

STATEMENT TO MEDINA COUNTY COMMISSIONERS' COURT

Judge Barden, Commissioners, thank you for allowing me to appear at this meeting today to express my concerns about the issue of access and signage in the Diversion Lake area. Let me state for the record that I do not intend to argue legal merits in this case, but will reference those pertinent facts that bear on my grievance, and will petition the Commissioners to undertake whatever action is necessary to correct said grievance.

Let there be no misunderstanding. I am not here to make friends or curry favor with the Medina Ranch property owners, whom I believe have demonstrated a frightening contempt and appalling disregard for the laws of the State of Texas as they pertain to the rights of the general public to access the navigable waterways of this state. The Texas Supreme Court case of Diversion Lake Club vs. Heath, 1935, definitively states that the general public may indeed exercise legal access to the very waters of Diversion Lake for the purposes of fishing and recreation, and this case is widely recognized as the landmark litigation establishing and extending those rights to all navigable waterways in the state of Texas. There is no question that this battle should not have to be fought 69 years after the fact. However, the Medina Ranch property owners have continued with impunity to operate a modern-day feudal kingdom, erecting a formidable barrier to access, and posting intimidating, threatening, misleading, and quite possibly illegal signage in the riverbed. I believe that these actions exhibit arrogance, elitism and a sense of entitlement that has long since transcended the bounds of offensiveness and encroaches on the profane.

Numerous pleas by citizens to state officials have been greeted with bureaucratic indifference and inertia. Although I have been assured by the General Land Office and the Texas State Attorney General's office that the Attorney General may indeed act on behalf of the citizens of this state, at the behest of any Texas legislator or Governor Rick Perry, the previous Attorney General, John Cornyn, has defaulted his authority and refused to act. Let us hope that the present Attorney General, Greg Abbott, is more conscientious in the discharge of his duties. Letters have been posted once again to the governor and various state legislators urging action in this matter.

Certain county officials have also informed me that Medina County may have no authority in this matter, and I must say that it strains credulity to think that there is no governing body empowered to act. I am compelled to act on behalf of all concerned citizens in rectifying this shameful situation.

A member of the Medina Ranch board told me that his primary concern is for "my safety", a statement of such astounding disingenuousness that it would be laughable if it were not so tragic. The same gentleman told me that I am being "somewhat aggressive", to which I must respond that the rules of engagement are defined by the aggressor, and in this instance the Medina Ranch is clearly the instigator and aggressor. I respond as a defender of public freedoms and quote Cornelius Tacitus, a Roman

legislator, who said “It is found by experience that admirable laws and right precedents among the good have their origin in the misdeeds of others.”

This is my plan of action and request to the Commissioners’ Court. Now that the weather is pleasant and conducive, I will launch a small boat for the purpose of fishing and recreation on the waters of Diversion Lake. I will not trespass upon the banks, nor will I litter, and I will respect the laws of the State of Texas for the taking of fish from the lake. I do not wish to be harassed or threatened with arrest. I seek no physical confrontation. I will not be intimidated. Others will undoubtedly follow, as the development of a website devoted to this problem has already commenced. Media, including newspapers, television stations and magazines have been apprised of the developments, and will be kept up to date of the actions taken by myself and other recreational users, as well as the responses of any public officials and the Medina Ranch property owners.

It is my request that at least one wing of the “big red fence” be removed, in order to facilitate ease of access to Diversion Lake by small watercraft, and that appropriate signage be placed on both the east and west approaches to the river on County Road 271, clearly informing the public of their legal rights to enter Diversion Lake for the purposes of fishing and recreation.

Judge Barden, Commissioners, I have with me Letters of Intent regarding my actions. Copies are addressed to each of you, as well as Sheriff Gilbert Rodriguez and County Attorney Ralph Bernsen. I would like to request that each of you sign both copies of this letter and return one to me in the self-addressed, stamped envelope provided. Additional copies of this letter are being provided to all public officials and media who have thus far been informed of the situation. I ask this as a courtesy, and to provide a public and private record. You are, of course, under no legal obligation to do so, but acceptance or rejection of this request will be duly noted for future use. I thank you for your time and attention in this matter, and for the consideration of the Medina Ranch property owners I leave with this quote from Texas Ranger Captain Bill McDonald, one of the “Four Great Captains”, who said “no man in the wrong can stand up against a fellow that’s in the right and keeps on a-comin’.”