

NOVEMBER 25, 1993

An old partner of mine pointed out that after the November election to amend the state's Constitution, we were hitting on amendment number 18,454. From his North Texas law office, he projected we were going to have to use all the huge below ground space in the capitol to store the Constitution.

His legal mind also picked up among the 16 proposed amendments that number eight asked the voters from all 254 counties to abolish the office of county surveyor in McClellan County and proposition 15 asked the voters to empower the county governments to abolish the surveyor office without a state wide vote. He didn't say so, but passing eight and 15 still didn't protect us from a commissioners' court deciding to revive the office of county surveyor, requiring more amendments to the constitution.

He was the first person to point out the inconsistency to me. Most citizens, or I do at least, expect our state government to perform like the intricate hum of a West German auto assembly plant, or the smooth inter-workings of the back room of a Zurich bank.

Right at the time of this writing, however, we have a bigger scandal going than changing the constitution. The first lady to be elected U.S. Senator from Texas faces trial because she committed the alleged stunt of campaigning during working hours when she was State Treasurer. This is bound to be a landmark case of interest to all the free spanking democracies in the world and half of the dictatorships.

It is appalling to learn an officeholder used the state's time and office equipment to run for reelection. Heartening to know, however, a district attorney in Austin has reached such lofty heights he's willing to clean up our government in spite of the Senator being the responsibility of an opposing party. The nimbi pimbies claiming they haven't the stomach for terminal punishment are going to change their tunes once the D.A. lines up all the public officials in Austin guilty of the same crime.

Plenty of dirty deals mar the laws of elective government, but imagine how the charge is going to sound from the bench; "Senator, you are brought before this court of law to defend yourself for electioneering for reelection while serving in a high cabinet position in our state."

Serve her right if his honor orders her to wait for an appointed position. Ruling, if she can't keep her fingers off the keyboards of the taxpayers' computers and stop punching out personal calls on the telephone to campaign, she should be taught a lesson, like having to serve as ambassador to an isolated post in Central Africa, or way off in the mountains of Tibet where there are no microphones or TV cameras, or press conferences.

Also, such a politically sensitive case is going to be an extra strain on the justice system. Judges are elected officials in Texas and have ever since the Reconstruction era after the Civil War. So suppose the prosecuting attorney, a Democrat, brings the case before a Republican judge.

Sounds like a member of Ross Perot's party would have to step in and arbitrate, unless counsel could convince her to denounce her republican affiliation and declare herself an independent.

Sixteen percent of the electorate turned out to amend the Constitution. The term "soft on crime" sure can't be pinned on the district attorney in Austin. He is going to have a big case load once the legislature is called back in session.