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RONALD F. AVERY

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IN THE DISTRICT COURT

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VS.

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GUADALUPE COUNTY, TEXAS

*

DYLAN BADDOUR;

*

HEARST COMMUNICATIONS, INC.

*

25TH JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION
AND
REQUEST FOR DISCLOSURE

A. DISCOVERY - CONTROL PLAN

1. Plaintiff intends to conduct discovery under Level 2 of the Texas Rule of Civil Procedure 190.3 and affirmatively pleads that this suit is not governed by the expedited-actions process in Texas Rule of Procedure 169 because Plaintiff seeks monetary relief over \$100,000.

B. RELIEF

2. Plaintiff seeks monetary relief over \$10,000,000.00
3. Plaintiff seeks a Court Order compelling defendants to print a sufficient Correction, Clarification and Retraction as requested by Plaintiff prior to filing suit.

C. PARTIES

4. Plaintiff, Ronald F. Avery, a resident of Guadalupe County, Texas, brings this suit and resides at 1933 Montclair Dr., Seguin, Texas, 78155.
5. Defendant, Dylan Baddour, is a reporter for The Houston Chronicle, located in Harris County, Texas, and may be served at The Houston Chronicle, located at 801 Texas Ave., Houston, Texas 77002.

6. Defendant, Hearst Communications, Incorporated, (referred to herein as HCI) owner of The Houston Chronicle, and a website called "Chron.com," may be served at the address of their Registered Agent in Texas at CT CORPORATION SYSTEM, 1999 Bryan St., Ste. 900, Dallas, Texas 75201-3136 USA.

D. JURISDICTION

7. The Court has subject-matter jurisdiction over this lawsuit because the amount in controversy exceeds the Court's minimum jurisdictional requirements.
8. The Court has jurisdiction over the defendants as they committed a tort, the subject of this lawsuit while doing business in the State of Texas. The Defendants published damaging statements about the Plaintiff that were untrue.

E. VENUE

9. Venue is mandatory in Guadalupe County under Texas Civil Practice and Remedies Code section 15.017 because this suit involves libel and this is the county where the Plaintiff resided when this claim accrued.

F. FACTS

10. Plaintiff, Ronald F. Avery, has been a resident of Seguin, Texas for 30 years. He and his wife came to Seguin from Houston and raised their three children in Seguin. His wife retired from the Seguin Independent School District as their only Occupational Therapist and two of their children graduated from Seguin High School where his youngest daughter is now the head drama teacher. His oldest daughter graduated from Lifegate Christian Academy in Seguin and is now a legal secretary in a Seguin lawfirm.

11. Plaintiff, Avery, is a licensed architect in the State of Texas and has worked for and with home builders and developers in the area and has designed and remodeled a number of homes, commercial buildings and restaurants in the Seguin and New Braunfels area.
12. The Plaintiff, Avery, submitted his "Seguin Tourism Notebook" to Ms. Debbie Shultz, CPS Seguin Planning Assistant on January 23, 1995 for the development of tourism in Seguin, Texas which was used by the Director of the Main Street Program in Seguin, Mary Jo Filip. The Tourism Notebook illustrated a master plan for the development of Walnut Creek park that was just built. The Tourism Notebook also identified the warehouse district of Seguin as prime property for multiuse tourism development which is now the site of the ZDT Amusement Park with its new wood roller coaster.
13. The Plaintiff, Avery, has also studied Christian theology and political philosophy for over 30 years and has authored two books on the topics.
14. On Saturday April 11, 2015 Defendant, Dylan Baddour, attended a meeting held by a group calling themselves "The Texas Republic," in a building designed, built and partially owned by Plaintiff, Ronald Avery, on his five acre property in McQueeney, Texas in Guadalupe County.
15. Defendant, Baddour, attended the said meeting which lasted from 9:30 AM until 5:30 PM. Mr. Baddour was at the meeting almost the entire time until approximately the last 30 minutes.
16. Defendant, Baddour, heard the Plaintiff address the members of the group reading from a paper Plaintiff had written on the subject of the doctrine of "dissolution"

derived from the "Principles of Property" explained by John Locke in his book *The Second Treatise of Government* published in 1689 and its impact on any government including the federal and state governments in the United States of America.

17. Plaintiff, Ronald Avery, is not a member of the group calling themselves "The Texas Republic," nor has he ever been a member of that group.
18. The Plaintiff had asked to be a guest speaker to address the group concerning the doctrine of *dissolution* and the impact that has on the group and contemporary society.
19. Defendant, Dylan Baddour, wrote an article about that meeting which was published on the front page of the Houston Chronicle and on the Houston Chronicle website called Chron.com on Sunday September 13, 2015.
20. The said group that held the meeting believe that the Republic of Texas was never annexed properly by the United States of America. As a result, they do not advocate secession, as for them, Texas was never a lawful part of the union and has no need to secede.
21. The Plaintiff, Ronald Avery, also opposes the use of secession for any state under the condition of dissolution of any union or federation of states. He has written extensively on the subject for national and local newspapers, explaining why secession is absolutely the wrong solution under the condition of dissolution.
22. The following opening paragraph of Plaintiff's written address to the group on April 11, 2015 makes it clear that neither the Plaintiff nor the group he was addressing advocated or were concerned about secession:

"The dissolution of the federal union is of no real concern to this body assembled here as it is your understanding that The Republic of Texas was never really made a

lawful state of the union and it need not concern itself with secession from it or the dissolution or lawful existence of it."

23. The entire paper Plaintiff read to the group was explaining the doctrine of *dissolution* not secession. No one at the meeting advocated the secession of Texas or any other state from the United States of America.
24. The Plaintiff, Ronald F. Avery, live-streamed the entire meeting Baddour reported on including Plaintiff's written speech he read to the group. This audio/video live-stream is now archived on the internet.
25. Defendant, Dylan Baddour, wrote his whole article, the subject of this lawsuit, about secessionists and what other reporters, federal and state agents, and university professors thought about secession and secessionists.
26. Defendant, Baddour, then claimed in this same published article that all present at the meeting he covered in McQueeney were secessionists.
27. Defendants, Dylan Baddour, and the Houston Chronicle, waited five months to publish this article for the first time on the front page of the Houston Chronicle on Sunday September 13, 2015, the weekend of the memorial of the "9/11 Terrorist Attack on America."
28. Defendants, Dylan Baddour, and the Houston Chronicle also published the same secessionist article covering the meeting in McQueeney, Texas with ten photographs on their website called "Chron.com" on the same day of September 13, 2015.
29. Defendant, Baddour's secessionist Chron.com web article, also the subject of this lawsuit, included links to the Office of Intelligence and Analysis at the Department of Homeland Security about the "Sovereign Citizen Extremist" that "will drive violence

at home, during, travel, and at government facilities," as stated in the quote below from said link:

"I&A assesses that most SCE violence will continue to occur most frequently at SCE homes, during routine traffic stops, or at government offices due to their perception that their individual rights are being violated."

30. Defendant, Baddour included a link to an article entitled "Putin's Plot to Get Texas to Secede" about Texas secessionists going to Russia and talking to Russian news magazines about the secession of Texas and the breakup of the United States:

31. Defendant, Baddour, also included a link to a New York Times article entitled "The Growing Right-Wing Terror Threat."

32. Plaintiff learned of the two Baddour articles On September 14, 2015, one day after their publication on the web at Chron.com and in the Houston Chronicle.

33. A picture appearing on the front page of the Houston Chronicle and at the beginning of the Chron.com website article had a caption under it that said:

"All Texans have informally renounced their U.S. citizenship, as evident from Ronald Avery's jacket. Many members have formally renounced citizenship by filing Republic documents to Texas courts, which has no real effect. Most carry official Texian identification. Some have landed briefly in jail for explaining to law enforcement officers that they don't have a Texas driver's license because they are citizens of the Republic."

34. The said picture on the front page of the Houston Chronicle and on Chron.com showed the back of a man wearing a blue jacket with a gold star with the words in gold around it saying; "Republic of Texas - Texian National."

35. The man in the picture was not the Plaintiff. The jacket in the same picture was not the jacket of the Plaintiff.

36. The Plaintiff, Ronald Avery, has never formally or informally renounced his citizenship in the State of Texas or the United States of America.

37. The Plaintiff, Avery, carries a current Texas Driver's License.

38. The Plaintiff, Avery, is a licensed and practicing Architect in the State of Texas.
39. The said article on Chron.com included a picture of the Plaintiff reading his speech to the group. The caption under this photograph said:
- "In April, the Texian congress assembled beneath the blue-and-yellow flag of the old Republic, on the dance floor of the shuttered Silver Eagle Taphouse near the banks of the Guadalupe River in McQueeney. They follow a speaker list, and members take turns at the microphone. In this photo, Ronald Avery lists grievances with the U.S. including the 2008 bank bailout, NSA surveillance, the "police state" and "immoral wars."
40. The Defendant, Baddour, said in his article that the building the group met in on Plaintiff's property was "shuttered." Yet there are no shutters on the building and never have been. Neither was the building closed to the public on the April 11, 2015 meeting Baddour attended and wrote about.
41. On September 14th, 2015, at 6:24 PM Plaintiff posted a comment on the Chron.com blog under the article written by Defendant, Baddour, which resulted in an email response by Defendant, Dylan Baddour at the request of Vernon Loeb, Managing Editor of the Houston Chronicle.
42. On Tuesday, September 15, 2015, at 7:55 AM Defendant, Baddour, sent Plaintiff an email requesting that Plaintiff call him on the phone. Plaintiff replied to Baddour's email that Plaintiff did not talk on the phone to those who libel him in the newspaper.
43. Plaintiff, Avery and Defendant, Baddour, carried on an email exchange from the 15th to the 30th, of September 2015, wherein Plaintiff made it clear what the many problems were with the article Baddour had written and published on the front page of the Houston Chronicle and on their Chron.com website.
44. Defendant, Baddour, explained in the email exchange what he intended his readers to understand from his article:

"As I understood, you believe that Texas should be/is an independent nation. That is why you were labeled a secessionist."

45. Plaintiff, Avery, has never advocated or stated that Texas, or any other state, should be an independent nation.
46. Plaintiff, Avery, is not now, and never has been a secessionist.
47. Plaintiff, Avery, clearly explained in the email exchange with Defendant Baddour, why he could not be a secessionist, yet the Defendant, Baddour, insisted that Plaintiff was a secessionist and that he nor the Houston Chronicle would alter their label they imposed on the Plaintiff.
48. On September 29th, 2015, at 2:10 PM, Avery, sent Defendant, Baddour, via email, the Plaintiff's request for a Retraction Statement containing Corrections and Clarifications and a Full Retraction and reasons for same to be printed on the front page of the Houston Chronicle on a Sunday and also to be posted with the on-line version of same article on their website Chron.com.
49. On the same day a few minutes later at 2:21 PM, Plaintiff sent Vernon Loeb, the Managing Editor the same Request via email.
50. At 4:29 PM the same day, September, 29th, Plaintiff received an email from Defendant Baddour, saying:

"Thanks for your input. The Houston Chronicle finds no need to take any further action regarding the article you mention. We have already run a retraction on September 16, correcting our error in identifying you as the wearer of the jacket, and as a member of the Republic of Texas."
51. On September 29, 2015, Plaintiff sent Vernon Loeb, Managing Editor of the Houston Chronicle a certified letter containing the same Request for Corrections, Clarifications and Full Retraction and reasons for same. The certified letter was received at the office of the Houston Chronicle on October 1, 2015. Re: **Exhibit A**.

52. The Plaintiff has never received any proof or a copy of any kind of correction in their circulated newspaper, The Houston Chronicle.
53. The Defendants did not run any kind of correction in the Houston Chronicle on the same circulation day as the original article. The Houston Chronicle has 825,000 daily readers and 1.4 million Sunday readers according to the HCI corporate website.
54. The Defendants did not correct anything on the on-line version of their article on their Chron.com website. The website for the Houston Chronicle, Chron.com, averages 95 million page views and 15 million unique visitors each month according to the HCI corporate website.
55. The US Army Special Operation Command announced that they were conducting a military exercise over 8 states in the southwest including Texas. They call it "Operation Jade Helm 15" with a subtitle "Conquering the Human Domain." This operation was to run from July 15, 2015 until September 15, 2015. Part of this exercise to conquer the human domain is to learn techniques of blending into the towns and cities in order to collect information on political doctrines of the citizens and analyze the impact they would have on military activity as so indicated by several generals:

"Odierno, Amos and McRaven chose to emphasize the "human domain" as the key determining factor in future conflicts.

"In a word, the success of future strategic initiatives and the ability of the U.S. to **shape a peaceful and prosperous global environment will rest more and more on our ability to understand, influence, or exercise control within the 'human domain,'**" according to the white paper.

The "human domain" is defined for the purposes of this white paper as the **"physical, cultural and social environments" that exist within a conflict.**" (Bolding added)

56. The Houston Chronicle article and the Chron.com web article were both published within this time frame on September 13, 2015.

57. An exclusive American Free Press story of October 29, 2015, says that a new Federal program to investigate homeland extremists has been created to deal with people like those labeled in the Defendants article about the Plaintiff:

"The obvious concern for advocates of free speech and thought in the U.S. is that anyone voicing any sort of criticism toward the federal government, its policies or the various lobbying organizations shaping and influencing its agenda could now be considered a "domestic terrorist" who must be dealt with.

The Domestic Terrorism Counsel, a position designed to track and coordinate federal investigations into domestic terrorism, will work with and serve as a liaison between a variety of federal agencies, including the Federal Bureau of Investigation and various departments within the DoJ, along with private intelligence and lobbying organizations, such as the SPLC.

J. Richard Cohen, who serves as the president of the SPLC, lauded the DoJ's move, which came about as a direct result of his organization's pressure, arguing that the decision reflected "a renewed and long-overdue focus on violent homegrown extremism."

G. COUNT 1 - DEFAMATION - LIBEL

58. The Defendants wrote a false story and published it on the front page of the Houston Chronicle and on their website, Chron.com, that stated Plaintiff was a member of a group calling themselves "The Texas Republic" and that the group was a secessionist group.

59. The Defendant, Baddour, said in an email that he had labeled Plaintiff, Avery, a secessionist and that he and the Chronicle would stay with that regardless of Plaintiff's protest and proof to the contrary.

60. Defendants have claimed that they corrected the photo captions that falsely stated Plaintiff was wearing the blue and gold Texas Republic jacket and falsely stating that he was a member of the "Texas Republic."

61. But the Defendants have refused to correct the clear implication that they intended to make to the public that Plaintiff was a secessionist.

62. Defendants in their two libelous publications have implied through deductive inference that secessionists are "right-wing extremist," "anti-government," working to "breakup the United States" even with Russia, and are "worse than Muslim terrorists."
63. Therefore, the clear implication and confessed intention deduced from the article, taken as a whole, is that the Plaintiff is also a secessionist who is worse than foreign terrorists that should be dealt with by state and federal authorities.
64. The courts of Texas should make it difficult for newspapers to imply the guilt of people by association but they should punish newspapers for attempting to imply guilt of the Plaintiff by non-association with groups. In this case the Defendants have made the Plaintiff a member of the secessionists, which he is not and cannot be, and then condemned him by association of secessionists with various anti-government, right-wing extremist groups. Plaintiff is three times removed from actual guilt by association.
65. Defendants published a written statement on the front page of the Houston Chronicle and on their website, Chron.com, asserting as fact that, Ronald Avery, was the man wearing a blue jacket. On the back of this jacket was a gold star in the middle of words circling it that said; "The Republic of Texas, Texian National." Under this published photograph they published a caption that said:
- "All Texians have informally renounced their U.S. citizenship, as evident from Ronald Avery's jacket. Many members have formally renounced citizenship by filing Republic documents to Texas courts, which has no real effect. Most carry official Texian identification. Some have landed briefly in jail for explaining to law enforcement officers that they don't have a Texas drivers' license because they are citizens of the Republic."
66. The said photograph and the caption under it falsely stated, as a matter of fact, that the Plaintiff had informally renounced his citizenship in the State of Texas and the United States of America.

67. The said photograph and the caption with it falsely implied, that the Plaintiff had, formally renounced his citizenship in the State of Texas and the United States of America.

68. Defendants' written statements in the Houston Chronicle and on their website, Chron.com, falsely labeled all attendees at the meeting, the subject of this lawsuit, as being secessionists. But, in fact, none of them were secessionists and never advocate secession and always speak against it. Yet, the whole article written by Defendant, Dylan Baddour, was about secessionists and those at the meeting as being secessionists as reflected in the title to his article:

"Ever hopeful and determined, Texas secessionists face long, long odds"

69. Defendant, Dylan Baddour, in his Chron.com web article included a link to an article in "Politico" entitled "Putin's Plot to Get Texas to Secede." This implied that Plaintiff, being labeled a secessionist, would also work with foreign leaders to breakup the United States of America. The said linked Putin article spoke of a member of the Texas Nationalist Movement meeting with a Russian newspaper in Russia:

"Nathan Smith, who styles himself the "foreign minister" for the Texas Nationalist Movement, appeared last Spring at a far-right confab in St. Petersburg, Russia. Despite roaming around in his cowboy hat, Smith managed to keep a low-key presence at the conference, which was dominated by fascists and neo-Nazis railing against Western decadence. But at least one Russian newspaper, *Vzglyad*, caught up with the American, noted that TNM is "hardly a marginal group," and quoted Smith liberally on the excellent prospects for a partial breakup of the United States. Smith declared that the Texas National Movement has 250,000 supporters—including all the Texans currently serving in the U.S. Army—and they all "identify themselves first and foremost as Texans" but are being forced to remain Americans. The United States, he added, "is not a democracy, but a dictatorship." The Kremlin's famed troll farms took the interview and ran with it, with dozens of bots instantly tweeting about a "Free Texas.""

70. Plaintiff has never advocated that Texas, or any other state, secede from the union.

And, in fact, Plaintiff has been on radio talk shows arguing against secession and has written extensively on why he is against it. Plaintiff has argued with constitutional

attorneys on the same topic showing what secession is not a solution to the condition of dissolution clearly observed by the application of the Principles of Property that formed our nation and states.

71. Plaintiff has never worked with or had a conversation with foreigners wanting to breakup the United States of America. In fact, the Plaintiff observes that the United States of America is already broken-up by those who served in the government of it.
72. Secession is incompatible with the Plaintiff's observation of the dissolution of the union. Secession is an admission that the union is not dissolved. This is contrary to the observation of the Plaintiff. Plaintiff cannot be a secessionist.
73. The Plaintiff does not and will not pursue that which has already occurred by the application of the doctrine of dissolution within the Principles of Property well known to the Founding Fathers of America and published by John Locke 100 years before the ratification of the US Constitution.
74. Plaintiff protests being called a secessionist by someone who apparently knows nothing of the concepts involved and is driven only by their own obsession to demonize the Plaintiff and make him a target of federal and state authorities.
75. Defendant, Dylan Baddour, in his Chron.com web article included a link to a Homeland Security Intelligence Assessment (HSIA) which implied that Plaintiff was associated with groups known as the "Sovereign Citizens," that would "drive violence at home." This linked HSIA article with the photograph in Baddour's article falsely implied that Plaintiff was a member of a group similar to "Sovereign Citizen Extremists."

76. The caption under the photograph of the man in the blue jacket falsely implied that Plaintiff has "landed briefly in jail for explaining to law enforcement officers that they don't have a Texas driver's license because they are citizens of the Republic," implies that Plaintiff will use violence on any traffic stop as the Assessment warns:

"I&A assesses that most SCE violence will continue to occur most frequently at SCE homes, during routine traffic stops, or at government offices due to their perception that their individual rights are being violated."

77. Defendant, Dylan Baddour, in his Chron.com web article included a link to a New York Times article about "The Growing Right-Wing Terror Threat," falsely implying that Plaintiff, being falsely labeled a secessionist, was therefore part of this growing threat that is presently much greater than Muslim and foreign terror. Baddour's article says:

"Still, the February raid [on "The Republic of Texas"] was at least partly the result of an uneasy tension between law enforcement nationwide and anti-government groups. In early 2015, various reports, including one by the Department of Homeland Security, highlighted concern with a growing number of people who deny the legitimacy of the government." (Brackets added)

78. Defendant, Baddour, also included a link that falsely implied that Plaintiff, being falsely labeled a secessionist, was therefore part of the growing right wing terror threat greater than that of radical Muslim terrorists. The "Growing Right-Wing Terror Threat" article that was linked by the phrase "anti-government groups," in the quote above, stated the following:

"The self-proclaimed Islamic State's efforts to radicalize American Muslims, which began just after the survey ended, may have increased threat perceptions somewhat, but not by much, as we found in follow-up interviews over the past year with counterterrorism specialists at 19 law enforcement agencies. These officers, selected from urban and rural areas around the country, said that radicalization from the Middle East was a concern, but not as dangerous as radicalization among right-wing extremists.

Public debates on terrorism focus intensely on Muslims. But this focus does not square with the low number of plots in the United States by Muslims, and it does a disservice to a minority group that suffers from increasingly hostile public opinion.

As state and local police agencies remind us, right-wing, anti-government extremism is the leading source of ideological violence in America."

79. Defendant Baddour, in his Chron.com web article has falsely stated that Plaintiff, Ronald Avery, is a member of "The Republic of Texas," a group Defendants have labeled "secessionists" implying that Plaintiff will use violence and is presently a greater threat to America than Muslim terrorists.

80. Defendants' written statements in the Houston Chronicle and their website, Chron.com, were libelous per se as defined by the Texas Civil Practice & Remedies Code section 73.001 as the statements aroused public hatred, contempt and ridicule toward the Plaintiff as one who renounced their citizenship and was working to breakup the United States.

81. Their libelous per se statements drew expressions of such hatred in their blog on the internet under Defendant, Baddour's article as exemplified by a person calling themselves "otimio:"

"They are traitors, terrorists wanting to harm the U.S.A., just like the Muslim terrorists, round them up and put them in GITMO, give them the "Enhanced Interrogation."

82. Defendant, Baddour, arrogantly indicated in an email that Plaintiff should not be alarmed at that kind of hatred for him as a result of Defendants' libelous article:

"Please don't read too deeply into the comments on the article—everything we publish gets a nasty rap in the comment section. Of the thousands of people who read the article, a few comment, and they are usually the ones with the strongest opinions and feelings. They also write without having to show their faces or their names, so they become very bold."

83. It's one thing to be condemned for your own writing, and it's another to be condemned for the false writing of others. Defendant, Baddour, showed little concern for the hatred exhibited towards Plaintiff as a result of Defendant's libelous article.

84. Plaintiff understood that Defendant, Baddour, was telling him to calm down and enjoy the hatred as a result of Baddour's libelous article. It reminds Plaintiff of what he once heard a political candidate say; Rape victims should "just relax and enjoy it."

85. Defendants have lead Plaintiff to believe that the public policy regarding Houston Chronicle libel victims is simply to tell them to "JUST RELAX AND ENJOY IT!"

86. Defendants' written statements were libelous per se under the common law as they falsely charged the Plaintiff with a crime of being a secessionist taking steps to bring a breakup to the United States and war to Texas. The Defendants published in the same said article that secession from the Union had been ruled illegal by the Supreme Court in 1869 proving that pursuit of secession would be a crime:

"But the U.S. Supreme Court ruled secession illegal in 1869, so the U.S. would be compelled to thwart Texas' withdrawal by force. Basically, experts agree it is hard to imagine."

87. Defendants' written statements were libelous per se by statute and by the common law by falsely stating that Plaintiff was a member of "The Republic of Texas," Defendants had falsely labeled a secessionist group, and by implying that all secessionists want to violate the federal law and work with leaders of foreign nations like Russia to breakup and/or destroy the United States:

"Even the Russian media, at Vladimir Putin's behest, have cheered the independence movement and a rival secessionist group, the Texas Nationalist Movement, since the United States brought aggressive sanctions against Russia last fall for its activities in the Ukraine, according to a recent Politco story: 'Putin's Plot to get Texas to Secede.'"

88. Defendants' written statements were libelous per se by both statute and common law by falsely stating and implying that Plaintiff was advocating secession in a paper written by Plaintiff and read as a guest speaker by the Plaintiff at the meeting, the subject of this lawsuit.

89. The caption under a picture of Plaintiff reading to the group falsely stated that Plaintiff was a member of "The Republic of Texas," and implied Plaintiff was a secessionist, listing "grievances" supporting secession from the United States of America. The following is the caption that appeared on Defendants' website of Plaintiff reading Plaintiff's paper to the group:

"In April, the Texian congress assembled beneath the blue-and-yellow flag of the old Republic, on the dance floor of the shuttered Silver Eagle Taphouse near the banks of the Guadalupe River in McQueeney. They follow a speaker list, and members take turns at the microphone. In this photo, Ronald Avery lists grievances with the U.S., including the 2008 bank bailout, NSA surveillance, the "police state" and "immoral wars."

90. Plaintiff, Avery, was not listing "grievances" in support of secession but rather listing evidence showing the present dissolution of the United States. Dissolution cannot be made unlawful or illegal as it can occur without much notice by anyone when the constitutional form of a state or nation is altered by law without the required amendments. If this were not true, tyranny would be perfected on earth by the mere creation of constitutional government which is an absurdity.

91. Defendants have falsely labeled Plaintiff, Avery, a secessionist, who by implication of their included inferences in links to their article, is taking action to "breakup the United States" and "drive violence at home."

92. But Plaintiff is merely a political philosopher who has simply observed the dissolution of the union by the application of the doctrine of dissolution contained in the Principles of Property written by John Locke in 1689 which were the source of the Declaration of Independence and much of our constitutions both state and federal.

93. Plaintiff sees no point in taking action to do what is already done. Plaintiff refuses to be made an active participant in the breakup of something that is already broken up.

94. Plaintiff insists that he has a right to think and apply principles of lawful government to the world around him and tell others what he observes. Such a right is no crime against lawful government and is protected by the First Amendment of the US Constitution.

95. Defendants' written statements in the newspaper and on their Chron.com website were libelous per se both by statute and common law in that they made Plaintiff fear law enforcement agencies like the Federal Bureau of Investigation, Homeland Security, the local sheriff, the US military and now the Federal Domestic Terrorism Counsel. Plaintiff now fears his property, home, and family may be raided with out cause as a result of the false implication that Plaintiff, being falsely labeled a secessionist, is anti-government and a violent threat to Americans. The following is a quote from the Defendant's article about secessionists in general:

"Still, the February raid [on "The Texas Republic"] was at least partly the result of an uneasy tension between law enforcement nationwide and anti-government groups. In early 2015, various reports, including one by the Department of Homeland Security, highlighted concern with a growing number of people who deny the legitimacy of the government." (Brackets added for clarity)

96. The Plaintiff, Ronald Avery, is an advocate of lawful government and supports the doctrine of the legitimacy of lawful government and stands in opposition to those termed "anti-government."

97. Anarchy, however, is a growing movement today and is very popular among young and old and the Plaintiff is in constant debate against them and their doctrine that lawful government is not possible.

98. But no person, in their right mind, can support the legitimacy of unlawful dissolved tyrannical government, and no court of law should demand that any individual support such a destructive un-authorized mob calling themselves government. But the

Defendants have misled the public into thinking that Plaintiff is anti-government and questions the legitimacy of lawful government in general.

99. All of Defendants' written statements about Plaintiff involved a matter of private concern. Plaintiff's knowledge of the *Principles of Property* established and published by John Locke in 1689, and made the foundation of our state and national constitutions, and what they say about the internal *dissolution* of states and nations is of no public concern. The public was not about to vote on any issue Plaintiff spoke of before this group calling themselves "The Republic of Texas."

100. Defendants' published these false statements with actual malice. Plaintiff is therefore entitled to a presumption of general damages and exemplary damages. Even after Plaintiff explained in an email the difference between *secession* and *dissolution* to the Defendants and sent them his speech, Dylan Baddour refused to acknowledge the truth of the matter and continued to insist that his coverage of Plaintiff's speech was accurate and that anyone that spoke of dissolution was a secessionist and advocated the breakup or "shaking off" of the United States of America:

" As I understood, you believe that Texas should be/is an independent nation. That is why you were labeled a secessionist. Because regardless of your interpretation of the condition of the United States, that country functionally controls Texas and has many military bases here. So becoming independent would inevitably shaking off the Washington government."

101. Plaintiff does not believe that Texas should be an independent nation and has never advocated that.

102. Defendant, Dylan Baddour, was grossly negligent in "labeling" those at the meeting, including the Plaintiff, "secessionists" because Baddour in his opening remarks about "The Republic of Texas" says the members of the group believe that Texas never legally became a part of the United States:

"A struggling oil field machinery worker from outside Bryan, Fallin, 40, is a freshman "senator" in a volunteer group called the Republic of Texas, whose members believe Texas never legally became part of the United States and, therefore, remains a sovereign nation."

Defendant, Baddour, should have known after making that statement that a group believing Texas was not presently a state of the Union would not have an interest in secession and could not be labeled "secessionists."

103. Defendant, Baddour, was grossly negligent in "labeling" Plaintiff, Avery, a "secessionist" after hearing the very first sentence of the Plaintiff's speech to the group:

"The dissolution of the federal union is of no real concern to this body assembled here as it is your understanding that The Republic of Texas was never really made a lawful state of the union and it need not concern itself with secession from it or the dissolution or lawful existence of it."

104. Defendant, Baddour, should have known after hearing Plaintiff read that opening remark that Plaintiff did not think the group to be secessionists and that the Plaintiff was not going to address the need for them to initiate an attempt to secede.

105. The balance of the speech was about dissolution and how it happened, the effect of it, and the dangers and opportunities it presents. This too should have alerted the Defendant, Baddour, that Plaintiff was not a secessionist since the Plaintiff had observed the dissolution of the Union based upon the Principles of Property that regulate every aspect of lawful government.

106. One cannot secede from a dissolved entity any more than a person can divorce a dead spouse.

107. The Defendant, Baddour, arrogantly refused to Correct, Clarify and Retract his false article about Plaintiff and the nature of the meeting Defendant covered. Defendant, Baddour, chose to rely on the attorneys for the newspaper giant, Hearst

Communications, Inc., to protect his libelous article by attempting to scare the Plaintiff in an email saying:

"Alright, as you like. For your own interest, please be weary. I'm sure you are aware of how much a lawsuit will cost, and if you file one and lose you will have to pay tremendous court costs. I seriously, honestly don't want that for you. In very brief conversations with the Hearst Corp. legal team they have identified absolutely no grounds for a libel suit."

108. The Houston Chronicle was also grossly negligent to let Defendant, Baddour, speak for the Houston Chronicle and refuse to Correct, Clarify and Retract the libelous article concerning the nature of the meeting and the Plaintiff's role in it. The Houston Chronicle did not care to instruct their employee to correct his libelous article. Defendant Baddour sent Plaintiff this email statement saying:

"Thanks for your input. The Houston Chronicle finds no need to take any further action regarding the article you mention. We have already run a retraction on September 16, correcting our error in identifying you as the wearer of the jacket, and as a member of the Republic of Texas."

109. Defendants arrogantly refuse to fully Correct, Clarify and Retract all their false labels and implications that Plaintiff is a secessionist, and hence anti-government and a right-wing extremist more dangerous than any Muslim terrorist, calling for the breakup of the United States.

110. The arrogant refusal of Defendants to Correct, Clarify and Retract their intentional libelous article shows malice and disdain for the Plaintiff worthy of punitive and exemplary damages.

111. The Defendants were determined to paint the Plaintiff into an activist, a part of a "Right-Wing Extremist" group, that was attempting to breakup the United States, rather than simply report on a man making a speech about observations he had made based upon the same principles of lawful government that formed the United States.

112. The object of the libelous article was to excite public condemnation of the group and the Plaintiff and to alert local and national law enforcement and even the US military to potential violence brewing in the group and the Plaintiff.
113. The Defendants *may have* corrected their mistake about Plaintiff being the one in the jacket and being a member of the "Texas Republic," but they did not correct their labeling of the Plaintiff as a secessionist like unto the "Texas Nationalists Movement" and other "right-wing extremist" groups that are now worse than Muslim terrorists according to their libelous article and links to it.
114. This kind of weaponized journalism, intentionally designed to cause harm to Plaintiff and misinform the people and stir up wrath against him so that any unjust harm done to Plaintiff by the government or the people goes without repercussion, is inexcusable.
115. This kind of weaponized journalism is also worthy of exemplary or punitive damages sufficient to deliver the Plaintiff and his family members from all ill effects that could result now or in the future from such libelous material and warn all journalists and publishers to refrain from converting the indispensable Fourth Estate into an intolerable Weapon of the Police State to establish an alternate judiciary to try and execute the people without a real trial.
116. The Defendants' publications have converted the Plaintiff (an innocent victim of miscarriages in government, making observations based upon the very same principles that formed the independence of the United States) into a "Right-Wing Extremist Terrorist" calling for the breakup of the United States.

117. The Plaintiff, a mere victimized observer, has been portrayed as a right-wing domestic terrorists calling for the illegal breakup of the United States of America, which in the mind of the Plaintiff has already occurred.
118. This kind of false weaponized journalism cannot be ignored by Plaintiff and the Plaintiff could not just 'let-it-go' unanswered as these lies by Defendants would stand as truthful precedent against the Plaintiff to be used at the will of any one wanting to harm him any time now or in the future. The Plaintiff has no choice but to defend himself against Defendants' lies boldly proclaimed to millions.
119. Both Defendants saved this libelous article five months until it could have more impact on the readers and stir up more vicious sentiment against Plaintiff and those at the meeting. The event, the subject of this lawsuit, that Defendant, Dylan Baddour, covered happened on April 11, 2015, a full 159 days prior to publishing it on the Sunday of the Patriot's day weekend of 9/11/15 when the emotions of the people are at their highest regarding foreign and domestic terrorism.
120. This calculated delay was engineered with malice to do the most harm to Plaintiff and others at the meeting. If Plaintiff and this group was truly dangerous, warranting investigation, why wait five months to report it? This delay proves malice and libel per se entitling Plaintiff to a presumption of general damages and punitive damages.
121. The press should have liberty to express their opinion but they cannot yell "fire" in a crowded church, if there isn't one. And likewise, one cannot yell "terrorist" on the 9/11 memorial, when there aren't any. And certainly, the press cannot yell "terrorist" on the 9/11 memorial, five months after the "threat" is gone!

122. This delay of printing the article proves two things: first, the Defendants knew those they reported on were no threat to anything, and second, their intention to maximize their demonization of Plaintiff and those he met with on April 11, 2015.
123. Upon learning that these gross errors were made by Defendant, Dylan Baddour, the General Editor of the Houston Chronicle, Vernon Loeb, should have taken the matter into his own hands to print a sufficient Correction, Clarification and Retraction and do the same on their website on behalf of Hearst Communications, Inc.
124. The refusal and failure of the Defendants to print a sufficient Correction, Clarification and Retraction of their newspaper article on the same day with the same circulation shows malice entitling Plaintiff to a presumption of general damages and punitive or exemplary damages.
125. The refusal and failure of the Defendants to print any kind of Correction, Clarification and Retraction to their Chron.com website article of the same libelous content shows malice entitling Plaintiff to a presumption of general damages and punitive or exemplary damages.
126. Plaintiff seeks damages within the jurisdictional limits of this Court.
127. Plaintiff's injury was the direct result of defendants' intentions, actions and malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a)(2).

H. JURY DEMAND

128. Plaintiff demands a jury trial and tenders the appropriate fee with this petition.

I. REQUEST FOR DISCLOSURE

129. Under Texas Rule of Civil Procedure 194, Plaintiff requests that Defendants disclose, within 50 days of the service of this request, the applicable information or material described in Rule 194.2

J. OBJECTION TO ASSOCIATE JUDGE

130. Plaintiff objects to the referral of this case to an associate judge for hearing a trial on the merits or presiding at a jury trial.

K. PRAYER

131. For these reasons, Plaintiff asks that the Court issue citation for Defendants to appear and answer, and that Plaintiff be awarded a judgment against Defendants for the following:

- a. Actual damages including mental anguish, shaken confidence in public settings and fear of misinformed excited law enforcement officials.
- b. Exemplary damages.
- c. Prejudgment and postjudgment interest.
- d. Court costs.
- e. All other relief to which Plaintiff is entitled.

Respectfully submitted,

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