

116th CONGRESS
2D Session

*An amicus curia brief on the culpability of Donald John Trump
With a proposed remedy to brand him as an outlaw,
Having acted outside the law and Constitution.*

IN THE SENATE OF THE UNITED STATES

In the Trial of Donald John Trump
Upon Articles of Impeachment

*William John Cox, Esq.
A resident Voter in the State of California and
Admitted to practice law by its Supreme Court,
Seeks to proffer the following legal brief on culpability and remedy
For the benefit of the honorable Senators in their deliberations.
January 29, 2021*

ACCUSATION & REMEDY

Donald Trump acted outrageously without lawful purpose, and he violated his oath with impunity, when he paid to organize a rally, and he agitated the attendees to march on the Capitol to support his unlawful “Stop the Steal” insurrection to obstruct the constitutional counting of the People's vote. As a consequence, Trump should be declared an outlaw by joint resolution of Congress and summarily deprived of any greater federal benefit or privilege of office than that available to President Truman—when he moved out of the White House in January 1953.

Question. Why should We the People have to pay for a small army of Secret Service agents to serve at the pleasure of Donald Trump, his wife, and his children as they frolic around the world making shady business deals, and he lives, illegally, in his clubhouse and plays golf, forcing us to pay for the lodging of

our agents in his resorts? Such a deal would not have made much sense to Harry Truman, as he bought his own ticket at Union Station, and he and his wife, Bess took the train back to Missouri, where he mowed his own front lawn and pumped his own gas.

Criminal Intention of Insurrection. Donald Trump must be held accountable for his deliberate actions, specifically including the incendiary words he spoke, but also for their intended consequences. The most damning circumstantial evidence of *mens rea*, his guilty state of mind and a clear demonstration of his willful intent, was the exhilaration and glee he expressed in the first hour or so, as he watched his right-wing terrorist attack on the Nation's Capitol unfold on live TV. Glued to the screens and refusing the distractions of concerned and frantic aides, Trump was reportedly thrilled by the live images—as terrorized police officers were being dragged down the stone steps, beaten, and murdered.

In those critical first hours, as his own supporters were being trampled to death and shot trying to force entry, the leaders of a self-organized gaggle of pro-Trump hard-core neofascist conspirators simultaneously breached the security of targeted perimeter doors. Overpowering the police, the mob penetrated the heart of the Nation and desecrated its Capitol, while the leaders of a deadly serious, seditious cadre equipped with radios, maps, and restraint ties, began to search the hallways and secret passageways for the Vice President (who was hiding in an office) to compel him to show courage and to order an obstruction of the vote of the People. The seditionists also sought to arrest and handcuff the Speaker of the House (who was hiding under a table with her staff members).

The indisputable fact is that the second and third constitutional successors to the presidency of the United States were terrorized for hours by a mob organized, agitated, and dispatched by their angry and malicious President, who was demanding they violate the Constitution, and thereby thwart the Will of the People. With the Secretary level positions at State, Defense, Homeland Security, and intelligence temporarily administered by his unconfirmed supplicants, Trump sought to

retain control of the government, irrespective of the People's vote. Only Justice resisted his orders.

Confirming proof beyond any reasonable doubt about Trump's criminal intent to obstruct the vote, he had just been conspiring a few days earlier with the Deputy Attorney General head of the Civil Division of the Justice Department, who was willing to take over the Criminal Division, if Trump fired its head. The scheme was for the compliant Deputy AG to file a lawsuit on Trump's behalf in the Supreme Court, where Trump fantasized he would prevail with the vote of the Republican justices who owed him their appointment. It was only because all other principal justice officials refused to participate in the proposed obstruction, (except for Trump's conspirator, the supplicant officer of the law) that the firing of the top justice officials and the filing of Trump's final frivolous lawsuit and continuing obstruction of justice was avoided.

Inciting an Insurrection. Spending donated money siphoned from his reelection campaign, Donald Trump paid to promote and entice a standing crowd of perhaps five thousand diehard, alternative reality MAGA fans, personally invited by their president to "be wild," to "Stop the Steal," and to "Never Concede." The political sales pitch of his rally was designed to enchant the attendees, and to sufficiently pump them up emotionally, to empower them to "walk down Pennsylvania Avenue" into the Capitol, overpowering all physical resistance, to instill some "courage in our Republicans, the weak ones," including his disobedient Vice President. Trump paid for the celebrity tents, the toilets, the music, a flag-decked stage, an audio video system, microphone, and a crowd of devout, true believers, eager to be entertained, and prepared to believe every word he said, no matter how outrageous, sharing the ecstasy of his false alternative reality.

Ever the showman, Donald Trump projected a video of his personal platform, with the White House in the background, and he misappropriated the power and seal of the Presidency. Trump's admiring MAGA fans were first warmed up by his son, and male heir apparent, who demanded the crowd tell their legislators that, "This isn't their Republican Party anymore! This

is Donald Trump’s Republican Party.” Donald Junior’s threat to Republicans was to “Have some backbone” and to “Fight!” or he threatened they would find him in “their backyard” primaries. Rudy Giuliani, Trump’s last remaining personal lawyer, inflamed the crowd to engage in a “trial by combat.”

Although thoroughly defeated in the real world, Donald Trump, master of the lying sales pitch and denial, the creator of TV political theatre, as an image devoid of content, mounted his contrived stage, and for more than an hour, he harangued and sweet talked his stage-managed audience. With no concept of self-dignity, or respect of office, or the national harm he was causing, or exercising any psychological filter, Trump spewed a stream of consciousness, anger, and outrage, without any intellectual conceptualization or organization, and without any rational concern for consequences.

Donald Trump recklessly spouted a litany of easily and already disproven lies, and he emotionally bemoaned his victimization by mysterious liberal forces, who stole his landslide election and the fake media that covered it up. Trump pitched his last-ditch legal gimmick of election fraud, and he masterfully suspended the reality of his listener’s belief system—that somehow, it was only he, and none of the other Republican candidates who were reelected, who was victimized by his clever Democratic opponents and Republican turncoats.

Using the White House as his video backdrop, Donald Trump, the decisively defeated president stood alone, without any real administration left, with most staff members having been indicted, fired, or abandoned ship. In his final performance of alternative reality, Trump infected his followers with his deranged childish temper tantrum against the theft of his “landslide election.” In reality, the election had been certified by the governments of all 50 states, to the satisfaction of all courts consulted, and his own justice department and intelligence agencies had declared the election to have been without fraud.

Denying his overwhelming defeat, Donald Trump, who fraudulent avoided military service, challenged the bravery of those responding to his invitation, including the veterans and law

officers among them, daring them to show “courage” and follow him to stop the steal (counting) of the People’s vote within the citadel of their representative self-government, or else to suffer the shame of their cowardice.

Once Trump ducked off his stage back into the White House (instead of leading his mob in person as he had promised), he retreated to his national security television monitors to watch how his deranged production of a “Stop the Steal,” twitter putsch, alternative reality TV show would play out in real time. Most troubling of all his narcissistic fantasies, is that in those last few days of unrivaled power, he was still imagining another top-rated season starring himself as the big, bad boss everyone is afraid of, making deals instead of policy. With his lawyers always winning at the end, Trump can never, ever be a loser.

Abandonment of Office During an Insurrection. Donald Trump directly aided and abetted an insurrection of his own causation for hours, by doing nothing. By depriving his panicked administrators and constitutional officers of his leadership and direction, he entirely abandoned his law enforcement and military staffs to figure it out on their own. Instead, he and his attorney were busy telephoning members of Congress lobbying them to obstruct the vote, even as he had them under attack by his mob! He made no inquiry as to the safety of his Vice President, or anyone else.

For dishonoring his duty of leadership in a time of crisis, Trump bears the greatest responsibility for the first breach of the Nation’s Capitol by domestic terror in its history. Rebuilt after being burned by the British in 1812, construction of the building continued throughout the Civil War, as President Lincoln defended the Federal District of Columbia. The building’s destruction was avoided on 9/11 by the bravery of hijacked airline passengers, who crashed their terrorist suicide plane which was targeted on the western face of the Capitol.

The Capitol has stood at the top of the hill for more than 200 years, with steadfast Columbia, our Nation’s bronze Statue of Freedom, standing atop the Capitol’s pinnacle facing the rising Sun, over the uniting words, *E Pluribus Unum* (one out of many).

A strong and powerful woman standing almost 20 feet tall, Columbia stood proudly until January 6, 2021, when her treasured and politically sacred chambers were shamefully defiled and ransacked by Trump's mob of political terrorists. For hours, the mob acted out their own personal fantasies, in a collective alternative reality, all on social media, as they climbed on statutes for selfies and posed for group photographs wherever they pleased—defiantly smearing their feces as a primeval mark of their (and Trump's) mockery of civil law and order.

Started by the labor of slaves, the Capitol sanctuary of liberty was paid for over the decades of its construction and occupation, by the toil, blood, and lives of true patriots—women and men far more worthy than the cowardly bully who incited innocent Americans to act outside the law on his behalf, while he hid out in the White House watching TV. Most victims of Trump's con game are not bad people, they just somehow got caught up in his alternative reality, political theatre, twitter show, entertaining the empty hours of their lives, and inciting their righteous anger.

Hopeless people who believed their corrupt government to be a bad joke were mesmerized by the promotional performances of a deranged con man, serial spendthrift and bankrupt, TV star, who promised to make them feel great again. Trump took blatant lying to its greatest height, becoming a shared alternative reality where there is no sense of truth in the spoken words. Where all else is “fake news.” This gift of political deception is not unknown in Washington, DC, but Trump was the master of the zero-sum game of winner takes all, without conscience or care, irrespective of means or consequences.

A horrible massacre was avoided during the leadership void, only by the magnificent display of police restraint, bravery, and courage of the individual officers defending the Capitol. Miraculously, only one shot was fired by the defensive forces, which struck a woman next to a leader of the sedition, as the cadre of neofascists broke through and were entering a large window, having overpowered, trampled, and terrorized the exterior officers. The attackers were confronting the last few

remaining police officers inside, who were defending the inner sanctums of self-government.¹

As a final proof of his willful intention, Donald Trump has yet to express any remorse for the reality of what occurred at his direction, or to accept any responsibility for the lives lost. The enormity of the historical outrage over his childish refusal to be fired, and the deadly game he actually played with the People's government, will likely forever escape him. Trump will always blame others until his ultimate day of reckoning, incapable of accepting responsibility and learning from his mistakes. He exhibits no apparent remorse or empathy; he will only do what is in his own interest, or that he is compelled to do.

The Tyranny of Power. Trump rebranded the Republican Party into his own ideologically distorted image, and he sought to remake the government of the People into his own brand of a personal transactional business. He forgot that We Americans pay homage to the Will of the People, and that our Vote established a government of law, not of man.

Politically emasculated Republican senators fearful of Trump's ability to incite party opposition, may not have the profile of courage to summarily convict him for having incited a presidential insurrection against the primacy of their First Estate of government. A precedent in the balance of powers should be established, and Donald Trump should be impeached and deprived of future public office as a just constitutional punishment.

Even if Trump once again escapes impeachment, at long last, the spoiled rich bully boy, bankrupt conman, reality TV star, who has never had to face accountability in his entire life, or to admit any wrong or error, cannot shift or deflect the blame to anyone else. Donald Trump is criminally responsible for what he did, no matter how deranged his thinking or insanelly cruel his behavior.

¹ One can only imagine the bloodbath and carnage, had it been a mob of 5,000 BLM unarmed antifascist citizens storming the Capitol steps, protesting a Trump victory, defended by the same armed forces deployed by the military on June 1, 2020 to clear nonviolent protesters from Lafayette Square across from the White House with tear gas, so Trump could walk to a church to serve as a backdrop for publicity photographs of him holding a bible (ironically displaying the back cover of a black book).

He knew what he was doing was wrong, he just thought he could get away with it, his oath being less than a minor inconvenience.

Donald Trump built a phony campaign stage, and he acted out a twisted vitriolic fantasy of patriotic victimhood, flaunting the flag and crying about the theft of his “land-slide” victory. All the while, he was demonstrating how a nasty, powerful, pouty, school yard bully, a real loser, refuses to admit his undeniable defeat. Trump’s every word, gesture, and facial expression—exactly what the cameras of history recorded—conveyed different meaning to those he attracted to his last-ditch Twitter campaign rally to spike the wheels of democracy.

Most off-site viewers may have been appalled by the illiterate diatribe, but to the ever-Trumpers invited and enticed to the National Mall by the most powerful man on Earth, the President they elected was being wrongly deprived of office. In Trump’s alternative reality, his powerful image was projected above them, as he challenged them to show their “courage” in helping him to save America.

In their shared alternative reality of distorted political entertainment, Trump challenged his followers to demonstrate the “courage” to force his brand on the Constitution, as an exercise of his power to obstruct the vote of the People. By using his presidential office to encourage followers to commit insurrection, People were terrorized and killed. This is the tyranny of power: The intentional brutality of a tyrant’s words and deeds, spoken and done without conscience, or fear of accountability.²

An Appropriate Remedy. All words have meaning and consequences, even lies. Donald Trump must be declared an

² Should there be any question left, or further evidence required, as to the casual immorality Donald Trump brought to the Oval Office, his actual, physical exit from the White House on inauguration day exhibited the spite of a monarch being forced from his castle. Disavowing all traditional courtesies, Trump stormed off on Marine One to his choreographed 21-gun salute at Andrews AFB, leaving the White House unattended. On the way out, Trump fired the chief usher, and gave the entire staff the day off. Sneaking out, in this last childish spite, he made sure there was no one there to open the front door, and to welcome the new President and First Lady into the Presidential Mansion, from which the People were evicting him.

outlaw—as one without regard for truth, oath, or honor, someone not to be believed, trusted, or harbored. Like the common law Writ of Outlawry, Trump must not only be banished from public office forever, but he cannot be allowed to continue profiting from his abuse of power. If we are to ever raise our heads with honor from the shame Trump has visited upon the American People, and if we are to once again walk with honor, dignity, and respect among the Peoples of other nations, Donald Trump must also be stripped of the benefits, dignities, and the physical and legal protection of the office he so willfully betrayed for personal gain. Let none believe that Trump represents anything other than himself.

Trump has no right to use the image or respect of the Presidency, and he cannot be allowed to profit from its disgrace. He shall not tarnish the brilliance of a healthy, self-governed America, one that learns from and corrects its mistakes, instead of blaming others, one that unites for strength, instead of dividing. America is not great again, for she never stopped being great. She is great, not because of any one boss or ideology, but because of the collective greatness and wisdom of all her People. Continuing to live in freedom, her People can once again successfully demonstrate how a democratically elected, representative, *and self-correcting*, constitutional government can serve as a model for other People to study as an example of self-government.

Should not billionaire Trump care for, and defend himself, as one who has shown so little concern for the People who believed in him, nor shame for what he has wrought? He has misled millions of good Americans, who have good reasons to be upset with the corrupt government offered by the two corrupted representative parties. Donald Trump preyed on the legitimate fears and needs of ordinary, hard-working People, treating the relationship as a business transaction. With only a pretense of concern, he served neither the People, their government, nor their Constitution.

Evidence of Trump's intentional and negligent failure of administrative leadership was clearly established when he originally labelled the COVID19 pandemic as a Chinese hoax,

and he concealed its known dangers for months, pretending the deadly virus was no more serious than the seasonal flu. His lying, “cheerleading,” incompetent, coverup may have killed as many as a hundred thousand Americans, who needlessly died horribly lonely deaths, away from those they loved.

Many of these senseless deaths occurred because Donald Trump, in his narcissistic insecurity, felt it made him look weak to wear a mask or to maintain a respectful distance. His lying misrepresentation of the risks, and his ridicule of others who complied with sensible precautions, caused millions to make poor choices, resulting in hundreds of thousands of preventable illnesses and deaths.

Trump may be psychologically incapable of feeling any responsibility for the thousands of People he killed by his careless lying and disregard of sworn duty, but those who loved and cared for his victims of neglect will remember. Each one. They will never forget, nor shall the spirits and souls of all those wrongfully deprived of life by his lack of empathy and capacity for deception.

The callous indifference of Donald Trump shall be eternally etched in the eons of time, an ignominious benchmark, the epitome of lies, a killer who denies his victims. He said he could “shoot someone on Fifth Avenue” and get away with it. We must face, however, that Trump said these words before millions of people voted to elect him president. What we must do is to recognize that we, collectively made a terrible mistake, and realize that we need to get on with our experiment in self-government, letting the mistake fend for himself.

Recovery and Transformation. At long last, Lincoln’s prescription at Gettysburg to heal the horrible wounds of the bloody civil war, in which more than one million Americans were slaughtered, mangled, and died, can be compounded into an elixir for a healthy and tolerant self-government that cares for its People, rather than for the corporations and powerful ruling elite. As an alternative to imminent extinction, a naturally evolving, peaceful, just, and tolerant self-government can occur. As promised, a government of the People, by the People, and for the People, with liberty, freedom, justice, equality, and joy for all.

Less than two years remain until the 2022 federal election; however, a digital poll is running at TheVote(dot)io allowing the People to vote on their inherent Rights of Liberty, Reservation of Consent to be Governed, their Voters' Bill of Rights, and whether a gold stripe should be added to the flag to represent the American People, in addition to the stars and stripes of their States.

The goal is for the federal ballot in 2022 to include a national referendum empowering the People to make their own policy on the most critical issues concerning them, and to intelligently select representatives to carry out their Will, irrespective of party. The Constitution does not have to be amended to allow the People to alter the manner and nature of their policy making, or to refocus the attention and resources of their government in primarily caring for the needs of the People.

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'WJ Cox', written in a cursive style.

WILLIAM JOHN COX³,
Petitioning as *Amicus Curia*
January 29, 2021

³ **Petitioner William John Cox** retired in 2007 as a supervising trial counsel for the State Bar of California, ending a justice system career that spanned more than 40 years. As a young police officer, he wrote the principles and philosophy of the LAPD, followed by the role of the police in America for President Nixon's national crime commission. He prosecuted felonies as a DA, leaving to form a public interest practice defending young people, and suing the radical right organizations that denied the Holocaust, achieving judicial notice of the fact. He later represented a secret client to publish the suppressed Dead Sea Scrolls. He has twice petitioned the Supreme Court on behalf of the American People to secure their Rights of Liberty and to Reserve their Consent to be Governed. He now has 16 books in publication, including *The Choices of Mind: Extinction or Evolution?*. This paper is intended as a legal policy brief offered as *amicus curia* in the impeachment trial of Donald John Trump in the United States Senate, as a matter of public record.