No. 23-32

IN THE

*Supreme Court of the United States*

EDWARD LANG, *Petitioner*
*v.*

UNITED STATES OF AMERICA, *Respondent,*

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit (Record No. 22-3038)

# *AMICUS CURIAE* BRIEF *IN SUPPORT OF* A WRIT OF CERTIORARI FROM FORMERFEDS GROUP FREEDOM FOUNDATION, and MEMBERS, *et. al,*

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## PARTIES TO THE PROCEEDING

Petitioner Principal Edward (aka "Jake") Lang is an adult resident of the State of New York. He is currently jailed awaiting trial including under 18 U.S.C. § 1512 (c)(2). Lang's case was consolidated in the D.C. Circuit below with Joseph W. Fischer and Garrett Miller. It would conveniently be consolidated here. On important questions, courts have appointed counsel when needed.

The United States of America, Responds through the United States Attorney's Office for the District of Columbia ("USAO").

In unusual posture, the United States filed an interlocutory appeal from the District Court's dismissal of charges under 18 U.S.C. 1512(c)(2). The USAO chose to appeal the dismissal immediately rather than wait for the outcome of trial. Therefore Lang, Fischer, and Miller have gained standing prior to trial by the United States' interlocutory appeal.

Pursuant to Rule 37.3 of the Rules of the Supreme Court, the Solicitor General responded to *Amici's* query and Appellant's counsel of record Norman Pattis also did, and both took no position on the filing of this *Amicus Curiae* brief, except that Appellant expresses strong confidence that his existing Appellant's Brief already filed is complete, accurate, correct, and sufficient for the Court to grant him a writ.

## RELATED CASES

This Petition arises from *United States v. Lang*, 64 F.4th 329 (D.C. Cir. 2023), *rehearing denied*, 2023 LEXIS 12753 (D.C. Cir., May 23, 2023), Consolidated Record Nos. 22-3038, 22-3039, and 22-2041), from the District Court at:

- *United States v. Edward Lang,* Trial Docket, 1-21-cr-00053-CJN.
- *United States v. Joseph Fischer,* Trial Docket No. 1-21-cr-00234-CJN.
- *United States v. Garrett Miller,* Trial Docket 12-cr-00119-CJN.

Hundreds of other prosecutions arising from the events of January 6, 2023, also involve criminal charges under the exact same novel, expansive interpretation by the USAO of 18 U.S.C. § 1512(c)(2).

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## INTRODUCTION:

### *Posture of this Brief*

This brief supports the Petition for a Writ of Certiorari and the substantive requests for relief of the Petitioners which are pure questions of law.

The District Court granted Defendants Lang's, Fischer's, and Miller's Federal Rule of Criminal Procedure Rule 12 motion to dismiss the charges under 18 U.S.C. § 1512(c)(2) from the indictment.

*Amici* further urge the Court to fully address interpretation of the key limiting term "corruptly" as inseparable from the analyses. The District Court had the question before it. The Circuit Court panel thought it possible to resolve the appeal short of interpreting "corruptly" but discussed it extensively. The Circuit believed the term sufficiently limits 18 U.S.C. § 1512 regardless of what definition is adopted. Failing to address "corruptly" now may foreclose appellate rights, as parties at trial are treating the Panel's lengthy comments as the actual definition.

## INTEREST OF AMICUS CURIAE

The principal parties have done an excellent job of raising, arguing, and briefing many, many issues. However, with so many issues and debates surrounding the application of the statute to this scenario, a surprising diversity of important questions, *Amici* believe they may have some additional insights to offer on the "best" meaning of the qualifier "corruptly."

This insight comes from the fact that Congress has narrowed the options by choosing to use the term "corruptly" as something distinct from "unlawfully." Congress' choice to say "corruptly" cannot be overlooked and it is binding upon the legal system now.

Now, recent events and prosecutions leave *Amici* baffled by when, how, and for what they might be prosecuted under 18 U.S.C. § 1512(c)(2). The only guiding principle appears to be whether a protestor agrees with government messages.

18 U.S.C. § 1512(c)(2) has different prongs *(emphases added)*

> (c)Whoever ***corruptly***—
>
> (1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or
>
> (2) otherwise ***obstructs***, ***influences***, or ***impedes*** any official proceeding, or attempts to

> do so,
>
> * * *
>
> shall be fined under this title or imprisoned not more than 20 years, or both.

The FormerFedsGroup Freedom Foundation is an IRS Code Section 501(c)(3) organization that is staffed primarily by hundreds of volunteer widows and relatives of victims of hospital treatment protocols and MRNA vaccines for COVID-19 that in many instances were coerced or administered without "informed consent."

The Foundation and members intend to "***influence***" official proceedings and may engage in actions that some could twist into ***obstructing*** or ***impeding***, in order to stop falsehoods that they are convinced led to the death of their loved ones.

There are thousands of organizations -- including *Amici* here -- who "influence" official proceedings. Some are paid lobbyists, others motivated by a cause.

These victims have found themselves opposing conventional wisdom through free expression and peaceful civil disobedience. If a Center for Disease Control and Prevention official visited hospitals for fact-finding, activists could be accused of obstructing proceedings by demanding answers about protocols that led to their relative's death.

How would *Amici* know what conduct will provoke the U.S. Department of Justice's ire? [1] *Amici* watched a civil war on the streets of America from 1999 to 2020. They consider their current and planned actions proper. But they see that prosecutors, following no guardrails but "prosecutorial creativity" could accuse them.

In 2018, protestors obstructed the U.S. Senate Judiciary Committee and physically took over the Hart Senate Office Building to try to stop the confirmation of Brett Kavanaugh[2] to the U.S. Supreme Court. They were mostly released in about 5 hours on $50 bond, later dropped. [3]

In May to June 2020, rioters laid siege to the White House.[4] Apparently more law enforcement

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[1] Jim Hoft, "**Saint Louis Rioters are the Latest to Win a Huge Payout – Leftists Rewarded $4.9 Million following their Violent Protests in 2017 that Terrorized the City**," The Gateway Pundit, August 6, 2023, https://www.thegatewaypundit.com/2023/08/saint-louis-rioters-rewarded-4-9-million-payout/

[2] Emily Birnbaum, "**Over 200 Protesters Arrested During Kavanaugh Hearings**," The Hill, September 6, 2018, https://thehill.com/homenews/senate/405500-212-protesters-total-arrested-during-kavanaugh-hearings.

[3] Ashraf Khalil, "**Protesters Continue to Interrupt Kavanaugh hearings**," Associated Press, September 6, 2018, https://apnews.com/article/3f4ddaec0ee946fe817329b065af3408

[4] Melissa Barnhart, "**Historic St. John's Church near White House torched by rioters,**" Christian

officers were injured in the assault[5] on the White House[6] than on January 6, 2021.

But now *Amici* are chilled in the exercise of their free speech, the right to petition their government for the redress of grievance, and to peacefully assemble.

Are they guilty of "corruptly" "influencing" an "official proceeding" when no one knows what "corruptly" means?

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Post, June 1, 2020, https://www.christianpost.com/news/historic-st-johns-episcopal-church-set-on-fire.html

[5] Total injured unclear but estimated 150-160. Jon Lockett,"**50 Secret Service agents injured in White House riots**," The Sun, June 1, 2020, https://www.thesun.co.uk/news/11752998/trump-secure-bunker-friday-george-floyd-protests-white-house/

[6] Olafimihan Oshin, "**GAO says 114 Capitol Police officers reported injuries on Jan. 6**," THE HILL, March 7, 2022, https://thehill.com/homenews/state-watch/597258-gao-says-114-capitol-police-officers-reported-injuries-far-more-than/

## FRAP RULE 26.1 AND FRAP RULE 29(a)(4)(E)) DISCLOSURE STATEMENT

None of the proposed *Amici* are a majority stockholder owner of any for-profit corporation or holder of a controlling interest of any other type of business entity of a for-profit business.

This brief was authored by counsel for the above named proposed *Amici*, without the involvement of counsel for any of the parties in *United States v. Edward Lang* or related cases. Undersigned counsel has not communicated about this with attorneys for the parties. No party or counsel for any party in this case contributed money to fund preparing or submitting this brief.

One of the attorneys who assisted, Bradford L. Geyer, is a founder and Trustee of the Foundation. At FormerFedsGroup.Com LLC, Geyer has represented six January 6 defendants as one of their attorneys. None of those cases involved these parties.

Legal researcher, strategist, and paralegal Jonathon Moseley assisted in drafting this brief. He had worked under attorneys in the defense of January 6 Defendants. However, he has had no contact or communication regarding the intent, plans, or content of this brief with Lang's attorneys, other Defendants, or their attorneys except in very public discussions about the topic.

## SUMMARY OF ARGUMENT OF THIS BRIEF

Proposed *Amici* hope to assist the Court in analysis of "corruptly" as a limit upon 18 U.S.C. § 1512(c)(2). There is no statutory definition.[7]

Again, the Appellant's counsel has already addressed very well a wide diversity of important issues. But with limited space in appellate briefs, *Amici* recommend more emphasis on this term.

The lower courts assumed that they could disregard the Appellant-Defendant's challenge to "corruptly." *Amici* try to further illuminate that, despite the wording, the lower courts actually did presuppose a definition of "corruptly" that would allow their analyses to work. The lower courts assumed a range of possible definitions broad enough for them to rule on the other disputes.

*Amici* observe that the lower courts were wrong: Congress chose to use the word "corruptly" in some criminal statutes but "unlawfully" in others.

Therefore, "corruptly" cannot equal "unlawfully." No interpretation which reduces "corruptly" to little more than "unlawfully" can pass muster of Congressional intent.

Yet, unfortunately, all past judicial

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[7] There is a statutory definition only for 18 U.S.C. § 1505, found at 18 U.S.C. § 1515(b), but this is focused on "withholding, concealing, altering, or destroying a document or other information."

evaluation of "corruptly" fails this crucial test.

Because none of the proffered definitions can work, the other issues in the case are rendered inoperative. The case cannot be decided without confronting the meaning of "corruptly" first.

First, the Circuit Panel did not reach a definition of "corruptly" apparently because they assumed that whatever the definition is they could still resolve the appeal.

Second, lacking a proper definition, common usage and dictionary definitions control. As the Government conceded in Government's Supplemental Brief On 18 U.S.C. § 1512(c)(2), September 22, 2021, *United States v. Thomas Caldwell / Crowl, et al.,* Case 1:21-cr-00028-APM, Dkt. #437, pages 20-21 *(emphases added):*

> Because ***"'corruptly'" is not defined in the statute,*** it is "understood . . . to have ***its ordinary meaning."*** *United States v. North*, 910 F.2d 843, 881 (D.C. Cir. 1990) (per curiam), *withdrawn and superseded in part by United States v. North*, 920 F.2d 940 (D.C. Cir. 1990) (per curiam).

*Third,* Congress qualified ***26-50 statutes*** in the U.S. Code with the limitation ***"corruptly," but 203 statutes*** with the limitation ***"unlawfully."***

***"Corruptly" cannot simply be another way of saying "unlawfully."***

The Judiciary is constrained by Congress' intent to treat "corruptly" as something *different*.

Congress did not accidentally or inadvertently say "corruptly."

> The formative case discussing the "corrupt" *scienter* element of the federal obstruction of justice statutes is *United States v. Pettibone.*[39] In *Pettibone,* the Supreme Court opined in 1893 that "corrupt" implied more than a state of general malevolence; it required a "specific design to thwart justice."[40] Courts applying this specific intent standard have typically recognized that the term corrupt implies "a higher degree of mental culpability than mere knowledge or general intent."[41]

Daniel A. Shtob, "Corruption of a Term: The Problematic Nature of 18 U.S.C. §1512(c), the New Federal Obstruction of Justice Provision," 57 Vanderbilt Law Review 1429 (2019), https://scholarship.law.vanderbilt.edu/vlr/vol57/iss4/6, page 1437 (citing to *United States v. Pettibone,* 148 U.S. 197, 206-207 (1893) ).

*Fourth*, Congress has enacted statutes mostly at 40 U.S.C. § 5103, *et seq.* to govern the conduct of the public at and around the U.S. Capitol as the seat of Congress.

18 U.S.C. § 1512(c)(2).is not one of them.

So we should not interpret "corruptly" as

embracing conduct that Congress already addressed in other statutes: 40 U.S.C. §§ 5101 to 5109. What did Congress mean about "corruptly" obstructing a proceeding, when Congress already addressed this exact scenario in a different set of statutes *without using* the term "corruptly?"

*Fifth*, 18 U.S.C § 1512(c)(2) is unconstitutional in violation of the First Amendment to the U.S. Constitution in that the statute imposes up to 20 years in prison for one who "(2) otherwise ***obstructs***, ***influences***, or ***impedes*** any official proceeding, or attempts to do so" corruptly. The inexplicable inclusion of "influences" violates the First Amendment right to Petition the Government for the Redress of Grievances and Free Speech.

This Court should not overlook how jury instructions are prepared and presented to the trial jury. The jury may be confused into convicting on the loose standard of "influence" where it might not have found evidence for "obstruct" or "impede." Thus, it is insufficient to say that the First Amendment is not violated when a jury could – is likely to – decide "Well, at least the Defendant ***attempted*** to ***influence***, even if there is not enough evidence of obstructing or impeding." It is not that easy to save § 1512(c)(2).

## ARGUMENT

The principal parties' briefs address a wide battery of issues, including a complex but almost mathematically precise reasoning by The Honorable Carl Nichols, District Court Judge.

Nichols issued the same analysis in granting each of three Defendants' motions to dismiss the count under 18 U.S.C. § 1512(c)(2).

> Finally, Miller argues that the mens rea requirement of § 1512(c)(2)—that the criminal act be committed "corruptly"—lacks a limiting principle, and is thus unconstitutionally vague as applied to him. Sec. Supp. at 7–16. "Corruptly," he notes, is not defined in the statute, and relying on *United States v. Poindexter*, 951 F.2d 369 (D.C. Cir. 1991), he argues that it is unconstitutionally vague here. Sec. Supp. at 9–14.

Memorandum Opinion, March 7, 2022, *United States v. Garrett Miller*, Criminal Case No. 1:21-cr-00119 (CJN), page 6. (Related case to Lang and Fischer.)

### A. KEY TERM "CORRUPTLY" NEEDS TO BE ADDRESSED

The Circuit Panel assumed that any of various definitions of "corruptly" would not affect the application of the statute. That is not correct. None of the proposed definitions are viable.

All three Circuit Panel judges extensively discussed interpretation of "corruptly" and its difficulties, but then tried to resolve the appeal without deciding that.

The Opinion for the Court issued by Circuit Judge PAN, with whom Circuit Judge WALKER joins except as to Section I.C.1 and footnote 8, on page 17 states *(emphases added):*

> *1. "Corrupt" Intent*
>
> The district court expressly declined to interpret "corruptly" as used in § 1512(c), concluding only that "the common meanings of 'corruptly' are sufficiently capacious so as not to limit or clarify the *actus reus* charged in the Indictment." *Miller*, 2022 WL 1718984, at *5 n.3 (denying government's motion for reconsideration). ***I do not agree that the meaning of "corruptly" is necessarily "capacious," and note that a narrow construction of "corruptly" would indeed limit the actus reus of a § 1512(c)(2) violation. The requirement of "corrupt" intent prevents subsection (c)(2) from sweeping up a great deal of conduct that has nothing to do with obstruction — for instance, lobbyists who know they advocate for morally wrongful causes***. *See* Appellees' Br. 47. Notably, the other crimes enumerated in § 1512 — such as

> killing, threatening, or dissuading witnesses — are classic examples of obstruction of justice.

Petitioner originally and *Amici* now argue that it is an error to say that "the common meanings of 'corruptly' are sufficiently capacious so as not to limit or clarify the *actus reus* charged in the Indictment."

*Amici* urge that this Court should now address the failure to define "corruptly" as a mistake that requires ***at least remand***, if not full correction, here now on appeal.

The Circuit Opinion summarizes from page 6 to 7:

> Relying on its understanding of the Supreme Court's holding in *Begay v. United States*, 553 U.S. 137 (2008), as well as canons of statutory construction, statutory and legislative history, and the principles of restraint and lenity, the district court determined that subsection (c)(2) "must be interpreted as limited by subsection (c)(1)." *Miller*, 589 F. Supp. 3d at 78. That led the district court to hold that subsection (c)(2) "requires that the defendant have taken some action with respect to a document, record, or other object in order to corruptly obstruct, impede or influence an official proceeding." *Id.* Because appellees' indictments do not allege that they violated § 1512(c)(2) by committing

> obstructive acts related to "a document, record, or other object," the district court dismissed the § 1512(c)(2) counts. *[citations omitted here].*

And the Panel explained further on page 16 *(emphasis added):*

> **C. Other Elements**
>
> Although the text of § 1512(c)(2) plainly extends to a wide range of conduct, the statute contains some important limitations: The act of "obstruct[ing], influenc[ing], and imped[ing]" described in subsection ***(c)(2) must be accompanied by "corrupt" intent***; and the behavior must target an "official proceeding." Those other elements of a § 1512(c)(2) offense are not the focus of this appeal, but we nevertheless note that they provide significant guardrails for prosecutions brought under the statute.

*Amici* suggest that whether "corruptly" is an important limitation, and what that limitation is, cannot be divorced from this analysis.

*Amici* argue that the record of the case shows that "corruptly" actually is a "focus of this appeal" but the Circuit found it unnecessary to reach that far to arrive at a decision on the appeal.

On page 18 the Circuit Opinion summarizes:

> Under all those formulations, "corrupt" intent exists at least when an obstructive action is independently unlawful — *i.e.*, an independently unlawful act is necessarily "wrongful" and encompasses a perpetrator's use of "independently corrupt means" or "an unlawful method."

Therefore, the Circuit repeats what *Amici* cite as error: That "corruptly" could mean *merely* "unlawfully." The Circuit Panel suggests that corruptly could be worse morally, but need not be in the Circuit's view. Nothing more than unlawful conduct standing alone can meet the supposed limitation of "corruptly," the Panel believed.

Actually, (1) the Circuit Court's decision requires consideration of the meaning of "corruptly" which is inseparable from the analysis, (2) it was error to think that the appeal could be decided without understanding an accurate definition of "corruptly," and (3) the "working definition" (so to speak) of the Circuit is error that requires correction.

Meanwhile, the Circuit Opinion includes in its opening paragraph:

> The question raised in this case is whether individuals who allegedly assaulted[8] law enforcement officers

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[8] On page 4, Circuit Opinion: "The government charged all three appellees with, among other things, …." violation of 18 U.S.C. § 111(a)(1).

> while participating in the Capitol riot can be charged with corruptly obstructing, influencing, or impeding an official proceeding, in violation of 18 U.S.C. § 1512(c)(2).

As a necessary side task, we must correct a mistake. The Defendants below were not necessarily charged with "assaulting."

> 18 U.S.C. § 111(a)(1) *[which prohibits]*:
> "(a)IN GENERAL.—Whoever—
> (1) forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties; …

Thus, some January 6 Defendants are discussed as assaulting a police officer. However, because the law can cover simply "interfer[ing] with," or "imped[ing]" this analysis is in error. The trial Court cannot presume that impeding law enforcement is a corrupt act. Would interrupting an officer to ask where is the bathroom be a felony? [9]

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[9] In *United States v. Richard Barnett*, 1:21-cr-00038, Barnett yelled repeatedly over the noise at police asking if he could go retrieve his flag. Distracting an officer with shouted questions was argued as "impeding" or "interfering with" an officer under 18 U.S.C. § 111(a)(1). The officer testified that he was thereby required to watch Barnett, and the officer's decision interfered with the officer's duties. Much of the trial concerned

The Circuit Opinion sidesteps defining "corruptly" by mistakenly believing (at page 22):

> "But it is beyond debate that appellees and other members of the public had fair notice that assaulting law enforcement officers in an effort to prevent Congress from certifying election results was 'wrongful' and 'corrupt' under the law."

But a person violates the statute if they *forcibly **(1)** assaulted, **(2)** resisted, **(3)** opposed, **(4)** impeded, **(5)** intimidated, or **(6)** interfered with* a law enforcement officer.

But are they guilty of ***every*** crime because they are guilty of one? Did one act "unlawfully" and violate 18 U.S.C. § 1512(c)(2) by violating 18 U.S.C. § 111(a)(1) or does that crime stand alone?

### B. CONGRESS SAID "CORRUPTLY" NOT "UNLAWFULLY"

*Amici* suggest that Congress has *foreclosed* an interpretation of "corruptly" which is nothing more than "unlawfully" or "illegally."

A search of the United States Code through research tool Fastcase, revealed that Congress conditioned crimes

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other statutes. Barnett was also charged with possessing a hiking cane with a built-in stun-gun.

A) on the word "**corruptly**" -- **26 times**[10]
B) on the word "**unlawfully**" -- **203 times**
C) on the word "**willfully**" -- **729 times**
D) on the word "**knowingly**" -- **1,177 times**

When Congress wants to say "unlawfully," it knows how to say it. When Congress uses the word "corruptly" sparingly, it must mean something different from "unlawfully."

> "This Court's duty to give effect, where possible, to every word of a statute, *United States v. Menasche, 348 U.S. 528, 538-539, makes the Court reluctant* to treat statutory terms as surplusage. This is especially so when the term occupies so pivotal a place in the statutory scheme..."

*Duncan v Walker*, 533 U.S. 158, 121 S.Ct. 2087, 150 L.Ed.2d 198 (2001) *(emphasis added).*

Treating the term "corruptly" as nothing more than "unlawfully" would erase and read the term out of the statute.

> "It is generally presumed that Congress acts intentionally and purposely when it includes particular language in one section of a statute but omits it in another," *Chicago v.*

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[10] The Circuit Opinion references on page 19 that there are around 50 other references to "corruptly" in Title 18 of the U.S. Code but *Amici's* search turned up 26 of these.

> *Environmental Defense Fund,* [11] *ante*, at 338 (internal quotation marks omitted), and that presumption is even stronger when the omission entails the replacement of standard legal terminology with a neologism.

*BFP v. Resolution Trust Corp.*, 511 U.S. 531, 114 S.Ct. 1757, 128 L.Ed.2d 556 (1994).

The same analysis requires that every statute must "mean something rather than nothing."

### C. CONGRESSIONAL INTENT SHOWN BY OTHER STATUTES THAT APPLY

18 U.S.C. § 1512 is explicitly <u>*not*</u> about the U.S. Capitol or Congressional proceedings.

Congress explicitly enacted laws to govern disruption of Congress or its functions or violence in or around the Capitol.

But none of those laws punishable by only 6 months in jail as Class C Misdemeanors use the term "corruptly." And 18 U.S.C. § 1512 is *not* one of those laws, with its maximum penalty of 20 years as a felony.

In §5104(e)(2)(D) and §1752(a)(2), Congress knew how to say clearly and unmistakably what it meant. While "disorderly" and "disruptive" are poorly-defined, they are limited by "the ***<u>intent</u>*** to

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[11] *I.e.,* 511 U.S. 328 (1994).

impede, disrupt, or disturb.

These indicate that Congress did not intend "corruptly" to ambiguously solve a problem that Congress already clearly and unambiguously solved in actually relevant statutes.

There are roughly a dozen laws that govern conduct at the U.S. Capitol in 40 U.S.C. §§ 5101 to 5109. *(Emphases added below; see Appendix)*:

**1)** 40 U.S. Code § 5104(e)(2)(D) prohibits "utter[ing] loud, threatening, or abusive language, ***or engag[ing] in disorderly or disruptive conduct***, at any place in the Grounds or in any of the Capitol Buildings ***with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress***, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress;"

***2)*** 40 U.S.C. § 5104(e)(2)(G) commands one not to "parade, demonstrate, or picket in any of the Capitol Buildings."

**3)** Class A Misdemeanor 18 U.S.C. § 1752(a)(2) decrees punishment within [temporarily] "restricted grounds"of "**(a)** Whoever – *** **(2)** knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engages in disorderly or disruptive conduct in, or within such

proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;"

**4)** 40 U.S. Code § 5104(e)(2)(F) prohibits an act of violence in any Capitol building or on the Congressional / Capitol grounds.

**5)** 40 U.S.C. § 5104(e)(2)(C) prohibits one "***with the intent to disrupt the orderly conduct of official business***, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of—

**(i)** either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress;

***

"What did Congress mean?" Relevant misdemeanor statutes do not invoke "corruptly." A doubtful, duplicative application of an irrelevant felony statute requires "corruptly."

Turning 6 -12 month misdemeanors into a 20 year felony demands more of us in a precise, sound definition.

## D. TERM "CORRUPTLY" UNWORKABLE, CONSTITUTIONALLY INVALID

18 U.S.C. § 1515 contains definitions for 18 U.S.C. § 1512 under "**(a)**" but defines "corruptly" only for the purposes of 18 U.S.C. § 1505. Worse,

this makes a definition even more confusing, because it is yet another inconsistent approach:

> **(b)** As used in section 1505, the term "corruptly" means acting with an improper purpose, personally or by influencing another, including making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information.

The Government argues in *Caldwell*, *supra*, Dkt. # 437 at 21:

> "For purposes of Section 1512(c)(2), "corruptly" includes two components:
> (1) intent to obstruct, impede, or influence; and
> (2) wrongfulness."

So, wrongfulness is wrongful because it is wrongful? Or does "corrupt" = "unlawful?"

Suppose a lobbyist is walking in a corridor in Congress but begins choking. He stumbles into a national security hearing <u>*intentionally*</u> seeking help. His acts are "unlawful" because he does not have a national security clearance and it is illegal for him to enter the classified briefing. He acts knowingly and willfully, seeking to stop the hearing to obtain medical intervention. [12]

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[12] *E.g.,* A man proposes marriage in the Rotunda to his Congressional staffer girlfriend. Tourists squealing and applauding could "disrupt or disturb" but that was not the intent.

The hypothetical lobbyist (a) broke the law by entering without security clearance and (b) acted *illegally* for his own *benefit*. Thus, under *Aguilar's* misreading of "corruptly" he violated §1512(c)(2).

### E. "CORRUPTLY" MEANS IMMORAL, SUCH AS AN ACT OF BRIBERY

Corrupt to the average person and dictionary definitions means immoral such as involving bribery or immoral acts or 'corrupted data' or corrupting the morals of the youth.

**"Power corrupts, and absolute power corrupts absolutely."** -- Lord John Acton. An official might be oppressive, selfish, indifferent to the needs of others, even oppressive, without breaking any law.

Bribery dominates the common understanding. Yet corrupt also means immoral. E.g., Phil Ray, "**Man Enters Guilty Plea to Corrupting a Minor**," Altoona Mirror, June 21, 2021, https://www.altoonamirror.com/news/local-news/2021/06/man-enters-guilty-plea-to-corrupting-a-minor/ Even apart from sexual perversion, an adult who trains a youth in a life of crime would be said to be "corrupting" that child.

Dictionary definitions are contradictory, yet emphasize bribery. Yet corrupt also means immoral, not illegal. The Cambridge Dictionary.[13]

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[13] See Cambridge Dictionary, Appendix, page 48.

https://dictionary.cambridge.org/dictionary/english/corrupt "[T]o make someone or something become dishonest or immoral: 'The study claimed that violence on television corrupts the minds of children.'" *Id.* Or "When information on a computer becomes corrupt, it cannot be used because it has changed and become wrong: 'corrupt data' or 'a corrupt file.'" *Id.*

No judicial attempt corresponds to any common understanding of the word.

> "Judicial discussion of the transitive and intransitive meanings of the term "corruptly" is an indication that the word is ambiguous by its very nature. The intransitive meaning of "corruptly" implies that an act was done with a bad purpose or motive-that the accused was "wicked" or "immoral." The transitive meaning focuses on the manner of an attempt to influence a proceeding, rather than the motive for so doing. In essence, it depends on the act itself. In practice, as here, this key distinction has proven difficult to articulate. *Cf. United States v. Poindexte*r, 951 F.2d 369, 378-79 (D.C. Cir. 1991)."

Daniel A. Shtob, 57 V.L.Rev at Fn. 41.

The Bible as a common source of language describes corruption as (among other things) rotting of flesh: Acts 13:36: "For David, after he had served his own generation by the will of God,

fell on sleep, and was laid unto his fathers, and saw corruption [of his flesh – *see* Acts 2:31].

The common meaning of "corrupt" means crooked, twisted, rotted, gone bad, or not serving its intended purpose. The ordinary meaning is not a synonym for "unlawfully."

### F. *AGUILAR* SHOULD BE REVISED

The formula of "benefit for oneself or another" from *Aguilar* is not workable.[14] A person who engages in corruption to fill his mother's retirement savings is acting corruptly for the benefit of another. But what benefits his mother also matters to the corrupt actor.

A protestor who prefers which candidate wins an election – whom he does not know and has never met – may be indulging a personal opinion but does not act "corruptly" under *Aguilar,* any more than rooting for a sports team.

If one wants candidate X elected because he will approve a dishonest real estate development, the actor is seeking *a benefit to himself*. The candidate winning is tangential.

We should not consider "benefit to another" unless it also benefits the actor. The scheme is likely an artifice when a criminal seeks to disguise what is going on by putting the benefit technically

---

[14] Scalia did not create *Aguilar*'s formulation but deferred to the lower court in his concurrence in *United States v. Aguilar*, 515 U.S. 593, 616 (1995).

in the name of another.

This Court should clarify *Aguilar*.

### G. VOID FOR VAGUENESS OR OVERBREADTH OF "CORRUPTLY"

Certainly attempts have been made to define the term "corruptly" as applied to physically disrupting a gathering, but these incompatible efforts make the problem worse.

Proliferation of inconsistent definitions for "corruptly" renders 18 U.S.C. § 1512(c) void for vagueness as applied here

> Unable to rely on clear precedent, multiple circuits have referenced dictionary definitions, antiquated legislative histories, and nuances in linguistic analysis to define the term.[76] Given the troubling interpretive history of "corruptly" within the federal obstruction of justice statutes, it seems implausible that the bill's drafters intended to perpetuate this ambiguity, especially in the context of subsection 1512(c), which prescribes a punishment of up to twenty years' incarceration.

Daniel A. Shtob, 57 V.L.Rev at 1442.

> … its passage was deemed critical to both the efficient operation of capital markets and the restoration of faith in the American free enterprise system.[8]

*Id.* at 1431 (also citing "unscrupulous acts in the business setting" as the law's target).

> Over the last two decades, courts and commentators have debated the meaning of the term "corrupt" in Chapter 73 of Title 18 of the United States Code, the obstruction of justice statutes. [12]

*Id.* at 1432.

> In light of the past treatment and debate surrounding its structurally similar sister sections, however, a clear textual construction of subsection 1512(c) ***appears impossible***. [28]

*Id.* at 1435-1436 *(emphasis added).*

A law is unconstitutionally vague when "it fails to give ordinary people fair notice of the conduct it punishes, or [is] so standardless that it invites arbitrary enforcement." *Johnson v. United States*, 576 U.S. 591, 595 (2015). As stated in *Johnson*

> [O]ur holdings squarely contradict the theory that a vague provision is constitutional merely because there is some conduct that clearly falls within the provision's grasp. For instance, we have deemed a law prohibiting grocers from charging an "unjust or unreasonable rate" void for vagueness — even though charging someone a thousand dollars for a pound of sugar would surely be

unjust and unreasonable. *L. Cohen Grocery Co.,* 255 U.S. at 89, 41 S.Ct 298. We have similarly deemed void for vagueness a law prohibiting people on sidewalks from "conduct[ing] themselves in a manner annoying to persons passing by"—even though spitting in someone's face would surely be annoying. *Coates v. Cincinnati,* 402 U.S. 611, 91 S.Ct. 1686, 29 L.Ed. 2d 214 (1971). These decisions refute any suggestion that the existence of *some* obviously risky crimes establishes the residual clause's constitutionality.

This Supreme Court has taught how a vague criminal statute is unconstitutional:

> ***The Johnson Court held the residual clause unconstitutional under the void-for-vagueness doctrine,*** a doctrine that is mandated by the Due Process Clauses of the Fifth Amendment (with respect to the Federal Government) and the Fourteenth Amendment (with respect to the States). ***The void-for-vagueness doctrine prohibits the government from imposing sanctions "under a criminal law so vague that it fails to give ordinary people fair notice of the conduct it punishes, or so standardless that it invites arbitrary enforcement."*** Id., at ——, 135 S.Ct., at 2556. *Johnson* determined that the residual clause could not be reconciled with that prohibition.

* * *

> * * * In the Johnson Court's view, the "indeterminacy of the wide-ranging inquiry" made the residual clause more unpredictable and arbitrary in its application than the Constitution allows. Id., at ——, 135 S.Ct., at 2557.
>
> ***"Invoking so shapeless a provision to condemn someone to prison for 15 years to life," the Court held, "does not comport with the Constitution's guarantee of due process." Id., at ——, 135 S.Ct., at 2560.***

*Welch v. United States*, 136 S. Ct. 1257, 1261-1262, 194 L.Ed.2d 387 (2016) *(emphases added)*

> Resisting the force of these decisions, the dissent insists that "a statute is void for vagueness only if it is vague in all its applications." *Post*, at 2574.

*Johnson v. United States*, 135 S. Ct. 2551, 2561, 192 L. Ed. 2d 569 (2015) *(emphases added).*

As seen now in unprecedented "January 6 Jurisprudence," a statute purporting to criminalize conduct can be unconstitutional if it leaves a public official with unbridled, standardless discretion to effectively make up their own law within the vagueness of the statute. The statute must not invite enforcement officials to legislate.

Let us not mince words: 18 U.S.C § 1512(c)(2) means whatever a creative prosecutor

lacking caution wishes it to mean. To be charged is to be convicted, because the criminal charge has no fixed meaning.

Furthermore, 18 U.S.C § 1512(c)(2) violates the First Amendment to the U.S. Constitution in that the statute imposes up to 20 years in prison for "influencing" or attempting to "***influence***" an official proceeding despite the command of the First Amendment that the right to Petition the Government for the Redress of Grievances shall not be denied.

> If the line drawn by the decree between the permitted and prohibited activities of the NAACP, its members and lawyers is an ambiguous one, we will not presume that the statute curtails constitutionally protected activity as little as possible. For standards of permissible statutory vagueness are strict in the area of free expression. See *Smith* v. *California*, 361 U.S. 147, 151; *Winters* v. *New York*, 333 U.S. 507, 509-510, 517-518; *Herndon* v. *Lowry*, 301 U.S. 242; *Stromberg* v. *California*, 283 U.S. 359; *United States* v. *C.I.O.*, 335 U.S. 106, 142 (Rutledge, J., concurring). *N.A.A.C.P.* at 432.

*N.A.A.C.P. v. Button*, 371 U.S. 415, 83 S. Ct. 328 (1963).

> An overbroad statute 'sweeps within its scope a wide range of both protected and non-protected expressive

> activity.'" *Hobbs v. Thompson,* 448 F.2d 456, 460 (5th Cir. 1971).

*Commission for Lawyer Discipline v. Benton*, 980 S.W.2d 425, 435 (Tex. 1998)

As stated in *Hobbs* at 460 *(emphases added):*

> The overbreadth doctrine, therefore, ***focuses directly on the need for precision in legislative draftmanship*** to avoid conflict with First Amendment rights. Even though the interests a statute promotes may justify some infringement upon First Amendment rights, ***the overbreadth doctrine condemns those means to that legitimate end which comprehend too broad an incursion*** upon the realm of First Amendment activity. Where a law is substantially overbroad, in that it sweeps within its scope a wide range of both protected and non-protected expressive activity, and where no "readily apparent construction suggests itself as a vehicle for rehabilitating the statute in a single [proceeding],"

As further stated in *Hobbs* at 460-461

> Lack of fair warning to actors or lack of adequate standards to guide enforcers also may lead to a "chill" on privileged activity. A person contemplating action who might be covered by a vague statute

> is left in doubt as to whether he is covered by the statute and, if so, whether his claim of privilege will be upheld. *See, e.g., NAACP v. Button*, 1963,371 U.S. 415, 432, 83 S.Ct 328, 9 L.Ed. 2d 405. *See also Coates v. Cincinnati*, 1971, 402 U.S. 611, 91 S. Ct. 1686, 29 L.Ed. 2d 214.

Therefore, Section (c) and especially subsection (c)(2) are unconstitutionally void for vagueness and overbreadth in impinging upon the fundamental rights of the First Amendment.

**CONCLUSION**

Proposed *Amici* respectfully urge this Court to grant *Certiorari,* reach the constitutional issues and/or remand, and grant the Petitioner relief.

*Amici* asks the Court to strike 18 U.S.C. § 1512(c)(2) as unconstitutionally vague and over-broad, particularly burdening the constitutional right under the First Amendment to "influence" an official proceeding. "Corruptly" has too many inconsistent definitions to be constitutional.

But at a minimum this Court should adopt the cases like *United States v. Pettibone,* 148 U.S. 197, 206-207 (1893) and determine that "corruptly" in 18 U.S.C. § 1512(c) means acting a **with a specific design to thwart justice.**

This is the focus of Chapter 73 which Congress titled "*Obstruction of Justice*. Congress titled § 1512 "*Tampering with a witness, victim, or an informant.*" While headings are not controlling,

they can be a strong hint of Congressional intent.

Corruptly must be tethered to obstruction of justice, not just breaking any law. Predicate acts already independently illegal under other statutes should be prosecuted under those other statutes.

Respectfully submitted,
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## CERTIFICATE OF COMPLIANCE

I certify that this petition is formatted and printed in typeface Century Schoolbook, 12 point font size, and contains 5,925 words of the allowed 6,000 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

/s/ Thomas Renz

## ***STATEMENT OF SERVICE***

*Amici*, by counsel, certifies that a copy of the foregoing Motion for Leave to File Amicus Curiae Brief and that Brief attached were served, upon the attorney of record in this Court for the Appellant by first class U.S. mail, postage prepaid, on September 29, 2023, on:

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Also, in compliance with Rule 29 of the Rules of the Supreme Court, an electronic copy of this Motion was also sent by electronic mail (email) on the same date in electronic / computer PDF format to all attorneys for the principal parties.

*/s/* Thomas Renz


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Teresa Rodriguez


Becky Jo Foster


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Kimberly Plourde


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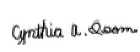
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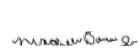
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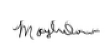
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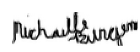
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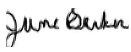
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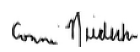
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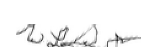
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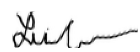
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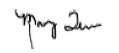
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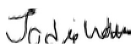
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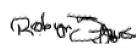
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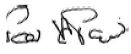
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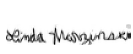
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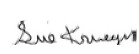
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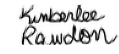
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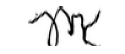
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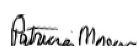
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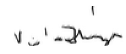
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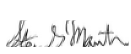
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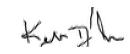
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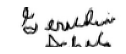
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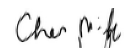
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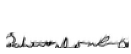
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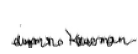
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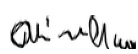
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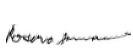
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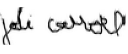
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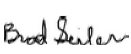
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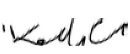
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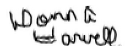
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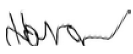
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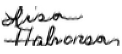
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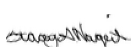
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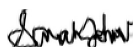
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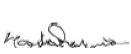
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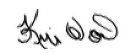
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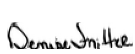
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Lori Keith


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Tammy Gillespie


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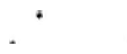
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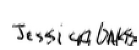
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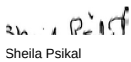
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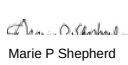
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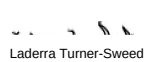
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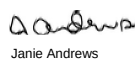
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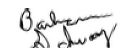
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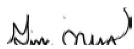
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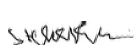
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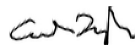
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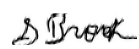
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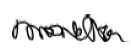
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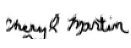
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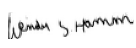
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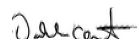
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Sheena Thomas


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Patrice Carpenter


Tammy Cron


Jana Willborn


Evelyn Peagler


Kimberly A Shalon


Brooke Witcher


Deneen Bellino


Jennifer Ambrose Blume


Miriam Belknap


Dariann Van Holton


Brittany Ison


Geri Brown


Gail Seiler


matthew cresto

# APPENDIX: KEY STATUTES

## I. 18 U.S. Code § 1512, Et. Seq.

**(a)**

**(1)**Whoever kills or attempts to kill another person, with intent to—

**(A)** prevent the attendance or testimony of any person in an official proceeding;

**(B)** prevent the production of a record, document, or other object, in an official proceeding; or

**(C)** prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3).

**(2)**Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—

**(A)** influence, delay, or prevent the testimony of any person in an official proceeding;

**(B)** cause or induce any person to—

**(i)** withhold testimony, or withhold a record, document, or other object, from an official proceeding;

**(ii)** alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding;

**(iii)** evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

**(iv)** be absent from an official proceeding to which that person has been summoned by legal process; or

**(C)** hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3).

**(3)** The punishment for an offense under this subsection is—

**(A)** in the case of a killing, the punishment provided in sections 1111 and 1112;

**(B)** in the case of—

**(i)** an attempt to murder; or

**(ii)** the use or attempted use of physical force against any person;

imprisonment for not more than 30 years; and

**(C)** in the case of the threat of use of physical force against any person, imprisonment for not more than 20 years.

**(b)**Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—

**(1)** influence, delay, or prevent the testimony of any person in an official proceeding;

**(2)** cause or induce any person to—

**(A)** withhold testimony, or withhold a record, document, or other object, from an official proceeding;

**(B)** alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

**(C)** evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

**(D)** be absent from an official proceeding to which such person has been summoned by legal process; or

**(3)** hinder, delay, or prevent the communication to a law enforcement

officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation [1] supervised release,,[1] parole, or release pending judicial proceedings;

shall be fined under this title or imprisoned not more than 20 years, or both.

**(c)**Whoever corruptly—

**(1)** alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or

**(2)** otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so,

shall be fined under this title or imprisoned not more than 20 years, or both.

**(d**)Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from—

**(1)** attending or testifying in an official proceeding;

**(2)** reporting to a law enforcement officer or judge of the United States the commission or possible commission of a Federal offense or a violation of conditions of probation [1] supervised

release,,[1] parole, or release pending judicial proceedings;

**(3)** arresting or seeking the arrest of another person in connection with a Federal offense; or

**(4)** causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding;

or attempts to do so, shall be fined under this title or imprisoned not more than 3 years, or both.

**(e)** In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.

**(f)** For the purposes of this section—

**(1)** an official proceeding need not be pending or about to be instituted at the time of the offense; and

**(2)** the testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.

**(g)** In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance—

**(1)** that the official proceeding before a judge, court, magistrate judge, grand jury, or government agency is before a judge or court of the United States, a United States magistrate judge, a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or
**(2)** that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.

**(h)** There is extraterritorial Federal jurisdiction over an offense under this section.

**(i)** A prosecution under this section or section 1503 may be brought in the district in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected or in the district in which the conduct constituting the alleged offense occurred.

**(j)** If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

**(k)** Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

## II. 40 U.S. Code § 5101, Et. Seq.

### 40 U.S. Code § 5101 - Definition

In this chapter, the term "Capitol Buildings" means the United States Capitol, the Senate and House Office Buildings and garages, the Capitol Power Plant, all buildings on the real property described under section 5102(c) (including the Administrative Building of the United States Botanic Garden) [1] all buildings on the real property described under section 5102(d), all subways and enclosed passages connecting two or more of those structures, and the real property underlying and enclosed by any of those structures.

## III. 40 U.S. Code § 5104 - Unlawful activities

**(a)DEFINITIONS.—**In this section—

**(1)ACT OF PHYSICAL VIOLENCE.—** The term "act of physical violence" means any act involving—

**(A)** an assault or other infliction or threat of

infliction of death or bodily harm on an individual; or

**(B)** damage to, or destruction of, real or personal property.

**(2)DANGEROUS WEAPON.**—The term "dangerous weapon" includes—

**(A)** all articles enumerated in section 14(a) of the Act of July 8, 1932 (ch. 465, 47 Stat. 654); and

**(B)** a device designed to expel or hurl a projectile capable of causing injury to individuals or property, a dagger, a dirk, a stiletto, and a knife having a blade over three inches in length.

**(3)EXPLOSIVES.—**

The term "explosives" has the meaning given that term in section 841(d) of title 18.

**(4)FIREARM.—**

The term "firearm" has the meaning given that term in section 921(3) of title 18.

**(b)OBSTRUCTION OF ROADS.—**

A person may not occupy the roads in the United States Capitol Grounds in a manner that obstructs or hinders their proper use, or use the roads in the area of the Grounds, south of Constitution

Avenue and B Street and north of Independence Avenue and B Street, to convey goods or merchandise, except to or from the United States Capitol on Federal Government service.

**(c)SALE OF ARTICLES, DISPLAY OF SIGNS, AND SOLICITATIONS.**—A person may not carry out any of the following activities in the Grounds:

**(1)** offer or expose any article for sale.

**(2)** display a sign, placard, or other form of advertisement.

**(3)** solicit fares, alms, subscriptions, or contributions.

**(d)INJURIES TO PROPERTY.—**
A person may not step or climb on, remove, or in any way injure any statue, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf, in the Grounds.

**(e)CAPITOL GROUNDS AND BUILDINGS SECURITY.—**

**(1)FIREARMS, DANGEROUS WEAPONS, EXPLOSIVES, OR INCENDIARY DEVICES.**—An individual or group of individuals—

**(A)**except as authorized by regulations prescribed by the Capitol Police Board—

**(i)** may not carry on or have readily accessible to any individual on the Grounds or in any of the Capitol Buildings a firearm, a dangerous weapon, explosives, or an incendiary device;

**(ii)** may not discharge a firearm or explosives, use a dangerous weapon, or ignite an incendiary device, on the Grounds or in any of the Capitol Buildings; or

**(iii)** may not transport on the Grounds or in any of the Capitol Buildings explosives or an incendiary device; or

**(B)** may not knowingly, with force and violence, enter or remain on the floor of either House of Congress.

**(2)VIOLENT ENTRY AND DISORDERLY CONDUCT.—**An individual or group of individuals may not willfully and knowingly—

**(A)** enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor, in the Rayburn

Room of the House of Representatives, or in the Marble Room of the Senate, unless authorized to do so pursuant to rules adopted, or an authorization given, by that House;

**(B)** enter or remain in the gallery of either House of Congress in violation of rules governing admission to the gallery adopted by that House or pursuant to an authorization given by that House;

**(C)**with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of—

**(i)** either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or

**(ii)** the Library of Congress;

**(D)** utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the

intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress;

**(E)** obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings;

**(F)** engage in an act of physical violence in the Grounds or any of the Capitol Buildings; or

**(G)** parade, demonstrate, or picket in any of the Capitol Buildings.

**(3)EXEMPTION OF GOVERNMENT OFFICIALS.—**This subsection does not prohibit any act performed in the lawful discharge of official duties by—

**(A)** a Member of Congress;
**(B)** an employee of a Member of Congress;
**(C)** an officer or employee of Congress or a committee of Congress; or
**(D)** an officer or employee of either House of Congress or a committee of that House.

**(f) PARADES, ASSEMBLAGES, AND DISPLAY OF FLAGS.**—Except as provided in section 5106 of this title, a person may not—

**(1)** parade, stand, or move in processions or assemblages in the Grounds; or

**(2)** display in the Grounds a flag, banner, or device designed or adapted to bring into public notice a party, organization, or movement.

## IV. CAMBRIDGE DICTIONARY ON "CORRUPTLY"

# corruptly

***adverb***

**UK**/kəˈrʌpt.li/ **US**/kəˈrʌpt.li/


https://dictionary.cambridge.org/dictionary/english/corruptly

**in a way that dishonestly uses your position or power to get an advantage, especially for money:**

He resigned in February, a day before pleading guilty to corruptly receiving illegal payments.

They insisted that the property had not been acquired corruptly.

The two detectives were in a good position to benefit corruptly.

She tried to corruptly persuade the secretary to destroy the documents.

He corruptly solicited cash from business owners in exchange for favourable treatment on city licensing matters.

(Definition of corruptly from the Cambridge Advanced Learner's Dictionary & Thesaurus © Cambridge University Press)

## V. CAMBRIDGE DICTIONARY ON "CORRUPT"

# corrupt

***adjective***

**UK** /kəˈrʌpt/ **US** /kəˈrʌpt/

Cambridge Dictionary

https://dictionary.cambridge.org/dictionary/english/corrupt

**dishonestly using your position or power to get an advantage, especially**

**for money:**

Both companies are under investigation for corrupt practices.

The whole system was corrupt - every official she approached wanted money before helping her.

Deceiving others and not telling the truth

Dishonest: The press called out the campaign's dishonest tactics.

corrupt verb [ T ] UK /kəˈrʌpt/ US /kəˈrʌpt/

to make someone or something become dishonest or immoral:

The study claimed that violence on television corrupts the minds of children.

dishonest and willing to use your position or power to your own advantage, esp. for money:

It's been called the most politically corrupt city in the nation.

Corrupt verb [ T ] US /kəˈrʌpt/

to make someone dishonest and willing to use their position or power for personal advantage, esp. to get money:

Power corrupts, and absolute power corrupts absolutely.

Don’t let your friends corrupt you (= have a bad moral influence on you).

If information in a computer is corrupted, it is damaged and can no longer be used.

corrupt verb

to change information on a computer so that it is wrong and cannot be used:

Most of the data on the hard drive was corrupted when the power went out.

corrupt adjective US /kəˈrʌpt/

(Definition of corrupt from the Cambridge Advanced Learner's Dictionary & Thesaurus © Cambridge University Press)