

TEXAS HOUSE OF REPRESENTATIVES

CAPITOL OFFICE:
P.O. BOX 2910
AUSTIN, TEXAS 78768-2910
512-463-0740
EMAIL: LON.BURNAM@HOUSE.STATE.TX.US



DISTRICT OFFICE:
1305 W. MAGNOLIA, SUITE C
FORT WORTH, TEXAS 76104
817-924-1997

LON BURNAM

DISTRICT 90 • FORT WORTH

May 21, 2003

Thomas A. Davis, Jr, Director
Texas Department of Public Safety
Attn: Open Records
P.O. Box 4087
Austin, TX 78773-0170

HAND DELIVERED

TEXAS DEPT. OF PUBLIC SAFETY
OFFICE OF GENERAL COUNSEL

MAY 22 2003

Dear Col. Davis:

This is a follow-up to the request for public information under the Texas Public Information Act (Chapter 552, Texas Government Code) made by Rep. Davis, Rep. Garza, and I on May 19. This morning I became aware from media reports and confirmation by your office that there was destruction of documents relating to my inquiry occurred last week. Unfortunately I have now become aware through a reliable source that document destruction continued last night (Tuesday, May 20).

With this letter I am supplementing my request. Please provide me with the name of any Department of Public Safety employees involved directly or indirectly in the destruction of document since May 12th.

Additionally, I hereby request copies of any and all documents relating to:

- (1) all written policies of DPS relating to document retention;
- (2) all written policies of DPS relating to document destruction;
- (3) any and all documents, electronic data, etc. relating to document destruction which between May 13, 2003 and the date of this letter;
- (4) all documents relating to or reflecting communications by and between DPS (or any civilian or non-civilian employee of DPS) and the Office of Homeland Security;
- (5) all documents reflecting any and all contact with any companies and/or individuals who have, at any time in the past, been employed by or consulted by DPS relating to computer security, computer reconfiguration, computer hard disc "clean up"; computer hard disc replacement, or any facet of network or individual computer hardware/software modification, restoration, backup systems, etc.

It is the intent of the undersigned to request any and all information that would relate, directly or indirectly, to the alleged destruction of documents by DPS or any employee, consultant or agent thereof from May 13, 2003 to present, and to obtain copies of all documentation that would reflect that document destruction since May 13, 2003, is not in accordance with normal operating procedures of DPS, regardless of how the above requests are phrased.

I understand there may be a charge for this information and will pay the amount required by law.

Best Regards,

A handwritten signature in cursive script that reads "Lon Burnam".

Rep. Lon Burnam

cc: Rep. Kevin Bailey
Chairman, House General Investigating Committee

The State of Texas
House of Representatives



RICK NORIEGA
DISTRICT 145

May 21, 2003

P.O. Box 2910
Austin, Texas 78768-2910
(512) 463-0732
(512) 463-5896 Fax
E-mail: rick.noriega.house@state.tx.us

District:
2900 Woodridge, Suite 305
Houston, Texas 77087
(713) 649-6563
(713) 649-6454 Fax

Thomas A. Davis, Jr., Director
Texas Department of Public Safety
Attn: Open Records
P.O. Box 4087
Austin, TX 78773-0170

RECEIVED
MAY 21 2003
DIRECTOR
DEPT. OF PUBLIC SAFETY

Dear Col. Davis:

This is a request for public information under the Texas Public Information Act (Chapter 552, Texas Government Code).

Please provide me with copies of all documents regarding the Legislators not attending the legislative session May 12 to 15, including but not limited to information regarding their location, procedures used to investigate their location, interviews with legislative staff and/or spouses or other persons to investigate their location, and communications with the federal Department of Homeland Security pertaining to the Legislators.

This is to include all documents, whether in printed, e-mail, or other electronic format. If this information is held in a form other than the form by which the request were originally made, I also request the information in its current form. If that current form is an electronic format, please provide a copy of the information printed on paper.

I understand there may be a charge for this information and will pay the amount required by law.

Best Regards,

Rick Noriega
Rick Noriega



TEXAS DEPT. OF PUBLIC SAFETY
OFFICE OF GENERAL COUNSEL

MAY 22 2003

TEXAS HOUSE OF REPRESENTATIVES



TEXAS DEPT. OF PUBLIC SAFETY
OFFICE OF GENERAL COUNSEL
MAY 20 2003 *RS*

May 20, 2003

Thomas A. Davis, Jr, Director
Texas Department of Public Safety
Attn: Open Records
P.O. Box 4087
Austin, TX 78773-0170

VIA TELECOPIER #512-424-5708

Dear Col. Davis:

This is a request for public information under the Texas Public Information Act (Chapter 552, Texas Government Code).

Please provide me with copies of all documents regarding the Legislators not attending the legislative session May 12 to 15, including but not limited to information regarding their location, procedures used to investigate their location, interviews with legislative staff and/or spouses or other persons to investigate their location, and communications with the federal Department of Homeland Security pertaining to the Legislators.

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I understand there may be a charge for this information and will pay the amount required by law.

Best Regards,

Rep. Lon Burnam
Members, House Law Enforcement Committee

Rep. Yvonne Davis

Rep. Timoteo Garza

cc: Rep. Kevin Bailey
Chair, House General Investigating Committee

RECEIVED

MAY 19 2003

DIRECTOR
DEPT. OF PUBLIC SAFETY

**TEXAS DEPARTMENT OF PUBLIC SAFETY
TEXAS RANGER DIVISION**

REPORT OF INVESTIGATION

**THIS REPORT IS THE PROPERTY OF TEXAS DPS-TEXAS RANGER DIVISION.
NEITHER IT NOR ITS CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY
TO WHICH LOANED**

- 1. DISRUPT MEETING OR PROCESSION PC-42.05-MB**
- 2. TRAVIS COUNTY, AUSTIN, TX, US**
- 3. STATE OF TEXAS**
- 4. 5/12/2003 (Monday)**

Report By: RUSSELL (RUSS) AUTHIER, SGT. 5323, MINERAL WELLS

Status: CLOSED

Division: RC-2003-00236

Type: CRIMINAL

Ranger: CA05323030513125937C

SYNOPSIS:

1. 5/13/2003 Approved by L. WILSON, LT., 4737 - 5/15/2003

On 05-12-2003, writer's assistance was requested by Texas Department of Public Safety Special Crimes Lieutenant Will CRAIS in locating an aircraft, wanted in connection of an on-going investigation involving several Democratic members of the Texas House of Representatives. Aircraft was located at Graham Municipal Airport and surveillance was maintained until writer was relieved. File closed.

DETAILS:

- 1.1 On 05-12-2003, writer's assistance was requested by Texas Department of Public Safety Special Crimes Lieutenant Will CRAIS.
- 1.2 Lieutenant CRAIS requested writer to check the Mineral Wells airport for an aircraft with the tail number of N711RD.
- 1.3 Lieutenant CRAIS advised the aircraft was suppose to be a Piper and was believed to be transporting several of the Democratic members of the Texas House of Representatives.
- 1.4 Several of the Democratic members of the Texas House of Representatives had left the current legislative session, without permission, to prevent a quorum from being present to act on any pending legislation.
- 1.5 On 05-12-2003, writer checked the Mineral Wells airport and determined it was not , nor had been, at the airport that day. This information was relayed to Lieutenant CRAIS.
- 1.6 Lieutenant CRAIS received further information that the aircraft may have gone to Decatur or Bridgeport.
- 1.7 Writer checked both Decatur and Bridgeport airfields with negative results and notified Lieutenant CRAIS.

- 1.8 Lieutenant CRAIS advised that air traffic controllers in Fort Worth believed that the aircraft may have gone into Possum Kingdom airfield, Graham airport, or Weatherford/Parker County Airport.
- 1.9 On 05-12-2003, writer contacted Palo Pinto County Sheriff's Office and requested a deputy to check Possum Kingdom airfield for the known aircraft. Writer also contacted Young County Sheriff's Office to check the Graham Airport.
- 1.10 On 05-12-2003, writer was contacted by the Young County Sheriff's Office and advised that Graham Police Department personnel had checked the airport and Graham Police Department Patrolman Brian WALLS located the Piper. Writer contacted Patrolman Brian WALLS and requested he maintain surveillance on the aircraft until writer arrived.
- 1.11 On 05-12-2003, writer notified Lieutenant CRAIS as to the location of the Piper. Lieutenant CRAIS requested writer conduct surveillance on the airplane, and if the airplane were to move, notify him of the time the airplane left.
- 1.12 On 05-13-2003, writer arrived at Graham Municipal Airport and was met by Patrolman WALLS. The airplane was identified as a Piper Cheyenne II, white in color with a black/yellow/black horizontal strip around the middle, with tail number N711RD.
- 1.13 Writer maintained surveillance on the aircraft until Texas Department of Public Safety Special Crimes Sergeant Billy RAINS arrived for relief. Sergeant RAINS took several digital photographs of said aircraft.
- 1.14 On 05-14-2003, writer received e-mail copies of RAINS' digital photographs (Exhibit 1.1).
- 1.15 Writer expects no further participation in this investigation.
- 1.16 File closed.

INVESTIGATORS:

- 1.1 Russ AUTHIER, Sergeant, Texas Rangers, Company "C"
600 FM 1821 N.
Mineral Wells, TX 76067
[REDACTED]
- 1.2 Will CRAIS, Lieutenant, Texas Department of Public Safety - Special Crimes
9000 N IH-35
Austin, TX 78773
- 1.3 Brian WALLS, Patrolman, Graham Police Department
903 Loving Hwy.
Graham, TX 76450
[REDACTED]
- 1.4 Billy RAINS, Sergeant, Texas Department of Public Safety
P.O. Box 2529

Wichita Falls, TX 76397
[REDACTED]

CUSTODY OF EVIDENCE:

1.1 Evidence Seized: Emailed Copies of Digital Photographs (Aircraft)
Date/Time Seized: 5/14/2003 10:20:00 AM
Address Seized: 117 Fort Worth Hwy. Weatherford, TX
Location Seized: District Attorney's Office
Seized By: R. AUTHIER, Sergeant Texas Rangers, Company "C"
Recovery Value: 0
Note:
Transfer To: Transfer Date:



**Department Of Public Safety
Texas Rangers
Interoffice Memorandum**

DATE: 5/14/2003
e-mail

DIVISION: Ranger

TO: Thomas A. Davis, Jr., Director

FROM: C.J. Havrda, Chief

REF: Sergeant Joe Haralson/Representative Craig Eiland

On 05-12-03 at 9:00 p.m., Texas Ranger Sergeant Joe Haralson, Company "A", Texas City, was contacted in reference to Representative Craig Eiland, District 23, Galveston. Representative Eiland is one of the Legislators who failed to appear for legislative hearings and his whereabouts were unknown. Information was received that Representative Eiland's wife had recently given birth to twins. The babies were currently hospitalized at the neo-natal intensive care unit of UTMB in Galveston.

Sergeant Haralson was aware that the Highway Patrol Sergeant had been instructed to attempt to contact Craig Eiland at his home and office on the afternoon of 05-12-03. At approximately 9:15 p.m., Sergeant Haralson contacted the Highway Patrol Sergeant by phone and asked if contact had been made with Eiland. The Highway Patrol Sergeant said he had been to Eiland's home and office and no one was there. The HP Sergeant said there were no vehicles in the driveway of Eiland's home and the curtains over the windows were open. The HP Sergeant further stated that he had not been aware of Eiland's babies being in the hospital and had not been to the hospital.

Sergeant Haralson, dressed in a coat and tie, drove to UTMB Galveston and contacted the hospital nursery. A nurse said the Eiland babies were in the neo-natal intensive care unit. The nurse escorted Sergeant Haralson to the neo-natal ICU. Sergeant Haralson told the nurse he wanted to see Mr. Eiland if he was there. The nurse went inside the unit, came back, and told Haralson that Mr. Eiland had not been there, Mrs. Eiland had been there, but had left. The nurse asked Sergeant Haralson if he wanted to see the babies, then said he could not because his name was not on the visiting list. Sergeant Haralson told the nurse that he did not want to see the babies, but gave the nurse a business card with his cellular telephone number written on it. Sergeant Haralson requested that the nurse call Mrs. Eiland and ask her to call him. The nurse told Haralson that she had called Mrs. Eiland and left the message on an answering machine. Craig Eiland called Haralson's cellular telephone and left a message stating that he was not at home, not at the hospital, and that his wife did not know where he was. Mr.

Haralson/Eiland Memo to Director

May 14, 2003

Page 2

Eiland left his cellular telephone number [REDACTED]. Sergeant Haralson called Eiland's cellular phone at 9:54 p.m. Eiland would not say where he was.

Sergeant Haralson drove by the Eiland's residence and found no car in the driveway and the security/storm blinds on the front door and the windows were closed. There was a flashing light inside an upstairs room. Haralson pressed the intercom button and was answered by a female identifying herself as Mrs. Eiland. She said that Craig was not there and she did not know where he was and she would testify to that. Haralson told her that there was a flashing light in an upstairs room and asked her if that was an alarm. Sergeant Haralson asked her if everything was all right. Mrs. Eiland said the flashing light was from her game room and that everything was all right. Mrs. Eiland asked Haralson if he wanted her to come outside. Haralson told her it was not necessary and bade her good night.

CJ:cam

**DEPARTMENT OF PUBLIC SAFETY
INTEROFFICE MEMORANDUM**

DATE: 05-14-2003

DIVISION: Texas Rangers

TO: C. J. Havrda, Chief

FROM: Clete Buckaloo, Captain, Company "A"

SUBJECT: Representative Craig Eiland

Sergeant Joe Haralson was assigned to locate State Representative Craig Eiland by Captain Buckaloo on the evening of 05-12-2003. Instructions to locate Representative Eiland in Galveston came directly from the Governor's Office. Sergeant Haralson went to U. T. Medical Center in Galveston in hopes of locating Representative Eiland with information provided to him by Captain Buckaloo. Sergeant Haralson, by his presence at the medical center, received a cellular telephone call from Representative Eiland. Mr. Eiland informed Sergeant Haralson, "I was told you were at the hospital looking for me. I'm not there, my wife does not know where I am and I'm not in Galveston." The conversation was terminated.

Sergeant Haralson later on the night of 05-12-2003, while driving by Mr. Eiland's residence observed a "strobe-like" light in the upstairs window. Sergeant Haralson knowing some home alarms are equipped with such equipment stopped and made contact with Mrs. Eiland. Sergeant Haralson asked Mrs. Eiland if everything was all right and she replied, "yes." In that same conversation she asked if Sergeant Haralson wanted her to come to the door, and Sergeant Haralson replied, "No that's alright." Sergeant Haralson thanked Mrs. Eiland and departed.

CRB:cng

9 Aircraft @ airport (Tail #s)
53 Representatives there

Sante Fe, NM @ Bishop's Lodge

Arrived
@ 2:10 pm

MC Bee
Barry McNeal - AG's Office
Jay Kimbro - AG's Office

1:40 pm - @ Capitol CP 1st floor.

1:55 pm - # 2015 w/ Speaker Creadick
- asked for rep. from AG's office to respond.
- (512) 463-1748 (Conf. Rm #)

Special Crewies:

Sgt. Joe Mathok
Sgt. Robert Neuendorf
Lori Fogel - Analyst

Capitol Service
Lt. Ken Sheer

5/12/03:

2:17 pm - Mr. Collins arrived.
- handled 1st incident years ago. (1979)

- Sergeant @ Arms letter:
- not criminal violation
 - no civil violation

We need assistance from New Mexico authorities to effect a detention.

- No authority to physically restrain/hinder anyone. (Use of force).

Plane tail #'s researched.

- Companies Id'd (warned of pending situation)
- Pilots (flight plans)
- FAA involved.
- surveillance of parked aircraft.

Bishop's Lodge (Resort) Santa Fe, N.M.

- media
- LE response to lodge
 - authority to act
 - use of force to effect "arrest".

Check local officer/residence of Reps missing.

- THT/Captal officers (uniform)

3¹⁰ pm ^{Were} advised that Santa Fe is not credible information.

Lt. Sheer has information re: Oklahoma
3¹⁵ pm: Rumored: (this am)

Re: Rep. Gabbi Canolis' office is supposed to
#E1316 know where they are.

Fact:

Rep. Giddings met w/ Speaker Craddick this am
They was absent @ 10 am.

@ 3³⁰ pm
Pete Lacey — his plane will be landing @
Ardmore, Oklahoma — airport.
— 10 minutes to land there.
— info from Speaker Craddick @ 3:30 pm.

Rep. Richard E. Raymond

~~Lt. Jordan - has address of ranch
(Jones only) in Bastrop.~~

4:35
pm

[redacted] = [redacted] residence.
Georgetown, TX [redacted]

Matt Lindemann will check residence
f maintain covert surveillance, if
possible.

Neer. Sgt. Lee Richards → Georgetown Airport.

[redacted]
Hanger @ Airport.
[redacted]

5⁰⁰ pm - Matt Lindeman @ residence

Club: Berry Creek Country Club

Lt. George Turner's Chebuene ^{home} #:

[REDACTED]

5²⁵ pm - Matt Lindeman

Bark Chevy Pl. ext. cos.

[REDACTED]

1994 GMC

[REDACTED]

[REDACTED]

[REDACTED]

3

Matt knows a guy that works for [REDACTED]:

[REDACTED]

5⁴⁰ pm - Speaker Craddock states
they need 100 for queen
— currently @ 92

6⁰³ pm - Suburban 5/B on FH35 being
surveilled by DPS.

~~7¹² pm - SO 83 TX 4A~~

7⁴⁰ pm - Lt. Crain was asked into Speaker
Credentialed office by Gov. Perry,
personally.
Rep. Kuske seen in ofc.