

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.

*

2nd 25TH JUDICIAL DISTRICT

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**PLAINTIFF'S VERIFIED RESPONSE TO DEFENDANT'S
MOTION TO DISMISS**

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes the Plaintiff, Ronald F. Avery, with his Verified Response to Defendant's Motion to Dismiss, and shows the following in support of denying Defendant's Motion:

A. Introduction:

1. The Defendants assert Plaintiff's libel suit to be a SLAPP suit engineered to prevent Dylan Baddour from using his First Amendment rights to engage in public debate using his right to free speech, petition and association. This would not be true even if we lived in the Early American age where a free press actually existed and newspapers were owned by those outside of the government and real debate over real issues were printed and read. Dylan Baddour is not associated with the parties he reported on nor did he write as if he were expressing any of his views at the meeting he covered, nor did he claim to be writing or printing any of his own particular view points related to any of the discussion held or statements made at the meeting he reported on.
2. We don't live in early America and we don't have an "independent free press" worthy of being called the "fourth estate"¹ to help limit the abuse of power by the government. We

¹ "[Edmund] Burke said there were Three Estates in Parliament; but, in the Reporters' Gallery yonder, there sat a Fourth Estate more important far than they all." Brackets added from "*On Heroes and Hero Worship*"

presently live in the age of a monolithic mass media empire owned by corporations that are intertwined with government (fascism) and used to control the public dialog by distraction, misinformation, cover-up, omission, fabrication and the use of the Hegelian dialectic of controlling both sides of an argument to obtain the end they want (thesis, antithesis and synthesis). All of this serves the unlawful government of which the mass media corporations have had a major roll in overthrowing and controlling.

3. Chief Justice Warren alluded to the "blurring" of the separations of governmental and the private sectors, and the "rapid fusion of economic and political power, a merging of science, industry and government, and a high degree of interaction between the intellectual, governmental, and business world."² This no doubt would include the blurring of the separations of mass corporate news media and government resulting in the previous description of its mode of operation. Because of this "blurring," Justice Warren found "public figures" to be equal with "public officials" and therefore requiring the proof of malice before either can remove the 1st and 14th Amendment protections from their media critics to bring a libel suit.
4. While this might apply to corporate giants and retired generals, or university professors, it does not apply to someone the Defendants label a "self-proclaimed "Political Philosopher"." The real conclusion to draw from Chief Justice Warren's observation is that the role of the media has changed from the fourth estate guardian of the people and government watchdog to an arm of the government to maintain policy worked out by the fascist combination of mega corporations and government. There are no guardians of the people in the major media. Only a few alternative media companies and individuals can claim the title of the "fourth estate" to check government and they have very little following by comparison.

1841 by Thomas Carlyle. Obviously this implied that the people watched the lawmakers through the eyes of the newspaper press.

² Curtis Publishing Co 388 U.S. 130 87 S.Ct. 1975 @163.

5. Hearst Communications, Inc., is an integral part of this monolithic international mass media empire and must do its part to maintain the status quo political structure in America or risk falling out of step with this monolithic media monster that oppresses the people and stops all meaningful and lawful progress toward lawful government.
6. Major media companies are not immune from this trend observed by Justice Warren. The major media business corporations mixed with government should no longer be afforded any 1st and 14th Amendment rights to libel their victims and oppress the people. It's a joke to suggest that Dylan Baddour was in a debate with the Republic of Texas or anyone else including the Plaintiff at the "Republic of Texas" Meeting at which the Plaintiff spoke.
7. The Plaintiff is an ordinary person, not a public figure or a public official, and the "Republic of Texas" is made up of ordinary people and both have very little access to the media and cannot participate in the social activity described as "propaganda can answer propaganda."³ The Vice President of the "Republic of Texas" confirmed that when the media shows up they "always tell us they will be honest and truthful in the report but when the editors get hold of it everything turns on us" (**Plaintiff's Affidavit Exhibit E**). There is no vehicle by which ordinary people can answer propaganda with truth or libel with truth. They must endure the libel and propaganda to their detriment and harm. This court is their only aid.

³ In *New York Times* we were adjudicating in an area which lay close to seditious libel, and history dictated extreme caution in imposing liability. The plaintiff in that case was an official whose position in government was such 'that the public (had) an independent interest in the qualifications and performance of the person who (held) it'. *Rosenblatt v. Baer*, supra, 383 U.S., at 86, 86 S.Ct., at 676. Such officials usually enjoy a privilege against libel actions for their utterances, see, e.g., [Barr v. Matteo](#), 360 U.S. 564, 79 S.Ct. 1335, 3 L.Ed.2d 1434, and there were analogous considerations involved in *New York Times*, supra, 376 U.S., at 282, 84 S.Ct., at 727. Thus we invoked '**the hypothesis that speech can rebut speech, propaganda will answer propaganda, free debate of ideas will result in the wisest governmental policies**', [Dennis v. United States](#), 341 U.S. 494, 503, 71 S.Ct. 857, 864, 95 L.Ed. 1137, and limited recovery to those cases where 'calculated falsehood' placed the publisher 'at odds with the premises of democratic government and with the orderly manner in which economic, social, or political change is to be effected.' [Garrison v. State of Louisiana](#), 379 U.S. 64, 75, 85 S.Ct. 209, 216, 13 L.Ed.2d 125. That is to say, such officials were permitted to recover in libel only when they could prove that the publication involved was deliberately falsified, or published recklessly despite the publisher's awareness of probable falsity. Investigatory failures alone were held insufficient to satisfy this standard. See *New York*

8. Even though the ideas discussed by the "Republic of Texas" and Plaintiff are of critical importance to the property of the people consisting of their life, liberty and possessions, no one really hears about them due to the fourth estate becoming an arm of the fascist state and union. What the people read instead is falsehood and false characterizations of the "Republic of Texas" and Plaintiff as terrorists.
9. Plaintiff's suit is not a Strategic Lawsuit Against Public Participation (SLAPP) but a plea to court, even a dissolved one, to deliver the Plaintiff from the libelous abuse of a newspaper giant in New York City.
10. The case before this court is one of weaponized media designed and published to harm and punish those who use their natural and constitutional rights to publically associate and speak about real lawful governments and how they are lawfully formed, limited, defended, funded and dissolved and our rights to form new ones upon the internal dissolution of old ones by the tyrannous intrigues of those in their offices.
11. Plaintiff will show that the Defendants have treated this Motion to Dismiss as a Summary Judgment. They have not, and cannot, carry their initial burden across the threshold of a Texas Citizen Participation Act (TCPA) Motion to Dismiss to proceed to the other two steps.
12. Plaintiff will show that this frivolous TCPA Motion to Dismiss is a mockery of this court and a trivialization of its job and that Hearst should be disciplined to prevent this kind of un-American behavior before this court in the future.

B. Initial Burden is on Defendant to show:

13. The Defendants must prove that Plaintiff's libel suit was brought to prevent Defendants from participating in public matters by the use of Defendant's Rights to free speech, petition and association:
 - 13.1. **Free Speech:** Defendants have not provided any evidence that Plaintiff is attempting to prevent Defendants from using free speech to participate in a public matter

by filing his libel action or by use of any other means. Baddour did not address the "Republic of Texas" or speak on April 11, 2015 or any day relevant to this suit that Plaintiff is attempting to prevent. Defendants have not provided any evidence that Baddour was attempting to express his views regarding secession and or dissolution or any other matter. That evidence is not shown by his articles as they are not reported as his own views but the views of others including the "Republic of Texas" and the Plaintiff. Prior to this Motion to Dismiss we didn't know and could not determine Baddour's opinions from reading his articles because they are written as statements of fact about what "Republic of Texas" and Plaintiff thought and advocated. Baddour has been, and is free now, to editorialize what he wants about any topic including *secession* and *dissolution*. But it is libelous for Baddour to publish articles reporting his own views as views held by Plaintiff and maintain that Plaintiff advocates the ideas of Baddour. That's what Defendants did and now claim they have a right to publish their views and attribute them to Plaintiff as a matter of fact. Baddour could have easily published a report on the real discussion at the April 11, 2015 event he covered and then told the public, even in the same article, what he thought concerning what was said and advocated at that meeting. He did not do that! Defendants published a false story about the ideas expressed and advocated by those at the meeting. There is no language in the libelous articles indicating that the views expressed therein were the opinions of Baddour. Defendants published a false story about what was said and advocated at the meeting of April 11, 2015. And Defendants continue their futile attempt to defend those falsehoods as truth.

- 13.2. **Petition:** Defendants have not provided any evidence that Baddour was attempting to petition any government on any public matter that Plaintiff attempted to prevent by any means including filing this libel action. Baddour can petition the government for anything he wants including secession if he wants. Plaintiff has never

attempted to prevent any such action on any topic with or without this libel suit. This libel suit is to prevent Defendants from publishing damaging falsehoods about what the Plaintiff believes and advocates as well preventing Defendants from printing their own ill informed notions as ideas and goals of the Plaintiff.

13.3. **Association:** Defendants have not provided any evidence that Baddour was attempting to associate with any group concerning any public matter that Plaintiff is attempting to prevent by filing this libel action or by use of any other means. There is no evidence that Baddour is a member of the "Republic of Texas." There is no evidence that Baddour was associating with the "Republic of Texas" or any other group at the April 11, 2015 meeting. There is no evidence that Baddour was attempting to associate with certain individuals at the April 11, 2015 meeting. Evidence shows that Baddour attended the April 11, 2015 meeting as a reporter from the Houston Chronicle to report facts concerning the activities and discussions of the "Republic of Texas." There is no evidence that Baddour was attempted to become a member of the "Republic of Texas" or any other group that this libel suit was filed to prevent or filed to punish such attempted associations and memberships. Defendants have not provided any evidence that Plaintiff has attempted to prevent Baddour from becoming a member of the "Republic of Texas" or associating with them or any other group, or that Plaintiff has attempted to prevent Baddour from using his right of free speech and petition by filing this libel suit or by any other means.

14. It is rather the publication of Defendant's libelous article that is being used to prevent or punish freedom of speech, and association with others. Being labeled as criminals and drivers of violence and terrorism worse than Muslim terrorists, that the people and law enforcement should be worried about, tends to darken ones reputation and bring out hatred in others.

15. It is rather the Plaintiff that is attempting to exercise his rights of free speech and association without being demonized by an out-of-control mass media newspaper empire that is taking the place of law enforcement and the judiciary.
16. Plaintiff's libel suit is simply not a suit that qualifies for a TCPA dismissal as a SLAPP suit and the Defendants know it and they filed it in haste in an effort to overwhelm and shock the Plaintiff into dropping his suit. The court should deny Defendant's Motion to Dismiss and find it to be frivolous and award the Plaintiff court costs and identical expenses for attorneys fees they were going to unjustly lay upon the Plaintiff.
17. The Defendants have failed and cannot carry their initial burden to show that Plaintiff used this libel suit to prevent Defendants from using their right of free speech, petition and association and therefore cannot proceed to controvert any of Plaintiff's prima facie evidence establishing his libel case against Defendants, and they cannot proceed even further to show their own elements of a valid defense to Plaintiff's libel suit.
18. Even if the Defendants could show evidence that they were exercising or were attempting to exercise their rights to free speech, petition and association, this libel suit could not be dismissed if Plaintiff can show prima facie evidence to establish every element of this libel suit, unless the Defendants can show every element of a valid defense.

19. Hurdles of Defendant's Motion to Dismiss:

In order for Defendants to win this Motion to Dismiss they must first provide evidence that they were attempting to exercise their rights to free speech, petition and association that Plaintiff is attempting to thwart by filing this libel suit.

- 19.1. Then if Plaintiff has shown prima facie evidence of every element of a libel suit, the suit cannot be dismissed and the Defendants must then proceed to the next level to win their motion.

- 19.2. If Plaintiff has a prima facie case for libel, the Defendants must then show by a preponderance of evidence every element of a valid defense to Plaintiff's libel suit in order to win their Motion to Dismiss under the TCPA.
- 19.3. Defendants have failed to show they were exercising their rights to free speech, petition and association and cannot move on to challenge the Plaintiff's elements of his libel suit and develop every element of their valid defense in this TCPA Motion to Dismiss.
20. If there are any deficiencies in the elements of Plaintiff's libel suit, the Defendants may then file a Motion for Summary Judgment or Special Exceptions. If there is a defense to the Plaintiff's libel suit as a matter of law the Defendants can file a Motion for Summary Judgment.
21. Regardless of the total lack of any evidence that would qualify this suit for a dismissal ruling under the TCPA the Defendants attempt to attack the elements of Plaintiff's non-TCPA libel suit, as if they had satisfied their burden.
22. The Defendants cannot controvert or attack the merits of the Plaintiff's libel suit in their Motion to Dismiss because they have failed to provide any evidence that Baddour was attempting to use any of his constitutional rights at any meeting or regarding the matters he covered at those meetings to be prevented by Plaintiff's libel suit. There is simply no evidence to qualify Plaintiff's libel suit for a TCPA dismissal.
23. It is clear that the TCPA was not passed by the Texas Legislature to be used as a general filter on every libel suit. That is why the Defendants must carry the initial burden to show by a preponderance of evidence that Plaintiff's libel suit was used to prevent Defendants from exercising their freedom of speech, petition and association.
24. Defendants only assert, without supporting evidence, that Plaintiff filed his libel suit to punish Defendants for attempting to use their rights of free speech to tell their story. If indeed the Defendants told "their story," they told it wrapped in a package that sounded and looked

like the story of Plaintiff and the "Republic of Texas." And that story wrapping was false. If they did not tell "their story," but merely reported on what the "Republic of Texas" and Plaintiff stood for and advocated, they got it completely wrong. Either way, the result is that both are indistinguishable from the other and both are false.

D. Prima Facie Evidence of Every Element of Plaintiff's Libel Suit:

25. However, if by some breach of nature, the hearing is allowed to continue beyond Defendant's failure to carry their initial burden to produce evidence qualifying Plaintiff's libel suit for a TCPA dismissal, the Plaintiff will now show prima facie evidence for every element of his libel suit.

25.1. The Defendants published a statement of fact, not opinion:

Defendants wrote and printed an article on the front page of the Houston Chronicle⁴ and a web article on HoustonChronicle.com⁵ about a meeting of the "Republic of Texas" which Plaintiff attended and spoke at. Defendants said that the "Republic of Texas" was a "secessionist" group. Defendants published in said articles that Plaintiff by being a member of the "Republic of Texas" had informally renounced his citizenship in the U.S. Defendants published in said articles that secession was against federal law as of 1869 and that "the U.S. would be compelled to thwart Texas' withdrawal by force." Defendants published in said articles a picture of a man in a jacket (**Plaintiff's Affidavit Exhibit F**) that indicated he was a part of the "Republic of Texas" group. The caption below said pictures named the man in the "Republic of Texas" jacket as Plaintiff, Ronald Avery. Therefore by simple deduction the Plaintiff was a secessionist by being reported as a member of the "Republic of Texas" group. The Defendants published as fact in said articles that the "Republic of Texas" was a secessionists group and drew parallels and

⁴ Jennifer D. Bishop Declaration Exhibit A

⁵ Jennifer D. Bishop Declaration Exhibit B

provided hyperlinks to articles about other secessionist groups that went to Russia to meet with "Fascist and neo-Nazis railing against Western decadence." The title of said article was "Putin's Plot to Get Texas to Secede."⁶ The Defendants provided a hyperlink in their web article that drew more parallels between the "Republic of Texas" and another group called "Sovereign Citizen Extremists" by the Department of Homeland Security suggesting that the "Republic of Texas" would "drive violence at home, during travel and at government facilities."⁷ The Defendants drew more parallels between the "Republic of Texas" and other groups mentioned in other hyperlinked articles suggesting that the "Republic of Texas" was part of the "Growing Right-wing Terror Threat,"⁸ suggesting that the "Republic of Texas" was more dangerous than Muslim terrorists.

25.2. The statement of fact referred to the Plaintiff:

By deduction, all the statements of fact concerning the "Republic of Texas" also referred to the Plaintiff by his being a part of the group which web article photo #3 (**Plaintiff's Affidavit Exhibit G**) stills graphically implies as Plaintiff is shown at a microphone and the caption read in part: "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."" This caption was later changed on November 9, 2015 to read: "They follow a speaker list, and members take turns at the microphone. In this photo, an individual lists grievances with the U.S., including the 2008 bank bailout, NSA surveillance, the "police state" and "immoral wars."" But the individual in the photograph continues to be the Plaintiff and the photo and caption together continue to imply that Plaintiff is a member of the

⁶ Jennifer D. Bishop Declaration Exhibit D

⁷ Jennifer D. Bishop Declaration Exhibit F

⁸ Jennifer D. Bishop Declaration Exhibit E

"Republic of Texas" secessionist group advocating the criminal act of secession as well as having the character the hyperlinks described.

25.3. The statements were defamatory:

It is defamatory to say that someone has renounced their citizenship. Whenever a person is charged with violating the law the damage is considered to be per se or obviously damaging by the nature of the statement. It is defamatory to be called a secessionists while in the same article secession is being shown to be a federal crime that would automatically bring war to Texas. Plaintiff was damaged per se by implication that he is part of the "Growing Right-wing Terrorist Threat." Plaintiff was damaged per se by implication that he is part of the "Sovereign Citizen Extremist movement that will drive violence at home, during travel and at government facilities." Plaintiff was damaged per se by implication that he is a secessionist seeking the break-up of the U.S. in concert with fascists, neo-Nazis and formidable foreign nations like Russia.

25.4. The statements were false:

The "Republic of Texas" is not a secessionist group and speaks against it at every opportunity as confirmed by the Vice President of the group (**Plaintiff's Affidavit Exhibit E**). Plaintiff has never been a member of the "Republic of Texas." Plaintiff has not informally renounced his citizenship in the U.S. Plaintiff is not a secessionist and is, in fact, vehemently opposed to secession and speaks against it to all who advocate it (**Plaintiff's Affidavit Exhibit C & D**). Plaintiff is not a secessionist seeking the break-up of the U.S. in concert with "fascists, neo-Nazis" and formidable foreign nations like Russia. Plaintiff is not part of the "Growing Right-wing Terrorist Threat." Plaintiff is not part of the "Sovereign Citizen Extremist" movement that will "drive violence at home, during travel and at government facilities."

25.5. The Defendant, Dylan Baddour, was acting with actual malice:

Baddour was acting with actual malice or reckless indifference or disregard to the falsity of his statements and referenced characterizations and the damage that would result from their publication. Baddour was at the meeting and heard Plaintiff read his paper on dissolution (**Plaintiff's Affidavit Exhibit A**). Baddour did not bother to ask Plaintiff any questions about the relationship between secession and dissolution. Baddour simply wrote the two articles falsely calling the Plaintiff a secessionist by implication of membership in the "Republic of Texas" and by Plaintiff's assertion that the union has been internally dissolved by those in the offices of it. Baddour and Defendants refuse even now to correct their articles and continue to call Plaintiff a dissolutionist in their Motion to Dismiss. Baddour's articles never mentioned that Plaintiff's presentation at the April 11, 2015 meeting was about dissolution instead of secession; Baddour in his written articles about Plaintiff did not distinguish between Plaintiff's presentation concerning dissolution and his own absurd idea that dissolution and secession are the same thing. Even now, Defendant's have not submitted a copy of the correction Baddour says they ran on Wednesday 9/16/15 about Plaintiff not being the person wearing the "Republic of Texas" jacket in the front page photo and that Plaintiff was not a member of the "Republic of Texas" to the Plaintiff or this court, that Baddour says they printed in their newspaper.⁹ All we have is Baddour's statement but no printed front page with that stated "correction" on it. The Defendant's web article was not even partially corrected concerning the fact that Plaintiff was not wearing the "Republic of Texas" jacket in the lead photo and doing the associated things by doing so until 11/9/15, six days after Plaintiff filed this libel suit and after 15 days of continuous email exchanges (**Plaintiff's Affidavit Exhibit B1-B4**) from 9/15/15 through 9/30/15.

⁹ Baddour Declaration number 8.

25.6. The Plaintiff suffered obviously from the very nature of the damaging false statements of fact constituting libel per se as the article drew hatred from some of the readers who expressed it towards the "Republic of Texas" and the Plaintiff.¹⁰ Publishing that Plaintiff is pursuing an illegal activity or federal crime constitutes damage per se in the common law of Texas;¹¹ False statements published were damaging per se exposing Plaintiff to public hatred. Defendant's articles falsely labeling Plaintiff as a secessionist and thereby actively to get Defendants to print a sufficient Correction Clarification and Retraction prior to filing this libel suit and they refused and still refuse;

E. D's Evidence of Every Element of a Valid Defense:

26. If by some physiological malfunction, Defendants are allowed to proceed with their Motion to Dismiss beyond their failure to qualify this suit for a TCPA dismissal and Plaintiff's showing of prima facie evidence of every element of a libel suit, Plaintiff will address the Defendant's supposed showing by a preponderance of evidence every element of a valid defense to Plaintiff's prima facie libel case. Defendants having failed to prove they were attempting to participate in public discourse using freedom of speech, petition and association, now include matters of a typical **defense** to any libel suit that does not qualify for a TCPA dismissal. **Defendants try to establish the elements of their defense to Plaintiff's libel suit:**

26.1. **Defendants assert their articles are not reasonably capable of a defamatory meaning:**

26.1.1. Baddour's calling Plaintiff and the "Republic of Texas" "secessionists," inter alia, was all **fair comment** which has at least three (3) limitations it must surpass:

¹⁰ Jennifer D. Bishop Declaration Exhibit C most notably at page 6 of 7.

¹¹ The ASSOCIATED PRESS, Appellant, v. Edwin A. WALKER, Appellee.

26.1.1.1. Baddour asserts he has a right to make "**fair comment**" about those meetings he covered and reported on and that gives him the right to say that those who absolutely publicly oppose secession based upon good grounds are in fact "secessionists."

26.1.1.2. The "fair comment" standard does not include the right of a reporter to label all in attendance secessionists when no one advocated it and where a 25 minute speech is given by Plaintiff making the observation of the dissolution of the federal union, and rendering secession of any state an absolute absurdity.

26.1.1.3. Defendants are entitled to a "fair comment" defense if they can show that "where the statement to be libelous can be reasonably construed by the reader as an *expression of opinion only, on the basis of the facts* either already known to the reader or else reasonably assumed by the person writing the statement to be known to the reader,"¹² The Defendants have failed to show anywhere in their articles that the statements made about the "Republic of Texas" and Plaintiff are merely the opinions of Dylan Baddour and not facts he learned about them.

26.1.1.4. Defendants are not entitled to a "fair comment" defense if it is shown that "Where, however, the statement alleged to be libelous, as reasonably construed, conveys to the reader not only an expression of the writer's opinion, but also certain supposed information, and this information does not accord with the facts, it is not comment, but should be treated as a statement of fact."¹³ Therefore, even if the reader thinks Baddour was giving his own

¹² 393 S.W.2d 671 The Associated Press, Appellant, v. Edwin A. Walker, Appellee. No. 16624. Court of Civil Appeals of Texas, Fort Worth. July 30, 1965. Rehearing Denied Sept. 17, 1965.

¹³ Ibid.

opinions, but also giving accurate information which turns out to be false, the statements must be treated as a statement of fact not opinion. Even if some readers think Baddour was giving his own opinion, Defendants were certainly giving certain information that did not agree with the facts and therefore the Defendants cannot establish a "fair comment" defense.

26.1.1.5. P asserts that "The right of fair comment is a weak defense in most libel suits. It is subject to so many limitations that it is seldom completely applicable. **There are three groups of limitations.** First, the comment must be **limited to matters of public concern.** Second, the article **must be a statement of opinion-or comment-rather than a statement of fact**, a very difficult distinction to make. Finally the **comment must be reasonable and fair and made in good faith**, and this limitation is also difficult to define."¹⁴

26.1.1.6. Baddour claims the event he attended and reported on was a matter of public concern in which the people needed to know about in order to participate in public affairs. But there were no people there that were public servants of the governments that hold elections to determine office holders or propositions or amendments or ordinances. Those who participated in the event claim to be the lawful government of the Republic of Texas and the Plaintiff who is merely a student of the principles of property that regulate every aspect of lawful government as compiled and propagated by John Locke in 1689 in his First and Second Treatise of Government. The Plaintiff was not a public official or public figure and was making an observation that the "federal union" and the "state of Texas" was dissolved by the application of those principles that formed our state and nation in the beginning. This all

¹⁴ Ibid.

might be considered public interest but not to the level the Defendants suggest. No one needed to know this information to vote on anything in the de facto dissolved state and union.

26.1.1.7. Next, in order to prove Baddour's statements were fair comment he must show that the reader could reasonably construe that his comments were **his opinion only and not statements of fact**. If it is not clear that the statements made were the opinion of the writer only but rather a reporting of facts the writer discovered at the event he attended the statements must be understood as facts. Statements like the following suggest the writer has made a determination based upon facts they discovered; "Everyone has seen the bumper stickers: "Secede Texas." It's a age-old jest in the Lone Star State. But some people take it seriously, Really seriously. Joe Fallin is one of them."

26.1.1.8. Front page stories are very rarely editorials. The New York Times made an announcement that they had run a front page editorial for the first time in almost 100 years just a few days ago titled "Editorial: The Gun Epidemic" related to the San Bernardino shootings.¹⁵

26.1.1.9. It is clear to the reader that a front page article titled "Secessionists hopeful despite odds" means a statement of fact and this factual article title was not preceded by the word "Editorial." The expanded title to the HoustonChronicle.com web article, "Ever hopeful and determined, Texas secessionists face long, long odds" sounds like a statement of fact based upon the facts uncovered by the reporter. This title too was not preceded by the words "Editorial." The entirety of the articles read as statements of fact or

¹⁵ <http://money.cnn.com/2015/12/04/media/new-york-times-gun-control-front-page-editorial/index.html>

conclusions made from facts discovered at the meeting. And both the statements of fact and the conclusions based upon fact are false.

26.1.1.10. And finally the fair comment must be **reasonable and fair and made in good faith**. Baddour's statements are not fair or reasonable based upon his first description of the RT: "A struggling oil field machinery worker from outside Bryan, Fallen, 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." It cannot be fair or reasonable to say that sovereign nations seek secession from other nations. They may seek independence but they do not seek secession. Secession is a process which acknowledges a part of a whole that wants out of the whole. A nation that remained sovereign and was not a state in the union does not seek secession. The statements of fact and statements of conclusive opinion does not agree with the facts.

26.1.1.11. The paper Plaintiff read to the "Republic of Texas" observed the dissolution of the union. It is not reasonable or fair to say that those who observe the dissolution of the union are seeking and advocating secession from the union they believe to be dissolved. The facts and conclusions do not agree with the facts.

26.1.1.12. The Defendant's continual insistence, even in their Motion to Dismiss, that the "Republic of Texas" and Plaintiff are secessionists shows bad faith and unreasonableness and unfairness.

26.1.1.13. The Defendant's refusal to correct their article calling the "Republic of Texas" and Plaintiff secessionists after showing evidence that it was incorrect also shows bad faith and unreasonableness and unfairness. Their insufficient retraction went out of the way to continue to call the "Republic of Texas"

secessionists.¹⁶ See email to Plaintiff from "Vice President" Ed Brannum confirming that the "RT" never advocates secession and is opposed to it.¹⁷

26.1.1.14. All of this could have been easily confirmed prior to publication if not known to the Defendants as the article was printed five months after Baddour had attended the April 11, 2015 meeting.

26.1.2. Defendants insist that the articles are **not defamatory on their face as a matter of law**. They assert calling Plaintiff a secessionist is not defamatory as a matter of law which is incorrect if Baddour claims in the same article that secession is a federal crime, which he did, also saying that a move towards secession would compel the U.S. to thwart with force: "so the U.S. would be compelled to thwart Texas' withdrawal by force."

26.1.3. Reporting on **political right of dissent is not defamatory** as a matter of law; Defendants claim right of dissent is enshrined in the 1st Amendment including the right to advocate change in the form of state's rights, independence, and secession.¹⁸ There is no right to violate federal law by secession: The articles reported that secession was against federal law. The article and this motion falsely claims Plaintiff is a secessionist and therefore advocates and seeks and conducts criminal activities in pursuit of secession. There is no right to cause violence or be worse than Muslim Terrorists: The articles drew a correlation between all "secessionists" and the Sovereign Citizen Movement that would "drive violence at home, on during travel and in government facilities," and the "Right-wing Extremists" that are "more dangerous than Muslim Terrorists."

¹⁶ Jennifer D. Bishop Declaration Exhibit B page 7 of 7

¹⁷ Affidavit of Ronald F. Avery **Exhibit E**

¹⁸ Defendant's Motion to Dismiss, page 3

26.1.4. Defendants assert that the articles are **not defamatory by reference to extrinsic facts**. The **Hyperlinks** provided in web article are not the comments of D about the Plaintiff so **cannot be defamatory**. While the extrinsic material in the hyperlinks did not mention the "Republic of Texas" or the Plaintiff directly the links were indeed used to further describe and color the "Republic of Texas" and the Plaintiff. Defendants assert hyperlink extrinsic articles are not considered to be a publication by the Defendants. While it is true that the Defendants are not liable for publishing those links, those links were most certainly used to further characterize the "Republic of Texas" and the P.

26.1.5. **Hyperlinked articles do not mention or relate to Plaintiff**. Defendants claim that the hyperlinks included in their web article were **made to show a "contrast"** between the peaceful "Republic of Texas" and those other groups mentioned in the links.

26.1.6. The dissenting **expression described in the articles does not carry the element of disgrace necessary for defamation**. It is disgraceful to be labeled a criminal secessionist, right-wing extremist worse than terrorists, plotting with foreign nations to break up the US and in fact the article drew hatred in some of the comments on their own website.

26.1.7. The **links accused Plaintiff of "absolutely nothing except what he had a [well-established and celebrated First Amendment] right to do,"** which is to dissent." There is no such right to conduct terror operations as a Right-Wing Extremist or Muslim terrorist or to Drive Violence at home, in travel or government facilities or work with foreign powers to break-up the U.S. But language in the article draws a parallel rather than a contrast between the Texas Nationalist Movement, a group that does advocate and seek secession of the State of Texas

from the federal union.¹⁹ Plaintiff is falsely labeled a secessionist in this motion to dismiss and in the on-line article showing him as a fellow "Republic of Texas" secessionist member taking his turn at the microphone.²⁰ Article language draws parallel between all secessionists and "Putin's Plot to get Texas to Secede."²¹ The article and link clearly suggests that secessionist are working with a formidable foreign nation against the interests of the United States of America. This suggests secessionists are involved in conspiracy, foreign intrigues and treason.

26.1.8. D's Article language draws direct parallel between the "Republic of Texas" and the numerous dangerous groups:

26.1.8.1. Quote from article: "Still, the February raid 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."

26.1.8.2. The "February raid" mentioned relates directly to the RT. The article language clearly indicates that the "Republic of Texas" was on the "uneasy tension" list of numerous state and federal law enforcement agencies.

26.1.8.3. The first underlined phrase in the quote takes the reader to an article entitled "The Growing Right-Wing Extremist Terror Threat,"²² which says "anti-government extremism is the leading source of ideological violence in America" and is presently worse than Muslim Terrorism.

26.1.8.4. The second underlined phrase takes the reader to a DHS article entitled "Sovereign Citizen Extremist Ideology Will Drive Violence at Home, During

¹⁹ Jennifer D. Bishop Declaration Exhibit B page 3 of 7

²⁰ Affidavit of Ronald F. Avery **Exhibit G**

²¹ Jennifer D. Bishop Declaration Exhibit B page 3 of 7

²² Jennifer D. Bishop Declaration Exhibit E

Travel, and at Government Facilities."²³ A short quote from the linked article says: "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."

26.1.8.5. The links in this short paragraph clearly indicate that the "Republic of Texas" and other secessionists groups are part of those violent groups and ideologies mentioned in the links.

26.1.8.6. The links make a direct parallel between the RT, secessionist and the Plaintiff who the Defendants falsely maintain is a secessionist who remains photographically shown by Defendants as a member of the "Republic of Texas" taking his turn at the microphone.

26.1.8.7. The inclusion of one statement that "The group [RT] now forswears violence" and one statement that "Their solemn mission, debated these days at considerable length: Plotting a legalistic escape from Uncle Sam," does not negate all the links implied in the article.

26.1.8.8. Immediately prior to the above quote with the two links Baddour recites the 7 day standoff episode "ending in gunfire and the death of one Texian" and the raid of the "Republic of Texas" this year in Kerr County by a large body of law enforcement from various state and federal agencies.

26.1.8.9. At no point in the article did the language indicate that the "Republic of Texas" and secessionists were not like those other groups mentioned in the hyperlinks.

26.2. **Defendants assert that the articles are substantially true.** All agree that a **statement must be false** before it can be defamatory.

²³ Jennifer D. Bishop Declaration Exhibit F

26.2.1. Defendants assert that Plaintiff and the "Republic of Texas" are both secessionists. This is false. The "Republic of Texas" has said for years that the "Republic of Texas" was never lawfully annexed into the union. They therefore still consider the "Republic of Texas" of be a sovereign independent nation right now. Therefore, they cannot advocate or support the secession of the "Republic of Texas" from the union they never were a part of and are not a part of now. And they certainly don't advocate or support the secession of the so-called "state of Texas" they do not acknowledge as the lawful government over the people of Texas from the union.²⁴

26.2.2. The Plaintiff has maintained for years that the union is dissolved by the alteration of its constitutional form by law without the required amendments approving those alterations by the people and their states. Once a union of states is dissolved there cannot be a secession of any state from a whole that does not lawfully exist.

26.2.3. The Plaintiff spoke at the "Republic of Texas" meeting covered by Defendants about dissolution, not secession. Even though Plaintiff did not argue against secession or compare the differences between secession and dissolution, he did mention dissolution 18 times in the paper and secession only once in the introduction.²⁵

26.2.4. Once Plaintiff was aware of the libelous article on the web he added a comment on the blog under it and it resulted in an email from Baddour which began a 15 day email exchange where Plaintiff explained the differences between dissolution and secession and the Defendants refused to make any correction (**Plaintiff's Exhibit B1-B4**).

²⁴ Affidavit of Ronald F. Avery **Exhibit E**

²⁵ Affidavit of Ronald F. Avery **Exhibit A**

26.2.5. Regardless of what Defendants think about secession and dissolution it is what they have said the Plaintiff thinks about them that matters. The Plaintiff and Defendants are not in agreement and the Defendants cannot print that the Plaintiff believes as they do.

26.3. A statement of **falsehood must be worse than a truthful statement** in the mind of the average reader. Defendants assert that calling Plaintiff a "secessionist" is better than calling him a "dissolutionist." That would be true if they Defendants were permitted to tell the people what they think a dissolutionist is.

26.3.1. But the "average reader" must also have knowledge of the full truthful statement of what the Plaintiff is rather than some half truth or falsehood about what he is.

26.3.2. The Plaintiff does not consider himself to be a dissolutionist either, as the term by itself implies that the Plaintiff actively seeks a means of dissolution rather than merely passively observes the present dissolution fully accomplished by the tyrannous acts of those in the offices of the dissolved union. Plaintiff cannot seek the dissolution of something already dissolved.

26.3.3. The term dissolutionist by itself also may imply that the Plaintiff wanted a dissolution or likes the fact that the state and union is already dissolved. This too is wrong as he is a victim of the tyranny of others and he did not want the dissolution of his state or his union by the tyrannous acts of those in the offices of the state and union.

26.3.4. The Plaintiff seeks a lawful state of Texas and a lawful union of Texas with other lawful states. He cannot find them using the principles upon which they were first constructed by the delegated authority of the people of them of which he is a descendent.

26.3.5. The truthful description of the Plaintiff is not near as bad as being called a "secessionist" that will go to Russia to conspire with "Putin's Plot to get Texas to

secede" and meet with "fascist and neo-Nazis" and is part of the "growing right-wing terror threat that is worse than Muslim terrorists," and similar to the "sovereign citizen extremists that will drive violence at home, during travel and at government facilities."

26.3.6. The truthful description of Plaintiff cannot fit all those categories that Defendants used to color secessionist, the "Republic of Texas" and the P.

26.3.7. Defendants assert that "had the Chronicle detailed the **whole of Plaintiff's dissolutionist beliefs** in the articles, any claimed sting would have been **materially worse** than what was reported."

26.3.7.1. Defendants assert that association with the Texian's (secessionists, according to Defendants) nonviolent legalistic means for achieving independence, is much less defamatory than Plaintiff's real political beliefs because "**P in fact advocates more confrontational measures.**" This is simply a lie, and Defendants know it, as the Plaintiff does not advocate any "confrontational measures" of any kind including secession, which Defendant's article says "the U.S. would be compelled to thwart Texas' withdrawal by force."

26.3.7.2. Even mold has a God given right of defense, but Defendants don't want that for the American people as shown by this Motion and their articles. Merely because Plaintiff has a website that advocates the 2nd Amendment which acknowledges and secures the God given right to keep and bear arms and the God given right to militia, does not mean the Plaintiff advocates any "confrontational measures." Plaintiff's website, LawfulGovernment.com also

shows that even mold has a God given right to defend itself from bacteria.

"Mold defending itself against bacteria in a Petri dish is militia."²⁶

26.3.7.3. Defendants have said in their Motion: ""Association with the Texians is likely less damaging because of that group's commitment to legalistic, non-violent change, as reported in the Chronicle. Plaintiff, on the other hand, has advocated in favor of an armed and organized militia, including military style weapons, to "defend" against the federal government. (advocating a "need" and a "right" to retain "military style" weapons and organize into militias to "defend" against the federal government "with force if necessary.""²⁷

26.3.7.4. The advocacy of the 2nd Amendment has nothing to do with dissolution or secession as the 2nd Amendment right to keep and bear arms and militia is lawful at all times even under a government lawfully conformed to the constitutional will of the people. At least the Defendants were careful to put quotations around the words "defend" and "need" and "right" because there is nothing confrontational about those words. Nor is there anything confrontational about "military style" weapons. The mass media has of which Defendants are a part have deceived the people into thinking that "military style" weapons are "assault weapons" or "offensive weapons" or "confrontational weapons." The truth is the mass media has made Americans think that effective weapons are assault, offensive, confrontational weapons and ineffective weapons are "defense weapons." How stupid is that. All weapons are assault offensive weapons if used in an offensive assault. All weapons are defensive weapons if used in defensive activity.

²⁶ <http://LawfulGovernment.com/right-to-militia.html>

²⁷ Defendant's Motion to Dismiss, footnote 4, p. 4.

26.3.7.5. An attempt by Defendants lawyers to convert Plaintiff's constitutional rights into an advocacy of offensive confrontation is despicable and unbecoming of their trade. They should be disbarred for such groundless accusations so alien to the American understanding of liberty and freedom! The right to lawful defense once stood at the very heart of our nation and states. Apparently, New York lawyers have never read the preamble to the Bill of Rights: "THE Conventions of a number of the States having at the time of their adopting the Constitution, expressed a desire, **in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added:** And as extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution;"

26.3.7.6. The purpose of the 2nd Amendment is to prevent misconstruction or abuse of federal power. That means use of military guns against the federal army if the federal government should abuse their power and become offensive to the unalienable property rights of the people.

26.3.8. Defendants assert that **"P's admitted political beliefs render the articles substantially true and non-actionable."**

26.3.8.1. This too is an outright lie and the Defendants know it. This statement in Defendant's motion was in reference to the foregoing failed attempt by Defendants to convert Plaintiff into an armed, active, offensive threat to the American people instead of a passive victimized individual with a constitutional right to lawful defense from tyranny, once held sacred by all Americans.

26.3.8.2. P never "admitted" to the "political beliefs" that the Defendants have attributed to him. The Defendants cannot stop their compulsion to

mischaracterize the Plaintiff and make him into the beast they made of him in their libelous articles.

26.3.9. Defendants assert that **"Even if the articles were defamatory Plaintiff would still be unable to establish the essential elements of his claim as a matter of law."**

26.3.9.1. The Defendants think their defamation necklace they hung on the Plaintiff is far less defamatory than what his real political beliefs are. But this is merely their own opinion based upon falsehoods they need to establish as truth to avoid going to trial in this libel suit. The truth is not in their favor as Plaintiff has clearly shown above

26.3.9.2. The articles were indeed defamatory and they characterize the Plaintiff much worse than what he really is and what he really stands for and speaks of. Plaintiff has debated dissolution over secession many times on the internet, radio and alternative newspapers. But Plaintiff has never been treated like the Defendants treated him in their articles and he has never drawn the following types of comments from their libelous website article: "Maybe these flks need to be sent to Gitmo. Just a bunch of gun freak malcontents. This is the result of under-funded public education. I don't see a lot of MBA's in this photo. i saw laborers mentioned in the article. Of course they think their .223 assault rifles are going to hold off a nuclear superpower with armed drones. Their energy would be better suited into improving their communities and thus our state. These folks actually meet in person, a younger crowd will play this fantasy game online. It will probably be wildly successful...patriots can shoot illegal aliens, build border walls all while gathering tokens, er, money to get elected president. Inaccurate Headline. "Should read: Ever hopeful and DELUDED, Texas secessionists face long, long odds." what a sad and

deluded bunch. 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." Given that their advocacy of secession is completely peaceful and they are not acting violently, they cannot be viewed as making war against the United States. Nor are they adhering to or offering aid and comfort to any enemy. What they are instead doing is engaging in peaceful political advocacy on behalf of their crackpot cause." The above remarks were made by about half those who responded on the Defendant's blog under their libelous web article.

26.3.9.3. No one mentioned dissolution. No one mentioned Dylan Baddour's ideas that he presented in debate and association with others at the "Republic of Texas" meeting. No one mentioned that Texas was not ever part of the union. No one mentioned anything but the false information about those at the meeting told as facts about them by Dylan Baddour.

26.4. **Minor inaccuracies do not amount to falsity.** The Defendants assert that the difference between secession and an observation of dissolution is non-existent or minor.

26.4.1. The whole article including inaccuracies must be taken as one and the **gist or sting** of the whole **including inaccuracies compared to the gist or sting of the completely accurate story**. The reader cannot reasonably compare the Defendant's written falsehood to an unknown truth about what Plaintiff believes and advocates. Defendants can only guess what the reader would think about the true views of Plaintiff. And certainly the Defendants would like to tell them what they think the Plaintiff believes and advocates in order to build a defense to libel. But if the reader is fully informed about what the true views of the Plaintiff is they would surely find them less offensive than what the Defendants would spin as the truth.

26.4.2. The ignorance of the general reader regarding Plaintiff's real views should not provide protection for the libeling journalist to continue their lies with impunity.

26.4.3. Had Baddour reported what he heard from the Plaintiff at the "Republic of Texas" meeting on April 11, 2015, he could have educated the public and avoided a libel suit.

26.5. Defendants assert that **If the facts underlying the gist of the statement are true or undisputed**, courts can "disregard any variance with respect to items of secondary importance and determine *substantial truth* as a matter of law." Defendants assert that the reported Listing of "grievances" in support of "secession" rather than listing *evidence of dissolution* is a secondary minor issue that can be found to be substantially true by the court.

26.5.1. But the Defendants must first prove that **the gist of the statements are true**. The main gist or sting of the story is false as Defendants say the Plaintiff is a secessionists while the Plaintiff has provided evidence to the contrary showing that he has argued against secession for many years publicly on the radio,²⁸ privately with constitutional attorneys and those who do advocate secession such as the League of the South: It cannot be shown that secession of states from the union is the same as an observation of dissolution of the entire union or even substantially the same. They are mutually exclusive and incompatible with one another.

26.5.2. Or the Defendants must first prove that **the gist of the statements are undisputed**. Certainly, the false statements made about the "Republic of Texas" and the Plaintiff being secessionists are disputed by the P:

²⁸ Affidavit of Ronald F. Avery statement #9 & **Exhibit C**

26.5.2.1. The Vice President, Ed Brannum, of the "Republic of Texas" sent Plaintiff an email²⁹ confirming the fact that the "Republic of Texas" has been opposed to secession for years for the reasons that were reported correctly at one place in Defendants article "... 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." Why would anyone, knowing that Texas was presently a sovereign independent nation, seek secession as a state from a union it was never part of? Would not the pursuit of secession be counter productive? This is an absurdity on its face.

26.5.2.2. Because the whole gist of the article is false concerning the "Republic of Texas" and Plaintiff being secessionists is why the Plaintiff requested that the entire article by Baddour be retracted in full after an explanation of why was retracted.³⁰

26.5.2.3. Because the whole gist and sting of the story is false and disputed no other secondary inaccuracies can be found to be substantially true as a matter of law.

26.6. "Defendants assert that none of Plaintiff's allegations of falsity detract from the article's substantial truth and can support his defamation claim." Plaintiff's **"technical distinction between secession and dissolution is irrelevant** under the substantial truth test:"

26.6.1. Defendants assert that **"Historically, there was no distinction** as many secessionists during the Civil War justified secession on the ground that the union had been dissolved as a result of the federal government's tyranny."

²⁹ Affidavit of Ronald F. Avery **Exhibit E**

³⁰ Exhibit attached to his Plaintiff's Original Petition, Request for Retraction.

26.6.1.1. Plaintiff responds that it does not matter what history says about dissolution and secession. What matters is what the Plaintiff is saying and believing. Baddour did not report on what history says or said about dissolution and secession and their differences if any. The Defendants published a story about what the "Republic of Texas" and Plaintiff think, say and advocate. Baddour stated false facts saying that the "Republic of Texas" and Plaintiff are secessionists to the Plaintiff's damage.

26.6.1.2. P has shown that an observation of an internal agent dissolution the entire union is not compatible with secession.³¹

26.6.1.3. Defendants have relied upon the "South Carolina Declaration of the Causes of Secession (Plaintiff's Affidavit Exhibit H) to prove that what Plaintiff speaks of is really the same thing as what South Carolina talked about and both are equal to secession. The following quotes from the S. Carolina Declaration of the Causes of Secession give the gist of what they believed regarding secession and dissolution.

26.6.1.4. "The people of the State of South Carolina, in Convention assembled, on the 26th day of April, A.D. 1852, declared that the **frequent violations of the Constitution of the United States, by the Federal Government**, and its **encroachments upon the reserved rights of the States**, fully justified this State in then **withdrawing from the Federal Union;**" But the Plaintiff says that these acts do not cause an internal agent dissolution of a union unless these "violations" and "encroachments" have been made the law of the land without approval by the people and their states by amendment. These are not the same thing.

³¹ Affidavit of Ronald F. Avery Exhibit C

26.6.1.5. **"deems it due to herself, to the remaining United States of America,** and to the nations of the world, that she should declare the immediate causes which have led to this act." Clearly, South Carolina believed that the federal union was still a lawful union which contained some remaining states. Their declaration did not observe the dissolution of the entire union which is what the Plaintiff observes wherein there can be no lawfully remaining union of states.

26.6.1.6. The S.C. Declaration quotes the Declaration of Independence: "They further solemnly declared that whenever any **"form of government becomes destructive of the ends for which it was established, it is the right of the people to alter or abolish it, and to institute a new government."** Deeming the Government of Great Britain to have become destructive of these ends, they declared that the Colonies "are absolved from all allegiance to the British Crown, and that **all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.**" It is clear that this speaks of rights to alter or abolish a government destructive to the ends for which it was established. But the Plaintiff spoke of the internal dissolution of government by those in its offices that preclude the people from altering it or abolishing it. The people cannot abolish or alter a government that has been dissolved from within. Further, the Declaration of Independence spoke of the dissolution of "all political connection" between the Colonies and Great Britain. Clearly, Jefferson was not speaking of the dissolution of Great Britain which would have rendered any political connection with them mute.

26.6.1.7. "But an **increasing hostility** on the part of the non-slaveholding States to the institution of slavery, **has led to a disregard of their obligations, and the laws of the General Government have ceased to effect the objects of the**

Constitution." S.C complains of "increasing hostility" by certain states, leading to some states disregarding their obligations and the laws of the union making the union of none effect. But they do not complain that the union or general government has actually altered the constitution by law without amendment which is what Plaintiff maintains dissolves the entire union leaving all states independent whether they like it or not.

26.6.1.8. "Thus the constituted **compact has been deliberately broken and disregarded by the non-slaveholding States**, and the consequence follows that South Carolina is released from her obligation." Once again S.C. speaks of states breaking the compact not the union breaking the compact by law without amendments as is what Plaintiff maintains is a dissolution of the entire union making all state independent.

26.6.1.9. "We affirm that these ends for which this Government was instituted have been defeated, and the Government itself has been made destructive of them **by the action of the non-slaveholding States.**" S.C. continues to complain of other states and the effect they have had on the union even to the point that S.C. thought the union had become destructive to the ends of its creation. But once again this does not speak of an internal dissolution accomplished by the alteration of constitutional provisions by law without permission of the people and their states by amendment.

26.6.1.10. And finally: "**We, therefore, the People of South Carolina, by our delegates in Convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, have solemnly declared that the Union heretofore existing between this State and the other States of North America, is dissolved**, and that the State of South Carolina has resumed her position among the nations of the world, as a separate and

independent State; with full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do." Clearly, S.C. is not observing or declaring a dissolution of the entire union but rather the union between S.C. and the union of other states. This is something the people of S.C. have undertaken to do. They have not declared an observation of the dissolution of the union entirely. Had they done so they would be talking about dissolution not secession. S.C. speaks of dissolution in a different way than Plaintiff. Under an internal agent dissolution the people do nothing to dissolve a connection or the union itself but merely observe that the criminals in office have dissolved the government and lost all authority from the people in the process leaving the people victims of tyranny without a lawful government regardless of whether they wanted one or not. S.C. spoke of a true secession and severing of certain and limited bands while Plaintiff speaks of a true dissolution of all bands and connections. Under a true internal agent dissolution, secession is an absurdity. Why would any state observing the dissolution of the union proceed to withdraw or sever bands with it, since it doesn't exist in law or have any other states within it?

26.7. Defendants assert that Both secession and dissolution "amount to a belief that **Texas is not or should not be part of the United States and thus carry the same reputational impact.**"

26.7.1. Under an internal agent dissolution, which Plaintiff observes to be present reality in law, there is no United States. And that is a lot different from saying "Texas should not be a part of the United States." To say Texas should not be a part of the U.S. is to first acknowledge the lawful existence of the union and then assert that action should be taken to separate from the union is secession. While Plaintiff

speaks of no need to secede and the detrimental and contradictory behavior of seeking secession while observing the complete dissolution of the union.

26.7.2. One cannot observe dissolution of the union and then pursue secession from that which has been observed not to exist. An internal agent dissolution is incompatible with secession - the two are mutually exclusive.

26.7.3. Defendants assert that a "description of Plaintiff as a **"secessionists" rather than a "dissolutionist"** does not affect the article's substantial truth."

26.7.3.1. However, Plaintiff is not a "dissolutionist" the way the Defendants think of it, rather Plaintiff is an *observer of dissolution*. Plaintiff does not advocate dissolution and cannot really be called a "dissolutionist." Plaintiff observes dissolution as having already occurred without his effort or approval or desire and left him a victim of dissolution without a lawful government to protect his property. Plaintiff did not want dissolution nor does he seek it. Plaintiff simply observes its present reality in law as a result of altering the will of the people and their states by law without their consent by amendment. This dissolves the entire union.

26.7.3.2. This observed dissolution is not secession which requires action upon the part of the people and their state. The Defendants should not have labeled the "Republic of Texas" and the Plaintiff as secessionists as neither one are secessionists as shown herein beyond doubt. But rather Defendants should have written a true story about both the "Republic of Texas" and the Plaintiff. The Defendants should not call the Plaintiff a secessionist. Nor should the Defendants call the Plaintiff a dissolutionist as if he wanted or was seeking dissolution. It is false to say that Plaintiff is seeking and calling for dissolution when Plaintiff has observed it as the present reality in law. No one can

dissolve a dissolved union neither can anyone seek dissolution of a dissolved union!

F. D's Motion to Dismiss is Frivolous or Solely Intended to Delay

27. As provided by CPRC 27.009(b) the Plaintiff prays that the court find the Defendant's Motion to Dismiss to be groundless and frivolous and brought to intimidate the Plaintiff with large attorney's fees to produce such a large fruitless labor that Plaintiff might be liable for in order to scare him into dropping his suit.

28. This groundless Motion to Dismiss brought under the TCPA should be denied and costs assessed against Defendants in the amount they have shown they wanted to prepare this Motion to Dismiss against Plaintiff's valid libel claim in hopes it will prevent them from wasting the time and patience of this court during the balance of this trial.

29. **D's have shown the same malice and bad faith in their Motion to Dismiss as they have shown in their libelous articles** by stating lies concerning the Plaintiff.

29.1. "He [P] has also litigated multiple lawsuits that served as platforms for his political beliefs, most notably Avery v. Guadalupe Blanco River Authority, No. 04-0499-cv (25th Judicial Dist. July 27, 2004), aff'd, No. 04-04-00582-CV, 2005 WL 900155 (Tex. App.-San Antonio April 20, 2005, pet. denied), in which he unsuccessfully argued that sovereign immunity does not exist." This is a lie. He sued GBRA for property damage and interference with property rights. GBRA claimed to possess sovereign immunity to escape the damage claims of Plaintiff. Therefore, Plaintiff had to appeal their Plea to the Jurisdiction based upon sovereign immunity. It was then that Plaintiff discovered the "state of Texas" has no sovereign immunity as it was established by the Texas Supreme Court in 1847 by judicial declaration in Hosner v. DeYoung without citation to any law whatsoever. It was overturned in by same in McMullen v. Hodge in 1849 but is not recognized by the courts and they still use Hosner as the source

of sovereign immunity which they do not have and have no way to obtain. No one has immunity to harm another and therefore the state cannot obtain something that is not delegated to it by the people. But Plaintiff did not know any of this when he sued GBRA and did not file that suit as a platform to try any of his political beliefs. This once again shows disregard for the truth or any kind of accuracy concerning the Plaintiff.

29.2. The Defendants refer to the Plaintiff as "**a self-proclaimed political philosopher**" so they could care less what they write about him since no institution has declared him to be anything.

29.3. While Defendants praise dissent even including bloody revolution in their lengthy and frivolous Motion to Dismiss, there is no such praise in their libelous articles about the "Republic of Texas" or the Plaintiff. Their readers are led to believe that the subjects of the articles are people to be regarded as dangerous to civilized society plotting the break-up of the U.S. who will drive violence and bring war to Texas.

29.4. The Defendants even now color the Plaintiff as violent and dangerous and advocating violence. "Association with the Texians is likely less damaging because of that group's commitment to legalistic, non-violent change, as reported in the Chronicle. Plaintiff, on the other hand, has advocated in favor of an armed and organized militia, including military style weapons, to "defend" against the federal government. (advocating a "need" and a "right" to retain "military style" weapons and organize into militias to "defend" against the federal government "with force if necessary."³² This is disgraceful that there are attorneys in America that are so ignorant of the history of America and the rights of the people to keep and bear arms of all kinds. Where are these lawyers and journalists from? What nation do they really represent?

³² Defendant's Motion to Dismiss, footnote 4, p. 4.

29.5. Defendants misinform the People of Texas with their false newspaper report and the court in Texas with their frivolous malicious Motion to Dismiss. The Judiciary should discipline them to act professionally and fulfill their duty as the fourth estate.

G. Prayer

WHEREFORE, Premises considered, Plaintiff, Ronald F. Avery, Prays that the Defendants Motion to Dismiss be denied and that it be found frivolous and brought for delay and to harass the Plaintiff and scare him into dropping his lawsuit and that the Plaintiff be awarded the same costs that these lawyers were going to lay upon him with a bad faith groundless Motion to Dismiss that cannot get past the first threshold.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on January 27, 2016, I served a copy of Plaintiff's Response to Defendant's Motion To Dismiss on the parties listed below by Certified Mail RRR 7009 0960 0000 7721 9520:

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AFFIDAVIT OF RONALD F. AVERY
IN SUPPORT OF HIS RESPONSE TO DEFENDANT'S
MOTION TO DISMISS UNDER TCPA

STATE OF TEXAS §
GUADALUPE COUNTY §

Before me, the undersigned notary, on this day personally appeared Ronald F. Avery, the affiant, whose identity is known to me. After I administered an oath, affiant testified as follows:

1. "My name is Ronald Franklin Avery. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
2. I am manager and part owner of a building in McQueeney, Texas known as "The Silver Eagle Taphouse." I also operated a draft beer bar in the building from 1997 to 2009. There has been no business operating in the building since it closed. I sometimes let people use the building for events.
3. On April 11, 2015, I let a group known as "The Republic of Texas" meet there for what they call a "joint secession of congress." The meeting lasted from 9:00 AM until about 5:30 PM.
4. I had earlier asked the Vice President of the "Republic of Texas," Ed Brannum, if I could address the group at some time during the day concerning my "Observation of Dissolution of the United States of America." He had me placed me on the agenda and I was the last or next to the last speaker that day. I spoke for about 25 minutes.
5. I read most of the said document (**Exhibit A**) I had prepared for that group entitled "Declaration of the Observation of the Dissolution of the "United States of America" and the "State of Texas." I had edited that document from earlier drafts made for a group calling themselves "We the People" or "We the People Congress" in 2009. I sent this document to Defendant, Dylan Baddour, on September 9, 2015, as shown by email same date in our email exchange (**Exhibit B1-B4**) that took place before I filed this libel suit.
6. I have introduced and argued the doctrine or principle of internal agent dissolution of governments by the miscarriages or tyrannous acts of those in its offices since around 2003. I learned it from reading the Second Treatise of Government written by John Locke and first published in 1689. The last chapter of his Second Treatise covers the principle of internal dissolution. The entire Second Treatise of Government is available online at <http://www.constitution.org/jl/2ndtreat.htm>.

7. In 2003 I emailed all 100 Senators of the "United States of America" a "Notice of Dissolution of the United States of America and Each of the 50 States and Rights of Parties Thereto." It can be found on line at <http://PostWTC.com/nod.html>
8. In the 15 years since I have argued against secession under the observation of the present reality that the federal government is dissolved by the alteration of the constitutional provisions by law without the permission of the people via their states by amendment leaving all states independent. My arguments have only gotten stronger and the arguments of others weaker suggesting that there is real principle at work in John Locke's work.
9. In 2012 I prepared an outline entitled "Talking Points on Dissolution versus Secession" (**Exhibit C**) to prepare and use during a two hour interview of me by Deborah Stevens of *Rule of Law Radio* in Austin, Texas on November 29, 2012. This recorded show can be heard on line. Follow the link below. Then select one of the two links below the date of 11-29-12. Each link is to a one hour segment of the show. <http://archive.logoradionetwork.com/category/rule-of-law/2012-rule-of-law/page/2/>. I have never advocated secession and for the last 15 years I have spoken against secession for many the many reasons I have briefly listed in my Talking Points.
10. I have argued against secession many times and with many individuals of groups who do in fact seek secession, including the Texas Nationalist Movement, League of the South, and some in the Tenth Amendment Center and Constitution Party and other individuals who like secession but are not part of any groups.
11. Also on December 3, 2012 the American Free Press did a story contrasting the difference between secession and dissolution. US Congressmen, Ron Paul, from Texas wrote on secession. Mark Anderson of AFP interviewed me and wrote on the topic of dissolution as a contrast. The whole story of the online version¹ (**Exhibit D**) was titled *Dissolution or Secession?*
12. After I filed this libel suit against the Defendants, I emailed Ed Brannum, the Vice President of the "Republic of Texas," and asked him the following direct question: "Is the RT or TR promoting the secession of the RT (Republic of Texas) or the State of Texas from the Union? He replied: "The RT does not promote seceding from anything." And he went into some detail as to why "The Republic of Texas" does not advocate or promote secession (**Exhibit E**).
13. I am a citizen of the "State of Texas" regardless of its dissolution or not. I have a Texas Driver's license with the last three digits of 530. I have not expatriated. I pay both lawful and unlawful taxes to the "State of Texas." I try to obey all the lawful and unlawful laws of the "State of Texas."
14. I am a citizen of the "United States of America," regardless of its dissolution or not. I have a Social Security Card with the last three digits of 914. I have not expatriated. I pay both lawful and unlawful IRS taxes. I try to obey all the lawful and unlawful laws of the "United States of America."

¹ <http://americanfreepress.net/50-states-calling-for-secession-but-states-far-from-free-to-go/>

15. The town of Brenham, Texas is built on my great x4 grandmother, Arabella, Gray, Dever, Harrington's Spanish Land Grant, which hangs on my wall at home. She came to Texas to join her two Dever sons who had built the first log cabin south of the Red River. Arabella was part of the Austin Colony. Both of her Dever Sons operated a cannon at the Battle of San Jacinto under General Sam Houston at the defeat and capture of Santa Anna. It was told by a pastor that one of the Dever sons knocked Sam Houston to the ground for insulting Dever's horse. This is recorded in the Daughter's of the Republic of Texas History book. But later the same Dever operated a cannon for Sam Houston.
16. Arabella's father, William Gray, was killed at the Battle of King's Mountain fighting the "Lobster backs" (British) during the American Revolution. She married Nathaniel Deaver, a Revolutionary War veteran but he died leaving her and their children. re: <https://tshaonline.org/handbook/online/articles/fhafv>
17. Arabella then married John Harrington and they had one son, John Harrington. On the way to join Arabella's Dever sons in Texas, John Harrington, died in a lumber mill accident. Arabella and her son John Harrington came on to Texas joining the Austin Colony.
18. Walt and Chet Droze, two of my dad's cousins, both fought at the battle of Iwo Jima with hand-to-hand combat and both survived.
19. I do get upset when someone implies in the newspaper read by a million Houstonians and online read by several million Texans that I am "worse than a Muslim Terrorist."
20. I am Texas! I am America! I know what America was and should be about and I know what Texas is and should be about. Namely, the protection of the property of the people consisting of their life, liberty and possessions. Our governments are not doing that and I want to bring that to the attention of the people. But I am not a terrorist worse than Muslim terrorists. I am not a secessionist seeking the break-up of the United States and plotting with Putin and Fascist and Neo-Nazis to do so. I am not going to drive violence at home and during travel and at government offices. But I am going to defend myself from lies told about me in a Houston Newspaper.
21. I am not seeking the dissolution of the "United States of America." I am a victim of the dissolution of the United States of America by criminals who have sat in its seats of authority. I want and seek a lawful union government.
22. I am not seeking the dissolution of the "State of Texas." I am a victim of the dissolution of the "State of Texas." I want and seek a lawful state which can be a part of a lawful union.
23. I am not seeking an "Independent Texas."
24. I am not a secessionist. I do not want the secession of the dissolved "State of Texas" from the dissolved "United States of America."
25. I am not a secessionist and the documents that I have provided and written prove it. And I have proven in those documents that secession and internal agent

dissolution are not the same nor compatible but different and mutually exclusive of each other.

26. At the April 11, 2015 meeting, I met Dylan Baddour briefly outside on the entry walkway where we chatted for a few moments about where he worked and his previous coverage of the "Republic of Texas." We did not discuss to my memory anything about what I was going to address in my presentation.
27. Dylan Baddour sat near the back on the left side facing the stage during almost the whole event including my presentation.
28. My friend, Mark Anderson, of the American Free Press, was in Houston Bush Airport on the way back to Washington D.C. to cover congress when he saw a Houston Chronicle and picked it up. To his surprise he saw my name in the caption of a front page picture taken in my building in McQueeney. He knew that was not a picture of me but knew it was my place and about me. He read the article and was shocked about all it said about those at the meeting and gave me a call.
29. I was surprised to hear about this article as the event happened 5 months earlier and was just now being printed essentially on the 9/11 memorial weekend or the Monday right after it.
30. I looked to see if the article was online and it was. The online article had eight more pictures than the two in the newspaper.
31. The first picture (**Exhibit F**) was of a man in a blue jacket with a gold star in the middle with the words "Republic of Texas" arching over the top and the words "Texian National" running across the bottom of the star. The caption below it 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 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." This picture was not of me wearing the jacket but some other individual in my building known as the "Silver Eagle Taphouse."
32. After 15 days of email exchanges requesting a full retraction and Six days after I filed this libel suit against the Defendants the caption above was changed to read: "All Texians have informally renounced their U.S. citizenship. 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." The words "as evident from Ronald Avery's jacket" was removed.
33. The third picture (**Exhibit G**) in the online article² showed a picture of me standing at the microphone reading a paper. The caption below read: "In April, the

² <http://www.houstonchronicle.com/news/houston-texas/houston/article/Ever-hopeful-and-determined-Texas-secessionists-6502332.php?t=63407b543c&cmpid=twitter-premium>

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."

34. After 15 days of email exchanges requesting a full retraction and Six days after I filed this libel suit against the Defendants the caption above was changed to read: " 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, an individual lists grievances with the U.S., including the 2008 bank bailout, NSA surveillance, the "police state" and "immoral wars." The words "Ronald Avery" was replaced with the words "an individual."
35. But I am still the person shown in the photograph and the caption says the man in the picture at the microphone is a member.
36. The whole of the newspaper and web articles covering this event describe the "Republic of Texas" as secessionists and since I am shown, even now as a member in **Exhibit G** that I too am a secessionist.
37. The web article also had links to other web pages that had other newspaper stories and official government releases about dangerous groups of people. The content of these other links further characterized me and the "Republic of Texas." One link was to an article entitled "Putin's Plot to Get Texas to Secede."³ This article talked about a member, Nathan Smith, of the Texas Nationalist Movement attending a "far-right confab in St. Petersburg, Russia...dominated by fascists and neo-Nazis railing against Western decadence." The article went on to quote Smith on "the excellent prospects for a partial breakup of the United States."
38. Both articles published by the Defendants said "But the U.S. Supreme Court ruled secession illegal in 1869, so the U.S. would be compelled to thwart Texas' withdrawal by force."⁴ If I am reported as a member of the "Republic of Texas" and they are a secessionists group seeking secession, I thought I would certainly be seen as a criminal seeking an illegal operation that would bring war to Texas. And that is certainly the impression that others got who responded to the web article on the blog below it when one said: "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."
39. The person that made that comment above had read one of the links to the article entitled "The Growing Right-Wing Terror Threat."⁵ This New York Times article reported that terror experts as saying: " Public debates on terrorism focus intensely

³ Declaration of Jennifer D. Bishop **Exhibit D**

⁴ Declaration of Jennifer D. Bishop **Exhibit B** page 5 of 7

⁵ Declaration of Jennifer D. Bishop **Exhibit E** page 3 of 4

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." Simple deductive reasoning would lead one to believe that right wing secessionist attending right wing confabs in Russia and doing more violence in America are worse than Muslim terrorist and need to be sent to GITMO!

40. Defendant, Dylan Baddour, included another link to a Homeland Security Intelligence Assessment paper entitled "Sovereign Citizen Extremist Ideology Will Drive Violence at Home, During Travel, and at Government Facilities."⁶ This link to the Department of Homeland Security said, inter alia, that "DHS defines SCEs as groups or individuals who facilitate or engage in acts of violence directed at public officials, financial institutions, and government facilities in support of their belief that the legitimacy of US citizenship should be rejected; that almost all forms of established government, authority, and institutions are illegitimate; and that they are immune from federal, state, and local laws." If this is not defamatory then I simply don't know what defamatory means. The assessment under key judgments said; "I&A assesses that SCE violence during 2015 will occur frequently during routine law encounters at a suspects home, during enforcement stops and at government offices."
41. The Defendants published a false article showing me a member of a secessionist group called the "Republic of Texas" seeking the breakup of the U.S. which is illegal and of which many of their members end up in jail over routine traffic stops.
42. Defendant, Dylan Baddour, was informed by email that his statements of fact about the "Republic of Texas" being a secessionist group and that I was part of it and a secessionist. He argued with me and insisted that I was a secessionist because I wanted an "independent Texas." I insisted that was incorrect
43. After going into some detail about my beliefs with Defendant Baddour and why they cannot be defined as secessionist he replied: "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 controls Texas and has many military bases here. So becoming independent would inevitably [mean] shaking off the Washington government." (**Exhibit B4 page 4 of 8**)
44. After informing Defendant, Baddour, about what I was talking about at the meeting of April 11, 2015 explaining that observing a dissolution cannot be considered a secessionist and that I argued against it and sending him my paper I read before the "Republic of Texas," and sending him my request for Corrections, Clarifications and Retraction, he replied: "Thanks for your input. The Houston Chronicle finds no need to take any further action regarding the article you

⁶ Declaration of Jennifer D. Bishop **Exhibit F**

mention. We 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." (**Exhibit B1 page 1**)

45. That is too bad because I am still on their web article shown as a member and being called a secessionist worthy of all the other false characterizations they have made. All this shows malice and disregard for the truth and what the result of printing falsehoods would be regarding me.
46. I did take a look at the Declaration of the Immediate Causes Which Induce and Justify the Secession of South Carolina from the Federal Union to see if there was any real similarity to what I have been saying and calling an Observation of Dissolution. (**Exhibit H**) They had very little in common, certainly not enough to justify calling my observation of dissolution "a distinction without a difference" in relation to secession."
47. I did not file this libel lawsuit to prevent Dylan Baddour from participating in any public debate or from making any comments about anything but rather to prevent him from telling falsehoods about what I say and think and to prevent him from characterizing me as a violent criminal worse than Muslim terrorists who law enforcement and the general public should avoid and watch and report on.
48. The Defendant's articles have harmed me and caused me mental anguish in worrying about what law enforcement is thinking about me and my family.

Further the Affiant sayeth not.

Ronald F. Avery

Sworn to and subscribed before me by Ronald F. Avery on _____, 2016

Notary Public in and for
The State of Texas

My commission expires: _____

CERTIFICATE OF SERVICE

I certify that on January 27, 2016, I served a copy of this "Affidavit of Ronald F. Avery in Support of His Response to Defendant's Motion To Dismiss" on the parties listed below by Certified Mail RRR 7009 0960 0000 7721 9520:

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Declaration of the Observation of Dissolution of the "United States of America" and the "State of Texas"

Preface to Republic of Texas:

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. But in light of the recent raid made upon this body it would be important for those outside the Republic of Texas to know if those who raided it has lawful authority to do so. It is also important to consider the right of a people to pursue lawful government for the protection of the property of the people when there is no other lawful government. This right is brought into question if there is a lawful government claiming the same domain. And this question is answered herein. We shall consider the dissolution of the "Federal Union" first and then the "State of Texas."

It has become clear in the so-called "United States of America" in 2015 or 226 years after the ratification of the "Constitution of the United States of America" in 1789 that the said "Union" is dissolved by the Acts, Resolutions, and other Laws passed by the Congress of the said United States and Judicial Rules of precedent, and Executive Orders that have changed the FORM of the said Union without the permission of the people by amendment which is required by Article V of the said Constitution. Let there be no mistake, concerning the said "dissolution" of the said "Union." This declaration does not hereby dissolve the "United States of America" nor does it call for its dissolution. Rather, this document merely declares the observation of the present condition and "State of the Union" derived from an application of the irrefutable principles of property, upon which it was lawfully formed and upon which all lawful governments are regulated, in light of the indisputable facts and evidence. The said "United States of America" is dissolved by those who have sat in its seats of authority and by some who remain in those dissolved offices and not by the People or this Declaration.

Be it understood by all that those making this Declaration of the Observation of Dissolution are not rebels or revolutionaries and neither are the People who understand believe and adopt the conclusions set forth herein. This Declaration does not attempt to dissolve, overturn or overthrow anything or any government nor secede from a lawfully existing government. This document merely declares the present condition of the "United States of America" by the same principles that once gave it authority originally. This document further declares the natural conclusion of the Observation of dissolution being that those in its offices no longer possess lawful authority and We the People and the several states are now without a lawful union and are free to use our eternal sovereign power from God to seek and obtain a new lawful union for the defense of our lives, our liberties and our possessions as was clearly stated in the Declaration of Independence in 1776.

No branch of a government can modify the form of a nation in a way contrary to that provided in the document which creates that nation or state and government. In order to operate the form of government properly, all three branches of government may perform their function of making and repealing laws, ruling on the justice and constitutionality of matters, and executing the law. But, no branch and none in government have the power or authority to change the form of government outside the prescribed method contained in the constitution of that nation. The form of the "United States of America" can only be changed by amendment as specified in Article V of the said "Constitution of the United States of America." We are all familiar with the

lawful means of altering the Constitution. But few consider the result of altering it by law outside the required means. Most mistakenly presume that a constitution remains in force regardless of how it is altered and that every alteration thought to be unconstitutional must be brought before the Supreme Court created by the same Constitution. If this were true Satan would have perfected tyranny in the world of mankind to bind him in chains forever. Not all violations of a constitution render it dissolved but changes to its form by law without the required means does dissolve any and all constitutions. There are in America today Constitutional cults, or those who worship the US Constitution as if it were God and demand that all be under it no matter how it is perverted by those in the offices it created.

The purpose of defending the constitution from enemies, both foreign and domestic, is to keep it AUTHORIZED BY THE PEOPLE and MAINTAINING THE AUTHORITY OF THOSE IN OFFICE by keeping the structure of government conformed to that which the PEOPLE AGREED UPON. This also means preventing the structure of government from being changed outside the means prescribed in its constitution. When the functional form of a state or union is not protected and laws, acts, resolutions etc, are passed changing its operational and structural form without amendments as required, the whole of it loses the authority of the people who created it and it is killed, destroyed, and dissolved removing all authority from the government created by it and from those in the offices of it.

Therefore, it is simple for all to determine if the said "United States of America" is dissolved or not by either finding, or not finding, the necessary amendments to the said Constitution contained therein to permit the mode of operation that we clearly observe. If the required amendments are not present in the said Constitution which permits the form and present mode of operation of the said "Union," then the said "Union" is dissolved. The following is a list of the changes of form and mode of operation BY LAW of the said Union done WITHOUT PERMISSION BY AMENDMENT.

Any one of the below listed changes in form by law without an amendment is enough, by itself, to dissolve the AUTHORITY of "United States of America:"

1. The institution and use of paper currency throughout the states in violation of Article 1 Section 10;
2. The maintenance and funding of a federal standing army for more than two years after the completion of a congressionally declared war in violation of Article 1 Section 8 Clause 12;
3. The membership of the "United States of America" in the "United Nations," consisting of a law making body or legislature (General Assembly), a judiciary to rule on the Justice of a matter (International Court of Justice), an executive branch to execute the policy of the UN (Secretariat), and a Council on economic issues, social issues and trusteeship in violation of the entire "United States Constitution" as "We the People" did not delegate any authority to be placed anywhere except where the "United States Constitution" says it is to be placed. There is simply no provision for the "United States" to join another larger union with the powers of government consisting of a legislature, judiciary and executive branch in violation of the Declaration of Independence and the Tenth Amendment and the Principles of Property;
4. The prosecution of military combat in Iraq and Afghanistan by "President Bush" and "President Obama" without a "declaration of war" by Congress in violation of Article 1 Section 8 Clause 11.
 - 4.1. A "Congressional Resolution" giving the power to the "President" to MAKE WAR is not a power of Congress to exercise or to delegate to the President or anyone else. An

amendment cannot grant this authority either as that power is not in the people either. Making war is a tyrannical power that no one holds.

- 4.2. Congress cannot Abrogate its congressional power to DECLARE A STATE OF WAR to the President and the President cannot Usurp that power without the dissolution of government unless there be an amendment.
5. The Federal "Gun Control Act of 1968" banning the sale of military weapons and machine guns to US Citizens without approval of the Attorney General and all such acts and laws in violation of the Second Amendment;
6. The power to seize property and business records without first obtaining a warrant as provided in the so-called "Patriot Act" in violation of Article IV of the US Constitution;
 - 6.1. I believe the members of this body gathered together here today is familiar with the abuse of this alteration of form without an amendment dissolving the Federal Union.
7. The existence of and operation of the Federal Department of Education implementing the Elementary and Secondary Education Act of 1965 and the No Child Left Behind (NCLB) program without any such powers enumerated in the "Constitution of the United States" in violation of the Tenth Amendment;
8. The so-called unlimited "Bank Bail-out" with the so-called "Troubled Asset Relief Program" (TARP) starting with approximately 800 billion dollars, changes every person in the "several States" and their posterity into bank slaves in violation of the Tenth Amendment and the laws of nature's God;
9. The institution and existence of a banking monopoly known as the "Federal Reserve" consisting of a handful of private banks or any "central bank" to issue unconstitutional paper currency or any other form of currency of the said Union in violation of Article 1 Section 8 Clause 5 and the Tenth Amendment.
10. The taxation of wages of Americans in the several states. Wages are considered property and property is not taxable by the federal government. There is no income or gain from wages as they are an equal swap of property value. Taxation of wages is confiscation of property. There is no amendment to tax wages only income or gain from any source.

The natural result of the change of form by law without amendment or permission of the people of the "several States" of the said "Union" is to:

1. Dissolve the said Union;
2. Strip away and dispose of all authority from all the officers, employees, agents, and personnel etc., of all three branches of government of the said Union;
3. The "several States" of the said "Union" are free from any moral or legal necessity to conform to any provision of the said "Constitution of the United States" once forming the said Union;
4. The People of those "several States" are free from any moral or legal necessity to conform to any provision of the said Constitution forming the said Union;
5. The People and the "several States" are victims of the miscarriages of their "federal representatives" and under the natural law and principles of property cannot ask those, who have lost their authority by their own default, to legislate, adjudicate or execute themselves

back into conformity with the Constitution of the United States as they no longer have authority to act for or against the People or states in any capacity;

6. The People are free to establish a new lawful government for the protection of their property consisting of life, liberty and possessions as they see fit and to form a new lawful union they think will best accomplish that goal;
7. The People and their respective States have a God given right to protect their property and resist unlawful acts by an unlawful government with force if necessary. This is by no means a threat to the dissolved "United States of America" or those who sit without authority in those dissolved seats but this is a statement of the rights of the people and states.

A reasonable and judicious mind will surely ask, "have the People of the once "United States of America" exhausted their administrative remedies?" They have indeed, on many occasions, and on a daily basis but have been thrown out of court by the false doctrine of "sovereign immunity" adopted by the state and federal judiciary over the citizens that created the courts and other false or inapplicable rules of judicial precedent. This ancient monarchical doctrine of sovereign immunity that presumes the state has absolute power to kill the citizen with or without intent and take, steal, destroy or convert their property of every kind without judicial recourse unless waived by statute or congressional resolution is foreign to America. In America, the individual is sovereign in their own land and voluntarily delegate their rights to legislate, adjudicate, and execute on their own behalf to the state and union of states on the condition that their property (life, liberty and possessions) be always protected and that their form of government always be in conformance to their will as expressed in the constitution of same or the amendments to it. When they are cheated in court they resume their full power to be legislator, judge and executor to defend their property under a state of war continued by the overturning of justice against them by the courts.

The People of America have also placed Petitions for Redress of Grievances before the Supreme Court of the dissolved "United States of America" for their declaratory and advisory judgments concerning the following issues¹:

1. The War Power Clauses – impact of war conducted by the president without a declaration of war by congress;
2. The Gun Control Laws - constitutionality of many laws passed against the II Amendment;
3. Federal Income Tax – constitutionality of federal tax imposed directly upon the wages of the people of the several States without apportionment knowing that *wages* are property, that are not taxable, and that *income* is profit earned from investments;
4. Federal Reserve – constitutionality of several private banks issuing unconstitutional paper debt notes as currency of the United States with interest in violation of Article 1 Section 10;
5. The Patriot Act - constitutionality of the Patriot Act against the Privacy clause of the IV Amendment;
6. Illegal Immigration – the refusal to control borders and the unconstitutionality the abandonment of sovereign borders;

¹ <http://www.givemeliberty.org/RTPLawsuit/SignPetitions.htm>

7. North American Union – the unconstitutionality of the merging of the “United States of America” with Canada and Mexico.

On May 8, 2007, a mid-level court -- the United States Court of Appeals for the DC Circuit - issued its decision², affirming the lower court’s ruling that the Government is not obligated to listen or respond to the Petitions for Redress of Grievances in violation of the First Amendment.

On January 4, 2008, the Judges of the Supreme Court of the United States, in conference, voted to deny the Petition for Writ of Certiorari in the landmark Right-to-Petition case *We The People v. United States*. On January 7 the Court issued its Order³ denying certiorari.

Without comment, the Supreme Court decided not to hear *We The People v. United States*, a case which, if heard, would have required the Court to declare, for the first time history, whether the Government is obligated to respond to proper Petitions by ordinary, private individuals for Redress of Grievances, specifically Grievances alleging unconstitutional behavior by the Government, and whether the individual having so Petitioned, has the Right to act to peacefully hold the Government accountable if the Government refuses to respond.

In denying to hear this first impression case, the Court has ignored its duty to interpret the meaning of the Constitution, and leaves undisturbed the decision of the DC Court of Appeals which, unfortunately, relied on two cases that were not on point – they involved employment related grievances by state public employees and state legislation governing same, not Grievances by private parties, and not involving alleged violations of the Constitution.

It is clear the dissolved “United States Constitution” and the “union” it created and those in its offices are in a defensive mode against the people by having denied the petitions for redress of grievances. It is also clear that the state of dissolution clearly shown requires no such necessity to file petitions for redress of grievances prior to making an observance and declaration of the observance and proof of dissolution. And now this dissolved union has taken direct action against the people of America it is supposed to protect by the refusal of the US Government to investigate the discovery of Super Nanothermite found in all the dust samples taken at the World Trade Center proving the use of US military grade incendiaries to demolish the Twin Towers and the 47 Story WTC Building-7. The dissolved US government has become an accomplice to destroy the people of America and deliver their property into the hands of those to whom it does not belong.

The accelerating threat of degradation to the property of the people of America spoken of by those in dissolved offices regarding the following have further precipitated this Declaration of the Observation of Dissolution:

1. The continued threat of war against all Muslim nations in the Middle East as a distraction to our real problems at home;
2. The continued push for a Copenhagen Treaty that would make mankind the cause of global warming in order to regulate the actions of individuals and the cost of their habitats and transportation;
3. The continued advocacy for a North American Union forcing cultures and laws upon a people who do not believe in them or share them;

² <http://www.wethepeoplefoundation.org/PROJECTS/Court-Docs/WTPvUS-DC-COA-Decision-May-2007.pdf>

³ <http://www.wethepeoplefoundation.org/UPDATE/Update2008-01-13.htm>

4. The “Amero” regional currency and a global currency a further manipulation that could further devalue an already fraudulent American currency;
5. Forced vaccinations that have been shown to be tainted with life threatening elements;
6. The desire of many in Washington to see forced injections of Radio Frequency Identification (RFID) chips into Americans;
7. The construction of 3,768 FEMA camps all across America;
8. The combined military exercise of Mexican, Canadian and American troops for the purpose of controlling “United States” civilian unrest;
9. The recent admission by those who served on and wrote the 911 Commission Report that it is all false and that they spoke of filing a complaint with the Department of Justice to investigate all the lies they were told;
10. The approval of the use of drones over the several states to spy on Americans.
11. The President and Attorney General's involvement and advocacy of judicial manipulation of the criminal justice system and the Grand Jury findings of Ferguson, Missouri giving their blessings upon the destruction of that community by riots if an innocent police officer is not prosecuted for murder.
12. And the threat of the President to use an Executive Order to grant amnesty to millions of illegal aliens living in the nation unlawfully and to keep the borders open.

We the People know that the powerful entities that have torn our nation asunder may not sit idly by and watch all their carefully laid plans, for the entrapment and reduction of America into a slave state of a global union run by international bankers, be dismissed as unlawful. We fear that these same global bankers will exercise their craft and set up further “false flag” events, such as those of 911, that may lead other nations to ignorantly attack us before we can obtain a defensive lawful government in place of the dissolved union. Therefore, we implore our God, in the name of his Son Jesus the Christ to defend us as we forgive all including those who have sinned against us by conceiving and executing secret plans against the People of the dissolved said Union. And we also ask God in the name of his Son Jesus Christ for forgiveness for our sins of ignorance, fear, lust, distraction, vanity, arrogance, and wickedness. And we ask forgiveness for our People who have ignorantly served in wicked plans to harm other nations and their People as well.

Therefore, we now humbly ask our Father in Heaven who has established the Kingdom of Heaven on Earth by opening the door that no one can shut in the death, resurrection and ascension of His Son Jesus Christ, that we be delivered from unlawful dissolved government by His Almighty Hand that we may once again enjoy freedom and the security of our property consisting of life, liberty and possessions.

We also humbly implore the aid of our brothers and sisters in foreign lands that also know the Savior of the World or that endeavor to enjoy the same blessings of liberty and security of their property as this is the Will of God for all men. We know that God ordains government in any land among any people if that government rewards good and punishes evil and we know that God revokes His ordination of governments that turn it upside down to reward evil and punish good. And we ask our neighboring nations and states to reject the false doctrine of “global economics” that international bankers have conjured up to take control of the economics and currency of every nation on earth to bring them into subjection under their will. All nations and their people must stand in union against the ill conceived plans of the international bankers and their mistaken claim of rule to dominate the world by their schemes of paper money and open borders and false flag operations that destroy the sovereignty of every nation and the people that formed them.

Declaration of the Observation of Dissolution of the "State of Texas"

This is simply attached to the same title concerning the "United States of America." Therefore we will not repeat the principle of dissolution and results but will restrict the presentation to the evidence for the observation of dissolution for the "State of Texas." There are those who say that the US Constitution was altered in such a way as to globally permit an entirely different form of government, a corporation of commerce only, that in fact unknowingly binds the people to this new form unless they notify the new government corporation of their expatriation and reject all its programs. But this notion presumes that lawful governments can be founded upon deception and misconstruction and that people are lawfully constrained there under unless they perform some task. There are no requirements for people to be free from deception, fraud, misconstruction and dissolution. Also silence is not acceptance of fraud, misconstruction, deception and dissolution. Let's now move on to the Dissolution of the "State of Texas."

Alterations of the State of Texas Constitution of 1876 without the required amendments any one of which dissolves the state:

1. The adoption of "absolute sovereign immunity" by the state of Texas to kill the citizen and to take, convert or destroy their property of every kind, with or without intent, without judicial recourse unless waived by statute (Texas Tort Claims Act 1969) or Congressional Resolution obtained prior to suit. This is ancient monarchial common law alien to the 1876 Constitution of Texas. There is no amendment permitting this. This is a presumption declared by the Supreme Court of Texas in 1847 in a case styled Hosner vs. DeYoung wherein they declared that the State of Texas may not be sued without its permission. And this applies to its own citizens not merely to foreigners. This ruling was made without a citation to a constitutional provision, a statute, or any case law of any kind. It had no citations but was a declaration without foundation. But today it is the law of Texas. But in 1849 the same court overturned Hosner without knowing it by ruling in a case styled McMullen vs. Hodge that "nothing can be presumed against the rights, liberties and possessions of the sovereign citizens without a direct, explicit affirmative declaration of such intent in the fundamental law, i.e., Constitution." But the courts and the State of Texas ignores the ruling in McMullen. But the Texas Tort Claims Act begins to waive what it presumes to have or possess without showing how the State of Texas possesses such a right to harm without judicial recourse unless waived. When this is challenged in court the courts will throw out the plaintiff claiming that it would be a thing to have the legislature address rather than the court. But "absolute sovereign immunity" of the state against its citizens came to Texas by the courts not by the legislature or executive. The claim of sovereign immunity destroys the entire Article 1 Bill of Rights of the Texas Constitution of 1876 which the State of Texas claims to operate under at the very hour and directly violates:
 - 1.1. Article 1 Section 9: "The people shall be secure in their persons, houses, papers and possessions, from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation."
 - 1.2. Article 1 Section 13: "****All courts shall be open, and every person for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law."
 - 1.3. Article 1 Section 17(a): "****No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person,****"

- 1.4. Article 1 Section 19: "No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land."
- 1.5. Article 1 Section 29: "To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void."
- 1.6. Article 16 Section 48: "All laws and parts of laws now in force in the State of Texas, which are not repugnant to the Constitution of the United States, or to this Constitution, shall continue and remain in force as the laws of this State, until they expire by their own limitation or shall be amended or repealed by the Legislature." Absolute Sovereign Immunity of the state to harm the property of the people is repugnant to both the state and federal constitutions.
- 1.7. Article 17: PROPOSED AMENDMENTS; PUBLICATION; SUBMISSION TO VOTERS; ADOPTION: "If it appears from the returns that a majority of the votes cast have been cast in favor of an amendment, it shall become a part of this Constitution, and proclamation thereof shall be made by the Governor."
2. The use of the "Unique Injury Rule" to block courts from correcting the Legislature and Executive. This false doctrine requires all who file a claim against the government for violation of a Constitutional right to prove a unique injury separate and distinct from all his fellow citizens. If the Congress passed a law that the left hand of every man in Texas must be amputated, the victims could not bring a suit against the Texas Legislature without showing a unique injury. Therefore the only claimant that could survive the filing and trial of such a suit would need to show that their hand was cut off at the elbow. There is no amendment protecting the government from constitutional harm against one or more citizens.

Therefore, the State of Texas is just as dissolved as the federal union due to the alteration of its constitution without the necessary amendments. We are therefore free to seek and form new lawful government and those in the old dissolved one have no authority to act for or against the people of Texas.

Thank you very much

Ronald F. Avery

Ron Avery

From: "Baddour, Dylan G." <Dylan.Baddour@chron.com>
Date: Tuesday, September 29, 2015 4:02 PM
To: "Ron Avery" <taphouse@sbcglobal.net>
Subject: RE: Request for Corrections, Clarifications and Retraction

Mr. Avery,

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.

Regardless, I will address your points, as I would like to leave you with a clearer understanding of my thinking.

According to Google's dictionary, "shutter" can mean "to close (a business)." In that sense it was used, as your business is closed. We also briefly discussed the material of the floor and walls—cedar and pine, which informed my characterization of it as "wooden."

On the issue of secession: whether just or unjust, Texas is currently a part of the United States. The union has not been dissolved, as you allege.

Texas sends legislative representatives to the federal government in Washington D.C., and their input is crucial to the formation of federal law.

Federal agencies with offices in Texas include: the Federal Bureau of Investigation, the U.S. Marshal Service, the Border Patrol, Immigrations and Customs Enforcement, the U.S. Department of Justice, the U.S. Attorney, the Food and Drug Administration, the Federal Communications Commission, the National Oceanic and Atmospheric Administration, the Federal Aviation Administration, the Census Bureau, the U.S. Air Force, the U.S. Army and many others.

These agencies cooperate with the agencies headed by officials elected by statewide votes in Texas.

Texas sends tax money to the federal government, and federal programs operate in Texas.

So this state is undeniably a part of the United States, whether it should be or not.

Therefore, any group advocating for an independent Texas is advocating for secession, because before Texas can be independent, it must leave the United State. It must expel the federal agencies, reformat the tax code, issue international passports to its citizens and petition the international community for recognition as a nation.

So regardless of how the Republic of Texas represents its objective, the Chronicle is confident in calling it secession.

Nothing in the article ever claimed Republic of Texas members were working with Vladimir Putin or were violent extremists. It is typical to mention other current topics in Texas secession while featuring it.

I'm sorry you were bothered by the article. The Chronicle will take no further action. You are always welcome to call my desk at 713-362-2152.

Take care,

EXHIBIT

B1

9/29/2015

Dylan Baddour
Breaking News
Houston Chronicle Media Group

801 Texas Avenue
Houston, Texas 77002

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w | www.houstonchronicle.com



From: Ron Avery [mailto:taphouse@sbcglobal.net]
Sent: Tuesday, September 29, 2015 2:10 PM
To: Baddour, Dylan G.
Cc: Brannum Ed
Subject: Request for Corrections, Clarifications and Retraction

Mr. Baddour,
Please find my attached request for Corrections, Clarifications and Retraction.
Sincerely,
Ronald F. Avery

Ron Avery

From: "Ron Avery" <taphouse@sbcglobal.net>
Date: Tuesday, September 29, 2015 4:33 PM
To: "Baddour, Dylan G." <Dylan.Baddour@chron.com>
Cc: "Loeb Vernon" <vernon.loeb@chron.com>; "Brannum Ed" <reptx777@att.net>
Subject: Re: Request for Corrections, Clarifications and Retraction

Dear Mr. Baddour,

I believe you have added nothing below in your remarks that I did not already understand was your opinion about your article. Unfortunately, your ideas about secession and what it is to you was not what we were discussing and talking about all day long at the Silver Eagle Taphouse on April 11, 2015 that you attended and reported on in a completely misleading manner. What ever retraction you made and I am sure it was only regarding the claim that I was Ronald Avery in the first picture, it is insufficient in every way including the circulation day. Your opinion will below will not relieve you and the Houston Chronicle of punitive damages in a lawsuit for libel. I think you and the Houston Chronicle may change your mind after you read the petition.

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These agencies cooperate with the agencies headed by officials elected by statewide votes in Texas.

EXHIBIT

BZ

9/29/2015

Texas sends tax money to the federal government, and federal programs operate in Texas.

So this state is undeniably a part of the United States, whether it should be or not.

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I'm sorry you were bothered by the article. The Chronicle will take no further action. You are always welcome to call my desk at 713-362-2152.

Take care,
Dylan Baddour
Breaking News
Houston Chronicle Media Group

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in | dylanbaddour

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From: Ron Avery [mailto:taphouse@sbcglobal.net]
Sent: Tuesday, September 29, 2015 2:10 PM
To: Baddour, Dylan G.
Cc: Brannum Ed
Subject: Request for Corrections, Clarifications and Retraction

Mr. Baddour,
Please find my attached request for Corrections, Clarifications and Retraction.
Sincerely,
Ronald F. Avery

Ron Avery

From: "Ron Avery" <taphouse@sbcglobal.net>
Date: Wednesday, September 30, 2015 4:21 PM
To: "Baddour, Dylan G." <Dylan.Baddour@chron.com>
Subject: Re: Request for Corrections, Clarifications and Retraction

Mr. Baddour,

I don't think you can scare me more about a lawsuit than your article did about what I am and who the "federal and state officials" should think I am. I'm destroyed either way.

Sincerely,

Ronald Avery

From: Baddour, Dylan G.
Sent: Wednesday, September 30, 2015 3:58 PM
To: Ron Avery
Subject: RE: Request for Corrections, Clarifications and Retraction

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.

I would feel very bad if you invested money in this. I'm sorry it turned out so unpleasantly for you.

From: Ron Avery [mailto:taphouse@sbcglobal.net]
Sent: Wednesday, September 30, 2015 3:39 PM
To: Baddour, Dylan G.
Subject: Re: Request for Corrections, Clarifications and Retraction

Mr. Baddour,

I'm sorry, I think we have discussed this completely. I think you know what went on and it had nothing to do with what you said in your article. You are happy, the Houston Chronicle is happy and I am working on the petition. It looks like it will be filled in a couple of weeks or so.

Sincerely,

Ronald Avery

From: Baddour, Dylan G.
Sent: Wednesday, September 30, 2015 2:40 PM
To: Ron Avery
Subject: RE: Request for Corrections, Clarifications and Retraction

You're telling me that at that meeting folks were not discussing the arguments for and the means of establishing an independent Texas?

From: Ron Avery [mailto:taphouse@sbcglobal.net]
Sent: Tuesday, September 29, 2015 4:33 PM
To: Baddour, Dylan G.
Cc: Loeb, Vernon F; Brannum Ed
Subject: Re: Request for Corrections, Clarifications and Retraction

EXHIBIT

B3

9/30/2015

Dear Mr. Baddour,

I believe you have added nothing below in your remarks that I did not already understand was your opinion about your article. Unfortunately, your ideas about secession and what it is to you was not what we were discussing and talking about all day long at the Silver Eagle Taphouse on April 11, 2015 that you attended and reported on in a completely misleading manner. What ever retraction you made and I'm sure it was only regarding the claim that I was Ronald Avery in the first picture, it is insufficient in every way including the circulation day. Your opinion below will not relieve you and the Houston Chronicle of punitive damages in a lawsuit for libel. I think you and the Houston Chronicle may change your mind after you read the petition.

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From: Baddour, Dylan G.

Sent: Tuesday, September 29, 2015 4:02 PM

To: Ron Avery

Subject: RE: Request for Corrections, Clarifications and Retraction

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Take care,
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From: Ron Avery [<mailto:taphouse@sbcglobal.net>]

Sent: Tuesday, September 29, 2015 2:10 PM

To: Baddour, Dylan G.

Cc: Brannum Ed

Subject: Request for Corrections, Clarifications and Retraction

Mr. Baddour,

Please find my attached request for Corrections, Clarifications and Retraction.

Sincerely,

Ronald F. Avery

Ron Avery

From: "Ron Avery" <taphouse@sbcglobal.net>
Date: Wednesday, September 16, 2015 3:02 PM
To: "Baddour, Dylan G." <Dylan.Baddour@chron.com>
Subject: Re: Comment received

Mr. Baddour,

I was not the only one that got that impression. You certainly had that impression when you wrote the article and even after I alerted you to the error, you still said you had the impression I was a secessionist in your last email yesterday. And defended your impression and asserted that dissolution was close enough. No it isn't close enough and it is not even compatible.

None of your readers indicated that Ronald Avery was the only one that spoke for 25 minutes before the group and talked about dissolution rather than secession and an independent Texas. I was swept into your erroneous mental assessment of the event right along with everyone else. You have stated that dissolution is close enough to secession and it is nothing of the sort.

I don't know why the "Republic of Texas" group is not protesting your article as well because they never talk about secession. It is irrelevant to them as they believe they were never annexed anyway. Now that might be close enough for you or any other indiscriminant person but to anyone with knowledge it is ridiculous and absurd.

How and why do you think your readers would come away from your article with an impression that is in direct opposition to yours?

Sincerely,
 Ronald F. Avery

From: Baddour, Dylan G.
Sent: Wednesday, September 16, 2015 1:43 PM
To: Ron Avery
Subject: RE: Comment received

I'm sorry you got that impression.

From: Ron Avery [mailto:taphouse@sbcglobal.net]
Sent: Wednesday, September 16, 2015 1:42 PM
To: Baddour, Dylan G.
Subject: Re: Comment received

Mr. Baddour,

I sure got that impression from your article and I think your readers got the same idea. Some didn't care but most of them thought badly of it. I'm sure a jury could figure it out as well.

Ronald F. Avery

From: Baddour, Dylan G.
Sent: Wednesday, September 16, 2015 1:20 PM

EXHIBIT

B4

9/18/2015

To: Ron Avery

Subject: RE: Comment received

Did anything in the article ever say you supported secession?

From: Ron Avery [mailto:taphouse@sbcglobal.net]

Sent: Wednesday, September 16, 2015 12:44 PM

To: Baddour, Dylan G.

Subject: Re: Comment received

Mr. Baddour,

It is clear to me that what you have done to me by your article involves significantly more than a mere typographical error that can be mitigated by issuing a correction to a photo caption. I will say again that I am vehemently opposed to secession and have argued against it for many years with leaders of various groups including the League of the South, We the People Congress and the Texas Nationalist Movement. I can produce these documents with the various arguments.

Tenth Amendment

Secession is not compatible with dissolution. All who know me, know this, and are shocked to hear that I have been labeled a secessionist. And if I am going to be hung for something I would like to be hung for what I know and promote not what you erroneously think I am and have called me publicly on the front page of the Houston Chronicle. I have attached the document I read from at the meeting you attended. Where is secession and an independent Texas in there? It only speaks of the dissolution of both the "union" and the "state of Texas" based upon the same principles known to all the forefathers who created both as the same principles were used to create them originally and they came from John Locke's Second Treatise of Government. It is available at <http://www.constitution.org/jl/2ndtr19.htm>. It was first published in 1689 a full 100 years before the ratification of the US Constitution.

The existence of military bases do not establish authority nor maintain lawful authority, neither does the existence of judges or police. Only adherence to the will of the people contained only in the constitution of their society and altered only with their permission by amendment, will establish and maintain lawful authority. When their will is altered by law without their approval the government becomes foreign to their will without their permission and loses all authority and the dissolved entity cannot lawfully act for the good or evil of the people. A dissolved government cannot re-authorize itself once it has ~~it~~ lost its delegated authority from the people. If this were not true, Satan would have perfected tyranny upon earth by merely creating constitutional government.

I think it is clear that you attended the meeting with preconceived notions and went out of your way to discredit the whole group and everyone around it. You found time to interview professors and do other research but you didn't bother to call me or ask me what I was saying. You butchered my presentation and reduced it to unintelligible dribble. Yet even now you don't see what the problem is, even though you have lumped me in the category of anti-government secessionists that law-enforcement are concerned about!

As bad as things are today, I still don't think even the dissolved courts will find that a newspaper can say anything they want against a person to their harm just because the harmed knows, understands and speaks of generally forgotten principles.

It might be good for us to stick to the facts:

1. I did not renounce my citizenship, even in the dissolved union and state.
2. I do not own or wear a jacket like the photo shows.
3. I am not the person in that photo.
4. I do not have any "Republic of Texas identification" even though I am a Son of the Republic of Texas having relatives that served at the Battle of San Jacinto and in the Army of the real Republic of Texas. The city of Brenham Texas is built on my GGGG Grandmother's Spanish Land Grant of the Austin Colony.
5. I do in fact carry a "Texas driver's license."
6. I do not go to jail trying to explain to law-enforcement officers why I don't need a "Texas driver's license."
7. I am not a member of the "Republic of Texas."
8. I am not a secessionist, and in fact, I argue against it vehemently, as one cannot divorce a dead spouse. Secession is admission that the entity from which you want separation lawfully exists, which in our case is a lie. Secession might be illegal but dissolution cannot be made illegal as that is a natural law and natural laws cannot be altered by man or by any legislation of man.
9. I have never advocated an "independent Texas" or independent any other state of the dissolved union. I am a victim of dissolution ^{caused} by others. I hate the fact that I have been abandoned like this with no lawful government. I want a lawful union of states and I want a lawful state of Texas. But I do not find them anywhere, not even in the so-called "Republic of Texas." I wish I could. I perceive nothing but anarchy of unlawful governments pushing people around. I hate anarchy and I argue with ~~them~~ ^{advocates of it} continually.
10. I have never consulted with any other foreign nation like Russia about independence of anything.
11. I am not anti-federalist.
12. I am not anti-government. I seek and yearn for lawful government which is my God given right to do in the absence of lawful government.
13. The only lawful government I perceive is that of the Kingdom of Heaven on Earth and Christ Jesus the King of it, created by Jesus Christ in his death, resurrection and ascension of all things. I also perceive that he has given me authority in his absence to protect his Kingdom from tyranny and anarchy to protect the people and their property.
14. And now you Mr. Baddour have slaughtered me on the front page of the Houston Chronicle.
15. I don't dislike you Mr. Baddour but you did the wrong thing and the Houston Chronicle did the wrong thing and even have glaring contradictions in the photos showing the same man as two different men. But nobody cared. And the article was saved until it could be used as a projectile to harm.
16. Everyone including other newspaper reporters who have endured suits for libel are demanding that I sue you and your paper for at least a million dollars.

I would like to hear what you guys really have in mind to really mitigate this. I don't like going to court but have done so many times with five trips to the Supreme Court of Texas under my belt. Give me a really good way out of this that will satisfy me and give my friends hope that there is justice and real reporting in the world and that reporters are willing to learn things and report them accurately and be responsible when they do not. Real reporters have a meaningful role in society if they really cover things, even if they don't understand them, and report them well regardless of what they think about it. Make us all feel better about the world that we can't just say anything we want about people if we don't like what we think they are doing. It does matter why one is harmed. If I am harmed for what I really know and understand let it be done but if I am harmed by what someone else thinks of me then there needs to be serious repair made.

Sincerely,

Ronald F. Avery

From: Baddour, Dylan G.
Sent: Tuesday, September 15, 2015 2:34 PM
To: Ron Avery
Subject: RE: Comment received

We will issue a correction for your name in the photo caption.

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.

I'm sorry if you think it harms your image that another Texas independence group has been working with Russians. There is no reason, I think, that you should be bothered by it. However it is true, and it is also a rather big deal, as the Russian media apparatus is growing with the intention of competing with the Americans (RT grew dramatically in a few years to broadcast across the world).

So people said you are a traitor and whatnot. I don't think that is my fault. Do you believe you would change their minds if you personally described your thought process? I think that if you told them the United States was already dissolved and was a bad institution, they would still say the same things. Those people have some beliefs which they hold very close, and little will ever change it.

It remains unclear to me what you think is false. You were not mentioned in the story, just in two photo captions (one mistakenly).

Please let me know if you have any more specific concerns about false information.

From: Ron Avery [<mailto:taphouse@sbcglobal.net>]
Sent: Tuesday, September 15, 2015 12:21 PM
To: Baddour, Dylan G.
Subject: Re: Comment received

Mr. Baddour,

As I said before, I don't talk to people on the phone who have libeled me in the newspaper. I'm afraid I might be misrepresented once again.

1. I don't see how you think I would "enjoy" being called a "secessionist" who has "renounced their citizenship" working with a foreign country.
2. I don't see how a bar that is simply not in business should be called "shuttered." I think there are much better phrases to describe an old bar, no longer in business, on the Guadalupe River in McQueeney.
3. Your article is false and harmful regardless of the depth at which one reads it. I think people are lead to believe something by implication and association of things in articles that should not be there at all.
4. People are more honest if they don't show their faces or names and therefore the reactions posted are more honest showing that the damage has been done.
5. I don't deny that the reason they would like to see me at Gitmo is not the result of years of well designed harmful reporting like this. But this article is just more of the same, engineered to harm those who might have legitimate lawful complaints, observations and accurate conclusions about what is

going on in our land.

6. I now think I know why this article came out 156 days after the event. This piece was tabled until it could be used more effectively against me and others immediately following the Patriot's day weekend when the flames of passion have been fanned to a peak by the media and even churches against terrorists and anyone who might have legitimate questions and observations based upon real principles about governance in our land.
7. Is it routine to spend a lot of time on the phone with those concerned about the comments? Maybe you should wonder about the articles?
8. What I think of when I see this kind of news coverage is WACO which also happened on 9/11 where a trial takes place and a verdict obtained in the public mind and the punishment is applied with no repercussion from the people. What would I do if a SWAT team and Federal officers appear at my place now? Does the FBI read the paper in Houston? Has the trial already been held in Houston on the front page? Am I guilty of something already?

I would love to maintain email contact and hear what your ideas are concerning mitigation but as I said, I don't speak on the phone with those who libel me. It's not a good practice and leads to worse problems.

Sincerely,

Ronald F. Avery

From: [Baddour, Dylan G.](#)

Sent: Tuesday, September 15, 2015 9:36 AM

To: [Ron Avery](#)

Cc: [Loeb, Vernon F](#)

Subject: RE: Comment received

I sincerely had no intentions of causing any damage to you. I honestly would have expected that you'd enjoy the feature, but clearly I was mistaken. "Shuttered" was used as a synonym for "no longer in business." The article clearly specifies that it is another group which has met with Russian representatives abroad.

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.

It is not uncommon for us to have to console subjects of our stories after they read the comments. Some have even been immediately fearful before, but no bad thing has ever happened. As an author, I have been called everything from a terrorist to a homosexual to an idiot to a communist in the comments on my stories.

I would really like to speak with you today if possible. I have only cordial intentions and would like to work with you to mitigate any damage you think was done. And I would like to explain how these issues usually proceed in the newsroom. Just yesterday my colleague beside me spent a long time on the phone talking with a subject concerned about the comments.

Let me know what you think.

Dylan

From: Ron Avery [<mailto:taphouse@sbcglobal.net>]

Sent: Tuesday, September 15, 2015 9:25 AM

To: Baddour, Dylan G.
Cc: Loeb, Vernon F
Subject: Re: Comment received

Mr. Baddour,

I don't do phone calls with people who have libeled me and my establishment. Your article is not only inaccurate but damaging as well. Your article was designed to hurt me. You referred to my Taphouse on the Guadalupe River as a "shuttered wooden beer bar." I think I got the message. I hope you have some photographs of the shutters which have never ever been there and aren't there now. There are no shutters and I'm not hiding and plotting with Putin to secede from the dissolved union. This material is designed to harm me. And you can tell from the responses on the webpage you published it on that the people think I am plotting to overthrow the dissolved union, as if that was possible, with help from a foreign nation. You have achieved the desired effect of your article as evidenced by the webpage responses. Several of them think I should be tried as a traitor for treason and put at Gitmo. I don't think I need to prove that I have been damaged. You have made me a target by misinforming the people of Houston. People that you have convinced I am a gun nut traitor might not feel bad about harming me and my family.

Maybe you guys could think of something to make it all better.

Sincerely damaged,

Ronald F. Avery

From: [Baddour, Dylan G.](#)
Sent: Tuesday, September 15, 2015 7:55 AM
To: taphouse@sbcglobal.net
Cc: [Loeb, Vernon F](#)
Subject: RE: Comment received

Hi Mr. Avery,

This is Dylan Baddour, author of the article about the Republic of Texas. Please give me a call this morning at 713-362-2152.

Thanks a lot,
Dylan

From: Loeb, Vernon F
Sent: Monday, September 14, 2015 10:42 PM
To: Baddour, Dylan G.
Cc: Gonzales, John; DiCapua, Stephanie
Subject: Fwd: Comment received

Dylan,

Let me know tomorrow how we should handle this.

Thanks, Vernon

Vernon Loeb
Managing Editor

Houston Chronicle
 801 Texas Ave.
 Houston, Texas 77002
 713-362-3513 (office)
 713-899-4213 (cell)
vernon.loeb@chron.com
 twitter @loebvernon

Begin forwarded message:

From: "Gonzales, John" <John.Gonzales@chron.com>
Date: September 14, 2015 at 10:33:17 PM CDT
To: "Loeb, Vernon F" <Vernon.Loeb@chron.com>
Cc: "DiCapua, Stephanie" <Stephanie.DiCapua@chron.com>
Subject: Comment received

Vernon:

Received this comment tonight on the Texas secessionists story. Ronald wasn't referenced in the story, but he is named in the A1 caption and in the first photo. A Ronald Avery does show up in the third photo, too.

Please let us know if any fixes need to be made.

Ronald F. Avery
faphouse@sbcglobal.net

Very interesting article indeed since most of it came from the mind of Dylan Baddour. I am Ronald Avery part owner of the building known as the "Silver Eagle Taphouse" in McQueeney, Texas. I am considering a lawsuit for libel against the Houston Chronicle and Dylan Baddour. I met Baddour at the meeting where he stayed almost all day long. I spoke with him. It's been quite a while so I don't know the exact conversation he and I had. But this I can confirm and obtain legal witness in support: 1) The man in the jacket in not me; 2) I am not a member of any group called "the Republic of Texas;" 3) I am not anti-government, in fact, I seek lawful government; 4) I do not want, nor do I advocate secession from the so-called "United States of America," as it is in fact dissolved.

The picture of me speaking before the "Joint Congress" was taken of me reading a document I prepared concerning the Natural Law Doctrine of Governmental Dissolution that came from John Locke's Second Treatise of Government published in 1689. Thomas Jefferson said that all the concepts of American liberty came from the work of two men; Algernon Sydney in his Discourses on Government, and John Locke in his First and Second Treatise of Government. The entire Declaration of Independence came from The Second Treatise.

A responsible newspaper reporter would have listened to what was being said and reported it like it was said. Then if the reporter wanted to comment on it they could do so by making a distinction between the two. Baddour has confused the two.

I have the document I read from and I have a video tape of the entire event for all to see and hear.
 173.175.120.119 2ec3ae

In reply to: Ever hopeful and determined, Texas secessionists face long, long odds

9/18/2015

Original URL: <http://houstonchronicle.com/news/houston-texas/houston/article/Ever-hopeful-and-determined-Texas-secessionists-6502332.php>

J.R. Gonzales
Web producer - premium content
Houston Chronicle Media Group

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w | blog.chron.com/bayoucityhistory
w | www.houstonchronicle.com
AIM | jrgonzalesHC



Talking points on Dissolution versus Secession:

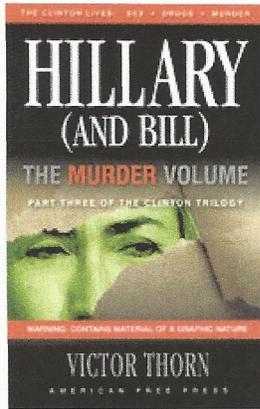
Comparisons:

1. When the union changes its constitutional form by law without the required amendments it **dissolves itself without the action of the people or any necessity for them to act**;
 - 1.1. If this was not true then Satan has perfected tyranny on earth by the use of Constitutions. If constitutions do not dissolve in this manner than no one can escape and they are eternally bound to tyranny. Judges, legislators and executives can alter the form of government without the required amendments and they do prevent the people from bringing lawsuits, or rescinding laws to make their government conform to the constitution that created it. If governments do not dissolve at this point then all people are stuck forever in tyranny and Satan has defeated God and his Christ on earth once again.
2. A Declaration of the Observation of the Dissolution of the United States of America (DoOoD) is **not an act** of any state or person or group of states or people as is the act of secession where states immediately remove themselves and take their stuff with them and stop being in a relationship with the dissolved union;
 - 2.1. DoOoD is **not a threat** to do anything, while secession actually stops all interaction between the state and union;
3. A DoOoD **does not dissolve** the union it only **declares what has already happened** as the **result of tyrants** altering the constitutional form of the nation without the required amendments;
4. DoOoD is **simply an Observation** that is **declared to the whole world** that the union is dissolved and without authority while **Secession recognizes the lawfulness** of the union in order that it may secede from it;
5. DoOoD **proves the soundness of dissolution** and **how and when it occurred**, while secession merely is the **exercise of a right, perceived only by some** to leave the union at its own will and desire while the union is, or is not, lawfully conformed to its constitution;
6. DoOoD simply enumerates the facts and applies the sound principles to prove dissolution, while **secession is a judicial admission** that the union is lawfully existing requiring the states to secede from it as if it was alive and well or conformed to its constitution;
7. DoOoD demonstrates that dissolution was not the work of the people but of their representatives in government **placing the infidelity on the union as opposed to the rebellious state under secession**.
 - 7.1. The marriage and divorce and death concepts apply here;
 - 7.2. When a state secedes from the union they are perceived as covenant breakers, infidels and family wreckers, **lacking in moral character**;
 - 7.3. The old union can use these arguments to **muster the remaining good little states** to teach the secessionists a lesson about the sacredness of the family;
 - 7.4. But **under dissolution this whole theme is reversed** and it is shown in an undeniable and irrefutable manner that it is the union that went out whoring all

- over the world and **slept with the bankers** leaving the people and the states at the mercy of foreign and domestic intrigues.
- 7.5. Under secession the union and remaining states are seen as victims of a breakup while;
 - 7.6. Under dissolution **the union alone is seen as the infidel** that has shown disdain for its founding documents giving it conditional authority which they have trampled beneath their feet and have the audacity to demand continuing and eternal obedience to their tyranny.
 8. DoOoD shows that dissolution **does not require the people to vote on it unless it is still lawfully conformed to its constitution**, which we know it is not.
 9. DoOoD **releases all the states from their obligations to the dissolved union;**
 - 9.1. and this occurred **all at once**;
 - 9.2. Under the DoOoD, **no state can linger back** with a dissolved union government as its head and
 - 9.3. **All states must face the facts and decide if it wants to remain tyrannical and assist tyranny or join a new union with all the independent republics or states;**
 10. A DoOoD **removes the authority of the dissolved union initially before the union can take any action** the whole world knows it is dissolved.
 - 10.1. Some have advocated that after secession, the seceding states should join and **declare the old union “null and void.”** This would be **ludicrous**, because if the union was not null and void prior to the secession why did the states secede from it?
 - 10.2. And how could states that are no longer a member of the union declare it “null and void?” That would be like the Germany **declaring that Russia is “null and void.”**
 11. A DoOoD should be made prior to any state making any decisions regarding a new union;
 - 11.1. It prevents the old union head from operating under the illusion of lawfulness any further;
 - 11.2. It **prevents the dissolved union from competing with any new union for Sovereignty Recognition Treaties with other nations;**
 - 11.3. Other nations will not feel that they are compromising any loyalty to the dissolved union by recognizing the new union;
 - 11.4. Other nations are more likely to support a new union knowing that the old union is dissolved and why;
 12. And finally a DoOoD **puts all nations and global bankers on notice** that they should not continue to do business with a dissolved unlawful old union government that may not be able to oppress its people any longer to serve the interests of global bankers.
 - 12.1. The **best way to repudiate debt that was unlawfully established in America** is to show that the old union is dissolved and has been for many years and that those who have been instrumental in destroying America to steal its wealth have **no moral claim to an enforceable contract to impoverish and enslave the people of this land any longer.**

13. Then all the released independent republics or states should come together to make a new union based upon all the things we have learned over the last 200 plus years.
 - 13.1. This is a way to **restore some of the states** that have also been dissolved by changing their constitutional form without the required amendments in order to accommodate the old union.
 - 13.2. All states would be required to **purge their unconstitutional laws prior to joining the union** for the protection of the property of their people.
14. Who makes the Declaration?
 - 14.1. The people make the declaration via a website where they can leave their signatures.
 - 14.2. This site would have the Declaration of the Observation of Dissolution of the United States of America on it and would have a draft of a new Constitution of the several states and the requirements of the states to enter it.
15. "Patriot" Doctrines that resist the pursuit of Liberty:
 - 15.1. Reform Movements:
 - 15.1.1. Constitution still binding upon the people
 - 15.2. Anarchy:
 - 15.2.1. No government has ever been or ever will be lawful and the creation of them is immoral
 - 15.2.2. Free Market:
 - 15.2.2.1. Just let it be, what will be will be, and when it all falls down we will have the free market place and it will sustain life, liberty and possessions on its own without government.
 - 15.3. The Commerce, Maritime, Doctrine (Harmon Taylor):
 - 15.3.1. How does the concept of a Contract between the people or all the individuals of the states with the federal government have authority when no one agreed to the creation of a mere commercial entity rather than a Constitutional Republic as specified in the US Constitution?
 - 15.3.2. What authority does this so-called "Paradigm shift" from a constitutional republic or 'loose association' or 'confederation of sovereign independent states' in the Articles of Confederation or the Constitution of the US to a commercial entity or corporation (union) with sub-corporations (states) obtain authority?
 - 15.3.2.1. It doesn't have authority and cannot obtain it by folks who are compelled to get a drivers license to avoid jail or get a social security card to avoid being incarcerated for failure to file the so-called federal "income tax."
 - 15.3.2.2. No independent contracts with individuals obtained by coercion have authority.
 - 15.3.2.3. No lawful nation can be formed from so-called "licenses to drive" or from tax IDs.
 - 15.3.3. A lot easier to prove slow death by corruption over the years with clear alterations of form without the required amendments than to prove abortion or premature death of the Federal fetus.
 - 15.3.3.1. Even if the representatives of the people were not sent to create a new constitution, they were certainly the representatives of the people

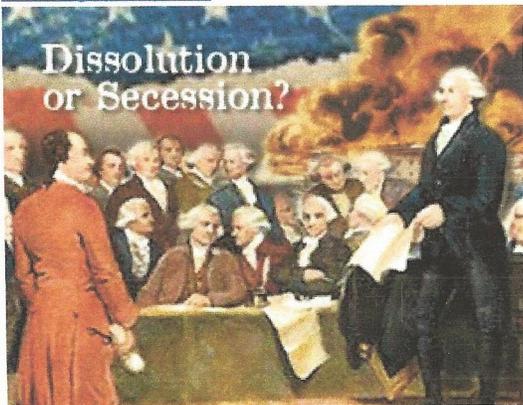
- and they were sent to tighten up the Articles of Confederation because all knew they were not strong enough to conduct another defense war.
- 15.3.3.2. The representatives realized they needed a new instrument to do the job and they wrote it and submitted it to the states and after the states added amendments the states ratified it.
- 15.3.4. A so-called “Wicked Paradigm Shift” is really just another way of saying an altered form of government without the necessary amendments or approvals by the people.
- 15.3.4.1. As shown above we are not bound by these commercial contracts as they are made with an unlawful commercial entity that had no delegated authority to exist from the people. The transitions were deceptive and not permitted by amendment.
- 15.3.4.2. The “government” or commercial entity that operates as “government” in Washington DC pretends that it is based upon the US Constitution and they are thereby held to it by the concept of Latches. They cannot claim their existence by any other instrument or operation. And that instrument proves they are dissolved.
- 15.3.5. Your suggestion that the way to avoid tyranny is by each individual getting out of these contracts with the federal corporation by completing them and then not entering any more of them does not stop tyranny in Washington.
- 15.3.5.1. What principle compels us complete fraudulent contracts with non-existent or unlawfully created entities?
- 15.3.5.2. No one can live a free life under a nation ruled by tyranny.



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50 States Calling for Secession, But States Far From Free to Go

December 03, 2012 AFP [No comments \(http://americanfreepress.net/50-states-calling-for-secession-but-states-far-from-free-to-go/#respond\)](http://americanfreepress.net/50-states-calling-for-secession-but-states-far-from-free-to-go/#respond)



<http://americanfreepress.net/50-states-calling-for-secession-but-states-far-from-free-to-go/?print=print>

- *Without possibility of secession, there is nothing to stop the feds from continued theft of liberty*

By Congressman Ron Paul

Is all the recent talk of secession mere sour grapes over the election, or perhaps something deeper? Currently there are active [petitions \(https://petitions.whitehouse.gov/petitions\)](https://petitions.whitehouse.gov/petitions) in support of secession for all 50 states, with Texas taking the lead in number of signatures. Texas has well over the number of signatures needed to generate a response from the administration, and while I wouldn't hold my breath on Texas actually seceding, I believe these petitions raise a lot of worthwhile questions about the nature of our union.

EXHIBIT
D



Is it treasonous to want to secede from the United States? Many think the question of secession was settled by our Civil War. On the contrary, the principles of self-governance and voluntary association are at the core of our founding. Clearly Thomas Jefferson believed secession was proper, albeit a last resort. Writing to William Giles in 1825, he concluded that states “should separate from our companions only when the sole alternatives left, are the dissolution of our union with them, or submission to a government without limitation of powers.”

Keep in mind that the [Declaration of Independence \(http://www.archives.gov/exhibits/charters/declaration_transcript.html\)](http://www.archives.gov/exhibits/charters/declaration_transcript.html) expressly contemplates the dissolution of a political union when the underlying government becomes tyrannical.

Do we have a “government without limitation of powers” yet? The federal government kept the union together through violence and force in the Civil War, but did might really make right?

Secession is a deeply American principle. This country was born through secession. Some felt it was treasonous to secede from England, but those “traitors” became our country’s greatest patriots.

There is nothing treasonous or unpatriotic about wanting a federal government that is more responsive to the people it represents. That is what our Revolutionary War was all about and today our own federal government is vastly overstepping its constitutional bounds with no signs of reform.

In fact, the recent election only further entrenched the *status quo*. If the possibility of secession is completely off the table there is nothing to stop the federal government from continuing to encroach on our liberties and no recourse for those who are sick and tired of it.

Consider the ballot measures that passed in Colorado and Washington state regarding marijuana laws. The people in those states have clearly indicated that they are ready to try something different where drug policy is concerned, yet they will still face a tremendous threat from the federal government. In California, the feds have been arresting peaceful medical marijuana users and raiding dispensaries that state and local governments have sanctioned. This shouldn’t happen in a free country.

It remains to be seen what will happen in states that are refusing to comply with the deeply unpopular mandates of Obamacare by not setting up healthcare exchanges. It appears the federal government will not respect those decisions either.

In a free country, governments derive their power from the consent of the governed. When the people have very clearly withdrawn their consent for a law, the discussion should be over. If the feds refuse to accept that and continue to run roughshod over the people, at what point do we acknowledge that that is not freedom anymore?

At what point should the people dissolve the political bonds which have connected them with an increasingly tyrannical and oppressive federal government? And if people or states are not free to leave the United States as a last resort, can they really think of themselves as free?

If a people cannot secede from an oppressive government, they cannot truly consider themselves free.



[http://americanfreepress.net/?](http://americanfreepress.net/?page_id=237)

[page_id=237](#))

Ron Paul, a medical doctor, is a Republican member of the U.S. Congress who represents the 14th District of Texas. Call his weekly update line toll free at 1-888-322-1414 or visit his [website \(http://www.ronpaul.org\)](http://www.ronpaul.org).



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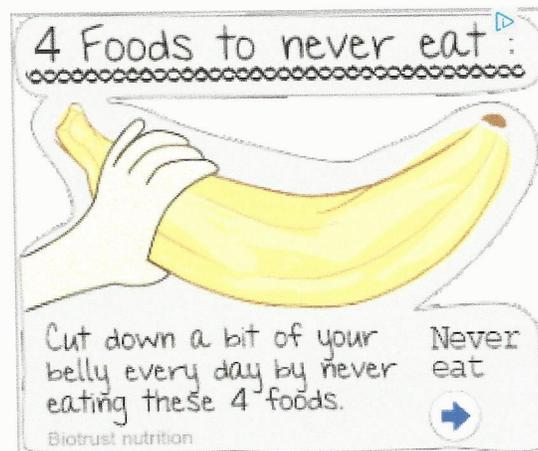
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Dissolution Could Be Better Option for States Than All-Out Secession

- *People can withdraw their consent to be ruled by corrupt government*

By Mark Anderson

Looking at recent headlines about citizens in the 50 states wanting to secede from the federal government, it's tempting to conclude that they should secede from the federal union due to widespread disgust over Washington's mismanagement and suffocating central control. But another important concept puts the idea of secession in a new light and suggests there is an alternative in case the White House ignores the people.



That other concept, rarely discussed, is dissolution of the Union. In this context, dissolution means that the modern federal government, through layers of radical statutes, executive orders and harmful constitutional amendments, has departed from the people's intended constitutional order to such an extreme degree that it has become a different government, alien to the original system laid down by the nation's founders. Therefore, the constitutional government we're supposed to be living under has been dissolved.

"You wouldn't secede from a dissolved government anymore than you would divorce a deceased spouse," said Ron Avery, a Texas patriot well versed in the writings of America's founders.

AMERICAN FREE PRESS sat down with Avery to gain a better understanding of this perspective. As Avery sees it, the issue boils down to this: Since the states and their people, which created the original federal government, are being ruled by a rogue regime that reset the dials so much that it overthrew the original constitutional order, then seceding from that unlawful, alien regime is a form of tacit acknowledgement of that imposter government's legitimacy.

"You don't secede from a dead union—[instead] you declare it dissolved," Avery said.

Those freed states could stay separate or form their own unions, he added.

Avery stressed what he sees as a major flaw of secession: It basically "leaves in place" the rogue federal regime that rules its United States subjects and controls most of the world by force and fear.

However, under dissolution, the people and the states in which they live withdraw their consent to be ruled, and they do so without "going" anywhere. If even one state would be so bold as to declare the facts of the constitutional government's dissolution, this observation could spread to where the legitimacy of the federal regime is seriously undermined and, with sustained effort, declared void.

Looking back at the War Between the States, Avery said: "Secession state by state . . . is suicide."

Any seceding states would make themselves look like radicals, he added, and could potentially be militarily subdued by the federal government as during the War Between the States.

The federal government is only supposed to operate according to the Constitution's specified grants of power from "We, the People." But to depart from the Constitution in drastic enough ways is, in the final analysis, to practice a new government that has no authority to rule—and yet it still rules without authority granted to it by the people.

That, says Avery, is the true definition of tyranny.



http://americanfreepress.net/?page_id=6

Mark Anderson is AFP's roving editor. Listen to Mark's weekly [radio show](http://republicbroadcasting.org/index.php?cmd=B.archives.year&ProgramID=93&year=12&backURL=index.php%3Fcmd%3Darchives) (<http://republicbroadcasting.org/index.php?cmd=B.archives.year&ProgramID=93&year=12&backURL=index.php%3Fcmd%3Darchives>) and email him at truthhound2@yahoo.com.

Ron Avery

From: "ATT Brannum" <reptx777@att.net>
Date: Tuesday, November 10, 2015 9:00 AM
To: "Ron Avery" <taphouse@sbcglobal.net>
Subject: Re: The RT remains a secessionist group

Ron

The RT does not promote seceding from anything. Please read the Annexation of the Date of Texas in 1845 and you will see that Texas retained all public lands. Therefore we cannot secede from something we never ceded. The Daniel miller group is the ones running their scam suckering in people to pay their required dues to secede which Miller knows cannot happen. This was proven in 1861 when the Texan people voted 3-1 to secede and the US declared the vote Null and Void because Texas never ceded the land ab initio.

The RT has never gotten a good report from any news paper since I have been in the RT since 1995. They always tell us they will be honest and truthful in the report but when their editors get hold of it everything turns on us. The Raid that was done actually helped us get world wide recognition. Our web site went from around 200 hits a day to 5,000 plus hits for three to four months.

Some people get kidnapped like Suzy in Kerrville and then other by standers say it is our fault when a Judge or Jury rules against them, but they never look and see that when our folks take on an attorney that kills anything we could help them with. Suzy had the dumbest attorney I have ever seen. I think she was paid by the State to lose.

----- Original Message -----

From: Ron Avery
To: Brannum Ed
Sent: Tuesday, November 10, 2015 12:31 AM
Subject: The RT remains a secessionist group

Ed,

After I sued Dylan Baddour and the Houston Chronicle for \$10,000,000.00 they finally did a partial correction to their secessionist article covering your meeting at the Taphouse. But they continue to describe the "Republic of Texas" as a "secessionist group." And they continue to show me in a photo and leave everyone thinking I am a secessionist talking to a bunch of secessionists. This guy Baddour is bad news for you and me. I can't believe you don't want to correct his erroneous statements he continues to make about the RT. Nothing good will come from the RT allowing him to continually call you what you are not.

Go on line to this link: <http://www.houstonchronicle.com/news/houston-texas/houston/article/Ever-hopeful-and-determined-Texas-secessionists-6502332.php?t=63407b543c&cmpid=twitter-premium#photo-8622108> and read the notation at the bottom of the page which says:

EXHIBIT

"This article has been edited to reflect the following information: In a photo caption accompanying this article about the Republic of Texas, a secessionist organization, the Chronicle

E

incorrectly identified a man wearing a Republic of Texas jacket as Ronald Avery. Avery is not a member of the organization and was not in the photograph."

There it is in black and white for 35 million unique people to see each month. The RT is a secessionist group! Is the RT or TR promoting the secession of the State of Texas from the Union or not? Is the RT or TR promoting the secession of the Republic of Texas from the Union? Somebody help me straighten this guy out!

You might want to address this issue at your meeting this Saturday in Franklin. Secession is "illegal" and brings war to the land of Texas and Dylan is setting you up to be instigators of that. Is that your stand? If it isn't you should make him correct his entire article he published about you on 9/13/15. The whole article should be retracted and they damn well know it. They want trouble for you and me and anyone who is thinking about lawful and unlawful government.

You may read my libel lawsuit against Baddour and the Houston Chronicle's owner and its progress at <http://PostWTC.com/avc.html>

Sincerely,
Ron Avery

HOUSTON

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

By Dylan Baddour | September 13, 2015 | Updated: September 17, 2015 3:40pm

23



Photo: Pu Ying Huang

IMAGE 1 OF 10

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.

EXHIBIT

F

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

By Dylan Baddour | September 13, 2015 | Updated: September 17, 2015 3:40pm

23



Photo: Pu Ying Huang

IMAGE 3 OF 10

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."

EXHIBIT
4

Declaration of the Immediate Causes Which Induce and Justify the Secession of South Carolina from the Federal Union

The people of the State of South Carolina, in Convention assembled, on the 26th day of April, A.D. 1852, declared that the **frequent violations of the Constitution** of the United States, by the Federal Government, **and its encroachments upon the reserved rights of the States**, fully justified this State in then **withdrawing from the Federal Union**; but in deference to the opinions and wishes of the other slaveholding States, she forbore at that time to exercise this right. Since that time, these encroachments have continued to increase, and further forbearance ceases to be a virtue.

And now the State of South Carolina having resumed her separate and equal place among nations, **deems it due to herself, to the remaining United States of America, and to the nations of the world, that she should declare the immediate causes which have led to this act.**

In the year 1765, that portion of the British Empire embracing Great Britain, undertook to make laws for the government of that portion composed of the thirteen American Colonies. A struggle for the right of self-government ensued, which resulted, on the 4th of July, 1776, in a Declaration, by the Colonies, "that they are, and of right ought to be, **FREE AND INDEPENDENT STATES**; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do."

They further solemnly declared **that whenever any "form of government becomes destructive of the ends for which it was established, it is the right of the people to alter or abolish it, and to institute a new government."** Deeming the Government of Great Britain to have become destructive of these ends, they declared that the Colonies "are absolved from all allegiance to the British Crown, and **that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.**"

In pursuance of this Declaration of Independence, each of the thirteen States proceeded to exercise its separate sovereignty; adopted for itself a Constitution, and appointed officers for the administration of government in all its departments - Legislative, Executive and Judicial. For purposes of defense, they united their arms and their counsels; and, in 1778, they entered into a League known as the Articles of Confederation, whereby they agreed to entrust the administration of their external relations to a common agent, known as the Congress of the United States, expressly declaring, in the first Article "that each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not, by this Confederation, expressly delegated to the United States in Congress assembled."

Under this Confederation the war of the Revolution was carried on, and on the 3rd of September, 1783, the contest ended, and a definite Treaty was signed by Great Britain, in which she acknowledged the independence of the Colonies in the following terms:

"**ARTICLE 1 - His Britannic Majesty acknowledges the said United States, viz: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be FREE, SOVEREIGN AND INDEPENDENT STATES; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same and every part thereof.**"

Thus were established the two great principles asserted by the Colonies, namely: the right of a State to govern itself; and **the right of a people to abolish a Government when it becomes destructive of the ends for which it was instituted.** And concurrent with the establishment of these principles, was the fact, that each Colony became and was recognized by the mother Country a FREE, SOVEREIGN AND INDEPENDENT STATE.

In 1787, Deputies were appointed by the States to revise the Articles of Confederation, and on 17th September, 1787, these Deputies recommended for the adoption of the States, the Articles of Union, known as the Constitution of the United States.

The parties to whom this Constitution was submitted, were the several sovereign States; they were to agree or disagree, and when nine of them agreed the compact was to take effect among those concurring; and the General Government, as the common agent, was then invested with their authority.

If only nine of the thirteen States had concurred, the other four would have remained as they then were - separate, sovereign States, independent of any of the provisions of the Constitution. In fact, two of the States did not accede to the Constitution until long after it had gone into operation among the other eleven; and during that interval, they each exercised the functions of an independent nation.

By this Constitution, certain duties were imposed upon the several States, and the exercise of certain of their powers was restrained, which necessarily implied their continued existence as sovereign States. But to remove all doubt, an amendment was added, which declared that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people. On the 23d May, 1788, South Carolina, by a Convention of her People, passed an Ordinance assenting to this Constitution, and afterwards altered her own Constitution, to conform herself to the obligations she had undertaken.

Thus was established, by compact between the States, a Government with definite objects and powers, limited to the express words of the grant. This limitation left the whole remaining mass of power subject to the clause reserving it to the States or to the people, and rendered unnecessary any specification of reserved rights.

We hold that the Government thus established is subject to the two great principles asserted in the Declaration of Independence; and we hold further, that the mode of its formation subjects it to a third fundamental principle, namely: the law of compact. We maintain that in every compact between two or more parties, the obligation is mutual; that the failure of one of the contracting parties to perform a material part of the agreement, entirely releases the obligation of the other; and that where no arbiter is provided, each party is remitted to his own judgment to determine the fact of failure, with all its consequences.

In the present case, that fact is established with certainty. We assert that fourteen of the States have deliberately refused, for years past, to fulfill their constitutional obligations, and we refer to their own Statutes for the proof.

The Constitution of the United States, in its fourth Article, provides as follows:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or

labor, but shall be delivered up, on claim of the party to whom such service or labor may be due."

This stipulation was so material to the compact, that without it that compact would not have been made. The greater number of the contracting parties held slaves, and they had previously evinced their estimate of the value of such a stipulation by making it a condition in the Ordinance for the government of the territory ceded by Virginia, which now composes the States north of the Ohio River.

The same article of the Constitution stipulates also for rendition by the several States of fugitives from justice from the other States.

The General Government, as the common agent, passed laws to carry into effect these stipulations of the States. For many years these laws were executed. **But an increasing hostility on the part of the non-slaveholding States to the institution of slavery, has led to a disregard of their obligations, and the laws of the General Government have ceased to effect the objects of the Constitution.** The States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin and Iowa, have enacted laws which either nullify the Acts of Congress or render useless any attempt to execute them. In many of these States the fugitive is discharged from service or labor claimed, and in none of them has the State Government complied with the stipulation made in the Constitution. The State of New Jersey, at an early day, passed a law in conformity with her constitutional obligation; but the current of anti-slavery feeling has led her more recently to enact laws which render inoperative the remedies provided by her own law and by the laws of Congress. In the State of New York even the right of transit for a slave has been denied by her tribunals; and the States of Ohio and Iowa have refused to surrender to justice fugitives charged with murder, and with inciting servile insurrection in the State of Virginia. **Thus the constituted compact has been deliberately broken and disregarded by the non-slaveholding States, and the consequence follows that South Carolina is released from her obligation.**

The ends for which the Constitution was framed are declared by itself to be "to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." These ends it endeavored to accomplish by a Federal Government, in which each State was recognized as an equal, and had separate control over its own institutions. The right of property in slaves was recognized by giving to free persons distinct political rights, by giving them the right to represent, and burthening them with direct taxes for three-fifths of their slaves; by authorizing the importation of slaves for twenty years; and by stipulating for the rendition of fugitives from labor.

We affirm that these ends for which this Government was instituted have been defeated, and the Government itself has been made destructive of them by the action of the non-slaveholding States. Those States have assumed the right of deciding upon the propriety of our domestic institutions; and have denied the rights of property established in fifteen of the States and recognized by the Constitution; they have denounced as sinful the institution of slavery; they have permitted open establishment among them of societies, whose avowed object is to disturb the peace and to eloign the property of the citizens of other States. They have encouraged and assisted thousands of our slaves to leave their homes; and those who remain, have been incited by emissaries, books and pictures to servile insurrection.

For twenty-five years this agitation has been steadily increasing, until it has now secured to its

aid the power of the common Government. Observing the forms of the Constitution, a sectional party has found within that Article establishing the Executive Department, the means of subverting the Constitution itself. A geographical line has been drawn across the Union, and all the States north of that line have united in the election of a man to the high office of President of the United States, whose opinions and purposes are hostile to slavery. He is to be entrusted with the administration of the common Government, because he has declared that that "Government cannot endure permanently half slave, half free," and that the public mind must rest in the belief that slavery is in the course of ultimate extinction.

This sectional combination for the submersion of the Constitution, has been aided in some of the States by elevating to citizenship, persons who, by the supreme law of the land, are incapable of becoming citizens; and their votes have been used to inaugurate a new policy, hostile to the South, and destructive of its beliefs and safety.

On the 4th day of March next, this party will take possession of the Government. It has announced that the South shall be excluded from the common territory, that the judicial tribunals shall be made sectional, and that a war must be waged against slavery until it shall cease throughout the United States.

The guaranties of the Constitution will then no longer exist; the equal rights of the States will be lost. The slaveholding States will no longer have the power of self-government, or self-protection, and the Federal Government will have become their enemy.

Sectional interest and animosity will deepen the irritation, and all hope of remedy is rendered vain, by the fact that public opinion at the North has invested a great political error with the sanction of more erroneous religious belief.

We, therefore, the People of South Carolina, by our delegates in Convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, have solemnly declared that the Union heretofore existing between this State and the other States of North America, is dissolved, and that the State of South Carolina has resumed her position among the nations of the world, as a separate and independent State; with full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do.

Adopted December 24, 1860