

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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September 6, 2024

The Honorable Ken Paxton
Attorney General of Texas
PO Box 12548
Austin, TX 78711

Dear Attorney General Paxton:

I write to express serious concern with recent activities conducted by your office which appear to be designed to intimidate Latino voting rights advocates, elected leaders, and candidates for public office in Texas, and have stunned Americans across the country.

August 2024 Attack Against a Latino Candidate and Community Volunteers

Just two months before voting begins in Texas, you sanctioned raids against the homes of Latino political operatives, civil rights advocates, and volunteers across three counties in the San Antonio area as part of what you “said was a two-year investigation of alleged fraud and vote harvesting.”¹

One raid targeted Cecilia Castellano, the Democratic nominee for House District 80 in the Texas House of Representatives.² Reports state that Ms. Castellano was awakened at 6 a.m. on August 20 by your investigators, who did not tell her why she was being targeted or why her home was being searched before raiding her home and confiscating her phone.³ Ms. Castellano is running in a district which your boss, Governor Greg Abbott, “vowed to flip” from Democratic to Republican, in large part because he believes he needs a Republican vote to pass a school voucher bill.⁴ Ms. Castellano has said that she opposes this bill.⁵

Your employees also targeted Manuel Medina, who is Ms. Castellano’s political consultant, a former chair of the Bexar County Democratic Party, and the chair of Tejano

¹ Arelis R. Hernandez, *Critics ask for probe after Texas raids homes of Latino campaign workers*, WASH. POST (Aug. 26, 2024), <https://www.washingtonpost.com/nation/2024/08/26/latino-civil-rights-organization-texas-raid-ken-paxton/>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

Democrats, the largest Latino Democratic political organization in Texas.⁶ According to Mr. Medina, investigators broke down his front door early on the morning of August 20, waking up his family, including his two young daughters, with “six assault semi-automatic weapons.”⁷ Mr. Medina’s lawyer told a court that agents “rummaged” through the home for about seven hours and seized “documents, family photos, almost 65 cellphones and 41 computers” and other digital storage devices.⁸

Your investigators also conducted an early morning search of Mary Ann Obregón, the mayor of Dilley, Texas, and confiscated her cell phone.⁹ Mayor Obregón is 80 years old, and at the time of the raid had just been released from the hospital after suffering from COVID-19.¹⁰ Because your investigators took her phone, she was unable to call her doctor that morning with questions about her follow-up care.¹¹ Following your investigators’ efforts to intimidate her, Mayor Obregón “said she was not sure if she’ll continue her voter registration work.”¹² She told reporters, “My kids now don’t want me to keep doing politics.”¹³

Your raids also targeted other elderly Latina women.¹⁴ For example, Lidia Martinez, an 87-year-old retired educator who volunteers helping senior citizens and veterans vote, stated that nine officers pushed into her home around 6 a.m. and spent three hours searching her bedroom, drawers, and garage and questioning her about her volunteer work.¹⁵ She was reportedly made to stand outside in front of her neighbors in a nightgown during part of this search, and she stated that when she asked if she could change her clothes, officers told her, “No.”¹⁶ Officers forced her to turn over her phone and laptop, and confiscated her calendar that listed all her medical

⁶ Taylor Goldstein, *Head of Latino Democratic group among those targeted by AG Ken Paxton's voter fraud raids*, HOUSTON CHRON. (Aug. 24, 2024), <https://www.houstonchronicle.com/politics/texas/article/ken-paxton-latino-democrats-raids-19720940.php>.

⁷ Alejandro Serrano, *Warrants detail allegations that led to search of Democratic candidate for Texas House*, TEX. TRIB. (Aug. 24, 2024), <https://www.texastribune.org/2024/08/24/ken-paxton-vote-harvesting-raid-lulac-cecilia-castellano/>; Taylor Goldstein, *Head of Latino Democratic group among those targeted by AG Ken Paxton's voter fraud raids*, HOUSTON CHRON. (Aug. 24, 2024), <https://www.houstonchronicle.com/politics/texas/article/ken-paxton-latino-democrats-raids-19720940.php>.

⁸ *Id.*

⁹ Arelis R. Hernandez, *Critics ask for probe after Texas raids homes of Latino campaign workers*, WASH. POST (Aug. 26, 2024), <https://www.washingtonpost.com/nation/2024/08/26/latino-civil-rights-organization-texas-raid-ken-paxton/>.

¹⁰ *Id.*

¹¹ *Id.*

¹² Taylor Goldenstein, *Latino civil rights leaders accuse Ken Paxton of using election fraud raids to intimidate voters*, HOUSTON CHRON. (Aug. 26, 2024), <https://www.houstonchronicle.com/politics/texas/article/ken-paxton-voter-fraud-raids-19723049.php>.

¹³ *Id.*

¹⁴ Arelis R. Hernandez, *Critics ask for probe after Texas raids homes of Latino campaign workers*, WASH. POST (Aug. 26, 2024), <https://www.washingtonpost.com/nation/2024/08/26/latino-civil-rights-organization-texas-raid-ken-paxton/>.

¹⁵ *Id.*; Damita Menezes, *'I was shocked': Elderly volunteer raided by Texas election integrity unit*, NEWSNATION (Aug. 28, 2024), <https://www.newsnationnow.com/politics/elderly-volunteer-raided-texas-election-integrity/>; Edgar Sandoval, *Latino Civil Rights Group Demands Inquiry Into Texas Voter Fraud Raids* (Aug. 25, 2024), <https://www.nytimes.com/2024/08/25/us/texas-latinos-democrats-raids-paxton.html>.

¹⁶ *Id.*

appointment information.¹⁷ Law enforcement acting at your direction also targeted 73-year-old Inelda Rodriguez, a Dilley City Council member, and seized her phone and laptop.¹⁸

A Bexar County district judge found that you lacked sufficient evidence to justify the raid of Mr. Medina, ordering you to stop searching and seal the records you seized from Mr. Medina until the court holds a hearing.¹⁹ Especially given your extensive track record of unfairly targeting Latino communities in Texas, these raids against elderly volunteers and a political opponent raise concerns about your adherence to the federal civil rights laws and constitutional provisions that protect all Americans' ability to participate in the political process.

Attacks Against Voting Rights in North Texas

On August 21, 2024, you announced that you were opening an investigation into claims that “organizations operating in Texas may be unlawfully registering noncitizens to vote, claiming as evidence that “various nonprofit organizations have been located outside Texas Department of Public Safety Driver License offices, operating booths offering to assist in voter registration for persons doing business at the driver’s license offices.”²⁰ You take issue with such voter registration efforts because “all *citizens* have already been presented an opportunity to register to vote as part of the process of renewing or being issued an identification card or driver’s license, so there is no obvious need to assist citizens to register to vote outside DPS offices—calling into question the motives of the nonprofit groups.”²¹

It is clear that your decision to open this investigation was not predicated on any actual evidence of misconduct. As Texas Attorney General, you should be aware that state law permits nonprofit organizations to help register eligible individuals to vote provided that all applicable rules and regulations are followed. In the weeks leading up to an election, it is common for voter registration efforts by local organizations or community groups to become more active.

Instead, it appears that you predicated your investigation on statements made by Fox News host Maria Bartiromo. On August 18—three days before you announced your investigation—Ms. Bartiromo claimed on social media that driver’s license facilities in North Texas, including in Parker County, were registering noncitizens to vote.²² Ms. Bartiromo’s

¹⁷ *Id.*

¹⁸ Arelis R. Hernandez, *Critics ask for probe after Texas raids homes of Latino campaign workers*, WASH. POST (Aug. 26, 2024), <https://www.washingtonpost.com/nation/2024/08/26/latino-civil-rights-organization-texas-raid-ken-paxton/>.

¹⁹ Alejandro Serrano, *Warrants detail allegations that led to search of Democratic candidate for Texas House*, TEX. TRIB. (Aug. 24, 2024), <https://www.texastribune.org/2024/08/24/ken-paxton-vote-harvesting-raid-lulac-cecilia-castellano/>.

²⁰ Press Release, *Attorney General Ken Paxton Launches Investigation Into Reports that Organizations May Be Illegally Registering Noncitizens to Vote*, ATT’Y GEN. OF TEX. (Aug. 21, 2024), <https://texasattorneygeneral.gov/news/releases/attorney-general-ken-paxton-launches-investigation-reports-organizations-may-be-illegally>.

²¹ *Id.*

²² Berenice Garcia, *A Fox News host's debunked election conspiracy appears to have prompted a state investigation*, TEX. TRIB. (Aug. 26, 2024), <https://www.texastribune.org/2024/08/26/texas-voter-registration-election-ken-paxton-investigation/>; Cody Copeland, *Fox News host said Dems registered immigrants to vote in Weatherford. ‘None of it*

claims about the Parker County voter registration efforts were based on something she heard from the wife of a friend of a friend who said that she went to a driver license office in Weatherford, TX, and saw that the office “Had a massive line of immigrants getting licenses and had a tent and table outside the front door of the DMV registering them to vote!”²³ She went on to claim that this was also happening at two other driver license office locations.²⁴ Ms. Bartiromo’s initial posts do not cite any other evidence that noncitizens are being registered to vote, yet these allegations seem to be the basis of your inquiry.²⁵

In addition to the hearsay-on-hearsay nature of this “evidence,” you should have been particularly skeptical of Ms. Bartiromo’s claims because of her well-documented history of espousing conspiracy theories. Notably, in 2020, Ms. Bartiromo spread a conspiracy theory that Dominion voting machines were “rigged” to take votes away from Donald Trump.²⁶ Dominion subsequently sued Fox News for defamation, and the network ultimately paid Dominion \$787 million.²⁷ Similar to this situation, Ms. Bartiromo’s claims about Dominion were based on hearsay—specifically, a supposed source who “wrote that she was a time-traveler who talks to the wind, and that former U.S. Supreme Court Justice Antonin Scalia was actually killed as part of a weeklong human hunting expedition.”²⁸

Indeed, clear, reliable evidence disproves Ms. Bartiromo’s claims about noncitizens registering to vote in Texas. After she issued her statements, the Parker County Republican Party immediately launched an investigation that included “multiple conversations with the County Election Administration office and with the DPS [Department of Public Safety] office,” and concluded that Ms. Bartiromo’s “claim appears to be erroneous.”²⁹ Sergeant William Lockridge, a spokesperson for the Texas Department of Public Safety, called Ms. Bartiromo’s statements “simply false,” saying, “None of it is true,” and even “adding that the assumption that non-white Texans lined up to get their driver licenses are immigrants or illegal is ‘kind of racist.’”³⁰

is true,’ FORT WORTH STAR-TELEGRAM (Aug. 20, 2024), <https://www.star-telegram.com/news/politics-government/article291191260.html>.

²³ Cody Copeland, *Fox News host said Dems registered immigrants to vote in Weatherford. ‘None of it is true,’* FORT WORTH STAR-TELEGRAM (Aug. 20, 2024), <https://www.star-telegram.com/news/politics-government/article291191260.html>.

²⁴ *Id.*

²⁵ *Id.*; Press Release, *Attorney General Ken Paxton Launches Investigation Into Reports that Organizations May Be Illegally Registering Noncitizens to Vote*, ATT’Y GEN. OF TEX. (Aug. 21, 2024), <https://texasattorneygeneral.gov/news/releases/attorney-general-ken-paxton-launches-investigation-reports-organizations-may-be-illegally>.

²⁶ Stephen Battaglio, *Fox News anchor Maria Bartiromo is front and center in Dominion’s defamation suit*, L.A. TIMES (Mar. 9, 2023), <https://www.latimes.com/entertainment-arts/business/story/2023-03-09/fox-news-anchor-maria-bartiromo-dominion-defamation-suit-murdoch-trump-election-2020-carlson>.

²⁷ Berenice Garcia, *A Fox News host’s debunked election conspiracy appears to have prompted a state investigation*, TEX. TRIB. (Aug. 26, 2024), <https://www.texastribune.org/2024/08/26/texas-voter-registration-election-ken-paxton-investigation/>.

²⁸ *Id.*

²⁹ Brady Gray (@Brady_Gray), X (Aug. 19, 2024, 10:12 PM), https://x.com/Brady_Gray/status/1825717561054376102.

³⁰ Cody Copeland, *Fox News host said Dems registered immigrants to vote in Weatherford. ‘None of it is true,’* FORT WORTH STAR-TELEGRAM (Aug. 20, 2024), <https://www.star-telegram.com/news/politics-government/article291191260.html>.

For all of these reasons, I have serious concerns that you are using the power of law enforcement to intimidate Latinos in Texas and discourage them from exercising their fundamental right to vote. Your pursuit of these investigations threatens the most foundational democratic rights of Americans living in Texas and requires congressional security.

You have claimed that you are “committed to protecting the security of the ballot box and the integrity of every legal vote.”³¹ Your decision to pursue baseless investigations targeting American citizens seeking to exercise their rights proves that this is false. Every American deserves a voice—not just those Americans whom you deem politically worthy. The rule of law cannot bend to accommodate your fear of losing power.

Even more troubling, it appears that you may be using federal funds to violate Americans’ rights. In the 2022-2023 biennium, federal funds comprised over one-quarter of your office’s budget,³² and the proportion of federal funds used by your office is budgeted to increase in the upcoming biennium.³³

As the Committee responsible for overseeing constitutional rights and voting rights, we have a specific interest in ensuring that states are not engaging in pretextual investigations designed to interfere in Americans’ exercise of their right to vote and in ensuring that federal funds are not used to advance such goals.

Accordingly, we ask you to produce the following documents and information for the period of January 1, 2021, to the present:

1. All documents and communications in your possession, custody, or control referring or relating to the Texas State Attorney General’s Office’s receipt and use of federal funds;
2. All documents and communications in your possession, custody, or control between or among the Texas State Attorney General’s Office and the District Attorney for the 81st District of Texas, referring or relating to your office’s investigation of “vote harvesting” in the San Antonio area that led to raids on the homes of a Democratic candidate for public office and her advisor, as well as elderly volunteers;
3. All documents and communications in your possession, custody, or control referring or relating to the Texas State Attorney General’s Office’s “two-year investigation” into potential “vote harvesting” in the San Antonio, Texas area that led to the raid of at least six individuals’ homes in August 2024;

³¹ Press Release, *Attorney General Ken Paxton’s Criminal Investigation Division Executes Search Warrants in Frio, Atascosa, and Bexar Counties in Ongoing Election Integrity Investigation*, ATT’Y GEN. OF TEX. (Aug. 21, 2024), <https://www.texasattorneygeneral.gov/news/releases/attorney-general-ken-paxtons-criminal-investigation-division-executes-search-warrants-frio-atascosa>.

³² Legislative Budget Board Staff, *Fiscal Size-Up 2022-23 Biennium*, LEGIS. BUDGET BOARD OF TEX. at 70 (Mar. 2022), https://www.lbb.texas.gov/Documents/Publications/Fiscal_SizeUp/Fiscal_SizeUp_2022-23.pdf.

³³ H.B. 1, 88th Leg., Reg. Sess. at I-3 (Tex. 2023), <https://capitol.texas.gov/tlodocs/88R/billtext/pdf/HB00001F.pdf>.

4. All documents and communications in your possession, custody, or control between the Texas State Attorney General's Office and Fox News host Maria Bartiromo, regarding her unsubstantiated claims relating to your investigation into voter registration in North Texas
5. All internal communications from the Texas State Attorney General's Office which refer to any statements made by Ms. Bartiromo on social media, on Fox News, or via any other medium; and
6. All documents and communications in your possession, custody, or control referring or relating to the Texas State Attorney General's Office's investigation launched on August 21, 2024, into nonprofit organizations potentially "unlawfully registering noncitizens to vote."

Please provide this information as soon as possible but not later than 5:00 p.m. on September 27, 2024. Pursuant to Rule X of the Rules of the House of Representatives, the Committee has jurisdiction over civil liberties and criminal justice matters in the United States.³⁴

If you have any questions about this request, please contact Committee staff at (202) 225-3951. Thank you for your prompt attention to this matter.

Sincerely,



Jerrold Nadler
Ranking Member
Committee on the Judiciary



Mary Gay Scanlon
Ranking Member
Subcommittee on the Constitution and
Limited Government



Veronica Escobar
Member of Congress

cc: The Honorable Jim Jordan, Chairman, Committee on the Judiciary

³⁴ Rules of the House of Representatives, R. X, 118th Cong. (2023).