



TEXAS HOUSE OF REPRESENTATIVES
OFFICE OF THE SERGEANT-AT-ARMS

Rod Welsh
Sergeant-at Arms

May 12, 2003

Colonel Tommy Davis
Director, Texas Department of Public Safety
PO Box 4087
Austin, Texas 78733-0001

Dear Colonel Davis:

The House of Representatives was scheduled to convene at 10:00 a.m. this morning, May 12, 2003. At that time, a quorum of the members was not present. The Constitution of the State of Texas requires that two-thirds of each House constitutes a quorum to do business, but a smaller number of members may compel the attendance of absent members in such a manner and under such penalties as each House may provide. TEX. CONST. art. III, § 10.

Pursuant to the Constitution of the State of Texas, the Rules of the Texas House of Representatives, and the laws of this state, I ask that you secure, by any available means and including extradition if an absentee or absentees are outside the State of Texas, the attendance of those absent members and return them to the House so that a quorum may be obtained for the purpose of conducting business in this 78th Regular Session of the Texas Legislature.

After a verification vote but before the roll call on verification begins, a Motion For Call Of The House is in order, per House Rule 5, Section 57. TEX. H.R. RULE 5, § 57, Tex. H.R. 5, 78th Leg., R.S., 2003. In accordance with this rule, Representative Mike Krusee was recognized on a Motion For Call Of The House To Secure A Quorum, per House Rule 5, sections 7 and 8, copies of which are attached for your reference. TEX. H.R. RULE 5, §§ 7, 8, Tex. H.R. 5, 78th Leg., R.S., 2003. In short, Section 7 of Rule 5 states that a Motion For Call Of The House is in order at any time to secure and maintain a quorum for three purposes, those being for consideration of a specific bill, resolution, motion, or other measure; for consideration of any designated class of bills; or for a definite period of time. TEX. H.R. RULE 5, § 7, Tex. H.R. 5, 78th Leg., R.S., 2003. Representative Krusee's motion was made for the purpose of considering "any designated class of bills," as the intention is to consider the day's calendar.

Further, Section 8 of Rule 5, regarding Securing A Quorum, states that once a Motion For Call Of The House has been appropriately moved, seconded, and ordered by a majority vote, the main entrance to the hall and all other doors leading out of the hall shall be locked, and no member



TEXAS HOUSE OF REPRESENTATIVES
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shall be permitted to leave the chamber without the written permission of the speaker. TEX. H.R. RULE 5, § 8, Tex. H.R. 5, 78th Leg., R.S., 2003. The rule also states that, upon a majority vote of those present, absentees for whom no sufficient excuse is made may *"be sent for and arrested, wherever they may be found, by the sergeant-at-arms or an officer appointed by the sergeant-at-arms for that purpose, and their attendance shall be secured and retained."* Id. (emphasis added).

I respectfully ask that you exercise all due diligence in regard to this matter. Your prompt attention to this matter is very much appreciated, as important business of the State of Texas awaits.

Sincerely,

A handwritten signature in black ink that reads "RWELSH".



Texas House of Representatives
Tom Craddick
SPEAKER

Fax Transmission Form

Date: 5/12/03 Total number of pages (including cover): 2

Please deliver the following pages to: Colonel Tommy Davis

Organization /Department: _____

Fax Number: 424-7770, 424-5708

From: Nancy FISHER, Tom Craddick

Comments: _____

Here is an updated list
add) 11:15

Thanks

The enclosed material is intended for the specific use of the addressed party. It is confidential and if anyone other than the intended party receives the fax, please contact the sending party at the number below.

P.O. Box 2910 * Austin, Texas 78768-2910
Phone (512) 463-1000 * Fax (512) 463-0675

Branch will be here at 12:00

Chavez

Edwards

Elkins will be here at 1:00

Flores

Giddings

Isett will be here at 1:00

Delwin Jones will be here at 1:00

Lewis

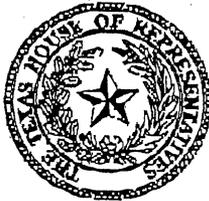
Marchant

Smithee will be here at 12:00

Todd Smith will be here at 1:00

Solomons will be here at 1:00

Turner



Texas House of Representatives
Tom Craddick
SPEAKER

Fax Transmission Form

Date: 5/12/03 Total number of pages (including cover): 2

Please deliver the following pages to: Colonel Tommy Davis

Organization /Department: _____

Fax Number: 424-7770, 424-5708

From: Nancy Fisher, Tom Craddick

Comments: Here is a list of all the representatives that are not here. This does not include the 53 others that are missing.

Thanks

The enclosed material is intended for the specific use of the addressed party. It is confidential and if anyone other than the intended party receives the fax, please contact the sending party at the number below.

P.O. Box 2910 + Austin, Texas 78768-2910
Phone (512) 463-1000 + Fax (512) 463-0675

Branch is on his way
Chavez
Edwards
Elkins is on his way
Flores
Giddings
Issett is on his way
Delwin Jones is on his way
Kolkhurst is on her way
Lewis
Luna
Marchant
Smithce is on his way
Turner
Wilson



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 12, 2003

Colonel Tommy Davis
Director, Texas Department of Public Safety
Post Office Box 4087
Austin, TX 78733-0001

Dear Colonel Davis:

We have been asked by Speaker Craddick to review the law underlying the letter to you of this date from Rod Welsh, Sergeant-at-Arms of the Texas House of Representatives, in which the Texas Department of Public Safety has been asked to secure, by any available means, the attendance of absent members of the House and to return them to the House so that a quorum may be obtained for the purpose of conducting business in the 78th Regular Session of the Texas Legislature.

The Constitution of the State of Texas requires that two-thirds of each House constitutes a quorum to do business, but a smaller number of members may compel the attendance of its absent members in such a manner and under such penalties as that House may provide. TEX. Const. Art. III, Section 10.

Rule 5 of the Texas House of Representatives, TEX. H.R. Rule 5, Section 8, 78th Legislature, R.S. 2003, provides that the authority to secure such attendance includes the power to arrest absentees wherever they may be found by the sergeant-at-arms or an officer appointed by the sergeant-at-arms for that purpose, which would include the Texas Department of Public Safety.

This is a serious legal matter for the State of Texas. I trust that all persons with any information or knowledge whatsoever of the whereabouts of any absent member of the House will assist you and offer their full cooperation in your efforts to execute the directive of the House.

Sincerely,



Greg Abbott
Attorney General of Texas

GA:brm

**LIST OF ABSENTEES WHO SUBMITTED LETTERS REQUESTING
THAT THEIR VOTING MACHINES BE LOCKED:**

Roberto Alonzo
Kevin Bailey
Lon Burnam
Gabi Canales
Jaime Capelo, Jr.
Joaquin Castro
Garnet Coleman
Robert L. ARobby@ Cook, III
Yvonne Davis
Joseph AJoe@ Deshotel
Dawnna Dukes
Jim Dunnam
Harold V. Dutton, Jr.
Craig Eiland
Dan Ellis
Juan Escobar
Jessica Farrar
Pete P. Gallego
Timoteo ATimo@ Garza
Ryan A. Guillen
Scott Hochberg
Terri Hodge
Mark S. Homer
Charles L. AChuck@ Hopson
Jesse W. Jones
James E. APete@ Laney
John Mabry

Trey Martinez Fischer
Ruth Jones McClendon
Jim McReynolds
Jose Menendez
Joe E. Moreno
Paul C. Moreno
Elliott Naishtat
Richard J. ARick@ Noriega
Rene O. Oliveira
Dora F. Olivo
Aaron Pena
Joseph C. AJoe@ Pickett
Robert R. Puente
Inocente AChente@ Quintanilla
Richard E. Raymond
Allan B. Ritter
Eddie Rodriguez
Patrick M. Rose
Jim Solis
Barry B. Telford
Senfronia Thompson
Carlos I. Uresti
Michael U. AMike@ Villarreal
Miguel D. AMike@ Wise
Steven D. ASteve@ Wolens

Alonzo
Bailey
Burnam
Canales
Capelo
Castro
Coleman
Robby Cook
Yvonne Davis
Deshotel
Dukes
Dunham
Dutton
Eiland
Dan Ellis
Escobar
Farabee
Farrar
Gallego
Garza
Guillen
Hochberg
Hodge
Homer
Hopson
Jesse Jones
Laney
Mcclendon
Mcreynolds
Mabry
Martinez fischer
Menendez
Moreno

Moreno
Naishtat
Noriega
Oliveira
Olivo
Pena
Pickett
Puente
Quintanilla
Raymond
Ritter
Rodriguez
Rose
Solis
Telford
Thompson
Uresti
Villarreal
Wise
Wolens



TEXAS HOUSE OF REPRESENTATIVES
OFFICE OF THE SERGEANT-AT-ARMS

Rod Welsh
Sergeant-at Arms

May 13, 2003

Colonel Tommy Davis
Director, Texas Department of Public Safety
PO Box 4087
Austin, TX 78733-0001

Dear Colonel Davis:

On behalf of the Texas House of Representatives, thank you for the prompt and thorough assistance in carrying out the call on the house and securing the attendance of absent members. Because the location of the absent members has been identified as outside of Texas, and those members have refused to return, your responsibilities in this regard are at an end.

Again, thank you for the prompt and professional response.

Sincerely,

A handwritten signature in black ink that reads "RWELSH".

Rod Welsh

May 15, 2003
Statement from the
Bureau of Immigration and Customs Enforcement (ICE)

On Monday afternoon, an ICE officer working at his desk in Riverside, California at the Air & Marine Interdiction Coordination Center (AMICC) received an urgent phone call from a concerned Texas Department of Public Safety (DPS) officer.

After clearly identifying himself and his rank, the Texas DPS officer stated: "We got a problem and I hope you can help me out. We had a plane that was supposed to be going from Ardmore, Oklahoma to Georgetown, Texas. It had state representatives in it and we cannot find this plane."

The Texas DPS officer expressed concern that the plane had not arrived at its intended destination, after what was supposed to be an hour and 13 minute flight from Ardmore to Georgetown. He noted again that: "We cannot find this plane." The Texas DPS officer provided the tail number of the missing aircraft to AMICC and asked AMICC to help find it.

From all indications, this request from the Texas DPS was an urgent plea for assistance from a law enforcement agency trying to locate a missing, lost, or possibly crashed aircraft. AMICC routinely responds to requests for assistance from law enforcement agencies. In this case, AMICC responded by making the appropriate telephone calls as described below.

Believing the aircraft may have crashed or be lost, the AMICC made phone calls to the FAA's Fort Worth Center; to the airport authority in Mineral Wells, Texas; and to a fixed-base operator in Plainview Texas. During some of these calls, the AMICC officer noted that he was trying to locate a missing/lost plane that may have "government officials" on board.

AMICC was ultimately unable to locate this aircraft. AMICC advised the Texas DPS officer of this result and provided him with a number to call at the FAA in order to initiate lost aircraft procedures.

At no time did AMICC launch or use any Department of Homeland Security aircraft in response to this contact by the Texas DPS.

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	2083	
CONNECTION TEL		9p4635949
SUBADDRESS		
CONNECTION ID		
ST. TIME	05/12 16:16	
USAGE T	00'54	
PGS.	2	
RESULT	OK	

FAX TRANSMISSION COVER SHEET TEXAS DEPARTMENT OF PUBLIC SAFETY

DATE: 05-12-03

NUMBER OF PAGES: 2
(Including Cover)

TO: The Honorable Senator Gonzalo Barrientos

FAX: 463-5949 PHONE: 463-0114

FROM: Thomas A. Davis, Jr., Director

FAX: 512/424-5716 PHONE: 512/424-██████

COMMENTS: See attached response to your inquiries.

Texas Constitution, Article 3, Section 10 provides:

Two-thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel attendance of absent members, in such manner and under such penalties as each House may provide.

House Rule 5, Section 8 – Securing a Quorum, provides that all absentees for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by the sergeant-at-arms or an officer appointed by the sergeant-at arms for that purpose, and their attendance shall be secured and retained.

The sergeant-at-arms, in a letter dated May 12, 2003 to the Director of the Texas Department of Public Safety, has appointed the commissioned officers of the Texas Department of Public Safety (DPS) to secure and retain 53 members of the House of Representatives.

Under the terms of House Rule 5, pursuant to the Texas Constitution, the securing of House members for the purpose of bringing them to the floor of the Texas House of Representatives, would be considered an "arrest." The "arrest" or taking into custody for this limited purpose is not for a criminal offense, nor is it covered by the Code of Criminal Procedure. It is a method and manner authorized by the Texas Constitution and the House Rules passed pursuant to it.

There is no explicit authority for DPS officers to make arrests of this purpose outside the State of Texas.

It is my belief that we are not taking affidavits from any staff members. If you have any other evidence to the contrary, please notify me.

Col. Thomas A. Davis, Jr.



The Senate of The State of Texas

GONZALO BARRIENTOS
STATE SENATOR DISTRICT 14

P.O. BOX 12068

AUSTIN, TEXAS 78711
TRAVIS (PART) COUNTY

(512) 463-0114 FAX: (512) 463-5949
DIAL 711 FOR RELAY CALLS

May 13, 2003

Colonel Tommy Davis
The Department of Public Safety
5805 N. Lamar
Austin, Texas 78773

RECEIVED
MAY 13 2003
MAY 13 2003
DIRECTOR
DEPT. OF PUBLIC SAFETY

Dear Colonel Davis:

In reference to our recent conversation are examples of reported incidents that are of great concern to me. Please report to me as soon as possible any information you receive pertaining to the attached reports.

Sincerely,

A handwritten signature in black ink that reads "Gonzalo Barrientos". The signature is fluid and cursive, with a long horizontal line extending to the right.

Gonzalo Barrientos
State Senator

GB/scb

Attachment

- **Representative Chuck Hopson's wife was followed yesterday by DPS all the way from Austin to Jacksonville, Texas.**
- **El Paso police entered Representative Joe Picket's house without a warrant, while his 17-year-old daughter was home alone. Luckily, his wife was only a block away and quickly arrived to handle the situation.**
- **Representative Craig Eiland's wife just gave birth to premature twins, who are still in the neonatal unit in the hospital in Galveston. It has already been reported in the Associated Press that police went to the hospital yesterday evening to ask his wife about him. But what hasn't yet been reported is that Texas Rangers again visited his wife at their home, and it was no earlier than 10:30 p.m. last night – after DPS had already determined that the missing Democrats were in Oklahoma.**
- **Representative Dawnna Dukes' brother reported that police showed up at his house this morning, after DPS had already determined that Dukes was in Oklahoma.**
- **Representative Menendez' wife was attending a pre-scheduled Legislative Ladies Luncheon today at the Governor's mansion. She was driving a vehicle with state official license plates. When she left the luncheon to return to her vehicle, it had been vandalized – while parked in front of the Governor's mansion.**
- **Before leaving town, Representative Patrick Rose had parked his car at a friend's house. Early Tuesday morning at 12:30 a.m. – well after law enforcement knew Rose was in Oklahoma – police stopped his friend's vehicle and searched it, looking for Rose. The friend said they had also staked out the house where Rose's car was parked prior to the search.**
- **D.P.S. entered Rep. Naishtat office to search for the representative. The Officer asked for the senior staff member's staff ID, and asked if they were aware of the location of the Representative and the last time of communication with Representative Naishtat. He returned the ID and said "I want you to know that it is a felony to withhold information." When asked what law was broken, the officer responded House Rule, Rule 5, Sec. 8. The officer then said that he was just telling us what he had been told.**