



**OFFICE OF THE  
DISTRICT ATTORNEY**

P.O. Box 1748, Austin, TX 78767

Telephone 512/854-9400

Telefax 512/854-4206

**JOSÉ P. GARZA**  
DISTRICT ATTORNEY

**TRUDY STRASSBURGER**  
FIRST ASSISTANT

January 13, 2022

Ken Paxton  
Office of the Attorney General  
300 West Fifteenth Street  
Austin, Texas 78701

Dear General Paxton and the Office of the Attorney General:

On January 4, 2022, the Travis County District Attorney's Office (TSCDO") received a Complaint from Maria Reeve, Karisa King, Marc Duvoisin, Steve Coffman, and Manuel Garcia, (the "Complainants"), alleging that Texas Attorney General Ken Paxton ("Paxton") and the Office of the Attorney General of Texas ("OAG") failed to comply with the Texas Public Information Act's ("TPIA") requirements concerning the maintenance and production of public records from Paxton's personal electronic devices. See Exhibit A. The Complainants also allege that Paxton and the OAG failed to produce responsive documents to their TPIA request by improperly claiming documents were protected by the attorney-client privilege. See Exhibit A.

The Complainants requested our office file for declaratory judgment and injunctive relief under Texas Government Code section 552.3215.

After a thorough review of the Complaint, the TCDA's office has determined that Paxton and the OAG violated Chapter 552 of the Texas Government Code. The TCDAO will file an action against Paxton and the OAG for declaratory judgment and injunctive relief, if they do not cure the violations before the fourth day after the date they receive this notice. See Tex. Gov. Code 552.3215(j).

**Allegation Number One: Complainants believe AG Paxton is improperly withholding his communications as attorney-client privileged documents.**

On January 13, 2021, John Tedesco, on behalf of the Houston Chronicle and Executive Editor Maria Reeve, requested "work-related emails and electronic messages sent to or from accounts or messaging apps belonging to Attorney General Ken Paxton from Jan. 5, to Jan 13, 2021." See Exhibit B.

On January 29, 2021, Tedesco made a similar request for the work-related emails and electronic messages to or from account or messaging apps belonging to Brent Webster. See Exhibit X. On February 1, 2021, Tedesco limited his request for documents to the January 5<sup>th</sup> to January 13<sup>th</sup> time frame. See Exhibit C.

On April 9, 2021 Assistant Attorney General Matthew Taylor wrote that he had reviewed a representative sample of responsive records from Mr. Paxton and concluded that all were exempted under the attorney-client privilege of the Texas Government Code section 552.107(1). See Exhibit D.

However, the OAG released 497 pages of responsive documents from Webster's account, including some in which Paxton was a recipient. See Exhibit E.

We have determined that a violation of Chapter 552 of the Texas Government Code has occurred. Under Texas Government Code section 552.3215, Paxton and the OAG has four (4) days to cure this violation or the TCDAO will file suit in civil court seeking injunctive and declaratory relief.

**Allegation Number Two: Complainants believe AG Paxton is failing to retain and turn over communications related to official business exchanged on his personal devices.**

On February 12, 2021, Allie Morris, on behalf of The Dallas Morning News and Investigations Editor Karisa King, texted a message to Paxton's personal cell phone number 469-667-8128:

Hi General Paxton, I understand the state did not fund your travel to the Jan 6 rally. How was that covered? In addition, I see the office did pay for Brent Webster to go to DC during that same time, where he staffed you on several new interviews related to the rally. Considering you both attended meetings with federal officials too, why was his trip covered by the state and yours wasn't given your meetings were seemingly related to state business? I sent similar communications to staff, but have not heard anything back. Thanks, Allie Morris Reporter, The Dallas Morning News." See Exhibit F

On February 22, 2021, Lauren McGaughy, acting on behalf of The Dallas Morning News and Investigations Editor Karisa King, requested "any and all communications, including text messages, that Texas Attorney General Ken Paxton received via the number 469-667-8128 on Feb. 12, 2021 related to state business." See Exhibit G.

On February 26, 2021, OAG representative Marisol Bernal-Leon, stated that "the OAG has reviewed its files and has no information responsive to your request." See Exhibit G.

When asked about the OAG's failure to produce the known text message, OAG Communication Director Alejandro Garcia claimed that "unsolicited and unwelcome text messages to personal phones do not fall under the records retention law." See Exhibit H.

Texas Government Code section 552.002 defines "public Information" as information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by an individual officer . . . in the officer's . . . official capacity and the information pertains to official business of the governmental body. Tex. Gov. Code 552.002 (a)(3).

"Official business" means any matter over which a governmental body has any authority, administrative duties, or advisory duties. Tex. Gov. Code 552.003 (2-a).

Further, information is in connection with the transaction of official business “if the information is created by, transmitted to, received by, or maintained by an officer . . . of the governmental body in the officer’s . . . official capacity . . . and pertains to official business of the governmental body.” Tex. Gov. Code 552.003 (2-a).

The definition of “public information” applies to and includes “any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.” Tex. Gov. Code 552.002 (a-2).

The Government Code further enumerates the media on which public information is recorded to include “a magnetic, optical, solid state, or other device that can store an electronic signal” and lists the forms in which the media containing public information exist to include a “text message, instant message, other electronic communication.” Tex. Gov. Code 552.002(b)(3).

In fact, the OAG has long agreed that a governmental official’s communications on a personal device are subject to a retention policy and release under the PIA:

We further note that the characterization of information as “public information” under the Act is not dependent on whether the requested records are in the possession of an individual or whether a governmental body has a particular policy or procedure that establishes a governmental body’s access to the information. Information in a public official’s personal e-mail account and home telephone records may be subject to the Act where the public official uses the personal e-mail account and home telephone to conduct public business. *See* Open Records Decision 635 at 3-4; 6-7 (1995).

When the City of Lubbock received a request for all telephone records, including text messages, from a councilman’s personal cell phone, as well as all e-mails regarding city business from the councilman’s personal e-mail account during a specified period of time relating to city business, the OAG concluded that “to the extent the cell phone records and text messages maintained by the councilman relate to the official business of the city, . . . they are subject to the Act and they must be released.” *See* Open Records Decision No. OR2009-10843 at 2.

In fact, the OAG’s Public Information Act Handbook 2020, clearly explains this concept:

Adopting the attorney general’s long-standing interpretation, the definition of “public information” now takes into account the use of electronic devices and cellular phones by public employees and officials in the transaction of official business. The Act does not distinguish between personal or employer-issued devices, but rather focuses on the nature of the communication or document. If the information was created, transmitted, received, or maintained in connection with the transaction of “official business,” meaning, “any matter over which a governmental body has any authority, administrative duties, or advisory duties,” the information constitutes public information subject to disclosure under the Act. OAG’s Public Information Act Handbook 2020, [publicinfo hb.pdf](https://publicinfo.hb.pdf) ([texasattorneygeneral.gov](https://texasattorneygeneral.gov)) at page 52.

We have determined that a violation of Chapter 552 of the Texas Government Code has occurred. Under Texas Government Code section 552.3215, Paxton and the OAG has four (4) days to cure this violation or the TCDAO will file suit in civil court seeking injunctive and declaratory relief.

**Allegation Number Three: Complainants believe that AG Paxton is turning over communications from other individuals as his own in response to public record requests.**

On March 3, 2021, Allie Morris, on behalf of The Dallas Morning News and Investigations Editor Karisa King, requested “records of any text messages from Feb. 19, 2021 exchanged between AG Paxton and Utah Attorney General Sean Reyes related to official business, including, but not limited to, visiting a live law enforcement scenario simulators.” See Exhibit I

In response, OAG representative Marisol Bernal-Leon, stated that “the OAG has reviewed its files and has located the attached documents that are responsive to your request.” See Exhibit I  
According to the complainants, the attached documents were identical to the documents released by Utah’s OAG. See Exhibit A, J.

On March 3, 2021, Allie Morris requested an explanation for the production of documents from Governor Reyes’ personal cell phone, as opposed documents gathered from General Paxton’s cell phone:  
Hi. Please describe how the office searched AG Paxton's phone for responsive records.  
The messages are a screen shot from someone else's device. Why didn't we receive a corresponding version of the messages with AG Paxton as the sender? In addition, how did the PDF you sent me come to be in the possession of the attorney general's office?  
Lastly, who is the sender of the message in both text messages provided? See Exhibit I.

OAG Assistant Attorney General and Public Information Coordinator Lauren Downey, responded, “Ms. Morris, General Paxton provided the messages.” See Exhibit I.

We have determined that a violation of Chapter 552 of the Texas Government Code has occurred. Under Texas Government Code section 552.3215, Paxton and the OAG has four (4) days to cure this violation or the TCDAO will file suit in civil court seeking injunctive and declaratory relief.

Sincerely,

DocuSigned by:

*Jackie Wood*

97578A388F16470

Jackie Wood

Director of Public Integrity and Complex Crimes  
Travis County District Attorney’s Office  
416 West Eleventh Street  
Austin, Texas 78701

Travis County District Attorney  
Public Integrity Unit  
Jackie Wood  
[jackie.wood@traviscountytexas.gov](mailto:jackie.wood@traviscountytexas.gov)  
Todd Bircher  
[todd.bircher@traviscountytexas.gov](mailto:todd.bircher@traviscountytexas.gov)



Jan. 3, 2022

We are filing this complaint with your office to seek declaratory judgment or injunctive relief under Section 552.3215 of the Texas Public Information Act (“TPIA”) to require Texas Attorney General Ken Paxton and his Office to comply with TPIA requirements concerning the maintenance and release of public records documenting his communications.

Over the span of several months beginning in 2020, Texas news organizations have filed numerous open records requests to AG Paxton’s office for various documents related to lawsuits challenging the results of the 2020 presidential election, and for communications sent and received around the time of his Jan. 6 speech in Washington that preceded the violent protest at the U.S. Capitol by supporters of President Donald Trump.

During our reporting on these events and our attempts to obtain public records, we learned that the Office of the Texas Attorney General (hereby referred to as “the Office”) is not complying with the TPIA. These incidents took place within the city of Austin, Travis County, in February and March 2021. Public information requests were made to the Office at the following address: P.O. Box 12548, Austin, TX 78711-8017.

The following facts and concerns came to light:

1. Complainants believe AG Paxton is improperly withholding his communications as attorney-client privileged documents.

Reporter John Tedesco, acting on behalf of the Houston Chronicle and Complainant Maria Reeve, sent an open records request on Jan. 13, 2021 at 4:56 p.m. to the Office for “work-related emails and electronic messages sent to or from accounts or messaging apps belonging to Attorney General Ken Paxton” from Jan. 5 to Jan. 13, 2021, around the time of the Jan. 6 insurrection at the Capitol building in Washington.

On April 9, 2021, the Office issued an open records letter from Assistant Attorney General Matthew Taylor, who wrote that he had reviewed a “representative sample” of the responsive records and concluded that they could all be withheld under the attorney-client privilege exemption of Government Code 552.107(1).

STATE'S  
EXHIBIT

A

While some messages sent to and received by AG Paxton may well fall under the exemption, open records experts interviewed by the Houston Chronicle say it is highly unlikely that all Paxton's messages fall under the privilege. The Office has previously ruled that the privilege is not absolute.

Furthermore, the Chronicle sent an identical request for messages to and from Assistant Attorney General Brent Webster. While some messages were withheld under the attorney-client privilege exemption, the Office released 497 pages of Webster's emails that it agreed were open to the public. This response indicates that messages sent to and from Paxton weren't provided to the Chronicle.

2. Complainants believe AG Paxton is failing to retain and turn over communications related to official business exchanged on his personal devices.

Reporter Allie Morris, acting on behalf of *The Dallas Morning News* and Complainant Karisa King, texted a work-related question to AG Paxton's personal cellphone (469-667-8128) on February 12, 2021. At the end of that business day, reporter Lauren McGaughey, acting on behalf of *The Dallas Morning News* and Complainant Karisa King, requested "any and all communications, including text messages, that Texas Attorney General Ken Paxton received via the number 469-667-8128 on Feb. 12, 2021 related to state business."

In response to the request for the known text message relating to state business, the Office said there were no responsive messages to turn over. In a March 23 email to Tedesco, a spokesman suggested AG Paxton did not need to retain these communications under the attorney general's records-retention policy.

"Unsolicited and unwelcome text messages to personal phones do not fall under the records retention law," wrote Alejandro Garcia, the attorney general's communications director.

This statement indicates the Office is violating both state records retention and public information laws by failing to keep and/or release "unsolicited" or "unwelcome" communications AG Paxton's received related to official business, regardless of whether the communications occur through work or non-work devices.

If the subject matter of the text is state business, the fact that the message may have been "unsolicited and unwelcome" or may have been sent to a "personal phone" is irrelevant.

3. Complainants believe AG Paxton is turning over communications from other individuals as his own in response to public records requests.

Reporter Allie Morris, acting on behalf of *The Dallas Morning News* and Complainant Karisa King, requested communications regarding AG Paxton's February 2021 trip to Utah, in which he met with the Utah Attorney General Sean Reyes, from both Paxton and Reyes' offices.

The Utah attorney general provided copies of a series of texts with, among others, AG Paxton. Later, the Texas Attorney General's Office provided us with the same copies — taken from a phone other than AG Paxton's. This raises concerns that Paxton deleted these public records in the form of text messages about state business from his personal devices and then turned over another individual's copies of these communications in response to public inquiries. If this is accurate, it may suggest Paxton is retaining and producing records selectively.

4. Complainants believe the Office does not properly or proactively undertake public records requests due to a lack of policies regarding AG Paxton's own communications.

Open records coordinator Lauren Downey told reporter John Tedesco in a Feb. 5, 2021, email that the Office “does not have a policy that discusses how to handle open records requests for work-related documents on personal devices” — despite the fact that communications on those devices about public business are clearly subject to the TPIA [*See* TPIA sec. 552.002(a-2)].

In a lawsuit filed in Travis County, four of AG Paxton's former top deputies allege that during their time in the Office, Paxton was “routinely cycling through ‘burner’ cell phones.” The law does not allow AG Paxton to avoid retaining or producing public records due to the medium on which they are stored, such as temporary cell phones, or the method of communication or the platform used on said devices, such as encrypted messaging applications.

To the extent the Attorney General maintains public information on privately owned devices, then he, like every other current or former employee of the agency, must either transfer the information to the agency itself or maintain the information on the private device for the period required by law. See TPIA sec. 552.004.

If the Attorney General chooses to maintain public information on a privately owned device without transferring it to the agency's servers, then he is a “temporary custodian” of that information as defined by TPIA sec. 552.003(7), and the agency, upon receipt of a proper TPIA request, must make a reasonable effort to obtain the information from the Attorney General's personal device. See TPIA sec. 552.203 (4).

As the top elected lawyer for the state of Texas and the leader of the state agency that governs our Public Information Act, AG Paxton and his employees are supposed to uphold open records laws. Instead, we have found evidence suggesting that AG Paxton is deleting public records on his personal devices and that his office is following the law selectively.

The implications of AG Paxton's actions are deeply troubling for anyone who cares about government transparency and the public's access to information in Texas.

Under 552.3215 of the act, the Travis County District Attorney's Office is the appropriate entity to receive this complaint, since the Texas Attorney General's Office is the government body accused of violating the law. We are hopeful that your office will pursue this Complaint and assist with ensuring that AG Paxton and his Office comply with the law to prevent future abuses and to ensure public records are protected.

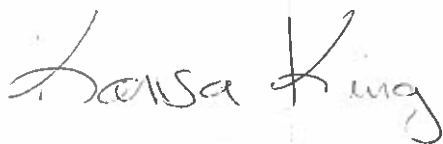
We believe the individuals signing below are the proper complainants. In the case of *City of Dallas v. The Dallas Morning News* (331 S.W. 3d 141 [Tex. App. — Dallas 2010, no pet.]), the Court of Appeals of Texas at Dallas found that a “newspaper, acting through its reporters, was the ‘requestor’ of certain emails from city employees under the [Texas Public Information] Act.” Therefore, the most senior representative present at each news outlet at the time of the aforementioned incidents is the proper complainant.

If we can answer any questions, please contact Maria Reeve, executive editor of the Houston Chronicle, at 713-362-3410 or maria.reeve@chron.com. In addition to complainants Reeve and King, the editors of every major newspaper in Texas are signing this letter to protect government transparency. Thank you for your time.

Sincerely,

A handwritten signature in black ink that reads "Maria Reeve". The signature is written in a cursive, flowing style.

**Maria Reeve**  
Executive Editor  
Houston Chronicle

A handwritten signature in black ink that reads "Karisa King". The signature is written in a cursive, flowing style.

**Karisa King**  
Investigations Editor  
The Dallas Morning News

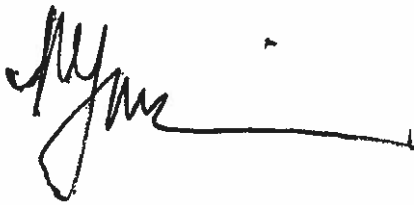
A handwritten signature in black ink that reads "Marc Duvoisin". The signature is written in a cursive, flowing style.

**Marc Duvoisin**  
Editor-in-chief  
San Antonio Express-News



A handwritten signature in black ink, appearing to read "Steve Coffman", with a long horizontal flourish extending to the right.

**Steve Coffman**  
**President and Editor**  
**Fort Worth Star-Telegram**

A handwritten signature in black ink, appearing to read "Manuel Garcia", with a long horizontal flourish extending to the right.

**Manuel Garcia**  
**Executive Editor**  
**Austin American-Statesman**

## Open records request

Tedesco, John <John.Tedesco@chron.com>

Wed 1/13/2021 4:56 PM

To: publicrecords@texasattorneygeneral.gov <publicrecords@texasattorneygeneral.gov>

This is a Texas Public Information Act request under Chapter 552 of the Government Code for copies of or access to the following public records:

All work-related emails and electronic messages sent to or from accounts or messaging apps belonging to Attorney General Ken Paxton. Such services include, but are not limited to, Signal, Slack, WhatsApp, Facebook Messenger, texting apps and email apps on any type of device. Please include messages sent to or from all work accounts and services and all personal accounts and services that contain work-related material. The time frame for this request is from Jan. 5, 2021, to the present.

In accordance with Section 552.221 of the law, please provide the records promptly, meaning as soon as possible under the circumstances, without delay. If the requested information is unavailable at the time of this request, please comply with Section 552.221 (c) of the law and certify this fact in writing and set a date and hour within a reasonable time when the information will be available.

I would like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and is not being sought for commercial purposes.

If I can answer any questions about this request, please contact me at my direct line, 713.362.2736, or my email, john.tedesco@chron.com.

Thanks for your time.

---

**JOHN TEDESCO** | Reporter | Houston Chronicle  
713.362.2736 (desk) | <https://johntedesco.net/blog/contact>

STATE'S  
EXHIBIT

B

## Open records request

Tedesco, John <John.Tedesco@chron.com>

Fri 1/29/2021 4:29 PM

To: publicrecords@texasattorneygeneral.gov  
<publicrecords@texasattorneygeneral.gov>

This is a Texas Public Information Act request under Chapter 552 of the Government Code for copies of or access to the following public records:

All emails and electronic messages sent to or from accounts or messaging apps belonging to Brent Webster. Such services include, but are not limited to, Signal, Slack, WhatsApp, Facebook Messenger, Twitter direct messages, texting apps and email apps on any type of device. Please include messages sent to or from all work accounts and services and all personal accounts and services that contain work-related material. The time frame for this request is from Oct. 1, 2021, to the present.

In accordance with Section 552.221 of the law, please provide the records promptly, meaning as soon as possible under the circumstances, without delay. If the requested information is unavailable at the time of this request, please comply with Section 552.221 (c) of the law and certify this fact in writing and set a date and hour within a reasonable time when the information will be available.

Please include me in any communications about this request with members of your agency or with the attorney general's office. I would like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and is not being sought for commercial purposes.

If I can answer any questions about this request, please contact me at my direct line, 713.362.2736, or my email, [john.tedesco@chron.com](mailto:john.tedesco@chron.com).

Thanks for your time.

---

**JOHN TEDESCO** | Reporter | Houston Chronicle  
713.362.2736 (desk) | <https://johntedesco.net/blog/contact>

STATE'S  
EXHIBIT

C



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 9, 2021

Ms. Lauren Downey  
Assistant Attorney General  
Public Information Coordinator  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

OR2021-09095

Dear Ms. Downey:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 875994 (PIR Nos. R007857 and R008666).

The Office of the Attorney General (the "OAG") received two requests for communications of the Attorney General for specified time periods. The OAG claims the submitted information is excepted from disclosure under section 552.107 of the Government Code. We have considered the claimed exception and reviewed the submitted representative sample of information.<sup>1</sup> We have also received and considered comments submitted on behalf of one of the requestors. *See* Gov't Code § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released).

Initially, we note some of the submitted information, which the OAG marked, is not responsive to either of the instant requests for information because it was created after the date the OAG received the first request for information and falls outside the time period specified in the second request for information. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983). This ruling does not address the public availability of any information that

---

<sup>1</sup> We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

is not responsive to the requests and the OAG is not required to release such information in response to these requests.

Section 552.107(1) of the Government Code protects information coming within the attorney-client privilege. *See* Gov't Code § 552.107(1). When asserting the attorney-client privilege, a governmental body has the burden of providing the necessary facts to demonstrate the elements of the privilege in order to withhold the information at issue. *See* Open Records Decision No. 676 at 6-7 (2002). First, a governmental body must demonstrate the information constitutes or documents a communication. *Id.* at 7. Second, the communication must have been made "to facilitate the rendition of professional legal services" to the client governmental body. *See* TEX. R. EVID. 503(b)(1). The privilege does not apply when an attorney or representative is involved in some capacity other than that of providing or facilitating professional legal services to the client governmental body. *See In re Tex. Farmers Ins. Exch.*, 990 S.W.2d 337, 340 (Tex. App.—Texarkana 1999, orig. proceeding) (attorney-client privilege does not apply if attorney acting in capacity other than that of attorney). Governmental attorneys often act in capacities other than that of professional legal counsel, such as administrators, investigators, or managers. Thus, the mere fact that a communication involves an attorney for the government does not demonstrate this element. Third, the privilege applies only to communications between or among clients, client representatives, lawyers, and lawyer representatives. *See* TEX. R. EVID. 503(b)(1). Thus, a governmental body must inform this office of the identities and capacities of the individuals to whom each communication at issue has been made. Finally, the attorney-client privilege applies only to a *confidential* communication, *id.*, meaning it was "not intended to be disclosed to third persons other than those: (A) to whom disclosure is made to further the rendition of professional legal services to the client; or (B) reasonably necessary to transmit the communication." *Id.* 503(a)(5). Whether a communication meets this definition depends on the *intent* of the parties involved at the time the information was communicated. *See Osborne v. Johnson*, 954 S.W.2d 180, 184 (Tex. App.—Waco 1997, orig. proceeding). Moreover, because the client may elect to waive the privilege at any time, a governmental body must explain the confidentiality of a communication has been maintained. Section 552.107(1) generally excepts an entire communication that is demonstrated to be protected by the attorney-client privilege unless otherwise waived by the governmental body. *See Huie v. DeShazo*, 922 S.W.2d 920, 923 (Tex. 1996) (privilege extends to entire communication, including facts contained therein).

The OAG states the responsive information consists of communications between members of the OAG's Executive Administration and the Criminal Prosecutions Division discussing litigation matters being handled by the OAG, as well as communications between the Attorney General and an attorney in the OAG's Executive Administration. The OAG states the communications were made for the purpose of providing professional legal services to the State. Further, the OAG represents the communications were not intended to be disclosed and have not been disclosed to non-privileged parties. Upon review, we find the OAG has demonstrated the applicability of the attorney-client privilege to the responsive information. Thus, the OAG may withhold the responsive information under section 552.107(1).

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Matthew Taylor  
Assistant Attorney General  
Open Records Division

MT/jm

Ref: ID# 875994

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)

**Bernal-Leon, Marisol**

---

**From:** ed heimlich  
**Sent:** Wednesday, January 13, 2021 8:20 AM  
**To:** ken.paxton@texasattorneygeneral.gov; Ken Paxton Campaign; Brent Webster; Webster, Brent  
**Cc:** Fisher, Ryan  
**Subject:** "To Secure these Rights governments are instituted" FED SOC EVENT TOMORROW Re: 12 PM, Thur, Jan 14 - Mark your Calendar for this 1 hour event

**"To Secure these Rights governments are instituted" (DOI, July 5, 1776)**

What Rights? **UNALIENABLE RIGHTS !**

Our Office of the Attorney General chose to put the State Treasury over the purpose for which it, as government, was instituted! It used resources entrusted to it by you, our Legislators, to **WAGE WAR AGAINST OUR CONSTITUTION and YOUR LAWS!** Actors within that Office violated the laws of our Constitutions, and your Statutory laws, to prevent the enforcement of the Law.

**KEN PAXTON IS NOT AT FAULT.** The Actors responsible were well entrenched in the Office of the Attorney General and the corrupt culture therein was well established long before he took Office.

You, have the power and the duty, to **ENFORCE THE LAW** to secure my unalienable Right to Remedy for the wrong, unlawful, acts of those who committed these acts while acting in the name of The State of Texas.

On Monday, January 11, 2021, 11:47:38 AM CST, ed heimlich wrote:

Know you are busy. But you should listen in during your lunch if at all possible.

In this **Federalist Society event** our **US State Department** will discuss the Unalienable Rights Commissions findings.

The Right to Remedy for an unlawful imprisonment is an unalienable Right. Not only recognized in International Law and binding on governments of the States of the United States; but also secured in our Texas Constitution's Bill of Rights as *"excepted from the powers of government; forever to remain inviolate"*.

Furthermore; Jeff Archer, Texas Legislative Council, has confirmed I am an intended beneficiary of the Act on which I secured the Final Judgment that remains due !!!

And as an Attorney who knows the Law - Our Texas Constitution and Statutory Law deprived the Office of the Attorney General / State of Texas of jurisdiction to for further Appellate Review. You have a duty to Remedy this 'Mistake of Law'. See attached Final Judgment that requires your certification to the Comptroller as a Legal Obligation of the State of Texas.

----- Forwarded Message -----



January 11, 2021

**Bernal-Leon, Marisol**

---

**From:** ed heimlich >  
**Sent:** Monday, January 11, 2021 11:48 AM  
**To:** ken.paxton@texasattorneygeneral.gov; Ken Paxton Campaign; Brent Webster; Webster, Brent  
**Cc:** Fisher, Ryan  
**Subject:** 12 PM, Thur, Jan 14 - Mark your Calendar for this 1 hour event  
**Attachments:** 3 docs attachments.pdf

Know you are busy. But you should listen in during your lunch if at all possible.

In this **Federalist Society event** our **US State Department** will discuss the Unalienable Rights Commissions findings.

The Right to Remedy for an unlawful imprisonment is an unalienable Right. Not only recognized in International Law and binding on governments of the States of the United States; but also secured in our Texas Constitution's Bill of Rights as *"excepted from the powers of government; forever to remain inviolate"*.

Furthermore; Jeff Archer, Texas Legislative Council, has confirmed I am an intended beneficiary of the Act on which I secured the Final Judgment that remains due !!!

And as an Attorney who knows the Law - Our Texas Constitution and Statutory Law deprived the Office of the Attorney General / State of Texas of jurisdiction to for further Appellate Review. You have a duty to Remedy this 'Mistake of Law'. See attached Final Judgment that requires your certification to the Comptroller as a Legal Obligation of the State of Texas.

----- Forwarded Message -----



January 11, 2021



**Teleforums This Week**

**Dial 888-752-3232 to Participate**

**Legacy of the Unalienable Rights Commission: Discussion with Dr. Peter Berkowitz, Director of the Policy Planning Office, U.S. Department of State**



## Bernal-Leon, Marisol

---

**From:** Hornsey, Brittany  
**Sent:** Tuesday, January 5, 2021 8:28 AM  
**To:** Bonin, Lillian; Boulton, Beth; Burgess, Sarah; Cowles, Shawn; Dinunzio, Nanette; Dorfman, Grant; Eskew, Jordan; Fisher, Ryan; French, Lesley; Garcia, Alejandro; Hawkins, Kyle; Hilton, Gracie; Hornsey, Brittany; Hubbard, Kimberly; Lloyd, James; McLeod, Tina; Moody, Grace; Paxton, Ken; Price, Michele; Reitz, Aaron; Reno, Josh; Roddy, Steve; Singer, Paul; Smith, Michelle; Taylor, Tom; Thornton, Ruth; Tran, Colleen; Webster, Brent; Arnold.Alejandro@dps.texas.gov  
**Subject:** IMPORTANT: PDB GARAGE RESTRIPIING (vehicles must be removed starting at 5 PM this Friday, January 8th)  
**Importance:** High

Good morning,

**Beginning this Friday, January 8<sup>th</sup> at 5:00 PM until Sunday, January 10<sup>th</sup> at 6:00 PM**, TFC will be cleaning and restriping the PDB parking garage. The garage will be closed all weekend and all vehicles must be removed by 5 PM this Friday, January 8<sup>th</sup>. If parking is needed, parking Garage J or Parking Garage E will remain open over the weekend. Please let me know if you have any questions.

Thank you,

Brittany

Hi General Paxton,  
I understand the state did not fund your travel to the Jan. 6 rally. How was that covered? In addition, I see the office did pay for Brent Webster to go to DC during that same time, where he staffed you on several news interviews related to the rally.

Considering you both attended meetings with federal officials too, why was his trip covered by the state and yours wasn't given your meetings were seemingly related to state business? I sent similar questions to agency communications staff, but have not heard anything back.

Thanks



**KEN PAXTON**  
ATTORNEY GENERAL of TEXAS

# Public Information Request Center

MENU

Main Menu

FAQs

See All FAQs

How long will it take to receive a response to my request?

Can I request any Texas records from you?

Are the Public Information Coordinator's Office (PIC) and the Open Records Division (ORD) the same?

How do I obtain information regarding the Public Information Act?

View Message(s)

Request / Incident Summary

<b>Request Type:</b>	Public Information Request
<b>Contact E-Mail:</b>	Imcgaughy@dallasnews.com
<b>Reference No:</b>	R008331-022221
<b>Status:</b>	No Records Exist

Additional Information

The Office of the Attorney General is providing this portal to assist citizens in making public information requests in accordance with Chapter 552 of the Texas Government Code, the Public Information Act.

Please note the Public Information Act does not require governmental bodies to create new information, perform legal research, or to answer questions. The request must ask for records or information already in existence.

The OAG will respond within ten business days to information requests. The OAG may collect a fee as prescribed by law or regulation for the requested documents. For more information on the Public Information Act, please visit our [website](#).

**Describe the Record(s) Requested:**

Any and all communications, including text messages, that Texas Attorney General Ken Paxton received via the number 469-667-8128 on Feb. 12, 2021 related to state business.

Be as specific as possible. Failure to provide specific information will result in the

STATE'S EXHIBIT

6



information you have concerning your request.

Date From:

Date To:

Are you requesting Child Support records?:

No

Records will be delivered via our online portal when they become available unless alternate method is selected:

Electronic via Records Center  
Please note not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for inspection or by paper copy in accordance with the Public Records Law.

New Message

Cancel

Messages

 Print Messages (PDF)

✓  On 2/26/2021 7:53:54 AM, TEXAS AG Public Information wrote:

**Subject:** [Records Center] Public Information Request :: R008331-022221  
**Body:** February 26, 2021

Ms Lauren McGaughy  
The Dallas Morning News  
lmcgaughy@dallasnews.com  
VIA E-MAIL ONLY

Re: Public Information Request No. R008331

Dear Ms. McGaughy

This e-mail is in response to your public information request to the Office of the Attorney General ("OAG"), received by the OAG on February 22, 2021.

The OAG has reviewed its files and has no information responsive to your request. If you have any questions, please contact me at [publicrecords@oag.texas.gov](mailto:publicrecords@oag.texas.gov).

Sincerely,

Marisol Bernal-Leon  
Public Information Coordinator's Office



✓  On 2/22/2021 11:17:07 AM, TEXAS AG Public Information wrote:

 icon-image

Dear Ms. Lauren McGaughy:


Thank you for your interest in records of the Office of the Attorney General. Your request has been received and is being processed in accordance with Chapter 552 of the Texas Government Code, the Public Information Act. Your request was received in this office on 2/22/2021 and given the reference number R008331-022221 for tracking purposes.

Records Requested: Any and all communications, including text messages, that Texas Attorney General Ken Paxton received via the number 469-667-8128 on Feb. 12, 2021 related to state business.

You can monitor the progress of your request at the link below and you will receive an email when your request has been completed. Again, thank you for using the Public Records Center.

To monitor the progress or update this request please log into the [Public Records Center](#)

Powered by  
**GovQA**

✓  On 2/22/2021 11:17:07 AM, TEXAS AG Public Information wrote:

Request was created by staff

Powered by  
**GovQA**

[EXTERNAL] RE: Upcoming news story about open records

Communications <Communications@oag.texas.gov>

Tue 3/23/2021 4:16 PM

To: Tedesco, John <John.Tedesco@chron.com>

Hi John

"To answer most of your questions, we follow the Texas Administrative Code over State Records which can be found here: [https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=5&ti=13&pt=1&ch=6&sch=A&rl=Y](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=13&pt=1&ch=6&sch=A&rl=Y) Unsolicited and unwelcome text messages to personal phones do not fall under the records retention law" - Alejandro Garcia, Director of Communications for the Office of the Attorney General

Thank you.



**Kayleigh Date**  
Press Secretary

Office of the Texas Attorney General  
512.475.2933  
[@TXAG](#)

From: Tedesco, John <John.Tedesco@chron.com>  
Sent: Monday, March 22, 2021 4:41 PM  
To: publicrecords <PublicRecords@oag.texas.gov>; Ian <ian@theadwatersmedia.org>  
Cc: Communications <Communications@oag.texas.gov>  
Subject: Upcoming news story about open records

Hi Lauren and Ian, I'm helping my colleagues at the Houston Chronicle, The Dallas Morning News, The Texas Tribune, ProPublica, the Austin American-Statesman and the San Antonio Express-News for an upcoming article about the open-records practices at the attorney general's office. I'd like to share some of our findings with you, ask a few questions and give you an opportunity to respond.

Our story is about work-related documents stored on personal devices or online accounts of Attorney General Ken Paxton. At this point, the story says it's unclear whether the attorney general's office reviews Mr. Paxton's email accounts and phones to look for requested records or whether the attorney general himself determines what to turn over without any outside input. It also appears the AG's office has no policy to deal with such situations, according to a previous email that Lauren sent me.

In a 15-day letter sent to the open records division related to request R007857-011421, the AG's office is also arguing that all Mr. Paxton's emails and messages sent or received from Jan. 5 to Jan. 11 fall under attorney-client privilege. Our lawyer and an open records expert tell us that while it's certainly possible some records fall under the privilege, it's unusual for every single message to fall under that exemption. The story will also say the AG's office said there were no messages sent or received on encrypted apps kept by Mr. Paxton.

We have the following questions:

- How does the attorney general's office make sure it's collecting all responsive, work-related documents stored on personal devices or accounts for Mr. Paxton?

STATE'S EXHIBIT

H

- What are your reasons for not enacting a policy for employees and elected officials to follow when the AG's office receives open records requests for work-related documents that might be stored on personal devices or accounts?
- When The Dallas Morning News requested copies of text messages sent between Mr. Paxton and Utah Attorney General Sean Reyes, your office provided a replica of Utah's version of that text conversation, showing Mr. Paxton as a recipient, not a sender. What were your reasons for not providing Mr. Paxton's version of that conversation? Where did Mr. Paxton's copy come from?
- When a Morning News reporter texted a work-related question to Mr. Paxton's cell phone number in February, the newspaper later requested all text messages related to state business sent to that phone number on that same day. What were your reasons for stating there were no responsive messages?
- What steps does Mr. Paxton take to comply with the AG's records retention schedule when storing work-related documents on his personal devices or accounts?

Thanks for your patience in responding to our open records requests and questions. Would it be unrealistic to get a response by tomorrow afternoon by 3 p.m.? If this works please let us know. I can be reached any time at this email or on my direct line, 210.535.4655.

John

---

**JOHN TEDESCO** | Reporter | Houston Chronicle

713.362.2736 (desk) | <https://johntedesco.net/blog/contact>



**KEN PAXTON**  
ATTORNEY GENERAL of TEXAS

# Public Information Request Center

## Main Menu

- Home
- FAQs
- Submit a Request
- My Request Center

[View File\(s\)](#)   [View Message\(s\)](#)

**Request Type:** Public Information Request  
**Contact E-Mail:** allie.morris@dallasnews.com  
**Reference No:** R008461-030321  
**Status:** Full Release

## FAQs

[See All FAQs](#)

How long will it take to receive a response to my request?

Can I request any Texas records from you?

Are the Public Information Coordinator's Office (PIC) and the Open Records Division (ORD) the same?

How do I obtain information regarding the Public Information Act?

The Office of the Attorney General is providing this portal to assist citizens in making public information requests in accordance with Chapter 552 of the Texas Government Code, the Public Information Act.

Please note the Public Information Act does not require governmental bodies to create new information, perform legal research, or to answer questions. The requesters must ask for records or information already in existence.

The OAG will respond within ten business days to information requests. The OAG may collect a fee as prescribed by law or regulation for the requested documents. For more information on the Public Information Act, please visit our [website](#).

**Describe the Record(s) Requested:** Records of any text messages from Feb. 19, 2021 exchanged

	UPLOAD DATE	DOWNLOAD ALL
Files:	03/09/2021	<a href="#">Text_messages.pdf</a>



I



between AG Paxton and Utah Attorney General Sean Reyes related to official business, including, but not limited to, visiting a live law enforcement scenario simulator.

Be as specific as possible. Failure to provide specific information will result in the delay of fulfilling your request. Please provide all information you have concerning your request.

**Date From:**

**Date To:**

**Are you requesting Child Support records?:**

No

**Records will be delivered via our online portal when they become available unless alternate method is selected:**

Electronic via Records Center Please note not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for inspection or by paper copy in accordance with the Public Records Law.

New Message

Cancel

Messages

 Print Messages (PDF)



I appreciate your responses.



**Subject:** [Records Center] Public Information Request :: R008461-030321

**Body:**

Ms. Morris,

The Office of the Attorney General is in full compliance with the Public Information Act. If you have questions, please direct them to our Press Office.

The purpose of my office is to process requests for records.

Sincerely,

Lauren Downey  
Assistant Attorney General  
Public Information Coordinator  
Office of the Attorney General



I am asking whether you or someone in the OAG's office searches General Paxton's accounts and devices for responsive information, or whether he does that himself. If so, how does General Paxton search for responsive records? And if General Paxton is the one providing the records is anyone from the OAG's office independently checking to make sure all responsive documents are provided?



**Subject:** [Records Center] Public Information Request :: R008461-030321

**Body:**

Ms. Morris,

I'm not sure what you mean by 'proactively' searching his devices. In response to a request for records, we gather responsive information. In this instance, he provided the responsive information.

Sincerely,

Lauren Downey  
Assistant Attorney General  
Public Information Coordinator  
Office of the Attorney General



Thank you for getting back to me so quickly.

So, the office does not proactively search General Paxton's devices and instead, the general provides what he considers responsive?



**Subject:** [Records Center] Public Information Request :: R008461-030321

**Body:**

Ms. Morris,

I asked General Paxton for his responsive information, and he provided that responsive information.

Sincerely,

Lauren Downey  
Assistant Attorney General  
Public Information Coordinator  
Office of the Attorney General



Ok, where did they come from? They are not messages that he sent. He is listed as the recipient, not the sender.



**Subject:** [Records Center] Public Information Request :: R008461-030321

**Body:**

Ms. Morris,

General Paxton provided the text messages.

Sincerely,

Lauren Downey  
Assistant Attorney General  
Public Information Coordinator  
Office of the Attorney General



Hi,

Please describe how the office searched AG Paxton's phone for responsive records. These messages are a screen shot from someone else's device. Why didn't we receive a corresponding version of the messages with AG Paxton as the sender?

In addition, how did the PDF you sent me come to be in the possession of the attorney general's office?

Lastly, who is the sender of the messages in both text messages provided?

I look forward to your response.

Sincerely,  
Allie Morris



**Subject:** [Records Center] Public Information Request :: R008461-030321  
**Body:** March 9, 2021

Ms. Allie Morris  
The Dallas Morning News  
allie.morris@dallasnews.com  
VIA E-MAIL ONLY

Re: Public Information Request No. R008461

Dear Ms. Morris:

This e-mail is in response to your public information request to the Office of the Attorney General ("OAG"), received by the OAG on March 3, 2021.

The OAG has reviewed its files and has located the attached documents that are responsive to your request. Although the Public Information Act allows a governmental body to charge for copying documents, the attached documents are being provided to you at no charge.

If you have any questions, please contact me at [publicrecords@oag.texas.gov](mailto:publicrecords@oag.texas.gov).

Sincerely,

Marisol Bernal-Leon  
Public Information Coordinator's Office  
Office of the Attorney General



Dear Allie Morris:

Thank you for your interest in records of the Office of the Attorney General. Your request has been received and is being processed in accordance with Chapter 552 of the Texas Government Code, the Public Information Act. Your request was received in this office on 3/3/2021 and given the reference number R008461-030321 for tracking purposes.

Records Requested: Records of any text messages from Feb. 19, 2021 exchanged between AG Paxton and Utah Attorney General Sean Reyes related to official business, including, but not limited to, visiting a live law enforcement scenario simulator.

You can monitor the progress of your request at the link below and you will receive an email when your request has been completed. Again, thank you for using the Public Records Center.

---

To monitor the progress or update this request please log into the [Public Records Center](#)



Request was created by staff



AP

SR

2 People >

Dinner: Market Street Grill, Oyster Bar, 2985 E Cottonwood Pkwy, SLC

AG Ken Paxton

AP

Thank you. How should be dress for the simulation?

Sean Reyes

SR

Dress casual for both. Jeans and polo. Comfortable for simulator. And dinner.

AG Ken Paxton

AP

Excellent! So looking forward to this.

Friday 1:55 PM

Sean Reyes

SR

And Lee said she arranged something for tonight so Gen Paxton can do his interview.

AG Ken Paxton

AP

She did! Thank you

STATE'S EXHIBIT

J

Friday 12:51 PM



audio



FaceTime



info

AG Paxton, we can accommodate 5pm VlrTra. Will Fowlke will be your host.

The address for the Murray office is: 5272 South College Drive, Murray

Will Fowlke will meet you in the foyer. Enter through south entrance.

Dinner: Market Street Grill, Oyster Bar, 2985 E Cottonwood Pkwy, SLC

AG Ken Paxton

**Thank you. How should be dress for the simulation?**

AP

Sean Reyes

**Dress casual for both. Jeans and polo. Comfortable for simulator. And dinner.**

SR

Subject