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REPORTER'S RECORD
VOLUME 1 OF 1 VOLUME
TRIAL COURT CAUSE NO. ^ CAUSENO

TRAVIS COUNTY REPUBLICAN	)	IN THE DISTRICT COURT
PARTY,	)	
	)	
Plaintiff	)	
	)	
VS.	)	TRAVIS COUNTY, TEXAS
	)	
ESALA WUESCHNER,	)	
	)	
Defendant	)	345TH JUDICIAL DISTRICT

PERMANENT INJUNCTION HEARING

On the 28th day of October, 2024, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Maya Guerra Gamble, Judge presiding, held in Austin, Travis County, Texas;

Proceedings reported by machine shorthand.

A P P E A R A N C E S

ON BEHALF OF PLAINTIFF

DREW ROGERS
State Bar No. 24068097
LOVINS TROSCLAIR, PLLC
1301 S. Capital of Texas Highway
Building A, Suite 136
Austin, Texas 78746
(512) 535-1649

ON BEHALF OF DEFENDANT

ESALA WUESCHNER
Appearing Pro Se
4711 E. Riverside Drive, Apt. 2428
Austin, Texas 78741
Email: Esala12@yahoo.com

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OCTOBER 28, 2025

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1-Social Media Printouts 18 20 1

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NO. DESCRIPTION OFFERED ADMITTED

NONE

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PROCEEDINGS

(The following proceedings were held in open court)

- 0 -

THE COURT: We are here on
D-1-GN-24-005418, Travis County Republican Party versus
Esala Wueschner.

Can I have announcements for the record,
please.

MR. ROGERS: Drew Rogers here for the
Plaintiff, Your Honor.

MR. WUESCHNER: Esala Wueschner here for
myself.

THE COURT: Okay. And it's Esala
Wueschner.

All right, Mr. Wueschner, I understand
you're representing yourself today.

MR. WUESCHNER: Yes, Your Honor.

THE COURT: You understand that I can not
be your lawyer for you.

THE WITNESS: Yes, Your Honor.

THE COURT: And I can not move the rules
or change them just because you are -- are you a
lawyer?

MR. WUESCHNER: No, Your Honor.

THE COURT: So, just because you aren't a

1 lawyer, I can't change the rules. I'm required to
2 enforce them, just the same as if you are a lawyer.

3 MR. WUESCHNER: I understand.

4 THE COURT: Okay. I will do my best to
5 explain what is happening, and hopefully that will be
6 helpful. And you should feel free, within reason, to
7 ask clarifying questions about procedure and things
8 like that if you are confused. Okay?

9 MR. WUESCHNER: Yes, Your Honor.

10 THE COURT: The way the case will start
11 is Mr. Rogers will give me a brief opening statement --
12 I keep track of the time used by both sides, and it's
13 going to be split. And once a party uses up all their
14 time, they don't get any more. If you need to know how
15 you're doing on time, you can ask and I will let you
16 know. But Mr. Rogers will do a brief opening, which is
17 his opportunity to tell me what he thinks the evidence
18 will prove and what decision he wants me to make. And
19 then I will give you the same opportunity.

20 Mr. Rogers is a lawyer. Lawyers take an
21 oath to become lawyers, to always be candid and
22 truthful with the Court, so they don't need to be sworn
23 in. You are not a lawyer. I would like to swear you
24 in before any statements are made so that you know that
25 everything you tell me needs to be the truth and I can

1 take the things you say as evidence. All right?

2 MR. WUESCHNER: Yes, Your Honor.

3 THE COURT: Raise your right hand.

4 *(Witness was sworn)*

5 THE COURT: Thank you so much.

6 All right, are you ready?

7 MR. ROGERS: I am.

8 THE COURT: Okay. So, you can be seated
9 until you're talking. When you are speaking to the
10 Court, though, you do need to rise.

11 MR. ROGERS: Would you prefer I come to
12 the podium, or --

13 THE COURT: I'm fine with you at the
14 table, but if you're more comfortable at the podium I'm
15 okay with it.

16 MR. ROGERS: Like you said, Your Honor,
17 we want to keep our opening statements brief. The
18 issues are not complex, the evidence is not -- there's
19 not a lot of evidence. We have sued Mr. Wueschner for
20 the cause of action of assault by threat. And we're
21 here seeking a permanent injunction against him.

22 We have a temporary injunction in place
23 that was issued by the Court on September 18th. What
24 the evidence is going to show, Your Honor, is that on
25 August 3rd of 2024, Mr. Wueschner issued a threat of

1 physical violence to people associated with the Travis
2 County Republican Party. You're going to hear from
3 Mr. Leland Bickers and Miss Lauren Day, who were
4 present with Mr. Wueschner on August 3rd, and what
5 they're going to testify to is that he, indeed, made a
6 physical threat.

7 You're going to hear from other
8 witnesses, Your Honor, that have observed Mr. Wueschner
9 engage in very concerning and, indeed, threatening
10 conduct. And you're also going to see approximately 70
11 tweets from Mr. Wueschner that clearly demonstrate that
12 he poses a threat of physical violence.

13 Mr. Wueschner is going to argue before
14 you that he's just trying to be diplomatic, and to that
15 we request the Court just to consider all the facts and
16 the circumstances surrounding the incident that
17 occurred on August 3rd. Everything that he said in his
18 tweets, he said -- you're going to see that he says
19 things like, and I'm just going to scratch the surface
20 briefly, quote "Israel does not have the right to
21 exist," quote, "The only good Jew is a dead Jew,"
22 quote, "I seem to come to the same conclusion as
23 Hitler." Quote, "All the Israel Zionists should be very
24 very very afraid right now, the 2nd Amendment is coming
25 for you."

1 You're going to even see social media
2 posts where Mr. Wueschner somehow has concocted the
3 idea that the Austin Police Department and even this
4 court are somehow working as an arm of the Israeli
5 Police Force.

6 At his temporary injunction hearing on
7 September 18th, Mr. Wueschner said these exact quotes,
8 which -- and this is already evidence that's before the
9 Court: "And I explained to him the history of Judaism
10 because my dad's a historian and I study history really
11 well. And I told him that our history has been hidden.
12 It's been rewritten by the Zionist Jews that are
13 controlled by the Rothschilds and Matt's AIPAC, also
14 assassinated John F. Kennedy."

15 Another quote: "I used to be in the air
16 force military, and it says under 'Treason,' if you
17 commit a treason act, that is faced with a death
18 penalty. And I believe Zionist Israel is taking over
19 the United States. That's a terrorist threat to me."

20 Third quote: "I am accusing that Israel
21 has infiltrated the Travis County Republican Party and
22 they only want to help Israel and use Americans as a
23 fall guy to destroy the United States of America."

24 Putting the craziness aside, we ask the
25 Court to consider, if Mr. Wueschner truly believes that

1 the Travis County Republican Party is colluding with or
2 working with Jews or Zionist Israel or the Nation of
3 Israel to take over the United States; and if, as he
4 states in his tweet, "All Israel Zionists should be
5 very very very afraid right now, the 2nd Amendment is
6 coming for you," then it follows that the Travis County
7 Republican Party also, too, should be very, very, very
8 afraid right now.

9 And this is the context that I'm talking
10 about surrounding the incident that you're going to
11 hear about that occurred on August 3rd. And this is
12 the type of person that we're dealing with who claims
13 that he tried to be, quote, diplomatic.

14 The other thing you're going to hear from
15 Mr. Wueschner, I think, is that we are using this case
16 to somehow squelch his First Amendment right to free
17 speech. We are not doing that in the slightest.
18 Mr. Wueschner has the First Amendment right to express
19 his vile and horrible ideas however he sees fit. What
20 we are saying with this case is, Mr. Wueschner, please,
21 don't harm us, Mr. Wueschner, don't threaten us, don't
22 incite violence against us, and take your nonsense down
23 the road because it's not welcome here.

24 Again, we have sued Mr. Wueschner for
25 assault by threat. That is a cause of action

1 recognized by the Texas Supreme Court; and the elements
2 mirror that found in the criminal statute for assault,
3 which is found in Texas Penal Code Section 22.01(a)(2)
4 and which -- and an assault by threat is the
5 intentional or knowing threatening of another with
6 imminent bodily injury.

7 The Texas Court of Criminal Appeals, when
8 looking at the statute has stated that the crucial
9 inquiry for an assault by threat is, quote, "Whether
10 the assailant acted in such a manner as would, under
11 the circumstances, portend an immediate threat of
12 danger to a person of reasonable sensibility under the
13 circumstances," which is what we're asking the Court to
14 consider today.

15 And again, we are seeking a permanent
16 injunction against Mr. Wueschner. The -- Texas law
17 holds that, for the Court to issue a permanent
18 injunction, there must be four things present: Number
19 one, the existence of a wrongful act; number two, the
20 existence of imminent harm; number three, the existence
21 of irreparable injury; and number four, the absence of
22 an adequate remedy at law. And we contend that the
23 threat posed by Mr. Wueschner satisfies all four of
24 those requirements.

25 So, in conclusion, we believe we have the

1 evidence to prove our assault by threat cause of action
2 and we believe this case necessitates a permanent
3 injunction against Mr. Wueschner.

4 THE COURT: All right, thank you very
5 much.

6 All right. Mr. Wueschner, would you like
7 that make an opening statement?

8 MR. WUESCHNER: Yes, Your Honor. I --
9 the statements he said on my Twitter is true, I said
10 all these things. But I do believe what they did is
11 they took what I said out of context, because it's on
12 Twitter, on X, it's known as X, it is threads. And
13 each particular thread, it goes to a different context.
14 So, what they have done is -- I've been trying to help
15 the Republican party for two years, and they don't want
16 me speaking there so I can convince people to vote in a
17 certain way.

18 So, they have took what I said out of
19 context without me being present, kicking me out right
20 before the election timeframe so I won't sway Travis
21 County Republican Party precinct chairs' votes against
22 Matt Mackowiak and other members. They are trying to
23 shut my mouth and my convincing other people to do a
24 certain way, and they paint me as a person that I'm
25 not.

1 So, one of the things, I had issue with
2 printers this morning so I wasn't able to print
3 everything that I want to print to present in my case,
4 but I was able to print something that they lied under
5 the record last time I was here. So, what I want to
6 show today is what I have printed is that they are
7 liars, and I have the proof that they lied under the
8 record. What they said cannot be trusted.

9 So, that's what I want to present today
10 is that one of their lies by the Austin Young
11 Republican Chairman Dustin. So, just to -- one lie at
12 a time, so I want to focus on one lie today and that's
13 where I want to go about it. During the time that you
14 may have today.

15 THE COURT: Okay. But just to be clear,
16 you're admitting that the statements they read from X
17 you made.

18 MR. WUESCHNER: Your Honor, I wrote -- I
19 write a lot of things on my X. But they all should
20 know, and I made it very crystal clear for years that
21 I'm not a violent person. I am a constitutionalist.
22 And I believe that anyone, anyone is trying to take
23 over the United States that's from a foreign nation --
24 that is from a foreign nation is act of treason.

25 I care about the United States of America

1 and I care about everybody here. But if some different
2 country is trying to take over the United States, I'm
3 going to help defend the constitution; and that means
4 using the second Amendment if it is a treasonous
5 activity. And right now I do believe that the United
6 States is being hijacked by Israel and is going to
7 destroy the United States and going to lead us to World
8 War III.

9 And they're changing the law, they're
10 changing the Bill of Rights within the Republican party
11 platform, and you're changing the law to where someone
12 like me is not able to speak up and defend the American
13 constitution, because they believe that Israel is equal
14 to America and we need to support Israel no matter
15 what. No matter what Israel does, including genocide,
16 anything else, we have to protect them with my tax
17 money no matter what.

18 And I am here to defend the constitution
19 of the United States and the Founding Fathers' vision
20 and the history, as a person that used to be in the
21 military, as my dad worked with Osama in -- as a
22 historian of the AET Maxwell Air Force Base, the United
23 States Air Force in the Middle East in Afghanistan
24 during the Iraq war. So, I'm here to present history
25 and facts, and I'm here to say that these Zionist Jews

1 are liars, just like many in the past, presidents have
2 stated, like Gerald Ford and many others.

3 So, I'm here to present historical
4 evidence and also to prove that I'm not a violent
5 person. They're painting me as a violent person to
6 keep my mouth shut so I don't persuade voters, and what
7 they have done is unfair and un-American and
8 unconstitutional.

9 THE COURT: All right. Thank you.

10 Mr. Rogers, I don't think that I heard
11 you tell me what conditions you want in your injunction
12 that you're asking for.

13 MR. ROGERS: We have submitted our
14 permanent injunction orders. It's in the Box.

15 THE COURT: Right. I just want to know
16 what they are as I hear the evidence.

17 MR. ROGERS: Oh, okay. Sure. Basically
18 don't threaten us, don't do anything that would put us
19 in fear of a threat. I'm summarizing, I don't know --

20 THE COURT: I'm just -- I need to, if I
21 am to grant your request, I have to thread the needle
22 very carefully.

23 MR. ROGERS: Okay.

24 THE COURT: Right? Because speech is
25 protected in this country.

1 MR. ROGERS: Sure.

2 THE COURT: Even very unpleasant speech
3 is protected. And so, if you're asking me to restrict
4 his speech before he makes it going forward, we have to
5 thread that needle very carefully --

6 MR. ROGERS: We're not --

7 THE COURT: -- so, I would like to know
8 exactly what you're asking.

9 MR. ROGERS: And we are not asking you to
10 limit his speech. What we are asking is to prevent him
11 from doing anything that would constitute an assault or
12 physical harm against any of our precinct chairs, any
13 of our members, any of our officers, to do any act that
14 places any of those people in fear of physical injury.
15 We would prefer him not to communicate with anybody
16 whom he knows to be a precinct chair --

17 THE COURT: Okay.

18 MR. ROGERS: -- with whom he knows to be
19 an officer. I don't think that necessarily prevents
20 him from expressing his First Amendment right, just
21 don't do it at us.

22 THE COURT: Right.

23 MR. ROGERS: We're asking the Court to
24 limit him to 500 feet to anyplace where he knows that
25 we're gathering for a meeting, to anyplace where he

1 knows any of our residents, any of our members, any of
2 our precinct chairs, any of our officers, where their
3 residences are or their places of business. 500 --
4 stay 500 feet from our headquarters located at 807
5 Brazos.

6 So, that's basically what we're asking
7 the Court to do.

8 THE COURT: All right. I don't know if
9 it's on your end or mine, but there's nothing in Box.

10 MR. ROGERS: I have a hard copy if you
11 would like to look at it.

12 THE COURT: That's fine.

13 Do you have one for Mr. Wueschner?

14 MR. ROGERS: I do.

15 THE COURT: Then I would love to have it.

16 MR. ROGERS: Sure. Apologies for the
17 Box, Your Honor.

18 *(Interruption in proceedings.)*

19 THE COURT: All right, Mr. Rogers, your
20 first witness.

21 MR. ROGERS: Before I call my first
22 witness, since it's not in the Box I would like to go
23 ahead and get an exhibit admitted if I can.

24 THE COURT: That would be great.

25 Do you have two copies?

1 MR. ROGERS: Yes.

2 THE COURT: Perfect.

3 MR. ROGERS: Your Honor, I just handed
4 you what I premarked as Exhibit 1. Exhibit 1 is
5 approximately 70 pages in total of Mr. Wueschner's
6 tweets that we have discovered, with the exception of
7 page -- you'll notice that they're Bates marked at the
8 bottom left-hand corner. The only exception, on
9 page 50 and 51, it's an email exchange between myself
10 and Mr. Wueschner. I don't think Mr. Wueschner has any
11 objection that he, in fact, made these statements, but
12 I would like to go ahead and ask for a stipulation to
13 go ahead and authenticate this statement from
14 Mr. Wueschner.

15 THE COURT: So, Mr. Wueschner, he is
16 moving to admit everything in this binder. Do you have
17 any objections?

18 MR. WUESCHNER: Your Honor, I'm just
19 going to take his word for that he printed out
20 everything I have sent to him in his context; so,
21 therefore, I have no objection to the things that he
22 printed out.

23 THE COURT: All right. Then Plaintiff's
24 1 is admitted.

25 MR. ROGERS: I would like to be clear,

1 Mr. Wueschner has not sent us anything, these are
2 things that we recovered through our own search.

3 THE COURT: These are printouts from X.

4 MR. ROGERS: Yes.

5 THE COURT: Plus one email exchange.

6 MR. ROGERS: Plus one email and one page
7 that's intentionally left blank. Page 37 is
8 intentionally left blank.

9 THE COURT: Okay. So why don't you take
10 a minute to look through it.

11 MR. WUESCHNER: Your Honor, I also -- I
12 have some printouts to hand out.

13 THE COURT: Okay. So, when it's your
14 turn you'll get to, but the way it works is the
15 Plaintiff goes first, so.

16 All right. So, which page is blank?

17 MR. ROGERS: Page 37, Your Honor.

18 THE COURT: All right.

19 MR. ROGERS: Wait, I'm sorry, that's not
20 right. I think it was 47. My apologies.

21 THE COURT: Okay.

22 MR. ROGERS: And then in the back flap
23 you'll see three additional documents that -- we just
24 discovered these last night, so we added these.

25 THE COURT: Are they also --

1 MR. ROGERS: Yes, they're also from his
2 X.

3 THE COURT: All right. Mr. Wueschner,
4 any objections?

5 MR. WUESCHNER: No, Your Honor.

6 THE COURT: All right. Then
7 Plaintiff's 1 is admitted.

8 *(Plaintiff's Exhibit 1 admitted.)*

9 THE COURT: Now do you have a witness?

10 MR. ROGERS: Yes.

11 THE COURT: All right.

12 MR. ROGERS: Your Honor, call Leland
13 Bickers.

14 THE COURT: All right.

15 All right, pause right there and raise
16 your right hand.

17 *(Witness was sworn)*

18 THE COURT: Thank you. Come all the way
19 around here to this gray chair that's closest to me,
20 please.

21 THE WITNESS: Okay.

22 THE COURT: And then just try to make
23 yourself comfortable. And there should be water there
24 if you need it.

25 Whenever you're ready.

1 MR. ROGERS: Thank you, Your Honor.

2 LELAND BICKERS,

3 Having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. ROGERS:

6 Q. Good morning, sir.

7 A. Good morning.

8 Q. Can you please state your name and spell it
9 for the record, please.

10 A. Yeah, it's Leland Bickers. It's L-E-L-A-N-D,
11 last name B, as in "boy," I-C-K-E-R-S.

12 Q. Thank you.

13 Mr. Bickers, what is your affiliation
14 with the Travis County Republican Party?

15 A. I am the Executive Director.

16 Q. Thank you.

17 How long have you been involved with the
18 Travis County Republican Party?

19 A. I was a precinct chair I think in 2018 or '19
20 and then I was hired early in January of this year.

21 Q. Okay. Do you know the Defendant,
22 Mr. Wueschner?

23 A. I do.

24 Q. How do you know Mr. Wueschner?

25 A. He's a former precinct chair.

1 Q. Have you ever personally observed
2 Mr. Wueschner engage in any act or behave in any manner
3 that caused you concern?

4 A. Yes.

5 Q. Can you please describe what you observed to
6 the Court.

7 A. This took place I believe it was August 3rd,
8 it was the envelope stuffing party where we were
9 putting together a letter from our chairman to
10 Republicans, so we had volunteers at a house where we
11 were stamping and writing addresses and names on the
12 envelopes. And I overheard a conversation that he was
13 having with one of our other volunteers. It sounded
14 very anti-Semitic, so I pulled our Deputy Director
15 aside and said, look, can I talk to you outside about
16 asking him to leave?

17 Before I -- before she came outside he
18 followed me outside and tried to make his case, all of
19 his anti-Semitic case, everything that he said, and I
20 kind of just said, this isn't the place for it.

21 Lauren Day -- or she came outside, and a
22 number of things were said but one that was concerning
23 was when he got in my face and said, "Have you ever
24 served in the military?" Before I had a second to
25 answer he points right to my face and says, "No, you

1 'f'-ing didn't." And that's when I asked him to leave.
2 I said, if you're going to get like that, you can just
3 leave. And his finger got like an inch from my face.
4 Asked him to leave and then he proceeded to say, "I'm
5 taking you down, I'm taking you down, I'm taking all of
6 you down."

7 Q. Okay. And you said that Miss Lauren Day was
8 with you, right?

9 A. Yes.

10 Q. Okay. And she's the Deputy Director?

11 A. Yes.

12 Q. Okay. And this happened on August 3rd of
13 2024?

14 A. Yes.

15 Q. Okay. What did you do in response to this
16 incident, if anything?

17 A. I made a call to the Travis County Sheriff's
18 Department. They directed me to the Austin Police
19 Department to file a report. And I think I first filed
20 the report with Travis County and then I think it made
21 its way over to APD, I'm not sure what happened there,
22 but there was some jurisdiction issues because he had
23 already left the premises --

24 Q. Okay.

25 A. -- and I resided in the city of Austin and

1 didn't belong to Travis County anymore or something.

2 Q. Okay. So, just to be clear, did you believe
3 the altercation that you had with Mr. Wueschner, did
4 you believe that he threatened your personal physical
5 safety?

6 A. Yes.

7 Q. Do you believe that he threatened Miss Day's
8 personal physical safety?

9 A. Yes.

10 Q. Do you believe he threatened the personal
11 physical safety of others affiliated with the Travis
12 County Republican Party?

13 A. Yes.

14 Q. And so much so that you called the Sheriff's
15 office?

16 A. That's correct.

17 Q. Okay. What did the party do, if anything, in
18 response to this incident and in response to the
19 anti-Semitic remarks and things that you've observed
20 Mr. Wueschner say and do?

21 A. By unanimous vote, we expelled him.

22 Q. And do you know when that occurred?

23 A. I'm not sure.

24 Q. If I said it was August 20, 2024, does that
25 sound more or less accurate?

1 A. That sounds right, yeah.

2 Q. Okay. So, y'all held a meeting specifically
3 to expel him?

4 A. No, this would have been our monthly meeting
5 that we hold, but it was on -- it was on our
6 business -- it was on our list of business items.

7 Q. So, it was a run-of-the-mill meeting, just
8 one of the items to discuss at the meeting was his
9 expulsion?

10 A. Yes.

11 Q. Okay. And he was expelled by unanimous vote?

12 A. Yes.

13 Q. Based on what you have observed of
14 Mr. Wueschner, do you believe that he presents a
15 physical threat?

16 A. Can you repeat that? I'm sorry.

17 Q. Sure. Based on what you have -- strike that.
18 Based on what you have observed from
19 Mr. Wueschner, do you think he's a physical threat?

20 A. Yes.

21 Q. And based on what you have observed from
22 Mr. Wueschner, do you believe the Court should take
23 action to protect the Travis County Republican Party?

24 A. Yes.

25 MR. ROGERS: Okay, Your Honor, that's all

1 the questions I have for Mr. Bickers.

2 THE COURT: Okay. So, the way it works
3 now, Mr. Wueschner, is you get to ask questions of this
4 witness. You don't have to stand up, you're allowed to
5 sit, but you may if you're more comfortable, it's fine
6 with me. Your questions need to be -- they can be
7 whatever is relevant for today. You're not limited to
8 only the things that were already asked about, but they
9 do need to be relevant to what I'm trying to decide
10 today. All right? And you don't have to, it's your
11 choice.

12 Do you have some questions for this
13 witness?

14 MR. WUESCHNER: Yes, your honor.

15 THE COURT: All right.

16 CROSS-EXAMINATION

17 BY MR. WUESCHNER:

18 Q. Mr. Leland --

19 THE COURT: So, you can stand at the
20 podium or you can stand at the desk, but you may not
21 wander around.

22 MR. WUESCHNER: I'll stand right here.

23 THE COURT: Thank you.

24 BY MR. WUESCHNER:

25 Q. Related to this case, I believe that a lot of

1 these statements I have made personally hurt you.
2 Therefore, I want to ask certain questions about your
3 personality and your ideology.

4 Are you a homosexual?

5 A. No.

6 MR. ROGERS: Objection, Your Honor.
7 That's no relevance in this case.

8 THE COURT: Sustained. That's not
9 relevant.

10 MR. WUESCHNER: Your Honor, it is
11 relevant to -- about the next question about this whole
12 case.

13 THE COURT: You can ask another question.
14 I'm not changing my ruling on that first question.

15 BY MR. WUESCHNER:

16 Q. Did I mock you -- did I, when you're speaking
17 did I do this(indicating)?

18 A. At the hearing, yes, you did.

19 MR. WUESCHNER: Okay. So, Your Honor,
20 that's -- that was me mocking his sexuality
21 (indicating). That's why I asked that question if he's
22 a homosexual.

23 MR. ROGERS: Objection, Your Honor. He
24 needs to be asking questions, not arguing.

25 THE COURT: So, it's not your turn to

1 testify, you will be able to testify later if you would
2 like to. Right now you're just supposed to ask
3 questions.

4 BY MR. WUESCHNER:

5 Q. Are you a Zionist?

6 MR. ROGERS: Objection, Your Honor. That
7 has no relevance to this case.

8 THE COURT: It really doesn't. The issue
9 really in front of me is did you make threats and do
10 you need to be restrained from making them again.
11 That's really all that is at issue.

12 BY MR. WUESCHNER:

13 Q. Why do you constitute that as threatening
14 you? How did I threaten you?

15 A. You pointed in my face and said "I'm taking
16 you down."

17 Q. What makes you think me taking you down means
18 physically rather than diplomatically?

19 A. I've seen your Twitter and it's concerning.

20 Q. Have I ever -- so, based on what I write on
21 my social media, you believe that it is converted to --
22 you see it as a physical violence because I criticize
23 Israel?

24 A. I'm -- no. It has nothing to do with Israel.

25 Q. Have I criticized you personally?

1 A. I don't know.

2 Q. So, you don't know if I criticize you
3 personally, and you make an assumption that I'm a
4 physical threat to you based on what I write on my
5 social media?

6 A. I took everything you said to me and to
7 Lauren and the rest of the party as a threat.

8 MR. WUESCHNER: So, Your Honor, because
9 based on the question -- the question -- based on how
10 you want me to ask the question, that's all I have to
11 say about it. So, he says that I haven't made a
12 physical threat directly to him, he -- he's
13 interpreting what I said on my social media post as a
14 physical threat.

15 MR. ROGERS: Your Honor, he's arguing.
16 He needs to be asking questions or sitting down.

17 THE COURT: Right. I mean, I get all
18 that.

19 MR. WUESCHNER: That's all I have to say.

20 THE COURT: Then you just say pass the
21 witness.

22 MR. WUESCHNER: Pass the witness.

23 THE COURT: Anything else?

24 MR. ROGERS: Quick redirect.

25 ///

REDIRECT EXAMINATION

BY MR. ROGERS:

Q. Mr. Bickers, you may not know whether or not he's criticized you, but he's certainly threatened you, is that correct?

A. Yes.

Q. And it's not just things he said on Twitter that you base that on, it was how he was in that interaction that made you think he's a physical threat?

A. That's correct.

MR. ROGERS: All right. Thank you.

THE COURT: Then you get one more question, if you have any questions.

RECROSS-EXAMINATION

BY MR. WUESCHNER:

Q. Mr. Leland, how did I physically threaten you?

A. You pointed in my face, your demeanor, and you said "I'm taking you down." I can only be left to assume the worst.

MR. WUESCHNER: That's it, Your Honor.

THE COURT: All right. Thank you so much.

MR. ROGERS: Nothing further.

THE COURT: Mr. Bickers, thank you for

1 your time and testimony. I greatly appreciate it.

2 THE WITNESS: Thank you, Your Honor.

3 THE COURT: Next witness.

4 MR. ROGERS: Miss Lauren Day, Your Honor.

5 THE COURT: All right, Miss Day. Just
6 pause right there, raise your right hand.

7 *(Witness was sworn)*

8 THE COURT: Thank you. Come all the way
9 around to the chair, then.

10 LAUREN DAY,

11 Having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. ROGERS:

14 Q. Miss Day, you have some tissue right there in
15 case you need it. Are you good? Do you need water or
16 anything?

17 A. I'm okay.

18 THE COURT: Make sure you use the
19 microphone, please.

20 THE WITNESS: I'm okay, thank you.

21 BY MR. ROGERS:

22 Q. Are you prepared to go forward?

23 THE COURT: Let's, you know, I'm going to
24 change the rule and say everyone needs to be seated
25 during examinations today.

1 MR. ROGERS: That's cool.

2 THE COURT: Too much up and down.

3 MR. ROGERS: Okay. Fair enough.

4 THE COURT: It's all right.

5 BY MR. ROGERS:

6 Q. Miss Day?

7 A. Yes.

8 Q. How are you this morning?

9 A. I'm okay.

10 Q. Okay, good.

11 Can you tell the Court what your
12 affiliation with the Travis County Republican Party is?

13 A. I'm the Deputy Executive Director.

14 Q. Okay. And how long have you been involved
15 with the Travis County Republican Party?

16 A. Oh, since August of 2014. So, just past ten
17 years.

18 Q. Way to go.

19 Do you know the Defendant, Mr. Wueschner?

20 A. I am familiar with him.

21 Q. How are you familiar with him?

22 A. Um, I offered to shake his hand August 3rd
23 and he refused.

24 Q. Okay. Were you present at the Travis County
25 Republican Party stamping mailing event on August 3rd?

1 A. Yes. I organized it.

2 Q. Okay. Did you observe Mr. Wueschner at that
3 event?

4 A. Yes.

5 Q. Did he engage in any conduct that was
6 concerning to you?

7 A. From the very beginning when he walked
8 through the door.

9 Q. Can you describe what you observed that was
10 concerning.

11 A. Um, well, I was helping our host, Suzanne,
12 like get the food and help people like, you know, get
13 their papers and all of the things that we were doing,
14 and he walked in much later than everyone else and he
15 was very angry coming in. And then --

16 Q. I don't mean to cut you off, but angry about
17 what?

18 A. I don't know. Like he just came through the
19 door and everyone else is -- it's a Saturday morning,
20 they're here to have some food and stuff some envelopes
21 and have a good time. And he just seemed to be very
22 angry and just I immediately noticed that. And I
23 wasn't familiar with who he was, but I noticed that
24 from the beginning.

25 Q. Okay. Were you outside the event with

1 Mr. Bickers?

2 A. Yes.

3 Q. With Mr. -- I'm sorry, with Mr. Bickers and
4 Mr. Wueschner.

5 A. So, I sat down, there were no chairs, we had
6 a lot of people, I would say 30-something, and she had
7 set up different tables for people to handwrite and
8 stuff letters and stamps and, you know, return address
9 and all of that. So, we had like four to six people at
10 each table, there were quite a few tables.

11 But there -- I sat down in the living
12 room, she set up these little, you know, TV cart stand
13 things, and he was sitting there talking to a younger
14 guy who I also didn't know who was volunteering. And
15 they were definitely having a pretty heated exchange
16 but I had to keep getting up to help people, since I
17 was kind of hosting the event even though it wasn't my
18 home.

19 Q. Do you know what that heated exchange was
20 about?

21 A. A lot of different issues. Mostly concerning
22 history and other countries' geopolitical wars and
23 things of that nature.

24 Q. So, after you heard that -- overheard that
25 conversation --

1 A. For quite a while. As I was getting up and
2 down from my chair near them.

3 Q. What happened next?

4 A. Um, the guy that he was talking to was being
5 very patient and asking questions and trying to have a
6 good conversation, but they definitely -- it was
7 escalating and getting -- Mr. Esala was getting very
8 angry and raising his voice and it was kind of causing
9 concern for some of our other volunteers that were kind
10 of like, what's going on over there.

11 And Mr. Bickers, Leland, asked me, you
12 know, like, hey, can you come outside, I want to talk
13 to you. And I immediately knew what it was concerning,
14 since we've been working together and everyone nearby
15 kind of saw this. So, but again I was pulled away to
16 get more letters, so I had to do that. And then I went
17 outside with him.

18 And that's where it got -- I guess he
19 must have known we were going to ask him to leave, even
20 though we hadn't yet, and he was outside and I -- he
21 was obviously even more angry than he was when he
22 walked through the door. And I put out my hand, I'm
23 like, hey, I don't actually know you, let's meet each
24 other, like I'm Lauren Day, like, who are you? Let's
25 have a -- like we're both people, like we disagree, I

1 mean Republicans disagree all the time on different
2 issues, but we shouldn't have -- like you don't need to
3 get angry about this, we're just people volunteering
4 and helping out.

5 And he refused to take my hand and
6 continued to get angrier and angrier with his demeanor
7 and hands and arms and he asked Leland if he had ever
8 been in the military and Leland said no, and he said
9 well, I have, and I know, like, I know how to fight,
10 like, I know how -- like, it was very not just
11 condescending, but it was threatening.

12 And he got in Leland's face, I mean he
13 didn't punch him in the face but it was very close, and
14 he said, "I'm taking you down." And then he pointed
15 right at me and said, "I'm taking you down," who I
16 don't even, like he -- "And I'm taking you all down."
17 He pointed to like the whole house, meaning like the
18 precinct chairs, volunteers, everybody. So --

19 Q. Did you understand that incident to be a
20 physical threat?

21 A. Yes, absolutely it was.

22 Q. Do you believe that Mr. Wueschner represents
23 a physical threat?

24 A. Yes.

25 Q. Okay. Based on what you have observed from

1 Mr. Wueschner, do you believe the Court should take
2 action to protect the Travis County Republican Party
3 against him?

4 A. Absolutely. And -- and I -- yeah. I'm
5 definitely concerned for this individual --

6 MR. ROGERS: Okay. Pass the witness.

7 THE WITNESS: -- hurting others, yes.

8 THE COURT: All right. Mr. Wueschner,
9 same rules, but let's stay seated this time.

10 CROSS-EXAMINATION

11 BY MR. WUESCHNER:

12 Q. You mentioned that I was raising my voice
13 inside the house. Are you sure it was me raising my
14 voice or the person that I was having a theological
15 historical conversation with?

16 A. He was very calm. I was very surprised at
17 how calm he was being, because you made some
18 very -- you used some words and some things that
19 people -- you just said some statements that were
20 pretty out there.

21 Q. What are those statements? Give me an
22 example or two.

23 A. You were talking about how the Nazis, like
24 they -- like Jews never died, like that never happened.
25 And you told that individual that and he was like,

1 What? And he was calm and just asking questions and
2 trying to understand your perspective, which is great.

3 Q. You're very confident this individual -- this
4 Jewish individual was calm?

5 A. I don't know that he was Jewish. I don't
6 know that. Do you know that?

7 Q. I do know this, your -- where were you at the
8 time when I was having this conversation with this
9 individual? Were you in front of me? Did you engage
10 in the conversation? And who was around?

11 A. I was in the living room where you -- like in
12 the same room as you. It was a very open house, as I
13 remember.

14 Q. And you are very sure it was me that raised
15 my voice and not the individual that happened to be
16 Jewish.

17 A. Yes.

18 MR. WUESCHNER: That's it, Your Honor.

19 THE COURT: All right.

20 MR. ROGERS: Nothing further.

21 THE COURT: Okay. Miss Day, thank you
22 for your time and testimony. I appreciate it.

23 THE WITNESS: Thank you.

24 MR. ROGERS: Call Jerry Ward next.

25 THE COURT: Jerry Ward.

1 Thank you, Mr. Ward. If you'll just
2 pause to be sworn in.

3 *(Witness was sworn)*

4 THE COURT: Thank you so much. Come have
5 a seat.

6 JERRY WARD,

7 Having been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. ROGERS:

10 Q. Good morning, sir.

11 A. Good morning.

12 Q. Can you please state your name and spell it
13 for the record, please.

14 A. It's Gerald Ward, G-E-R-A-L-D, W-A-R-D. I go
15 by the nickname Jerry, everyone calls me Jerry, but I'm
16 Gerald.

17 Q. I'm going to call you Mr. Ward. Is that
18 okay?

19 A. That's fine.

20 Q. Okay, thank you.

21 Mr. Ward, what is your affiliation with
22 the Travis County Republican Party?

23 A. I'm the Precinct Chairman of Precinct 365.

24 Q. Okay. And how long have you been involved
25 with the party?

1 A. A little over two years.

2 Q. Okay. I understand that you're also
3 affiliated with the True Texas Project, is that right?

4 A. That's correct.

5 Q. What is your affiliation with that
6 organization?

7 A. I'm the director of the Hill Country
8 Satellite Chapter.

9 Q. Okay. Have you ever served in the military,
10 sir?

11 A. Twenty-eight years.

12 Q. In what capacity?

13 A. Well, several capacities. I was in Military
14 Command and I was in Space Command, I taught at the Air
15 Force Academy, and most recently, before I retired, I
16 was at the Pentagon, I worked in the National Military
17 Command Center under the Pentagon, specifically for
18 American Security Affairs. This is a division of
19 Northcom in which our whole purpose basically was to
20 identify foreign and domestic terrorists.

21 Q. Okay. So, you have a background in security,
22 right?

23 A. That's correct.

24 Q. And you have a background in assessing
25 threats?

1 A. That's correct.

2 Q. Okay. Do you know Mr. Wueschner?

3 A. Yes.

4 Q. How do you know Mr. Wueschner?

5 A. Well, I think we first met at a True Texas
6 Project meeting. He came and introduced himself, we
7 became engaged in conversation. At my first meeting I
8 didn't really have any major concerns but we really
9 didn't talk about his deep political beliefs. It was
10 more he was just there to observe our meeting, see what
11 it was about.

12 Q. Have you ever observed anything from
13 Mr. Wueschner that raises any red flags for you based
14 on your experience and history in security and/or
15 assessing threats?

16 A. I have serious concerns with him. In
17 conversation that we had at the Republican State
18 Convention in San Antonio, we talked for a length of
19 about ten minutes and my big concern, in my evaluation
20 in the things he had said to me, is that he was out to
21 change the world and specifically eradicate the Jews.
22 He was trying to convince me or recruit me into this
23 ideology. As I observed later and talked to other
24 people, he was doing the same thing in our True Texas
25 Project meeting as he had done in the Travis County

1 Republican Party meetings.

2 So, it's a recruitment effort which
3 bothers me greatly, because that's usually how a
4 domestic terrorist would act. Now, I'm not calling him
5 a terrorist specifically, I'm not saying that, I'm
6 saying he has -- he has shown unstable behavior that
7 has those -- it could breed into that later. It's
8 concerning. It's overly concerning.

9 He had said to our Director Julie
10 McCarty, who is the director of True Texas Project,
11 that he's coming after us, specifically, "I'm coming
12 after you." Now, with that, when I heard that, because
13 he had only attended the Hill Country Satellite
14 Chapter, I -- when he said those words, that meant to
15 me, because he had only attended our chapter, he was
16 coming after us.

17 Q. Did you take that as a physical threat?

18 A. I did.

19 Q. Okay. Did you take any precautions in
20 response to what you perceived as a physical threat?

21 A. After he made that statement, that he was
22 coming after us, our organization, we locked the doors
23 at each meeting, we posted a guard at -- we call the
24 guard or greeter, but it's basically an armed guard at
25 each door, specifically to make sure that he wasn't

1 coming into our meeting. Because I saw him as a
2 physical threat.

3 Q. So, to be clear, based on what you observed
4 in Mr. Wueschner specifically you increased security at
5 your meetings and you put an armed guard at the
6 entrance?

7 A. Yes.

8 Q. Am I understanding that correctly?

9 A. You are.

10 MR. ROGERS: Your Honor, may I approach
11 the witness?

12 THE COURT: You may.

13 MR. ROGERS: Thank you.

14 BY MR. ROGERS:

15 Q. Mr. Ward, I've just handed you what I've
16 marked -- what has been admitted as Exhibit 1. We're
17 going to go through some of these and talk about them.

18 If you open to the first page, you'll
19 notice in the bottom right corner it says TCRP 000001.
20 Do you see that?

21 A. Yes.

22 Q. That is what's called a Bates label. So,
23 when I refer -- I'm going to refer to it like I would a
24 page number. So, if I say page 36, you'll turn to page
25 TCRP 00036. Does that make sense?

1 A. Yes.

2 Q. Okay, cool.

3 If you would, let's start with page 4.

4 I'm going to read it to you, okay?

5 "So Israel will try to destroy the world
6 if they don't get their way? Israel 100 percent
7 doesn't have the right to exist then."

8 Page 5. "Hitler was the good guy."

9 Page 7. "All the Israel Zionists should
10 be very very very afraid right now. 2nd amendment is
11 coming for you and your Israel handlers in less than 2
12 months for treason if there is another assassination
13 attempt."

14 Let's just stop there for a second. What
15 are your thoughts on the first three that we've read?

16 A. Well, this is much like the rhetoric that he
17 was relaying to me in San Antonio. It's funny about
18 Esala, he uses broad terms, so some times it can't be
19 specifics. So, he uses -- refers to the 2nd Amendment,
20 which we all know is a right to bear arms. So, when he
21 uses the 2nd Amendment he is not saying he's coming for
22 us with a loaded gun, he's saying that he's referring
23 to the 2nd Amendment. But to me, my interpretation is
24 that he's coming at us with some type of armaments.

25 Q. So, do you take him at his word that he's

1 prepared to use lethal means?

2 A. He says he is a nonviolent person, he says
3 that he is a person that is calm and he would not
4 have -- incite violence. But at the same time, I view
5 him as a cocked gun; in other words, a gun that could
6 go off at any time. I view him as a person that's on
7 the brink, not a person that has actually carried out,
8 you know, his threats, but the threats alone are enough
9 to have major, major concerns. Not only to this
10 organization, but to the United States government.

11 Q. Let's turn to page 55. I'm going to read it
12 to you: "I heard someone say this once, quote, 'Only
13 good Jew is a dead Jew.' I thought they were crazy at
14 that time. At that," all caps "that," "time. In the
15 past."

16 How do you read that? What is your read
17 on that post?

18 A. Well, most concerning thing is the statement
19 "Only good Jew is a dead Jew."

20 Q. Do you believe, based on this post, that he
21 now believes the only good Jew is a dead Jew?

22 A. Well, I think he wants to eradicate that
23 particular religion, if you want to -- I think -- I
24 don't know what his background is that's led him to
25 believe that.

1 Q. Well, just take it at face value.

2 A. At face value, I believe he would like every
3 Jew to be dead in the world.

4 Q. Okay. Number 60. Sorry, let's go to 59, my
5 bad. I'm going to read it again. "My 2nd court date
6 is October 28th. TCRP vs. Esala Wueschner. TCRP lied
7 under oath and it's on the record. Hope to see you at
8 my hearing so you know that TCRP have been lying to you
9 and others," smily face. "My case can stop WW3 and
10 save Trump's life."

11 Does that sound like someone who is
12 stable to you?

13 A. No. I said from the very beginning after I
14 got to know Esala that he is an unstable person that
15 should be monitored constantly.

16 Q. Are you aware of any reason why the beginning
17 of World War III would depend on what happens in court
18 here today?

19 A. No. I find that rather ridiculous. A
20 ridiculous statement that he feels like he can save the
21 world or former President Trump's life, but that just
22 shows you the mental stability of this individual.

23 Q. Go to 63, if you would. Actually, let's go
24 to 60 first.

25 A. Say again, please?

1 Q. 60. Quote: "Where is Hitler when you need
2 him?"

3 And then turn to 63 real quick. Quote:
4 "I learned that most Jews in Manhattan, NYC, hates
5 Netanyahu and Trump. They also don't believe in the
6 Old Testament or the Kabbalah, but they follow the
7 Gemara (Talmud). There is no hope for Jewish people
8 anymore. I seem to come to the same conclusion as
9 Hitler."

10 How do you understand pages 60 and 63
11 with respect to his statements on Hitler?

12 A. Very concerning.

13 Q. Who was Adolf Hitler, sir?

14 A. Who was Adolf Hitler? He was a person that
15 also tried to eradicate the Jewish nation. He's a
16 person that tried to take over the world.

17 Q. So, when Mr. Wueschner says, "I come to the
18 same conclusion as Hitler," do you take him at his word
19 on face value?

20 A. On face value I feel like he feels like he
21 could be the next Hitler in his mind. Of course that's
22 ridiculous, but.

23 Q. Okay. Can you turn to page 67, which is the
24 last binded page. Quote: "American citizens need
25 better weapons to fight government tyranny based on the

1 2nd amendment. Something that can take down drones,
2 A.I. and, robots. M-16's and AR-15s aren't enough.
3 Time for an upgrade."

4 Tell me, at face value what do you take
5 from that?

6 A. So, this going along with my concern that his
7 ideology is bigger, higher level, and my concerns for
8 the government, not just one TCRP or True Texas
9 Project. This type of rhetoric, this type of speak,
10 this type of hate, if I was in my present position
11 right now he would be on an identified list, an
12 identified list that we use for the no-fly list and
13 other listings in the government to monitor people that
14 have these type of thoughts and viewpoints. It's very,
15 very concerning to me.

16 Q. So, is it fair to say that you believe
17 Mr. Wueschner is a physical threat?

18 A. Absolutely.

19 Q. Based on what you observed from
20 Mr. Wueschner, do you believe the Court should take
21 action to protect the Travis County Republican Party
22 against him?

23 A. I think the Court should maintain the
24 restraining order, the restriction that we have to
25 protect the Travis County Republican Party and the True

1 Texas Project and any other organization that's
2 affiliated politically with the Republican Party, yes.

3 THE COURT: Thank you sir.

4 I pass the witness, Your Honor.

5 THE COURT: All right, Mr. Wueschner.

6 CROSS-EXAMINATION

7 BY MR. WUESCHNER:

8 Q. Mr. Ward?

9 A. Yes.

10 Q. You worked at the Pentagon, is that correct?

11 A. I did.

12 Q. Okay. Now, in this exhibition that was
13 provided on page 63, the statement I have here is from
14 the 19th of this month, October 19th. It says,
15 restate, "I learned that most Jews in Manhattan, New
16 York City, hates Netanyahu and Trump," and, "They also
17 don't believe in the Old Testament or the Kabbalah.
18 But they followed the Gemara, the Talmud. There's no
19 hope for Jewish people anymore. I seem to have come to
20 the same conclusion as Hitler."

21 So, just to be clear, this is on
22 October 19th. Now, what, do you notice the picture
23 right below, right below the background of that picture
24 on page 63?

25 A. I -- Your Honor, I don't understand the

1 question.

2 THE COURT: He's asking you what the
3 picture shows.

4 THE WITNESS: I see in the picture a
5 building, I see a car, it looks like a lot of lights
6 inside the building with the glass structure. I see
7 above it it says Trump International Hotel and One
8 Central Park West must be the address.

9 BY MR. WUESCHNER:

10 Q. Perfect.

11 The next one, on page 63 --

12 THE COURT: 63 is the page we were
13 already on.

14 MR. WUESCHNER: I'm sorry, 67.

15 THE COURT: 67?

16 MR. WUESCHNER: Yes.

17 BY MR. WUESCHNER:

18 Q. My profile picture. What -- do you notice
19 the difference between my profile picture from the
20 first -- from page 63 and 67, do you notice the
21 difference between my profile picture?

22 A. Yes.

23 Q. What does -- what's the difference between
24 the profile picture on page 63 and 67?

25 A. The one before, on 63, is more of a close-up

1 picture with you smiling. The one on 67 is a picture
2 that has the American flag, it has a smaller picture of
3 you, and I can discern the number 45 above your head.

4 Q. Okay. Now, with that being said, on page 63
5 I have said that most Jews in Manhattan. If you are
6 not aware, I was in Trump's hotel, Trump Tower, and to
7 prove that you said in the picture that I have the
8 picture 45. That was inside the Trump Tower.

9 So, do you believe that I am a physical
10 threat to you and do you believe that me trying to
11 prevent World War III, trace President's Trump life,
12 being inside the Trump Tower --

13 MR. ROGERS: I'm going to object. He's
14 stating things that he has not established --

15 THE COURT: I'm going allow a little --

16 MR. ROGERS: I -- okay.

17 THE COURT: So, the objection is
18 overruled.

19 You can finish your question.

20 BY MR. WUESCHNER:

21 Q. Do you believe that I am a threat to the
22 Jewish community if I am in Manhattan, trying to learn
23 history inside the Trump Tower based on your analysis,
24 do you believe that I'm a physical threat and I
25 actually did want to harm when, in fact, I'm there in

1 the Trump Tower trying to help to save the world with
2 President Trump?

3 A. First of all, what you stated is conjecture.
4 I have no idea why you were in the Trump Tower. I
5 cannot testify why you were there. You state an
6 opinion on why you were there. That's the first point.

7 Second point is, do I see you as a threat
8 against everything you just said? Absolutely. I see
9 you as a higher threat. I see you as a higher threat
10 than just the Travis County Republican Party. We need
11 to have eyes on you all the time.

12 Q. You mentioned that I came to the meeting --
13 the first meeting that I came with the True Texas
14 Project, around what timeframe is that?

15 A. It was beginning of the summer, maybe even
16 earlier than that. I'm not good with time frames.

17 Q. A month would be good.

18 A. I don't know. I can't answer that question.
19 I can go back and find that question for you.

20 Q. Would it be fair to say that it's before the
21 state convention or after?

22 A. It was before.

23 Q. It was before the state convention.

24 And you said that you found my rhetoric
25 at the first meeting negative or positive?

1 A. How about neutral. I didn't really know you.
2 I got to meet you, I shook your hand, we had a brief
3 conversation. I knew nothing about you. It wasn't
4 until at the convention I got to know you, and that's
5 what scared me.

6 Q. Okay. And after the convention, did I come
7 to a second meeting at your organization at the True
8 Texas Project?

9 A. I cannot remember that.

10 Q. So, you do not remember I was welcomed to a
11 second meeting at the True Texas Project under
12 your -- under your colleague's watch?

13 A. So, I have to admit to you that my memory,
14 with the amount of people and my political involvement,
15 the number of people that I meet on a daily basis, a
16 weekly basis, a monthly basis, you are one of those
17 people. I have met you, I have concerns about you. I
18 cannot say which meetings you were at, what month you
19 were at. I cannot give you any definitive.

20 If I had known that you were going to
21 asking me those questions, I could have provided you
22 those answers. But I can not provide you the specifics
23 on the -- what meetings you were at.

24 Q. So, you're saying that you do not have clear
25 memory of how many meetings I have been there and the

1 timeframe?

2 A. Again, if I had had opportunity to prepare
3 for that I could have looked that record up and told
4 you which exact meetings you were at. My guess is
5 you've been at two meetings. That's a guess. I cannot
6 definitively say you've been at one, two, or three, but
7 I know it's been less than three, or three or less.

8 Q. Now, would you say that second meeting, based
9 on your memory, was it after the state convention or
10 before state convention?

11 A. I do not know.

12 MR. WUESCHNER: Do not know.

13 That's it, Your Honor.

14 MR. WUESCHNER: All right. Anything
15 else?

16 MR. ROGERS: No. No, Your Honor.

17 THE COURT: Okay, thank you so much,
18 Mr. Ward, I appreciate your time and testimony.

19 THE WITNESS: Thank you, Your Honor,
20 appreciate it.

21 THE COURT: Let's take our morning break.
22 So, we are going to break for 20 minutes. We will come
23 back at 10:40.

24 MR. ROGERS: Sounds good. Thank you.

25 *(Brief recess.)*

1 THE COURT: Mr. Rogers, do you have
2 another witness for me?

3 MR. ROGERS: I do, Your Honor. We call
4 Dustin Tropp.

5 THE COURT: All right. All right, pause
6 right there and raise your right hand.

7 *(Witness was sworn)*

8 THE COURT: Thank you so much, come on
9 up.

10 DUSTIN TROPP,
11 Having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. ROGERS:

14 Q. Good morning, sir.

15 A. Good morning.

16 Q. If you would please speak into the microphone
17 so we can all hear you clearly.

18 A. I'm sorry, I was getting water.

19 Q. Can you please state your name and spell it
20 for the record.

21 A. Dustin Tropp. D-U-S-T-I-N, T-R-O-P-P.

22 Q. Mr. Tropp, what is your affiliation with the
23 Travis County Republican Party?

24 A. I am the Chairman Emeritus of the Austin
25 Young Republicans, which I started; and I'm a volunteer

1 and former --

2 Q. Okay. How long have you been involved with
3 or affiliated with the Travis County Republican Party?

4 A. About seven years.

5 Q. And do you know Mr. Wueschner?

6 A. I do.

7 Q. How do you know Mr. Wueschner?

8 A. He is a former Austin Republican. He was
9 unanimously removed. And he's a former precinct chair
10 who was unanimously removed.

11 Q. Have you personally observed Mr. Wueschner
12 act or behave in a manner concerning to you?

13 A. Multiple times.

14 Q. Would you please describe what you have
15 observed to the Court.

16 A. Aggressiveness, the -- when I first met him
17 he seemed a little bit off, not enough to remove. When
18 he first joined the club he seemed a little bit out
19 there, but you know, we have hundreds of members,
20 there's always a crazy, usually they just go away
21 because no one wants to be around them, they realize
22 that very quickly. But unfortunately he kept coming
23 back and each time he just kind of became more and more
24 out there. And so eventually came to a point after
25 multiple instances where we had to have him removed.

1 Q. So, you mentioned aggressive. Did I hear you
2 right?

3 A. Yes.

4 Q. Has ever behaved in a way that created a
5 concern for you for anyone's physical safety?

6 A. Concern for me, concern for members, and
7 concern for the police.

8 Q. For physical safety.

9 A. Physical safety.

10 Q. And you mentioned the police. Can you tell
11 me about that?

12 A. Yeah, I actually went to call the police and
13 file a complaint to find out that not only were they
14 concerned, they were already monitoring him because he
15 fit the profile of someone who would potentially hurt
16 someone, cause harm to the JCC, cause harm to Jewish
17 members of the community. He, just based on his
18 Twitter and some other posts, was already there. And
19 then also City Council had a securities report on him,
20 as well.

21 Q. So, you went to the police and the police
22 were already aware of him?

23 A. Yes.

24 Q. Have you --

25 Well, Your Honor, may I approach the

1 witness?

2 THE COURT: You may.

3 BY MR. ROGERS:

4 Q. Mr. Tropp, I've handed you what has been
5 admitted as Exhibit 1.

6 A. Yep.

7 Q. We're going to go through -- well, first,
8 before we get there, how many times, how many occasions
9 did you observe Mr. Wueschner act in a way that you
10 believe created a concern for physical safety?

11 A. Once at a debate watch party, we had some
12 interactions by text, and then we had one event where I
13 found out -- where I knew he was acting weird, not
14 enough to remove him but I was definitely concerned.
15 But I found out after the fact from members that he was
16 saying crazy stuff. And so, things were brought to my
17 attention after an event, so.

18 Q. If you'll turn with me --

19 A. At least once in person, at least once in
20 person that I've had a direct interaction with. The
21 second time I had to witness it.

22 Q. Got it, got it.

23 If you'll turn with me, again I will be
24 referring to the page number which is the Bates label
25 in the bottom right corner of the page. Starting on

1 page 1.

2 And real quick. You, yourself, are
3 Jewish, are you not?

4 A. I am.

5 Q. Okay. Page 1, this appears to be a quote
6 from the chess player Bobby fischer, quote: "My basic
7 thesis is that the Jews are criminal people and the
8 Jews completely control the United States and the Jews
9 are using the United States as a vehicle to take over
10 the world."

11 Someone who posts that, taking it at face
12 value, that's something that you would think that
13 person believes?

14 A. Yes.

15 Q. Okay. Page 2. Quote: "Moses seemed to free
16 the prisoners who were punished to be slave due to
17 their evil nature. So Jews are Satan's chosen people
18 who want to bring destruction to humanity."

19 Mr. Tropp, can you take Mr. Wueschner at
20 his word that he believes that Jews are Satan's chosen
21 people who want to bring destruction to humanity?

22 A. I've never heard him say anything that he
23 didn't say confidently or believe confidently.

24 Q. Page 3, quote: "And this is where America is
25 today. This is why Romans and many nations kicked out

1 Jews from their land" --

2 THE COURT: Can you just -- you kind of
3 speed up a little bit when you --

4 MR. ROGERS: Okay, "History is repeating
5 itself" --

6 THE COURT: Oh, no. I meant you speed up
7 and that makes it harder for people to hear.

8 MR. ROGERS: I'm sorry, I thought --

9 THE COURT: Not speed up.

10 MR. ROGERS: I thought you were asking me
11 to speed up.

12 THE COURT: No. The opposite. I'm
13 sorry.

14 MR. ROGERS: My apologies.

15 THE COURT: It's my fault. Sorry about
16 that.

17 BY MR. ROGERS:

18 Q. Page 3, let's try this again.

19 "And this is where America is today.

20 This is why Romans and many nations kicked out Jews
21 from their land. History is repeating itself. This is
22 why Trump was forced to pick JD Vance as VP. They will
23 try to assassinate Trump and Israel will have full
24 control of America."

25 When Mr. Wueschner said they will try to

1 assassinate Trump, who do you believe he means by
2 "they"?

3 A. Jews.

4 Q. Okay. And do you take him at his word that
5 this is what he believed, that Jews will try to
6 assassinate Trump and have full control?

7 A. He's made that abundantly clear.

8 Q. Page 4, quote: "So Israel will try to
9 destroy the world if they don't get their way? Israel
10 100% doesn't have the right to exist then." Mr. Tropp,
11 did you take him at his word here that he believes
12 Israel does not have the right to exist?

13 A. He believes that.

14 Q. Okay. Page 5, quote: "Hitler was the good
15 guy." Do you take that at face value?

16 A. Yes.

17 Q. Page 6, quote: "Israel is about to take over
18 USA. Be ready to use your 2nd Amendment. Screw you,
19 Israel Republican RINO GOP!"

20 "A well regulated militia, being
21 necessary to the security of a free State, the right of
22 the people to keep and bear Arms, shall not be
23 infringed."

24 A. This one was actually crazy enough that I had
25 to call the police and put a report in. Because I had

1 other evidence given the day before this tweet.

2 Q. Page 7: "All the Israel Zionist should be
3 very very very afraid right now. 2nd Amendment is
4 coming for you and your Israel handlers in less than 2
5 months for treason if there is another assassination
6 attempt. All the Zionists NGO's organization leaders
7 have been warned."

8 A. Yes. This was another tweet, as well.

9 Q. Do you take him at his word that Israel
10 Zionists should be very, very, very afraid right now?

11 A. Yes.

12 Q. Do you take this to mean -- well, what do you
13 think he means by invoking the 2nd Amendment in this
14 post?

15 A. I think he wants to use a gun.

16 Q. Okay. How does that make you feel, as a
17 Jewish man?

18 A. Completely afraid.

19 Q. Okay. Page 11, I'm not going to make you say
20 this word, but it appears to me to be Bruce Willis from
21 a movie wearing a sign and it says "I hate" and the "N"
22 word that is used as a derogatory term towards African
23 Americans. Someone who would post that, do you take at
24 face value?

25 A. Yes.

1 Q. Okay. Page 18. Quote: "These Jews don't
2 care about Americans. They force you to take vaccines
3 that make you sick and ship you to blow yourself up for
4 Israeli wars they orchestrated and leave you to die
5 under the care of the Veterans Affairs. All while
6 calling themselves a Republican."

7 Would you agree, based on this tweet,
8 that Mr. Wueschner is conflating Jews and Republicans
9 here?

10 A. Jews, Republicans, Israel is all one unit in
11 his mind.

12 Q. Page 25.

13 Quote: "People need to realize that the
14 Zionist Deepstate just declared war on working class
15 Americans by shooting Donald Trump. Man with 80
16 million votes and the front runner. This is war! This
17 is serious! The revolution is about to start. But
18 there is a peaceful way to stop this."

19 Do you take this, when he says, "this is
20 war," do you take that at face value?

21 A. Yes.

22 Q. Tell me what you think about that.

23 A. This guy shouldn't be near a firearm.

24 Q. When he says that the Zionist Deepstate shot
25 Donald Trump, presumably he would believe that, would

1 you agree?

2 A. 100 percent believes that.

3 Q. Okay. When he said the revolution is about
4 to start, do you take that at face value?

5 A. Yes, including the other statements that he's
6 made to also assert that.

7 Q. Page 27. Quote, "All the problems that
8 American working class is facing today are because of
9 the Zionist Jews that say, quote, "I stand with
10 Israel."

11 Do you take this at face value that
12 Mr. Wueschner believes that problems existing in the
13 United States are the results of the working of Zionist
14 Jews?

15 A. Correct.

16 Q. Page 28, quote: "These organizations are
17 part of the Deepstate that are responsible for 9/11.
18 It's all run by gay Jewish homosexuals that want to
19 destroy America within."

20 Do you take it at face value that he
21 believes that the people responsible for 9/11 are run
22 by gay Jewish homosexuals?

23 A. Yes.

24 This is the kind of rhetoric that also
25 gets people assaulted, unfortunately, who believe

1 similar to him.

2 Q. Page 34.

3 THE COURT: Did you say 34 or 44?

4 MR. ROGERS: 34, Your Honor.

5 BY MR. ROGERS:

6 Q. Towards the middle of the page.

7 "It was the Zionists who killed JFK." Do
8 you take that at face value that Mr. Wueschner believes
9 that Zionists killed John F. Kennedy?

10 A. Yes. He's a complete conspiracy theorist.

11 Q. Okay. Page 36. There's two posts on this
12 one. In the towards the middle, quote: "This is a
13 terrorist organization. They worship Satan. Look at
14 the character of everyone they support." And he
15 appears to be commenting on a post by AIPAC which
16 states, "Being pro-Israel is good policy and good
17 politics."

18 Do you take this at face value that an
19 organization that is pro-Israel is a terrorist
20 organization?

21 A. He believes that. I also interned for summer
22 AIPAC, which is why I'm also a little bit more
23 concerned about him.

24 Q. And then the bottom tweet on the same page:
25 "Israel is about to take over America. Do not donate

1 to anyone who supports Israel. They are evil."

2 Again, do you take it at face value that
3 he believes that Israel is going to take over America?

4 A. He truly believes that.

5 Q. Okay. Page 38, and towards the middle of the
6 page, quote: "If Republicans really care about
7 America, they would listen to the majority of
8 Americans. Stop saying 'I stand with Israel.' Israel
9 doesn't care but they're using you. They hate
10 humanity. That's why they killed Jesus."

11 Do you take it at face value he
12 believes -- Mr. Wueschner believes that Israel hates
13 humanity?

14 A. He believes that, yes.

15 Q. Let's just stop here for a second. Is it
16 fair to say that Mr. Wueschner views Israel and the
17 Zionist Jews and Jews as an existential threat?

18 A. He does.

19 Q. Okay.

20 A. He thinks he's going to stop a world war.

21 Q. Page 41.

22 Actually, okay, yeah, top of the page.
23 Quote: "So many Christians have given their life to
24 America's freedom based on a lie. And now the veterans
25 are being abandoned and homeless. These Zionist Jews

1 are pure evil satanist worshippers. This is why there
2 are a lot of homosexuals in the Republican Party
3 calling themselves," and then there's a cross emoji.

4 Do you take it at face value that he
5 believes Zionist Jews are pure evil and satanist
6 worshippers?

7 A. Yes.

8 Q. Do you take at face value that, at least in
9 his mind, the reason why there are a lot of homosexuals
10 in the Republican Party is because Zionist Jews are
11 pure evil and satanist worshippers?

12 A. He does believe that nonsense.

13 Q. Page 42, at the bottom of the page it appears
14 to be a picture of the Twin Towers after a hit during
15 9/11, and then in the middle picture it says "Never
16 forget. Israel did 9/11." Now, someone who would post
17 that, is it fair to assume that that's what they
18 believe?

19 A. Yes.

20 Q. Page 50. And we're going to start at the
21 bottom of -- so, I'm going to represent to you that
22 this is an email exchange that I had with
23 Mr. Wueschner. At the bottom of the page this is my
24 email written to Mr. Wueschner on Saturday,
25 September 28th of this year.

1 "Mr. Wueschner, thank you for your email.

2 "The folks at TCRP would like to know if
3 you would prefer to simply agree to a permanent
4 injunction in this cause and avoid a trial on
5 October 28th. All we need to do is take the current
6 temporary injunction order with the exact same" --

7 THE COURT: Slow down, please.

8 MR. ROGERS: Sure, sorry.

9 "All we would need to do is take the
10 current temporary injunction order with the exact same
11 and verbatim restrictions and present it to the court
12 as a proposed permanent injunction. This would save
13 everyone the time and/or expense of a trial. If you
14 will agree with this, then we will agree to waive any
15 right to recover money damages and/or attorney fees
16 from you in this case.

17 "This agreement would allow the TCRP and
18 you to go your separate ways without the need for a
19 trial. Please let me know if this is of interest to
20 you or if you simply prefer to have a trial.

21 "Thanks, Drew Rogers."

22 He responded it appears to be later that
23 day, on September 28, 2024:

24 "No, I want back in the TCRP as a
25 precinct chair due to lies that TCRP has made against

1 me.

2 "I want a TCRP Executive Committee
3 meeting to explain to all the precinct chairs and
4 Austin Young Republican club members that your party
5 leaders are liars.

6 "I want Matt M. kicked out of the TCRP as
7 the chair," and "I want Dustin T. to be kicked out of
8 the Austin Young Republicans for being a lying Jew.

9 "I will see everyone at court on the 28th
10 of October of 2024.

11 "Best, Esala Wueschner."

12 Now, Dustin T., do you understand that to
13 be you, Dustin Tropp?

14 A. Correct.

15 Q. And he called you a lying Jew, did he not?

16 A. He did.

17 Q. That's a slur, is it not?

18 A. It is.

19 Q. Okay. Do you take that to mean that
20 Mr. Wueschner is somehow prejudiced against you because
21 of your faith as a Jew?

22 A. I do.

23 Q. Page 55. Quote: "I heard someone say this
24 once, "only good Jew is a dead Jew. I thought they
25 were crazy at the time. At that time. In the past."

1 Tell me what you think about this tweet.

2 A. I think he wants to kill Jews.

3 Q. Seems pretty clear, doesn't it?

4 A. 100 percent clear.

5 Q. Okay. And you take him at face value and
6 take him at his word at face value?

7 A. Absolutely do.

8 Q. Page 56. At the bottom of the page, quote:
9 "Israel Zionists are terrorists."

10 Again take him at face value?

11 A. I do, especially given the context that he
12 can't even interpret the difference between a Zionist,
13 a Jew, and Israelis.

14 Q. Page 58. Quote, "Zionist Jews are about to
15 take over."

16 This seems pretty consistent with his
17 prior tweets, does it not?

18 A. I think he thinks that Jews are going start
19 World War III.

20 Q. I would agree that that's what he thinks.

21 Page 60. Quote: "Where is Hitler when
22 you need him?" Tell me what you think about this one.

23 A. I guy who killed six million Jews? Pretty
24 rough.

25 Q. I would agree with you.

1 A. I think he -- his tweets, especially this
2 one, are implying that he wants to kill Jews and he's
3 proud that Hitler did so.

4 Q. And again, as a Jew, how does that make you
5 feel?

6 A. Afraid and worried.

7 Q. For your physical safety?

8 A. Physical safety, because the man is deranged.

9 Q. Page 63. Quote: "I learned that most Jews
10 in Manhattan, NYC, hates Netanyahu and Trump. They
11 also don't believe in the Old Testament or the
12 Kabbalah. But they follow the Gemara (Talmud). There
13 is no hope for Jewish people anymore. I seem to come
14 to the same conclusion as Hitler."

15 Seems pretty consistent with the prior
16 one we looked at, doesn't it?

17 A. Also seems to not be based in any sort of
18 reality.

19 Q. When he says "I seem to come to the same
20 conclusion as Hitler," what conclusion do you think he
21 means?

22 A. I think he wants to eradicate Jews like
23 Hitler did.

24 Q. Page 66.

25 A. Which page?

1 Q. 66.

2 Q. Quote: "Israel is the biggest threat to the
3 world and doesn't have the right to exist."

4 Seems pretty consistent with his prior
5 tweets, doesn't it?

6 A. Yes. Especially given the context that he
7 conflates Jews, Israel, Zionists all as one unit.

8 Q. Seems pretty extreme, wouldn't you agree?

9 A. Completely extreme.

10 Q. When he says "Israel is the biggest threat to
11 the world," do you take it at face value that he does
12 believe that?

13 A. He does believe that.

14 Q. Okay. Based on your observations of
15 Mr. Wueschner and what we have reviewed in Exhibit 1,
16 do you believe that Mr. Wueschner presents a threat of
17 physical violence?

18 A. 100 percent.

19 Q. And based on what you have observed from
20 Mr. Wueschner, do you believe that the Court should
21 take some action to protect the Travis County
22 Republican Party from Mr. Wueschner?

23 A. I think if they do not put a restraining
24 order on this guy, something is going to happen. It's
25 a matter of time.

1 MR. ROGERS: Your Honor, I pass the
2 witness.

3 THE COURT: All right, thank you.

4 Mr. Wueschner, do you have any questions
5 for this witness?

6 MR. WUESCHNER: Yes, Your Honor.

7 I have some papers regarding this, what
8 was on the record from the last court case. Am I
9 allowed to ask about at that right now?

10 THE COURT: Probably. It's hard for me
11 to know until you start exactly what you're going to
12 do.

13 MR. ROGERS: I will say that
14 Mr. Wueschner has not produced any documents to us. He
15 has not --

16 THE COURT: Did you request discovery?

17 MR. ROGERS: Well, it's in the
18 disclosure, pretrial disclosures and just the
19 disclosure rules. And he didn't present something at
20 the trial, he can't produce it.

21 THE COURT: Well, if it was in the last
22 hearing, it's already in.

23 MR. ROGERS: These documents were not.

24 THE COURT: Well, I don't know if they
25 were, I haven't seen them. So, let's just see where we

1 go.

2 MR. ROGERS: Okay.

3 MR. WUESCHNER: May I ask a question
4 before I present the documents?

5 THE COURT: May you do what?

6 MR. WUESCHNER: May I ask a question
7 before I present the documents?

8 THE COURT: Yes.

9 CROSS-EXAMINATION

10 BY MR. WUESCHNER:

11 Q. In the last hearing you mentioned that I was
12 trying to start a protest at the Austin marathon. Can
13 you explain to me what you meant by that.

14 A. Yes. You wanted to, this is a while back,
15 you wanted to go into a well-known liberal area and
16 have the Young Republicans protest and carry a bunch of
17 Trump signs, knowing that would probably cause a riot.
18 And I was concerned. This is not something that we do.
19 If you want to go on your own accord, that's your own
20 business. But I think that's pretty -- pretty
21 reckless, to go in knowing that you're going into a
22 crowd to fight with people, especially given the
23 context of how you acted the months prior. It was
24 concerning.

25 Q. And for your knowledge, for your belief, you

1 believe I was trying to start a protest at the
2 marathon?

3 A. I do.

4 MR. WUESCHNER: Okay. Your Honor, may I
5 present my evidence?

6 THE COURT: So, sure. I don't know what
7 it is. Do you have a copy for Mr. Rogers?

8 MR. WUESCHNER: Yes, I have copies.

9 THE COURT: Okay. So, you give one to
10 Mr. Rogers or you show it to him if you don't have
11 enough, and then you give one to me and we'll label
12 this R-1, since it isn't labeled. And you give one to
13 the witness.

14 BY MR. WUESCHNER:

15 Q. In this paper --

16 MR. ROGERS: I'm sorry, is this admitted
17 into evidence?

18 THE COURT: No.

19 THE WITNESS: Also, this isn't --

20 THE COURT: So, right now you have
21 to -- you have to ask questions about this document to
22 the witness and move to have it admitted. I can't do
23 it for you or tell you how to do it.

24 BY MR. WUESCHNER:

25 Q. I present you four pages. What do you see on

1 the first page?

2 A. The first page you join a Slack channel.

3 Q. And the Slack channel, what is the Slack
4 channel?

5 A. So, I was not running the Slack channel at
6 the time. I'm still not actually running the Slack
7 channel, as I am no longer the current -- I think it's
8 the com person's in charge of it. Looks like Austin
9 Young Republicans, we have an unofficial Slack channel,
10 some members join.

11 Q. Page 2. I wrote a statement on there under
12 "General." What have I wrote on your Slack channel?

13 A. On the bottom, "I hope y'all can join me this
14 weekend for the Austin Marathon 5K run. We need to get
15 involved in the community more rather than getting
16 together for drinks and losing elections."

17 Q. Next page. This is from my Facebook
18 that's -- that I attached within the Slack channel.
19 What have I wrote on there?

20 A. You did write something I asked you to take
21 down, where you put our organization's name on it which
22 we did not agree to. You wrote, "We will be running in
23 the Austin Marathon 5K. We highly encourage everyone
24 to wear Trump accessories such as hat, flags --

25 THE COURT: Slow down.

1 THE WITNESS: Want me to reread it?

2 THE COURT: Whatever your answer is is
3 fine, but when you talk that fast my court reporter has
4 a hard time.

5 THE WITNESS: Sorry.

6 "We will be running in the Austin
7 Marathon 5K. We highly encourage everyone to wear
8 Trump accessories such as shirts, hats, flags, et
9 cetera.

10 "We the People, have endured far too much
11 for too long as the doors of corruption close in on us.
12 The 2024 election is a pivotal" --

13 THE COURT: So, slow. You have to slow
14 down. It's very common to read quickly, but she's
15 writing down everything we say.

16 THE WITNESS: "We the people, have
17 endured far too much for too long as the doors of
18 corruption close in on us. The 2024 election is a
19 pivotal turning point for the entire world.

20 "The goal is to encourage people to join
21 the Travis County GOP and the Austin Young Republicans
22 and re-elect Trump as a united front. As the election
23 approaches, we need help recruiting election workers
24 and individuals with voices to spread the message."

25 There's then two links to Travis GOP and

1 the Austin Young Republicans website.

2 BY MR. WUESCHNER:

3 Q. Next page, what do you see on it?

4 A. "Do you run? Local Trump supporters wanted
5 for this show of support during the Austin Marathon."

6 Q. Above that, that I have circled, what does
7 that say?

8 A. That says the Travis County Republican Party.

9 Q. At the very bottom on the bottom what does it
10 say?

11 A. This is not -- "Note: Not an official TCRP
12 event."

13 Q. And from this page what is your conclusion,
14 what is the post that comment on there that says,
15 "Note: Not an official TCRP event," what is that
16 organization?

17 A. That is the Travis County Republican Party,
18 saying it's not a Travis County Republican Party event.

19 Q. Okay. So, earlier you mentioned that I was
20 trying to start a protest. Now, that is you didn't
21 like that rhetoric. Based on that, does this seem like
22 I was trying to cause violence and harm?

23 A. My concern of you causing violence and harm
24 didn't come from these posts.

25 Q. Why did you say I was trying to start a

1 protest?

2 A. Because you came to a Young Republican event
3 and got very aggressive. When people told you no, they
4 were not interested, you started slandering. There was
5 multiple times you pointed directly at me and started
6 slandering. There was multiple points where you
7 creeped people out where they left because you would
8 not take "no" for an answer.

9 Q. So, you are saying that I did -- you assume I
10 wanted to start a protest based on your assumption, not
11 based on what I actually have written in your Slack
12 channel and --

13 MR. ROGERS: Objection, Your Honor. He's
14 mischaracterizing the testimony. Mr. Tropp did not
15 assume anything. He testified what he testified to
16 based on his personal observations.

17 THE COURT: So, I'm going to let him ask
18 the question.

19 If he's -- if he says something in his
20 question that's not what you said, you can say that.

21 THE WITNESS: Yes.

22 THE COURT: Does that make sense?

23 THE WITNESS: Makes sense.

24 THE COURT: I'm going to let him ask his
25 questions.

1 Go ahead, Mr. Wueschner.

2 BY MR. WUESCHNER:

3 Q. Again, you believe that I was trying to start
4 a protest and this -- you believe I was trying to start
5 a protest. Is that correct?

6 A. I think you wanted to get in a fight with
7 people, and you wanted to go out and kind of be out
8 there because I think you, just given your past
9 interactions and past conversations with you
10 specifically about this, that you want to go out there
11 and start a fight. And I think that you, in your own
12 head, think that you're doing the right thing, but the
13 reality is, given the observations, you want to get in
14 a fight with whether it's Republicans, whether it's
15 Democrats, you just want to fight with somebody.

16 Q. On the first page of the same document,
17 February 3rd, what's the statement under that where it
18 says "Austin Young Republicans at 3:42 p.m.," what does
19 it say on there?

20 A. "Hi, Esala" --

21 MR. ROGERS: Objection, Your Honor.
22 Austin Young Republicans is not a party. This is
23 hearsay.

24 THE COURT: Yeah, so, that's sustained,
25 unless you can figure out who actually wrote it.

1 BY MR. WUESCHNER:

2 Q. Austin Young Republican Slack channel, what
3 is your -- this committee with the Slack channel, who
4 was in charge of the Slack channel and writing this
5 statement on Austin Young Republican nonprofit
6 organization, NGO?

7 A. We're not a nonprofit, or NGO. We're an
8 auxillary of the Travis County GOP. We've had various
9 members various times in the club run the Slack
10 channel.

11 Q. Okay. So, based on this, not based on what I
12 have written, but you assume that I'm a violent person
13 and I was trying to start a protest at the marathon
14 without reading my -- what's been shared on Travis
15 County Republican Party Facebook?

16 A. My understanding that you're a violent person
17 is based on previous interactions with you and how you
18 carried yourself regarding this event that you wanted
19 to do.

20 Q. And you believe that the event I was planning
21 to do to help recruit more people to Austin Young
22 Republican and Travis County Republican Party, you
23 considered this as a violent threat and a protest?

24 A. No. I think you're violent for a lot of
25 other reasons and I think you were trying to go out and

1 try to fight people. I think you want to incite people
2 and these -- kind of your mission in doing this, you
3 want to incite people.

4 Q. And what is your basis that I want to fight
5 people?

6 A. Previous interactions of you at Travis County
7 GOP events, Young Republican events, where you were
8 trying to promote this. And I tried to be diplomatic
9 about it, but you got aggressive when people told you
10 "no." People left the event because they were
11 concerned about you. You started slandering when you
12 didn't get your way. You put our name on your event
13 when I told you not to, and then you called me a bunch
14 of names. Text messages and calls you telling you we
15 were not going to participate.

16 You still -- like if you wanted to go out
17 and go cause issues, like that is your right, but I
18 don't have to affiliate with that.

19 Q. And you believe that the Travis County
20 Republican Party supports me to cause issues by sharing
21 my post on the Travis County Republican Party as shown
22 in page 4?

23 A. I think the person who posted this --

24 MR. ROGERS: Your Honor, objection. The
25 Travis County Republican Party -- I take this back,

1 he's correct, I'm sorry.

2 THE COURT: Okay.

3 THE WITNESS: I think the person who
4 posted that at the time was not aware of who you were
5 at the time and just saw another event being organized.

6 My concern about you is not with this
7 post. Right. It's the context of how you've acted the
8 entire way leading up to it. This post is not my
9 concern. I don't think you were on Facebook being
10 like, let's go riot, right. I don't think that at all
11 from this post.

12 I think that, based on how you acted and
13 how aggressive you were towards my members, how you
14 were aggressive towards me, how you won't take "no" for
15 an answer, I think the person who posted this did not
16 think so at the time that that was your intention.

17 BY MR. WUESCHNER:

18 Q. And you believe that because I don't like
19 "no" for answer I'm a threat?

20 A. The way you respond when people tell you
21 "no," absolutely think you're a threat.

22 Q. So you believe that if someone disagrees with
23 you is a threat?

24 MR. ROGERS: Objection. That's
25 mischaracterizing his testimony.

1 THE COURT: Well, I'm going to let him
2 answer the question.

3 THE WITNESS: Can you re-ask the
4 question?

5 BY MR. WUESCHNER:

6 Q. You believe that because I say "no" to your
7 values that I am a threat to the Republican party?

8 A. That's not why I think you're a threat, no.
9 People can disagree civilly.

10 Q. So, your disagreements is basis for you to
11 call the police on me and report me?

12 A. The reason I called the police was it came to
13 my attention -- first off, do you want me to go back
14 through the timeline of why I called the police, would
15 that be --

16 THE COURT: The question was your
17 disagreement is the basis for you to call the police
18 and report me.

19 THE WITNESS: Absolutely not. For
20 disagreeing why would I call the police.

21 BY MR. WUESCHNER:

22 Q. Why, did you call the police and report me?

23 A. Because you had started getting aggressive,
24 you had started posting crazy stuff online after it
25 came to my attention that you were starting to recruit

1 people at the Young Republicans and ask them to help
2 fight the Jews.

3 Q. Where did I say to fight the Jews?

4 A. You said it at -- we have -- I have to get
5 the exact date, I was not asked to bring that in, but
6 there was an event about a year ago at Tech Caucus, I
7 could go on and pull it up. You were there trying to
8 recruit for this and later on it started from you
9 trying to do the marathon stuff, which was already
10 aggressive, and it came to my attention a few weeks
11 later -- actually the reason it got brought up we saw
12 your Twitter and someone told me, yeah, that is the
13 crazy guy who tried to get me to fight Jews.

14 So, your post and everything else added
15 to the previous interactions I realized were getting
16 worse, and so I realized if I didn't say something and
17 you did something worse that people could be at a
18 threat. So, I called the police just to give them a
19 timeline, the evidence and everything else should you
20 escalate. Which I'm glad I did, because you further
21 escalated.

22 Q. So, you called the police based on my social
23 media post?

24 A. I called the police because the combination
25 of your previous interactions and then the social media

1 posts and then statements from other people based on
2 your interactions, yes, I did call the police.

3 Q. Of those members, would you say that there
4 are members that actually supported me?

5 A. I can't think of a single member in our club
6 who supports you.

7 Q. If that's true, why was my Facebook post
8 re-tweeted, as well as why is on the first page of the
9 document that I produce it says "Austin Young
10 Republican," time stamped 3:42 p.m.: "Esala, please
11 share your events in the general channel. The events
12 channel is for AYR, Austin Young Republican, sanctioned
13 events and the upcoming monthly meetings. Thank you"?

14 MR. ROGERS: Objection, Your Honor. He's
15 asking the witness to speculate as to why someone made
16 a post. Unless he, himself, made it himself, he can
17 only speculate.

18 THE COURT: Sustained.

19 BY MR. WUESCHNER:

20 Q. Are you not the leader of the -- one of the
21 leaders of the Austin Young Republicans during
22 February 3rd?

23 A. I am a board member. I'm a chairman
24 emeritus.

25 Q. So, you are a board member and chairman of

1 Austin Young Republicans?

2 A. Yes.

3 Q. So, you are aware of the Slack channel?

4 A. I'm aware of the Slack channel.

5 Q. Then you are aware I was accepted to join the
6 Slack channel and I was directed to post my statement
7 in the general chat in the Slack channel that you are
8 part of.

9 A. I saw you post in the Slack channel. Any
10 member at the time, of which you were a member at the
11 time, can post in the Slack channel, sure.

12 Q. Okay. And then you believe that what I wrote
13 here is a violence?

14 A. Not what you wrote here, no.

15 Q. Therefore, what basis do you have that I'm
16 violent and I was trying to cause a protest at the
17 marathon?

18 MR. ROGERS: Objection. Asked and
19 answered.

20 THE COURT: Sustained.

21 BY MR. WUESCHNER:

22 Q. Next thing is page 36 of the black folder,
23 the post on June 26th. I stated this is a terrorist
24 organization, they worship Satan, look at the
25 characters of everyone they support. In there, I have

1 AIPAC on there. AIPAC says "Being pro-Israel is good
2 policy and good politics."

3 You mentioned that you are affiliated
4 with AIPAC earlier, is that correct?

5 A. I interned for AIPAC after college for about
6 a month.

7 Q. So, you were an internship for AIPAC?

8 A. Correct.

9 Q. What is AIPAC?

10 A. AIPAC is a pro-Israel organization.

11 Q. So, you intern for pro-Israel organization,
12 and I criticize the pro-Israel organization that you
13 intern at, and you assume that is violence, a threat to
14 your organization that works for Israel?

15 A. I didn't even see that tweet. That wasn't my
16 concern. A lot of people criticize AIPAC.

17 Q. But you said that you do -- you were intern
18 for AIPAC?

19 A. For a summer, yes.

20 Q. Okay. Next I want to go to the email on
21 page 50. The statement I mention on there that I want
22 to be back in the Republican Party. So, when I was
23 removed from the Travis County Republican Party did I
24 have a chance to defend myself?

25 A. You could defend yourself if you wanted,

1 that's your choice. That's all speculation, though,
2 I'm not --

3 Q. So, if that was the case why was I not
4 invited or was aware that they were kicking me out and
5 taking a vote unanimously without having chance to
6 defend myself among the peers that you shown what I
7 wrote on my social media out of context?

8 MR. ROGERS: Objection. Relevance.

9 THE COURT: I'm going to -- I don't
10 really think it's irrelevant, but this email is in
11 evidence and was discussed. So, you need to really tie
12 things to what I'm here to decide today, if you can.
13 And if you go too far astray, it just wastes time, it
14 doesn't help me make my decision. So, whether you have
15 some kind of cause of action for being kicked out of
16 the Republican party I don't know, that's not really at
17 issue today. Is that what you're trying to get him to
18 talk about?

19 MR. WUESCHNER: I'm trying to get him to
20 answer where I have done anything physically to make --

21 THE COURT: Okay. So, ask that, ask the
22 question you're really wanting the answer to.

23 BY MR. WUESCHNER:

24 Q. You mention that I'm a physical threat. What
25 do you have where I'm a physical threat to the Jewish

1 people or the Republican Party? What evidence do you
2 have that I'm a physical threat?

3 A. Can I give the personal time that he was a
4 physical threat? We were at a debate watch party, this
5 is kind of where my first suspicion of him came, and
6 really looking back I should have been more proactive
7 and reported him a lot sooner. And by the way, the
8 police, when I did report you, said the issue of
9 reporting you is that it's like dealing with an
10 ex-spouse, right, sometimes like an ex -- crazy
11 ex-boyfriend or girlfriend stalker, sometimes it makes
12 you even more violent than usual. That's why they told
13 me to hold off on the first restraining order but they
14 wanted to have the report in.

15 When I -- first sign that you were
16 aggressive was when we were at a Travis GOP debate
17 watch party at Pinballz. I can't give you the exact
18 date, I think it was August of 2023 but I have to pull
19 it up. It's on social media, I need to pull the exact
20 dates. And I was talking to I believe one of the
21 staffers, may have been -- I talked to a lot of people,
22 I can't remember exactly who I was talking to, and
23 mentioned how my wife's siblings are doing and I
24 mentioned they're going to go study a year in Israel.

25 And you, we are about a table width

1 apart, and you shot up and you got very hostile very
2 quickly. Your entire demeanor changed and you started
3 going on a ramble and they had to calm you down. You
4 were talking about how Israel is rounding up Christians
5 and crazy stuff. It was all nonsense after nonsense.
6 And this -- that should have been my first and only
7 warning but I did take the high road and leave. People
8 have the right to their opinion, people have a right to
9 not be pro-Israel or pro AIPAC or whatever, right?
10 That's your opinion. That's when I first noticed you
11 were aggressive.

12 And then again, how you interacted,
13 obviously we know what you did at the Travis County GOP
14 event but I was not there. We know how you acted at
15 other events where people told you "no," they felt
16 uncomfortable and left. And then within your tweets it
17 was obvious that you were getting worse and were
18 planning to do something.

19 Q. Just to be clear, at the event you mentioned
20 your wife and study in Israel. Can you elaborate on
21 than a little bit. Because you said that that caused
22 me to become angry or my demeanor changed. Can you
23 elaborate the statement that you made that led you to
24 believe that my demeanor changed when your wife was
25 studying with Israel?

1 A. I did not say my wife was studying.

2 Q. You mentioned your wife and Israel.

3 A. I said her siblings were studying in Israel.

4 Q. So, just to be clear, your wife's siblings
5 were studying in Israel?

6 A. Planning to.

7 Q. And then you assumed when I overheard that it
8 changed my demeanor?

9 A. Very much so.

10 Q. Okay. Just to be clear, your wife's friends
11 or family were working in Israel?

12 A. They were planning at the time to study in
13 Israel.

14 Q. Okay. They were planning to study in Israel,
15 and you assume that because I heard of that my demeanor
16 changed.

17 A. You were standing right about here, someone
18 was standing right here, someone was asking me how my
19 family was doing. We were catching up. You had, I
20 think at the time, mentioned you were unemployed,
21 looking for your next job. And that person came over
22 and asked about it, and all I said was, yeah, like it's
23 really good, I think her siblings are planning to study
24 in Israel. And you just got up and started going on a
25 tangent and your entire demeanor changed.

1 Q. Okay.

2 A. I have never seen so much hate in somebody's
3 eyes so quickly.

4 Q. Okay. So you -- my demeanor changed, and you
5 assume that's the threat because you are able to judge
6 my actions to be considered a violent threat based on
7 my demeanor and my eyes?

8 A. And the things you said. You started going
9 on a rant. So did I think at the time that you were
10 going to assault someone? No, but wasn't 100 percent
11 no, and kind of had to just walk away.

12 Q. What is the probability, based on everything
13 you said, that I'm a violent threat, 1 to 100 percent,
14 what makes you think I'm a violent threat based on
15 everything that we have spoken today?

16 MR. ROGERS: Objection. He's asking the
17 witness to speculate on probabilities.

18 THE COURT: Sustained.

19 MR. WUESCHNER: I don't have any more
20 questions, Your Honor.

21 THE COURT: All right, thank you.
22 Mr. Rogers?

23 MR. ROGERS: Nothing further.

24 THE COURT: All right, thank you very
25 much for your time and testimony. I greatly appreciate

1 it. You can just leave the notebook there.

2 Another witness?

3 MR. ROGERS: One more witness, Your
4 Honor, Matt Mackowiak.

5 THE COURT: All right.

6 *(Witness was sworn)*

7 THE COURT: Thank you so much. Come up
8 here to this seat.

9 MR. ROGERS: Your Honor, is the binder
10 still up there?

11 THE COURT: It is.

12 MR. ROGERS: Thank you.

13 MATT MACKOWIAK,

14 Having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. ROGERS:

17 Q. Good morning, sir.

18 A. Good morning.

19 Q. Can you please state your name and spell it
20 for the record.

21 A. Matt Mackowiak. First name Matt, M-A-T-T --

22 THE COURT: Whoa, slow down.

23 THE WITNESS: First name Matt, M-A-T-T,
24 last name Mackowiak, M-A-C-K-O-W-I-A-K.

25 MR. ROGERS: Apologies, Your Honor, I

1 think there's just some nerves.

2 THE COURT: I understand.

3 THE WITNESS: Not nervous at all.

4 THE COURT: But, I can't absorb anything
5 said -- are you chewing gum?

6 THE WITNESS: No.

7 THE COURT: Okay. Because gum is not
8 allowed in the courtroom.

9 THE WITNESS: I'm not chewing gum.

10 THE COURT: Okay. Just chewing. Okay.

11 I can't take in words that are too fast.

12 So you want me to hear what you have to say, so

13 everyone just needs to slow down.

14 THE WITNESS: Okay.

15 THE COURT: All right?

16 BY MR. ROGERS:

17 Q. What is your affiliation with the Travis
18 County Republican Party?

19 A. I've been Chairman since February 2017.

20 Q. And how long -- so, chairman since when
21 again? I'm sorry.

22 A. February of 2017. Eight years.

23 Q. Eight years as chairman. How long have
24 you --

25 A. Almost eight years.

1 Q. How long have you been affiliated in total
2 with the party?

3 A. Oh, I was Vice Chair before that for, I don't
4 know, maybe two years, and then I was precinct chair a
5 few years before that. So, I've probably been
6 affiliated since 2014 or so.

7 Q. And do you know Mr. Wueschner?

8 A. I do.

9 Q. How do you know Mr. Wueschner?

10 A. First met Esala when he was running for City
11 Council in the last election cycle, and, um, I've got
12 to know him more as he became a precinct chair in
13 Travis County GOP previously.

14 Q. I think you have in front of you a black
15 binder that has been admitted as Exhibit 1. We're
16 going to go through some of those -- some of these
17 tweets. Some ones that I believe there may be some
18 overlap, but mostly ones we have not looked at yet.

19 If you'll turn with me to page 8.

20 A. Yep.

21 Q. Quote: "Zionist Jews did it. They have
22 infiltrated the Travis County Republican Party and will
23 try to put you in jail if you speak against the
24 Zionism, if you speak against the Zionism and Israel
25 wars."

1 Page number 9. "Zionists want to
2 assassinate Trump. Why do you think Travis County
3 Republicans Republican Party try to censure me from the
4 Executive Committee tomorrow around 6:00 p.m. Central
5 Time."

6 Just based on these first two, do you
7 think that, at least in Mr. Wueschner's mind, that
8 there's some sort of collusion going on between Zionist
9 Jews and the Travis County Republican Party?

10 A. Yeah, it's pretty evident that he believes we
11 are controlled in some way by the State of Israel or
12 people who are pro-Israel in some way. He makes that
13 direct connection time after time again.

14 I would also point out that a moment ago
15 he said inaccurately that he was not invited to the
16 meeting where he was going to be censured, where he --
17 but in this tweet he's saying he knows it's happening
18 the next day. So, maybe that's something that we can
19 understand better.

20 Q. I think it's a good point.

21 Page Number 12, if you will. At the top,
22 towards the top of the page, quote: "Republican party
23 in Texas is fully controlled by satanic Zionist Jews
24 like @GregAbbottTX that support Kamala Harris and open
25 border. Abbott has been lying to you about the border

1 and making it a PR stunt."

2 It appears to me that Mr. Wueschner is
3 still conflating what he believes are satanic Zionist
4 Jews and the Republican Party. Would you with agree
5 that?

6 A. Absolutely. He seems to think -- "control"
7 is a word he uses time and time again. You know,
8 there's so much that's inaccurate about this post, it's
9 hard to even know where to begin. Greg Abbott is not
10 satanic, he is the Jewish, he doesn't support Kamala
11 Harris and he doesn't -- he doesn't support an open
12 border. So, I don't even know where to begin.

13 Q. Well, okay. If you turn with me to page 14.
14 Quote: "Travis County Republican Party Texas works for
15 Israel that did 9/11, and made up a bunch of homosexual
16 Zionist just and evil people. This is why Austin, TX,
17 has high crime and real Republicans never win. It's by
18 design to steal your money for donations for Israel's
19 wellbeing."

20 I think the point I'm trying to make with
21 these is at least in Mr. Wueschner's mind there's a
22 collaboration going on between the Travis County
23 Republican Party and the -- and Zionists just to do
24 this or to do that, to do bad things.

25 A. Yeah. I mean, he seems to believe there's

1 some grand conspiracy, and it's -- there's no basis for
2 it, there's no explanation for it, there's no evidence
3 for it. And he connects it to historical events and to
4 policy issues in ways where there's absolutely no
5 connection. So, it's, again, it's unhinged, and it's
6 concerning.

7 Q. Page 15, please. Quote: "Austin, TX, has
8 become a police surveillance state for Israel with the
9 help of the Republicans from Travis County Republican
10 Party."

11 So, now he's not only accusing the party
12 of colluding with Israel, he's also accusing the Austin
13 Police Department of being some sort of arm of their
14 Israeli police force or something. Isn't that what you
15 get from that?

16 A. Absolutely. Again, you know, more evidence
17 of illusions of grandeur related to such and such, you
18 know, such a conspiracy relating to organizations and
19 jurisdictions. It's again very hard to fully
20 understand.

21 Q. Number 17.

22 A. Yep.

23 Q. Quote, "Zionist Jews are satanic devil
24 worshippers, that's why their," misspelled, "are a lot
25 of Homosexuals and Hoes in the Republican party now."

1 Again we see this misplaced belief in his
2 mind, do we not?

3 A. We do.

4 And of course in this case he's
5 responding to the Antidefamation League at the national
6 level and AIPAC, pro-Israel group. He seems to have
7 some type of hatred towards gay people and that's
8 something he continues to display and apparently in
9 some way believes they want to kill Christians. Again,
10 no evidence for anything close to that.

11 Q. Okay. Page 19. 19 and 20 are -- I'm just
12 going to read both of those. 19, quote: TCRP chair is
13 a proud Zionist," and then below that appears to be
14 some sort of bio of yours. So, appears he's talking
15 about you, doesn't he?

16 A. It does. He's had something of -- I'm sorry.

17 Q. Go to page 20.

18 A. Oh, sorry.

19 Q. That's okay. And on page 20 he says again,
20 "Travis County Republican Party chairman is a, quote,
21 'Proud Zionist'," and again he's referencing you. So,
22 it seems that Mr. Wueschner believes you're a proud
23 Zionist. Is that what you gather from this?

24 A. Indeed.

25 Q. And if Mr. Wueschner wanted to make a threat

1 against Zionists, would you agree that that's probably
2 a threat against you personally?

3 A. I do.

4 And I think this connection is quite
5 important to understand, because it ties together a
6 number of things here I think that are important.
7 Zionism is a term that means you believe Israel should
8 have a state where Jewish people can live in peace and
9 prosperity and practice their religion. And it is
10 something that the vast majority of Americans agree
11 with. He seems to think it is a pejorative, an
12 insulting phrase.

13 But it's not just that, that's not why
14 we're here today. We're here today because he believes
15 that anyone who is willing to stand for and defend the
16 State of Israel or the right of Jewish people to live
17 peacefully is in some way worthy of not just criticism
18 and insults but perhaps also worthy of direct violence
19 and confrontation.

20 And so, as the Republican Party chair
21 here in this county I have the responsibility to make
22 sure our events, our meetings are safe for the people
23 who attend them. I take special consideration for our
24 precinct chairs, the people who have been elected by
25 the voters in their precincts; and it became absolutely

1 clear to me, certainly by August of this year, that we
2 had to take an unprecedented action.

3 We do not and have not expelled I know in
4 eight years I've been chair or the two years I was vice
5 chair or the years before that I was involved. This is
6 an unprecedented action. And it was taken at a meeting
7 in which all of our precinct chairs were invited,
8 including Mr. Wueschner. Our meetings were held the
9 third Tuesday of the month at a set location and have
10 been for many, many, many, many months. And this
11 conversation was had at our meeting and in the end I
12 received a unanimous vote.

13 But the key here again is, you know, the
14 fact that he is identifying me as a Zionist and the
15 fact that he believes that Zionists are evil, to me I
16 think puts not just myself and those who -- with whom I
17 associate, but also our party, our officers, our
18 precinct chairs, our volunteers, our candidates, our
19 guests, directly at risk. And so, all we are asking is
20 that he not be able to continue to threaten our
21 organization. His presence does that.

22 I don't know why he would want to be
23 associated with an organization that has unanimously
24 expelled him. That in and of itself is troubling and
25 hard to understand. But we, you know, through this

1 hearing today we hopefully have been able to provide
2 lots of evidence and lots of experiences that build the
3 case.

4 Q. Okay. Page 43.

5 A. Yeah.

6 Q. Quote: "Republican party controlled by the
7 Jews loves this and wants this for their God Satan.
8 Jews worship Satan and always have." Again conflating
9 the Republican party and what he believes to be the
10 satanic Jews, right?

11 A. Yep. Again.

12 Q. Next page, please. Sorry. 45, I'm sorry.
13 Quote: "Welcome to the Zionist controlled Republican
14 party." You take that at face value that he believes
15 that Zionists control the Republican party?

16 A. I do take it to believe that. I can tell
17 you, as someone who is responsible for every dollar
18 that comes in our organization and every dollar that
19 goes out, I believe I would say 99 percent confident no
20 Jewish or pro-Jewish organization has every provided
21 one cent to the party. So, I don't know what he means
22 by "controlled." But clearly he's linking those two
23 things directly yet again.

24 Q. Okay. Page 46. Now, can you describe to me
25 what you see in the picture?

1 A. Yes. This is a photo from our temporary
2 restraining order hearing, whenever that was, a month
3 ago or so. This is presumably from his vantage point.
4 He has some paperwork laid out in front of his
5 microphone. He has the absolutely detestable Bobby
6 Fischer quote that's already been read printed in front
7 of him. He takes a photo of where the judge would be
8 sitting, the judge is not there at that time, must be
9 during a break, and he has the words "Israeli police
10 force."

11 Q. Do you see on the shelf below the judge's
12 bunch, looks like a calendar to me. Do you see that?

13 A. Yes.

14 Q. What number do you see there?

15 A. I see a 1 and an 8, meaning 18.

16 Q. Yeah. And so our temporary injunction
17 hearing was on September 18th, and I'm going to submit
18 to you that you this photograph was taken at that
19 hearing.

20 A. Yeah.

21 Q. I'm going to submit to you that the documents
22 in front of Mr. Wueschner from where he took the
23 picture are the temporary injunction order that has
24 been issued and entered by this court. I'm going to
25 submit to you that the Exhibit 1 in the picture is the

1 Exhibit 1 that was admitted into evidence at that
2 hearing.

3 With the judge's bench in the background
4 of this picture, in your mind is Mr. Wueschner making
5 any sort of comment about this court?

6 A. Yes. I mean, what you see as a consistent
7 theme with Esala is anyone who does see the world in
8 the warped way he does is all part of a conspiracy, and
9 so he now is involving the judge involved in that
10 hearing.

11 There is no reason to take a photo that
12 includes where the judge sits with the flags with the
13 seal of the State of Texas. He's arguing that this
14 entire process, that hearing, was in some way part of
15 Israeli police force, as though that judge, who was
16 randomly assigned that day, whose name he probably
17 cannot remember today, is also part of some grand
18 conspiracy on behalf of the Nation of Israel.

19 Q. Page 454. At the time --

20 THE COURT: I just want to interrupt
21 really quickly for everyone to say that no photography
22 or recording is allowed in the courtroom. So, don't
23 take any pictures or record anything while you are in
24 here. That applies to everybody.

25 THE WITNESS: Uh-huh.

1 MR. ROGERS: Your Honor, if it does come
2 out after this proceeding that Mr. Wueschner is taking
3 pictures and posting them on Facebook, I trust that we
4 can bring this back to your attention.

5 THE COURT: You can.

6 MR. ROGERS: Okay.

7 MR. WUESCHNER: Your Honor, I didn't know
8 that, and I did took some snapshot, Instagram, saying
9 I'm here, but it wasn't in a negative way.

10 THE COURT: It's not about negative or
11 not.

12 MR. WUESCHNER: But I did do it.

13 THE COURT: Okay. Well, that is against
14 the rules. If you remember, at the beginning I told
15 you you don't get to get around the rules because you
16 don't have a lawyer. Our rules are published on our
17 web page. No recording of any kind in the courtroom is
18 allowed without prior written permission in an order
19 from a judge, which you don't have. So, you may not
20 take any pictures or do any recordings.

21 Are you recording anything right now?

22 MR. WUESCHNER: No, Your Honor. I --

23 THE COURT: Okay.

24 MR. WUESCHNER: During the break I did,
25 but deleted it.

1 THE COURT: Is anyone else recording
2 anything?

3 Okay. Then we can keep going.

4 MR. ROGERS: Thank you.

5 BY MR. ROGERS:

6 Q. Page 54.

7 A. Yeah.

8 Q. At the top of the page, it says, "Tel Aviv
9 has been hit with multiple missiles." And then below
10 that Mr. Wueschner comments, "Travis County Republican
11 Party Zionist Jews should go, quoted, 'Stand with
12 Israel' in Israel now."

13 If Tel Aviv is being hit by multiple
14 missiles and Mr. Wueschner is telling you and other
15 members of the TCRP to go stand in Israel now, what do
16 you deduce from that?

17 A. You know, you could deduce from that that he
18 believes we should also be attacked the way Tel Aviv is
19 being attacked. You know, obviously any time a missile
20 is launched in a city there's innocent lives lost.
21 Again, you know, he feels the need to connect TCRP to,
22 quote, end quote, Zionist Jews time and time and time
23 and time again.

24 But he's clearly saying we should go to
25 Israel. And to go there at a time when it's at war,

1 when it's receiving missile and drone and rocket
2 attacks. That obviously not be something you would say
3 if you cared about someone's wellbeing.

4 Q. Okay. Turn with me -- so, at the back flap
5 there's a separate --

6 A. Yeah.

7 Q. -- separate pages.

8 A. Yeah.

9 Q. We're going to look at all three of these.

10 A. Uh-huh.

11 Q. On page 68, quote, "It's because Travis
12 County Republican Party is run by Democrats and
13 Homosexual pretending to be Christian. But they are
14 Jews that call themselves Jews but are the synagogue of
15 Satan."

16 Again, consistent with the theme that the
17 TCRP is being controlled by Jews. Do you agree?

18 A. Yeah, that's clearly the message he's
19 communicating here. He has no basis for that.
20 Thinking through, just off the top of my head, our
21 officers -- none of our officers are Jewish, not that
22 there would be any problem with that, obviously, but
23 it's factually incorrect. Like so many of the things
24 he said.

25 I'm not aware of anyone who is a, quote,

1 Democrat who is running our party. In order to be a
2 Republican in the state of Texas the way that you
3 affiliate is by voting in the primary. That's true in
4 both sides. And our people vote in the primary every
5 two years. That is the way they affiliate. So that
6 again is an inaccurate statement.

7 I'm not aware of everyone's sexual
8 orientation, but I'm not aware of anyone who is
9 homosexual in our leadership ranks, again not that
10 there's any problem with that. So, I guess the
11 propositions are inaccurate but all the other words in
12 this post happen to be inaccurate.

13 Q. Page 69. Quote: "Travis County Republican
14 Party, Texas, works for Israel that did 9/11 and made
15 up of a bunch of Homosexuals, Zionist Jews and evil
16 people. This is why Austin, Texas, has high crime and
17 real Republicans never win. It's by design to steal
18 your money for donations for Israel's wellbeing."

19 I think we already covered this, this
20 might be a repeat, but again consistent with the theme
21 TCRP and the Zionist Jews linked together, right?

22 A. Yeah, blaming our organization and, quote,
23 Zionist Jews, also for good measure throwing the word
24 "homosexual" in there again, somehow connecting this to
25 crime, somehow connecting that to his perception that

1 Republicans never win. I have no idea what "steal your
2 money for donations for Israel's wellbeing" means.
3 We've never given any money to any organization
4 associated with Israel. We spend money locally to help
5 our candidates and grow our party. So again, totally
6 divorced from reality.

7 Q. Last page, page 70. Towards the bottom of
8 the page, quote: "Travis County Republican Party in
9 Austin, TX, need more crime in order to bring in the
10 Police State Surveillance in order to help Zionist to
11 take over America."

12 I mean, do you take that at face value
13 that Mr. Wueschner believes that the Travis County
14 Republican Party is working with Zionists to take over
15 America?

16 A. I do. And to say something like that, if you
17 can for one second put yourself in his mindset, he must
18 really think we're quite bad and that we're planning
19 and plotting, must be stopped. And so, this is to a
20 great extent why we have the concern that we have.
21 It's not about one tweet here or there, it's about a
22 pattern of behavior that has exhibited itself time and
23 time again at a range of different events, whether it's
24 a debate watch party, whether it's a volunteer mailing
25 event, whether it's threatening Y.R. event that was

1 going to be held downtown so we had off-duty police
2 officers attend. The list goes on and on and on and
3 on.

4 So, what we're hoping to do here is to
5 ask the Court to consider making the temporary
6 restraining order permanent to minimize the
7 interactions we're going to have with this individual,
8 to minimize the likelihood that violence will be a
9 natural result, and also to make our people feel
10 confident and secure in their continued involvement in
11 the Travis County Republican Party, which is part of
12 our civic society here locally.

13 So, again he takes things he doesn't
14 like, he takes things that don't do what he wants the
15 way he wants it done, don't see the world the way he
16 does, he connects them, and then he uses threatening
17 language and sinister language and he kind of hopes
18 that you aren't going to do anything about it. Well,
19 we've had enough and we've decided to take the action
20 that we've taken here, which is again unprecedented to
21 have a unanimous motion to expel a sitting precinct
22 chair, unprecedented to take our time and our resources
23 to ask for a restraining order. Never happened before.
24 I'm unaware of any county in the state that had to do
25 this. So, yes, we recognize this as an extraordinary

1 circumstance but we think it's merited.

2 Q. And if the Court does not award the permanent
3 injunction, what will that mean for Travis County
4 Republican Party events, meetings, parties, things like
5 that from a security perspective?

6 A. Yeah, again we have no interest in limiting
7 his First Amendment rights, whether he agrees or not.
8 We believe in the first amendment rights of everyone.
9 It is going to be almost impossible for me as county
10 chair to confidently communicate to our people that our
11 meetings are going to be held without incident, that
12 people are going to be safe, that they're not going to
13 be the recipients of his threats, his aggression, his
14 behavior, unless we're able to have this restraining
15 order.

16 There are consequences if he violates a
17 permanent restraining order, just like there are
18 consequences if he violates a temporary one. Again we
19 would hope it would not be necessary. We feel like
20 this entire hearing is a waste of the court's time
21 because this is something he should be agreeing to,
22 anyway. He has been expelled, he has no role in the
23 party anymore. He has no role in the party anymore.
24 Why he would want to continue to engage in an
25 organization that has unanimously expelled him is in

1 and of itself a question that defies a logical answer.

2 So, I don't know how I can guarantee the
3 safety of our people, unless I'm going to be at every
4 single event we have, every single meeting we have from
5 beginning to end. Am I supposed to provide private
6 security for every meeting, every event? We do
7 multiple meetings a month. What's the cost of that?
8 You know, where does it end? Where does it end.

9 Q. And based on everything that we've reviewed
10 from Exhibit 1 and everything you know about
11 Mr. Wueschner, do you believe he is a threat of
12 physical violence?

13 A. I do without question. I think you add all
14 those pieces together there's really only one
15 conclusion you can come to, that is not only that he
16 wishes harm on the individuals and organizations that
17 he's named, but that his temperament, his history, his
18 lack of self control, all bring us to a point where
19 violence is absolutely a likely scenario. It's just a
20 matter of time.

21 Q. And based on what you observed from
22 Mr. Wueschner and reviewing Exhibit 1, is it your
23 belief that the Court should take some action to
24 protect the Travis County Republican Party from
25 Mr. Wueschner?

1 A. It is. And we appreciate, you know, the
2 Court being able to consider this and dedicate the time
3 to it. Absolutely it is our belief that this is an
4 appropriate request to be made. It's why we're all
5 here. It's why we're all offering the sworn testimony.

6 MR. ROGERS: Thank you.

7 Pass the witness.

8 THE WITNESS: Thank you.

9 THE COURT: All right. Mr. Wueschner.

10 CROSS-EXAMINATION

11 BY MR. WUESCHNER:

12 Q. Matt Mackowiak, do you remember when I took
13 my oath of office to be a precinct chair?

14 A. Yes.

15 Q. Around how long was that ago?

16 A. I don't remember the precise date. I would
17 say it was the end of last year but I don't remember
18 precisely.

19 Q. End of last year. To be correct that it was
20 not end of last year, it was after the state
21 convention. That was when I first took my --

22 A. Of this year?

23 Q. Of this year.

24 A. Okay.

25 Q. And from then I took my first day oath of

1 office to be a precinct chair. Afterwards, how many
2 meetings as an official precinct chair have I attended
3 at the Travis County Republican Party in the Executive
4 Committee meeting as an official precinct chair as from
5 the time frame I took oath of office?

6 A. I would say most of them. We have 150 or so
7 precinct chairs, I can't remember which exact person
8 was at which exact meeting. We have records for these
9 things. Did you ask for that? We could have brought
10 those records. But my memory is you've been
11 consistently appearing. You didn't appear at the
12 August meeting when you were expelled, I understand you
13 have a sick relative that required your attention. But
14 you've been, as far as I recall, you've been pretty
15 consistently attending the meetings as a precinct
16 chair.

17 Q. Now, just to be clear, to your understanding
18 that I've been to multiple precinct chair meeting since
19 the time I took oath of office to be precinct chair?

20 A. That's what I just said, yes.

21 Q. Okay. Just want to be very clear on that,
22 you believe that I've been to multiple meetings as a
23 precinct chair after I took the oath of office?

24 MR. ROGERS: Your Honor --

25 THE WITNESS: For the third time, yes.

1 MR. ROGERS: Asked and answered.

2 BY MR. WUESCHNER:

3 Q. To be clear I only been to one meeting as to
4 be a precinct chair, it was the day I took the oath of
5 office. Besides that I have never been to a meeting
6 because you have put the temporary restraining order on
7 me and I had to go to Alabama to take care of my
8 relative. So, I've only been to one precinct chair
9 since the time I took the oath of office, and that was
10 it.

11 A. Okay. So, the state convention was held in
12 June, correct?

13 Q. I was not a precinct chair at that time, I
14 was a delegate.

15 A. Okay. We only have one meeting a month. We
16 have established that you weren't there at the August
17 meeting, correct?

18 Q. Yes.

19 A. Okay. And you're saying you couldn't have
20 been at the June meeting because you weren't sworn in
21 yet.

22 Q. Yes.

23 THE COURT: This isn't really how this
24 works. You need to ask a question and then you just
25 have to answer it.

1 MR. WUESCHNER: Now --

2 THE COURT: If it doesn't -- if you
3 can't, then don't, but that's how that works.

4 THE WITNESS: If there's three --

5 THE COURT: No, no, you just wait for a
6 question.

7 THE WITNESS: Okay.

8 BY MR. WUESCHNER:

9 Q. Next one. On page 20 of the same black
10 binder, I have on your Twitter -- from your Twitter the
11 date August 17th.

12 A. Uh-huh.

13 Q. What did you write on there on that picture?

14 A. "This Republican is a proud Zionist and
15 defender of the Jewish State of Israel" --

16 THE COURT: Again if you read that fast,
17 my court reporter cannot get a complete record.

18 THE WITNESS: Apologize.

19 THE COURT: Thank you.

20 THE WITNESS: "This Republican is a proud
21 Zionist and defender of the Jewish State of Israel who
22 recognizes Iran is seeking to execute a second
23 Holocaust.

24 "Any anti-Semite in Congress, of any
25 party, should be removed. That's what happened here.

1 "Good riddance to the rape denier of
2 October 7, Jamaal."

3 I presume that refers to Jamaal Bowman of
4 New York.

5 BY MR. WUESCHNER:

6 Q. So, do you believe this post accurate that
7 any anti-Semitic in Congress or any party should be
8 removed?

9 A. I do.

10 Q. Okay. And then you are a proud Zionist and a
11 defender of Jewish State of Israel?

12 A. I am.

13 Q. Okay. Let's see. On page 44, is --

14 A. Uh-huh.

15 Q. What have I wrote on there? You don't have
16 to explain all the pictures on there, just the -- my
17 statement and then the top two pictures of the words
18 that you are able to read and who that person is.

19 A. At the top you write, "It's because it's run
20 by Jews. Zionist Jews. Hitler was the good guy." And
21 then you have two photos of Winston Churchill. The
22 first has the words "Financiers, Advisors and
23 Propagandists of Churchill Who pushed for WWII." On
24 the other it says, "Winston Churchill, head of the
25 British Admiralty at the time, whose mother was Jenny

1 (Jacobson) Jerome, was Jewish, making him a Jew under
2 rabbinical laws."

3 Q. Okay. And also I have a picture of -- right
4 below the black and white picture I have a picture of
5 Netanyahu. What does it -- it say under "Netanyahu,"
6 the flag, and the two words below, one in the red and
7 one in the black?

8 A. It has a Polish flag, it says "Poland" and
9 then it has his name and has his title, Israeli Prime
10 Minister.

11 Q. Okay. And then the last one, page 58. The
12 picture to the right of page 58, what -- do you see
13 there's two pictures, one picture is of United States
14 of America and Mexico and then there's a picture to the
15 right. What is that picture to the right in that post?

16 A. It looks like social media posts and it looks
17 like a sheet of paper that has writing on it.

18 Q. Okay. Do you know whose social media post
19 that is?

20 A. It says "Statement by Travis County GOP;" so
21 I presume it's us, but I can't tell.

22 Q. This post, it's not printed on here, but this
23 is a post that was posted by you.

24 A. Uh-huh.

25 Q. Do you agree you posted this picture on your

1 social media?

2 A. I don't know. I can't tell.

3 Q. Can't tell.

4 A. No. I don't know what it is. And the
5 writing is too small.

6 Q. Okay. You're claiming that the writing is
7 too small to see in this post. What I'm saying is that
8 you posted this on your social media and you sent
9 police after people that posted the Talmud saying that
10 Jews are satanic, and you sent the police after them
11 because you didn't believe that you should criticize
12 the Talmud.

13 So, you're saying that you don't -- you
14 can't read this post, and you don't -- you're not sure
15 that you're the one that posted that and posted this
16 picture?

17 A. You just alleged I called the police because
18 of something related to the Talmud. I've never called
19 the police on anyone related to the Talmud. So I have
20 no idea what you're referencing.

21 Q. Okay. So, if I'm able to provide your social
22 media post and screen shot where you have specifically
23 asked Austin police to investigate who wrote these
24 statements --

25 A. I'm remembering this now. This post -- so,

1 there was an incident in Steiner Ranch, where -- a
2 neighborhood in northwest Travis County out towards
3 620, where someone put anti-Jewish anti-Semitic fliers
4 on the doors of something like 100 or 200 houses. And
5 we did notify, so to correct the record, I didn't know
6 that that is what this piece of paper was. We did
7 notify law enforcement about that at that time. We
8 were concerned about -- about violence against people
9 in that area.

10 It got a lot of attention, there were
11 news -- there was news media interest, as well, if I
12 remember I think I did an interview with the CBS
13 affiliate here. So, I believe we put something up that
14 that's -- I now remember this. We put something up on
15 social media that day to let people know about the
16 flyers and to let people know about the action we had
17 taken.

18 Q. Can you explain a couple of things that were
19 in the flyer, where you believe it was anti --

20 THE COURT: I'm sorry. It is 12:01 and
21 we actually have to break for lunch. So, we will come
22 back at 1:30 and pick up right where we are leaving
23 off. All right?

24 MR. ROGERS: Thank you, judge.

25 *(Noon recess.)*

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PROCEEDINGS

(The following proceedings were held in open court)

-0-

THE COURT: All right, Mr. Wueschner,
when Mr. -- I don't know how to say your name.

THE WITNESS: Mackowiak.

THE COURT: Mackowiak is ready.

Are you ready, Mr. Mackowiak?

THE WITNESS: Yes, Your Honor, thank you.

THE COURT: Are you ready, Mr. Wueschner?

MR. WUESCHNER: Yes, Your Honor. I was
able to print out some supplement stuff that goes with
page 64. Can I approach and --

THE COURT: Yes.

Did you only print one?

MR. WUESCHNER: No.

THE COURT: Oh, you printed multiple,
great. Thank you.

All right, you may proceed.

CROSS-EXAMINATION, CONTINUED

BY MR. WUESCHNER:

Q. So, as we continue, on page 64 of the black
handbook, just to be clear, where we left off, it is
your social media post on the second picture that's on
there with what I presented to you printed out in

1 large, is that correct?

2 A. Yes.

3 Q. Okay. Now, in that post what does it say on
4 there? It's in the picture itself. Just the big words
5 where it says --

6 A. "Every single aspect of the Jewish Talmud is
7 satanic."

8 Q. Now, that being said, you wrote on the other
9 page, I'm just going to show it here just to be
10 clarity, I have your full Twitter in context where --
11 on the picture of page 64 where it says, "July 5,
12 2024." Have I printed out the full context of that
13 full social media post that -- posted by you on the
14 piece of paper that I just presented to you?

15 A. It appears you have, yes.

16 Q. Okay. I also have highlighted in a red
17 circle. What does it say on there?

18 A. "I am asking the Travis County sheriff's
19 office to immediately investigate this matter and
20 prosecute it to the fullest extent of the law."

21 THE COURT: Don't forget to slow down
22 when you read.

23 BY MR. WUESCHNER:

24 Q. Just repeat it one more time.

25 A. "I am asking the Travis County sheriff's

1 office to immediately investigate this matter and
2 prosecute this to the fullest extent of the law."

3 Q. Can you explain to me the content of your
4 post that you want to investigate and prosecute this
5 person to the full extent of the law, the content of
6 the post that you shared as presented on page 64?

7 A. So, I don't know if you have the ability to
8 understand this. That is an anti-Semitic flyer. You
9 don't have to take my word for it, you can take the
10 word of the residents that complained to us, including
11 one of our precinct chairs. You can take law
12 enforcement took it seriously, you can take the CBS
13 affiliate in Austin and other media that covered it.
14 You may not have the ability to understand that. This
15 is absolutely, without question, a anti-Semitic flyer.

16 Did you post it? Is this your flyer?

17 THE COURT: You don't get to ask him
18 questions.

19 BY MR. WUESCHNER:

20 Q. Now, you said earlier the whole case is that
21 I'm a violent person, and I'm -- I'm accusing you of
22 deputizing the police department against freedom of
23 speech. I'm accusing you that you're violating your
24 oath of office and the constitution and Texas of
25 violating the freedom of speech and going after anyone

1 that criticized Judaism or anything associated with
2 Israel. So, I'm criticizing you of weaponizing the
3 police department in this statement.

4 You say that you believe this post
5 anti-Semitic --

6 MR. ROGERS: Your Honor, I have to
7 object. This has no relevance to why we're here today.

8 THE COURT: Well, I need you to ask a
9 question.

10 BY MR. WUESCHNER:

11 Q. Okay. So, do you believe this post is
12 violation -- violent threat?

13 A. I mean, there's blood dripping from the
14 letters in red, for the word "Jewish," for the word
15 "satanic," down through a menacing monster-type figure.
16 Yes, this -- and then fire, you know, above it. You
17 know, it's not a nice flyer, it's not sweet. You know,
18 yes, this is threatening. Absolutely. Without
19 question.

20 Q. And you believe the person needs to be
21 investigated by the police department in order --
22 because you constitute this post as a violent threat?

23 MR. ROGERS: I'm going to object again,
24 Your Honor, unless Mr. Wueschner is willing to admit on
25 the record that he posted this flyer, this flyer has no

1 relevance to anything why we're here today.

2 THE COURT: Sustain.

3 MR. WUESCHNER: The reason I bring up
4 this flyer is because he brought up this flyer based on
5 my social media post.

6 THE COURT: No, I agree that you can talk
7 about your post in response to Mr. -- I'm sorry --
8 Mackowiak's post. But the content of that flyer is not
9 really part of this case.

10 MR. WUESCHNER: Your Honor --

11 THE COURT: So.

12 MR. WUESCHNER: Your Honor, I'm sorry
13 about that.

14 BY MR. WUESCHNER:

15 Q. The next thing is you mentioned that I've
16 been a precinct chair for a while earlier, previously.
17 And I have a printed out email traffic from my Gmail
18 account from January 16, 2023, over 12 months ago. You
19 said earlier that -- that I am a violent person against
20 anti-Semitism. Now, can you explain to me why -- why
21 was I denied a precinct chair over 12 months ago if you
22 only find me now anti-Semitic, or do you have a bias
23 against me from the very beginning?

24 MR. ROGERS: Objection. Relevance.

25 THE WITNESS: I don't understand the

1 question.

2 BY MR. WUESCHNER:

3 Q. Why was I denied to be a precinct chair in
4 January 16, 2023?

5 MR. ROGERS: Objection. Relevance.

6 THE COURT: Overruled.

7 THE WITNESS: I, Number 1, don't remember
8 you applying to be a precinct chair. Applications for
9 precinct chair go through our nominations committee.
10 It's possible you didn't go through the system
11 correctly, it's possible we had someone in that
12 precinct, it's possible you wouldn't agree to support
13 the platform, it's possible that you espoused your
14 radical views in that interview. I don't know.

15 Were you given -- I'm not allowed to ask
16 questions, whatever.

17 THE COURT: Yeah, you can't ask any
18 questions.

19 BY MR. WUESCHNER:

20 Q. This printout is from the committee, the
21 committee that says Cindi Davidson, Lanny Clopton, and
22 Lorie Meynig, and at the second page it says, "Thank
23 you, Joseph Walter, Executive Director of Travis County
24 Republican Party." So, but you don't recall --

25 A. I'm not one of the names you just mentioned.

1 Q. What is it?

2 A. I'm not one of the names you just mentioned.

3 Q. But you are the --

4 A. I cannot possibly offer comment on something
5 I wasn't a party to.

6 Q. You were -- were you not the Republican party
7 chairman in 2023 of January 16th?

8 A. Yes.

9 Q. Okay. So, is it -- so you were not aware
10 that I was denied to be a precinct chair by the
11 committee that serves you?

12 A. I don't recall that particular incident, no.
13 I'm not denying it happened. If you have an email that
14 says it happened, then I'll agree that it happened.

15 MR. WUESCHNER: That's all the questions
16 I have, Your Honor.

17 THE COURT: Thank you.

18 Mr. Rogers, anything else?

19 MR. ROGERS: No, Your Honor.

20 Mr. Mackowiak is our final witness and
21 we'll rest at this time.

22 THE COURT: Okay. And you have no
23 more -- thank you very much for your time and
24 testimony. You may step down --

25 THE WITNESS: Thank you.

1 THE COURT: -- Mr. Mackowiak.

2 And you are now resting.

3 MR. ROGERS: Yes, Your Honor.

4 THE COURT: All right, Mr. Wueschner, do
5 you have any witnesses you would like to put on? And
6 that could include yourself.

7 MR. WUESCHNER: Just myself, Your Honor.

8 THE COURT: All right, you're already
9 under oath. I'm going to ask you to come up to the
10 witness stand, please.

11 Do you have more exhibits or is that the
12 same one?

13 MR. WUESCHNER: It's just the same.

14 THE COURT: Okay, that's fine.

15 So, it's a little bit awkward when you
16 represent yourself in a situation like this, because
17 there isn't a lawyer to ask you questions. I can also
18 tell that you might wander off and start talking about
19 a lot of things that aren't relevant to the decision I
20 have to make. So, you're going to testify in the
21 narrative, which means you just get to talk, but I'm
22 going to instruct you that you need to make it very
23 focused and organized so that I can get what I need and
24 not just hear theories about other things that aren't
25 relevant to what we're doing.

1 Do you think you can do that?

2 MR. WUESCHNER: I will try my best.

3 THE COURT: You will try. I may
4 interrupt you if I feel like things are going off. It
5 isn't because I don't want to hear your side, it's just
6 it will be because you're moving into areas that don't
7 help me make my decision. Okay?

8 MR. WUESCHNER: Understood.

9 THE COURT: All right, then I'm ready to
10 listen. And remember that you're still under oath.

11 ESALA WUESCHNER,

12 Having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 MR. WUESCHNER: I want to be very clear,
15 I was -- I want to give you my personal background of
16 me and the Jewish history, because I'm accused of
17 anti-Semitism and I want to destroy the Jewish people,
18 and I want to say that is false narrative. I'm
19 adopted, my dad is 30 percent Jew. My grandma is
20 95 years old, work -- was affected by World War I and
21 World War II. She's 95 years old, Manhattan, New York.

22 I went there for this particular case to
23 find a Jewish lawyer that helps me for free, and I
24 talked to them about this particular case. I was
25 connected with Israeli -- members of Israeli ADL

1 organization group that was protesting Netanyahu. Same
2 stuff that you are accusing me of. So, I made friends
3 with these members of Israeli that was protesting
4 Netanyahu, and they agree with many of the statements I
5 make and we are friends, it was good people, they're
6 very kind.

7 MR. ROGERS: Hearsay. He's saying that
8 people who can't come here to be cross-examined agreed
9 with him and things that he said.

10 THE COURT: So, just as a reminder, I
11 didn't want you to examine any witnesses standing up,
12 but you are supposed to stand up when you address the
13 Court.

14 MR. ROGERS: I apologize. Okay, my
15 apologies.

16 THE COURT: I may have confused you.

17 MR. ROGERS: Okay, you didn't.

18 THE COURT: I'll sustain the objection.

19 So, Mr. Wueschner, when you give me your
20 testimony it has to be things you did and said, things
21 you saw with your own eyes. It could potentially --
22 you could potentially tell me something officers, let's
23 say, of the Republican party here in Travis County have
24 said and done, but other people you can't tell me what
25 they said, because that's hearsay because they're not

1 here to testify themselves. So, try not to tell me
2 what anyone else has said.

3 MR. WUESCHNER: My goal is with this
4 whole case is to expose the corruption within the
5 Republican party in Travis County Republican Party, and
6 I believe this particular court case have done so.

7 And I want to also present to you that
8 you are not following the Texas Constitution, you are
9 violating the Texas Constitution and the Republican
10 party. And I believe this court case present that.

11 Secondly, I would like to be part of the
12 Republican party so I can be eventually the Republican
13 Party chairman as Matt Mackowiak, because I am an
14 American first and I am not a violent person, and I
15 have never been a violent person. I do believe in full
16 freedom of speech. You can make fun of anybody,
17 including Black people, gay people, Sri Lankan people,
18 Buddhist people, it doesn't matter. That is protected
19 under the constitution. So, I exercise my right on
20 social media. And if that hurts your feelings, that's
21 hurting your feelings, does not mean I'm a violent
22 person.

23 So, all I want to say is that my whole
24 goal, I want to be back in the Republican party so I
25 have -- I can explain myself to the other members of

1 the Republican party that haven't had a chance to hear
2 my rebuttals, because I want to be back in the party so
3 I can help grow the Republican party in Travis County
4 and I believe right now I've been falsely accused and,
5 you know, in order to kick me out so eventually I will
6 not come for Matt Mackowiak's seat as a Republican
7 party chair. That is my whole goal in this whole court
8 case.

9 And the reason I wrote these mean social
10 media posts is to bait all of you, to bait all of you,
11 because I know you are breaking the -- breaking the
12 rule of law. And this is a freedom of speech, and I
13 baited every single one of you. And I want it on the
14 record to prove the point that is my whole goal and I
15 have never been a violent person and I never have and I
16 never will be. But I do care about the country and I
17 care about everybody, including Jewish people,
18 homosexual people, Black people, everything. And since
19 I'm a Buddhist I believe I can only cure hate with love
20 and I don't want to spell -- I want to cure it with
21 love.

22 I feel like I've been unfairly treated,
23 unfairly kicked out, unfairly been shamed, and now when
24 you Google my name it shows me as anti-Semitic person
25 and I'm going to court, and it's going to hinder me

1 finding a job in the future. So, that is my whole
2 testimony.

3 THE COURT: All right. Thank you.

4 Mr. Rogers, any cross-examination?

5 MR. ROGERS: Yes, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. ROGERS:

8 Q. Mr. Wueschner, you said that you're not a
9 violent person?

10 A. I said I'm not a violent person.

11 Q. But it's true, right, that you want to rid
12 the world of Jews?

13 A. No.

14 Q. It's not true?

15 A. That's not true.

16 MR. ROGERS: Your Honor, may I approach
17 the witness?

18 THE COURT: Is this something new?
19 Doesn't he have all the exhibits?

20 THE COURT: This is not an exhibit.
21 Well, this is the transcript from his temporary
22 injunction hearing. So, this is his prior testimony.

23 THE COURT: Okay. Well, he answered a
24 question. Did he answer differently back then?

25 MR. ROGERS: I think so.

1 THE COURT: Well, okay. All right. So,
2 you don't just hand it to him and have him look at it,
3 you have to ask him the exact same question and then
4 you can use it to impeach him. If you think he doesn't
5 remember, that's a different procedure. So, I'm trying
6 to figure out what you're trying to do.

7 MR. ROGERS: Let me ask him.

8 BY MR. ROGERS:

9 Q. Do you recall giving testimony at the
10 temporary injunction hearing?

11 A. I recall giving the testimony where I was
12 disputing a lot of the statements on the original
13 petition, yes.

14 Q. Do you recall stating at the temporary
15 injunction --

16 THE COURT: You have to ask him the same
17 question you asked him at the previous hearing.

18 MR. ROGERS: Well, it was as narrative.
19 It was still a narrative, like it was now.

20 THE COURT: Okay, then ask him, did
21 you -- then ask him a question that will -- that should
22 elicit the same answer.

23 BY MR. ROGERS:

24 Q. Okay. Let's see here. Did you not say at
25 the temporary injunction hearing that you want to get

1 rid of all these people, referring to Zionist Jews?

2 A. I said I want to get rid of all the Zionist
3 Jews out of the Republican party, yes.

4 Q. Okay. I don't see where you said out of the
5 Republican party, but whatever.

6 So, when you say things like "Hitler is
7 the good guy," when you post that, that's you trying to
8 be diplomatic?

9 A. I am stating fact, that our history has been
10 lied to and we need to have a real conversation behind
11 Hitler and World War I and World War II and I'm trying
12 to bring historical -- to have a real conversation.
13 When I said Hitler is a good guy it's for theology
14 purposes to have a conversation.

15 I don't believe anyone that kills people
16 wrongfully is a good person. And I think we need to
17 question Hitler and Churchill and World War I and World
18 War II to really understand the true history behind all
19 of this. So that's why I said Hitler is a good guy.

20 Q. So when you say "Where is Hitler when you
21 need him?", you're referring to Hitler's theology? Is
22 that right?

23 A. It's funny to write that on social media
24 post, and that's why I wrote it, because it's funny to
25 bait.

1 Q. You -- so, you're just baiting us by saying,
2 "Where is Hitler when you need him"?

3 A. Yes. I baited you because I knew you
4 don't -- you are pro-Israel, pro-Zionist, and you're
5 part of this secret society that is lying to people.
6 So that's why I said that, to bait you.

7 Q. So, you were full of it when you said it.

8 A. Yeah. It was funny.

9 Q. I don't think it's very funny. I don't think
10 anybody in here but you thinks it's funny.

11 THE COURT: That's not a question.

12 BY MR. ROGERS:

13 Q. When you said, is it -- do you have the same
14 point of view when you said that you came to the same
15 conclusion as Hitler, still trying to bait us?

16 A. Yes, Hitler when you study, truly study, the
17 history from Germany, which I have done, and I have
18 done more studies than all of you combined together,
19 yes, whatever I said on that statement same as Hitler,
20 which is these Jewish people are lying, they're not
21 Jewish, they're Zionists. They call themselves the
22 Jews but they are not really Jewish. And that's what I
23 mean by the same conclusion as Hitler, because Hitler
24 never gave an order to exterminate the Jews.

25 Q. Okay. How about when you said -- let's look

1 at it. How about when you quoted someone as saying
2 "Only good Jew is a dead Jew," that you once thought
3 that was crazy at that time in the past, implying that
4 you don't think that's crazy now. Are you still trying
5 to be funny then?

6 A. Context behind that, because this is a
7 Twitter thread. When I was in Alabama with
8 confederates one of the things they always say funny,
9 "Only good Jew is a dead Jew." They make fun of Black
10 people, they make fun of everything. And I just quoted
11 that because I knew would trigger you and I knew you
12 would print it out. And that was my goal for you, to
13 print all these things out.

14 Q. So, your goal was too get me to print it out
15 and waste the Court's time?

16 A. No, I don't want to waste the Court's time.
17 You're wasting the time taking me to court.

18 Q. All I can -- okay.

19 All right. How about when you say Israel
20 doesn't have the right to exist, was that again an
21 effort to bait us or were you full of it?

22 A. Israel, my -- I have friends that are
23 Palestinian that are dying. I have friends that are
24 Christian in Israel that are dying. I have friends in
25 Lebanon that are dying. So, I don't believe any

1 country has the right to exist that if they are
2 genociding innocent Christian people of all kind,
3 including Jewish people that follow the Torah.

4 Q. Okay. Do you believe that Jews post --
5 Zionist Jews pose an existential threat to the United
6 States?

7 A. I believe Zionists aren't Jews. They're not
8 Jews. They're Communist but they pose themselves as
9 Jews to use trust in people and use the Bible as a way
10 to take over the world. So, when I say Zionist Jews,
11 those aren't real Jews. That's why I quoted the Bible
12 is the Revelation 2.9, these Jews are not Jews but the
13 synagogue of Satan. That's Revelation 2.9 in the New
14 Testament.

15 Zionist Jews are not Jews. They don't
16 follow the Torah. They follow the Talmud. That's what
17 I meant by that, Zionist Jews aren't Jews.

18 MR. ROGERS: Objection. Nonresponsive.

19 THE COURT: Sustained.

20 So, the question was do you believe, I
21 can't read this. "Zionist" is not in your dictionary.

22 COURT REPORTER: No, it's not.

23 THE COURT: Zionist Jews pose an
24 existential threat to the United States. That's the
25 question.

1 THE WITNESS: I don't know how to answer
2 that question because you're saying that Zionists are
3 Jews. I'm saying Zionists are not Jews. So I don't
4 know how to answer the question because I'm saying
5 Zionists are not Jews, they're just Zionists. They're
6 Communists. They don't believe in religion, they don't
7 believe in God. They just believe in the Talmud or
8 Gemara. They don't believe in the Torah, they're not
9 Jews. Zionists aren't Jews.

10 BY MR. ROGERS:

11 Q. I'll rephrase the question. Do you believe
12 Zionists pose an existential threat to the United
13 States?

14 A. The Zionists that believes in Netanyahu does
15 pose threat to the United States.

16 Q. Okay. Do you believe that the Travis County
17 Republican Party is working with Zionists to take over
18 the United States?

19 A. I do.

20 Q. Okay. Do you believe that the Travis County
21 Republican Party, by standing with Israel, is
22 committing some sort of treason?

23 A. You can stand with any country you want, I
24 don't think that's being treason. What's treason what
25 is happening to me right now, where you're kicking me

1 out wrongfully. That's treason. So, I don't believe
2 that you standing with Israel or any country is
3 treason, I believe when you forcibly kicking people out
4 like me is treason under false pretense.

5 Q. So, if you look at page 32 of Exhibit 1, it
6 says, "Sir, everyone who says I stand with Israel is a
7 terrorist of America. They need to be held for treason
8 that is punishable by death. Travis County Republican
9 Party is full of people who hate America." That's not
10 really -- that doesn't really jive with what you just
11 testified, does it?

12 A. Yeah, what you said is it needs to be in full
13 context. That post is in July, July 5th, and I quoted
14 the reason. I said that in July 5th because election
15 is coming up and everyone that posted "I stand with
16 Israel" on the election on their post, I'm trying to
17 tell people don't vote for these people that say "I
18 stand with Israel" because they're Zionist. They're
19 Communist. So, when I say they're terrorist it's
20 referring to the picture below, how they're using
21 AIPAC, ADL funded and these Israeli trips to take over
22 the country.

23 So, when I said I stand with Israel, this
24 is out of context. The context is don't vote for
25 anyone that says "I stand with Israel." That's the

1 whole -- and especially if they're funded by AIPAC and
2 going -- they have work with AIPAC but AIPAC is an
3 Israel organization by Israel Massad.

4 Q. But you didn't limit it, your post, to just
5 those people in that picture, did you, you said
6 everyone who says "I stand with Israel" is a terrorist.
7 And that they need to be held for treason. That's
8 everyone.

9 A. No, that's just from July 5th. If you --
10 there's more posts below all of that, so you would have
11 to look at the whole thing in context, the whole thread
12 in context to make sense out of it. So, based on this
13 particular thing is very out of context. So, if you
14 were to read that it makes me look like I don't like
15 people of Israel or the Jewish people. But when you
16 look at full context, the context shows that I care
17 about the Jewish people, but this is referring to the
18 election that is coming up right here, right now, in
19 November of 2024.

20 So, that's what I meant by that post.
21 Don't vote for anyone that says "I stand with Israel"
22 and if they're funded by AIPAC.

23 Q. Where is the word "vote" in that post?

24 A. It's not here.

25 Q. Right.

1 A. Because it's not printed out because there's
2 so many papers on here I wouldn't know where to find
3 the full context in here at this present set.

4 Q. So, you're saying this -- the context of this
5 post has to do with voting, yet the word "vote" or
6 "voting" is not even mentioned.

7 A. Yes. I probably just didn't because it
8 says -- at the bottom it says, "There are good
9 people there." For the full context, I said, "Everyone
10 who says 'I stand within Israel,' end quote, is a
11 terrorist of America. They need to be held for treason
12 that is punishable by death. Travis County Republican
13 Party is full of people who hate America. There are
14 good people there, but AIPAC people are trying to
15 blackmail the good ones."

16 That's the full context. I'm trying to
17 say AIPAC members, AIPAC is blackmailing our
18 politicians and -- yeah, AIPAC is blackmailing our
19 politicians. So my context when voting, it has to do
20 with AIPAC. So, the answer, to answer your question, I
21 cannot answer it based on this particular sentence.

22 Q. Sure you can. You wrote it.

23 A. The full context.

24 Q. Sure you can, you wrote it.

25 A. Yes, and my answer is based on -- but I'm

1 illustrating this post, don't stand with anyone that
2 says "I stand for Israel," that's backed by AIPAC.
3 That's the context of it. Because they're blackmailing
4 politicians, like P. Diddy.

5 MR. ROGERS: Okay. Your Honor, I don't
6 have any more questions for Mr. Wueschner.

7 THE COURT: All right, Mr. Wueschner, do
8 you have any redirect?

9 MR. WUESCHNER: No, just a closing
10 statement.

11 THE COURT: All right. Then you may
12 return to counsel table. Thank you.

13 All right, Mr. Rogers you can do your
14 closing argument first.

15 MR. ROGERS: I'm going to rise.

16 THE COURT: Yes, thank you.

17 MR. ROGERS: Thank you.

18 I'll keep this short, Your Honor.

19 Mr. Wueschner is emphatic that he's trying to be
20 diplomatic, that he's not a violent person. I think
21 our official legal response to that is, yeah, right.
22 Look at the evidence. Abundantly clear that he holds a
23 violent contempt toward Jews, towards Zionists.
24 However he wants to categorize these people, it is
25 abundantly clear that he thinks that Zionists have

1 infiltrated the party.

2 He has labeled our chairman, Mr.
3 Mackowiak, as a Zionist. So, it simply follows that
4 when he says in his tweet that the -- that "Zionist
5 Jews should be very very very afraid right now because
6 the 2nd Amendment is coming for you," it follows that
7 the Travis County Republican Party, because of what he
8 believes about them, should also be very, very, very
9 afraid right now.

10 When he says things like "A good Jew is a
11 dead Jew," that's not funny. Nobody finds that funny.
12 We take that as a threat to Jewish people. He's trying
13 to bait us. So, was he -- if he's trying to bait us,
14 that means that he's lying in these posts. So, his
15 credibility is completely shot.

16 You've heard, and this is the context
17 through which we're asking you to view what happened on
18 August 3rd of 2024, the incident that Mr. Bickers and
19 Miss Day testified about when he said, "I'm bringing
20 you down, I'm bringing you down, I'm bringing everybody
21 down," they very reasonably and understandably
22 understood that to be a physical threat. So much so
23 that Mr. Bickers called the police and understandably
24 so.

25 When Mr. Ward testified about a comment

1 that he heard that caused him to place an armed guard
2 at their meetings, he didn't do that arbitrarily, he
3 did that specifically for Mr. Wueschner, and
4 understandably so.

5 So, I think any notion that Mr. Wueschner
6 is trying to be diplomatic or he's a nonviolent person,
7 I think the evidence is overwhelming that that's just
8 not the case here.

9 And so with that we respectfully request
10 that our application for a permanent injunction be
11 granted, and again I've given you our proposed order.

12 THE COURT: All right, thank you.

13 Mr. Wueschner.

14 MR. WUESCHNER: Just want to be very
15 clear that I care about the United States of America
16 and I care about the world, and the last thing I want
17 to do is try to fix something with hate. It goes
18 against my moral values as a Buddhist or even as a
19 Christian person would believe. So, my goal is to
20 expose the corruption, and the only way to expose the
21 corruption is by what I just did today.

22 And secondly, I've been unfairly kicked
23 out where I have no voice with the Republican party. I
24 haven't had a chance to attend my first meeting as an
25 official precinct chair under oath because I had to go

1 see my father in Alabama that's very sick. So, they
2 used that timeframe to take what I said out of context
3 and presented it around 149 precinct chairs in Travis
4 County to get a vote in to kick me out without me
5 being -- without my presence there.

6 And now they're using the same exact
7 context to file a police report and I believe what
8 they -- what they're trying to do is that I am a threat
9 to their power in the Travis County Republican Party.
10 Because a lot of people really do like me, and I want
11 to be the party leader to truly lead Austin, Texas,
12 Travis County Republican Party to fix all the
13 corruption that is in the police department, fix all
14 the corruptions, and that means I'm going after the
15 people within the Travis County Republican Party that I
16 believe are Democrats.

17 Because Matt Mackowiak is a Democrat
18 because he has an organization called "Save Austin Now"
19 and the co-founder of the Save Austin Now, Celia
20 Patrick, hates Trump, hates everything about the
21 Republican party, and Matt Mackowiak happens to be the
22 chair as a proud Zionist.

23 And Dustin, he works with AIPAC, as he
24 mentioned his wife's friends or relative work with
25 Israel. They get a lot of benefits from Israel and

1 AIPAC, and AIPAC is one of the biggest donors to the
2 Republican party and the Democratic party and they are
3 the ones that -- AIPAC used to be known as American
4 Zionist Organization. They changed their name.
5 They're the one that was responsible for John F.
6 Kennedy's assassination when you look into the history.

7 My goal was to present all of this
8 historical evidence with the Travis County Republican
9 Party to be able to take out "I stand with Israel" out
10 of the Republican party platform. And it's also
11 mentioned that the Holy Bible and the Genesis is in the
12 Republican party platform. And that is a violation of
13 the Bill of Rights.

14 I'm a constitutionalist, and I believe
15 that everyone should have the freedom. Therefore, I'm
16 not a violent person, but because I stand only for
17 America and America only and I don't care about any
18 other nation but United States under political
19 leadership, and they don't like that because that is
20 against Israel. So, I believe they falsely accusing me
21 to kick me out to keep my mouth shut and to punish me
22 to show that -- to just hurt me and slander me.

23 So, I believe I haven't violated
24 anything, they are falsely accusing me, and I would
25 like to be back in the Republican party to be able to

1 talk to the other members to tell them about this court
2 case, because none of them -- most of them have no idea
3 what's going on and they think I'm a terrible person,
4 and I want to make sure that they know my full context,
5 that they can make the decision for themselves based on
6 what I say. And right now most of those -- half those
7 members don't trust me because they don't know me, they
8 don't trust me because they trust the leadership of
9 Travis County Republican Party because they're
10 Republicans and they don't know who this brown Buddhist
11 person is. Of course they're going to believe them.

12 So now I have no voice, I can't go there
13 to talk to them, and now I'm unfairly being kicked out
14 and when they know that I am coming for Matt
15 Mackowiak's Travis County Republican Party chair seat
16 or even higher as the Republican member. But I'm not a
17 violent person, I care about Jewish people, homosexual
18 people, Black people. I don't care who you are, I just
19 want to heal your heart. But to do that we have to
20 follow the constitution and we cannot embed religion
21 into the constitution, like what the Zionist regime has
22 done within Travis County Republican Party and the
23 Texas Republican party platform.

24 So, my goal is to be able to fix the
25 Republican party platform. And to fix that, I have to

1 attack the Zionist regime that is changing the law.
2 Verbally, all diplomatically, when I say I want to
3 destroy them, I mean I want to destroy them
4 diplomatically, where everyone knows who they are so
5 they can be persecuted and to go from the jury to go
6 about their ways. I don't mean harm or anything else
7 like that, and they should clearly know that. That's
8 what I meant by I want to destroy them is
9 diplomatically through the law.

10 And that's all I have to say.

11 THE COURT: All right, thank you.

12 Mr. Rogers.

13 MR. ROGERS: Yeah, he just said this we
14 should clearly know that, yet he still says he did all
15 this to bait us here. The two cannot be consistent.
16 They are not consistent. He says he's a Buddhist. The
17 evidence shows he's more like an anarchist. He has
18 provided -- he has offered no evidence to provide any
19 of the supposed context that he talks about into
20 evidence other than his testimony. The documents that
21 he offered were never admitted into evidence. And
22 there's no -- there is no context that exists that were
23 things like "Good Jew is a dead Jew" or "Where is
24 Hitler when you need him" or "I agree with Hitler."
25 There's no context where that can be viewed as

1 diplomatic. That is the opposite of diplomatic.

2 He says that he's liked in the party. He
3 was unanimously kicked out. He is not liked. He -- he
4 is not liked at the party.

5 He said that he's a threat -- he's
6 threatening our power as Travis County -- as the Travis
7 County Republican Party. That has nothing to do with
8 power, it has everything to do with physical safety.
9 He's a threat to our physical safety, that's why we're
10 here. We are not trying -- again, we're not trying to
11 infringe upon his First Amendment rights to free
12 speech. If he wants to say things -- and by the way,
13 he just said he likes homosexuals, Blacks, Jews,
14 whatever, there's tweet after tweet after tweet after
15 tweet that show that's just not the case. He says "I
16 hate" and uses the "N" word. He was pejorative towards
17 homosexuals many times in the tweets, pejorative
18 towards the Jews many times in these tweets.

19 So, what we're asking the Court to do is
20 to enter a permanent injunction against Mr. Wueschner.
21 Again, not trying to infringe upon his free speech, but
22 we are saying, Mr. Wueschner, don't threaten us, don't
23 harm us, don't assault us, don't incite any violence
24 against us. And if you have to say these vile things,
25 take it down the road, because again it is not welcome

1 here.

2 Thank you.

3 THE COURT: Okay. So, Mr. Rogers, the
4 problem with your case is that I don't really
5 understand what laws you're asking me to issue this
6 injunction under, Number 1. So we can talk about that.

7 MR. ROGERS: Okay.

8 THE COURT: And Number 2, you ask me to
9 order many things for the protection of the Travis
10 County Republican Party, which is not a person.

11 MR. ROGERS: It's -- well, its members
12 and its officers.

13 THE COURT: Well, yes, but I -- I don't
14 think I can do it, no matter what I think about
15 Mr. Wueschner. I -- let me just read some of what's in
16 your proposed order.

17 MR. ROGERS: Okay.

18 THE COURT: First you tell me -- you ask
19 me to make a finding that the Defendant is liable to
20 the Plaintiff for the civil cause of action assault by
21 threat.

22 MR. ROGERS: Yes.

23 THE COURT: I don't think we've had a
24 trial on that today.

25 MR. ROGERS: What do you mean?

1 THE COURT: I don't think that I have
2 heard everything I would need to hear to make that kind
3 of finding. This is -- yeah, that's kind of it. I
4 don't know how I would do that.

5 I also am a little confused, and this
6 could be a mistake on the clerk's office or how it was
7 brought in front of me, but my docket says this is a
8 temporary injunction hearing.

9 MR. ROGERS: That's right, and that is a
10 mistake. I contacted the -- I'm sorry, I'm blanking on
11 the staff attorney's name who put it in there, but he
12 said that he would have that fixed. I guess he did
13 not, that didn't happen.

14 THE COURT: Okay, you're talking to me,
15 Number 1. Number 2, I don't know who you spoke to. It
16 was in the Court Administrator's office.

17 MR. ROGERS: I believe it was the staff
18 attorney for the judge that entered the temporary
19 injunction, and if you give me a moment I can look.

20 THE COURT: Well, okay, that -- it
21 doesn't really matter. If you're telling me you
22 believe it's a mistake on the docket, I'm fine with
23 that.

24 MR. ROGERS: Okay.

25 THE COURT: Okay. I still don't know

1 about -- well, and I'm not -- I heard from two
2 witnesses who I believe felt genuine fear with good
3 cause. They aren't asking me for anything. The Travis
4 County Republican Party is asking me for something.
5 So, that's problem Number 1.

6 I'm going to go through all the problems
7 before you talk again.

8 I don't know like -- let's just take a
9 hypothetical and turn this around and assume that
10 Mr. Wueschner sued the party instead of vice-versa.

11 MR. ROGERS: Okay.

12 THE COURT: And he wanted to sue based on
13 actions Miss Day and Mr., whatever his name was,
14 Vickers [sic] did. You would be in here telling me
15 that he cannot sue the party for things they did,
16 because they're separate. Right?

17 MR. ROGERS: They did them on behalf of
18 the party.

19 THE COURT: Well, maybe they did, maybe
20 they didn't. I don't know. The point is, that would
21 be your first defense. I see it every day, so I know
22 it is. So, it goes both directions. So, that's a
23 problem.

24 If they wanted to ask me for a
25 restraining order or protection order, I think they

1 would probably have grounds, I don't know for sure, we
2 would have to hear more testimony. But that incident
3 seemed genuinely concerning.

4 Then you ask me to order Mr. Wueschner
5 from doing any act intended to result in the physical
6 harm, bodily injury, and/or assault against the Travis
7 County Republican Party.

8 MR. ROGERS: Uh-huh.

9 THE COURT: That doesn't make any sense.
10 You can't assault a group. You can't cause physical
11 harm or bodily injury to the Republican party. It has
12 no body.

13 MR. ROGERS: But you can do it to the
14 persons that are a part of the party.

15 THE COURT: Right, but you literally are
16 asking me to restrain him -- well, first of all, he
17 hasn't -- when we grant injunctions or protective
18 orders like this, there has typically been a physical
19 assault of some kind already. Because what you're
20 asking me to do, if you're asking me to protect the
21 officers, chairs, volunteers, members, and then
22 event/meeting attendees, et cetera, one, that's not
23 precise enough to be enforceable in any way; and, two,
24 forever, that could literally be thousands of people.
25 I mean, over time that could -- that could be anybody.

1 He's already not allowed to physically
2 harm people, right, that's against the law already.
3 So, you've taken a threat and you're trying to turn it
4 into a ban on a physical harm. That's already illegal,
5 and I don't have any evidence that he's ever physically
6 hurt anyone. He got real close to it with Mr. Vickers,
7 but he didn't actually physically harm him. So.

8 Then ask you me to order Mr. Wueschner
9 from doing any act that reasonably places Plaintiff --
10 you already know my concerns about that.

11 MR. ROGERS: Yeah.

12 THE COURT: Or Plaintiff's officers,
13 precinct chairs, volunteers, members, event/meeting
14 attendees, et cetera, in fear of imminent physical
15 harm, bodily injury and/or assault. That at least
16 connects to the allegations about the actions that he
17 took in August.

18 Then you ask me to restrain him from
19 communicating, and this one I really don't think I can
20 do, with Plaintiff, maybe that's a thing, or anyone
21 Defendant knows to be Plaintiff's officer, chair,
22 volunteer, or member. And then you say, and then, if
23 Defendant is made aware that a person with whom he is
24 communicating is one of those officers, chairs,
25 volunteers, or members, then he shall cease and desist.

1 Hypothetically, Mr. Wueschner could be at
2 H-E-B and the clerk could say, I'm a member of the
3 Republican party, and he would have to, what, walk out
4 and leave his groceries behind? That's what you're
5 asking me to order. I can't do that.

6 MR. ROGERS: We can certainly make
7 carve-outs that allow him to live his normal life.

8 THE COURT: We're trying to find
9 something we can carve in right now. I'm trying to
10 find something I can order, legally order. I have to
11 follow the law.

12 MR. ROGERS: I understand.

13 THE COURT: Similar problem with Number
14 4, going 1500 feet of any location where Plaintiff,
15 again the party has no physical form, so there is no
16 location where the Republican party exists. It's not a
17 tangible thing. Or Plaintiff's officers, chairs,
18 volunteers, members, or meeting attendees known to be
19 gathered. So, hypothetically again, the Travis County
20 Republican Party could have a meeting and people could
21 be at that meeting, and then those people could leave
22 the meeting and go to Zilker Park for a birthday party.
23 And this order, if I granted it, would say
24 Mr. Wueschner could not be within 500 feet of that
25 birthday party.

1 MR. ROGERS: Okay.

2 THE COURT: I can't do that.

3 Going within 500 feet of any location
4 where the residences or places of employment of
5 Plaintiff or Plaintiff's officers are known by
6 Defendant. Maybe, maybe, I'm not sure. Maybe, if we
7 can restrict this to Ms. Day and Mr. Vickers, maybe.
8 But I can not order him to stay away from all officers
9 of the Travis County Republican Party for eternity. I
10 don't have any -- I can't do that.

11 MR. ROGERS: Okay.

12 THE COURT: Going within 500 feet of
13 Plaintiff's headquarters. This one at least is
14 precise, it involves the actual Plaintiff in this case.

15 Have you issued a trespass order against
16 Mr. Wueschner?

17 MR. ROGERS: No.

18 THE COURT: Those are very easy to do.

19 MR. ROGERS: We have not, no.

20 THE COURT: Okay. So, the easiest way to
21 do that is to get the police to come out and tell him
22 he's not allowed on the premises, they give him a
23 trespass warning, it's a piece of paper, it's filed,
24 he's told -- he's asked to sign it, and then he knows
25 he's never allowed on the property.

1 MR. ROGERS: Okay.

2 THE COURT: The incident that you are
3 complaining of in this case didn't even take place at
4 the headquarters. It took place in someone's home.
5 That homeowner could also issue a trespassing warning
6 against Mr. Wueschner if they wanted.

7 MR. ROGERS: In all fairness, Your Honor,
8 I don't think he was issuing any threats towards the
9 homeowner but, rather, the people who were part of the
10 party. So, to me that follows.

11 THE COURT: I hear you, I'm just saying
12 any -- you don't have to actually have a reason to say
13 someone is not allowed on your personal property, on
14 your home property, and so all you have to do is tell
15 them they have to leave, they don't leave, you call the
16 police, they get removed, they have a trespass warning,
17 they can never come back. It's not -- it's going
18 within 500 feet of any meeting, gathering, party, or
19 other event of or held by Plaintiff. I don't think I
20 can do that one, either.

21 Here is the thing. There is not a
22 question in my mind that you threatened Ms. Day and
23 Mr. Vickers. And you did it because you wanted to
24 scare them. Plain as day. You were angry. You want
25 to be a person in the Travis County Republican Party

1 and they don't want you. And you're upset about that
2 and you threatened them. That is clear.

3 It is also plain as day to me that,
4 whether you believe the things you post are not, they
5 are vile. Unbelievably offensive and disgusting. But
6 you get to say most of these. And honestly, I find it
7 interesting that so many of them include material
8 prepared by somebody else that you are copying, and I
9 would love to know where some of it came from; because
10 it is sadly widespread, let's say, in general these
11 days that these kinds of things are created and shared.

12 But there are really not any threats in
13 this binder. And I say that as someone who receives
14 similar kinds of communications for my work. I'm
15 trying to think, you know, I get them all the time,
16 you're -- you're X, Y and Z and I can't wait for you to
17 go to hell, or whatever. When it turns and they say,
18 "And I'm going to come help you get there," then I feel
19 like that's a threat. But wishing something horrible
20 will happen to someone, talking about how excited
21 you'll be if something horrible happens, those aren't
22 actually threats.

23 MR. ROGERS: I understand.

24 THE COURT: They're disgusting. Nobody
25 who claims to believe in love would say any of this, so

1 that's not credible. And the Republican party is -- I
2 don't mean this in a derogatory term way at all, it's a
3 club, basically. And a club does not have to include
4 you in an official position, in its membership. That's
5 not how this works. They don't like you, they don't
6 have to include you. They get to say, no, you don't
7 get to be a precinct chair for us. That's the way that
8 works.

9 I think with these kinds of posts you're
10 going to be hard pressed to find any legitimate
11 political party willing to let you be an official part
12 of their organization.

13 Nope, I'm talking.

14 Because nobody wants this around them.

15 MR. ROGERS: May I say something, Your
16 Honor?

17 THE COURT: What.

18 MR. ROGERS: We are surely willing, given
19 your problem with the use of our word "Plaintiff" in
20 these orders, to strike that word. If you recall,
21 Mr. Bickers and Miss Day both testified that
22 Mr. Wueschner not only made threats to them
23 individually, but made threats to every person in the
24 house.

25 THE COURT: Yeah, at that house, at that

1 envelope party. I heard that.

2 MR. ROGERS: And they understood that to
3 mean people in the party.

4 THE COURT: Well --

5 MR. ROGERS: It's not really --

6 THE COURT: -- I think we can say he
7 meant to the people who were there. I don't think we
8 can expand it to the entire Republican party of Travis
9 County and the other Republican organizations about
10 which I heard today that I've never even heard him
11 mention. That seems a stretch.

12 MR. ROGERS: We're not here asking for
13 that.

14 THE COURT: Right. So, I -- I am glad
15 that Mr. Vickers called the police. I hope that
16 Ms. Day called the police if she, and she's not hear
17 anymore, if she thought it would be helpful. I think
18 that we should report threats, absolutely. Gun, Second
19 Amendment language is very popular in Texas with a lot
20 of people, probably a lot of people who are not
21 appreciating it in this context. It's not a threat by
22 itself. It just isn't.

23 I cannot go around and tell people that
24 they cannot say the Second Amendment is coming for
25 Zionist Jews and then in the other statement the

1 Republican party of Travis County has been infiltrated
2 by Zionist Jews. I cannot draw that inference that
3 that means that he is personally planning to shoot
4 people in the Travis County Republican Party. I can't
5 do it. That is a clear -- that would be a clear ban on
6 free speech, as disgusting as I find all of the above
7 statements. And I'm glad everyone in this room does,
8 too. I find that reassuring. I guess with one
9 exception. But I can't -- I just can't.

10 So, you know, I normally would not talk
11 about this so much, but I don't want anyone to
12 misunderstand the constraints I feel placed on me by
13 our constitution, federal and state, and the state
14 laws, which I am required to enforce. And enforcing
15 them means not exceeding them in ways that are
16 improper. And I just -- so, I don't --

17 MR. ROGERS: Your Honor, can I -- may I
18 say something?

19 THE COURT: You may.

20 MR. ROGERS: Are we supposed to wait
21 until he actually hurts us to come back?

22 THE COURT: No, of course not. But
23 that's kind of the law. People get to say horrible
24 things. They do. There are other causes of action for
25 speech, there's defamation, there's intentional

1 infliction of emotional distress, there are things like
2 that that can be brought.

3 I don't want in any way to make you
4 think, Mr. Wueschner, that you are welcome at a
5 Republican party event. You are not. I am not
6 suggesting you go to any. You should not. You need to
7 stay away from them. You need to find a different
8 hobby.

9 MR. ROGERS: Is there anything in what we
10 propose that the Court can get on board with?

11 THE COURT: I guess I can do Number 6,
12 that one seems reasonably straightforward. It's just
13 there's a lot I just I don't know. I spent most of the
14 lunch hour trying to figure out what I'm actually
15 allowed to do here.

16 Mr. Vickers and Miss Day both work for
17 the party, is that right.

18 MR. ROGERS: That's correct.

19 THE COURT: You didn't get her to spell
20 her name. Is it L-A-U-R-E-N? She's not here.

21 MR. ROGERS: That's correct.

22 THE COURT: D-A-Y?

23 MR. ROGERS: That's correct.

24 THE COURT: All right.

25 MR. ROGERS: I think it's Bickers, not

1 Vickers.

2 THE COURT: Oh, with a "B"?

3 MR. ROGERS: With a "B."

4 THE COURT: Oh, I'm so sorry. I wrote
5 down "V" this whole time. "B," Bickers. Okay. Well,
6 I fixed that.

7 Even in a regular protective order it's
8 pretty rare to ban all communication. We usually only
9 ban threatening communication, so.

10 MR. ROGERS: I understand that, Judge,
11 and I only put that in -- I put that in there with --
12 understanding that. The reason I put it in there was
13 because of the extremity -- the extremeness of what
14 we're --

15 THE COURT: I mean, the good news is,
16 according to this exhibit, almost nobody is looking at
17 what he puts on X, so hopefully that will stay the same
18 and he's just talking to himself.

19 Sorry, but, you know, you're saying stuff
20 that shouldn't be said. So, if nobody sees it, I think
21 that's a good thing.

22 And I'll just say this, Mr. Bickers, and
23 you can share this with Miss Day, as well, if you see
24 Mr. Wueschner and you think he's somewhere because of
25 you, you should take action about that. Don't ignore

1 it. If he comes to your business, he doesn't have a
2 reason to be there, don't be like, well, the judge said
3 I couldn't -- no. You, as an individual, have rights,
4 as well, that you can pursue. But the Plaintiff today
5 is this organization that doesn't have the same kinds
6 of rights. So, that's part of the problem.

7 So, it is not that I think you were not
8 threatened. I do.

9 And you are not allowed to do that.
10 Threats are assaults. Threats can be assaults in
11 Texas. It can be a crime if something, you know, you
12 could be prosecuted for it. So, it is very serious. I
13 just don't -- I don't have quite the right thing here.

14 So, what I'm doing, I've taken out Number
15 1. Number 2 says, and I'm going to grant this, so
16 that, Mr. Wueschner, you will be permanently prohibited
17 from doing any act that reasonably places Plaintiff's
18 officers Leland Bickers or Lauren Day in fear of
19 imminent physical harm, bodily injury, and/or assault.
20 Do you understand?

21 MR. WUESCHNER: Yes, Your Honor.

22 THE COURT: And you will be permanently
23 prohibited from going within 500 -- I don't know where
24 it is, so. Oh, it says 807 Brazos.

25 Is there going to be a problem if you

1 can't go on that block, the 800 block of Brazos?

2 MR. WUESCHNER: Your Honor, the main
3 Republican party for the Texas is right next door to
4 it. I want to be involved.

5 THE COURT: The state party.

6 MR. WUESCHNER: The state party is right
7 next door to it. So, I want to be involved with the
8 state party. I've been emailing Ken Paxton. His
9 staff.

10 MR. ROGERS: Can we change it to going
11 into?

12 THE COURT: Yeah, we'll just say in the
13 building itself. They're in separate buildings?

14 MR. WUESCHNER: No, it's in the same
15 building.

16 MR. ROGERS: They're in the same
17 building.

18 MR. WUESCHNER: Next door to each other.
19 Like it's on a corner.

20 THE COURT: Do they have separate
21 entrances?

22 MR. WUESCHNER: Yeah, two, one small room
23 where they're at.

24 MR. ROGERS: They're on separate floors.

25 THE COURT: What floor is the county?

1 MR. BICKERS: The Republican party is on
2 seven and we are on three.

3 THE COURT: All right. So, you cannot go
4 on the third floor. So, we're just going to say going
5 to Plaintiff's headquarters, Suite 304. I'm going to
6 just say the third floor, and/or the third floor.

7 MR. ROGERS: Okay.

8 THE COURT: Of Brazos Street. So, now it
9 is going to Plaintiff's headquarters located at 807
10 Brazos Street, the Vaughn Building, Suite 304, Austin,
11 Texas, blah, blah, and/or the third floor of 807 Brazos
12 Street. So, I don't know, you know, if the state party
13 wants to welcome you, that's up to the state party.
14 But you cannot go to the county party's offices ever
15 again.

16 Do you understand?

17 MR. WUESCHNER: Okay, if they change,
18 sometime they might change floors, how do I know?
19 Let's say I go to the fourth floor and one day --

20 THE COURT: If the Travis County
21 Republican Party is on the floor, you can't go there.
22 I don't know how often they change floors. If you are
23 concerned about that and you -- you need to check the
24 sign on the building before you get off the elevator on
25 a floor to make sure they're not on that floor.

1 MR. WUESCHNER: Okay. So, in just
2 particular their headquarters on that floor that
3 they're in.

4 THE COURT: That's right.

5 MR. WUESCHNER: And if they -- if the
6 state party happened to move to the same floor.

7 THE COURT: You have to come back to
8 court.

9 MR. WUESCHNER: Okay.

10 THE COURT: I, really unfortunately, do
11 not think I can grant anything in 3, 4, and 5.

12 MR. ROGERS: We cannot get an order
13 keeping him from our meetings?

14 THE COURT: He's -- you don't have --
15 you're a private organization. You don't have to let
16 him into your meetings. But -- but, I don't think I
17 have the finding -- I can't make the finding I would
18 need to make to grant this request, which says within
19 500 feet of any meeting, gathering, party, and/or other
20 event of or held by Plaintiff.

21 MR. ROGERS: He already did it at one.

22 THE COURT: That could be a parade.

23 MR. ROGERS: He already did it at one.

24 THE COURT: Yeah, one.

25 MR. ROGERS: Yeah.

1 THE COURT: This is -- this could like
2 have the effect of him being banned from huge parts of
3 Travis County with no notice. I mean, I already know
4 you have events at people's homes, I'm keeping him out
5 of your office, you could have a -- if the party
6 organizes people to stand in front of polling places
7 with signs to try to encourage people to vote the way
8 they want them to vote, that's an official meeting or
9 event, and then he can't go vote? I cannot do that. I
10 just can't.

11 MR. ROGERS: I understand.

12 THE COURT: I'm sorry. It's just
13 not -- it's too broad.

14 We have harassment and stalking laws in
15 the state of Texas. If you start communicating with
16 people, whether they're in the Republican party or not,
17 in a harassing or stalking manner, they can file
18 criminal charges and they can come back with civil
19 charges requesting specific protective orders. Don't
20 start doing that. That means don't -- just don't
21 communicate directly with people who don't want to hear
22 from you.

23 MR. WUESCHNER: I -- yes. Someone says,
24 don't talk to me, message me, written, I don't pursue
25 them ever.

1 THE COURT: I just -- yeah. All right.
2 That's all I can do, just those two.

3 MR. ROGERS: Okay.

4 THE COURT: Sorry. But that will be my
5 final judgment.

6 So, you are permanently restrained and
7 prohibited from doing any act that reasonably places
8 Plaintiff's officers Leland Bickers or Lauren Day in
9 fear of imminent physical harm, bodily injury, or
10 assault; from going to Plaintiff's headquarters located
11 at 807 Brazos Street, the Vaughn Building, Suite 304,
12 Austin, 78701, and/or the third floor of 807 Brazos
13 Street.

14 Do you understand?

15 MR. WUESCHNER: Yes, Your Honor.

16 THE COURT: Do you understand that
17 this -- this is forever, unless you come back to court.

18 MR. WUESCHNER: Yes, Your Honor.

19 THE COURT: That means if all the
20 leadership at the Travis County Republican Party
21 changes and the new ones call you and say, come by
22 headquarters, we want to welcome you back, and you do
23 that, you can be arrested.

24 MR. WUESCHNER: I understand.

25 THE COURT: This order is what governs,

1 not what people say about coming over there, do you
2 understand that?

3 MR. WUESCHNER: Yes.

4 THE COURT: It means if you go to visit
5 the State Republican party and you accidentally get off
6 on the wrong floor and it's the floor where their
7 offices are, you are in violation of this order and you
8 could be arrested.

9 Do you understand that.

10 MR. WUESCHNER: I understand.

11 THE COURT: Do you understand that all of
12 this evidence about what you did on August 2nd, what
13 you've done at other events, the -- I don't remember
14 what the name of the organization was, but the event
15 that Mr. Ward testified about, all of that, if you
16 start harassing or threatening or stalking any of these
17 individuals, all of that will be admissible to show why
18 you are dangerous.

19 Do you understand that?

20 MR. WUESCHNER: Yes, Your Honor.

21 THE COURT: All right. That's it.

22 MR. ROGERS: Are you okay with the order
23 to get our bond back?

24 THE COURT: Yes, that's fine, I left that
25 in there.

1 All right. I'm going to end this hearing
2 and I'm going to ask you, Mr. Wueschner, to leave with
3 the deputies now, please, and then let everybody else
4 leave in a few minutes. Maybe one of you can go with
5 each. Okay. Thank you.

6 MR. ROGERS: Thank you, Your Honor.

7 MR. WUESCHNER: Thank you.

8 MR. ROGERS: Will this be E-filed and
9 sent to us?

10 THE COURT: Oh, thank you for reminding
11 me.

12 Is your email on file, Mr. Wueschner?

13 MR. WUESCHNER: No.

14 THE COURT: I don't know if you'll get a
15 copy. You can get your e-mail on file with the clerk's
16 office if you want to receive an automatic copy of this
17 order. Otherwise, you can go to the clerk's office
18 later and request one, a copy of it.

19 One second.

20 But otherwise I will sign it in the back,
21 we'll send it to the clerk, she processes it, she sends
22 it out. If you don't get it within, say, 48 hours,
23 call the clerk's office. I won't have it anymore, so
24 calling my office won't do you any good.

25 MR. ROGERS: Okay.

1 THE COURT: Any other questions?

2 MR. ROGERS: No, Your Honor.

3 MR. WUESCHNER: Can I ask a question?

4 Since I'm trying to get a vote in.

5 THE COURT: A vote in what?

6 MR. WUESCHNER: Because there's process
7 of filing to be a precinct chair without a committee
8 vote.

9 THE COURT: You're not going to be a
10 precinct chair. You can't go to headquarters.

11 MR. WUESCHNER: Right. You don't need to
12 go to headquarters to be the precinct chair. They have
13 meetings at different locations, like Dave & Buster's.

14 THE COURT: Mr. Wueschner, you're not
15 going to be a precinct chair for the Republican party.
16 They don't want you.

17 MR. WUESCHNER: Okay.

18 THE COURT: You need to give that up.

19 MR. WUESCHNER: Okay.

20 THE COURT: Find another organization,
21 find something to do that is helpful to people and not
22 hate filled. You will be happier and the world will be
23 a better place.

24 MR. WUESCHNER: Okay.

25 THE COURT: Okay?

1 You will do a lot more to save the world
2 if you leave this hate behind. Leave the Republican
3 party behind. Just go don't be political for a little
4 while until you get yourself straight. Because
5 honestly, if we had a different system I would probably
6 be reporting you for some kind of evaluation, because
7 the stuff in here is not healthy.

8 MR. WUESCHNER: Okay. Can I just say --
9 can I get one more minute?

10 THE COURT: You can, but I also can't
11 tell you what to do with the Republican party. I'm not
12 a part of the Republican Party. We don't -- it's --
13 really, when I say it's a club, I mean the Democratic
14 party is a club, too. We don't have political
15 registration affiliation in Texas. Everyone can vote
16 in one primary per round, any primary they want. If
17 you voted Republican your whole life and you switched
18 and you wanted to vote in the Democratic primary or
19 vice-versa, you get to do that in Texas. In some
20 states you are registered with the party and you can
21 only vote for that party. That's not how we do it
22 here.

23 So, this is just organization, it's
24 social engagement, it is not -- has nothing to do with
25 your right to vote, like really vote, not vote in the

1 party but like really vote. Those are separate.

2 So, I don't know anything about becoming
3 a precinct chair or any of that, I can't tell you how
4 that works. What I'm just telling you, as a person who
5 has listened to all of this today, is that you need to
6 find something else to do with your time and energy for
7 your own sake and everyone else's. Otherwise, this
8 kind of thing, I think, will keep happening and it will
9 get worse for you every time.

10 MR. WUESCHNER: Okay.

11 THE COURT: Because they won't bring the
12 same kind of suit next time. Next time there will be
13 four or five people asking for protective orders and
14 they could all be granted. And then it just piles up.
15 You don't want that. So, my advice, it's advice, I
16 can't give you an order on this, don't try to be a
17 precinct chair. Move on. Find something else to do.

18 MR. WUESCHNER: I'm just -- I have done a
19 lot of help for people all over the United States, zero
20 payment, nothing. I was just in North Carolina helping
21 to volunteer after the hurricane because FEMA wasn't
22 there. I was camping outside working.

23 THE COURT: FEMA was there.

24 MR. WUESCHNER: I was there, FEMA was
25 not.

1 THE COURT: I'm not going to listen to
2 things that are blatantly untrue. I'm not going to.
3 We're not in a hearing anymore, I don't have to let you
4 talk. I'm not going to listen when you say things that
5 are completely untrue. If you were there volunteering,
6 great. But don't tell me that the government wasn't
7 helping, because they were.

8 So, do you have something pertinent to
9 this that you need to ask me about?

10 MR. WUESCHNER: Okay. Yeah, just your
11 understanding that I can't be a precinct chair, but if
12 there's laws that I could file it, I can go about it,
13 but basically --

14 THE COURT: I don't know how their
15 organization is structured. They have rules. My guess
16 is one of the rules says if somebody has been expelled
17 as a precinct chair, they may not reapply. That's my
18 guess. But I've never read their rules so I don't
19 know.

20 MR. WUESCHNER: That's all, Your Honor.
21 Thanks so much.

22 THE COURT: All right.

23 MR. ROGERS: Thank you, your honor.

24 THE COURT: Thank you, everybody.

25 (End of proceedings.)

1 REPORTER'S CERTIFICATE

2 THE STATE OF TEXAS)

3 COUNTY OF TRAVIS)

4 I, Alicia DuBois, Official Court Reporter
5 in and for the 459th District Court of Travis County,
6 State of Texas, do hereby certify that the above and
7 foregoing contains a true and correct transcription of
8 all portions of evidence and other proceedings
9 requested in writing by counsel for the parties to be
10 included in this volume of the Reporter's Record, in
11 the above-styled and numbered cause, all of which
12 occurred in open court or in chambers and were reported
13 by me.

14 I further certify that this Reporter's
15 Record of the Proceedings truly and correctly reflects
16 the exhibits, if any, offered in evidence by the
17 respective parties.

18 WITNESS MY OFFICIAL HAND this, the 29th
19 day of August, 2024.

20 /s/ Alicia DuBois
21 Alicia DuBois, CSR
22 Texas CSR 5332
23 Exp. Date: 1/31/26
24 Official Court Reporter
25 459th District Court
Travis County, Texas
1700 Guadalupe
Austin, Texas 78701
(512) 854-9301