

AFFIDAVIT OF FRED ZIPP

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Before me, the undersigned notary, on this day personally appeared FRED ZIPP, a person whose identity has been established to me. Upon being duly sworn, Affiant states:

PERSONAL BACKGROUND

I have spent 39 years in daily newspaper journalism and journalism education.

From 1979 to 1984, I was a reporter and assistant city editor at the Beaumont Enterprise in Beaumont, Texas. From 1984 to 1987, I was a sports copy editor, assistant sports editor and assistant city editor at the Austin American-Statesman in Austin, Texas. From 1987 to 1998, I was assistant metro editor, deputy metro editor, news editor and metro editor the Palm Beach Post in West Palm Beach, Florida. In 1998, I returned to the American-Statesman as assistant managing editor, managing editor, and editor. Over the course of my career, I gained extensive experience and expertise in the responsible delivery of news content to a mass media audience.

In 2012, I began teaching at the University of Texas at Austin. At the University of Texas, I supervise a digital media initiative known as *Reporting Texas* which functions similarly to a newsroom; students are the reporters, and I am their editor. I help them conceive, report and write stories that are posted on the reportingtexas.com website.

I have been a director and officer of the Freedom of Information Foundation of Texas and the Headliners Foundation of Texas, an organization that promotes journalism excellence in the state.

SCOPE OF REVIEW

In arriving at my opinions in this case, I have used the same principles and analysis as I have used throughout my journalism career to determine whether particular assertions could be responsibly published. This review included an examination of the disputed statements as well as a variety of relevant background materials. I have reviewed numerous background items, including:

- Public domain materials relating to the Sandy Hook shooting.
- Materials from the final report published by the Connecticut Department of Emergency Services and Public Protection, available at: <http://cspsandyhookreport.ct.gov/>

- Various articles and social media content from InfoWars.
- Various articles and reference materials concerning InfoWars
- My own personal reference materials and texts.
- Video clips containing statements by InfoWars about Sandy Hook, along with transcripts of those video clips created by a court reporter. Those transcripts are attached to my affidavit.
- A July 26, 2017, YouTube video from InfoWars entitled “Zero Hedge Discovers Anomaly in Alex Jones Hit Piece.” A digital copy is attached to this affidavit.
- A July 20, 2017, segment of the Alex Jones show in which the July 26, 2017, video was republished.

It is my belief that discovery will likely produce further relevant evidence, but I am confident that enough material exists in the public domain to reach reliable opinions for the purposes of these initial findings.

BACKGROUND KNOWLEDGE OF INFOWARS

Having been involved in media in Austin for 23 years, I was aware of Alex Jones and InfoWars but felt no need to pay close attention to either one before agreeing to review the materials in this lawsuit. Nonetheless, I was aware of InfoWars’ extremely poor reputation in the media industry with respect to the reliability of the information it publishes, and I also knew Mr. Jones had alleged the Sandy Hook Elementary School shooting was a government hoax involving actors.

After I asked to review the events of this lawsuit, I have spent a significant amount of time reading articles on InfoWars.com and reviewing audio and video recordings posted to the website. While the site purports to be a news and information operation, it is clear that it is actually a propaganda outlet for Mr. Jones’ theories about a global conspiracy to control and enslave the world’s population.

Alex Jones and InfoWars generally have a signature style: rapid-fire assertion of various data points with little or, more often, no attribution. The assertions are presented to the viewer as facts. Underlying the presentation is the premise that Jones is at war with “the globalists” – or their various stand-ins, including the Illuminati, Jews and Communists -- and that he wins the war by marshaling his assertions more effectively than they do. In traditional journalism, by contrast, attributing assertions to sources is an essential element of the work, and the attribution becomes more important in proportion to the seriousness of the facts asserted.

According to the American Press Institute, “Journalism is the activity of gathering, assessing, creating, and presenting news and information. It is also the product of these activities... These elements not only separate journalism from other forms of communication, they are what make it indispensable to democratic societies.”¹ The process of journalism is dependent on responsible verification in which information is gathered and its accuracy is evaluated. In coming to my opinions, I have analyzed InfoWars’ conduct against the well-established standards of the journalism profession.

INFOWARS’ 2017 BROADCASTS

1. InfoWars’ June 26 and July 20 Videos.

After Mr. Heslin condemned InfoWars’ false statements about Sandy Hook during an interview with Megyn Kelly on NBC TV, InfoWars produced a video in which it claimed that Mr. Heslin’s statements about his last moments with his child were a lie. InfoWars host Owen Shroyer began the video by citing an article from an anonymous blog called “Zero Hedge.” The video shows that the anonymous blog post had been “shared” only three times before it was featured on InfoWars’ video. InfoWars took this obscure blog post that almost nobody in the world had seen and used it to smear Mr. Heslin.

In the interview, Mr. Heslin told Ms. Kelly that he buried his son, held his body, and saw his fatal injury. Concerning Mr. Heslin’s claim, Mr. Shroyer stated the following:

The statement he made, fact checkers on this have said cannot be accurate. He’s claiming that he held his son and saw the bullet hole in his head. That is his claim. Now, according to a timeline of events and a coroner’s testimony, that is not possible. And so one must look at Megyn Kelly and say, Megyn, I think it's time for you to explain this contradiction in the narrative because this is only going to fuel the conspiracy theory that you're trying to put out, in fact.

So -- and here's the thing too, you would remember -- let me see how long these clips are. You would remember if you held your dead kid in your hands with a bullet hole. That’s not something that you would just misspeak on. So let's role the clip first, Neil Heslin telling Megyn Kelly of his experience with his kid.²

Mr. Shroyer then played a clip from the interview in which Mr. Heslin stated, “I lost my son. I buried my son. I held my son with a bullet hole through his head.” After playing the clip, Mr. Shroyer stated:

¹ <https://www.americanpressinstitute.org/journalism-essentials/what-is-journalism/>

² Exhibit A-1, 2017-06-26 - Zero Hedge Discovers Anomaly In Alex Jones Hit Piece (Full Segment)

So making a pretty extreme claim that would be a very thing, vivid in your memory, holding his dead child. Now, here is an account from the coroner that does not corroborate with that narrative.³

Mr. Shroyer then played a short clip from a news conference with Dr. Wayne Carver, the medical examiner at Sandy Hook. In the clip, Dr. Carver stated that “we did not bring the bodies and the families into contact. We took pictures of them.” Dr. Carver stated in the clip that “we felt it would be best to do it this way.” Mr. Shroyer also showed an edited clip of an interview with Chris and Lynn McConnell in which Anderson Cooper states, “It’s got to be hard not to have been able to actually see her.”

At the end of the video, Mr. Shroyer stated, “Will there be a clarification from Heslin or Megyn Kelly? I wouldn’t hold your breath. [Laugh]. So now they’re fueling the conspiracy theory claims. Unbelievable.”⁴

On July 20, 2017, during an episode of The Alex Jones Show, Mr. Jones republished the entire segment with Mr. Shroyer.

My review shows that the InfoWars video creates a false impression, both in its explicit text and in its implications. The video creates the false impression by incorporating, contrary to widely accepted journalistic standards,⁵ an edited, incomplete account of Dr. Carver’s and an edited, incomplete account of the McDonnell interview. It is clear to me that any publisher would have serious doubt about stating that Mr. Heslin could not have held his child nor seen his wound and that any publisher would entertain serious doubt about the truth of such a claim. In fact, the evidence I reviewed makes it clear that InfoWars was being purposely deceptive in an act of retaliation.

OPINIONS

1. InfoWars’ False Statements in 2017 Impugned the Reputation of the Plaintiffs.

It is my opinion that the Shroyer video defamed Neil Heslin by impugning his reputation with false statements about his honesty or integrity. Mr. Shroyer arranged edited footage in a misleading and dishonest way to attack Mr. Heslin. At best, the InfoWars video is a mishmash of out-of-context statements that creates a dishonest portrait of Mr. Heslin, his statements and the events of Sandy Hook. At worst, it was a calculated and unconscionably cruel hit-job intended to smear and injure a parent who had the courage to speak up about InfoWars’ falsehoods. In either case, InfoWars recklessly disregarded journalistic standards in approaching this story because disregarding those standards was necessary to carry out its distortion of events.

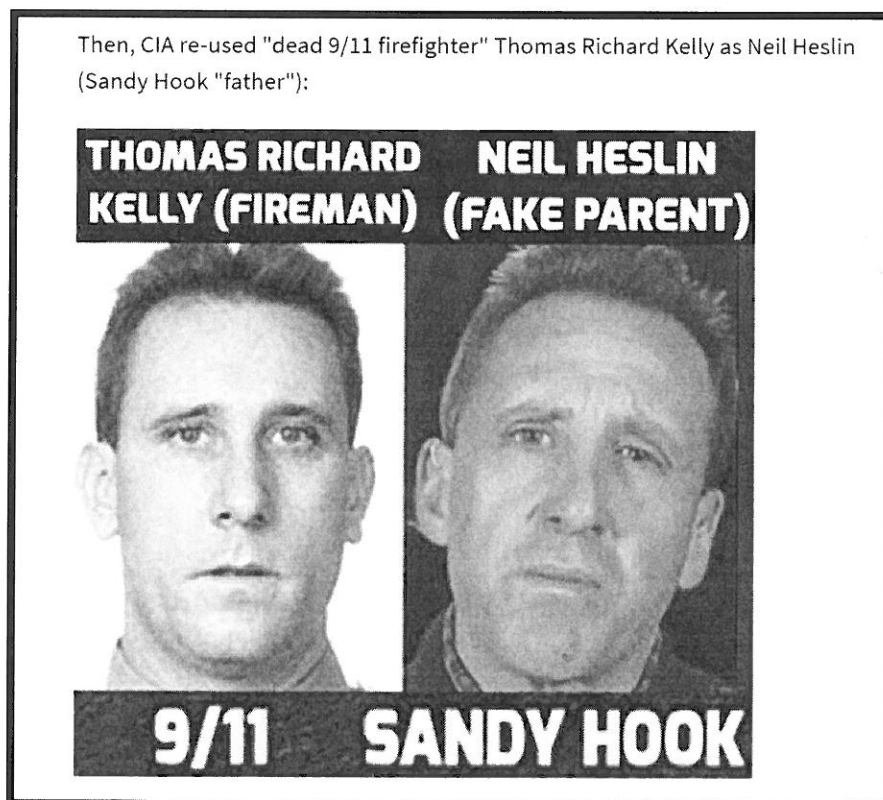
³ *Id.*

⁴ *Id.*

⁵ See Society of Professional Journalists Code of Ethics, at <https://www.spj.org/ethicscode.asp>; esp. “Provide context...” and “Never deliberately distort...”

Mr. Shroyer attributes the defamatory statements about Mr. Heslin to the anonymous Zero Hedge website. Republishing material by an anonymous author as if it were fact is inconsistent with journalistic standards.⁶ Clearly, the point of Mr. Shroyer’s video was that the allegations are true. It was not a neutral report about the Zero Hedge allegation. Rather, InfoWars adopted the allegations and attempted to persuade its audience that Mr. Heslin’s description of his actions was not possible. Mr. Shroyer’s callous statements about the “dead kid” throughout the video are intended to support and bolster an allegation that Mr. Heslin is lying. Mr. Shroyer also made it clear that he was not accusing Mr. Heslin of an innocent mistake. Mr. Shroyer asserts the event is “not something that you would just misspeak on” because “you would remember if you held your dead kid in your hands with a bullet hole.”⁷

After the accusations appeared on InfoWars, Mr. Heslin was featured on numerous conspiracy websites and social media networks as internet users made wild speculations about him. Mr. Heslin had now become fodder for the Sandy Hook conspiracy fanatics. For example, he appeared in an internet meme accusing him of being an actor who also “played” a fireman killed on 9/11:



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⁶ *Id.*, esp., “Identify sources clearly...”

⁷ Exhibit A-1, 2017-06-26 - Zero Hedge Discovers Anomaly In Alex Jones Hit Piece (Full Segment)

⁸ <https://busy.org/@barrysoetoro/neil-heslin-is-dead-9-11-fireman>

Once a person's name enters conspiracy culture, there is no limit for how bizarre the accusations can become. One conspiracy website alleged that Mr. Heslin's name was actually an anagram hiding his secret purpose with the Illuminati:

As we know the Illuminists like to mock us when they name these people so let's look at what Neil Heslin says coded:


NEIL	HESLIN
LIEN	HES-LIN
LYIN'	HE'S LYIN'

Yea, he's LYIN' alright!

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Anti-Semitism appears to be common among conspiracy fanatics, who believe the "Globalists" are controlled by Jewish interests. In the weeks after the InfoWars video appeared, Mr. Heslin became the target of these bigots:

Fake tears on dry cheeks of Neil Heslin, Jew, with a framed pic of his not-dead daughter who was NOT shot at Sandy Hook Elementary School in December 2012, as he lies under oath to the US Senate Judiciary Committee on February 23, 2013.



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⁹ <http://theconspiracyzone.podcastpeople.com/posts/68433>

¹⁰ <https://www.johndenugent.com/how-the-whole-anti-confederate-hysteria-began-the-fake-charleston-church-shooting-using-crisis-actor-john-graas/>

The InfoWars video was not only false and disparaging, but also influential; after it appeared, a group of irrational and dangerous conspiracy fanatics turned their attention to Mr. Heslin. The InfoWars video exposes Mr. Heslin to ridicule and contempt, and it is reasonable to believe that it could encourage bad actors who could become a threat to his safety.

A. Background Context of the 2017 Statements.

InfoWars' 2017 statements were not made in isolation. The 2017 statements were the latest allegation in a series of reckless falsehoods InfoWars has been making about Sandy Hook for five years. Mr. Jones used these false statements as evidence for his contention that the Sandy Hook shooting was faked or staged, and that the participants are engaged in a sinister cover-up.

In a January 27, 2013, broadcast entitled "Why People Think Sandy Hook is a Hoax," Mr. Jones first alleged that the event had been faked:

In the last month and a half, I have not come out and said that this was clearly a staged event. Unfortunately, evidence is beginning to come out that points more and more in that direction...Something serious is going on here, and CNN over and over again is at the heart of the fishy things that are happening...

Now, ladies and gentlemen, the finale. I saw this footage where Anderson Cooper turns. He's supposedly there at Sandy Hook in front of the memorial, and his whole forehead and nose blurs out. I've been working with blue screen, again, for 17 years. I know what it looks like. It's clearly blue screen, clearly.¹¹

In an April 16, 2013, broadcast entitled "Shadow Govt Strikes Again," Mr. Jones was discussing various plots behind various national tragedies. During his remarks, he stated: "They staged Sandy Hook. The evidence is just overwhelming, and that's why I'm so desperate and freaked out."¹²

In a March 14, 2014, broadcast entitled "Sandy Hook, False Narratives Vs. The Reality," Mr. Jones again repeated numerous false and irresponsible claims. Mr. Jones then asserted that the event was pre-planned and featured actors as a part of a cover-up:

Folks, we've got video of Anderson Cooper with clear blue-screen out there. [Shaking head]. He's not there in the town square. We got people clearly coming up and laughing and then doing the fake crying. We've clearly got people where it's actors playing different parts for different people, the building bulldozed, covering up everything. Adam Lanza trying to get guns five times we're told. The witnesses not saying it was him...I've looked at it and undoubtedly, there's a cover-up, there's actors, they're

¹¹ Exhibit A3 - Transcript - 2013-01-27 - Why People Think Sandy Hook is a Hoax (Clip at 12m58)

¹² Exhibit A4 - Transcript - 2013-04-16 - Shadow Govt Strikes Again (Clip at 13m20s)

manipulating, they've been caught lying, and they were pre-planning before it and rolled out with it.¹³

In a May 13, 2014, broadcast entitled "Bombshell Sandy Hook Massacre Was A DHS Illusion Says School Safety Expert," Mr. Jones again repeated his false statements:

They don't even hide this stuff, ladies and gentlemen. Anderson Cooper, CIA, up there, who cares if it's blue screen... You're looking at how they don't any of the standard stuff, the paperwork, the police reports, no helicopter sent, no rescue, kids going in circles totally staged, men with guns in the woods getting grabbed, no names released. They deny it went on. Later have to admit it went on but say we're not answering questions. I mean, clearly it's a drill, just like the Boston bombing. I don't know exactly what's going on, but it just -- the official story isn't true.¹⁴

In a September 25, 2014, broadcast entitled "Connecticut PD Has FBI Falsify Crime Statistics," Mr. Jones stated:

This is not a game. They are hopping mad we're covering this. CNN admits they did fake scud attacks on themselves back in 1991, 1990. Would they stage this? I don't know. Do penguins live in Antarctica? Wolfgang W. Halbig's our guest, former state police officer, then worked for the customs department, and then over the last decade's created one of the biggest, most successful school safety training grips. And he just has gone and investigated, and it's just phony as a three-dollar bill...¹⁵

If you've got a school of 100 kids and then nobody can find them, and you've got parents laughing going "Ha, Ha, Ha," and then they walk over to the camera and go (crying), and I mean, not just one, but a bunch of parents doing this and then photos of kids that are still alive they said die. I mean, they think we're so dumb that it's really hidden in plain view, and so the preponderance -- I mean, I thought they had some scripting early on to exacerbate and milk the crisis as Rahm Emmanuel said, but when you really look at it, where are the lawsuits? There would be incredible lawsuits and payouts, but there haven't been any filed, nothing. I've never seen this. This is incredible.¹⁶

¹³ Exhibit A5 - Transcript - 2014-03-14 - Sandy Hook, False Narratives Vs. The Reality (Clip at 26s)

¹⁴ Exhibit A6 - Transcript - 2014-05-13 - Bombshell Sandy Hook Massacre Was A DHS Illusion Says School Safety Expert (Clip at 17m)

¹⁵ Exhibit A7 - Transcript - 2014-09-25 - Connecticut PD Has FBI Falsify Crime Statistics (Clip at 22m)

¹⁶ Exhibit A8 - Transcript - 2014-09-25 - Connecticut PD Has FBI Falsify Crime Statistics (Clip at 22m)

In a December 27, 2014, broadcast entitled “Lawsuit Could Reveal Truth About Sandy Hook Massacre,” Mr. Jones stated:

All I know is I saw Cooper with blue screen out there, green screen. I know I saw the kids doing fake, you know, rotations in and out of the building. They tore it down, all the unprecedented gag orders, you know, the police in anti-terror outfits in the woods. Then they denied that, that had been in the news. I mean, something is being hidden there...¹⁷

I said they may have killed real kids, but they're practicing how to propagandize, and how to control the press, and how to put out a product that's a fraud when I just saw the heavy, heavy, heavy scripting. That was what was so clear. And then the parents laughing and then one second later doing the actor breathing to cry. I mean, it just -- it's just over the top. Over the top sick.¹⁸

In a December 29, 2014, broadcast entitled “America the False Democracy,” Mr. Jones continued to insist that Sandy Hook was fake:

I've had investigators on. I've had the state police have gone public, you name it. The whole thing is a giant hoax. And the problem is how do you deal with a total hoax? I mean it's just -- how do you even convince the public something is a total hoax?

The general public doesn't know the school was actually closed the year before. They don't know. They've shielded it all, demolished the building. They don't know that they had their kids going in circles in and out of the building as a photo op. Blue screen, green screens, they got caught using. I mean the whole thing.

But remember, this is the same White House that's been caught running the fake Bin Laden raid that's come out and been faked. It's the same White House that got caught running all these other fake events over and over again, and it's the same White House that says I never said that you could keep your doctor when he did say you could keep doctor. People just instinctively know that there's a lot of fraud going on, but it took me about a year with Sandy Hook to come to grips with the fact that the whole thing was fake. I mean, even I couldn't believe it. I knew they jumped on it, used the crisis, hyped it up, but then I did deep research; and my gosh, it just pretty much didn't happen.¹⁹

¹⁷ Exhibit A9 - Transcript - 2014-12-27 - Lawsuit Could Reveal Truth About Sandy Hook Massacre (Clip at 3m08s)

¹⁸ Exhibit A10 - Transcript - 2014-12-27 - Lawsuit Could Reveal Truth About Sandy Hook Massacre (Clip at 4m34s)

¹⁹ Exhibit A11 - Transcript - 2014-12-29 - America the False Democracy (Clip at 11m53s)

In a January 13, 2015, broadcast entitled “Why We Accept Gov't Lies,” Mr. Jones continued his allegations about Sandy Hook. He asserted that the event was “completely fake” and “manufactured”:

You learn the school had been closed and re-opened. And you've got video of the kids going in circles, in and out of the building, and they don't call the rescue choppers for two hours, and then they tear the building down, and seal it. And they get caught using blue-screens, and an email by Bloomberg comes out in a lawsuit, where he's telling his people get ready in the next 24 hours to capitalize on a shooting.

Yeah, so Sandy Hook is a synthetic, completely fake with actors, in my view, manufactured. I couldn't believe it at first. I knew they had actors there, clearly, but I thought they killed some real kids. And it just shows how bold they are that they clearly used actors. I mean they even ended up using photos of kids killed in mass shootings here in a fake mass shooting in Turkey, or Pakistan. The sky is now the limit.²⁰

In a February 12, 2015, broadcast with an unknown title, Mr. Jones continued to repeat his false claims. Mr. Jones stated, “I know they're using blue screens... There are literally hundreds of smoking guns here that this thing doesn't add up.”²¹

In a March 4, 2015, broadcast entitled “New Bombshell Sandy Hook Information In-Bound,” Mr. Jones stated, “We know it stinks. I mean, it's phony. The question is what is going on. We don't know. We just know it's fake. How fake we don't know. It's sick.”²²

In a July 7, 2015, broadcast entitled “Government Is Manufacturing Crises,” Mr. Jones again asserted that Sandy Hook was staged:

If they did kill kids, they knew it was coming, stocked the school with kids, killed them, and then had the media there, and that probably didn't even happen. I mean, no wonder we get so many death threats and so much heat and so much other stuff I'm not going to get into, behind the scenes, when we touch Sandy Hook because, folks, it's as phony as a three-dollar bill.²³

In a July 7, 2015, broadcast entitled “Retired FBI Agent Investigates Sandy Hook Mega Massive Cover Up,” Mr. Jones repeated a large selection of his prior false claims about Sandy Hook:

²⁰ Exhibit A12 - Transcript - 2015-01-13 - Why We Accept Gov't Lies (Clip at 10m36s)

²¹ Exhibit A13 - Transcript - 2015-02-12 - InfoWars broadcast relating to HONR copyright claim (Clip at 0m26s)

²² Exhibit A14 - Transcript - 2015-03-04 - New Bombshell Sandy Hook Information In-Bound (Clip at 32m30s)

²³ Exhibit A15 - Transcript - 2015-07-07 - Government Is Manufacturing Crises (Clip at 32m)

No emergency helicopters were sent. The ambulances came an hour and a half later and parked down the road. DHS an hour and a half later with the time stamp put up signs saying sign in here. They had porta-potties being delivered within an hour and a half. It looked like a carnival. It looked like a big PR stunt.

Came out that Bloomberg a day before sent an email out to his gun control groups in all 50 states saying, "Prepare to roll, maybe operation coming up." That came out in the news.

We have the emails from city council back and forth and the school talking about it being down a year before. We have the school then being demolished, and the records being sealed. We have videos that look just incredibly suspicious where people are laughing and everything, and then they start huffing and puffing and start crying on TV, which is pure acting method...

But I mean, this is just so big. And the more we look at Sandy Hook, I don't want to believe it's a false flag. I don't know if kids really got killed. But you got green screen with Anderson Cooper where I was watching the video and the flowers and plants are blowing in some of them, and then they blow again the same way. It's looped, and then his nose disappears. I mean, it's fake.

The whole thing is just -- I don't know what happened. It's kind of like if you see a hologram at Disney World in the Haunted House, you know. I don't know how they do it, but it's not real. When you take your kids to see, you know, the Haunted House and ghosts are flying around, they're not real, folks. It's staged.²⁴

Mr. Jones also stated, "It's 101, they're covering up... This is mega-massive cover-up. My God." Mr. Jones stated that the tragedy was "totally made up with green screens, everything. And we've got them on green screens." Mr. Jones stated, "That's how evil these people are is that they can have CNN involved, all these people."²⁵

In a November 18, 2016, broadcast entitled "Alex Jones Final Statement on Sandy Hook," Mr. Jones directly addressed the growing public controversy caused by his statements. In doing so, he began by repeating the numerous false claims he has made over the years.

Number one, the day before this tragic event happened an email was sent out by Bloomberg's anti-gun group saying prepare for a big

²⁴ Exhibit A16 - Transcript - 2015-07-07 - Retired FBI Agent Investigates Sandy Hook Mega Massive Cover Up (Clip 0-5m)

²⁵ Exhibit A17 - Transcript - 2015-07-07 - Retired FBI Agent Investigates Sandy Hook Mega Massive Cover Up (Clip at 9m40s)

event. But the biggest piece of evidence, the smoking gun, if you would, of a cover-up, of whatever really happened is the Wayback Machine, the internet archive. We see Sandy Hook's Newtown website K through 12 having zero traffic 2008, '09, '10, '11, '12, and then all of a sudden it just explodes. It's impossible to have zero traffic to a K through 12 entire school system. And the word is that school system was shut down for those years. That's what the records show. They tell us it was open...

And early on, that day we watched footage of kids going in circles in and out of the building. You'd be running them away from the building. Emergency helicopters weren't called. Instead port-potties were prepared for the press within hours of the event. I saw the helicopters that did respond, the police helicopters saying that there were men or a man in the woods in camouflage...

And then I saw Anderson Cooper -- I've been in TV for 20-something years; I know a blue screen or a green screen -- turn, and his nose disappears. Then I saw clearly that they were using footage on the green screen looped because it would show flowers and other things during other broadcasts that were moving and then basically cutting to the same piece of footage...

Then we see footage of one of the reported fathers of the victims, Robby Parker, doing classic acting training where he's laughing and joking. And they say, hey, we're live, and he goes, oh. [Jones mock cries]. And maybe that's real. I'm sure it is.

But you add it to all the other things that were happening and all the other fake news the media has been caught in, and CNN back in 1991 openly faking scud missile attacks on Saudi Arabia and Israel when they were back in Atlanta; and the satellite feeds caught them admitting that it was all fake. We'd be crazy not to question this because bare minimum they were faking some of the shots and some of the coverage.

So to be clear, we point out clear chroma key, also known as blue screen or green screen being used, and we're demonized. We point out they're clearly doing fake interviews.²⁶

In other words, Mr. Jones used his false claims as proof that the truth about Sandy Hook was being artificially manipulated. In a chilling finale, Mr. Jones told his audience that the parents were actors:

²⁶ Exhibit A18 - Transcript - 2016-11-18 - Alex Jones Final Statement on Sandy Hook (Clip at 4m59s)

And why should anybody fear an investigation if they have nothing to hide. In fact, isn't that in Shakespeare's Hamlet, "me thinks you protest too much."

But this particular case they are so scared of an investigation. So everything they do basically ends up blowing up in their face. So you guys are going to get what you want now. I'm going to start reinvestigating Sandy Hook and everything else that happened with it...

And so if children were lost in Sandy Hook, my heart goes out to each and every one of those parents and the people that say they're parents that I see on the news. The only problem is I've watched a lot of soap operas, and I've seen actors before. And I know when I'm watching a movie and when I'm watching something real.²⁷

On April 22, 2017, InfoWars aired the "Sandy Hook Vampires Exposed" broadcast, which is the subject of a separate lawsuit brought by Leonard Pozner and Veronique De La Rosa. During that video, InfoWars once again made the false accusation that Ms. De La Rosa conducted a fake interview with Anderson Cooper as evidence of a conspiracy to cover up the truth about Sandy Hook.

On June 13, 2017, Mr. Jones stated in a Facebook video that "there's been a cover-up, and Anderson Cooper got caught faking where his location was with blue screen."²⁸ On June 19, 2017, Mr. Jones appeared for an interview with Megyn Kelly. During this interview, Mr. Jones continued to insist there had been a cover-up. While he waffled on whether he now believed children were killed, he did not abandon his accusations about a cover-up. Mr. Jones claimed it was suspicious that the children's autopsy records were not released to the public, and he again claimed to have seen video of kids going in circles in and out of Sandy Hook Elementary. Mr. Jones stated, "I do think there's some cover-up and some manipulation."²⁹

In an October 26, 2017, broadcast entitled "JFK Assassination Documents To DROP Tonight," Mr. Jones again returned to the subject of Sandy Hook. In this broadcast, he repeated his accusation that "it's as phony as a three-dollar bill with CNN doing fake newscasts, with blue screens."³⁰

B. The reasonable meaning of InfoWars' June 26, 2017 Video.

Before publishing, journalists must evaluate how their story will be received by the public. The editorial process includes an analysis of how ordinary readers of average intelligence will understand and interpret the story. During my years in newspaper journalism, I gained extensive

²⁷ Exhibit A19 - Transcript - 2016-11-18 - Alex Jones Final Statement on Sandy Hook (Clip at 15m22s)

²⁸ Exhibit A20 - Transcript - 2017-06-13 - Media Refuses To Report Alex Jones' Real Statements On Sandy Hook (Clip at 14m)

²⁹ Exhibit A21 - Transcript - 2017-06-19 - Megyn Kelly Profile (Clip at 7m55s)

³⁰ Exhibit A22 - Transcript - 2017-10-26 - JFK Assassination Documents To DROP Tonight (Clip at 1h13m30s)

expertise in assessing the reasonable meanings of a text. As editor, I routinely applied this expertise in an effort to avoid creating a misimpression among our readership. In this case, I likewise analyzed the publication to determine what meaning could be reasonably understood by a person of average intelligence.

It is my opinion that a person of ordinary intelligence would understand the June 26, 2017, video as an accusation that Mr. Heslin was lying about the circumstances of his son's death. Unquestionably, the gist of the video is that Mr. Heslin's claim of holding his son was not possible. InfoWars used a deceptively edited clip of Lynn McDonnel to convince it viewers that she was not allowed to see her child's body. It also used an out-of-context clip of Dr. Carver to convince viewers that parents were only allowed to see photographs of their dead children. These actions were aimed at manufacturing a controversy where none existed.

Moreover, the allegation against Mr. Heslin was merely the latest part of a calculated five-year campaign to convince InfoWars' viewers that the Sandy Hook massacre was staged and that the parents were actors in a "false flag" event. In the context of this five-year course of harassment and deception, it is clear that a reasonable person could understand InfoWars to be implying that Mr. Heslin's "impossible" claim about holding his alleged son is evidence that he was an actor in the "false flag" and not a real parent. As such, a reasonable viewer could understand that the video ultimately accuses Mr. Heslin of criminal conduct, such as falsifying a police report or fraud.

Not only is it my opinion that these statements could be understood in this manner, but there is ample evidence that InfoWars' statements were indeed understood in this manner by the public at large. The nature of InfoWars' statements about Sandy Hook have been widely reported in the media. The national outrage created by the unmistakable meaning of Mr. Jones' statements about Sandy Hook is well documented. In an April 19, 2018, editorial entitled "Thank You for Suing Alex Jones," the Hartford Courant editorial board wrote:

Alex Jones and his website Infowars offer the worst kind of free speech — incendiary malice, based in falsehood, with no social value...They claim the Sandy Hook parents are actors. They claim the children never existed. They weave wild conspiracies from thin air. They have no regard for human suffering.³¹

The New York Daily News Editorial Board wrote about Jones' statements in an editorial on April 17, 2018, entitled "Defamed by the devil: Sandy Hook parents take on Alex Jones' lies." The Board wrote:

All decent people should cheer on Leonard Pozner, Veronique De La Rosa and Neil Heslin...for filing a defamation lawsuit in Texas court against Alex Jones. As a radio show host and the grand poobah of Infowars.com, Jones has peddled wretched whole-cloth lies about

³¹ <http://www.courant.com/g00/opinion/editorials/hc-ed-alex-jones-sandy-hook-hoax-lawsuit-20180417-story.html?i10c.encReferrer=&i10c.ua=1&i10c.dv=14>

the 2012 Newtown massacre: that it was all a hoax, that the victims and their mourning mothers and fathers are actors.³²

In short, nobody who has been paying attention to InfoWars has any doubt about the meaning of its claims. InfoWars' statements about Mr. Heslin are the latest part of its years-long campaign to convince Mr. Jones' viewers that the events of Sandy Hook should not be believed. Given the persistence of the Sandy Hook hoax conspiracy online, it is clear that many of Mr. Jones' followers have accepted his allegations as true. A 2016 poll conducted by Fairleigh Dickinson University found that 24 percent of Americans believe Sandy Hook was either "definitely" or "possibly" faked.³³

Additionally, it is clear from my review that InfoWars' statements would be reasonably understood as assertions of fact, not opinions. Mr. Shroyer did not equivocate in his statements about Mr. Heslin. Mr. Shroyer claimed Mr. Heslin's statement about holding his son was "not possible." He also referenced the involvement of unspecified "fact-checkers," which obviously signals an assertion of fact, not an opinion. It is my conclusion that that InfoWars' 2017 statements about Mr. Heslin would tend to injure his reputation, impeach his honesty and integrity and expose him to contempt or ridicule.

2. InfoWars' accusations about Mr. Heslin were made with reckless disregard for truth.

I have reviewed materials which lead me to believe that InfoWars demonstrated a reckless disregard for truth. It is my opinion that InfoWars not only had serious doubts about the truth of their 2017 statements about Mr. Heslin, but that they were motivated by a desire to mislead and deceive.

A. InfoWars' accusations were inherently improbable and manufactured using edited out-of-context footage.

Mr. Shroyer's statements about Mr. Heslin were farfetched and shocking on their face. It required an extraordinary level of verification before being repeatedly stated as fact. Yet it is clear that InfoWars not only performed no verification, but also used edited source material in a misleading way. Both are serious departures from standard journalism practice.³⁴ For example, there is a full copy of Dr. Carver's interview posted on YouTube,³⁵ and portions of the interview show that Mr. Shroyer has edited out a small part to create the impression that the parents were not allowed access to their children. Dr. Carver clearly stated that at the time of his interview, the bodies had been released to private funeral homes on behalf of the families. Mr. Shroyer used the same dishonest tactic to edit a portion of an interview with Sandy Hook parents Chris and Lynn McDonnel. Mr. Shroyer cut off the end of Ms. McDonnel's answer to make it appear that she was not allowed to see her daughter's body. A full copy of the transcript shows that Ms. McDonnel

³² <http://www.nydailynews.com/opinion/defamed-devil-sandy-hook-parents-alex-jones-lies-article-1.3939094>

³³ <https://view2.fdu.edu/publicmind/2016/161011/>

³⁴ See Society of Professional Journalists Code of Ethics, at <https://www.spj.org/ethicscode.asp>; esp. "Take responsibility...", "Provide context..." and "Never deliberately distort..."

³⁵ <https://www.youtube.com/watch?v=k3NS11Lo6As>

had the opportunity to see her daughter's body.³⁶ Mr. Shroyer was only able to support his bogus accusations by using deceptively edited footage.

Serious claims require serious evidence. Here, Mr. Shroyer used sham evidence. Not only did InfoWars ignore basic precautions taken by journalists, but it intentionally distorted the evidence in a malicious way to attack and retaliate against Mr. Heslin.

B. InfoWars relied upon dubious and unhinged sources.

As noted above, Mr. Shroyer began the video by referencing a post on an anonymous blog known as "Zero Hedge." It appears that Mr. Shroyer aired his segment within hours of seeing the Zero Hedge blog post. It does not appear that Mr. Shroyer did anything to investigate the author behind the anonymous post. Given the seriousness of the accusations, Mr. Shroyer acted recklessly and in a manner contrary to standard journalism practice³⁷ by hastily endorsing the accusations of this anonymous author.

In addition, the Zero Hedge article cites accusations made by an individual named Jim Fetzer. In its Motion to Dismiss, InfoWars described Mr. Fetzer with an air of respectability, referring to him as "Professor Emeritus of the University of Minnesota." In truth, the retired professor has long been understood to be an unhinged crank. I do not use these terms lightly. Mr. Fetzer, author of the disturbingly titled self-published book "Nobody Died at Sandy Hook"³⁸ has spent years spreading ridiculous and bizarre claims about the event. For example, Mr. Fetzer is convinced that Sandy Hook parent Leonard Pozner is actually a different man named Reuben Vabner. Mr. Fetzer wrote:

Do not let the difference in Reuben and Lenny's ears fool you: they are still lopsided in the same direction even though the tops are bigger on Lenny, which we take to be one of the means they faked to deny they are the same. Fotoforensics demonstrates to anyone interested that Lenny's ears were extended at the tips. His chin was fattened up as well, which you can also see in photo forensics. Take away the ear tips and the double chin and you have Reuben Vabner.³⁹

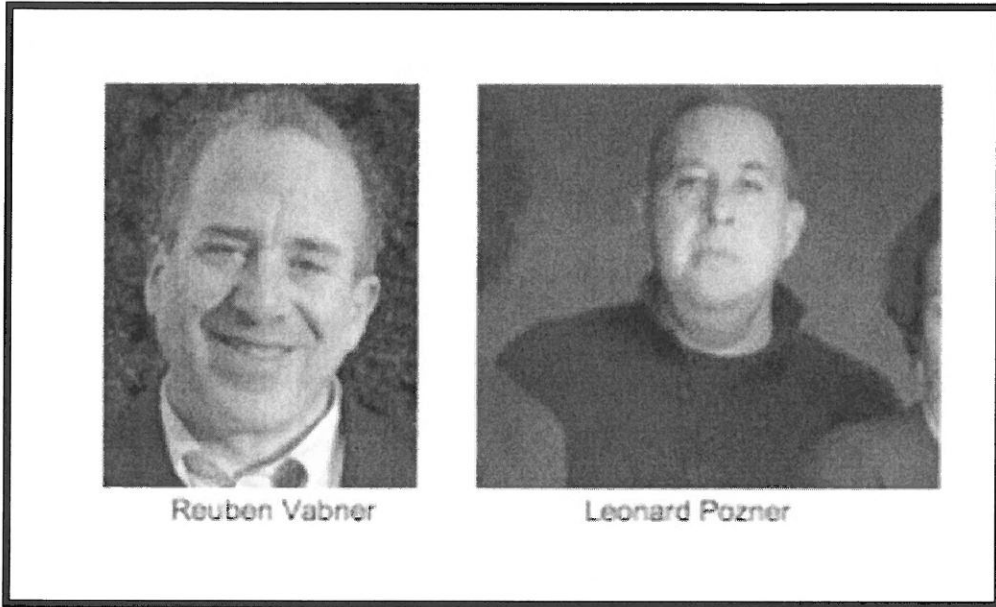
Mr. Fetzer also posts his purported "photo forensics" which he claims prove that Mr. Pozner is actually Mr. Vabner:

³⁶ <http://transcripts.cnn.com/TRANSCRIPTS/1212/18/acd.02.html>

³⁷ See Society of Professional Journalists Code of Ethics, at <https://www.spj.org/ethicscode.asp>; esp. "Take responsibility...." and "Identify sources..."

³⁸ https://books.google.com/books/about/Nobody_Died_at_Sandy_Hook.html?id=DH8cjwEACAAJ&source=kp_book_description

³⁹ <http://jamesfetzer.blogspot.com/2018/06/philip-kraske-sandy-hook-alex-jones.html>



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Mr. Fetzer's bizarre writings feature notably anti-Semitic rants about Mr. Pozner, who he insists is part of some international Jewish conspiracy:

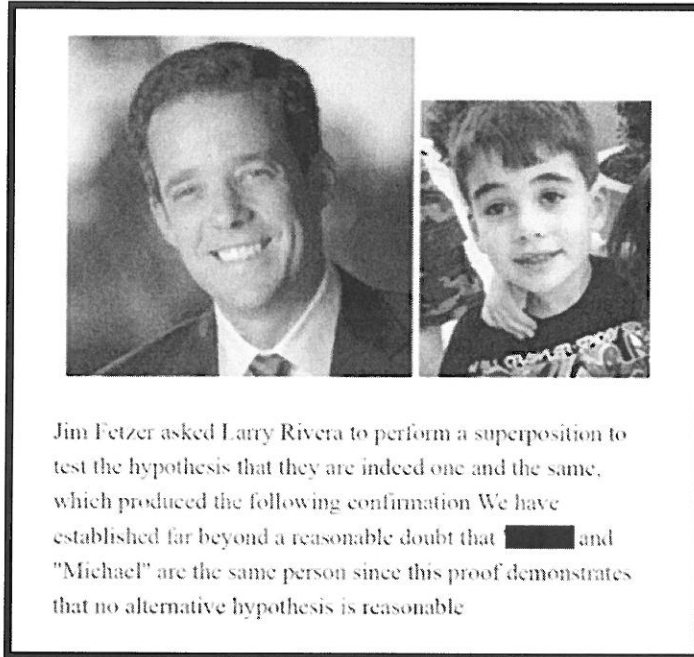
Pozner is the true picture of a traitor that has sold out his fellow man. He is a banker/financial consultant and an NWO shill that seems to have no remorse for lying and stealing everyone's donations. Not to mention the trauma our people in the U.S. have endured since 9/11.

Oh I know it's nothing like the Zionists say they went through during their years in the wilderness. Especially, since they are so much better than us and why Leonard Pozner thinks this is all ok to do.⁴¹

Mr. Fetzer is obsessed with the notion of faked identifies, and he makes similar accusations about the shooting victims, posting photo comparisons which he claims prove that the photos of children are actually adults:

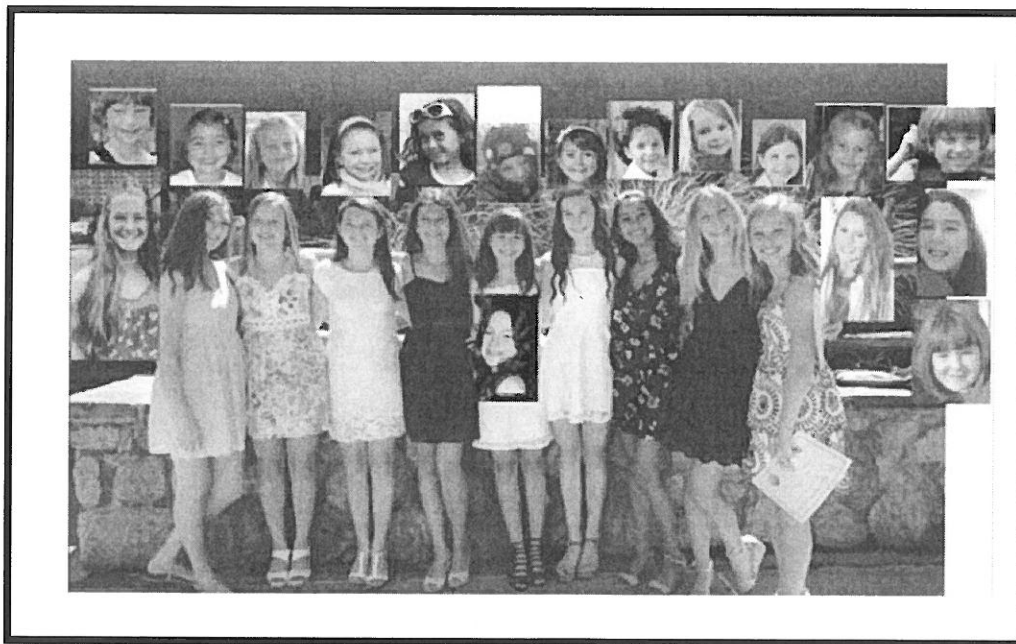
⁴⁰ *Id.*

⁴¹ *Id.*



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Mr. Fetzer tells his readers that he has located a photograph containing the female shooting victims, who are now allegedly adolescents:



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⁴² *Id.*

⁴³ *Id.*

Mr. Fetzer has claimed, with no evidence, that the death certificates for shooting victims have been faked and that a shooting victim's gravestone was actually a computer-generated graphic.⁴⁴ In short, no rational journalist would ever rely on Mr. Fetzer as a source for anything, especially an allegation as improbable and serious as accusing a parent of lying about holding their dead child. InfoWars' uncritical endorsement of accusations being promoted by Mr. Fetzer demonstrates its reckless and deceptive conduct.

C. InfoWars has a long history of making false statements about Sandy Hook.

InfoWars has made wild claims about the Sandy Hook massacre from the beginning. InfoWars suggested the event was a "false flag" on the day on the shooting⁴⁵, and InfoWars explicitly made that claim over the next five years. The accusation about Mr. Heslin is simply the latest element of InfoWars' claim that the official story of Sandy Hook was a lie. He has continually repeated these falsehoods over the course of five years. Countless individuals and media organizations have thoroughly debunked each of InfoWars' claims over the years. Nonetheless, InfoWars has persisted in this malicious campaign.

As part of my evaluation in this case, I reviewed video clips from over twenty InfoWars' broadcasts between 2013-2016, all of which discuss the alleged conspiracy behind Sandy Hook. In the videos I reviewed, InfoWars made a variety of factual allegations which are readily disproved by basic journalistic efforts. The various claims made by Jones have been debunked from numerous groups and individuals using a wide variety of sources in the public record.

InfoWars had ample opportunity to investigate the accuracy of its assertions. It has devoted an enormous amount of airtime to the tragedy, with videos and articles making extreme assertions years after the event. Given the enormous public attention and outcry over InfoWars' allegations, I find it unlikely that InfoWars researchers could have avoided the widespread debunking efforts unless they were doing so intentionally. It is my opinion that any reasonable journalist who continued to publish these claims in 2017 would entertain serious doubts about the truth of their statements and that they would be acting with a desire to mislead their audience.

D. InfoWars has a long history of recklessly claiming that national tragedies were staged by the government.

Mr. Jones' rise to notoriety coincided with his assertions that the 9/11 terror attacks were orchestrated by the U.S. government. InfoWars' current promotional materials boast that "Alex Jones is considered by many to be the grandfather of what has come to be known as the 9/11 Truth Movement."⁴⁶ Regarding the shooting at Columbine High School, Jones told his audience, "Columbine, we know was a false flag. I'd say 100 percent false flag."⁴⁷ Jones claimed that

⁴⁴ *Id.*

⁴⁵ Exhibit A23 - Transcript - 2012-12-14 - Connecticut School Massacre Looks Like False Flag Says Witnesses (Clip at 9m30)

⁴⁶ Free Speech Systems, LLC Media Kit, p. 1.

⁴⁷ The Alex Jones Show, July 20, 2012, video available at:

<https://www.mediamatters.org/embed/clips/2016/11/23/51244/gcn-alexjones-20120720-columbinefalseflag>

Columbine “had globalist operations written all over it.”⁴⁸ Regarding the Oklahoma City bombing, Jones said the bombing was a “false flag” and that “we’ve never had one so open and shut.” He added that convicted bomber Timothy McVeigh “was a patsy, that was a staged event.”⁴⁹

Mere hours after James Holmes killed twelve people in a movie theater in Aurora, Colorado, Jones told his audience that there was a “100 percent chance” the shooting was a “false flag, mind control event.”⁵⁰

After the shooting of Rep. Gabrielle Giffords, Jones stated: “The whole thing stinks to high heaven.”⁵¹ Mr. Jones asserted that the Giffords shooting was “a staged mind-control operation.”

An April 18, 2013, headline on the InfoWars website read “Proof Boston Marathon Bombing Is False Flag Cover-Up.”⁵² A week later, Mr. Jones stated on his broadcast, “I have never seen a false flag, provocateured, staged event by a government come apart faster than it is right now.”⁵³ Jones said that “patsies were set up” after being recruited by “globalist intelligence agencies.”⁵⁴ Jones claimed that Dzhokhar Tsarnaev, who was convicted of the Boston Marathon bombing, “was totally set up, ladies and gentlemen, to sell the police state,” and that his brother worked for the CIA.⁵⁵

Mr. Jones made similar accusations about the Douglas High School shooting in Parkland, Florida, claiming a 90 percent probability that it was a false flag:

⁴⁸ The Alex Jones Show, July 20, 2012, video available at:
<https://www.mediamatters.org/embed/clips/2016/11/23/51241/gcn-alexjones-20120720-columbine>

⁴⁹ The Alex Jones Show, April 19, 2015, video available at:
<https://www.mediamatters.org/embed/clips/2016/11/21/51199/youtube-jones-20150419-okc>

⁵⁰ The Alex Jones Show, July 20, 2012, video available at:
<https://www.mediamatters.org/embed/clips/2016/11/23/51243/gcn-alexjones-20120720-100>

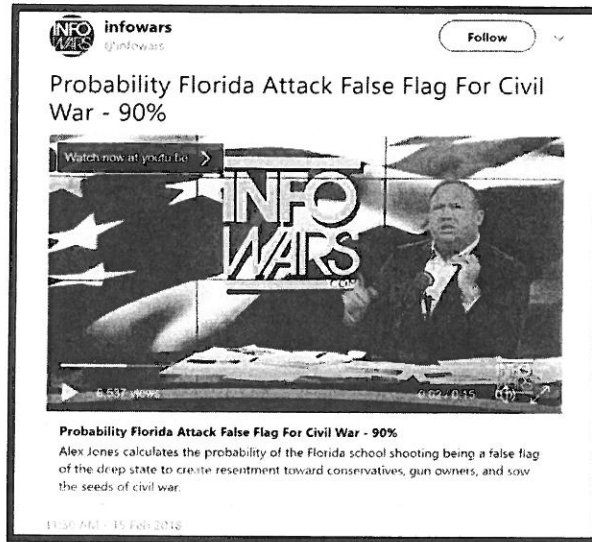
⁵¹ Interview with Rolling Stone, March 2, 2011, available at:
<http://www.rollingstone.com/politics/news/talk-radios-alex-jones-the-most-paranoid-man-in-america-20110302>

⁵² <http://www.infowars.com/proof-boston-marathon-bombing-is-staged-terror-attack/>

⁵³ The Alex Jones Show, April 26, 2013, available at:
<https://www.mediamatters.org/embed/clips/2016/11/29/51269/youtube-alexjones-20130426-staged>

⁵⁴ The Alex Jones Show, April 26, 2013, available at:
<https://www.mediamatters.org/embed/clips/2016/11/29/51271/youtube-alexjones-20130426-boston>

⁵⁵ The Alex Jones Show, April 8, 2015. Available at:
<http://mediamatters.org/video/2015/04/08/rand-pauls-ally-alex-jones-boston-marathon-bomb/203215>

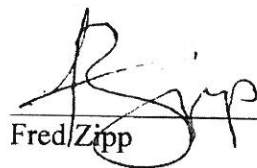


In short, a major element of the InfoWars brand is built on allegations that major national tragedies are actually the result of orchestrated government actions. Given this background, I find that InfoWars' pattern of predictably asserting that events are "false flags," sometimes within hours of the event, is circumstantial evidence that InfoWars recklessly disregarded whether Jones' broadcast was true in this case.

CONCLUSION

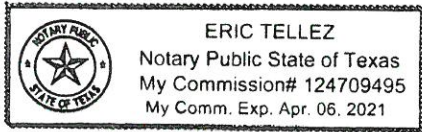
Based on the evidence I have reviewed at this early stage, it is my opinion that the Defendants failed to use reasonable care to ascertain the accuracy of their statements. Moreover, it is my opinion that the Defendants not only entertained serious doubts about the truth of their statements regarding the Plaintiffs, but that they were acting with the intent to deceive. Given the evidence I have reviewed, I conclude that the statements were published with reckless disregard for falsity. It is also my opinion that the statements by InfoWars were harmful to the Plaintiff, and could subject him to public contempt, hate or ridicule.

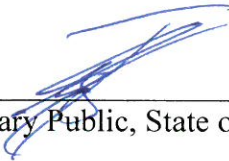
FURTHER YOUR AFFIANT SAYETH NOT


Fred Zipp

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

SWORN to and SUBSCRIBED before, the undersigned authority, on the 21st day of August, 2018, by Mr. Fred Zipp.





Notary Public, State of Texas

My commission expires: 4-6-21