



Texas



November 10, 2021

Kinney County Judge's Office
Honorable Tully Shahan
501 S. Ann Street
Brackettville, TX 78832
Phone: (830) 563-2401
Fax: (830) 563-9163

Via fax and FedEx

Re: Texas Public Information Act Request on Kinney County Interactions with Vigilante Groups

Dear Public Information Officer:

This letter constitutes a request pursuant to the Texas Public Information Act ("TPIA"), Texas Government Code Ch. 552. This request is submitted on behalf of the American Civil Liberties Union of Texas ("ACLU of Texas") and Texas Civil Rights Project ("TCRP").¹

The ACLU of Texas and TCRP seek any and all communications between Kinney County and any individuals associated with the "Patriots for America" militia or vigilante group. It is our understanding that Patriots for America has traveled to and begun operating in Kinney County in an effort to deter immigration and turn those they perceive to be migrants over to law enforcement. It appears from County statements, including at a special meeting of the Kinney County Commissioners' Court on October 18, 2021, the County has invited direct partnership or collaboration with Patriots for America. During that meeting, Patriots for America's president and founder, Samuel Hall, gave a speech announcing the vigilante group's presence in the county. He reportedly stated Patriots for America had come to Kinney County to respond to "an invasion of this county" and announced, "This is a powder keg waiting to explode, and it's not a matter of if, it's a matter of when."² Separately, he has stated the militia group believes it is entitled to "disrupt

¹ The ACLU of Texas, a 501(c)(3) organization, is dedicated to protecting and defending the individual rights and liberties guaranteed by the Constitution and laws. The ACLU of Texas monitors government conduct, provides free legal representation in civil rights and civil liberties cases, educates the public about their rights and liberties and abuses of power, and provides analyses to the public of government activities and their civil rights implications. The Texas Civil Rights Project is a 501(c)(3) legal advocacy organization with offices across Texas. TCRP is dedicated to defending the rights and dignity of all those in Texas in the courtroom, in partnership with our communities, and with meaningful policy changes.

² Karen Gleason, *News – North Texas Militia Vows Protection for Kinney County*, The 830 Times, Oct. 19,

and frustrate” migrants in their travel “until the county or DPS can get there.”³

County leadership’s actions have appeared to endorse Patriots for America’s presence and proposed actions in Kinney County. At the October 18 Commissioners’ Court meeting, after the militia leader’s speech, Kinney County Judge James “Tully” Shahan suggested a meeting between county leadership—including himself, the county sheriff, the county attorney, and the county department heads—and the militia group. Judge Shahan reportedly told the militia group, “You’re preaching to the choir, and we appreciate you coming, and we appreciate you being here, and we’ll take your help.” He sought to convene the meeting in order to “sit down and visit and go through the right protocol,” to get the private militia’s “help” “the right way.”⁴ Kinney County Sheriff Brad Coe has reportedly described the militia as seeming “very squared away” and expressed interest in deputizing militia members as unpaid reserve deputies for the Sheriff’s Office.⁵ Kinney County Attorney Brent Smith told a media outlet that for years private individuals have been detaining migrants to be picked up later by Border Patrol and the Sheriff’s Office and “no one’s ever brought this up until now” as an issue. County Attorney Smith described these actions as lawful.⁶

In the interest of open government, please be mindful of your duty to make a good-faith effort to fulfill the below requests and provide any relevant information you hold.⁷ The TPIA “contains a strong statement of public policy favoring public access to governmental information and a statutory mandate to construe the Act to implement that policy and to construe it in favor of granting a request for information.” *City of Garland v. Dallas Morning News*, 22 S.W.3d 351, 364 (2000) (citing Tex. Gov’t Code § 552.001). Pursuant to the TPIA, the ACLU of Texas and TCRP request the following information written, produced, collected, assembled, or maintained by Kinney County, including the County Judge, the Commissioner’s Court, and Kinney County employees and agents, or to which Kinney County, including the County Judge, the Commissioner’s Court, and Kinney County employees and agents have a right of access:

1. Any and all communication or correspondence between January 1, 2021, and the present, including but not limited to emails, text messages, and posts and messages on social media,

2021, <https://830times.com/news-north-texas-militia-vows-protection-for-kinney-county/>.

³ Charlotte Cuthbertson, *Militia Moves Into Texas Border County to Deter Illegal Immigration*, The Epoch Times, Oct. 20, 2021, https://www.theepochtimes.com/militia-moves-into-texas-border-county-to-deter-illegal-immigration_4057460.html.

⁴ Gleason, *News – North Texas Militia Vows Protection for Kinney County*, *supra* note 2.

⁵ Cuthbertson, *Militia Moves Into Texas Border County to Deter Illegal Immigration*, *supra* note 3.

⁶ Charlotte Cuthbertson, *Border Sheriff Says State Threatened to Pull Resources If He Didn’t Stop Militia*, The Epoch Times, Oct. 27, 2021, https://www.theepochtimes.com/border-sheriff-says-state-threatened-to-pull-resources-if-he-didnt-stop-militia_4072144.html.

⁷ The term “information” as used in this request includes all records or communications in written or electronic form, including but not limited to correspondence, circulars, directives, documents, data, videotapes, audio tapes, photographs, emails, faxes, telephone messages, logs, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, drawings, orders, policies, procedures, protocols, maps, reports, rules, training manuals, other manuals, or studies.

between Kinney County—including but not limited to the County Judge, the County Commissioners, the County Attorney, heads of County departments, and any agent or employee of Kinney County—and the group “Patriots for America” and its members or associates, including but not limited to Samuel Hall and individuals writing from the email addresses samuelpfa@protonmail.com and terapfa@protonmail.com.

2. Any and all communication or correspondence between January 1, 2021, and the present, including but not limited to emails, text messages, and posts and messages on social media, between Kinney County—including but not limited to the County Judge, the County Commissioners, the County Attorney, heads of County departments, and any agent or employee of Kinney County—and any other private group or individual offering law enforcement assistance to the County or seeking to deter migration or disrupt or interfere with migrants’ travels in Kinney County.
3. Any and all documentation of policies or protocols regarding how Kinney County coordinates, collaborates, or communicates with Patriots for America or any other armed group offering assistance to or collaboration with the county.

The TPIA mandates that if you are unable to produce the requested information within 10 business days of this request, you certify that fact in writing and set a date within a reasonable time when the information will be available. Should you elect to withhold or delete any information, please justify your decision by referencing specific exemptions under the Act.

Under provisions of the TPIA, the ACLU of Texas and TCRP reserve the right to appeal should you determine to withhold any information sought in this request. The TPIA provides that all state governmental bodies have a default public information officer. Tex. Gov’t Code § 552.201.

This request is made for public and non-commercial purposes by the ACLU of Texas and TCRP. Because we request this information for the benefit of the general public, we request the waiver of fees associated with this request pursuant to Tex. Gov’t Code § 552.267.

To the extent possible, the ACLU of Texas and TCRP request the information be provided electronically. Please do not hesitate to contact us if you have any questions or concerns at the contact information provided below. Thank you for your assistance in this matter.

Sincerely,

Savannah Kumar

Attorney

Kathryn Huddleston

Attorney

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