

LONE STAR PROJECT

Fighting Back... with Facts



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Brass Knuckles for Minority Seniors, Kid Gloves for Highland Park *Abbott slow walks ballot tampering investigation in exclusive GOP community*

Over the past year, Texas Attorney General Greg Abbott has relentlessly prosecuted a handful of mostly minority senior citizen Democrats who may have unknowingly violated an obscure and flawed Texas election statute. At the same time, his office delayed the investigation of election mismanagement and ballot tampering in the exclusive Dallas County community of Highland Park.

[For more on background and details on Abbott's tactics click HERE](#)

The Abbott Double Standard

Highland Park is one of the wealthiest neighborhoods in the country with over 500 houses valued at over \$1 million and is a GOP stronghold, voting overwhelmingly for George Bush in 2004. (*Census Bureau, Secretary of State records*) Both George W. Bush and Dick Cheney lived in Highland Park prior to the 2000 election. (*Houston Chronicle, 12/9/2006 and Dallas Morning News 5/12/2006*) Greg Abbott has failed to bring any prosecution in this neighborhood even after receiving clear evidence of illegal election activity by the Dallas Assistant District Attorney.

Meanwhile, the Texarkana neighborhood where an Abbott prosecution target, Willie Ray, lives is a predominately African American area that regularly supports Democratic candidates. There are no \$1 million homes in this neighborhood. The median value of a house is \$54,400 and the per capita income is less than \$14,500. (Census Bureau) Abbott aggressively prosecuted and won a conviction against Willie Ray for the simple act of delivering sealed ballots to the post office at the request of senior voters.

City	2004 Bush %	Voting Age Anglo %	Voting Age AA %	Voting Age AA Pop	Median Value of House	Home Val. over \$1 mil	Per Capita Income
Highland Park (Precinct 1206)	88.1%	97.8	0.2	3	\$439,500*	522*	\$76,203*

Texarkana (Precinct 002A)	21.8%	15.3	82.4	954	\$54,400*	0*	\$14,399*
*Housing and income data use zip codes 75225 and 75501							

(Census Bureau, Secretary of State records)

Dallas DA cites election irregularities in Highland Park, requests AG investigation

A November 21, 2005 memo written by Dallas Assistant Criminal District Attorney, Ben Stool, details that Republican precinct election officials and Republican County Judge Margaret Kelleher participated in improper election activities that resulted in the mishandling of over 100 ballots in Highland Park. ([Read the memo HERE](#)) The memo directly calls on the AG to investigate the complaint and plainly states that an investigation may produce evidence to bring criminal prosecution against the sitting Republican County Judge and the presiding Republican Election Judge. Other email correspondence to Abbott points to other election improprieties. Excerpts from the DA memo, email correspondence and news accounts:

- ***“I believe that a criminal investigation may produce sufficient evidence to bring a criminal prosecution against the County Judge [Margaret Kelleher] and/or Election Judge Jim Hairston for incidents occurring at the polling place at Highland Park Middle School during the 2005 Constitutional Election.”*** ([Dallas Assistant Criminal District Attorney Memo November 21, 2005](#))
- ***“A boy who appeared to be about 10 years old went down that line passing out ballots. Some people took more than one and filed them out....no one checked voter registration cards or identification.”*** ([Dallas Morning News 11/10/2005](#))
- ***“The emails, news articles and fax that I already have indicate that the County Judge and/or Election Judge may have unlawfully permitted many ineligible voters to vote.*** ([Dallas Assistant Criminal District Attorney Memo November 21, 2005](#))
- ***“It appears he [the Election Judge] ordered or permitted others to hand out regular ballots to voters without those voters presenting voter registration certificates.”*** ([Dallas Assistant Criminal District Attorney Memo November 21, 2005](#))
- ***The County Judge [Margaret Kelleher] may have directed the Election Judge or his clerks to hand out regular ballots to voters without requiring the voters to go through the basic required procedures.”*** ([Dallas Assistant Criminal District Attorney Memo November 21, 2005](#))
- ***Bruce Sherbet, the Elections Administrator, informed me that over 100 more ballots were cast at this particular polling place than there were signatures on the roster.”*** ([Dallas Assistant Criminal District Attorney Memo November 21, 2005](#))

Abbott slow walks Highland Park investigation

Rather than exercise his discretion to act directly on the DA’s request and immediately investigate the irregular activity in Highland Park, Abbott combined bureaucratic foot dragging with needless paper shuffling to avoid an aggressive investigation that might prove political harmful to Republican office holders and election officials.

Time Line

Reports of voting irregularity and ballot tampering

- **November 8, 2005** - Constitutional Amendment Election
- **November 9, 2005** – Highland Park resident Margaret Bewley contacts the Secretary of State by email regarding the Highland Park ballot problems. (*Letter from AG's office 1/26/2006*)
- **November 10, 2006** – The Dallas Morning News publishes an eyewitness account of improprieties reporting, “a boy who appeared to be about 10 years old went down that line passing out ballots. Some people took more than one and filed them out.” She went on to say that, “no one checked voter registration cards or identification.” (*Dallas Morning News 11/10/2005*)

Acknowledgement by election officials of improper activities

- **November 10, 2005** – James Hairston, Election Judge, wrote an email to Dallas Morning News reporter Kathy Goolsby calling the DMN story “a balanced account.” (*Memo to Attorney General 11/21/2005*)
- **November 14, 2005** –Bruce Sherbet, Dallas County Elections Administrator forwards an email to Ben Stool, Assistant Criminal District Attorney for Dallas County, Texas describing, “a line of voters outside the polling place who had ballots in hand – yet they had not been checked off in the poll books and not signed a ‘combination form.’” (*Memo to Attorney General 11/21/2005*)
- **November 14, 2005** – Another email is forwarded to Ben Stool, Assistant Criminal District Attorney for Dallas County, Texas detailing a woman, “walking along the line of voters...handing out ballots to the people in line.” (*Memo to Attorney General 11/21/2005*)
- **November 17, 2006** – The Dallas Morning News runs a story entitled, “DA investigates voter complaints,” which includes a description that, “(voters) were told to just put them (ballots) in a box and they’d be put in machines later.” (*Dallas Morning News 11/17/2005*)

Formal request for AG Investigation

- **November 21, 2005** – In a memo sent from Ben Stool, Dallas Assistant Criminal District Attorney to Pat Batchelor, Chief, AG Public Integrity Division requesting a criminal investigation of Dallas County Judge Margaret Kelleher and Election Judge Jim Hairston. (*Memo to Attorney General 11/21/2005*)
- **November 21, 2005** - Bruce Sherbet signs an affidavit stating that voters in Highland Park “were being told to put their ballots in a box to be counted later.” (*Affidavit in any fact, 11/21/2005*)

Investigation stalled, delayed, avoided

- **January 26, 2006** - Letter from Assistant Attorney General Mac Cobb to Ann McGeehan Director of Elections. “for evaluation as potential criminal prosecution.” This letter acknowledges “This is the same case that one of the

complainants, Margaret S. Bewley contacted the Secretary of State about by email on November 9, 2005.” ([Letter from AG’s office 1/26/2006](#))

- **February 23, 2006** – Letter from Ann McGeehan, Director of Elections, Secretary of State’s Office, To Don Clemmer, Deputy Attorney General for Criminal Prosecution “requesting assistance in reviewing an allegation of criminal activity in connection with November 8, 2005.” ([Letter from Secretary of State 2/23/2006](#))
- **February 23 until Now – Neither the AG’s office nor the Secretary of State’s office have issued any findings, status report or announced any prosecutions in the Highland Park incident. During this same period of time, the AG’s office has made high profile announcements of prosecution in 13 other cases involving senior citizens, minorities and Democrats.**

Summary

Greg Abbott is using the official resources of the State of Texas to relentlessly pursue and prosecute minorities and Democrats who may have unknowingly violated a narrow, flawed and controversial provision in Texas law. None of those prosecuted have been charged with or admitted to defrauding voters. Texas citizens who are seeking to overturn the flawed statute have been verbally attacked and defamed by the Attorney General’s office. At the same time, the AG’s office has failed to seek prosecution of a single Republican or any individual involved with Republican election activities, even after being provided clear evidence that Republican office holders and Republican election officials engaged in improper activities that may have involved 100 or more ballots.



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