

# TEXAS LAWYER

[ **OPINION** ]

## MY FRIEND, DAN

*The Inexplicable Downfall of a Former Texas AG*

by WILL PRYOR

**F**ormer Texas Attorney General Dan Morales is scheduled to be sentenced on Oct. 31. It is anticipated that he will receive a four-year sentence. To those of us who know Dan and his family, his public downward spiral in the past few months, and over the past few years, has been painful. To see him in his current situation is disorienting. To the general public, his failures amount to a breach of trust, a betrayal. Dan's mistakes contribute to a general public cynicism about the motives of our elected officials and our natural antipathy toward politics.

Dan and I became friends in law school, more than 20 years ago. My favorite wide receiver on our intramural football team, a groomsman in my wedding, my boss when he allowed me to serve as first assistant attorney general during most of his first term as Texas AG, Dan was at all times a friend I respected, admired, envied and thoroughly enjoyed. But now I am like everyone else, trying to sort through the slow meltdown of his personal and professional life, asking myself the same questions, over and over and over: Who is he? What happened? What went wrong? What's the explanation?

I met my friend, Dan, the day before classes began for us as first-year students at the Harvard Law School in the fall of 1978. I remember the moment: He was moving into his modest little dorm room across the hall from mine. We introduced ourselves. Being from Dallas, I remember my disappointment that my first acquaintance at such a transforming and elite institution was from San Antonio. Big deal, I thought. Still, he seemed like a nice guy.

We formed a friendship during law school that was based on a mutual love of sports, theology and politics — in that order. A small group of us played intramural sports together, socialized together, occasionally worshiped together, and only very rarely studied together, for three satisfying years. Each semester, we would compare our respective class schedules and establish which day each week of that semester we would have lunch

together at our favorite soup and salad restaurant in Harvard Square.

In that small group, it was understood that each one of us, except Dan, would successfully pursue a career in public life and elective politics. I was going to be governor of Texas; Sam would be a senator from California, as would Dave in Oregon. But Dan is the *last* person that any of us, or anyone in our law school class, would have identified as a likely candidate, not to mention a hugely successful candidate, for elective office. Why? Because my friend, Dan, was as modest and unassuming and thoroughly decent as anyone I ever have known. To have identified this personality amongst the collection of hard-charging and super-ambitious students and faculty at our law school was, for me, a meaningful accomplishment.

We graduated in 1981. In less than 10 years, at the age of 34, Dan was sworn in as the youngest state attorney general in the United States and the first Hispanic elected to statewide executive office in Texas. A law-and-order conservative. A cool and brilliant Harvard-trained lawyer. A pragmatic idealist. A reformer. A prosecutor. A role model to thousands of minority Texans. A friend of editorial boards and the business community across the state. Dan captured the imagination of many.

Dan was a fascinating package of talent and ambition and yet "different" than the others. Dan was like an Olympic swimmer — he had "easy speed." His judgment was impeccable. His understanding of the parameters of the Texas Office of Attorney General was keen. He was gracious about and took seriously his obligation with respect to minorities in the state in general and Hispanics in particular.

Every story written about Dan as he emerged from obscurity in the early '90s would, in some form or fashion, characterize him as "inscrutable" and "enigmatic." The young attorney general in boots and jeans, with a Nintendo Game Boy in his desk drawer. "Independent" is a label that was often applied. But it turned out that he was something else, too: Dan was a vote magnet, with crossover appeal among all sectors of voters: liberals, moderates and conservatives *and* Republicans, Democrats and independents.

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This would become his greatest political challenge: that he raised the expectations of so many. He was new, and he was definitely different. So many saw in him what they wanted, but they never really knew my friend, Dan. And he had an uncanny ability eventually, almost inevitably to drive his friends and supporters crazy.

### **Not Easily Labeled**

Dan was impossible to predict, and it was infuriating. Conservative? Then explain the unblemished record supporting a woman's right to choose. Liberal? Then explain his zeal in favor of the death penalty and prison expansion. A loyal Democrat? Then explain his screwy primary campaign for governor against Tony Sanchez, and his eventual endorsement of Texas Gov. Rick Perry. A beacon of hope to minorities? Then explain his abrupt and far-reaching opposition to affirmative action. A fiscal moderate? Then explain why, as a second-term, obscure state legislator during the now-forgotten fiscal crises of the mid-1980s, Dan agreed to sponsor what would become the single-largest tax increase by any state in our nation's history. An act of courage and surely an act of political suicide. Why? All he would say is that it was the right thing to do.

But causing confusion and disorientation amongst your friends and traditional supporters is one thing; being in handcuffs as you're led away from a courtroom to serve a federal prison sentence is something else. Who is he? What happened? What went wrong? What's the explanation?

Dan is as hard to know and understand on a personal level as he is on a political level. This is his fault and, perhaps, his undoing.

Did you know that he is a former touring tennis professional? He once played Bjorn Borg in a tournament in Mexico City. (Borg won.)

Did you know that for several years in his adult life, Dan, an

elder in the Presbyterian Church, often devoted his vacations to volunteering as a counselor on church youth mission trips on beaches in South Texas, and on church and school building trips in Central America? Not very many people knew about this, either.

Dan's accomplishments are vast and startling. But you would never, ever have learned about any of them by being around him, because he would never, ever refer to them. Perhaps his reluctance to let people see who he is, is the same fault that wouldn't let Dan reach out to friends when he needed to and should have.

We all make mistakes. Few of us, fortunately, make the kind of mistakes that get us indicted. And when he was my boss, as well as my friend, it seemed to me that Dan made fewer mistakes than anyone I knew.

What's the explanation? I am only certain of one thing: Anyone who thinks they know is wrong. Anyone — reporters, political adversaries, prosecutors, it doesn't matter — who thinks that there is a rational explanation for how this thoroughly decent and gifted man is now before a federal judge awaiting sentencing is wrong.

Ever hear the joke about the guy who appeared to be either dumb or apathetic? When asked which it might be, he said, "I don't know, and I don't care." Well what happened to Dan? I'll never know. And like a lot of those who worked for Dan and were part of the AG's office and the many accomplishments of our tenure there, I don't care.

Who is he? Now, during and after his sentence has been served, he is my friend, Dan. ■■■

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