
**In the
Supreme Court of the United States**

LOY ARLAN BRUNSON,
Petitioner,

v.

ALMA S. ADAMS, *et al.*,
Respondents.

**AMICUS BRIEF FOR PAUL PRESTON, AND
NEW CALIFORNIA STATE
AS *AMICUS CURIAE* IN SUPPORT OF PETITIONER**

Robert E. Thomas, III
Counsel of Record
150 S. Nevada Hwy 160, Ste. 8-301
Pahrump, NV 89048
(530) 828-1234 (telephone)
NCS51Legal@yahoo.com

*Attorney for Movants and Amicus Curiae
Paul Preston, and New California State*

**In the
Supreme Court of the United States**

LOY ARLAN BRUNSON,
Petitioner,

v.

ALMA S. ADAMS, *et al.*,
Respondents.

**MOTION FOR LEAVE TO FILE *AMICUS* BRIEF IN SUPPORT OF
PETITIONER BY PAUL PRESTON AND THE NEW CALIFORNIA STATE
MOVEMENT**

IDENTITY AND INTEREST AND MOVANT¹

Paul Preston, President of the New California State Movement, on behalf of himself and the New California State Movement (NCS51) respectfully move for leave of Court to file the accompanying *Amicus* brief in support of Petitioner's *Petition for Writ of Certiorari*.

Paul Preston is an elector in Sutter County, California, and the President of the

¹ Consistent with Federal Rule of Appellate Procedure 29(a)(4)(E) and this Court's Rule 37.6, counsel for Movant and Amicus authored this motion and brief in whole, and no counsel for a party authored the motions and brief in whole or in part, nor did any person or entity, other than the Movant/Amicus and their counsel, make a monetary contribution to preparation or submission of the motions and brief.

Counsel for Applicants have consented to the filing of this brief. Counsel for Respondents were asked their position regarding the filing of this brief. Counsel for Respondents . . . , but counsel for the remaining Respondents did not respond before this motion and the accompanying brief were filed.

New California State Movement.

The New California State Movement is an unincorporated Association. The New California State Movement is a Constitutional movement to form a new state out of the existing state of California pursuant to the United States Constitution, Article IV, Section 3. This Movement is modeled after the formation and procedure of what is now West Virginia, and expects to stand up as a State in 2023 by submitting a Resolution of Statehood to the United States' Congress.

Neither this attorney, Mr. Preston, nor the New California State Movement has received any payment nor any offer of payment from anyone to file this proposed *Amicus Curiae* brief. Consistent with Federal Rule of Appellate Procedure 29(a)(4)(E) and this Court's Rule 37.6, counsel for Movant and *Amicus* authored these motions and brief in whole, and no counsel for a party authored the motions and brief in whole or in part, nor did any person or entity, other than the Movant/*Amicus* and their counsel, make a monetary contribution to preparation or submission of the motions and brief.

Proposed *Amicus* [hereinafter merely, "*Amicus*"] has received permission from Petitioner to file this *Amicus* brief. *Amicus* has not solicited a comment nor permission from Defendants.

TABLE OF CONTENTS

	PAGE
TABLE OF AUTHORITIES	iv
STATEMENT OF THE CASE	v
POINTS, AUTHORITIES AND ARGUMENTS	1
I. AUTHORITY TO FILE AN <i>AMICUS CURIAE</i> BRIEF	1
II. THE PROPER VENUE FOR CHALLENGING ELECTORS IS IN CONGRESS.	1
III. THE COLONIAL “PETITION FOR A REDRESS OF GRIEVANCES” AT A TOWN HALL HAS BEEN REPLACED BY A PETITION TO THE LOCAL COURT	1
IV. THERE WAS A REQUEST BY 121 MEMBERS OF THE U.S. CONGRESS TO REMAND THE CERTIFICATION OF NOT LESS THAN THE ARIZONA VOTE TOTAL TO INVESTIGATE LEGALITY AND PROPRIETY OF THAT/THOSE DELEGATION’S/DELEGATIONS’ CERTIFICATION(S).	3
CONCLUSION	8

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Puerto Rico v. Branstad, Governor</i> (1987) 483 U.S. 219, 107 S.Ct. 2802, 97 L.Ed.2d 187	1, 6
<i>Trump v. Kemp</i> (2021) 511 F.Supp 3d 1325	1
<i>US v Burr</i> (1807) 4 Cranch (8 US) 469, 2 L.Ed. 684	5
<i>United States v. Ventresca</i> (1985) 380 US 102, 85 S.Ct. 741, 13 L.Ed. 664	4
Constitutional Provisions	
United States Constitution, Article II, Section 1.	4
United States Constitution, Article II, Section 3	5
United States Constitution, Article VI, Clause 3	2, 7
United States Constitution, First Amendment (Bill of Rights)	6
Other Authorities	
The <i>Congressional Record</i> , Volume 167, Number 4	v, 3, 4, 6, 7
Supreme Court Rule 37	1
Supreme Court Rule 37.6	i, ii
Federal Rule of Appellate Procedure 29(a)(4)(E)	i, ii
<i>Federalist</i> #27	2
<i>Federalist</i> #45	2

STATEMENT OF THE CASE

Amicus offers the following STATEMENT OF THE CASE: Petitioner is a litigant *pro se*. Defendants are elected members of Congress, the former Vice President, and the current President and Vice President of the United States as Petitioner Loy A. Brunson has described them. The former Vice President and the elected members of Congress-Defendants were specifically and on-the-record in writing and orally requested to investigate specific allegations of election irregularities and possible voter/election fraud; and said Defendants failed and neglected to so investigate.

As set forth below, in the printed Congressional Record for January 6, 2020, the written record reflects a written warning by then-President Trump was delivered to then-Speaker of the House and to the members of Congress on January 5, 2021, and Senator Ted Cruz and Representative Gosar of Texas filed a written objection on page H77. Then-Vice President Pence certified the objection was properly filed. The objection requested the Arizona delegation not be seated, but that the Arizona State certification be remanded to the Arizona Governor and Secretary of State to investigate the irregularities complained of. The objection and request for remand was debated between pages H77 and H93, then voted on.

In addition, Representative Scalise of Louisiana objected to multiple state delegations being seated because their states did not follow the Constitutionally prescribed procedure for electing delegates.

One hundred twenty-one (121) members of Congress voted in favor of the written objection and the Defendants voted against the objection.

Amicus asserts that, if an election were “rigged,” the net effect would be the same as if the person in favor of whom the election were “rigged” would have been put in office by force of arms.

POINTS, AUTHORITIES, AND ARGUMENT

I. AUTHORITY TO FILE AN *AMICUS CURIAE* BRIEF

Supreme Court Rule 37 provides the authority to file this brief. In part, that Rule states:

An *amicus curiae* brief that brings to the attention of the Court relevant matter not already brought to its attention by the parties may be of considerable help to the Court. . . .

This brief brings to the attention of this Honorable Court the relevant matter not contained in Petitioner Loy A. Brunson's brief.

II. THE PROPER VENUE FOR CHALLENGING ELECTORS IS IN CONGRESS.

The proper venue to challenge electors for any cause is in Congress on the 6th of January (or other date selected by Congress during the December following a Presidential election). See *Trump v Kemp* (2021) 511 F.Supp.3d 1325, 1335-1336.

III. THE COLONIAL "PETITION FOR A REDRESS OF GRIEVANCES" AT A TOWN HALL HAS BEEN REPLACED BY A PETITION TO THE LOCAL COURT

Traditionally, a citizen would go to a Town Hall or other public meeting and express his or her opinion and/or desires and orally requesting a redress of his² grievance. As our society became more complex, and the government at all levels became less responsive to the complaints of individual citizens. As a result, one aggrieved by government action could use the courts to "petition the Government for a redress of grievances." [*Puerto Rico v Branstad, Governor of Iowa* (1987) 483 U.S. 219,228, 107 S.Ct. 2802, 97 L.Ed.2d 187].

²At the time of the founding of our Nation, only men were allowed to vote, so the sentence is phrased in the masculine gender.

Petitioner Loy A. Brunson petitioned the Federal District Court in Salt Lake City for a redress of grievances in case 2:21-cv-00175-RJS-CMR. That Court erroneously dismissed his Petition without an evidentiary hearing or considering the merits of the case.

Those who hear the grievances are bound by an oath to uphold the Constitution.

The U.S. Constitution, Article VI, Clause 3 states:

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Commenting in the Federalist Papers on the requirement that state officers, state judges, and members of the state legislatures, shall be bound by oath or affirmation to support the Constitution, Alexander Hamilton wrote:

Thus the legislatures, courts, and magistrates, of the respective members, will be incorporated into the operations of the national government as far as its just and constitutional authority extends; and it will be rendered auxiliary to the enforcement of its laws. [*The Federalist No. 27* (Alexander Hamilton). See also, *The Federalist No. 45* (James Madison).]

A fair reading of the Order of Dismissal is, “Everybody’s rights were violated in this election, so no one, including Plaintiff, has standing to complain.” That logic and cavalier dismissal of Plaintiff’s case is what led to the initial Revolution in 1776. Plaintiff and *Amicus* seek to avoid a bloody and armed conflict by seeking a peaceful resolution of Plaintiff’s grievances in the Courts. Plaintiff’s last hope is for action by this Honorable Court resolving his grievance in his favor.

IV. THERE WAS A REQUEST BY 121 MEMBERS OF THE U.S. CONGRESS TO REMAND THE CERTIFICATION OF NOT LESS THAN THE ARIZONA VOTE TOTAL TO INVESTIGATE LEGALITY AND PROPRIETY OF THAT/THOSE DELEGATION'S/DELEGATIONS' CERTIFICATION(S).

Then-President Trump pointed out in writing the intelligence reports (plural) of Chinese interference in the 2020 Presidential election [Congressional Record, Volume 167, Number 4, pages H75-76]. On page 5 of Petitioner's brief, Petitioner correctly pointed out that Defendants "refused to do an investigation which would have identified who was or wasn't interfering with the electoral process." Without specific citation, Petitioner alleges "Over 100 members of Congress requested an investigation into these and other such breaches." *Amicus* provides the specific citation proving Petitioner's allegations:

Amicus has found in the written Congressional Record, Volume 167, Number 4, dated January 6, 2021³, pages H75-76, the text of a letter from then-President Donald J. Trump to then-Speaker of the House Pelosi warning of credible electronic interference in our National elections by the Chinese Communist Party and by Chinese companies controlled by the Communist Chinese Party.

In the same Congressional Record, page H-7 7 a reference to and a *verbatim* text of a written objection to the certification of the vote for the Arizona delegation signed by Representative Paul Gosar of Arizona and Senator Ted Cruz of Texas. Then-Vice President Pence found that the objection was in the proper form and needed to be

³Volume 167, Number 4 of the Congressional Record dated January 6, 2021, pages H75-93, is incorporated by reference as though fully set forth herein as Exhibit 1.

considered. This Honorable Court is bound by such factual finding.

Representatives Gosar and Scalise, and Senator Cruz need not present “absolute proof” of the irregularities they alleged. They only needed to allege facts sufficient to raise “probable cause.” [*United States v Ventresca*, (1965) 380 U.S. 102, 85 S.Ct. 741, 13 L.Ed.2d 684]. “Probable cause” has long been held as sufficient reason to investigate.

On that same page in the Congressional Record, Mr. Scalise of Louisiana rose to object to “a number of States that did not follow the Constitutional requirement for selecting electors.”

The objections challenged the irregularities in several states, requested investigations in those states, and specifically requested the Arizona Electors delegation (among others) be remanded to their respective states for investigation. That request was debated from pages H77 to page H93 when a vote was taken. On page H93 is a list of the 121 Congressional members who supported the request for investigation. The Defendant members of Congress voted against the investigation.

During the debate, Arizona Representative Andy Biggs pointed out [in the first column of page H80] the Arizona trial court unconstitutionally changed the Arizona voting laws in violation of the U.S. Constitution, Article II, Section 1, which states,

Each State shall appoint, in such Manner as *the Legislature* thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector. [Emphasis added.]

In the middle column of page H80, Representative Biggs pointed out that **more**

than 32,000 people were allowed to unlawfully cast ballots, more than the alleged margin of victory for President Biden in the state of Arizona. These are serious allegations begging for investigation that threaten the very core of our Republic.

Representative Biggs' allegations were not addressed nor rebutted and, for the purposes of Petitioner's *Petition for Writ of Certiorari* should be regarded as true in this proceeding.

V. THOSE CONGRESSIONAL OFFICERS BOUND TO THE CONSTITUTION BY OATH HAVE COMMITTED TREASON WITHOUT FORCE OF ARMS BY FAILING TO ORDER THE INVESTIGATION OF THE POTENTIAL INTERFERENCE BY COMMUNIST CHINA AS ALLEGED BY THEN-PRESIDENT TRUMP AND/OR THE SPECIFICALLY AGGEGED IRREGULARITIES PERTAINING TO THE ARIZONA DELEGATION AS REQUESTED BY A MEMBER OF THAT DELEGATION.

Article III, Section 3 defines "treason" as follows:

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

This Honorable Court has already ruled that one need not pick up arms in order to "levy war" in *US v Burr* (1807) 4 Cranch (8 US) 469, 2 L.Ed. 684.

Treason is attacking or betraying a governmental authority to which one owes allegiance. It is Constitutional and in the best interest of *all* voters that every *legal and legitimate* vote be counted. When the votes of those who have illegally voted are

counted as specifically alleged by Arizona Representative Andy Biggs in the Congressional record on page H80 (*supra*) the vote of the entire body politic is unlawfully diluted.

Investigation of such allegation should be easily and quickly substantiated or disproven without unduly delaying the voting in the Electoral College.

Thus, Petitioner is correct in his assertion that Defendants treasonously violated their oath by failing to investigate and take action against those who act to subvert the Constitution.

VI. HOW CAN MEMBERS OF CONGRESS, AFTER TAKING AN OATH TO UPHOLD AND DEFEND THE CONSTITUTION THEN PASS LEGISLATION THAT ALLEGEDLY IMMUNIZES THEM FROM ANY LAWSUIT CHALLENGING THEIR UNCONSTITUTIONAL ACTION?

Petitioner correctly points out two important rights “we, the People” have: a right to petition our government for a redress of grievances; and to hold our government officials, appointed or elected, to their oath of office.

The right to petition our government for a redress of grievances is contained in the First Amendment of the U.S. Constitution, which states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Petitioner has peaceably come to this Honorable Court requesting this Court to redress an obvious grievance. *Amicus* supports Petitioner’s peaceful grievance petition pursuant to *Puerto Rico v Branstad, Governor of Iowa* (1987) 483 U.S. 219, 228, 107 S.Ct. 2802, 97 L.Ed.2d 187.

Those who should have heard and ordered the investigation of the grievances brought forth by President Trump, Representatives Gozar and Biggs, and Senator Cruz are bound by an oath to uphold the Constitution. The U.S. Constitution, Article VI, Clause 3 states:

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

All members of Congress assembled on January 6, 2021 had taken an oath to uphold and defend the Constitution before the proceedings recorded in the Congressional Record , Volume 167 beginning on page H67 transpired. In light of the evidence enumerated in the Congressional record, pages H75 to H93, they - the Defendants listed in the *Petition for Certiorari* - failed to keep their oath.

The Government below, on behalf of all named Defendants, successfully moved to dismiss Petitioner's lawsuit (Petition for a Redress of Grievance) in the trial Court, thus insulating them from their own unconstitutional actions. Petitioner then questions on page 9 of his brief how Defendants could, by passing a statute, insulate themselves from Constitutional claims? Any answer other than, "They can not" is absurd. Petitioner correctly points out on page 10 of his brief, "The Constitution was not written to protect treason or fraud, so when government officials violate their oath by giving aid and comfort to enemies of the Constitution, or by becoming an enemy themselves, they cannot hide behind statutes or case law . . . nor by any of the heavily riddled legal theories found in Respondents' motion to dismiss."

CONCLUSION

For these and all the foregoing reasons, *Amicus* argues Petitioner's Petition for Certiorari should be granted, and, further, granted on its face without necessity of a hearing.

While such a request is not the only possible result, it would be the most expeditious.

What other dispositional options does this Honorable Court have? This Honorable Court can grant a hearing either in an expedited manner or in the normal course. If this Honorable Court is not granting Petitioner's prayer on its face without a hearing, *Amicus* is asking this Honorable Court to set a hearing in this matter in an expedited manner.

Amicus is not oblivious to the possibility this Honorable Court may deny Petitioner's *Petition for Certiorari* without a hearing, but such action would rend this Nation even more than it is currently rent. In the strongest terms possible, *Amicus* recommends and argues against such a drastic denial of Petitioner's important questions.

Dated: May 8, 2023

/s/ Robert E. Thomas, III

150 S. Nevada Hwy 160, 8-310
Pahrump, Nevada 89048
(530) 828-1234
E-Mail: NCS51Legal@yahoo.com