

HARVEY KRONBERG'S QUORUM REPORT

TEXAS POLITICS REPORTING SINCE 1981

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HK: Statute says Senate should set future Paxton trial date by *sine die*; hard to see a path for Paxton

Why Speaker Phelan was able to hold his Republicans despite direct threats from Trump; Paxton Impeding an FBI investigation adds another level of angst to the Senate while the House provides roadmap to felonies

Per our understanding of the statute, if the *Texas House* delivers the *Articles of Impeachment* to the *Senate* today or tomorrow, the Senate must set a trial for removal of the Attorney General before it adjourns *sine die*. So, if the House Acts and if the Senate follows the law, the likelihood of an immediate special session is irrelevant to the timing of the future trial since a special session is legislative and the Senate trial is quasi-judicial and does not need the Governor's involvement.

Key question: If you cut off from his 800 lawyers at the *Office of the Attorney General*, will **Ken Paxton's** billionaire benefactors consider him damaged goods and cut him loose or will they pay the freight to get to a Senate trial where the actual facts supporting the allegations will be front and center? Or does Paxton have the cachet to mount a substantial legal defense fund?

When and if a trial begins, procedural arguments as presented on the House floor yesterday are mooted. The facts will be presented and all of the witnesses will testify under oath.

Paxton has major challenges when it comes to fighting off the facts.

Second to Ken Paxton, **Donald Trump** and his state party chair **Dan Patrick** are the big losers. Despite **Tony Tinderholt** reminding Republicans that Trump had called them to rally against their "RINO" Speaker, two-thirds of House Republicans stuck with Phelan and the Speaker symbolically stayed in sync with his members: "Show the Speaker voting aye."

Phelan had been targeted by Trump (which means targeted by **Patrick**) to be primaried last time. But no candidate even filed.

But here is the rub.

Every Republican incumbent that sought the Speaker's help in the last primary cycle received it. All but one survived their primary challenges and even more significantly, they survived their runoffs which more typically spell bad news for incumbents. Unlike the Lt. Governor, the Speaker has proven that he protects his incumbents and his team. Patrick is the weaker because his behavior is the exact opposite, tossing major league talent gratuitously under the bus.

Having said that, is the House free from Donald Trump at last? If so, what about the Senate?

Paxton remains suspended from office until affirmatively cleared by the Senate. How likely is it that once presented with evidence, Senators would actually vote to acquit? Based on what we think we know, that vote will be an albatross around the neck of suburban GOP senators for the rest of their careers.

Paxton must be calculating the odds of acquittal or whether now is the best time to try and cut a deal which would, at the least, include resignation, losing his law license and yes, potentially cooperating with law enforcement on other investigations.

The **FBI** has been faulted for many mistakes in American history, including some criticisms that were legitimate. Nonetheless, one of the most super-heated allegations says Paxton turned over unredacted search warrant files to the target of an FBI investigation.

Sabotaging a federal case might motivate the FBI, to say the least.

Do Senators really want to go there?

The mantra of the last several sessions is that there is only one Senate vote that counts and he is not a Senator. The Capitol community may wait breathlessly until Patrick figures out his politics on the matter. But if the Senate Court convenes and takes up facts, Paxton is likely to lose. If the Court does not convene, Paxton also loses.

If Patrick decides that the Senate should spend political capital defending Paxton while criminal investigations are expected to begin, the vote will have future political consequences.

Senators may look at their colleague **Bryan Hughes** as now implicated in testimony because he, no doubt as a simple courtesy, filed what turned out to be a phony **AG Opinion** request at the behest of Paxton.

How much deeper do Senators want to get into the quagmire?

And since eliminating the **Travis County Public Integrity Unit** in legislation passed by then-House member **Phil King**, most ethics issues go back to the homesteaded county which was presumed to be

more friendly to the defendant. In what may be telling, though, the Collin County delegation in the House unanimously voted against Paxton.

Since some of the alleged corruption was perpetrated inside Travis County, it is likely that Travis County will soon be in play.

Other than negotiating a deal, the only weapon Paxton has is the screamers organized by ***RPT*** chair **Matt Rinaldi** and the **Wilks Brothers'** négociant **Johnathan Stickland**. They know where the inflamed are and how to add gasoline to the mix. Some members had threats of violence directed their way, presumably from marginally deranged citizens.

That is politics in the age of Trump.

By Harvey Kronberg

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