



Texas Governor Rick Perry Booked on Abuse of Power

On Tuesday, August 19, Texas Governor Rick Perry (shown) [appeared and was booked](#) on two felony charges of Abuse of Official Capacity and Coercion of Public Servant. The bone of contention in this controversy was Perry's veto of the \$7.5 million appropriation for the Public Integrity Unit (PIU) of the Travis County District Attorney's Office unless Travis County District Attorney Rosemary Lehmborg resigned. Perry justifies his action, taken in June of 2013 during the legislative session, based on Lehmborg's behavior while under arrest for DWI and his veto authority as granted to the governor in the Texas Constitution. If Lehmborg resigns, her successor will be appointed by the governor. Lehmborg is not expected to run for re-election in 2016. If that is the case, and she remains in office for the remainder of her term, her successor will undoubtedly be the winner of the Democratic Primary as Travis County is a Democrat stronghold.



Count I of the two-count indictment is based on Section 39.02 of the Texas Penal Code, Abuse of Official Capacity. The indictment says Perry "intentionally or knowingly misused government property by dealing with such property contrary to an agreement under which defendant held such property or contrary to the oath of office he took as a public servant."

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While most of the controversy reported in the news media has centered around the dispute between Perry and Lehmborg, the indictment brings to light the fact that Texas has a law against public servants misusing taxpayer resources. In Texas, the term "public servant" applies to political officeholders as well as government employees and appointees.

Here is an excerpt from Section 39.02:

A public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he intentionally or knowingly ... misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody by virtue of the public servant's office or employment.

The full text of Section 39.02 can be found [here](#).

But what about the recent invasion of almost 50,000 illegal immigrant children, many of whom came into the United States via Texas? Many of them are being taken care of and transported to numerous



Written by [Kurt Hyde](#) on August 20, 2014

locations using taxpayer resources. Governor Perry, far from being powerless to do anything about these illegal immigrants once they are in the country, has the power to instruct law enforcement officials in Texas to enforce this law against government employees and political officeholders who are using Texas taxpayer resources to aid this illegal immigrant invasion.

If Perry's veto of the PIU appropriation unless Lehmsberg resigned can be construed as a misuse of taxpayer resources, surely the use of taxpayer resources to house, feed, transport, and hide these illegal immigrant minors from law enforcement and the people of Texas can be construed likewise. While he's at it, Perry could also instruct Texas law enforcement officers to enforce Texas law against harboring fugitives. Let's see what that looks like when the people arrested show up for booking.

Photo of Governor Rick Perry arriving at the Blackwell Thurman Criminal Justice Center in Austin, Texas: AP Images



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