NO. 25-465

In the Supreme Court of the United States

TIMOTHY BARTON,

Petitioner,

v.

SECURITIES AND EXCHANGE COMMISSION,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

BRIEF OF AMICUS CURIAE PROJECT VERITAS IN SUPPORT OF PETITIONER

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INTEREST OF THE AMICUS CURIAE

PROJECT VERITAS appears as amicus curiae[1] to defend the people's right to know how power is exercised in their name. Its work depends on government transparency, access to judicial records, and a clear separation between those who make law, those who execute it, and those who judge its application. When these boundaries blur—when executive agencies both prosecute and administer punishment, and when courts become instruments of those same agencies—the first casualty is truth.[2]

Founded in 2010, Project Veritas is a nonprofit investigative news organization dedicated to uncovering corruption, fraud, and abuse in both public and private institutions. Its reporters employ traditional journalistic techniques: interviewing whistle-blowers, reviewing public records, and testing the accuracy of official statements.[3] The organization's investigations have prompted inspector-general reviews, congressional hear-

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[1] Pursuant to Supreme Court Rule 37.2(a), Amicus Curiae provided timely notice of its intent to file this brief to counsel for all parties. No counsel for any party authored this brief in whole or in part, and no one other than Amicus and its supporters made any monetary contribution to its preparation or submission.

[2] *See New York Times v. United States*, 403 U.S. 713, 717 (1971) (Black, J., concurring) ("The press was to serve the governed, not the governors.").

[3] *Project Veritas Corporate Charter* (2010) (describing mission "to investigate and expose corruption, dishonesty, self-dealing, waste, fraud, and other misconduct").

ings, and reforms across multiple federal agencies.[4] Its mission is not partisan; it is constitutional—to ensure that the public remains sovereign over the institutions that govern it.

Project Veritas has witnessed firsthand how procedural mechanisms are used to suppress inquiry. Search warrants, gag orders, asset freezes, and selective enforcement actions can cripple a newsroom long before a verdict is reached.[5] These experiences give Project Veritas a unique perspective on how administrative "process punishment" chills speech and discourages whistle-blowing. It files this brief not to defend a particular defendant, but to defend the structural protections that make journalism, and by extension democracy, possible.

The First Amendment presupposes a government restrained by law. It cannot survive if enforcement agencies operate without statutory limits and if courts act as executive surrogates.[6] Project Veritas urges the Court to grant review because the issues presented here, including faithful execution under Article II, judicial restraint under Article III, and the freedom of citizens to question their government, are not abstractions for it. They are the conditions of their work, the

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[4] *See Hearing on Oversight of Federal Agencies* Before the H. Comm. on Oversight & Reform, 117th Cong. (2022) (citing Project Veritas investigations leading to agency reviews).

[5] *Cf. Near v. Minnesota*, 283 U.S. 697, 713 (1931) (prior restraints and procedural censorship violate press liberty as surely as direct bans).

[6] U.S. Const. amend. I; art. II, § 3; art. III, § 1 (press freedom presupposes divided governmental functions).

oxygen of a free press, and the indispensable preconditions of public trust.[7]

SUMMARY OF ARGUMENT

This case exposes how procedure, when detached from law, becomes a weapon of censorship. The Securities and Exchange Commission's receivership practice turns "equity" into execution: assets are frozen, speech is chilled, and oversight is silenced—all before any finding of wrongdoing.[8] In the modern administrative state, punishment no longer requires a verdict; it only requires process. When courts perform executive acts for agencies, they transform the constitutional shield of due process into the sword of administrative convenience.[9]

The Constitution's architecture forbids this fusion of powers. Article II's Take Care Clause makes faithful execution a personal duty of the President, not a shared enterprise with subordinate agencies or sympathetic courts.[10] Article II confines judges to judgment, not

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[7] *See Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 391-92 (2024) (accountability and transparency collapse when agencies invent authority absent congressional delegation).

[8] *See Luis v. United States*, 578 U.S. 5, 16-18 (2016) (freezing untainted assets before trial "strikes at the heart" of due process).

[9] *See United States v. Stein*, 541 F.3d 130, 155 (2d Cir. 2008) (government interference with defense resources turns procedure itself into punishment).

[10] U.S. Const. art. II, § 3 (President "shall take Care that the Laws be faithfully executed"; duty non-delegable).

execution; it denies them the political discretion that equity can otherwise invite.[11] Those boundaries are the framework of liberty for every citizen—and the working conditions of every journalist who dares to investigate the state. If the lines blur, so does the truth.

History shows what follows when discretion eclipses law. The Star Chamber justified censorship as an "equitable" necessity for public order. Parliament abolished it in 1640 precisely because such unbounded discretion had become indistinguishable from tyranny.[12] The Framers took that lesson to heart: they wrote a Constitution that diffuses power among competing hands so that no single branch could silence dissent through process alone.[13]

Today's administrative "receiverships" resurrect that danger under a modern name. They merge the Executive's prosecutorial zeal with the Judiciary's coercive power, allowing property seizures and gag orders without congressional authorization or presidential accountability. That structure not only denies due process but also undermines the First Amendment's guarantee of a free press. When courts enforce executive policy without law, the forum of truth becomes the forum of fear.

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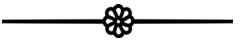
[11] U.S. Const. art. III, § 1 (judicial power limited to cases and controversies; forbids executive execution by courts).

[12] Star Chamber Act of 1640, 16 Car. I c. 10 (Eng.) (abolished prerogative courts that used equity to censor).

[13] *The Federalist No. 47* (James Madison) ("The accumulation of all powers… may justly be pronounced the very definition of tyranny.").

This Court has already signaled concern with such hybrid power. In *SEC v. Jarkesy* (2024), the Court reaffirmed that adjudication of penalties belongs to Article III courts and juries, not to administrative tribunals.[14] In *Loper Bright v. Raimondo* (2024), it confirmed that agencies cannot invent authority in the silence of Congress.[15] Together, those decisions mark a constitutional course correction—one that this petition continues. The Court should grant review to ensure that the separation of powers remains not an academic ideal, but the living architecture that safeguards liberty, transparency, and the rule of law.



ARGUMENT

I. Process as Punishment — When Enforcement Becomes Censorship

The modern administrative state often punishes not through conviction, but through process. A target's assets are restrained, his communications chilled, and his reputation ruined long before any adjudication of guilt. What was once the neutral machinery of law has become an instrument of intimidation—punishment

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[14] *SEC v. Jarkesy*, 603 U.S. 109, 121 (2024) (Gorsuch, J., concurring) (civil penalties must be tried before Article III courts and juries).

[15] *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 391-92 (2024) (agencies may not invent authority where Congress is silent).

delivered by procedure.[16] For investigative journalists and those who supply them with information, this "process punishment" functions as a prior restraint: it silences inquiry by making the cost of inquiry unbearable.

These tools, legitimate in limited contexts, exceed constitutional bounds when they are deployed to cripple a litigant's capacity to respond or to pressure compliance that the government could not secure through lawful adjudication.

This Court has long recognized that prior restraints —whether labeled injunctions or "protective" measures —carry a heavy presumption against constitutional validity. In *Near v. Minnesota*, the Court condemned procedural censorship as a greater threat to liberty than substantive punishment because it disables criticism before truth can emerge.[17] The same principle applies when agencies freeze assets or compel silence under color of equity. In *Luis v. United States*, the Court reaffirmed that freezing untainted property essential to a defense "strikes at the heart" of the Sixth Amendment.[18] The constitutional injury lies not in the final verdict, but in the deprivation of a fair contest.

For journalists, such deprivation is existential. The investigative process requires resources, confid-

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16 *See United States v. Stein*, 541 F.3d 130, 155 (2d Cir. 2008) (government may not use procedural pressure to destroy a defense or chill speech).

17 *Near v. Minnesota*, 283 U.S. 697, 713 (1931) (procedural censorship condemned as antithetical to liberty).

18 *Luis v. United States*, 578 U.S. 5, 16-18 (2016) (asset freeze of untainted property violates Sixth Amendment right to counsel).

entiality, and access to the judicial forum as a neutral referee. When courts instead act as executive auxiliaries, they eliminate that neutrality. A reporter under investigation cannot appeal to an independent judiciary if that judiciary is itself executing the enforcement agenda. The First Amendment's guarantee of a free press thus collapses into a promise of tolerated speech —revocable at will.

History shows that this transformation of process into punishment is the hallmark of censorship regimes. The Star Chamber punished writers and printers not primarily by execution, but by interminable proceedings, confiscations, and fines that destroyed their capacity to publish.[19] The Framers responded by designing a system in which delay could not become punishment and process could not become policy. When Congress, the Executive, and the Judiciary each keep to their constitutional lanes, law functions as a safeguard; when they collaborate, it becomes a snare.

This case exemplifies that danger. The SEC's receivership practice allows the agency to seize a defendant's assets through a court-appointed surrogate, effectively bankrupting the target and financing the government's own litigation from the spoils.[20] Such a mechanism not only erases the presumption of innocence but inverts the adversarial process: the defendant's property funds his own prosecution. For investigative

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[19] Star Chamber Act of 1640, 16 Car. I c. 10 (Eng.) (abolished the Crown's prerogative courts for abusing equity to suppress dissent).

[20] *See Netsphere v. Baron*, 703 F.3d 296, 305 (5th Cir. 2012) (receivership is an "extraordinary remedy" to be employed with utmost caution).

journalists, this model portends a future in which reporting on official misconduct could itself trigger financial or procedural annihilation—a future incompatible with a constitutional republic.

Process punishment also corrodes public trust. The separation of powers is the remedy precisely because it distributes the power to punish among institutions that check one another. Each branch's restraint is the other's protection; without that equilibrium, justice becomes administration and freedom becomes permission.

Nor is this merely theoretical. Modern history is replete with examples where investigative reporting exposed governmental wrongdoing only after judicial independence permitted the evidence to surface: the Pentagon Papers, *Watergate*, and countless inspector-general disclosures. Each instance depended on courts that judged, rather than executed. If the Judiciary now assumes executive functions in the name of efficiency or equity, those future disclosures will never occur. Efficiency purchased at the price of truth is not justice; it is quiet tyranny.[21]

The First Amendment was written not for comfortable times but for contested ones. It presupposes that those who question authority will be accused, investigated, and disliked. Its protection would be meaningless if the government could accomplish indirectly—through pre-trial process and asset control—what it

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21 *See New York Times v. United States*, 403 U.S. 713, 717 (1971) (judicial independence is essential to the publication of truth).

cannot do directly through censorship or conviction.[22] As Justice Black wrote, "The press was to serve the governed, not the governors."[23] That service becomes impossible when procedure itself becomes punishment.

The Constitution demands that law remain a forum of truth, not a weapon of fear. The Court should grant certiorari to reaffirm that equity is not execution, that process is not punishment, and that the separation of powers is the First Amendment's first line of defense.[24]

II. Public Oversight Depends on Separated Powers

Transparency and separation of powers are not rival ideals—they are the same safeguard seen from different angles. The people can hold government accountable only when each branch performs its proper function and none serves as another's instrument. When the Executive both prosecutes and judges, or when courts enforce executive preferences rather than law, the people lose the means to verify truth through open proceedings. Public oversight ceases to be a constitutional right and becomes a privilege granted at the government's discretion.[25]

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[22] U.S. Const. amend. I; art. II, § 3; art. III, § 1 (press liberty presupposes lawful separation of enforcement and judgment).

[23] *New York Times v. United States*, 403 U.S. 713, 717 (1971) (Black, J., concurring) ("The press was to serve the governed, not the governors.").

[24] *Cf. Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 589 (1952) (even well-intentioned seizures without lawful authority are forbidden by the Constitution).

[25] U.S. Const. amend. I; art. II, § 3; art. III, § 1 (public oversight requires structural separation ensuring judicial independence).

For investigative journalists, that collapse is not theoretical. The press depends on courts that stand above politics and on agencies that act under statute, not impulse. Judges are the final witnesses to truth: their records, opinions, and hearings are the raw material from which journalists reconstruct the public's history. If those records become the product of executive enforcement, their credibility evaporates. A judiciary that executes rather than adjudicates is no longer an object of observation but a participant in power.[26]

The Founders designed the Constitution precisely to avoid that entanglement. James Madison warned that "the accumulation of all powers, legislative, executive, and judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny."[27] Alexander Hamilton added that the judiciary "has no influence over either the sword or the purse," possessing merely "judgment."[28] Those statements were not abstractions; they were blueprints for public trust. Each branch was to check the others not only to protect liberty but also to preserve credibility. The public's confidence in the law—and by extension in journalism—depends on that architecture.

When courts blur into enforcement agencies, citizens can no longer distinguish legal judgment from political outcome. In such a system, even accurate

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[26] *See Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803) (courts must say what the law is, not enforce what policy prefers).

[27] *The Federalist No. 47* (James Madison) ("The accumulation of all powers . . . may justly be pronounced the very definition of tyranny.").

[28] *The Federalist No. 78* (Alexander Hamilton) ("The judiciary . . . has no influence over either the sword or the purse.").

reporting is branded as subversion, because truth itself becomes a partisan act.[29] This Court has repeatedly emphasized that an independent judiciary is "essential to the maintenance of the rule of law."[30] That independence is not maintained by rhetoric but by structure: the separation of executive and judicial power. Each time a court lends its equitable authority to an agency's policy goal without congressional authorization, it erodes the public's belief that law is neutral and knowable.

The press senses this erosion immediately. When investigative reporters approach a courthouse seeking access to filings or injunctions that carry the imprimatur of both judge and agency, they cannot tell whether they are observing justice or enforcement theater. If judicial orders originate from executive initiative rather than judicial deliberation, the constitutional presumption of openness is meaningless. The First Amendment's guarantee of a free press presupposes not only freedom from prior restraint but also the existence of records and proceedings that are genuinely judicial.[31]

This is not a novel insight. In *Richmond Newspapers v. Virginia*, the Court held that public access to criminal trials is an indispensable structural component of self-government.[32] The same reasoning applies here:

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[29] *Cf. Bridges v. California*, 314 U.S. 252, 260 (1941) (condemning contempt citations used to penalize criticism of judicial proceedings).

[30] *See Mistretta v. United States*, 488 U.S. 361, 380 (1989) (judicial independence is essential to the maintenance of the rule of law).

[31] *See Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 8 (1986) (public access to judicial records fosters public confidence).

[32] *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 572 (1980) (open trials are structural, not discretionary).

public oversight of administrative enforcement depends on courts that are independent from the enforcers. Without that independence, the "right to know" degenerates into the "right to be informed of what government chooses to reveal."[33]

The consequences reach beyond journalism. Whistle-blowers, civil servants, and ordinary citizens rely on the transparency of court proceedings to expose misconduct safely. If those proceedings become extensions of executive enforcement, potential informants retreat into silence. The marketplace of ideas collapses under fear of reprisal. That is why the Constitution couples structural division with expressive freedom: each protects the other.[34]

History again confirms the wisdom of this design. During the British licensing era, Crown courts acted as both prosecutor and judge in cases against publishers. The result was not merely censorship but an enduring distrust of the judiciary itself. The American Revolution reversed that order by declaring that judges would interpret law only, never enforce royal will.[35] The receivership practice challenged here undermines that achievement. By performing executive functions at the request of an administrative agency, federal

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[33] *Cf. New York Times Co. v. United States*, 403 U.S. 713, 717 (1971) (press must remain free to publish what government would withhold).

[34] *See Gundy v. United States*, 588 U.S. 1, 139 S. Ct. 2116, 2134 (2019) (Gorsuch, J., dissenting) ("Liberty finds refuge in the separation of powers.").

[35] *Star Chamber Act of 1640*, 16 Car. I c. 10 (Eng.) (abolishing the Crown's courts that combined judgment and enforcement).

courts invite the very suspicion the Framers sought to prevent—that justice is policy by another name.

The Constitution's separation of powers thus serves two constituencies: the governed, who need law to be impartial, and the press, which needs impartial law to report truthfully. Each time those powers merge, both constituencies lose. To preserve the people's ability to observe their government, this Court must reaffirm that execution belongs to the Executive, judgment to the Judiciary, and credibility to the Constitution that keeps them apart.[36]

III. Unchecked Equity Invites Political Retaliation

Equitable discretion without statutory boundaries is not compassion; it is power. And power that answers to no text will eventually answer to politics. What begins as judicial flexibility soon hardens into administrative favoritism, wielded selectively against dissenters and critics of authority.

The danger is not hypothetical. Every era has witnessed the same progression: first, officials plead necessity; next, they claim efficiency; finally, they employ discretion to settle political scores. In the seventeenth century, England's Star Chamber justified its decrees as instruments of "good governance."[37] It prosecuted those who spoke too freely, alleging that public criti-

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[36] *See Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 589 (1952) (seizure of private property without statutory authority violates the Constitution).

[37] Star Chamber Act of 1640, 16 Car. I c. 10 (Eng.) (abolished the Crown's prerogative courts for abusing equity to silence dissent).

cism threatened the common peace. Parliament's abolition of that court in 1640 was a revolution in process as well as principle—an insistence that no tribunal, however noble its motives, may blend enforcement and judgment.[38] The American Constitution carried that insight forward, substituting structural restraint for royal benevolence.

Yet the same temptation reappears whenever administrative convenience meets judicial cooperation. Today, agencies appeal to courts for "equitable relief" that Congress never authorized, and courts oblige in the name of public interest. The result is indistinguishable from the prerogative power the Framers condemned: punishment by decree, insulated from electoral or legislative correction.[39] In this case, the Securities and Exchange Commission persuaded the district court to appoint a receiver empowered to seize property, sell assets, and manage enterprises—all before any final judgment. That act did not merely secure evidence; it displaced ownership, speech, and the presumption of innocence.[40]

For investigative journalists, such precedents are ominous. When an agency can commandeer judicial

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[38] *The Federalist No. 84* (Alexander Hamilton) (celebrating constitutional limits as the safeguard against discretionary power).

[39] *Grupo Mexicano de Desarrollo S.A. v. Alliance Bond Fund, Inc.*, 527 U.S. 308, 332 (1999) (federal equity is bounded by the traditional powers recognized in 1789 and may not invent new remedies).

[40] *Netsphere v. Baron*, 703 F.3d 296, 305 (5th Cir. 2012) (receivership is an "extraordinary remedy" that must be employed with utmost caution).

equity to seize a critic's resources or to chill a publication under investigation, the First Amendment becomes a parchment promise.[41] This Court has warned that even well-intentioned measures taken "for the public good" may conceal the very abuses the Constitution forbids.[42] Equitable power, when detached from statute, grants officials the means to suppress disfavored voices under the guise of protecting investors, consumers, or national security. The threat to liberty lies not in any single act of retaliation but in the precedent that retaliation may be cloaked in legality.

Unchecked equity also corrodes institutional legitimacy. Every time courts craft new remedies without congressional sanction, they teach future litigants that law is negotiable and that success depends on influence rather than principle. Over time, public faith in judicial neutrality erodes. Citizens who perceive courts as partisan collaborators no longer distinguish between judgment and politics.[43] For journalists and whistleblowers, that erosion is deadly: truth cannot thrive where every disclosure risks administrative reprisal dressed in equitable form.

The Constitution provides the cure within its own design. Congress writes the laws; the Executive enforces them; the Judiciary interprets them. Each branch's

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[41] *Near v. Minnesota*, 283 U.S. 697, 713 (1931) (procedural censorship violates the First Amendment as surely as direct bans).

[42] *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 589 (1952) (even well-intentioned seizures without lawful authority are forbidden by the Constitution).

[43] *See Mistretta v. United States*, 488 U.S. 361, 380 (1989) (public confidence in the judiciary depends on adherence to constitutional limits).

boundary is the other's liberty. When courts honor those limits, the press can investigate without fear that its work will trigger executive seizure blessed by judicial order. When courts abandon them, the people lose the only non-partisan check capable of restraining vengeance by process.[44]

This Court need not wait for a future scandal in which investigative reporting is chilled by equitable injunctions. The danger is present here: an agency that acts beyond statute, a court that enforces beyond judgment, and a citizen rendered voiceless by the combination. The Justices of this Court are the only officers constitutionally empowered to arrest that progression.[45] To restore the distinction between law and policy, they need only reaffirm a simple principle the Framers understood instinctively: where equity replaces law, politics replaces justice.[46]

By granting certiorari, the Court can re-establish the constitutional order in which equity serves law rather than masters it—and in which no citizen, jour-

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[44] U.S. Const. arts. I-III (structural separation distributes power to prevent retaliation by process).

[45] *See SEC v. Jarkesy*, 603 U.S. 109, 121 (2024) (Gorsuch, J., concurring) (civil penalties must be tried before Article III courts and juries).

[46] *The Federalist No. 47* (James Madison) ("The accumulation of all powers . . . may justly be pronounced the very definition of tyranny.").

nalist, or defendant need fear the silent censorship of process disguised as fairness.[47]

IV. Restoring Boundaries Restores Trust

Public confidence in both government and the press depends on predictability—the quiet assurance that law, not discretion, governs. When executive agencies and courts remain within their constitutional lanes, citizens believe that verdicts arise from principle rather than preference. But when equity becomes execution and discretion displaces rule, that belief collapses.[48] Nothing corrodes faith in justice faster than the perception that the process itself is rigged or that truth depends on favor.

The separation of powers is not an inconvenience to be managed; it is the people's insurance policy against arbitrariness. It guarantees that no official can be both accuser and judge, no agency both prosecutor and jailer, and no court both arbiter and enforcer.[49] Each boundary is a promise that power will check power before it touches the citizen. Those promises are the constitutional conditions of trust. Without them, public confidence gives way to cynicism, and cynicism is the precursor to unrest.

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[47] *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 409 (2024) (the rule of law is the rule of rules—written by the people's representatives and faithfully applied).

[48] *See Mistretta v. United States*, 488 U.S. 361, 380 (1989) (public confidence in the judiciary depends on visible adherence to constitutional limits).

[49] U.S. Const. arts. I-III (structural separation prevents any branch from combining accusation and judgment).

For investigative journalists, trust is both tool and target. Their credibility depends on the belief that the courts they cover are neutral and that government's coercive powers are subject to law. If that belief vanishes, so does the legitimacy of all institutions that rely on public consent—including the press itself.[50] An opaque or partisan judiciary does not merely silence critics; it deprives citizens of the confidence that truth can be discovered at all. In such an environment, misinformation thrives because official information cannot be believed.

The remedy is structural, not rhetorical. Confidence cannot be restored by pledges of fairness or statements of good faith; it can only be restored by visible boundaries that demonstrate restraint in action. When courts confine themselves to judgment and agencies to execution, transparency reappears because each branch must justify its acts through the procedures the Constitution prescribes.[51] This visible adherence to law reassures citizens that outcomes are earned, not arranged. Every time a judge declines to exceed statutory authority, every time an agency abides by the limits Congress enacted, the public witnesses the Constitution at work—and trust grows.

The history of constitutional reform confirms that faith in law rises and falls with structural discipline. The Framers watched the British system descend into corruption precisely because "prerogative courts" blurred

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[50] *See Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 572 (1980) (open judicial processes maintain public confidence in both courts and press).

[51] *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 8 (1986) (transparency is achieved through adherence to lawful procedure).

law and policy.[52] They responded not with moral exhortation but with institutional design. Their insight endures: power divided is liberty preserved. When this Court enforces those divisions, it does not diminish government; it ennobles it by making it trustworthy.

Rebuilding trust therefore begins where the Constitution itself begins—with the distribution of power. This Court has already taken steps in that direction. In *Loper Bright v. Raimondo*, it reaffirmed that agencies may not invent authority absent clear congressional command.[53] In *SEC v. Jarkesy*, it restored the right to independent adjudication before Article III courts and juries.[54] By granting certiorari here, the Court can complete that restoration, ensuring that neither equity nor convenience overrides the people's design.

The Senate Amicus speaks from the vantage of Congress, guarding legislative prerogative. This Amicus speaks from the vantage of the citizen and the press, whose faith in both branches hangs on the Court's vigilance.[55] By reaffirming that execution belongs to the Executive, judgment to the Judiciary, and oversight to the people, the Court will not merely decide a case—

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[52] *Star Chamber Act of 1640*, 16 Car. I c. 10 (Eng.) (abolishing courts that mixed equity with policy).

[53] *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 391-92 (2024) (agencies may not "fill gaps" absent congressional delegation).

[54] *SEC v. Jarkesy*, 603 U.S. 109, 121 (2024) (Gorsuch, J., concurring) (civil penalties require Article III adjudication).

[55] *The Federalist No. 78* (Alexander Hamilton) (the judiciary's independence preserves the people's confidence).

it will demonstrate that the Constitution still governs those who govern.[56]

In times of public doubt, nothing strengthens a republic more than proof that its highest tribunal is bound by the same law it enforces. That proof will come when this Court restores the boundaries that the Framers drew—boundaries that protect the governed from power and power from itself.[57] To rebuild confidence in law, the nation must again see law obeyed.[58] And when citizens see that obedience modeled here, trust will follow as surely as day follows night.[59]

CONCLUSION

The Constitution divides power so that truth may survive its discovery. The First Amendment protects speech; Articles II and III protect the structure that makes speech possible. When executive officials pros-

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[56] *The Federalist No. 47* (James Madison) (separation of powers secures liberty by dividing authority).

[57] *See Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 589 (1952) (even well-intentioned acts exceeding lawful authority violate the Constitution).

[58] *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 407 (1819) ("It is a constitution we are expounding.").

[59] *The Federalist No. 84* (Alexander Hamilton) (written limits, faithfully observed, are the foundation of public trust).

ecute and judges execute, oversight collapses. When both answer to no elected hand, liberty withers in secrecy.[60]

For journalists and citizens alike, these boundaries are not theoretical. They are the difference between a nation ruled by law and a nation ruled by permission. The framers understood that tyranny rarely announces itself in violence; it arrives disguised as procedure.[61] Every receivership imposed without statute, every injunction entered without law, is a silent erosion of that understanding.

This case gives the Court a narrow docket question but a broad constitutional moment. By granting certiorari, the Court can reaffirm that no branch may wield another's power, that equity cannot become execution, and that due process cannot be converted into punishment by design.[62] It can declare, once again, that law is not whatever serves the government's convenience but whatever limits it.

Such a declaration would not only vindicate the petitioner; it would reassure the nation. It would tell citizens that the Constitution still binds the powerful, that speech and oversight remain safe within its

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[60] U.S. Const. art. II, § 3; art. III, § 1; amend. I (liberty of the press depends on structural separation of execution and judgment).

[61] The Federalist No. 47, at ¶ 6 (James Madison). (Warning that tyranny begins when all powers unite "in the same hands.")

[62] *Grupo Mexicano de Desarrollo S.A. v. Alliance Bond Fund, Inc.*, 527 U.S. 308, 332 (1999). (Equity confined to historically recognized forms.)

boundaries, and that the First Amendment's promise endures because the separation of powers still holds.[63]

The Senate Amicus speaks for Congress's duty to make the law; this brief speaks for the citizen's duty to witness it. Both duties converge here. When process becomes punishment and equity becomes enforcement, only this Court can draw the line back to law.[64]

For these reasons, Project Veritas respectfully urges the Court to grant the petition for a writ of certiorari and to restore the constitutional separation that protects truth itself.[65]

Respectfully submitted,

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63 *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 572 (1980). (Open justice fosters confidence in constitutional governance.)

64 *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 589 (1952). (Even well-intentioned seizures beyond authority violate the Constitution.)

65 *The Federalist No. 84*, at ¶ 9 (Alexander Hamilton). (Written limits, faithfully observed, are the true foundation of public trust.)