

# Exhibit 245

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in the case of:

**People of the Republic of Texas  
and the  
Sovereign Nation of the Republic of Texas**

**v.**

**UNITED NATIONS  
(and all it's Political Subdivisions)  
and  
UNITED STATES  
(and all it's Political Subdivisions)**

**Under Pains and Penalties of perjury and the laws of the Almighty, and being sworn under a vow and oath, I attest that the attached pages are true and correct representations of the:**

**Was the Annexation of Texas Really Legal?  
Response by Jesse Enloe - May 4, 1998, from a  
Republic of Texas website.**

**This attestation is made on August 13, 1998.**

**Attest:** Joelynn Savage

E. L. Brannon  
**Witness to scan and above signature**

Merle Ann West  
**Witness to above signatures**

# Was the Annexation of Texas Really Legal?

by Jesse Enloe - May 4, 1998

According to an article in the Dallas Morning News on Friday, May 1, 1998, on Thursday, April 30, 1998 Washington Federal Judge **Paul L. Friedman** ruled on a suit filed by **Richard McLaren** and his wife, **Evelyn**. I do not know the content of the suit, but I am responding to the reported ruling. It is reported that the ruling was that *"Texas became one of the United States of America in 1845 ... and that any question about the statehood issue was laid to rest by a U.S. Supreme Court opinion issued in 1868."* Judge Friedman was also quoted as saying *"It is the precedent by which this court and all courts of the United States are bound. The Republic of Texas no longer exists."*

The 1868 Supreme Court Case to which Judge Friedman was referring is "**Texas v. White.**" There are some interesting things about this case that everyone should know.

In Texas v. White there were two questions put before the Supreme Court to answer. The question of whether Texas annexation was legal/lawful was NOT one of the questions. The case dealt with the **legality of the sale of bonds**, acquired in the Compromise of 1850, to White and Chiles and the **legality of secession**. The process by which Texas was annexed was not addressed by the Supreme Court and, to our knowledge, **has never been addressed** by any court in the world.

The reason that the legality of the Annexation of Texas was not a question in Texas v. White, and has never been ruled on in any other case the Federal Court or Supreme Court has ever heard is that the **Federal Courts do not have jurisdiction to answer that question**. It is a **POLITICAL QUESTION** that can only be answered by Texas and/or the Congress of the United States. In 1868 the question was put to the Congress of the U.S. and it was sent to the Judiciary Committee where it was tabled or "put in a drawer somewhere" and **NEVER** answered.

The headlines that "**Texas Annexation was Legal,**" that are appearing in many newspapers, do not appear to be an accurate rendition of Judge Friedman's decision. Because of the fact that he quoted Texas v. White shows only that he is bound by this Supreme Court decision that "Secession is not legal." This, though not relevant to the question of the annexation being lawful, is also a flawed ruling if the principle is true that "**All Political Power is Inherent in the People,**" which is stated in the **Declaration of Independence for the United States of America** and in every **Texas Constitution** ever written.

So, let's address the real question: **Was the Annexation of Texas legal?** On October 16, 1843 Secretary of State A.P. Upshur, at the direction of **President John Tyler**, wrote to Minister Van Zandt of Texas proposing annexation. In his letter, Secretary Upshur stated *"A treaty of annexation is considered the most proper form.... It is highly desirable that the treaty should be presented to the Senate at as early a period as possible."* [emphasis added]

This shows that the men of the government of the United States understood that the only proper and lawful way for one nation to deal with another is by treaty. That principle is still part of International Law today. And the only way for the legislature of the United States to approve a treaty is by a two thirds vote of the Senate, per the Constitution for the United States of America.

The treaty was presented to the Senate in 1844 and was **DEFEATED** by a vote of 35 to 16. The following year, in 1845, the House of Representatives entered into the record a "**Resolution of Annexation.**" The House of Representatives has no authority to initiate a matter of foreign affairs. After

passing the resolution, the United States declared that Texas was a "*State of the Union.*" This was an unlawful, fraudulent process which has been questioned since it was done, but the United States has failed at every turn to answer the questions regarding the unlawful process it used to acquire Texas. Secretary Upshur's own letter is evidence that a "Resolution" is **NOT** the proper and lawful way to annex a Nation as a State!

The question of the "*perpetual nature of the union of American States,*" addressed in Texas v. White, is one that is irrelevant to the question of the lawful status of Texas since Texas was never lawfully joined to the Union. It is a maxim of law that anything done by fraud is void from the beginning.

Each person needs to think for themselves and answer the question for themselves. The United States is not going to answer the question of the Legality of Annexation. They have had **153** years, since 1845, and have not answered it yet.

Consider these questions:

**Is it an established principle in United States Law and International Law that Nations deal with each other only by treaty?**

**Per the Constitution of the United States, how are treaties approved?**

**Was a Treaty of Annexation of Texas approved by the United States Senate?** Look at the United States Congressional Records and the Constitution for the United States of America for the answers to these questions. Do not rely on anyone from the Government or anyone else. Answer the questions yourselves. There is only one possible conclusion. Texas was NOT annexed to the United States as a State by proper lawful action.

In summary, **the ruling** of Judge Friedman is as void as the 1868 Supreme Court decision and the annexation process itself, because it is all based on elected officials acting outside their delegated authority, which means those actions are fraudulent and unlawful. And more to the point, Judge Friedman **did not say that Texas was legally annexed!**

Many of the People of Texas know that Texas was never lawfully made a part of the United States of America, and the Republic of Texas not only continues to exist, **it is Alive and Well!** The People of the Republic of Texas remain committed to the Peaceful and Lawful Restoration of Texas as an Independent and Sovereign Nation.

**We challenge the media to investigate this issue and report the truth!**