

Charles Kuffner

I'm speaking today with State Senator Nathan Johnson, who is the Democratic candidate for Attorney General this November. Senator, thank you very much for speaking with me today. Let me start by asking, why are you running for this office?

Nathan Johnson

Oh, it's one of the offices that's most needed. Well, one of the places where we most need change right now. Nationally, we're kind of in a meltdown with the rule of law. As a state, we've had the Attorney General essentially outsourced to the far right faction of the Republican Party, being run as their own private law firm. And there's just a ton that this office is supposed to do when it's not being a straight up partisan tool. So I'm running to kind of restore, not kind of, I am absolutely running to restore the office to what it was intended to be, which is an independent executive office to serve as a check on the abuse of power in the public sector, a check on the abuse of power in the private sector, and the top legal office for the interests of the state of Texas, not for a political party or a president.

Charles Kuffner

All right. Well, I think I can probably guess how you're going to answer this question, but I'm going to ask it anyway. Give me your high level overview of how the Attorney General's office is functioning these days. Obviously, it does a lot of very visible things, but it also does a lot of things that people don't really know about or concentrate on, like enforcing child support agreements. How is the Attorney General's office functioning these days? And well, then we'll get into what your priorities are for it.

Nathan Johnson

Not very well from everything I've heard, including in the child support division. I hear stories of people calling and being on hold forever, claims not being processed, nobody getting returned phone calls. And there are some other rudimentary things, maybe just routine things that we need for government to work, like approving bonds that cities and counties issue that has to go through the Attorney General's office. Those things get held up. And that stuff is what makes the machinery of government work. It's what makes our lives work, particularly if you're dependent on child support moving along at the pace it's supposed to.

And the reason that things aren't working very well is because Paxton has, again, taken that office and turned it into a private law firm for the far right. And if you're busy chasing around a fringe political agenda, by definition, you're expending resources on that, and you will not have the resources to do the things that you're actually supposed to be doing.

There are a few areas where I think there are some good people in the Attorney General's office doing good work. And I hope they'll stay on if they don't have a big ideological bent. I think there's a few people there who have done some good work in the antitrust space. They've gone after hotels for junk fees. They've gone after some big tech companies for some anti-competitive practices. And those are the kinds of things that I would continue. But overall, we've had a tremendous strain of talent and a

tremendous strain of people who have the public interest in mind in favor of zealots who want to come in and stamp an ideological agenda onto people.

Charles Kuffner

And let's talk a little bit more about you and your background. You are a litigator by trade, and you are serving your second term in the state or the second four years of the state Senate. I don't recall if you were on the ballot in 2020 or 22 or the Senate.

Nathan Johnson

It's really goofy, Charles. We draw numbers because every 10 years you have to have a whole new Senate. But a term is four years and four doesn't go into two and even into 10 and even number of times. So each office, not each person, but each office either has two, four, four or four, four, two. I drew a two. So I initially had a four year term and then I had a two year term. And now I'm in the middle of a four year term.

Charles Kuffner

All right. So with all that math out of the way, looking back on your thing, but true, looking back on your time in the Senate, you're in Senate District 16, I believe. What would you say are your main accomplishments? What are you most proud of from your time as being state senator?

Nathan Johnson

I kind of a mixture of things that we haven't gotten done and things that we have gotten done. I ran when I ran, I talked a lot about Medicaid expansion. And as in my first four years in office, I talked incessantly about Medicaid expansion and I developed slide decks on Medicaid expansion and videos. And I visited everybody's offices. I really pushed it. And I was continuously rebuffed by the controlling Republican Party, even though everybody knew it was a good idea.

And that's been one of my biggest disappointments. But it was also very much a learning process. And on that journey, I discovered some other things about our health care system in Texas and found a way to bring down more federal subsidies and change state insurance law and change the ACA marketplace in ways that would get a lot of people who currently cannot afford health insurance to be able to buy health insurance for the first time.

And I passed that law, kind of flew it under the radar, really, really worked with people in both parties. And a couple of years later, an independent analysis was done and they estimate that we got 350,000 people health insurance for the first time. That was a that was a big moment.

Charles Kuffner

Okay. And, you know, the attorney general is the obviously the leader of that department. It's a big, it's a big department, has a lot of people, does a lot of visible work. But the attorney general himself or herself isn't the person in the courtroom arguing cases. They're there. They're basically the manager. They're the

leader. They set the direction. And of course, you know, they also set the priorities for the people who do the, as we talked about, the less visible work.

So, you know, how would your management style differ from Ken Paxson's? And how would do you think it would differ from your opponent, Mayes Middleton? You know, given that, you know, you say that there are issues with the lower profile work, you know, is that just these people are not given direction or is there something else to it?

Nathan Johnson

I think the main difference between my attorney general's office and Ken Paxson's attorney general's office is that mine would not be corrupt, whereas his has been. And I'm not just meaning to be flip. I mean, that he, corruption, the historical definition is the use of public power for private purposes.

And that office has routinely been used for private political agendas and routinely used to help out friends, routinely used to persecute political enemies, whether it's in elections or the courts or in their jobs. And there's really no place for that in an attorney general's office. I will be emphasizing public service and recruiting people who are interested in public service and allowing people to shine in their jobs.

I can tell you with eight years in the state Senate, I've passed over 130 bills. We've done some really great work. And I can tell you that's not all out of my head. I've worked with really, really great people who are really great at their jobs. And my style at the attorney general's office is to bring in really high caliber people that raises the game of that office in a way that it has not seen in a very long time.

Charles Kuffner

And, you know, you alluded earlier to some of the high profile litigation that Attorney General Paxson has engaged in. Certainly he's filed a lot of lawsuits with the goal of furthering conservative goals like attacking abortion. There was the, in my mind, extremely corrupt lawsuit in which the AG was able to overturn the state's 2001 DREAM Act without a fight.

Nathan Johnson

Totally corrupt.

Charles Kuffner

Yeah. You know, a lot of the litigation that we're talking about here is still working its way through the courts, one way or the other. I mean, maybe there was an injunction that is put in place to, you know, uphold or prevent whatever law from being enforced.

But a lot of these cases are still wending their way through the courts. What is going to be your strategy on some of these things? Obviously, these are things that you, you know, a lot of these are things that you personally would disagree with. But, you know, they were filed on behalf of the state with certainly the agreement of state leadership. How are you going to handle some of these high profile things?

Nathan Johnson

I'll have an obligation as attorney general to defend the legislature's right to pass bad laws that I disagree with, not unconstitutional laws, not laws that violate other state laws or federal laws. And I have no obligation to continue the positions that Ken Paxson has taken. If he has filed a brief that states a position that I find incorrect and repugnant, the state is going to reverse its position.

And that's not, you know, me trying to assert my power and be a lefty. This is my job. I am there to exercise my independent jurisprudential discretion. And in something like the Texas Dream Act case that you mentioned, which was flagrantly illegal, I mean, this was a conspiracy among the Trump administration, Rural District and Ken Paxson to take away in the courts what Republican legislatures have upheld for 24 consecutive years. So this again, this ain't me being a lefty, this is doing my job of going in and correcting illegal activity by the current attorney general. He has launched innumerable investigations for the sole purpose of scaring the hell out of people, of intimidating and of harassing people. If he's launched an investigation that is trying to get information about something that concerns the state, I'm going to continue it. If he's doing it for political purposes, I'm going to terminate it.

Charles Kuffner

Okay. And, you know, one other. One other fight that A.G. Paxson has gotten into has been over the powers of the office itself. He asserted a right to enforce election law in counties where, in his view, the local district attorney was not doing the job. Now the Court of Criminal Appeals threw that out on the grounds that constitutionally, you know, the A.G. is limited to certain things. Do you think that the current, as things stand, the powers of the attorney general are appropriate? Or do you think there are places in which, you know, that the powers of the attorney general's office should be expanded, whether it's for that particular cause or not?

Nathan Johnson

Well, let's start with that particular cause, because it's a very interesting one. And it's interesting, too, that when the Court of Criminal Appeals found that the attorney general constitutionally did not have the authority to prosecute those election fraud cases, which, by the way, were nothing, Ken Paxton used his campaign money to run primary opponents against the judges on that court, because they held against him.

And guess what? He beat them. I mean, this is another, this is a corruption of the whole machine. And then their court was, the court decision was jurisprudentially sound. And so when the legislature this past session introduced a law, I don't think it, actually it might have passed all the way. I still think that they introduced a law to give the attorney general that power. But you can't do that by passing a law.

You can only do it by amending the Constitution, because to get technical on it, the attorney general is in the executive branch and district attorneys are in the judicial branch. And you cannot, by state law, reassign constitutional powers. So that's one example where this attorney general, to make a big, because he wanted to make a big political case out of everything, is indifferent to the boundaries of the Constitution, indifferent to separation of powers.

And I think anytime we look at whether or not the attorney general should have more or less power, we need to start with the Constitution. It's not like, are you in the mood for it because you don't like this district attorney, you do like this attorney general. What does the Constitution provide for?

And if we really, really think we need a change to it, then do it the right way. Do I think the Attorney General has all the powers it needs? I mean, for right now, until we stabilize the Attorney General's office and reestablish the public trust, I'm leery of putting any more power into what is already an extremely powerful office. And I mean, even if I'm Attorney General, I'm not asking for more power. It's already tremendously powerful. It has to be wielded well.

There are other states, however, where attorneys general have some broader powers that I think could be helpful in acting as a centralizing, performing a centralizing function with law enforcement across the state, possibly some additional powers when it comes to fighting cartels and drug trafficking and things. But I think that would require a couple of years of study by people who are very serious about law enforcement and about the rule of law, not some kind of off-the-cuff thing that is likely to get whipped up in a political frenzy, which is what we often see out of the legislature. So I take a small-C conservative approach to this. There's a lot of power in that office already. I'm much more focused on making sure that it is wielded properly than on expanding it.

Charles Kuffner

Okay. And I mean, obviously, we live in a time when state attorneys general, for better or worse, spend a lot of their time suing the federal government, whether one side or the other, depending on which party is in the presidency. A lot of Democratic attorneys general now have been very active against the Trump administration for a variety of things. You would be in office with two more years of the Trump administration in office. What's going to be your approach to that idea? Because oftentimes, these AGs work together. There's 23 of them that have filed a lawsuit against the executive orders on mail balloting.

So are your inclinations going to be to maybe join in on some of these things? Are you going to take them one at a time? Are you going to generally stay out of it? What's your approach going to be?

Nathan Johnson

I have an obligation as the attorney general of the state to protect the interests of the state. And when there is a president who's transgressing our rights, I have an obligation to sue the president of the United States. It's not a goal. I wish we could have a much more productive relationship. And who knows, maybe next year, the president will start obeying the law and stop violating the Administrative Procedures Act, stop violating the various agency restraints on their power, stop violating constitutional principles. I don't want to spend my time suing the federal government, but I have to if Trump continues his pattern.

And I absolutely would be joining 23. Sadly, it's just Democratic attorneys general going after the Trump administration. But you can understand that Trump is somewhat of an anomaly. If you were just suing the president because they're in another party, that would be one thing. That's essentially what Ken Paxton was doing to the Biden administration. Although not in every case, actually. I think sometimes Paxton

sued the Biden administration. He was correct. But Trump has set a new bar for illegality in the executive office of the federal government.

And one of the reasons that the attorney general's office is so vitally important right now is that in our absurdly hyper-partisan state of things in the country, it's only Democratic attorneys general that are trying to hold together the constitutional foundations that the president seems intent on crushing. And I'll be part of that, not as a Democrat. I'll be there as an American citizen and an attorney general who believes in the rule of law and constitutional foundations with a president who seems to not.

Charles Kuffner

OK. One thing the attorney general's office is supposed to be enforcing now are the new regulations on hemp, on unsmokable hemp, on THC products. And it seems that AG Paxton is a little unclear, at least according to what he publicly says, about what he's supposed to be doing with that.

I would kind of hope that by the time the next attorney general takes office that we'll have some more clarity on these regulations. But what do you think, what would be your approach to enforcing the hemp regulations as they currently stand? What's your understanding of what they are and what would you be doing?

Nathan Johnson

I guess I'd have to look and see whether it's my job. Right. It's if it's regulation, the feds can enforce it. I don't I'm not very well versed in what the status is right now. It's still in flux. I actually done it pretty recently, but I don't I don't have the kind of clarity in my head right now to give you a good answer. I wish I could.

Fortunately, I'll have 800 attorneys helping me in the attorney general's office and get the clarity that I need with every issue. But I do try to be careful to not speak when I don't quite know what I'm talking about. And I don't think I have enough clarity on the status of the law at this moment to give you a good answer.

I will say that as a legislator, I introduced what some have called the best regulatory approach to THC. On the subject to THC, I did introduce in a special session last year what some are calling the most advanced THC regulatory regime that anyone's put forward, where I was trying to equate all forms of THC and offer a regulatory approach, not a ban and not an not an unregulated approach to this. So I have views on the subject.

But as an attorney general candidate and as an attorney general, I do want to make sure I fully understand the status of federal law, state law, how they interact and whose job it is to enforce what. And at this particular moment, I don't have a sophisticated enough understanding of all those things to take a position. I will when we need it.

Charles Kuffner

OK. I also want to bring up the subject of ice and the enforcement that it has been bringing to cities in Texas. You know, obviously, with what's gone on in Houston, there's a lot, you know, and there's a lot of disagreement between cities and local law enforcement and what the state and federal government want to happen.

Governor Abbott in particular has been throwing a lot of weight around to prevent cities from exerting any judgment in how ICE operates. We've also had the situation after the killing of Lorenzo Salgado Araujo, basically no cooperation from federal authorities into investigating what happened. Does the attorney general have a role to play in this? Because if he does, Ken Paxton hasn't done anything. So what would you do as an attorney general with this situation?

Nathan Johnson

There's a lot of different situations that we could address one at a time, but I'll give you kind of an overarching attitude. I know that the governor has been exerting a lot of force over city governments in a variety of ways, including over the handling of ICE. One of the things I think should be examined is whether the governor himself is violating statutes in threatening to withhold certain funds in response to certain conditions, including cooperation with ICE.

Quite a different question is whether or not cities have the authority to do what they did under state law. And that is a legal question that requires detailed briefing. And I think the attorney general does have a role to play in that. I am careful not to just take a position that reflects partisan preferences or personal preferences. I'm not a fan of how ICE has conducted itself. In fact, I'm aghast as is everybody pretty much, not everybody, but most people are.

And I want to bring up two other things related to ICE. There is a law that requires sheriff's departments to have 287g agreements with ICE. Not all of them do. I've been asked, what are you going to do as attorney general? Are you going to force them to have these agreements? Well, the law also gives me discretion and in my discretion, I want to talk to any sheriff's office and talk to them about public safety first and see whether or not the 287g agreement impedes their ability to keep people safe. And if so, I have discretion over the matter. And that's how the law was drafted.

Furthermore, Texas has the only 287g agreement between the state and the federal government. And that's not even the jail model. That's a task force model, which is much more aggressive and it's completely inappropriate. And not to say I wouldn't be cooperating with federal authorities, but I would not be cooperating under a 287g agreement with federal authorities. That would be terminated if I were AG.

Charles Kuffner

Okay. Let's talk about your opponent for a minute. Your colleague, Senator Mays Middleton, who looks to me to want to be Ken Paxson, but more so and maybe possibly less corrupt. Let me just give you the opportunity to say what you think about your opponent here.

Nathan Johnson

You know, I've worked with, he's a disappointment as an attorney general candidate. He's been a completely MAGA person. I don't know why I would have hoped better, but what we've seen, this is a guy who has claimed that the 2020 election was stolen. He has said that separation of church and state is a lie by the left. He not only voted to acquit Ken Paxson on all 16 charges of corruption and abuse of office, he said he did so because this is about our conservative values. He has sponsored legislation that unconstitutionally attempts to take the power of the judiciary away, preventing the judiciary from conducting judicial review.

And he's openly pledged to use the office to serve Donald Trump. So one, two, three, four, five, there's five individual reasons, any one of which disqualifies somebody from being the highest legal officer in this state. That is a contempt for the rule of law. It is a condoning of corruption. And then it rejects the independence of the office that we need and that as Texans, we pride ourselves in. So I don't think he's fit for the office, suffice to say.

Charles Kuffner

Okay. And, you know, this looks like it should be a pretty good year for Democrats. We certainly have a lot of hope. We see a lot of polls with the James Talarico leading in the Senate race. You know, he's the top of the ticket. Everyone hopes for some, you know, some coattail effects, but everyone has their own part to play. How are you, how are you campaigning in a way that, you know, magnifies the effect of the top of the ticket and, you know, works as it can to help your other fellow Democrats on the ballot?

Nathan Johnson

Well, I think you said something in there that is exactly what we need. And that is everyone has a part to play and the parts are all different. And so if you have a persona and a record, you can reach people that presumably the other candidates cannot. And the other candidates are all going to reach people that I don't.

Because of the nature of the office is very legalistic. I think my voice in this campaign can strengthen Democrats' image as those who really are for law and order and sticking to the rules as a party that has not given in to corruption. I think I can highlight the corruption angle and the corporate consolidation that lends itself to corruption that is really, really harming our country and our state in a way that some of the offices cannot. So I'm really trying to dig into a lot of the issues that are particular to the AG's office that can bring a perspective to voters that they might not have been thinking about otherwise.

Charles Kuffner

Okay. Well, then let's sum it up. You've made your case against your opponent. You know, when you talk to voters, what do you tell them? What do you tell them about why they should vote for you in November or in October during early voting and not for your opponent?

Nathan Johnson

Well, we established it as a country of law, and he condones corruption, but it's not enough just to bash the other guy. I've had eight years in office. I've developed good relationships with people in both parties so that I can work with them as the attorney general. I've taken a very productive approach to being a senator while always drawing a line that don't compromise on your fundamental values. And very often I've stood on the side of the law and made my arguments in the legislature on the side of the law.

So if you want an attorney who takes the Constitution and the rule of law seriously, who is very serious about fighting corruption and going after politicians who break the rules, who will work with district attorneys instead of against them, who will make markets competitive, who will protect consumers, who has those kinds of priorities instead of the priorities that my opponent has, then I'm who you want to support.

Charles Kuffner

All right. Senator Nathan Johnson, thank you very much for speaking with me today.

Nathan Johnson

Thanks for letting me come on your show.