

349 – Wishful Thinking Going to the Supreme Court



By Paul Engel

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- What is the role of Congress in counting the votes of the Presidential Electors?
- Is it treason for Congress to fail to investigate allegations of fraud in a presidential election?
- Does the Supreme Court have the legal authority to do anything about it?

We all indulge in wishful thinking from time to time. What would happen if that wishful thinking made it all the way to the Supreme Court of the United States? That may be the case with *Brunson v. Adams, et al.* Mr. Brunson has petitioned the Supreme Court to hear his case against 388 federal officers, including President Biden, Vice President Harris, former Vice President Pence and 385 members of the U.S. House and Senate. Does his case have a constitutional leg to stand on or is it just wishful thinking?

Mr. Brunson's case is audacious, and not just because of who the defendants are. He claims that a unique breach of national security occurred and that the only redress for this grievance is the removal from office of the President, Vice President, and most of the members of the House and Senate. What charge could Mr. Brunson bring with such scope? Does the Supreme Court have the legal authority to remove these office holders? What would be the consequences if they do?

Oath of Office

This action is against 388 federal officers in their official capacities which include President Joseph Robinette Biden Jr, Vice President Kamala Harris, Speaker of the House Nancy Pelosi and former Vice President Michael Richard Pence (“Respondents”). All the Respondents have taken the required Oath to support and defend the Constitution of the United States of America against all enemies, foreign and domestic, and as such they are liable for consequences when they violate the Oath of Office.

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The Constitution requires that all legislators, executive, and judicial officers at both the state and federal level, are to be bound by oath or affirmation to support the Constitution.

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;

U.S. Constitution, Article VI, Clause 3

This is codified in U.S. Law by 5 USC §3331.

An individual, except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services, shall take the following oath: “I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.”

[5 USC §3331](#)

Mr. Brunson claims that the respondents were warned and asked to investigate an attempt by “a highly covert swift and powerful enemy” to destroy the Constitution of the United States. He further claims that “Respondents purposely thwarted all efforts to investigate this, whereupon this enemy was not checked or investigated, therefore the Respondents adhered to this enemy.”

Because of Respondents intentional refusal to investigate this enemy, Petitioner Raland J Brunson (“Brunson”) brought this action against Respondents because he was seriously personally damaged and violated by this action of Respondents, and consequently this action unilaterally violated the rights of every citizen of the U.S.A. and perhaps the rights of every person living, and all courts of law.

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On January 6, 2021, the 117th Congress held a proceeding and debate in Washington DC (“Proceeding”). This Proceeding was for the purpose of counting votes under the 2020 Presidential election for the President and Vice President of the United States under Amendment XII.

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I want to take a closer look at this statement. First of all, Congress did not hold a proceeding or debate, they were assembled, as required by the Twelfth Amendment, to witness the counting of the votes for President and Vice-President. While most of those reading this probably know already, these are the votes that the presidential electors appointed in each of the 50 states and the District of Columbia cast on December 14th, 2020, not any vote you may have cast on November 3rd of that year. During this “proceeding” over 100 members of U.S. Congress claimed factual evidence that the said election was

rigged.

The refusal of the Respondents to investigate this congressional claim (the enemy) is an act of treason and fraud by Respondents. A successfully rigged election has the same end result as an act of war; to place into power whom the victor wants, which in this case is Biden, who, if not stopped immediately, will continue to destroy the fundamental freedoms of Brunson and all U.S. Citizens and courts of law.

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I'm not sure who Mr. Brunson claims is the enemy. Is it the members of Congress who made the claim or the claim itself? Or is it the members of Congress who he claims refused to investigate? That would be weird, since Mr. Brunson also claims that these members of Congress gave aid and comfort to this mysterious enemy.

Due to the uniqueness of this case, the trial court does have proper authority to remove the Respondents from their offices under 18 U.S. Code § 2381, which states, "Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States."

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How does one give aid and comfort to themselves? Let's look at these claims one by one.

Treason

Is the failure to act on a credible claim of criminal activity

treason? Is it treason not to act on a claim if it comes from Congress? Is it an act of fraud treason? Let's start by defining treason. Under the Constitution of the United States, treason is defined by Article III, Section 3:

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort.

[U.S. Constitution, Article III, Section 3](#)

Did the respondents adhere to an enemy of the United States, as Mr. Brunson claims?

A foe; an adversary. A private enemy is one who hates another and wishes him injury, or attempts to do him injury to gratify his own malice or ill will. A public enemy or foe, is one who belongs to a nation or party, at war with another.

[ENEMY – Webster's 1828 Dictionary](#)

While we may have private enemies, the Constitution would be looking at a public enemy, one who is at war with the United States. Congress has not declared war since 1941. While there are plenty of nations or parties that hate the United States and would even attempt to injure this country, is that the enemy the drafters and ratifiers of the Constitution were thinking of?

Removal From Office

A court adjudicating that the Respondents, who have taken the Oath of Office, to be incapable of holding their offices or who have adhered to a domestic enemy, means nothing without such removal of office.

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Does the Supreme Court have the authority to remove someone from office? There are only two clauses in the Constitution

that authorize the removal of a sitting elected representative.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

U.S. Constitution, Article I, Section 5, Clause 2

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

U.S. Constitution, Article II, Section 4

The Constitution does not delegate to the courts the power to remove someone from federal office. Only the representatives of the people and the states have such power. It may seem to Mr. Brunson that being found ineligible for office without removal would mean nothing, but that does not make it legal.

Furthermore, Brunson's allegations against Respondents' adhering to a domestic enemy, and committing acts of fraud are not protected by any kind of legislation of jurisdictional immunity. Essentially, acts of Congress cannot protect fraud, nor protect the violation of the Oath or that give aid and comfort to enemies of the United States Constitution or America as alleged in Brunson's complaint against the Respondents.

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Mr. Brunson may be correct that Congress cannot pass a law granting them immunity, but the Constitution already has one in Article I, Section 5, Clause 2, as I've already quoted.

It is an uncontestable fact that the Respondents committed fraud and treason breaching our national security (as factually alleged in Brunson's complaint), thus adhering to an

domestic enemy that continues to breach our national security at an alarming rate on a daily basis.

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I'm not sure that the facts presented so far show that it's incontestable that the respondents committed fraud, much less treason. And the repeated claims that there is an as yet unnamed domestic enemy does not help Mr. Brunson's claim in my mind.

Brunson's complaint alleges fraud, violations of the Oath of Office and touches on acts of treason committed by the Respondents. These serious offenses need to be addressed immediately with the least amount of technical nuances of the law and legal procedures because these offenses are flowing continually against Brunson's liberties and life and consequently is a continual national security breach.

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Mr Brunson's complaint may allege fraud, violations of the oath of office, and touch on acts of treason, but so far the evidence of that is quite flimsy.

Voting is the greatest power an individual can exercise in a Republic; it is Brunson's personal voice and the way he can protect his personal constitutional protected rights and the U.S. Constitution. ... When the allegations of a rigged election came forward the Respondents had a duty under law to investigate it or be removed from office.

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Check the Constitution, the supreme law of the land. There is no duty or even a power for Congress to investigate crimes; that is a job for the executive branch. In fact, a look at the Twelfth Amendment shows that Congress only has one job in this situation: Witness the counting of the votes for President.

... the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;...

[U.S. Constitution, Amendment XII](#)

So where does Mr. Brunson claim that Congress has a duty to investigate election fraud? I have looked, and I do not see that as a power delegated to the United States, much less Congress.

Conclusion

The efforts made, as stated in the complaint, that avoided an investigation of how Biden won the election, is an act of treason and an act of levying war against the U. S. Constitution which violated Brunson's unfettered right to vote in an honest and fair election and as such it wrongfully invalidated his vote.

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To me, this is an interesting statement and possibly evidence, that Mr. Brunson is unfamiliar with the actual language of the Constitution. Mr. Brunson claims that Congress avoided an investigation of how Biden won the election, but based on presidential electors the states appointed, there isn't any real question of how Joe Biden was elected. While there is evidence that at least five (5) states appointed electors in a manner other than the one determined by their state legislature, I'm not sure that's what Mr. Brunson is alluding to here. And if failure to investigate is an act of treason, then we should be lining up pretty much every law enforcement officer and member of the U.S. and District Attorney's offices.

Why did the Supreme Court ask for additional information as part of this petition? I don't know, I wasn't part of the discussion. As I mentioned in the beginning, Mr. Brunson makes

some audacious claims. It could be that the court wanted more information before deciding if there was anything the could legally review.

From my review, the problems with Mr. Brunson's complaint are not only many, but as outrageous as the audacity of his claims. Mr. Brunson claims Congress has a legally binding investigatory power not defined in the Constitution of the United States. We have an enemy with only vague claims of identity. We have failure to follow a person's oath of office referred to as treason, something not supported by the Constitution. We have Mr. Brunson calling for a redress that the courts cannot give him and the removal by the court of the President , Vice-President, and members of Congress. And finally, we have the desire of Mr. Brunson for the courts to install a new President and Vice-President based solely on the claims that Congress did not investigate crimes committed at a state level in state elections. Based on all this, who is trying to levy war against the Constitution of the United States?

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