OA 667
Executive summary
https://january6th.house.gov/report-executive-summary

https://january6th.house.gov/sites/democrats.january6th.house.gov/files/Introductory%20Material%20to%20the%20Final%20Report%20of%20the%20Select%20Committee2.pdf

6 referrals (p. 78)

1. Obstruction of an Official Proceeding – 18 USC 1512(c)
2. Conspiracy to defraud the US – 18 U.S.C. 371
3. Conspiracy to Make a False Statement – 18 U.S.C. 1001
   -Denny's Parking Lot Electors

The Kathy Berden (Michigan chair of the GOP) transcript – only 28 pages but they read in a Ken Chesebro memo we haven't previously seen:
https://january6th.house.gov/sites/democrats.january6th.house.gov/files/20220311_Kathy%20Berden%20%281%29.pdf
(p. 16)

Jim DeGraffenreid
https://january6th.house.gov/sites/democrats.january6th.house.gov/files/20220224_James%20DeGraffenreid.pdf
(p. 22)

4. Rebellion/Insurrection – 18 U.S.C. 2383

https://www.law.cornell.edu/uscode/text/18/2383

Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined under this title or imprisoned not more than ten years, or both; **and shall be incapable of holding any office under the United States.**

-OA 621: no, not the Presidency
https://openargs.com/oa621-the-fbi-goes-to-mar-a-lago-this-is-big/

Why 2383?
-avoids the problem of proving Trump knew the Proud Boys/Oath Keepers would come and violently stop the electoral count

5. Seditious conspiracy
6. Obstruction of the J6 Committee investigation itself

58 cases for 18 USC 2383
Most are either Incidental references or sovereign citizen kooks
1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30
32,33,36,39,40,44,45,52,53,

e.g., *Stevens v. Vernal City*, 2015 WL 1809655 (D. Utah 2015)
Plaintiff, Dale Stevens was pulled over by the police and issued a ticket for driving on a "denied" license. We know how that happens. So of course, Stevens moved to dismiss the citation on sovereign citizen bullshit and lost, so then Stevens sued the officers, the judge, various court officers, the city, the presiding judge, you know, everyone, for "excessive prejudice Malicious [sic] prosecution, and malicious abuse of process of the Plaintiff." Additionally, Plaintiff brings suit against Vernal City Defendants and the State Defendants as "[e]mployees officers, officials, and agents of Vernal City" under a number of theories, including "malicious abuse of process, negligence, and gross negligence under the [l]aws of the State of Utah, as well as under the Federal Constitutional Amendments and Federal Civil Rights statutes," presumably for their involvement in processing Plaintiff's traffic citation. Plaintiff alleges that Defendants violated his "First, Fourth, Fifth, and Fourteenth" Amendment rights, and that they did so by violating 18 U.S.C. 2383, committing insurrection.

18 USC 2383 - does not provide a cause of action
*DiMitt v Deloach*, 1991 WL 66821 (D. Kan.)
Plaintiffs filed this pro se complaint in the District Court of Stanton County, Kansas against defendants in their individual or "private" capacities, identifying each defendant only as a "franchised licensed Title of nobility, corporate subject of the Marxist Communist Bankers legislative Democracy of the District of Columbia." Jurisdiction is invoked "at the law side under Article III and Article VI of 'We the Peoples' Constitution of the United State of America, a Republic, under the rule of necessity to decide Constitutional issues of 'We the Peoples' republican form of government pursuant to Article IV, section 4.''

*Wallace v. Commissioner*, TC Memo 1976-219
No, the income tax does not violate 18 USC 2383

**You wind up with 9 cases**.
Of those 9 cases, most fall into the category of FOIA requests
7(D) exemption – for confidential sources in connection with law enforcement
*Williams v. FBI*, 69 F.3d 1155 (DC Cir. 1995)
Donald Williams was the Deputy Minister of Defense for Afro Set, a Cleveland-based "black nationalist" organization the FBI considered an extremist group.

FBI claimed Afro Set was violating 18 U.S.C. 2383
DC Circuit said yes, that can form the basis for legitimate investigation and therefore withhold under FOIA 7(D) – even after a 1993 Supreme Court decision that said the government is not entitled to a presumption that all sources who supply information to the FBI in the course of a criminal investigation are confidential.

That leaves you with exactly one case
***U.S. v. Silverman***, 248 F.2d 671 (2d Cir. 1957)
-conspiracy among members of the Communist Party of Connecticut

The indictment alleges an agreement to utter the kind of dangerous speech prohibited by the Smith Act. We mention this obvious fact because of the ease with which this crime may be accidentally confused with the superficially similar offense of conspiring to overthrow the Government by force and violence. The latter is forbidden by 18 U.S.C. § 2383 and 2384; the present indictment concerns the Smith Act, 18 U.S.C. § 2385. In this case it would not be enough to show that the defendants were serious revolutionaries who plotted to take part in a bloody insurrection; there must be a further showing of illegal speech.

So what is "aid and comfort"?
18 U.S.C. 2381
https://www.law.cornell.edu/uscode/text/18/2381
Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than $10,000; and shall be incapable of holding any office under the United States.

*Chandler v. US*, 171 F.2d 921 (1ST Cir. 1948)
There are occasional statements to be found in the books to the effect that mere words cannot amount to an overt act of ***938** treason. Thus, Mr. Justice Nelson, in a Charge To The Grand Jury reported in 30 Fed.Cas.page 1034, at 1035, No. 18,271 (C.C.S.D.N.Y. 1861), said: 'Words oral, written or printed, however treasonable, seditious or criminal of themselves, do not constitute an overt act of treason, within the definition of the crime.' In Wimmer v. United States, 6 Cir., 1920, 264 F. 11, 12, 13, the court said: 'It is well settled that one cannot, by mere words, be guilty of treason.' See also United States v. Werner, D.C.E.D. Pa. 1918, 247 F. 708. That is true in the sense that the mere utterance of disloyal sentiments is not treason; aid and comfort must be given to the enemy. But the communication of an idea, whether by speech or writing, is as much as act as is throwing a brick, though different muscles are used to achieve different effects. One may commit treason by conveying military intelligence to the enemy, though the only overt act is the speaking of words. Other cases may readily be imagined where the speaking of words might constitute treason. Thus, suppose an enemy agent in this country, whose assigned mission was to defeat the consummation of a scientific research project of vital importance to the war effort, bribed and seduced a distinguished American scientist, a consultant in the project, to give an opinion that the work was

proceeding on the wrong lines and to suggest procedures which he knew would lead the project down a blind alley: We take it that the scientist in such a case could be convicted of treason, for deliberately giving aid to the enemy agent in steps essential to the consummation of his hostile mission, though the only overt acts were expressing purported scientific opinions. The significant thing is not so much the character of the act which in fact gives aid and comfort to the enemy, but whether the act is done with an intent to betray. In Cramer v. United States, supra, 325 U.S.at page 29, 65 S.Ct.at page 932, 89 L.Ed. 1441, the Court said:

'On the other hand, a citizen may take actions which do aid and comfort the enemy- making a speech critical of the government or opposing its measures, profiteering, striking in defense plants or essential work, and the hundred other things which impair our cohesion and diminish our strength- but if there is no adherence to the enemy in this, if there is no intent to betray, there is no treason.'

*Cramer v. US*, 325 U.S. 1 (1945)
Cramer v. United States, 325 U.S. 1, 29, 65 S. Ct. 918, 932, 89 L. Ed. 1441 (1945)

Thus the crime of treason consists of two elements: adherence to the enemy; and rendering him aid and comfort. A citizen intellectually or emotionally may favor the enemy and harbor sympathies or convictions disloyal to this country's policy or interest, but so long as he commits no act of aid and comfort to the enemy, there is no treason. On the other hand, a citizen may take actions, which do aid and comfort the enemy—making a speech critical of the government or opposing its measures, profiteering, striking in defense plants or essential work, and the hundred other things which impair our cohesion and diminish our strength—but if there is no adherence to the enemy in this, if there is no intent to betray, there is no treason. …
Of course the overt acts of aid and comfort must be intentional as distinguished from merely negligent or undesigned ones. Intent in that limited sense is not in issue here. But to make treason the defendant not only must intend the act, but he must intend to betray his country by means of the act.

Withdrew
The shortcomings of the overt act submitted are emphasized by contrast with others which the indictment charged but which the prosecution withdrew for admitted insufficiency of proof. It appears that Cramer took from Thiel for safekeeping a money belt containing about $3,600, some $160 of which he held in his room concealed in books for Thiel's use as needed. An old indebtedness of Thiel to Cramer of $200 was paid from the fund, and the rest Cramer put in his safe-deposit box in a bank for safekeeping. All of this was at Thiel's request. That Thiel would be aided by having the security of a safe-deposit box for his funds, plus availability of smaller amounts, and by being relieved of the risks of carrying large sums on his person—without disclosing his presence or identity to a bank—seems obvious. The inference of intent from such act is also very different from the intent manifest by drinking and talking together. Taking what must have seemed a large sum of money for safekeeping is not a usual amenity of social intercourse. That such responsibilities are undertaken and such trust bestowed without the scratch of a pen to show it, implies some degree of mutuality and concert from which a jury could say that aid and comfort was given and was intended. If these acts had been submitted as overt acts of treason, and we were now required to decide whether they had been established as required, we would have a quite different case. We would then have to decide whether statements on the witness stand by the defendant are either 'confession in open court' or may be counted as the testimony of one of the required two witnesses to make out otherwise insufficiently proved 'overt acts.' But this transaction was not proven as the Government evidently hoped to do when the indictment was obtained. The overt acts based on it were expressly withdrawn from the jury, and Cramer has not been

convicted of treason on account of such acts. We cannot sustain a conviction for the acts submitted on the theory that, even if insufficient, some unsubmitted ones may be resorted to as proof of treason. Evidence of the money transaction serves only to show how much went out of the case when it was withdrawn.

-also transcripts – first 34
Christopher Barcenas
https://january6th.house.gov/sites/democrats.january6th.house.gov/files/20220310_Christopher%20Barcenas.pdf
p. 19

-Patrick Casey
https://january6th.house.gov/sites/democrats.january6th.house.gov/files/20220302_Patrick%20Casey.pdf
God the lawyers are fucking antisemites
p. 64-65, asking him if he's ever said "Jews will not replace us"

Jenna Ellis
https://january6th.house.gov/sites/democrats.january6th.house.gov/files/20220308_Jenna%20Ellis.pdf
p. 42 OMG my daddy

Alex Jones
Forgets his middle name
https://january6th.house.gov/sites/democrats.january6th.house.gov/files/20220124_Alex%20Jones.pdf
(p.7)

A LOT of questions early about Doug Mastriano

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A) Tweet
https://twitter.com/yumm_sprinkles/status/1604685468607602694?s=46&t=PKM7jSIktgCgTlCKlrvPDQ

Elon Musk: “Exactly. Twitter should be easy to use but no more relentless free advertising of competitors. No traditional publisher allows this and neither will Twitter.”

Haha gotcha
No
47 USC 230
https://www.law.cornell.edu/uscode/text/47/230

Protections apply to any “interactive computer service,” regardless of what you call yourself.

B) Help Uncle Frank
*Brunson v. Adams*

Cert petition
https://www.supremecourt.gov/DocketPDF/22/22-380/243739/20221027152243533_20221027-152110-95757954-00007015.pdf

Waiver
https://www.supremecourt.gov/DocketPDF/22/22-380/247457/20221123155305329_Waiver%20Letter%20-%2022-0380.pdf

Docketed for conference on 1/6
https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/22-380.html

District court granted motion to dismiss
https://casetext.com/case/brunson-v-adams

10th Circuit affirmed
https://www.supremecourt.gov/DocketPDF/22/22-380/243739/20221024152923186_20221024-152524-95757879-00000747.pdf

LIARS
Arkansas Gov. Mike Huckabee
https://www.publicnow.com/view/3E3844F9BA83F1CEC2C3E5B47731B3DC47A5DC21?1671379168

Law Professor Tim Canova
https://highlandcountypress.com/Content/Opinions/Opinion/Article/Supreme-Court-considers-Brunson-v-Adams/4/22/86700

THE BURNING PLATFORM
https://www.theburningplatform.com/2022/12/12/the-supreme-court-petition-set-to-rock-america/

Total. Media. Blackout. This should come as little surprise for mainstream media outlets not covering the potentially seismic, landmark petition set in front of the nine Justices on the Supreme Court of the United States ("SCOTUS"). But with "national emergency" language added to the second submission of the petition it begs the question relating to the alternative news outlets, such as *Zero Hedge,* *Unz.com*, *Breitbart*, and *The Gateway Pundit* failing to cover this story—as of this writing Monday at 12 noon—that resides in the public domain.

It's a petition that has the potential to rewrite the history of American politics like few other cases.

Petition
A – American Bush v. City of South Salt Lake, 140 P.3d 1235 (Utah 2006)
https://scholar.google.com/scholar_case?case=16295647178826294938

Plaintiffs American Bush, Jerry Phelps, dba Paradise Modeling, and Gayle Petersen, dba Leather and Lace, operate nude dancing establishments located in South Salt Lake. Plaintiff Brent E. Reid owns a lingerie and novelty store, also situated in South Salt Lake. In May 2001, the South Salt Lake City Council adopted a new sexually oriented business ordinance that repealed and replaced all previous ordinances of this type. Section 5.56.310(G) of the new ordinance specifically prohibits any sexually oriented business employee from "[a]ppear[ing] in a state of nudity before a patron on the premises of a sexually oriented business." This language, which had not appeared in previous versions of the City's sexually oriented business ordinance, effectively eliminates the former subcategory of "nude dancing establishments" and requires three of the four businesses — American Bush, Paradise Modeling, and Leather and Lace — to either reapply for business licenses as semi-nude dancing establishments or face civil and criminal sanctions for violation of the new ordinance.

The Businesses present us with a question of Utah constitutional interpretation. Each of the businesses is, or has an interest in, a business offering nude dancing as part of an adult, sexually oriented business located in South Salt Lake City. The City has enacted various business license and zoning restrictions on sexually oriented businesses. The Businesses see these enactments as restrictions on their right of free expression through nude dancing and believe the restrictions are, or should be, prohibited under the Utah Constitution.

¶ 6 Specifically, the Businesses claim that article I, sections 1 and 15 of the Utah Constitution confer greater protection to expression through nude dancing than the United States Constitution.[2] As such, they claim that the city ordinance prohibiting nude 1239*1239 dancing in South Salt Lake violates the free speech rights of the Businesses under the Utah Constitution.

The framers of Utah's constitution saw the will of the people as the source of constitutional limitations upon our state government. On the floor of the Utah constitutional convention, Charles Varian quoted from a treatise written by Thomas Cooley, the preeminent authority of the late nineteenth century on state constitutional matters, which reads as follows:

In considering State constitutions we must not commit the mistake of supposing that, because individual rights are guarded and protected by them, they must also be considered as owing their origin to them. These instruments measure the powers of the rulers, but they do not measure the rights of the governed. . . . [A state constitution] is not the beginning of a community, nor the origin of private rights; it is not the fountain of law, nor the incipient state of government; it is not the cause, but consequence, of personal and political freedom; it grants no rights to the people, but is the creature of their power, the instrument of their convenience. Designed for their protection in the enjoyment of the rights and powers which they possessed before the constitution was made, it is but the framework of the political government, and necessarily based upon the pre-existing condition of laws, rights, habits,

and modes of thought. There is nothing primitive in it: it is all derived from a known source. It presupposes an organized society, law, order, property, personal freedom, a love of political liberty, and enough of cultivated intelligence to know how to guard it against the encroachments of tyranny.

Thomas M. Cooley, *A Treatise on the Constitutional Limitations Which Rest Upon the Legislative Power of the States of the American Union* 36-37 (Leonard W. Levy ed., Da Capo Press 1972) (1868) [hereinafter Cooley, *Constitutional Limitations*], *quoted in* 1 Official Report of the Proceedings and Debates of the Convention 643 (Salt Lake City, Star Printing Co. 1898) [hereinafter *Proceedings*]. Thus, as the rights which are protected by the Utah Constitution are "based upon the pre-existing condition of laws, rights, habits, and modes of thought" then extant, *id.,* it is 1241*1241 to these sources that we must look to determine the proper scope of the freedom of speech.

## B) Fraud vitiates everything

“Our courts have consistently held that fraud vitiates whatever it touches, Morris v. House, 32 Tex. 492 (1870)”. Estate of Stonecipher v. Estate of Butts, 591 SW 2d 806.

https://scholar.google.com/scholar_case?case=1956905533941714O7
1979 Texas Supreme Court
-fraud tolls the statute of limitations – when you did or could have discovered through reasonable diligence

And “"It is a stern but just maxim of law that fraud vitiates everything into which it enters." Veterans Service Club v. Sweeney. 252 S.W.2d 25. 27 (Kv.1952).” Radioshack Corp, v. ComSmart, Inc., 222 SW 3d 256.
2007 Kentucky intermediate appellate court decision
Radioshack LOST

ComSmart signed a contract with Radio Shack
Said

Where an individual is induced to enter into the contract in reliance upon false representations, the person may maintain an action for a rescission of the contract, or may affirm the contract and maintain an action for damages suffered on account of the fraud and deceit.