



Office of the Harris County Attorney
CHRISTIAN D. MENEFEE

[Newsroom](#)

[Careers](#)

[Contact](#)



News Media Requests

CAOCommunications@cao.hctx.net
Media Hotline: 832-690-0842

August 25, 2021

Texas Attorney General Admits He Cannot Enforce Governor's Mask Prohibition

Houston, Texas (August 25, 2021) – Harris County Attorney Christian D. Menefee, who has sued Governor and Attorney General over the Governor's ban on mask mandates, addressed the Attorney General's statements that neither he nor Governor Greg Abbott can enforce the Governor's previous mask mandates (GA-38). These statements, made in several court filings, contradict public statements he has made in the media and threats of enforcement he has issued to school districts and local officials.

Menefee stated:

"The Attorney General is telling one story to the public and another to the courts, creating confusion for school districts, superintendents, and local officials who are trying to keep students and residents safe. The Delta variant worsens. Texans deserve the truth. If the Governor and the Attorney General cannot enforce the Governor's mask mandate ban, the folks making tough decisions for our schools and communities have the right to know that. They shouldn't have to fear retribution for doing the right thing—especially when local leaders quietly concede that their threats are nothing but bluster."

In GA-38, the Governor banned school districts and local officials from mandating masks, and school districts and local officials who issue such safety measures would be subject to a "fine up to \$1,000." In response to mask mandates imposed by local officials, Attorney General Ken Paxton has stated publicly—that his office will enforce Governor Abbott's mask mandate ban. He and Governor Abbott joined in stating that "any school district, public university, or local government official that decides to ignore the Governor's mask mandate ban] will be taken to court."^[1] His office has compiled a list of "governments unlawfully imposing mask mandates," designed to intimidate those entities into compliance.^[2] He has sent letters to many on that list, threatening them with enforcement.^[3] He has tweeted several times that he will sue these entities, most recently saying "I will defend TX Law & sue every entity that violates the law!"^[4]

Despite these public statements, the Attorney General admitted to the courts hearing the lawsuits that he cannot enforce GA-38, nor can he impose the \$1,000 fine provided in the order. His office has stated plainly that "[n]either Governor Abbott nor Attorney General Paxton will be enforcing GA-38."^[5] Instead, the Attorney General acknowledges that only district attorneys can enforce GA-38—he has claimed that entities like Harris County, other counties, and certain independent school districts cannot sue the Governor and the Attorney General because they have "alleged no credible threat of prosecution **by local district attorneys, who would be the ones enforcing GA-38.**"^[6]

Menefee added: "I presume the Attorney General is telling the truth in his court filings. He should tell everyone else the same thing and letting local governments and school districts continue doing what they can to stop the spread of COVID-19, especially among our children."

About the Harris County Attorney's Office

Christian D. Menefee was elected as County Attorney for Harris County in November 2020. He represents the largest county in Texas in all civil legal matters, including lawsuits.

^[1]<https://www.texasattorneygeneral.gov/news/releases/governor-abbott-attorney-general-paxton-appeals-defense-executive-order-prohibiting-mask-mandates> (last accessed August 20, 2021)

^[2] <https://www.texasattorneygeneral.gov/covid-governmental-entity-compliance> (last accessed August 20, 2021)

^[3] *Id.*; see also <https://twitter.com/matthargey/status/1427338705560342528?s=20> (retweeted by Attorney General Paxton).

^[4] <https://twitter.com/KenPaxtonTX/status/1428838492390440963> (last accessed August 20, 2021)

^[5] Governor Abbott and General Paxton's Plea to the Jurisdiction in case against Harris County

^[6] See Governor Abbott and General Paxton's Plea to the Jurisdiction in case against La Joya and other school districts at p. 12, Governor Abbott and General Paxton's Plea to the Jurisdiction in

Tweets by HarrisCountyAO

Harris County at p. 11, and Governor Abbott and General Paxton's Plea to the Jurisdiction in cas Bend County at p. 10; see *also* Governor Abbott and General Paxton's Plea to the Jurisdiction in Bexar County and San Antonio, at 7 ("the Governor does not enforce GA-38").

Media Gallery



[Home](#) | [About](#) | [Newsroom](#) | [Careers](#) | [Contact](#)



Harris County Attorney's Office



