

# LONE STAR PROJECT

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(202) 547-7610 - Fax (202)547-8258

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Contact: Matt Angle

On the web at [www.LoneStarProject.net](http://www.LoneStarProject.net)

## **Texas AG Wastes Crime Fighting Funds on Ineffective Biased Program**

*Abbott Program Targets Seniors, Minorities and Democrats*

With great fanfare last year, Texas Attorney General Greg Abbott boasted about establishing an aggressive voter fraud unit to enforce Texas election laws and stop illegal voting. Kicking off the effort, Abbott said, "In Texas, an epidemic of voter fraud is infesting the electoral process, and it's time we rooted it out."

(Source: Texas AG [Helping Stamp Out Voter Fraud in Texas](#))

**To pay for the project, Abbott and Texas Republican Governor Rick Perry decided to divert part of \$1.4 million in federal funds obtained through the Edward Byrne Memorial Justice Assistance Grant program, more informally called "Byrne Grants." These federal Byrne Grant funds would otherwise be used entirely to fight serious violent crimes against Texas citizens.** Republican Secretary of State Roger Williams joined the act by agreeing to "refer" allegations of irregular election activity to Abbott.

**Now, almost a year later, all Abbott, Perry and Williams have done with their high profile, high dollar effort is indict about a dozen senior citizens – most of them African American or Hispanic - and all of them Democrats.**

- A total of only 40 ballots are in question.
- In only one instance, is it alleged that anyone other than a legal, qualified voter cast a ballot.
- In every other instance, the Attorney General is using a loophole in the Texas election law to prosecute seniors for the simple act of assisting other seniors in casting their mail-in ballot.
- Moreover, the materials designed by Abbott clearly "cue" those election officials to scrutinize African American voters more closely than others.

## Crime Fighting Funds Diverted for Failed Abbott Program

According to the U.S. Justice Department, federal Byrne Grants are intended to help states combat serious crimes such as drug trafficking, cyber crimes, child sexual abuse and child pornography. An eight-page Department of Justice document titled “Byrne Formula Purpose Areas” describes 29 specific areas of law enforcement and crime prevention that qualify for Byrne Grant assistance.

**There is no specific mention or reference to voter fraud or election law enforcement anywhere in the DOJ document.** (Source: [DOJ - Byrne Formula Purpose Areas](#)) However, Texas Attorney General Greg Abbott, with the approval of Governor Rick Perry, has dipped heavily into a \$1.4 million federal Byrne Grant crime fighting fund to concentrate on voter fraud rather than violent crime prevention and enforcement. (Source: Texas AG [Helping Stamp Out Voter Fraud in Texas](#))

## Minority Democratic Seniors Targeted and Prosecuted

To date, it appears that less than a dozen indictments have been handed down as a result of Abbott’s enforcement efforts. Over 4 million votes are normally cast in a Texas election. Of these, only about 40 actual ballots, less than .001 percent, are in question. Most disturbing, the individuals Abbott is prosecuting are mostly African American or Hispanic, senior citizens and Democrats. If voter fraud is in fact an “epidemic” in Texas, it is worth noting that Abbott, Perry and Williams have chosen to prosecute only a few violators, and virtually all of them are minority senior Democrats.

Name	County	Sex	Age	Race	# of Ballots in Question	Voting History
Josefina Marinas Suarez	Nueces	F	44	Hispanic	1	Unknown
Willie J. Ray	Bowie	F	67	African American	7	Democrat
Melinda Hunter	Bowie	F	33	African American	7	Democrat
Jamillah Johnson	Bowie	F	29	African American	2	Unknown
Anita Baeza	Reeves	F	68	Hispanic	5	Democrat
Trinidad Villalobos	Reeves	F	60	Hispanic	4	Democrat
Virginia Ramos Garza	Nueces	F	70	Hispanic	4	Democrat

Isabel Rios Gonzalez	Nueces	F	35	Hispanic	2	Democrat
Elida Garza Flores	Nueces	F	65	Hispanic	1	Democrat
Johnny Akers	Hardeman	M	58	Unknown	6	Democrat
Melva Kay Ponce	Bee	F	53	Hispanic	1	Unknown

(Source: TX Attorney General Press Releases and Secretary of State Voting Records)

<b>Total Ballots in Question</b>	<b>40 out of 4 million cast (less than .001%)</b>
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### Abbott Exploiting Loophole in Texas Law

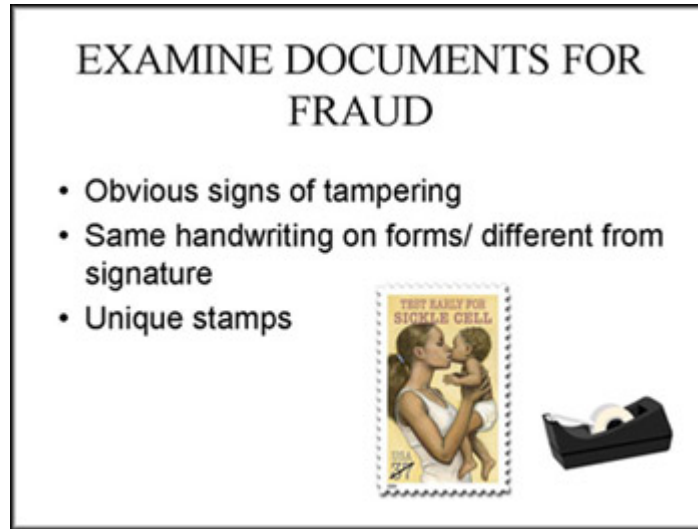
- In Texas, any registered voter 65 years of age or older, or any disabled person, has the right to cast their ballot by mail. (Source: [TX Secretary of State – Early Voting Texas](#))
- Until the 2004 election, an individual could legally assist a senior or disabled voter by helping them complete an application for a mail ballot, helping them fill out their voter information on their ballot, and once the voter had voted and sealed the carrier envelope, help the senior further by making sure the ballot was delivered to a mail box or postal facility or delivered to the elections department. (Source: [Texas Election Code Section 86.006\(f\)](#))
- However, as part of broader legislation meant to protect the rights of senior voters, language was added that prevented any person not related or living with a senior to help them mail their ballot.
- Abbott is using this narrow loophole to win indictments in Texas. **In only one instance is Abbott charging that a ballot was cast by a person other than the voter themselves.** In every other instance, the ballot was marked by a qualified voter and there is no claim that the person assisting the elderly voter did not reflect the wishes of the voter. The AG's office acknowledge this in one case saying, "Akers (one of the accused) was not accused of manipulating someone's vote, just illegally handling ballots." (Associated Press, November 9, 2005) The charge Abbott is pursuing is that another person simply helped make sure the ballot got mailed to the right place. Under Abbott's interpretation election fraud would occur when a person simply gives help to elderly or disabled voters.

### Training Materials Racially Biased

A central feature of the Abbott, Perry, Williams voter fraud program is a training packet designed to "educate" election officials on how to identify potential voter

fraud. The training materials produced and used by the AG's office contain obvious racial "cues" implying that African Americans should be scrutinized more closely than other voters. A copy of the entire AG packet can be viewed [HERE](#). (Warning Large File) The most obvious and offensive racial "cues" within the packet are shown below and include:

- the use of a "sickle cell" stamp as part of a warning to "Examine Documents for Fraud" ([See Large Version Here](#)); and



- a photograph of African Americans standing in line to vote. ([See Large Version Here](#)) The training document does not include any other specific examples of potentially fraudulent documents or any photographs of Anglo voters standing in line or preparing to cast votes. (Source: [Texas AG PowerPoint: Investigating Election Code Violations](#))



## **Texas Republicans Have Misused Federal Byrne Grant Funds Before**

One of the most controversial, divisive and racially charged law enforcement incidents in recent Texas history is the scandal in Tulia, Texas, where African American residents were sentenced to long prison terms based on the uncorroborated testimony of only one Anglo police officer. Texas Monthly succinctly summarized the scandal when it reported: "In 1999 a Byrne grant-funded narc named Tom Coleman set up dozens of people, most of them black, in the small Panhandle town, allegedly for dealing cocaine." In the four-year legal battle that followed, Coleman was exposed as a liar, and Governor Rick Perry eventually pardoned almost all of his victims." (*Source: Texas Monthly, September, 2005*) Current Republican U.S. Senator John Cornyn was then serving as Texas Attorney General. It appears now that during Greg Abbott's tenure, Byrne Grant funds are again being used in a program that has the effect of intimidating minority voters, and this program is being run directly out of the Attorney General's office.

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Lone Star Fund  
6 E Street, SE  
Washington, DC 20003