

state

# Clayton might refuse to answer questions for grand jury probe

**United Press International**  
AUSTIN — Speaker Bill Clayton received \$5,000 rather than \$10,000 from a union official and may refuse to answer questions from a federal grand jury investigating bribery allegations, his attorneys said Tuesday.

Lawyers for the embattled House leader summoned three reporters to the speaker's Capitol office Tuesday to observe the removal of a sealed envelope from a locked desk drawer.

Clayton and his administrative assistant, Russell Kelley, watched

but referred most questions to their lawyers.

Defense attorney Bill Fitzgerald said the five bundles of cash — each containing 10 \$100 bills — were placed in a sealed envelope immediately after Clayton's Nov. 8 meeting with L.G. Moore, a Houston union leader, and an individual who introduced himself as a representative of Prudential Insurance Co. of America.

Investigators have alleged Clayton accepted a \$10,000 bribe from

Moore in exchange for a promise to help Prudential win a state contract for a multimillion insurance program on state workers.

Fitzgerald said U.S. Attorney J.A. Canales suggested Clayton's attorneys make pictures of the bills and bring the cash to the federal grand jury in Houston today where the speaker is subpoenaed to testify.

Clayton's aides said the speaker is "torn up" about his lawyers' insistence that he invoke his constitutional privilege to refuse to answer incriminating questions.

"No question he wants to testify," Fitzgerald said. "That's a decision we're laboring over. The speaker has been insisting constantly that he wants to testify."

Fitzgerald "told me I was going to listen to him or he wouldn't represent me," Clayton said when asked if he will make the final decision.

Jack Gullahorn, former executive assistant to Clayton serving on his legal defense team, said reporters were summoned to see the money

taken from a side drawer in Kelley's desk after efforts to contact a court official to take the money failed.

"We've been trying to do this all weekend," Gullahorn said. "There's no federal judge that'll touch this with a 10-foot pole."

# 'Brilab' case testimony starts

**United Press International**  
HOUSTON — An associate of House Speaker Bill Clayton, two Houston city councilmen and three secretaries appeared Tuesday before a federal grand jury investigating bribery allegations in Texas.

In the three-hour morning session, councilmen Homer Ford and Jim Westmoreland appeared, as well as Charlene Womack, Westmoreland's secretary. Also testifying were Neilia Diaz, whose attorneys would say only that she worked in an office adjacent to Westmoreland, and Mary Ann Crow, secretary to local labor leader L.G. Moore.

Bob Johnson, longtime director of the Legislative Council and Clayton's appointee to the Texas Employees Retirement Board, was scheduled to appear in the afternoon before the grand jury investigating the FBI's "brilab" — short for bribery-labor — allegations of corruption in state and local governments in Texas, Arkansas, Louisiana and Oklahoma.

Clayton allegedly accepted an illegal contribution arranged by Moore.

In the "brilab" undercover scam, FBI operatives posed as bribe-offering representatives of Prudential Insurance Co. seeking contracts in return for kickbacks.

Clayton allegedly accepted \$10,000 from a fake Prudential agent introduced by Moore but said he had not intended to keep it.

In December the Houston City Council switched its \$14 million employee coverage to Prudential by a 7-2 vote. The retirement board, which Johnson heads, arranges for state employees' insurance.

Westmoreland said he would not discuss the testimony because he might prejudice other witnesses.

"I'll be glad when it's all over," he said.

Ford's only comment was a light-hearted statement regarding the FBI's methods, which some claim constitute entrapment.

"Entrapment, I can't even claim entrapment because nobody offered me anything," he told reporters.

Among others subpoenaed to appear this week or next were Randall Wood, an Austin attorney and former lobbyist for Common Cause; Rusty Kelley, executive assistant; and Frank Mann, a former Houston city councilman.

Clayton, 51, a millionaire farmer from Springlake, Texas, has acknow-

ledged receiving money on Nov. 8 from a union official who visited him ostensibly on behalf of Prudential Insurance Co.

Clayton said the bid information the insurance company representative requested was public and that his only interest was in saving money for the state on the \$70 million to \$80 million insurance plan covering state employees. Former lobbyist Wood, whose law partner, Donald W. Ray, also has been subpoenaed, said three men who identified themselves as Prudential representatives hired his law firm three or four months ago seeking information on the lucrative insurance contract with the Texas

Employees Retirement System.

Jackie St. Clair, the former state labor commissioner who now heads the state Building and Construction Trades Council, also was subpoenaed Monday.

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