Ethics Commission.

If the Uber rides would not count as a contribution, they could count as a gift. An examination of Sec. 36.10 of the Texas Penal Code appears to show that, if the Uber rides were gifts, they would not fall under the exceptions to the statute where gifts to public servants are allowed.

No matter how the law ultimately considers the Uber rides—as contributions or gifts—there remain unanswered ethical questions surrounding the Attorney General's conduct which this impeachment did not wash away. Texans deserve answers to these questions.

Although Article IX was proved beyond *all* reasonable doubt, other articles were certainly proven beyond a reasonable doubt. I encourage those interested in getting to the truth to carefully read the testimony of the CEO of Amplify Credit Union, who testified that the so-called, "Midnight Opinion," did, in fact, stop the foreclosure of one of Nate Paul's properties owned by World Class Holdings, proving Article III.

I encourage you to read the testimony of longtime Texas Ranger David Maxwell, who served as Attorney General Ken Paxton's Director of Criminal Law Enforcement, and noted in his testimony, "I told him that Nate Paul was a criminal, he was running a Ponzi scheme that would rival Billy 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." Articles I and II were also proved beyond a reasonable doubt.

Article XVII, relating to misappropriation of public resources, was also proven beyond a reasonable doubt. Read carefully the testimony of former Deputy Attorney General for Criminal Justice Mark Penley, who testified, "[a]s the Attorney General's conduct ramped up to become more and more unreasonable and illogical and crazy, all I can think about in my mind is, he's pressuring me but I don't have one iota of evidence of any wrongdoing by the people that Nate Paul is claiming did something wrong."

Attorney General Ken Paxton, knowing there was no evidence to support that Nate Paul was a victim of a ~~conspiracy of~~ state and federal law enforcement conspiracy, nevertheless continued to urge investigation of these matters—and expending state resources through the Office of Attorney General—to support Nate Paul.

Carefully read the testimony of Katherine Minter "Missy" Carey, the Attorney General's former chief of staff, who testified that she told General Paxton that his ongoing affair with Laura Olsen was impacting his staff, including his travel aide and security detail, because he was conducting the affair on state time and with state resources. Carey testified that she told the Attorney General about legal and "ethical implications of a secret affair," as well as that it could "open one up to bribery and misuse of office," allegations.

Article V, related to disregard of official duty in the engagement of attorney Brandon Cammack, who was hired by Paxton to conduct the investigation into search warrants served on Nate Paul's residence and businesses, was also proven beyond a reasonable doubt. Note that Cammack testified that Attorney General Ken Paxton was *the only person* directing his efforts, and that Paxton knew Cammack was coordinating his efforts with Nate Paul's personal attorney with regard to who was subpoenaed. Paxton also knew that the grand jury subpoena process was what Cammack was going to use to conduct his investigation. Consider, too, how Attorney General Paxton attempted to paper over this episode with lies.

Documentary evidence played during the trial showed a Senate Finance Committee meeting from January 2021, in which Paxton refused to answer questions about

Cammack, but instead had his deputy, Brent Webster, answer those questions. Webster then lied to the Senate Finance Committee by telling Senator Joan Huffman that Travis County made Brandan Cammack a "special prosecutor."

Follow the evidence, both testimonial and documentary, and it will lead you down a trail of corrupt, unethical behavior, and a documented record of actions which prove the vast majority of the Articles of Impeachment brought against Ken Paxton. Follow the evidence and it will become abundantly clear that Ken Paxton harnessed the resources of the Office of Attorney General to benefit one person: Nate Paul.

Future historians studying this impeachment will note discussion in media coverage of "outside influences," attempting to influence the votes of Senators, particularly my Republican colleagues. I am also on the record in the media mentioning the existence of outside influences.

For the historical record, I would like to expound on these outside influences for a moment, as I believe it is important for future Texans to understand what outside forces did to attempt to influence Senators' votes. Following my return home after the final vote, I undertook research to determine what, if any, outside influences had attempted to influence my colleagues' votes. I was utterly shocked to learn that political action committees had run television ads into some of my colleagues' districts asking their constituents to call their senators and urge them to stand against the impeachment.

I further learned that outside groups engaged in text messaging campaigns, sending text messages to the cellular telephones of constituents of my colleagues, demanding their constituents call their offices to register their opposition to the impeachment. I learned right-wing, radio host Alex Jones conducted a rally at 11th and Congress, just outside the Capitol during the impeachment proceedings. I believe it is important for future historians and members of the public to read this information in the historical record and understand that millions of dollars in outside money was spent in an attempt to influence the impeachment proceedings.

My office alone received several hundred telephone calls and emails concerning the impeachment from every senate district in Texas and at least 20 states. I understand some of my colleagues' offices received as many as 2,000 telephone calls in one day during the final days of the High Court of Impeachment as a result of outside influences attempting to move the public to contact Senate offices.

The reality of the outside influences surrounding the High Court of Impeachment is this: political action committees, radio hosts, podcast hosts, and political activists on the far-right attempted to mis-inform Texans concerning this proceeding. These outside influences attempted to persuade the public into believing that the so-called "Prior-Term Doctrine," applied to Ken Paxton. Outside influences sought to convince the public into believing this impeachment was a so-called "Deep State Conspiracy," involving the Bush family, Texans for Lawsuit Reform, and more. Outside influences worked furiously to make the public believe there was insufficient evidence to sustain a conviction of Ken Paxton.

In my 30 years in the Texas Senate, I have never seen anything quite like what occurred surrounding this impeachment. While it is common for third parties to attempt to influence the legislative process, including occasionally using television ads to do so, what occurred with regard to attempts to influence this impeachment by third-party groups was in my opinion, disconcerting and unprecedented in Texas history.

Future Texans and historians who study this High Court of Impeachment must look carefully at the totality of circumstances surrounding the impeachment, the documentary and testimonial evidence, and the conduct of the impeached himself before coming to their own conclusions about this dark episode in Texas history.

I do not believe history will judge the Texas Senate kindly regarding the vote of the majority to acquit Attorney General Ken Paxton. For historical purposes, everything I have placed in the journal concerning this most unfortunate historical event, I affirm under oath taken using the Sam Houston Bible!

SENATOR PAUL BETTENCOURT
DISTRICT 7

September 20, 2023

Statement from Senator Paul Bettencourt for the Senate Journal of the Impeachment Trial

Impeachment is the penultimate act of how to resolve political discourse in American Democracy and Texas, per our State Constitution. It is essential that any such impeachment begins with the foundation of evidence that the jurors, the Texas Senate, can use to make a decision beyond a reasonable doubt to remove any elected official after a vote of the public in an election.

The impeachment of Warren Kenneth Paxton Jr., Texas Attorney General, began when the Office of Attorney General sought the payment of $3,300,000 for litigation settlement regarding the termination of whistle-blowers in the Office of the Attorney General. Immediately, the House Investigations Committee began a secret investigation wherein they hired investigators to interview witnesses instead of the Committee listening to the testimony of witnesses. The investigators did not take sworn testimony.

On May 24, 2023, the investigators presented their findings to the Committee during a 4-hour hearing. Attorney General Paxton was not allowed to bring any evidence or have his attorney cross-examine the investigators or witnesses. The transcript of the 4-hour hearing was provided to the rest of the House with a 48-hour notice before being brought to the House floor for a vote. Most of the House members were unaware of the investigation or the proposed articles of impeachment before the 48-hour notice.

On May 27, 2023, House members heard only from proponents and opponents of the resolution for articles of impeachment. The debate period was limited to only four hours. The House voted on articles of impeachment after less than four hours of discussion in the chamber on the last weekend of the 88th Legislative Session.

The Texas House spent less than 10 hours listening to reports from unsworn witnesses and discussing the merits of the articles before voting on the articles of impeachment. In contrast, the members of the Texas Senate spent over 700 days of members' time developing rules, preparing for trial, listening to evidence, deliberating, and casting their votes on Saturday September 16, 2023.

The Texas Senate took this matter very seriously, recognizing that impeachment should only be used in extreme cases with the goal of protecting the State. Impeachment should be implemented only for offenses that require immediate action to protect the public and/or state before the next election opportunity. The Senate Rules Committee developed comprehensive rules for the impeachment trial. Timelines and deadlines were created and coordinated with the legal teams for both the House Board of Managers and General Paxton, giving each party equal consideration. The public was apprised of the activities, timing, and accessibility to the process.

All but one of the articles involved issues that occurred before the Attorney General's most recent election. All of the issues were public knowledge and documented in the Attorney General's records, court documents, and/or the media. With this knowledge, 4.2 million voters in the state of Texas voted for the Attorney General in the November election. As such, I voted "yay" for defendant Paxton's motion to dismiss impeachment articles under the Forgiveness Doctrine in Government Code Section 665.081 before the trial began.

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By a minimum of 16 votes against impeachment on 16 articles, Warren Kenneth Paxton Jr. was returned to the Attorney General's Office, the job the voters of the great state of Texas elected him to perform. To impeach, at least 21 out of 30 Senators would have to vote for impeachment on any one article. Therefore, due to the standard of beyond a reasonable doubt I voted "nay" on articles I-X, XV-XX, and "yay" on the motion by Chairman Brian Birdwell who moved to dismiss the final four articles of impeachment held in abeyance. The vote was 19-11 to dismiss the final four articles XI-XIV in abeyance.

I agree with Lt. Governor Dan Patrick that the Texas Constitution should be amended to prevent the Texas House from conducting future impeachment hearings without having sworn testimony and cross-examination by the defendant. Without this change, the Senate cannot prevent the House in the future from generating an incomplete and unsworn witness record to support articles of impeachment. At a minimum, the House members should be required to hear directly from witnesses regarding the issues of the articles of impeachment, all witnesses testifying on issues of impeachment should be sworn in before testimony, the accused official should be invited to all hearings, allowed to cross-examine any witness and present evidence, and the public should be invited to all hearings where evidence is being presented.

Paul Bettencourt

Paul Bettencourt
Texas State Senator, District 7

The 2023 attempt to impeach Attorney General Warren Kenneth Paxton was doomed from the start for multiple reasons; not the least of which was the failure of the House to follow the well-established and time-tested principle of "due process." Specifically;

1. Investigation goal: instead of seeking TRUTH and JUSTICE they sought IMPEACHMENT.
2. No testimony was required or allowed to be given under oath.
3. No cross exam was allowed for any witness.
4. Second, third and fourth hand hearsay was accepted without question.
5. No House member was allowed to hear direct testimony.
6. Full house required to vote after hearing only hearsay summaries by House Managers.

Had the House simple required all testimony be given under oath as required by law and witnesses allowed to be cross examined by the defense the House would most likely have reached the same conclusion as the Senate because they would have seen that there was insufficient evidence to convict on "probable Cause" much less "beyond a reasonable doubt".

Clearly, the House goal was IMPEACHMENT. Their goal should have been TRUTH and JUSTICE. Thus, the House failed in their job of requiring EVIDENCE to guide them to the right goal. After reviewing thousands of pages of documents and over 40 hours of testimony, it is clear that the prosecution could not produce any meaningful evident worthy of an impeachment conviction.

The failure to cross examine under oath, led the House to rely on half truths, misleading information, and hearsay. Even if the House had been interested in seeking TRUTH and JUSTICE, they would not have been able to do so.

As in the words of Representative John Smithee when he spoke in opposition to the impeachment motion in the House, "You've heard this compared to a grand jury proceeding, and in some ways it's like a grand jury proceeding, and in other ways it is not. But I can tell you this, no grand jury can legitimately indict any individual or any potential criminal defendant without evidence. You can't indict without evidence, PERIOD. What you're being asked to do today is to impeach without evidence. It is all rumor, it is all innuendo, it is all speculation, and is all things we may speculate to be true, but we don't have what is defined or what qualifies as evidence in any court at law, not only in Texas, not only in the United States, but in most developed countries in the world. I would just say this—if I'm ever going to be part of any impeachment proceeding that actually results in the impeachment of an officer, I don't want it to look like a Saturday mob out for an afternoon lynching. I want it to look like a clear, deliberative, somber, and sober exercise in the quasi-judicial function that the Constitution gives us the right to engage in."

The trial in the Senate proved Representatives John Smithee, Brian Harrison, Matt Schaffer, Tony Tenderholt and the others who spoke against the motion in the House to be absolutely right in what they said and did by voting against the motion.

The House sent the Senate what was later stipulated in closing, as a "personal" proceeding, drawing distinction from one being either civil or criminal. This was one of the obvious reasons why the House time and time again was unable to present any meaningful evidence on any single article that was beyond a reasonable doubt.

The "impeachment" by the House Managers was thrust upon the House body with only a 48-hour notice and without statutorily required hearing or evidentiary support, sworn statements, for example. Additionally, the impeachment articles were advanced to the House members with emphasis that did not honor the presumption of innocence nor fundamental constitutional protections.

The ensuing trial unraveled for the House because the prosecution relied upon a standard: "what else could it be, nothing else makes sense", instead of dutifully following Texas jurisprudence, statutes and the Constitution. In the end, the trial illuminated Proverbs 18:17, "He who speaks first seems right until another comes to examine him."

Texans deserve better. As our Lt Governor, Dan Patrick said, we must have legislation to prevent the continuation of the perversion of DUE PROCESS when behavior by an elected official is THOUGHT or SUSPECTED to be a cause for removal from office. Hearsay is not meaningful evidence.

The shortcut the House took by bypassing due process led them down the wrong path to a trial where the scarcity of evidence left the Senate unable to get "beyond a reasonable doubt." THIS must never happen again.

Journal Statement by Senator Bob Hall

Bob Hall

The following is Senator Judith Zaffirini's statement to be included in the *Texas Senate Journal* for Saturday, September 16, 2023:

As a member of the Court of Impeachment that acquitted Texas Attorney General Ken Paxton, I devoted countless days and nights to reviewing boxes of materials submitted to us by the prosecution and by the defense. Coupled with the testimony of witnesses and the exhibits admitted into evidence during the trial, they offered dramatically different perspectives about the decisions we faced.

Having served with Attorney General Paxton in the Senate, where I now serve with his wife, Senator Angela Paxton, and having considered him a friend for ten years, I'm confident I would not have been allowed to serve on a jury in a court of law. This friendship made my decisions more difficult, but I determined I could be objective and fair. Because I am a Democrat and he is a Republican, whenever I evaluated evidence or determined how to vote, I asked myself, "If he were a Democrat, would I vote differently?"

Sadly, after closing arguments I voted to sustain fourteen of the sixteen Articles of Impeachment and to deny the other two. My rationale follows: Although I believe the prosecution proved most of Article IV, I voted "Nay" because I did not believe he improperly accessed agency information. As CEO he had the right to access any file. That he used it improperly was another matter….

Article VIII alleged he used the lawsuit settlement process to delay discovery. Although I'm confident he did, I also believe such an action is lawful and, in fact, a legal tool employed daily by attorneys throughout our state. Accordingly, I voted "Nay."

As difficult as it was to vote to sustain the other articles, I did so because we swore to render a true verdict according to the law and the evidence. To vote to acquit my friend would have been a violation of that oath.

Given the extensive debate and conflicting viewpoints about the rules, processes, procedures, rulings, and other actions related to this impeachment, I believe strongly that legislators should collaborate in sharing lessons learned while making

and suggesting improvements for any future trials. My suggestions include the following:

***Appoint an Impeachment Integrity Committee.** A bipartisan, bicameral committee should review the Texas Constitution, statutes, rules, records, lessons learned, and suggestions for improvement related to the Attorney General's impeachment and to other such trials. Its charge should include recommending legislative changes and serving as an oversight committee should another impeachment occur. This independent oversight should help establish standards of fairness; reduce bicameral disagreements, political bias, and outside influence as much as possible; and ensure all parties believe the process adheres strictly to appropriate legal and ethical standards.

***Differentiate Impeachment Trials.** Define in the Texas Constitution or in statute that an impeachment trial differs from criminal and civil trials and has different standards and procedures. This will address the debate, for example, regarding whether defendants and/or witnesses would be allowed to plead the Fifth Amendment and whether the "preponderance of evidence" or "beyond all reasonable doubt" should be the appropriate standard for determining grounds for impeachment.

***Resolve Questions Related to Conflicts of Interest and Possible Recusals and Disqualifications of Participants.** Every precaution should be taken to ensure a fair and impartial process. This could include establishing grounds for recusing and disqualifying participants who clearly are biased in favor of or in opposition to the accused.

***Clarify Standards of Evidence.** Standards of evidence and types of impeachable offenses should be clarified and defined. This would reduce ambiguity and the potential for political maneuvering.

***Enhance Transparency.** While it's crucial to protect and perhaps redact sensitive information, all proceedings, admitted evidence, and deliberations should be made

available for public review in real time. This would foster trust and help keep the public informed and involved.

***Facilitate Preparation.** Develop educational materials related to definitions, processes, standards, etc., that would impact participants and empower them to be better prepared to do a better job more efficiently. This would preclude wasting trial time to define terms such as "invoke the rule" and to debate comparisons between an impeachment and criminal and civil trials.

***Develop Educational Outreach.** It is imperative that our citizens understand the gravity and intricacies of impeachment. An educational campaign spearheaded by non-partisan groups could help inform the public about impeachment and why it is a vital part of our democratic system of checks and balances.

Our Constitution equipped us with the tools to hold elected leaders accountable, but our duty is to refine them for the 21st Century. As our state evolves, so must our institutions. I hope my colleagues and I will unite in a bipartisan effort to strengthen and improve the impeachment process, ensuring it serves as a beacon of justice and democracy.

Judith Zaffirini

DONNA CAMPBELL, M.D.
TEXAS STATE SENATOR
DISTRICT 25

September 20, 2023

Impeachment Journal Entry

This writing reflects my considerations under oath regarding the Articles of Impeachment, for Attorney General Warren Kenneth Paxton Jr.

Following the Senate's receipt of the Articles of Impeachment for the Attorney General, an impartial and unbiased Senate Impeachment Rules Committee was established. The work product of the committee served as a framework for the impeachment trial. All senators were placed under a gag order limiting discussions, about the trial, to and amongst the senators. September the 5th, 2023, onset of the trial, the Presiding Judge, Lt. Governor Dan Patrick, gave instructions to the senators, now acting as jurors. We were instructed to ignore the circumstances surrounding what led up to and how the articles of impeachment were drawn up. There was to be no engagement in outside conversations that could influence our decision to convict or acquit in the trial. Decisions regarding the outcome were to be based solely on information presented in court. No evidence outside the court hearing could be considered. The public was given the opportunity to view the trial from the gallery or via the Internet with real time streaming.

Under oath, I listened with understanding. I determined whether each article was upheld or failed. In addition, should an article fail, the decision had to be made if it rose to the level of removing the AG from office. ***I voted to acquit on every article.*** My decision was free of any outside influences, including threats to have a primary opponent, have financial support withdrawn, or verbal insults. My votes were not biased by the Lieutenant Governor or any Senators; and my votes were not based on previous friendships. None of my votes were based on technicalities. There was no need for a demonstration of courage and thus no cowardice. The Senate is not responsible for fact finding. We are jurors listening to presentations by the prosecution and defense. I did come to the trial with the predicate that we all have ***the right to innocence until proven guilty.***

An impeachment trial is a political trial, not a civil or criminal trial. This was not a trial which required just a preponderance of evidence (to prove something is more likely than not). It is not a trial that can be played out in the court of public opinion. We don't convict on public opinion; a conviction or acquittal must be based only on actual evidence submitted at the trial. The impeachment trial demands a heavier burden for the prosecution to meet; they must present evidence on each article, ***"beyond a reasonable doubt"*** to convict. Looking at the evidence there was reasonable doubt. The prosecution relied on "Good Faith" testimony, which means, what the witness believes occurred. There were opinions disguised as facts and the door was left open to speculation and assumptions. The burden of proof rested squarely on the prosecution, but they failed to prove any article ***"beyond a reasonable doubt".***

Proverbs 18: 17 says "The first to present his case seems right, till another comes forward to question him." This was a historical event and I'm glad the right of ***innocent until proven guilty*** prevailed.

Donna Campbell

Senator Donna Campbell, M.D.
Senate District 25

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Journal Statement on the September 2023 Senate Trial on the Impeachment of Texas Attorney General Warren Kenneth Paxton, Jr.

Historically, the bar for impeachment of an elected official in Texas has been extraordinarily high, in large part to guard against its weaponization by political opponents. The "beyond a reasonable doubt" standard adopted by the Senate Select Committee on Rules and Procedures for the Court of Impeachment in this recent proceeding against Attorney General Warren Kenneth Paxton, Jr. is the same that was used by the Texas Senate in both impeachment proceedings that successfully removed Governor James Edward Ferguson in 1917 and District Judge O.P. Carrillo in 1976. Indeed, it is the same standard with which we commit criminal offenders to life in prison, or even death, in the State of Texas. The standard is just as high in impeachment proceedings because the effect of removing a duly elected official is of great consequence on our constitutional system.

As there is little historical precedent to guide the Legislature in this unusual circumstance, I wish to place a few comments in this journal to help guide future Legislatures in their inquiries regarding impeachment to ensure that a fair trial is conducted and that taxpayer dollars are not wasted during such proceedings. I take mostly from the Carrillo proceedings, as they were very well documented, and compare mostly to the Paxton proceedings from which we have just concluded in recent days.

One consideration I would offer to future House committees dedicated to initiating impeachment proceedings is that initial investigations should be conducted not with the purpose of determining guilt or innocence, but rather to decide if sufficient evidence exists to justify furthering the impeachment inquiry. In the Carrillo proceeding, the House created a special select committee to conduct its initial inquiries. In contrast, the standing House Committee on General Investigating conducted the initial inquiries in the Paxton proceeding. Future legislators wishing to commence impeachment proceedings should consider that the composition of select committees specifically dedicated to investigating one individual could easily be manipulated to disfavor the individual being investigated. This is much less likely in the case of the standing Committee on General Investigating, in which it is commonplace for its members to initiate inquiries into public corruption and a whole host of other matters.

Another issue to consider is the public or private nature of these proceedings. In both the Ferguson and Carrillo proceedings, the House conducted its meetings in public, whereas in the Paxton proceeding, committee meetings were conducted mostly in executive session. Presumably, the purpose of holding meetings in executive session and outside of the public eye is, in large part, to protect the reputation of the accused. Accordingly, future House investigatory meetings should continue to be conducted in executive session, as the House did during the Paxton proceeding. The secret nature of these hearings, however, should be paired with other protections for the accused, some of which are described below.

Unlike the Paxton proceeding, in which the House committee appears to have held only two relatively short meetings in executive session before holding one public hearing over the course of four hours, taking testimony from the five attorneys who had been tasked by the committee to investigate the allegations related to the Attorney General, the House committee in the Carrillo proceedings were considerably more extensive. Like the Paxton proceeding, the Carrillo investigation was announced publicly shortly before the end of the 1975 Legislative Session. When

the members of the committee realized that they would be unable to fulfill their legislative duties while simultaneously giving the investigation the due diligence it required, the House passed a resolution that allowed the committee to continue its work post *sine die*.

The committee resumed its work the day immediately following *sine die* and subsequently held twenty-one meetings over the course of a month and a half, consisting of over ninety hours of meeting time—seventy of which were dedicated to taking testimony from thirty-two witnesses with both direct and indirect knowledge of the accusations. The committee compiled fifteen volumes of testimony and 170 documents that were offered into evidence for the committee to study when considering whether to issue articles of impeachment to the full House. The process was extensive and should serve as a model.

Also unlike the Paxton proceeding, the House committee in the Carrillo proceeding seemingly made every effort to accommodate the accused. The committee explicitly allowed the opportunity for Judge Carrillo to be heard and fully informed of the accusations made against him. He was also permitted to be present with legal counsel for the entirety of the proceedings. In fact, the first official act of the committee was to send a telegram to Judge Carrillo informing him that he was invited to participate with an attorney present and to provide any evidence bearing on the inquiry.

Judge Carrillo's counsel was allowed limited cross examination of witnesses, where appropriate, and was also allowed to submit written questions to the chair when deemed pertinent. Carrillo was permitted to offer numerous exhibits throughout the proceedings—all of which were recorded in the fifteen-volume compilation of testimony previously mentioned—and was even permitted to request subpoenas be issued for numerous witnesses on his behalf. None of these opportunities for appearance or participation were afforded to Attorney General Paxton in the recent House proceedings, but doing so may have helped to alleviate concerns that the recent proceedings were rushed and political in nature. Affording the accused the opportunity to appear may have also resolved any concerns related to hearsay evidence being proffered as fact to the full House.

After the Carrillo committee concluded its proceedings on July 16, 1975, it issued a lengthy 101-page report to the full House indicating its findings for justification in moving forward with impeachment. In contrast, the Paxton committee sent to the full House a 158-page transcript of the four-hour hearing it conducted, in addition to a three-page memo pushing back on arguments publicly made by General Paxton. Instead of a simple transcript, future House committees should consider compiling a summarization of its proceedings as did the Carrillo committee, with brief justifications added to each article of impeachment it sends to the full House so that members can consider the weight of justifications attached to each article.

As for the articles of impeachment themselves, it is notable that the articles proffered in the Ferguson proceedings were much more extensive than those in the Carrillo or Paxton proceedings. There is a danger in doing this, however, as including more information in the articles allows the possibility that a factual error may be included, potentially throwing the whole article into question. As previously noted, the Carrillo articles were paired with a lengthy report expanding on each one. Future House committees should thus consider expanding on the articles in more detail in a separate report to the full House, in the same way as was done in the Carrillo proceeding, to address initial questions at the outset of the process.

Lastly, the Senate Rules committee appears to have predominately relied on the rules used in the Carrillo trial. These rules have worked over time to both convict and acquit Texas officials—demonstrating their fairness—and thus, future Senators would do well to rely on both the Carrillo and Paxton proceeding's rules to craft their own guidelines for the Senate Court of Impeachment.

SEN. KEVIN SPARKS
SENATE DISTRICT 31

BRANDON CREIGHTON

STATE SENATOR
DISTRICT 4

Date: September 21, 2023

To: Lourdes Litchfield
Journal Clerk, Texas Senate

From: Senator Brandon Creighton

RE: 2023 Impeachment trial of Attorney General Ken Paxton

To have an official record in the Texas Senate journal that can serve as a reference for upcoming legislative sessions:

Having fulfilled my duty as a juror in the 2023 impeachment trial of Attorney General Ken Paxton, I wish to ensure that the Senate journal accurately reflects my apprehensions regarding this process. My intention is for it to stand as a source of guidance for future legislators, ensuring the unwavering adherence to the highest standards of justice, due process, and procedural fairness.

Article I, Section 19 of the Texas Constitution explicitly underscores the right to due process for all individuals, emphasizing the necessity of upholding these principles in any impeachment proceeding, whether in the coming year or the distant future.

These crucial factors underscore the paramount importance of these principles:

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Respect for Precedent: The actions we take today will cast a lasting influence on the legislators of tomorrow. I firmly believe that the constitutional framework and procedural standards established in previous impeachments, such as the 1917 impeachment of Governor Ferguson and the 1975 impeachment of Judge Carrillo, allowed for sufficient transparency, thoughtful deliberation, due process, legal representation for the accused, cross-examination, adherence to evidentiary standards, and testimony under oath.

Transparent Proceedings: All forthcoming impeachment proceedings should be mandated to ensure full transparency, accountability, and the meticulous application of the law, following the correct precedent demonstrated in the impeachment trials of Governor Ferguson and Judge Carillo. Both investigations and trials ensured that witness testimony was under oath, and there were guardrails to prevent swift judgment without deliberation. Both the citizens of Texas and the accused individual must have access to information to safeguard the integrity of the process, uphold public trust and avoid reliance on mere speculation or hearsay.

Due Process and Immediate Consequences: We must reevaluate the provisions in Article XV, Section 7 of the Texas Constitution, which govern the removal of officers, including the Attorney General. This constitutional provision stipulates that an impeached official shall be suspended from office during the impeachment proceedings. The 2023 impeachment of Attorney General Paxton raises concerns that the required suspension does not provide for due process or a comprehensive adjudication of guilt or innocence. If we wish to maintain the principle that an individual is considered innocent until proven guilty, this provision should be revised.

I offer this guidance with the intention of benefiting future generations of Texas lawmakers.

Brandon Creighton

Brandon Creighton

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NATHAN JOHNSON
State Senator • District 16

September 20, 2023

Senator Nathan Johnson's Senate Journal Statement on the Impeachment Trial

The evidence at trial showed beyond any reasonable doubt that Attorney General Ken Paxton ran the state Office of the Attorney General exactly as described by a witness who was called – ironically – on Paxton's behalf: as Paxton's own law firm to use as he wishes. I do not share that view of the office. Nor, presumably, do any of my colleagues. Yet only 14 senators voted to convict. Those senators found proof of abuse of power with respect to between 14 and 16 of the sixteen Articles of Impeachment that were tried. Sixteen senators refused to convict on any Article. This result raises questions about what boundaries remain on the private use of public powers.

Do my colleagues not find the rank abuse of office, demonstrated plainly and clearly and compellingly at trial by brave and credible witnesses and documentation, worthy of impeachment? That in and of itself is a deeply troubling question.

Many contend that their vote to acquit turns on the persistence of a "reasonable doubt" about the alleged actions. I find this to be a convenient escape from a difficult political vote. Proving a matter beyond a reasonable doubt does not mean proving the matter beyond an unreasonable doubt. It does not mean negating the most improbably imagined possibility of an alternative explanation of the facts. Once the prosecution presents evidence that leads to one and only one rational conclusion, the burden shifts to the defendant to present evidence that calls into question some fact that is material to the essential allegation – not to prove anything, but to raise a reasonable doubt.

Perhaps with respect to certain individual Articles rational consideration of the evidence may yield opposite but reasonable conclusions – acquittal or conviction. I myself found that the defense raised material and reasonable doubt with respect to two Articles. What will likely vex us all over time, however, is the seeming refusal by many of my esteemed colleagues to consider the cumulative import of the entire sequence of proven actions over the course of 2020, as required by Articles XVII-XX.

A few notes regarding procedure and process.

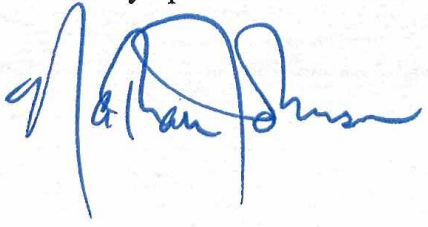
"What they did in the House…" doesn't matter. The Senate's constitutional obligation to try the case on the evidence and only on the evidence is not contingent upon a Senator's conclusions about the propriety of the impeachment proceedings in the House of Representatives. The Texas Constitution vests the sole power of impeachment in the House, and the Senate has neither the obligation nor the prerogative to adjudge the exercise of that power (Texas Constitution, Article

XV; Tex. Gov. Code § 665.021). For a senator to approach the impeachment trial with any regard to House proceedings is, therefore, both an arrogation of power and an abdication of responsibility.

Motions to dismiss … aren't really a thing in an impeachment trial. The Texas constitution's delegation of power and responsibility among the House and Senate should be understood, also, to render unconstitutional and improper any pre-trial motion to dismiss – the Senate shall try the case, not throw it out before trial. Likewise, the Senate had no constitutional power to dismiss the Articles that had been held in abeyance under the Senate's Rules of Impeachment.

On the more practical side, impeachment trials would garner greater public trust and proceed with greater fairness with the following departures from what was done in this trial:

- The presiding officer of the trial should not be an elected official. Even the most impartial presiding officer will be perceived as biased if they hold a partisan elected office at the time of trial. Public trust would best be served by placing in that role an experienced, demonstrably unbiased former judge.
- All court rulings on the admission and exclusion of evidence should be conducted in the presence of the members of the court.
- Cross-examination should be limited to the scope of direct. Future courts should also consider limiting time for cross-examination to not more than 50% of the duration of the direct examination of each witness. This may prevent either party from trying their case through the unchecked advantage of leading, bullying, and argumentative questions, a tactic much indulged during this trial.
- An alleged co-conspirator who is not a party to the impeachment trial should be required to testify if called, but may of course invoke the Fifth Amendment right against self-incrimination.
- An order precluding comments on the merits of the articles of impeachment or of the impeachment process should issue automatically upon preference of the articles of impeachment by the House.
- A continually updated master list of admitted exhibits should be shared with the members of the court in real time, and made available in electronic form and *in camera* review immediately upon admission in evidence.



SENATE COMMITTEES:

Finance, Chair
Redistricting, Chair
Criminal Justice

The Senate of The State of Texas

Senator Joan Huffman

The impeachment trial of Warren Kenneth Paxton, Jr., has concluded, and I share my thoughts in the Senate Journal on the impeachment process and trial. I have spent the last three months researching the impeachment procedures of the Texas and United States Constitutions and relevant caselaw. I have also sifted through thousands of pages of archaic Texas Senate precedent covering all five prior impeachment trials conducted in this State under our current Constitution. Through my research, I found the statements of former senators to be helpful and enlightening.

As many have said, an impeachment trial is neither criminal nor civil, but inherently political. As a former prosecutor and criminal district court judge who has participated in hundreds of trials, I now know that to be true having gone through this process. I believe that the rules enacted by the senators have proven to be critical in maintaining structure and a certain steadiness throughout the process. I would recommend that future senators enact rules that have broad support and maintain a dedicated commitment to following them.

In regard to the impeachment trial of Warren Kenneth Paxton, Jr., I believe that the Texas Constitution and legal precedents gave the House of Representatives sole control over its own procedures to investigate impeachable conduct. The interest of the State and the due process of the officeholder could have been better protected if the House of Representatives would have followed its own precedent and conducted a thorough and transparent review of the accusations.

Under the Texas Constitution, each senator's duty was to render an impartial verdict based solely on evidence presented at trial. The rules adopted by the senators provided for a two-step process before conviction. First, each Article must be proved beyond a reasonable doubt; and second, the allegations proven in each Article must be conduct that justified the removal of Warren Kenneth Paxton, Jr., from office. This was and always should be an extremely high burden to meet, as the consequence is to reverse a duly certified election by the people of the State of Texas. Deciding whether to exercise such a power was a heavy responsibility felt keenly by all senators. My vote not to convict on any of the Articles of Impeachment reflects my view of the evidence presented at trial in light of the momentous power with which I have been entrusted to reverse the will of the voters.

Sincerely,

Joan Huffman