

For Immediate Release

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Texas House Ethics Committee Meeting Was Illegal, Only One Witness Put Under Oath, Most Details Hidden from Public

AUSTIN, Texas, December 1, 2010 – Today, Liberty Institute announced that the hearing held last Tuesday by the House General Investigating and Ethics Committee to investigate claims of political revenge by redistricting in the Texas Speaker race was illegal under Texas law.

Texas Government Code, section 301.022, states that “All legislative committees shall require witnesses to give testimony under oath, subject to the penalties of perjury.” The law further states, “The oath required by this section may be waived by any committee except a general investigating committee.” The House Ethics Committee is a general investigating committee.

“Putting only one side under oath, in direct violation of Texas law, is not our system of justice or a way to arrive at the truth,” said Kelly Shackelford, president and chief counsel of Liberty Institute. “For one of Straus’ cardinals to allegedly threaten members and then another provide cover by holding an illegal Ethics hearing is no way to set the ethics bar high before the Session even begins. The activity going on around Rep. Straus and his cardinals is disturbing. He must repudiate such actions and illegality immediately.”

Last Tuesday, the Texas House Ethics Committee took witness statements from Rep. Bryan Hughes (R-Mineola) and Rep. Larry Phillips (R-Sherman). When the hearing began, Rep. Phillips was named as the Texas House member who allegedly told Rep. Hughes that elected House members would be punished for not supporting current Speaker Joe Straus, and that redistricting maps were already being drawn to get rid of opposition, including Rep.-Elect Erwin Cain (R-Sulphur Springs) and Rep. Dan Flynn (R-Van). Rep. Hughes also said that Rep. Phillips mentioned Rep. Warren Chisum (R-Pampa) and Rep.-Elect Jim Landtroop (R-Plainview) in the discussion. Only Rep. Hughes was sworn in, and only at his request. Rep. Phillips was not put under oath, in direct violation of Texas law.

There is no public information as to whether Rep. Straus discussed and/or requested the Committee Chair to illegally waive the requirement of testimony under oath or whether the Chair, a Straus appointee, took such action on his own in an attempt to assist Straus or his cardinal. Additionally, the hearing was officially posted as a public hearing, but Committee Chair Hopson closed the more than three-hour hearing and ultimately only allowed the public to hear approximately ten minutes of committee discussions.

More information is available at <http://texaslegislativeupdate.wordpress.com>.