

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

)
**DENISE SUBRAMANIAM; ELIZABETH)
THALEN; MICHAEL R. THALEN, et al.,)
Plaintiffs,)
v.)
DONALD J. TRUMP, in his official)
capacity as President of the United States,)
1600 Pennsylvania Ave., N.W.)
Washington, D.C. 20006;)
MITCH MCCONNELL)
Majority Leader of the United States Senate)
317 Russell Senate Office Building)
2 Constitution Avenue NE)
Washington, DC 20510)
THE FOX CORPORATION,)
dba Fox News Channel)
c/o 400 N. Capitol Street NW, #550)
Washington, DC 20001)
Does 1-100)
Defendants.)**

)
Case: 1:20-cv-03682
Assigned To : Sullivan, Emmet G.
Assign. Date : 12/31/2020
Description: Pro Se Gen. Civ. (F-DECK)

Civil Action No: _____

COMPLAINT FOR DECLARATORY, INJUNCTIVE, AND MANDAMUS RELIEF
CONSTITUTIONAL QUESTIONS

This is a civil action for declaratory, injunctive, and mandamus relief brought under The Civil Rights Act of 1964, Pub.L. 88-352, 78 Stat. 241 (1964) (“CRA”); 42 U.S. Code § 1981(c) (Equal rights under the law - Protection against impairment); 42 U.S. Code § 1983, (Civil action for deprivation of rights); 42 U.S. Code § 1985 (Conspiracy to interfere with civil rights); 42 U.S. Code § 1986, (Action for neglect to prevent); Voting Rights Act, 52 U.S.C. §§ 10101-

10102, and 10301-10302, (“VRA”); 15 U.S. Code § 45 (Unfair methods of competition unlawful; prevention by Commission); 15 U.S. Code § 52 (Dissemination of false advertisements); 15 U.S. Code § 54, (False advertisements; penalties); and under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202; and Articles I, II, III, IV of the Constitution; and the First, Fifth, Ninth and Fourteenth Amendments to the Constitution which imposes on the President and elected members of Congress a duty to “take care that the laws be faithfully executed,” challenging actions of the President; The Fox Corporation dba Fox News; the leader of the U.S. Senate, Senator Mitch McConnell; and other members of Congress, members of the Trump Administration and Cabinet yet unnamed and referenced herein as “Does 1-100” (collectively, the “Defendants”) as violating their duties under the Constitution, violating the civil rights and voting rights of Plaintiffs and thereby causing injury to Plaintiffs.

JURISDICTION AND VENUE

This Court has personal and subject-matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (Federal question; action arising under the laws of the United States); 42 U.S. Code § 1988 (Proceedings in vindication of civil rights); 15 U.S. Code § 53 (False advertisements; injunctions and restraining orders); 52 U.S.C. § 10101(d) (Jurisdiction); 52 U.S.C. § 10101(c) (Preventive relief-injunction); 28 U.S.C. § 1361 (mandamus); and 28 U.S.C. §§ 2201 and 2202 (the Declaratory Judgment Act).

Venue in this district is proper pursuant to 28 U.S.C. § 1391(e)

REQUEST FOR APPOINTMENT OF COUNSEL

Pursuant to Local Civil Rule 83.11 Plaintiffs request appointment of counsel. The Constitutional issues before the court in this complaint have significant public interest and they are representatives of a class of disenfranchised voters, not limited to those who voted in 2020, but may include those who voted, or failed to vote in 2016 due to Russian interference; those who voted for Barack Obama in 2008 and 2012 and for Al Gore in 2000; and who voted for U.S. and State Senators and House representatives who are Democrats.

PARTIES

Plaintiffs bring this action in behalf of themselves and others similarly situated who are disenfranchised 2020 Biden voters who reside in different states. Members of the representative class include but are not limited to 2020 Biden/Harris voters. Denise Subramaniam is a resident of Arizona. She is a disabled senior citizen at higher risk of serious health complications and death if exposed to the COVID-19 virus. She failed to vote for Hillary Clinton in 2016 because she believed the Russian disinformation campaign targeting Clinton and favoring Trump. She elected to vote by mail in 2020. Michael and Elizabeth Thalen are residents of Michigan. Both Arizona and Michigan are “swing” States being attacked by Defendant Trump because the majority of their voters elected Joe Biden to the office of President instead of him giving Biden each state’s electoral votes.

Defendants Donald J. Trump, Mitch McConnell (hereafter “Trump” or “McConnell”) and similarly situated Does have been elected to “**Offices of Public Trust**” located in Washington DC. Defendant The Fox Corporation et al, hereafter referred to as “Defendant Fox” is a media

conglomerate owned by Rupert Murdoch and his family headquartered in NYC; their television broadcasts reach millions of American voters including Plaintiffs in every U.S. state and in Washington D.C. Does 1-100 include yet unnamed and/or unknown co-conspirators in Defendants' scheme to deprive Plaintiffs of their civil rights. Some Does may be similarly situated to Defendant Fox.

DEFENDANTS' CONSTITUTIONAL OBLIGATION AND DUTY TO VOTERS, INCLUDING PLAINTIFFS

Article II, Section 1, Clause VIII of the United States Constitution required Trump to take the following oath before taking office:

"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

McConnell, along with all U.S. Senators, some whom may be yet unnamed Does herein, are required by 5 U.S. Code § 3331 to take the following oath:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Trump, McConnell and similarly situated Does have each individually and collectively acted in conspiracy to violate their respective oaths of office to deprive Plaintiffs and others of their civil rights under color of law; and of their voting rights. They have openly and blatantly failed to preserve, protect and defend the Constitution of the United States against all enemies, foreign and domestic.

Violations of Duty to Protect

Those who stand by and permit civil rights violations are as culpable as those who perpetrate the violations. 42 U.S. Code § 1986 states:

“Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action...”

McConnell and Republican Senators and House Members have a duty to protect our civil rights. Their neglect of duty makes them culpable. They either participated in or stood by and allowed Trump to weaponize the Covid-19 pandemic causing at least 270,000 unnecessary deaths. They either incited, or allowed Trump and others to incite violence and attack the votes of millions of Americans to delegitimize the 2020 election. They either participated in, or failed to stop Trump’s coup attempts and efforts to block the peaceful transition of presidential power. All of this could have been prevented had Republican Senators not been derelict in their constitutional duty during the Senate impeachment trial of Trump. Their negligence of duty has deprived Plaintiffs’ of their most fundamental rights under the U.S. Constitution and has caused significant injury.

“SOMEONE'S GOING TO GET KILLED... IT'S JUST WRONG”

Top election official in Georgia, Gabriel Sterling, December 1, 2020

Harassment and death threats against officials overseeing Georgia's recount prompted Sterling to speak out publically after President Trump and other top Republican leaders attacked Georgia's election system:

“Someone's going to get hurt, someone's going to get shot; someone's going to get killed. It's not right. A 20-something tech in Gwinnett County today has death threats and a noose put out saying he should be hung for treason because he was transferring a report on batches from an EMS to a county computer so he could read it...His family is getting harassed now. There's a noose out there with his name on it. And it's not right. You have to be responsible in your rhetoric, you have to be responsible in your statements, you have to be responsible in your deeds....It has to stop!”

How did we get here?

It didn't happen overnight. The past decade has seen a steady gradual erosion of our Constitution's governing principles. The accumulation of numerous unconstitutional rules, acts and assumptions that have remained unchallenged bring us to this point of disaster. The fear felt by that “20-something tech in Gwinnett County” is felt by Americans all over this country who has been attacked for something as simple as wearing a mask to protect themselves from a pandemic. **It has to stop!** This court has the power to stop it.

SUMMARY OF CONSTITUTIONAL QUESTIONS

Plaintiffs through this action seeks injunctive and mandamus relief to prevent further injury, and declaratory relief as to the constitutionality of Defendants' injurious and oft times criminal acts made against them. They are not asking the court to ascertain a criminal conviction even though defendants have conspired to commit crimes; but to decide whether it is constitutional to ignore Defendants crimes and fail to investigate or prosecute them. Essentially they want this court to determine whether those with political power and wealth above the law.

The rule of law, the separation of powers inherent in our Constitution and Bill of Rights, our voting rights, and civil rights have been systematically attacked by Defendants with intent to undermine our democracy for their own personal gains and retention of political power against the will of the people. Defendants' predicate offences span more than a decade and have culminated with the presidency of Trump putting the United States in a very dangerous situation that threatens our nation's sovereignty, national security, standing in the world, as well as the voting and civil rights of its citizens. The rapidity of Trump's new offenses since the election is designed to sabotage the success of the newly elected President Biden and set the stage for ever more hostile attacks on the voting and civil rights of Defendants' opponents and to incite ever more increasing violence against their political opponents and voters of their opponents. Their collective intent is to further erode of the rule of law, undermine the government and cause civil unrest. The Supreme Court explained in *Iannelli v. United States*, 420 U.S. 770, 778 (1975):

“...collective criminal agreement—partnership in crime—presents a greater potential threat to the public than individual delicts. Concerted action both increases the likelihood that the criminal object will be successfully attained and decreases the probability that the individuals involved will depart from their path of criminality. Group association for criminal purposes often, if not normally, makes possible the attainment of ends more complex than those which one criminal could accomplish. Nor is the danger of a conspiratorial group limited to the particular end toward which it has embarked. Combination in crime makes more likely the commission of crimes unrelated to the original purpose for which the group was formed...the danger which a conspiracy generates is not confined to the substantive offense which is the immediate aim of the enterprise.” *Callanan v. United States*, *supra*, at 593-594.

Conspiracy is a separate offense under most criminal conspiracy statutes, and is prosecutable regardless of whether the conspiracy accomplishes its objective. The United States Code contains dozens of criminal conspiracy statutes that were enacted to protect Plaintiffs. U.S. Attorney General William Barr, although charged with a duty to enforce these civil rights laws, has instead himself engaged in Defendants' criminal conspiracy and acts to cover up for

Defendants and protects them. Statues that are unequally enforced violate Plaintiffs' Fifth and Fourteenth Amendment rights to due process and equal protection of the laws.

18 U.S. Code § 4 (Misprision of felony) and 18 U.S. Code § 2382 (Misprision of treason) make it criminal for whomever, having knowledge of the actual commission of a felony or treasonous act cognizable by a court of the United States, to conceal it and not report it to proper authorities; i.e. those with prosecutorial power to enforce the laws. Defendants and their yet unnamed co-conspirators are enabled by public servants who know their acts to be illegal and unconstitutional; and who took constitutionally mandated oaths yet notwithstanding remained silent and did nothing to stop Defendants' criminal or unconstitutional acts.

Plaintiffs pray the court appoints Neal Katyal or Andrew Weisman or an attorney equally knowledgeable of constitutional law and skilled in presenting oral arguments in a court to adequately represent the public interest in these matters.

Constitutional Questions

1. Would Defendants acts as explained in the body of this complaint be cognizable as felonies or acts of treason by this court?
2. Is it constitutional for a U.S. Attorney General to act as a personal attorney for a president and/or cover-up his/her crimes and/or the crimes of his/her co-conspirators; or investigate or prosecute or fail to prosecute for political reasons?
3. Is it constitutional for an incoming presidential administration to ignore such crimes; or worse to pardon such crimes?

4. Is presidential pardon power absolute, or does the U.S. Constitution imply limits on presidential pardons?
5. Is it constitutional for a president to pardon a witness to his own crimes effectively assuring that witness' silence?
6. Trump pardoned Michael Flynn, his first National Security Advisor, a co-conspirator with the Russians in Trump's 2016 campaign. The Justice Department requires that anyone requesting a pardon wait five years after conviction or release prior to receiving a pardon; 28 C.F.R. § 1.2 (Eligibility for filing petition for pardon. It has not been five years since Flynn's conviction. Is Trump's pardon of Flynn constitutional? Is it constitutional for any president to pardon co-conspirators in his/her conspiracy crimes?)
7. If not then it would Trump's pardon of Flynn be illegal and therefore null and void?
8. The pardon power was designed by the Framers to permit a president, at his discretion, to correct the mistakes of the judicial process. Is a presidential pardon without preceding judicial process constitutional?
9. Is it constitutional for a president to pardon him/herself of future unindicted crimes?
10. The constitutionality of open pardons, such as Ford's pardon of Nixon, is an unresolved issue of great importance today and for the future, was the Nixon pardon constitutional?
11. Does the impeachment exception to Article II, Section 2 of the United States Constitution refer only to the impeachment "trial" a word not used in the text, or does it refer to any

crime related to the impeachment process, such as encouraging non-compliance with subpoenas or suborning perjury of a witness with a promise of pardon?

12. Was Trump's Senate impeachment trial; held without witness; yet with jurors who publicly said they would not convict before the trial even began, constitutional?

13. For four decades a 60-vote supermajority was required to advance all federal judicial nominees and executive-office appointments. Then in 2013 the Democrat-controlled Senate voted 52-48 to reduce the vote threshold for confirming nominees from 60 to 51 for all but Supreme Court Justices. In 2017 in a retaliatory political tit-for-tat the Republican-controlled Senate voted 52-48 to reduce the vote threshold for confirming nominees to the Supreme Court. This has resulted in a highly politicized Supreme Court and a dramatic loss of public confidence in the impartiality of federal courts. The effect of these rule changes undermines our separation of powers and feeds political polarization which undermines bi-partisan cooperation in Congress which in the end injures the public; i.e. Plaintiffs. Were these rule changes constitutional?

14. If the answer to question 12 is "no" then to restore the constitutional balance of powers must the 60-vote supermajority be restored and must the confirmations of federal and Supreme Court justices during the unconstitutional Senate rule be revoked, with each justice given a chance for re-confirmation under the restored 60-vote supermajority?

15. It is in the public interest to have the brightest and most accomplished apolitical legal minds in our federal judgeships. The reason for the Senate rule change in 2013 was that Republicans were abusing the filibuster for political rather than practical reasons to block

then President Obama's nominees. (This disenfranchised voters for Obama.) During the Trump presidency the public witnessed numerous abuses of power and a complete inability to enforce constitutional checks and balances to prevent them. Restoring the 60-vote supermajority with the existing political polarization will just put executive nominations in a deadlock again. This dynamic injures voters. To ensure bi-partisan cooperation and the effectiveness of constitutional checks and balances: must the restored senate rules include serious consequences for abuse of the filibuster, and power to enforce those consequences?

16. In 588 U. S. ____ (2019), *Rucho v. Common Cause*, No. 18-422 the Supreme Court's Republican majority concluded that even though:

“Excessive partisanship in districting leads to results that reasonably seem unjust...But the fact that such gerrymandering is incompatible with democratic principles does not mean that the solution lies with the federal judiciary.”

The Court's descending faction of Democratic Justices concluded:

“(T)he partisan gerrymanders here debased and dishonored our democracy, turning upside-down the core American idea that all governmental power derives from the people... These gerrymanders enabled politicians to entrench themselves in office as against voters’ preferences. They promoted partisanship above respect for the popular will. They encouraged a politics of polarization and dysfunction. If left unchecked, gerrymanders like the ones here may irreparably damage our system of government. And checking them is not beyond the courts.”

This is an example of how the politicization of our Supreme Court results in unfair discriminatory decisions. The Republican majority Justices of the Supreme Court owe their judgeships specifically to Republican gerrymandering. Under these circumstances is the Republican faction's decision in this case about gerrymandering constitutional?

17. If answer to #16 is “no” and if that decision is upheld in the Appeals Court, would it be constitutional for a politicized Supreme Court, such as we currently have, to review the Appeal Court’s decision when it would essentially be the court judging itself?
18. Partisan gerrymandering has led to more direct voter suppression, specifically in “battleground” states; thereby disenfranchising voters in other states. The unjust affects of political gerrymandering is exponentially magnified by the “winner-take-all” feature of the Electoral College, not specified in the Constitution, where a presidential candidate who narrowly wins the tipping-point states wins the presidency, regardless of the margin of victory in the rest of the country. In early presidential elections most states didn’t award their electors on a winner-take-all basis. Even today Nebraska and Maine don’t. It’s not accidental that states targeted for political gerrymandering are the same battleground states targeted for the electoral vote. Is this defining feature of today’s Electoral College, unintended by our Founding Fathers, constitutional?
19. In congressional testimony during the House impeachment inquiry of President Trump former special prosecutor Robert Mueller admitted he did not consider an indictment of Trump due to a long-standing Justice Department policy based on a memo from its Office of Legal Counsel that a sitting president cannot be indicted for a federal crime. The assumption was that a criminal president would be removed from office through impeachment. Trump is referenced as “Individual-1” in the criminal indictment of Trump’s personal attorney Michael Cohen in the United States District Court Southern District of New York, case 1:18-cr-00602-WHP. Cohen testified that he committed his crimes with the knowledge of and at the direction of Trump. Americans have witnessed

firsthand Trump's propensity to engage in criminal activities. Americans have also witnessed the failure of impeachment as a constitutional check on a criminal president. In light of these facts is the DOJ OLC memo constitutional?

20. Russia engaged in an undeclared war against the United States. Falsehoods calculated by former KGB operative, Vladimir Putin, and his Russian government were intended to inflict division, pain, suffering and death on U.S. civilians; disrupt the U.S. economy; and demolish the U.S. government. Since Trump won the 2016 election with the assistance of Russia, Defendants have acted lockstep with Russian operatives. Their actions have achieved the Russian objective. Within 11 months Defendants' Covid-19 disinformation campaign promoting what they knew was false information originating with Russian agents resulted in the deaths of 262,000 Americans. For comparison battle deaths in: World War II (1941 –1945) = 291,557; Korean War (1950-1953) = 33,739; Vietnam War (1964-1975) = 47,434; Desert Storm (1990-1991) = 148. To give perspective to the magnitude of death inflicted on the U.S. by Russia and Defendants: 220 U.S. service personnel died on average per day during WWI, that's 6,600 deaths/month, so during the first 11 months of WWII there were 66,000 deaths, in comparison 11 months of the Trump/Russia/Fox disinformation campaign about the Covid-19 pandemic caused 262,000 deaths. Russia's undeclared war on the United States, aided and abetted by Defendants, has resulted in more deaths than the U.S. has experienced in any war fought with traditional weapons of war. Cyber war, a relatively new technology, being weaponized by bad actors on the international stage has significant and deadly consequences. This type of warfare, directed not just at the United States but at

democracies world-wide, will continue to increase in frequency and ferocity unless and until consequences suffered by those who enact such warfare on other nations is adequate to deter them. Is it constitutional for Congress to allow this warfare to continue unacknowledged and unabated, particularly when domestic actors, including Defendants, aid and abet foreign adversaries in carrying out their acts of war against Americans?

21. Trump, unopposed by Republicans, has consistently done things while in power that exclusively benefit Vladimir Putin and his government. Recent headlines are a perfect example of hundreds of similar acts:

“Trump Exits Open Skies Treaty, Moves to Discard Observation Planes; Without specialized aircraft and equipment, Biden administration would have difficult time re-entering post-Cold War pact.”

Putin’s Russia is the benefactor of this Trump decision. 18 U.S. Code § 2381 states:

“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...”

Death is NOT the only option for punishment. The same definition of treason is in Article III, Section 3 of the U.S. Constitution. The word “or” in the phrase “*or adheres to their enemies*” means the two conditions are exclusive of each other. The dictionary meaning for the word “adheres” is: “*believe in and follow the practices of*.” Defendants appear to be taking their political cues from the Putin/KBG playbook for holding onto power indefinitely as authoritarian rulers; the exact circumstances our Founding Fathers wished to prevent when writing our Constitution. Can Defendants’ actions reasonably be construed as willful aiding and abetting a hostile foreign adversary; i.e. treasonous acts as per Article III, Section 3 of the U.S. Constitution and 18 U.S. Code § 2381?

22. Title 15 of the United States Code outlines the role of commerce and trade and includes the Federal Trade Commission Act. The Federal Trade Commission (FTC) enforces federal consumer protection laws that prevent fraud, deception and unfair business practices. 15 U.S. Code § 45 (Unfair methods of competition unlawful; prevention by Commission); 15 U.S. Code § 52 (Dissemination of false advertisements); and 15 U.S. Code § 54, (False advertisements; penalties) fall under Title 15. The basic premise of the codes is encapsulated in 15 U.S. Code § 45(a)(1):

“Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.”

An argument can be made that the election of a president, senators and house members affect commerce through the policies they would put into place once elected. Therefore political campaign ads would ultimately affect commerce. For more than a decade the writer has been alarmed by the ever increasing deception in political advertisements. She expressed her concerns to the FTC, her legislators, and media just to be told that statutes pertaining to false advertising don't apply to political ads because of the First Amendment. This is illogical. Our democracy depends on voters being able to validate the truthfulness and origins of the information they consume through media. Such information could, and should, be thought of as a product being consumed by the public/voters. The ingredients of this product affect the mind in the same way ingredients in a food product affect the body. Freedom of speech is not absolute. Common limitations placed on freedom of speech, and long-held to be constitutional by the Supreme Court, relate to libel, slander, obscenity, pornography, sedition, incitement, fighting words, classified information, food labeling, the right to privacy, dignity, public

security, and perjury. Justifications for such limitations include the harm principle proposed by John Stuart Mill in “On Liberty”, which suggests:

“[T]he only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.”

The essential premise behind false and deceptive advertising is to prevent harm; is it then constitutional to exempt false political advertising (and political speech by political candidates) from prosecution under 15 U.S. Code § 52 and 15 U.S. Code § 54?

23. The First Amendment to the United States Constitution has a much quoted clause:

“Congress shall make no law...abridging the freedom of speech, or of the press.”

This precept is behind the most basic ethical tenet of journalism in the United States: **the press is independent of government**. Freedom of speech as it pertains to the “press” in this clause includes not just a right but an intrinsic duty to the public. Freedom of the press is critical to a democracy in which the government is accountable to the people. A free media functions as a watchdog that can investigate and report on government wrongdoing. It plays a vital role in informing citizens about public affairs and monitoring the actions of government at all levels. To perform its intrinsic duty to the public and its proper role in our democratic form of government the press must be fact based and independent of government. The public must trust that the press is fact based and independent of government. The “press” as our Founding Fathers knew was nothing like media today with technologies like television, computers, and the internet capable of reaching millions of voters within seconds. Their objective was to make sure press was free of government retaliation and could openly criticize elected officials. Unfathomable to them was any notion that a President of the United States, Senators, and a media

conglomerate such as Defendant Fox would conspire to lie to the public, stoke division and hatred among the people and deliberately, and unconstitutionally, fuel public distrust of the press; thus undermining the intent of the First Amendment. The following constitutional questions all pertain to the First Amendment, free press vs. government press and political speech:

- A. Does/has Defendant Fox operate as a government press; and is this constitutional?
- B. Is it constitutional, or is it abuse of power in violation of the First Amendment, for a president, senators, other congressional members and elected representatives to call media (press) they don't like "Fake News" or "The Enemy of the People"?
- C. Is false speech by a president, a senator, or other members of congress that politicizes a pandemic, i.e. Covid-19, and that ultimately results in hundreds of thousands of unnecessary deaths, protected speech under the First Amendment?
- D. Is speech by a president, a senator, or other members of congress that incites violence, and results in actual acts of violence, intentional or unintentional, protected speech under the First Amendment?

Following are facts pertinent to these constitutional questions in no particular order.

"The press was to serve the governed, not the governors."

—U.S. Supreme Court Justice Hugo Black in *New York Times Co. v. United States* (1971)

ABUSE OF POWER TO SUBVERT THE FIRST AMENDMENT AND DEMOCRACY
(Applies to Question 23. A, B, D)

Rupert Murdoch built his media conglomerate, Defendant Fox, with an objective to enhance his political power. His method is based on synergy with government — that is, his control of more and more media entities wouldn't be possible unless government officials bestowed deregulatory favors upon him, and those favors become easier for him to extract as his ever-growing control of the media makes those officials fear the consequences of saying no. His support of political figures who'll give him what he wants has helped fuel the rise of right-wing xenophobic populism in the United States, the United Kingdom, and Australia, all of which are suffering the consequences of the chaos that Murdoch unleashed. Trump's Republican nomination for President in 2016 transformed Defendant Fox from a combative, conservative network at least occasionally tethered to facts, into what it is today: a propaganda arm of the Trump administration that spews lies and conspiracy theories without regard for the public good. Defendant Fox is intertwined with government by design.

The First Amendment Does Not Protect A Deceptive Government Press

Defendant Fox violates the power of its First Amendment right to freedom of speech by failing to respect its First Amendment duty to the public good and to the Constitution. Fox's First Amendment abuse created an ideological chasm between voters who predominately consume Fox "news products" and voters who consume news from many other media sources; and who typically fact-check their news sources. In a lawsuit against Defendant Fox's TV personality Tucker Carlson, a lawyer for Fox News argued that:

"Tucker Carlson Tonight" is "a commentary show...Tucker Carlson doesn't have an obligation to investigate the truth of statements before making them on his show, and his audience doesn't expect him to report facts."

It is not true that “his audience doesn’t expect him to report facts.” Plaintiffs have friends and relatives who exclusively consume Defendant Fox’s news products; and they believe everything Tucker Carlson and other Fox TV hosts including Sean Hannity, Jeanine Pirro, Laura Ingraham and Lou Dobbs say to be true. They refuse to believe anything that originates from any other news source. They believe other sources of news are “Fake News” because Fox TV personalities, Defendants and other Republican operatives repeatedly tell them so. Plaintiffs’ friends and relatives believe all the false conspiracy theories touted by Fox TV personalities; the exact same false conspiracy theories and disinformation promoted by Russian agents, as per U.S. Intelligence agencies. It is as if her friends and relatives live in an alternative universe. It’s impossible to reason with them. Like during the U.S. Civil War families are being pitted against one another. This appears to be the objective of the Russian disinformation campaign touted by Defendants.

Defendant Fox is interdependent on and in collusion with the personal political and financial objectives of Defendants Trump, McConnell and others. The Trump administration has hired or appointed numerous staff members from Defendant Fox. Trump regularly seeks advice from Defendant Fox’s TV hosts Sean Hannity, Tucker Carlson, Jeanine Pirro, and others who are not subject to government ethical standards or accountable to voters. Their suggestions have become government policy and adversely affect the lives and civil rights of Plaintiffs. Trump’s horrific mishandling of the COVID-19 pandemic that caused nearly 262,000 preventable deaths is a perfect example of the harm caused by the unnatural synergy and relationship between Defendants Trump and Fox. Defendant Fox is government press masquerading as “free press” to deceive nearly half the American population. Throughout his Presidency Trump maintained the

unswerving support of Fox opinion hosts Tucker Carlson, Sean Hannity, Lou Dobbs, Laura Ingraham, Jeanine Pirro and others. Trump's love of Fox News is well-documented. He spends hours watching (and live-tweeting) Fox programming. His administration hired numerous former Fox News reporters and contributors to serve in both high-level cabinet and deputy chief of staff posts, as ambassadors, and in communications roles at federal agencies. Several former Trump administration officials left the White House to work at Fox creating a well-oiled revolving door between Defendant Fox and the Trump administration:

Trump Administration Fox News Revolving Door

1.	Hope Hicks	White House communications director; corporate communications at Fox; Top White House aide;
2.	Sarah Huckabee Sanders	White House press secretary; on-air commentator at Fox;
3.	Raj Shah	White House Deputy Press Secretary; Senior Vice President at Fox;
4.	David Bossie	Trump Deputy campaign manager; on-air analyst at Fox
5.	Thomas Homan	Trump's former acting ICE Director; Fox News contributor
6.	Bill Shine	Fox News executive; Trump's deputy chief of staff for communications; Trump reelection campaign official
7.	Heather Nauert	Co-anchor of "Fox & Friends"; Trump State Department spokeswoman
8.	Sebastian Gorka	Fox News contributor; Deputy Assistant to the President; Fox News contributor;
9.	Elaine Chao	Trump's Transportation Secretary, Fox News contributor and a board member of News Corporation, previously Fox News's parent company; Note: Elaine Chao is also Defendant McConnell's wife
10.	John Bolton	A long-time Fox contributor; Trump's National Security Advisor;
11.	Mercedes Schlapp	Fox analyst; White House director of strategic communications;
12.	Ben Carson	Fox Analyst; Trump's Housing and Urban Development Secretary;
13.	Former US Senator Scott Brown	On-air Fox analyst; Trump's Ambassador to New Zealand;
14.	Richard Grenell	Fox contributor; Trump's US Ambassador to Germany;
15.	Georgette Mosbacher	Fox contributor; Trump's US ambassador to Poland;
16.	Anthony Scaramucci	Fox Business analyst, host of Fox's "Wall Street Week"; Trump's infamous 10-day White House communications director;
17.	K.T. MacFarland	Fox national security contributor; White House staff member under former National Security Advisor Michael Flynn
18.	Tony Sayegh	GOP strategist and Fox News contributor; Trump's Treasury Department spokesman
19.	Lea Gabrielle	Former Fox journalist; Trump State Department's special envoy for the Global Engagement Center, which seeks to combat disinformation around the world (Note: This would be laughable if it weren't so dangerous since Defendant Fox is one of the worst spreaders of disinformation worldwide)
20.	Morgan Ortagus	Fox contributor; Trump State Department spokeswoman
21.	John McEntee	Fox production assistant; Trump's body man during 2016 campaign and the first year of his administration (Note: He was fired in May 2018 after the Department of Homeland Security raised concerns about his gambling habits.)

This dichotomy created a chasm so deep that voters in the United States now live to two distinctly different and alternative realities; one primarily fact based and the other based on politically useful fiction and conspiracy theories perpetrated on our country by Russia and Iran with intent to inflict damage on our democracy and on our nation's standing in the world. The end of the Trump Presidency will not end this dangerous erosion of our constitutional rights, our rule of law and our constitutional separation of powers. Unless stopped Trump, McConnell and

Republican operatives will continue to abuse their relationship with Fox to deceive half of American voters and rile up their emotions to incite violence against their opponents. Trump got away with it, so they are emboldened to continue along this path unless they are stopped.

Presidential Use of “Fake News” and “Enemy of the People” Is Abuse of Power

The term “Fake News,” coined by the Trump administration casts all journalists, except those that agree with him, as the “enemy of the people.” This is a negative branding campaign aimed against those who would hold Trump accountable for his actions as President. The critical role the press and journalists play in a democracy to keep the public informed and hold government officials accountable cannot be overstated. Consider the killing of Saudi journalist Jamal Khashoggi at the Saudi consulate in Istanbul, Turkey, on October 2, 2018. Khashoggi wrote a regular Washington Post column. He was lured to the consulate building on the pretext of providing him papers for his upcoming wedding and was ambushed, suffocated, and dismembered by a 15-member squad of Saudi assassins on the orders of the Saudi Crown Prince. Khashoggi's final moments are captured in audio recordings with transcripts made public. The Saudi government covered up and Trump defended them and downplayed U.S. Intel by saying: “Maybe he did, maybe he didn’t.”

The late Sen. John McCain (R-AZ) forewarned of these dangers on January 16, 2018 when he called out Trump for his “unrelenting attacks” on the press in an op-ed for The Washington Post. McCain wrote:

“The phrase “fake news” — granted legitimacy by an American president — is being used by autocrats to silence reporters, undermine political opponents, stave off media scrutiny and mislead citizens.... Trump’s attempts to undermine the free press also make it more difficult to hold repressive governments accountable. For decades, dissidents and human rights advocates have relied on independent investigations into government

corruption to further their fight for freedom. But constant cries of "fake news" undercut this type of reporting and strip activists of one of their most powerful tools of dissent.

On February 19, 2017 McCain said in an interview on NBC News, "Such talk was how dictators get started...In other words, a consolidation of power..." And he told "Meet the Press" host Chuck Todd from Munich:

"When you look at history, the first thing that dictators do is shut down the press....we need to learn the lessons of history."

Gabriel Sherman, national affairs editor at New York magazine, described it as "*full-on dictator-speak.*" New York Times wrote:

"Enemy of the people is a phrase typically used by leaders to refer to hostile foreign governments or subversive organizations...It also echoed the language of autocrats who seek to minimize dissent."

Adolf Hitler's administration deployed this rhetoric to describe Hitler's main enemy: the Jews. "*Each Jew is a sworn enemy of the German people,*" Propaganda Minister Joseph Goebbels wrote in 1941:

"If someone wears the Jewish star, he is an enemy of the people. Anyone who deals with him is the same as a Jew and must be treated accordingly. He earns the contempt of the entire people, for he is a craven coward who leaves them in the lurch to stand by the enemy."

We all know what Hitler incited the German people to do to Jews with this rhetoric. Leaders of the Soviet Union transformed "enemy of the people" into a major tool for oppression and silencing enemies. Vladimir Lenin, founder of the Bolsheviks, used "the peoples' enemies" to stigmatize anyone who didn't fall into line when the revolution happened. Enemies of the people were ostracized and even their friends were under suspicion. For foes of Joseph Stalin, being branded an enemy of the people was a death sentence. The Soviet leader deployed that language against politicians and artists he didn't like. Once branded, the accused were sent to labor camps or killed. Best case? An enemy would be denied education and employment.

Mitchell Orenstein, professor of Russian and East European studies at the University of Pennsylvania, told Voice of America in February 2017:

“It is one of the most controversial phrases in Soviet history for both Lenin and Stalin, journalists and intellectuals who didn’t share their point of view were among the most hated enemies.”

University of Washington professor Serhiy Yekelchyk told VOA. “*In attacking them, both appealed to the people.*” Chinese dictator Mao Zedong deployed the phrase against people critical of his policies and dictates. The leader, who created a famine that killed 36 million Chinese, was obsessed with identifying and rooting out his enemies. As Zhengyuan Fu explained in “Autocratic Tradition and Chinese Politics”, every member of Chinese society, even children, were called on to root out the landlords, teachers, intellectuals and artists who opposed Mao.

Defendants have been consistently warned about the damage caused to our democracy and democracies worldwide by their “fake news” rhetoric; yet they continue to systematically hurl it out to disparage journalists and cause public distrust of the news media and journalism. Any reasonable person would deduce Defendants’ intent is to incite threats and attacks on, and the murders of, reporters like Khashoggi. They willfully follow the guide book for dictators and autocrats throughout history. This abuse of power cannot be tolerated in a democracy; or that democracy is doomed to fail and fall into the hands of a dictator or autocrat. It is an abomination to the Framer’s objectives when writing the First Amendment. It is not protected speech; it is the epitome of unconstitutional speech.

The founders of the United States were suspicious of the tendency of government, even the best-intentioned government, to become tyrannical. For this reason, the authors of the First Amendment envisaged the press, despite all of its imperfections, as a kind of critic, with a role

apart and distinct from that of government. The intent of the founders was that the press and government should not become institutional partners.

Defendants Engage in Stochastic Terrorism

The key elements to terrorism are 1) violence, 2) noncombatant targets, 3) intention of spreading fear, and 4) political aims. Defendant Trump's intention is not a secret. At the first presidential debate in September Trump said: "*Proud Boys, stand back and stand by...Somebody has got to do something about antifa and the left.*" Members of the group online took this as a call to prepare for action. Since Trump gained political power and became the spokesman for the Republican Party the number of fringe groups engaged in politically motivated violence, including the Proud Boys has escalated. Now these radicalized and violent Trump supporters are patrolling the streets in Plaintiffs' states. They're a threatening presence waiting to take violent action on behalf of Trump to overthrow the newly elected government in a coup.

The Proud Boys and other alt-right white supremacy groups empowered by Defendants have committed dozens if not hundreds of acts of violence against those who criticize Trump. In past election cycles Plaintiff Subramaniam never feared displaying bumper stickers, yard signs etc for her chosen political candidates; but during the 2020 election as much as she wanted to; she did not because she was afraid it would make her a target for violence from riled up Trump supporters who take their directive from Trump.

Defendants, and others like them in the future, should not be allowed to hide behind the First Amendment to get away with acts that deprive other Americans of their First Amendment rights; or acts that suppress the vote of supporters of their political opponents; or acts that violate

the civil rights of voters for their political opponents; or acts to usurp the rightfully elected President and his government.

Lone wolf terrorist attacks have increased dramatically during the Trump Presidency. The term “lone wolf” was popularized by white supremacists Louis Beam, and Tom Metzger in the 1990s. Metzger advocated individual or small-cell underground activity, as opposed to above-ground membership organizations, envisaging: “*warriors acting alone or in small groups who attacked the government or other targets in ‘daily, anonymous acts’*”

Though these individuals seem to be acting alone, they often have ties with terrorist organizations for example, terrorist backed online content. The term “lone wolf” is used by U.S. law enforcement agencies to refer to individuals undertaking violent acts of terrorism outside a command structure. The FBI and San Diego Police's investigation into the activities of a self-professed white supremacist, Alex Curtis, was named “Operation Lone Wolf” largely due to Curtis' encouragement of other white supremacists to follow what Curtis refers to as “lone wolf” activism. Recent scholarship and news reports have used the terms stochastic terrorism and scripted violence to describe how lone-wolf terrorism functions as a way to mobilize an attack with no direct connection between the rhetorical call to action and the parties making that call. Defendants have time and again made calls to their lone-wolf terrorists with ties to radicalized alt-right political groups and the Republican Party to engage in violence towards, and even murder of, those they perceive to be Democrats. Trump’s Proud Boys and groups like them openly state that civil war is their objective, making Vladimir Putin rejoice in ecstasy.

Plaintiffs’ states went to Trump in the 2016 election but were swing states for Biden in the 2020 election. Trump’s “Proud Boy” squads drove around in pickup trucks with large

American flags, big Trump signs wielding guns in areas surrounding their homes because of Defendants' false narratives, They are *standing back and standing by* for further orders from Trump to take up arms against their neighbors. Trump, although the definitive loser of the 2020 election has refused to concede to Joe Biden. Defendant McConnell and Republicans have done nothing to stop Trump's blockage of a peaceful transition of power. This disenfranchises Plaintiffs who are Biden voters; violates their civil rights and causes them injury.

Trump has filed multiple frivolous court cases in swing states to, in his own words, "stop the vote." Even though they have been thrown out of court the danger of his tactics still exists. His personal attorney Rudy Giuliani continues to file frivolous lawsuits. (Normally attorneys who file such frivolous lawsuits would be reprimanded by the courts, yet again Trump appears above the law.) Giuliani admits he has no evidence of fraud in court before a judge where he is required to produce evidence; yet he says the opposite in public through Defendant Fox. The objective of this fraud scheme is to keep Trump's base riled up and thinking that the election was stolen from him to keep donations flowing to Trump.

Trump's Big Election Lie Pushes America Toward Autocracy

Clinging to power by claiming you are the victim of internal enemies is a very dangerous tactic. What we face now in the United States is a new, American incarnation of the old falsehood: that Trump's defeat was not what it seems, that votes were stolen from him by internal enemies — by a left-wing party. Trump tweets: "*Where it mattered, they stole what they had to steal.*" He claims that his votes were all "Legal Votes" as if by definition those for his opponent were not. A claim that an election was illegitimate is a claim to remaining in power. A

coup is under way, and the number of participants is not shrinking. Few leading Republicans have acknowledged Joe Biden won the election.

The Trump transition office refuses to begin its work. Trump fired the secretary of defense, who did not want the army attacking civilians. The Department of Justice, exceeding its traditional mandate, has authorized investigations of the vote count. The talk show hosts on Defendant Fox contradict the news that Biden won released by Fox last week. Republican lawmakers find ever new verbal formulations to directly or indirectly support Trump's claims. The longer this goes on, the greater the danger to the Republic. Plaintiffs seek immediate injunctive relief to stop it.

Underestimating Trump's propensity to violate the law is a mistake. He is an actor and will stick to his lines: It was all a fraud, and he won "*by a lot.*" He was never defeated, goes the story; he was a victim of a conspiracy. This stab-in-the-back myth could become a permanent feature of American politics, so long as Trump has a bullhorn, be it on Defendant Fox or on RT (formerly Russia Today). Failing to put an end to this now will result in the loss of our democracy in the near future.

Thomas B. Edsall in the New York Times on Nov. 11, 2020 opined that Trump's refusal to concede that he lost the election is taking us into dangerous territory. He asked a number of American historians and constitutional scholars for comment. Jonathan Gienapp, Professor of history at Stanford and author of "The Second Creation: Fixing the American Constitution in the Founding Era," noted that there have been close, contested elections in the past:

"But none of these earlier examples featured what we see now: a completely manufactured controversy based on no evidence whatsoever, purely to maintain power,

and to overturn a legitimate election....Trump's refusal to concede and his congressional allies' refusal to object to what he is doing is indeed most dangerous....If it continues to be given oxygen, it's hard not to think that there could be lasting damage to the republic...This is what rot looks like."

"Fighting Words" That Incite Violence Are Not Protected By First Amendment

Trump officially announced his candidacy for President in June 2015 and wasted little time inciting fear and hate in his first speech. That year, critics argued that his language led to attacks on bystanders. Acts of violence in some cases were directly linked to Trump's words. In 2016, a white man told officers "Donald Trump will fix them" while being arrested for threatening his Black neighbors with a knife. That same year, a Florida man threatened to burn down a house next to his because a Muslim family purchased it, citing Trump's Muslim ban made it a reason for "concern." There's the mass shooting in El Paso, Texas, in 2019 that left 23 dead, where the shooter's manifesto parroted Trump's rhetoric about immigrants. Trump's campaign rallies have been incubation grounds for violence where Trump spewed hate speech encourages physical harm against dissenters. Trump uses his platform as President to encourage violence against citizens, whether through the police and National Guard or militia groups. Trump made it clear peaceful protesters — those out demonstrating against police brutality and systemic racism — should be met with force in direct violation of the First Amendment of the Constitution. He's already musing about running again in 2024.

In October while the U.S. Department of Justice indicted six men affiliated with alt-right militia groups with conspiracy to kidnap Michigan Governor Gretchen Whitmer, Trump lashed out at her during a rally in Lansing, Michigan criticizing her for imposing too many restrictions to prevent the spread of Covid-19. He worked the crowd into frenzy until they chanted his

infamous favorite phrase for his political opponents: “Lock Her Up! Lock Her Up!” Since when is it a crime to save people’s lives?

Freedom Of Speech Is Not Absolute

The CIA’s most endangered employee for much of the past year was not an operative on a mission abroad, but an analyst who faced a torrent of threats after filing a whistleblower report that led to the impeachment of President Trump. The analyst spent months living in no-frills hotels under surveillance by CIA security, driven to work by armed officers in an unmarked sedan. On rare occasions when allowed to reenter his home to retrieve belongings, a security team had to sweep the apartment first to make sure it was safe. Trump’s verbal attacks on those who criticize him have in fact resulted in threats of violence and actual violence against those he attacks. This causes Plaintiffs severe and undue stress, anxiety, fear and emotional distress. Plaintiffs pay the ultimate price for Trump’s public attacks which have continued unchecked.

The President of the United States the most powerful individual in the world. As such his words have more power than any other individual in the world. Trump, during his term as President egregiously violated long established norms of speech and conduct adhered to by past Presidents. He unconscionably violated the unspoken civil code of conduct relegated to any office of public trust, let alone the Presidency; and abused the power of his office to directly and willfully undermine the Constitution and destroy our government from within. Listed below in reverse chronology is a mere handful of the numerous acts of violence directed against Democrats elected to Congress, Democrat Governors, residents of “Blue States” as Trump refers to them, and voters for Democrats incited by the “fighting words” of Trump and broadcast by Defendant Fox:

Violent Acts Incited by Defendant Trump and Defendants' Complacency

November Post-election	Headlines across the country: "What happens if Trump refuses to concede US election?" In September 2020 in response to a question, the president complained about mail-in ballots and said: "There won't be a transfer, frankly. There will be a continuation."
November 8, 2020	A Trump administration appointee refused to sign a letter allowing President-elect Joe Biden's transition team to formally begin its work; another sign Trump plans to disrupt the transfer of power.
November 5, 2020	Stephen K. Bannon, former White House Adviser to Trump known for his right-wing extremism, suggested that F.B.I. director, Christopher A. Wray, and Dr. Anthony S. Fauci should be beheaded.
November 1, 2020	At a late night rally in Miami less than 30 hours before Election Day, Trump insisted Americans wouldn't be hearing about COVID-19 after Election Day. "Don't tell anyone. But let me wait until after the election." He then riled the crowd into a chant "Fire Fauci! Fire Fauci! ..."
November 1, 2020	New York Times Headline: "Trump Backers Block Highways as Election Tensions Play Out in the Streets" Vehicles with Trump flags halted traffic on Sunday on the Garden State Parkway in New Jersey and jammed the Mario M. Cuomo Bridge between Tarrytown and Nyack, N.Y....pro-Trump convoy in Virginia ended in a tense shouting match with protesters as it approached a statue of Robert E. Lee in Richmond...In Georgia, a rally for Democrats was canceled ...organizers worried about what they feared would be a "large militia presence" drawn by President Trump's own event nearby...Trump supporters in Texas, driving trucks and waving Trump flags, surrounded and slowed a Biden-Harris campaign bus...In Graham, N.C., a get-out-the vote rally on Saturday ended with police using pepper spray on some participants, including young children, and making numerous arrests.
October 18 2020	U.S. Department of Justice charged six men with conspiracy to kidnap Michigan Governor Gretchen Whitmer, a Democrat. On the same day, Michigan AG Dana Nessel brought charges against seven other men that included supporting terrorism, gang membership, and possession of a firearm in commission of a felony. Officials said the suspects were attempting to trigger "civil war" with a detailed plan to abduct the governor and attack other elected officials at the Statehouse.
October 9, 2020	At a briefing Vermont Governor Phil Scott, a Republican, said elected officials "but especially at the top, must realize that words matter" and that rhetoric can lead to violence.
August 27, 2020	Shawn Peter Simonson, 51, was arrested and charged with threatening Minnesota Governor Tim Walz. In New Mexico, Governor Michelle Lujan Grisham said news of the arrest of 13 men accused of planning the overthrow of Michigan's government rattled members of her family. She said she started to get calls from her daughters who were terrified and who were often included in some of the negative messaging. Early on in this pandemic one of the threats was "I hope your grandchildren get COVID."
August 5, 2020	Dr. Fauci reveals he's received death threats and his daughters have been harassed for his high-profile statements about the Covid-19 pandemic. He's been a consistent proponent of mask wearing to stop the spread of the virus and has publicly de-bunked several of Trump's nonsensical and dangerous public claims about the virus. Quoting Fauci: "Getting death threats for me and my family and harassing my daughters to the point where I have to get security is just, I mean, it's amazing."
April 2019	Rep. Ilhan Omar (D Minn.) faced increased death threats after Trump spread around a video falsely purporting to show her being dismissive of the 2001 terrorist attacks. Omar told reporters that since Trump re-tweeted the video she received many threats on her life that referred or replied to the posted video. House Speaker Nancy Pelosi took steps to ensure the safety of the Minnesota Democrat and called for Trump to take down the video. It wasn't.
March 15, 2019	Two consecutive mass shootings occurred at mosques in Christchurch, New Zealand. The attack was carried out by Brenton Harrison Tarrant, a 28-year-old man from Grafton, New South Wales, Australia. He killed 51 people and injured 40. He's described as a white supremacist and part of the alt-right. Prior to the attack he published an online manifesto. He's a supporter of U.S. President Trump as "a symbol of renewed white identity and common purpose" .
October 2018	Cesar Sayoc mailed 16 improvised explosive devices to 13 targets around the country, including Vice President Joe Biden, Sen. Cory Booker, former CIA Director John Brennan, former Director of National Intelligence James Clapper, former Secretary of State Hillary Clinton, CNN, Robert De Niro, Sen. Kamala Harris, former Attorney General Eric Holder, former President Barack Obama, George Soros, Thomas Steyer and Rep. Maxine Waters (All Democrats). Sayoc's attorneys argued that he was motivated by his obsession with Trump and his anger at Democrats.
August 15, 2017	Trump held a news conference in which he spent a lot of time blaming what he called the "alt-left" for disrupting the Unite the Right march. A reporter asked: "The neo-Nazis started this. They showed up in Charlottesville to protest —" Trump interrupted: "Excuse me, excuse me. They didn't put themselves — and you had some very bad people in that group, but you also had people that were very fine people on both sides. You had people in that group. Excuse me, excuse me. I saw the same pictures as you did. You had people in that group that were there to protest the taking down of, to them, a very, very important statue and the renaming of a park from Robert E. Lee to another name."
August 12, 2017	During a Unite the Right rally James Alex Fields Jr. deliberately drove his car into a crowd of peaceful protesters in Charlottesville, Virginia, killing of 32-year-old Heather Heyer and injuring 19 others. Charlottesville became a magnet for as many as 17 different far-right white supremacist neo-Nazi nationalist self-proclaimed militia groups because the city wanted to take down its statue of Confederate General Robert E. Lee. These white supremacist groups couldn't care less about Robert E. Lee except to use this statue for their despicable cause; they wanted the world to see them marching in force. Anyone who showed up was knowingly joining a white supremacist rally.

The aforementioned incidents of violence are only a fraction of those incited by Defendants. What should be plain by now is that each crisis since the start of the Trump 2016 campaign and the beginning of the Trump Presidency has escalated in the frequency and intensity. Murderous acts of hate have occurred, on a national scale, several times weekly and monthly AND CONTINUE UNFETTERED. To quote Georgia election official Gabriel Sterling, *“It has to stop!”*

POLITICIZATION AND WEAPONIZATION OF COVID-19 CAUSED UNNECESSARY DEATHS
(Applies to Question 23 C)

Plaintiff Subramaniam has a medical condition that required her to wear a mask in indoor public spaces long before COVID-19. She had experienced occasional questions about why she wore a mask and sometimes children pointed at her, but never did she fear for her safety simply because she had to wear a mask until Defendants politicized the COVID-19 pandemic and the wearing of masks as a “Democrat Hoax”. Trump supporters then publically ridiculed her and called her names like “Libtard.” This changed when the number of COVID-19 cases in her State rose to more than 200,000 and deaths exceeded 6,000. Although the Republican governor refused to issue a mask mandate mayors of large cities in her state did and the COVID-19 infection/death rate dropped by 75%. She no longer feels threatened for wearing a mask, but the weaponization of COVID-19 by Defendants caused hundreds of thousands of unnecessary deaths. Surviving family members suffered loss of income and undue distress. In addition many of those who survived the Covid-19 virus will suffer lifelong adverse health consequences. Defendants’ political supporters by and large refuse to wear masks taking their cue from Defendants, so they put others, including Plaintiffs, at risk for contracting the virus. Culpability for spreading the deadly virus and the consequences to those who contract the virus (lifetime

disability and death for some) is borne by those who refuse to wear the mask, but the greatest culpability lies with the Defendants. Those injured by their negligent actions should be able to seek restitution against these culpable parties; Defendants should not be permitted to unconstitutionally hide behind the First Amendment. Justice demands restitution.

Defendants Are Culpable; Restitution to Victims Warranted

The phrase “knew or should have known” is common in determinations about legal culpability for actions that result in death or injury to others. Culpability, or being culpable, is a measure of the degree to which a person can be held morally or legally responsible for action and inaction. Culpability therefore marks the dividing line between moral evil, like murder, for which someone may be held legally responsible and a randomly occurring event, like earthquakes, for which no human can be held responsible.

Already some of Defendant Fox’s victims have filed civil lawsuits seeking restitution but these lawsuits have been summarily dismissed citing Defendants First Amendment protections. Defendant Fox willfully promoted what it knew was false and misleading information about the Covid-19 pandemic and this deception caused millions of people to become unnecessarily infected with the virus and resulted in 262,000 deaths. Defendants should not be able to hide behind the First Amendment to escape having to pay restitution to those they have injured.

DEFENDANTS ACTS AGAINST THE REPUBLIC ARE TREASONOUS
(Applies to Question 21)

Any reasonable person must conclude that Defendants’ intend to incite violence, sow hatred, distrust and division; and to conspire to promote a disinformation campaign they know, because they have been repeatedly told by U.S. Intelligence, originates with Putin’s Russian

government. Their actions are purposeful and systematic and can only be construed as willful aiding and abetting a hostile foreign adversary. A guilty person seldom admits intent. Intent is proven by way of inference, including by use of circumstantial evidence, character evidence (e.g. motive or animosity), post-offence conduct, statements made by the accused, or similar fact evidence. Inferences are factual findings based on common sense. Trump's Proud Boys and groups like them openly state that civil war is their objective. 18 U.S. Code § 2384 (Seditious conspiracy) makes it a crime:

"If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States..."

Defendant acts in concert with foreign adversaries. Their transgressions will not stop with the defeat of Trump in the 2020 election. They are laying the groundwork for future atrocities against the Republic; and voters civil rights.

Defendants Conspire to Delegitimize Election and Sabotage the Incoming Administration

Defendant Trump's refusal to acknowledge his loss in the 2020 election is a refusal to acknowledge the people's will. His intent is to delegitimize the election to keep his lone wolf terrorists riled up and to encourage them to engage in their own personal war of revenge on our government (totally disenfranchising Biden voters.) Before Trump leaves office on January 20, 2021 he plans to do as much damage as possible to our government and our national security, to benefit Russia and other adversaries. Trump has thrust the Pentagon into significant turmoil since the election. On November 9, 2020 he suddenly terminated Secretary of Defense Mark Esper by tweet and installed Christopher Miller as acting secretary of defense. The next day he asked Under Secretary of Defense for Policy, James Anderson, and Under Secretary of Defense

for Intelligence and Security, Joseph Kernan, to resign to make way for Trump loyalists. Then the Pentagon released a statement that Trump/Fox loyalists with no defense experience Anthony Tata, Ezra Cohen-Watnick and Kash Patel had been promoted to key Pentagon roles. Then on December 4, 2020 the public learns these Trump lackeys are blocking the Biden transition team cutting off what would normally be a crucial national security resource for the president-elect. Current and former officials have said these delays have impaired the Biden team's ability to get up to speed on espionage operations against Russia, China, Iran and other U.S. adversaries. Any reasonable person must conclude Trump and his allies are committing treason and seditious conspiracy against the United States.

SENATE IMPEACHMENT TRIAL IS NULL AND VOID; NEW TRIAL IS WARRANTED
(Applies to Question 12)

Abundant evidence exists to prove Defendant Trump is a treasonous criminal. Impeachment is the constitutional remedy to remove a criminal president from office, but this remedy was rendered ineffective by Defendant McConnell. On the opening day of the impeachment trial, the Senate, in a party-line vote of 53–47, approved an organizing resolution establishing the ground rules for the trial and rejecting efforts by Democrats to compel the testimony of witnesses and the production of documents. McConnell created the mistaken impression that the Constitution does not provide any guidance about the impeachment process, and that the procedures for the trial—including motions to call witnesses—can be determined by a simple majority vote. However Supreme Court Justice Byron White, in a concurring opinion in *Nixon v. United States* (1993), a case involving the impeachment of federal Judge Walter Nixon, found in the impeachment-trial clause of Article I, Section 3 a limitation on the method by which the Senate can conduct an impeachment proceeding. The text of the clause states, “*The*

Senate shall have the sole Power to try all Impeachments.” Justice White interpreted the word try to mean that the impeachment proceeding must be in the nature of a judicial trial, and concluded that “*a procedure that could not be deemed a trial by reasonable judges*” would be unconstitutional. A trial without witnesses is no trial at all.

There is a widespread assumption among Americans that it is perfectly legitimate for the trial to be conducted as a no-holds-barred partisan battle, with senators voting along party lines, rather than impartially deciding the merits of the case. This is contrary to the Framers’ intent. Hamilton regarded the upper chamber as “*the most fit depositary*” for the impeachment trial because it provided “*the necessary impartiality between an individual accused, and the representatives of the People, his accusers.*” The choice of the Senate made sense for the Framers, who contemplated a republic without strong parties and a Senate whose members — elected by state legislatures until the Seventeenth Amendment was ratified in 1913—were expected to function in a less partisan, more deliberative, and wiser manner than their popularly elected counterparts in the House. The impeachment oath, which requires senators to “*do impartial justice,*” is not a quaint ritual to be performed with a wink and a nod, but a procedure required by the Constitution because the Framers intended the impeachment proceeding to be run much like a judicial trial. Senators are thus constitutionally bound to follow what Justice White described as “*a set of minimal procedures.*”

Before the impeachment trial began Defendant McConnell and several of his senate lackeys publically announced they would not vote to convict and remove Trump from office. A tainted jury is grounds for a mistrial. An impartial juror is someone capable and willing to decide the case solely on the evidence presented at trial. A sitting juror's actual bias renders him

unable to perform his duty and thus subject to discharge. Juror misconduct comes down to one question: Was he/she able to set aside preconceived notions and truly be an objective juror? Actual bias is defined as the existence of a state of mind on the part of the juror in reference to the case, or to any of the parties, which will prevent the juror from acting with entire impartiality, and without prejudice to the substantial rights of any party.

John Locke cautioned in his Two Treatises of Government, “*Wherever law ends, tyranny begins.*” The public deserves a legitimate trial. Even though Trump has been voted out of office he is still committing crimes against the people; and will continue to do so until January 20, 2021 and beyond. He will continue rile up his supporters with false claims that the election was stolen from him; he will still be a serious danger to our democracy and our national security. Our country needs to heal; a legitimate public impeachment trial will prove to all Americans the truth about Trump and will go a long way towards healing the deep divides and anger caused by the Trump/McConnell/Fox disinformation campaign.

POLITICIZATION OF VOTE BY MAIL CONSTITUTES VOTER SUPPRESSION
(Applies to Questions 16-18)

The Covid-19 pandemic caused many more Americans to vote by mail than ever before. Plaintiffs voted by mail in prior elections without problems, but in 2020 Defendants politicized voting by mail; and Trump’s new appointment for Postmaster General, Louis DeJoy, willfully slowed the USPS mail delivery specifically to suppress voters for Trump’s opponent Former Vice President Joe Biden. Plaintiffs had to leave their safe shelter-in-place locations and drive thousands of miles to drop off their ballots in person. Defendants’ attack on mail-in votes and the U.S. Post Office were deliberate acts intended to suppress Plaintiffs’ vote and to delegitimize

the election. They deduced Democrats and independents would vote by mail because they didn't believe the pandemic was a "hoax" i.e. they did not get their news exclusively from Defendant Fox. When Trump's lawsuits attempting to stop counting valid ballots, particularly mail-in ballots and or ballots cast by black and Hispanic voters in swing states, failed in the courts he attempted to subvert the will of the people and overturn the election results by coercing Republican election officials and legislators in swing States to illegally tamper with electors to illegally throw the election to Trump. Now his ongoing false claims about winning the election continues to violate of voter rights because it casts doubt on the legitimacy of the election and minimizes and marginalizes affected voters. It is also an illegal fraud conspiracy scheme that's objective is to scam Trump supporters into donating money to his Leadership Pac. He and his co-conspirators have already illegally raised \$200 million with the false claim that the money is for his legal team to prove he, and not Biden, actually won the election. Some of these funds will go to the Republican Party, the rest go straight into Tump's personal coffers.

PARTISAN GERRYMANDERING DISENFRANCHISES VOTERS
(Applies to Questions 16-17)

The unconstitutional scenario we live in would never be possible if Republican operatives including Defendant McConnell had not engaged in decades long activities to subvert democracy and rig state elections to favor of Republicans through gerrymandering. The same Republicans that Trump attempted to coerce into engaging in an illegal conspiracy to overthrow the 2020 election results (with some success) achieved their own political power through unconstitutional means; political gerrymandering which increases the weight of a Republican's vote compared to a Democrat's vote for determining the outcome of elections. Republican strategist, Ben

Ginsberg, said that in his book “Ratf**ked: Why Your Vote Doesn't Count” David Daley exposed gerrymandering as:

“The strategy of shadowy, but thus far, legal hacking, splicing, and dicing of congressional districts to secure Republican domination, and in turn, subvert the will of the American voter.”

Former Wisconsin State Senator Dale Schultz (R) explains about gerrymandering, “*It really represents legislators picking voters rather than voters picking legislators.*” Schultz here admits gerrymandering was crucial to the Republican Party’s strategy to undermine democracy. 2010 was a Census year and Republican recognized control of state legislators would allow them to redraw every congressional and state legislative seat in the country in 2011. Republican operatives launched a \$30 million strategic plan called the Redistricting Majority Project “REDMAP” centered on flipping and winning control of state legislative chambers in swing states like Pennsylvania, Michigan, Wisconsin, Ohio, North Carolina, and Florida. By winning 117 state legislative races in 2010 across these states they are able to lock in their party power, not only to redraw all of their own maps, but to redraw the U.S. Congress. As a result in 2012, Democrats won 1.4 million more votes for the U.S. House than Republicans, but Republicans held onto the chamber, 234-201. Barack Obama’s second-term agenda became dead in the House before his second term even began, disenfranchising his voters.

Election results in these very same “battleground” states: Pennsylvania, Michigan, Wisconsin, Ohio, North Carolina, and Florida (along with surprise swing states Georgia and Arizona) decided the 2020 Presidential election. Voters in those states have more voting power to elect the President of the United States than voters in other states due to the “winner-take-all”

method used by most states to allocate Electoral College votes. This violates the civil and voting rights of voters who reside and vote in other states.

Partisan Gerrymandering and “Winner-Take-All” Electoral College Disenfranchises Voters

Partisan gerrymandering negatively affects voting rights. In recent years, gerrymandered legislatures have pioneered other tools to make it harder for voters who oppose them to cast a ballot. After the 2018 elections in North Carolina, Michigan, Pennsylvania, and Wisconsin the party that won a majority of state legislative seats received only a minority of the total statewide vote due to gerrymandering. These four states dramatically failed a basic test of democracy—votes did not translate into political power. Gerrymandering has gone hand in hand with increased voting restrictions in each of these states. Legislative majorities that received a minority of the votes have used their unearned power to make it harder for citizens to cast a ballot, further distancing themselves from accountability at the ballot box.

In 2013, the U.S. Supreme Court struck down a part of the VRA that required many North Carolina counties to “preclear” voting changes with the U.S. Department of Justice to prevent racial discrimination. Just one month later, the state’s Republican-controlled legislature passed harsh new restrictions on voting, requiring strict voter ID to cast a ballot, cutting a week of early voting and eliminating same-day voter registration, out of precinct voting and pre-registration for 16-17-year-olds. Ultimately, the law was struck down by the 4th U.S. Circuit Court of Appeals, which found the restrictions were intended to “*target African-Americans with almost surgical precision.*” The U.S. Supreme Court declined to hear an appeal of the decision.

Just like with North Carolina Arizona saw a second generation of discriminatory voting practices after the U.S. Supreme overturned parts of the VRA in 2013 — defined by strict voter

ID laws and polling location closures, among other measures. Arizona has suppressed Black, Latino and Native American voters for more than a century. Native Americans — as well as other minorities in the state — remained disenfranchised en masse by a series of discriminatory voting practices, policies and requirements. Earlier this year the 9th U.S. Circuit Court of Appeals overturned two Arizona laws that made it more difficult to cast a ballot, noting the laws' "*discriminatory intent*" and citing the state's "*long history of race-based voting discrimination*." However they remained in place for the 2020 election, as state Republicans appealed the ruling.

Republicans in the Michigan Legislature blocked several bills between 2011 and 2016 that would have made it easier to register and vote. Frustrated by continued legislative inaction, voting rights groups in Michigan, led by the American Civil Liberties Union, gathered signatures for a ballot measure in 2018 to expand voting rights. By a 2-1 margin voters approved the ballot measure which amended the state constitution to allow no-excuse absentee voting and same-day registration during early voting and on Election Day. Any voter in Michigan can now apply to receive an absentee ballot without an excuse—an option that has proven essential for helping mitigate public health risks during the COVID-19 pandemic. Although a majority of voters clearly favored these reforms, a ballot measure was the only way to enact them, as they stood little chance of passing through Michigan's gerrymandered Legislature. Notably Michigan voters also passed an anti-gerrymandering ballot measure proposed by the grassroots group Voters Not Politicians, transferring the power to draw districts from the Michigan Legislature to a new Independent Citizens Redistricting Commission. Notwithstanding these advancements, Michigan voters still face myriad of obstacles to voting. Michigan law continues to prohibit anyone from hiring transportation services—such as taxis or rides through Uber or Lyft—to help

voters reach their local polling place, unless the voter is physically unable to walk; and prohibits anyone other than a family member from returning a voter's absentee ballot application. Such restrictions disproportionately disenfranchise young and elderly Americans, people of color, and people with disabilities who may live far from polling places and lack reliable transportation or who may require physical assistance in returning their ballots. Both laws are currently being challenged in court, but the Republican Legislature majority has so far refused calls to eliminate these restrictive requirements. The Republican Legislature, along with the Michigan Republican Party and National Republican Committee intervened to defend both rules in the ongoing lawsuit. In February 2020, Michigan Democratic Party Chair Lavora Barnes responded:

“When you deny communities a voice in our political process, that’s rigging the game. When you fight to keep laws that disproportionately deny black and brown voters access to the ballot, that’s ‘rigging the game.’”

Rigging the game to benefit Republicans in North Carolina, Michigan and Arizona doesn't just disenfranchise voters in those states but also voters in other states because of the way the Electoral College vote is implemented in most States.

ELECTORAL COLLEGE AS IMPLEMENTED DISENFRANCHISES VOTERS
(Applies to Question 18)

The Electoral College is biased toward battleground States. The “winner-take-all” method for allocating electoral votes, not specified in the Constitution, unfairly disenfranchises the power of the vote for millions of Americans living in other states. A candidate gets all of a state’s electoral votes whether he/she wins by one vote or a million votes. This method contains an inherent risk of anti-majority outcomes where the winner of the national popular vote loses the election for no high-minded reasons at all, as occurred in 2000 and 2016. There is no incentive for candidates to campaign in non-battleground states.

Republicans have specifically targeted voters in swing states to actively suppress the vote of members of protected classes under the Civil Rights Act who they believe are more likely to vote for Democrats. Defendants suppressed votes for the 2020 Presidential election in the swing states of Pennsylvania, Michigan, Wisconsin, Ohio, North Carolina, Florida, Georgia and Arizona. Biden/Harris voters voted in larger numbers than ever before in history because they knew gerrymandering and voter suppression stacked the cards against them. Had Defendants and their co-conspirators not been able to suppress the vote in these states, the popular vote for Biden in these states would have been much higher and Trump would have likely lost North Carolina where he won by a razor thin margin. The “winner-take-all” Electoral College method for awarding electoral votes compounds and exponentially increases the “disparate impact” of voter suppression. Voter suppression in any State affects the voting rights of voters in all States.

A POLITICIZED SUPREME COURT CANNOT JUDGE ITSELF
(Applies to Questions 13-17)

Confirmation for a life-time appointment of a Supreme Court Justice is more consequential to the everyday lives of Americans than the election of a President whose term is limited to no more than eight years. Any reasonable person would construe Defendant McConnell’s changes to Senate rules for confirmation of Supreme Court Justices an act intended to dismantle and usurp the constitutional separation of powers for his own political advantage and undue personal enrichment; a blatant power grab by McConnell and the Republican Party towards authoritarian rule. A Supreme Court majority beholden to one political party, in this case Republicans, cannot be impartial. Such a Supreme Court cannot perform its intended constitutional role as a separate power designed to check the power of the executive branch of government. The public can have no faith in its ability to do so.

Defendant McConnell and Republicans have publically said for a decade that it is their intention to stack the Supreme Court with “conservative” Republican justices. Any reasonable person must conclude their intent was to politicize the Supreme Court, an objective that clearly undermines the constitutional separation of powers and violates their oaths of office. Defendant McConnell’s and Senate Republicans’ politically motivated change to the vote threshold for nominees to the Supreme Court was calculated to achieve this apparently unconstitutional objective. The three justices confirmed during the Trump Presidency after McConnell changed the senate vote threshold for confirmation should, to honor the constitution, voluntarily step-down from their judgeships. To be fair they should each be re-nominated by President Biden and go through a senate confirmation after the 60 vote supermajority is restored. If a nominee fails to be re-confirmed then Biden can nominate another candidate for confirmation. This solution is fair and would restore public confidence in the impartiality of the U.S. Supreme Court; a must for our democracy to remain intact.

ABUSE OF PRESIDENTIAL PARDON POWER UNDERMINES RULE OF LAW
(Applies to Questions 3-11)

You don't need to be a specialist in constitutional law to feel deeply troubled by Trump's abuses of the pardon power already exercised. The idea that the president's pardon power is absolute is misinformation with dire consequences for American democracy if not corrected. The United States is not careening toward a constitutional crisis; we are already knee-deep in one. Plaintiff Subramaniam was horrified by the Nixon pardons. Even though she voted for Nixon, after his criminal activities were exposed she strongly believed he should not be above the law and should have been held accountable for his crimes. The decision to pardon Nixon in September 1974 has come back to haunt us 46 years later. The presidential pardon power has

been continually abused ever since. It is time to settle this constitutional question. The future of our democracy depends on it.

The latest Trump controversy involves allegations of a "bribery-for-pardon" plan as described in documents released Monday by a federal judge. Apparently Justice Department prosecutors investigated high-ranking Trump administration officials over a scheme that involves payment of a large sum to the White House in exchange for a presidential pardon. A similar story emerged nearly two decades ago involving President Bill Clinton and a fugitive financier named Marc Rich. While Rich evaded arrest in the United States by living in Switzerland, his ex-wife Denise, a political donor participated in a scheme to obtain a pardon for him by working through intermediaries who had Clinton's ear. Suspiciously, her ex-husband was one of 140 people granted pardons by Clinton in his final hours as president, but a Justice Department investigation found no illegal behavior on Clinton's part.

Abuse of the pardon power is a bipartisan problem. In both the Trump and Clinton White Houses, the usual clemency screening apparatus broke down. That became obvious on the last night of Clinton's presidency, when he overwhelmed the pardon attorney's office (the entity in the Justice Department responsible for processing petitions for pardons or commutations) with clemency requests, making the usual background checks impossible to complete. Rich's application benefited from the chaos of that last night; the pardon attorney later noted that the petition violated federal regulations governing clemency applications and should have been denied as a result. Clinton decided to proceed with the Rich pardon anyway, as he believed it was his constitutional right. Plaintiffs challenge this notion. The Framers never intended the pardon power to become a method for placing a president above the law. Normal screening

processes for pardons must be restored and followed to restore public confidence in the claim that “no one is above the law” in the United States. Trump is already said to be considering an open ended pardon for himself, his family and other cronies in his corrupt administration.

The pardon power for offenses against the United States is granted to the President under Article II, Section 2 of the United States Constitution which states that the President:

“...shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.”

Defendant Trump is an impeached President. If it were not for the corruption of the U.S. Senate under the leadership of Defendant McConnell he would have been convicted and removed from office as constitutionally mandated. A president effectively freed from the check of impeachment is a dangerous alteration in the constitutional balance of governmental power. Public hope lays in the courts to enforce the separation of powers; but the aforementioned politicization of the courts, particularly the Supreme Court, undermines public confidence in this remaining check on executive abuses of power. The public can have no confidence in the impartiality of the courts because Defendant McConnell has stacked the federal courts with right wing Republican judges, many who are not even qualified.

RUSSIAN INTERFERENCE IN 2016 TO ELECT TRUMP PRESIDENT WORKED
(Applies to Question 23 A-D)

Some legal commentators and legislators contend that although we know the Russians interfered in the 2016 election in behalf of Trump, we cannot prove this interference changed votes or that the 2016 Trump campaign conspired with the Russians. Plaintiffs contend this is faulty logic. First whether the Trump campaign conspired with the Russians was never fully investigated due to the aforementioned unconstitutional DOJ memo. Second no investigation

has been done to ascertain how many voters failed to vote because of the joint Russia/Trump disinformation campaign, particularly in those swing states where Trump won by thin margins in 2016. Suppression of the black vote was a specific goal of the Trump/Russia campaign. No reasonable person could conclude this voter suppression did not affect the outcome.

Plaintiff Subramaniam failed to vote in 2016 specifically because she believed the false derogatory disinformation campaign propagated by Russian agents against Hillary Clinton. She was deceived into believing that both candidates were equally bad so she did not vote at all; therefore her vote was suppressed by the Russian disinformation campaign. How many other voters fell for it? When she discovered that the horrific things she believed about Hillary Clinton were false it is impossible to describe the anguish and despair she felt.

Now Defendants with the Russians are propagating a false conspiracy theory that Trump won the 2020 election but Democrats “stole” the election from him. He’s pressuring election officials to falsify election records for submission to courts in violation of 18 USC §§ 241-242. This is the epitome of election interference and criminal seditious conspiracy. Trump and his co-conspirators need to be held accountable to re-establish public faith in the rule of law principle “*no one is above the law*” whether or not they achieve the objective of their criminal conspiracy.

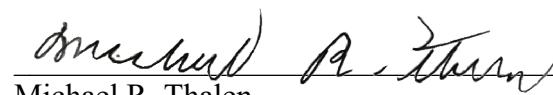


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