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August 28, 2009

Via Email and U.S. Mail

Mr. Donald P. Higgins, Jr.
17 Thines Road
Morrilton, Arkansas, 72110-1953

Re: Demand to Cease and Desist

Dear Mr. Higgins:

My law firm represents Mikey Weinstein, his family and the Military Religious Freedom Foundation. It has come to my attention that in addition to spewing vile, anti-semitic hatred, you have now published false and misleading facts about Mr. Weinstein and his family by fraudulently using the credentials of the Associated Press, the Washington Times and The New York Times. You have also made representations about the United States Air Force and the United States Air Force Academy which would, among other violations, also convey that they have defamed and violated federal privacy laws applicable to Mr. Weinstein's children.

You are directed to cease and desist from making any further communications to Mr. Weinstein and to immediately cease and desist from creating and conveying any false media publications about him.

You have committed egregious acts that entitle Mr. Weinstein to relief under both common law and federal statutes. These claims are not only actionable by Mr. Weinstein, his children, spouse and family, but by other governmental and private institutions whom you have misrepresented. You appear to disregard the seriousness of what is involved in a manner that is destructive, defamatory and fraudulent.

The arrogant and imperious nature of your outrageous conduct, displayed in various emails to Mr. Weinstein, creates a concern which I feel is not only actionable upon a civil lawsuit, but also upon a request for a preliminary injunction directed to the United States District Court. By copy of this letter to the legal counsel for the United States Air Force and the United States Air Force Academy, the Associated Press, The New York Times and the Washington Times, I invite them to assess how you are misrepresenting yourself at their expense. I have attached copies of such articles where you have misappropriated their copyrighted materials.

Because the matter is headed toward litigation, I am requesting that you take no action to destroy any form of electronic evidence contained in your personal/ and or home computers relating to Mr. Weinstein, his children, spouse and family. Any effort by you to destroy such evidence will be met with a claim of intentional spoliation of evidence and provide Mr. Weinstein with further evidence of an intent to defame him and/or his family. Finally, any effort to destroy or delete evidence can be discovered through a comprehensive forensic examination of your computers.

If you cannot consent to cease and desist, then please let me know so steps can be made immediately to secure a restraining order against you since you have made representations that you will continue to conduct yourself in a manner which will not only defame Mr. Weinstein, but also affect the lives of his children, spouse and family, the operational missions of the Military Religious Freedom Foundation, the United States Air Force, the United States Air Force Academy and the other media institutions referred to in this correspondence.

Please confirm receipt of this correspondence immediately whether by yourself or your counsel. Most importantly, we need confirmation that your egregious conduct will stop immediately. What appears to you to be an art form of entertaining, anti-semitic racism is nothing short of an extraordinarily serious matter with very profound legal and practical implications.

You would be wise to assess this matter with legal counsel.

Very truly yours,

NARVAEZ LAW FIRM, P.A.

By Original signed by Martin R. Esquivel
MARTIN R. ESQUIVEL

MRE:emh
Enclosure

1. Phony articles using media representations.

cc: Kenneth A. Richieri, Esq., NY Times (via fax 212 556-4634 and 212 556-1009)
John Solomon, Washington Times (via fax 202 636-8906)
David Tomlin, Esq., Associated Press (via fax 212 506-6131)
Col. Ronald J. Williams, Esq., USAF Academy (via fax 719 333-3644)
Lt. Gen. Jack L. Rives, Esq., HQ, USAF/Pentagon (via fax 703 693-2137)