



Written by [Bob Adelman](#) on January 5, 2023

## Virtually Unknown Lawsuit Challenging 2020 Election to Be Considered by Supreme Court Tomorrow

One lawsuit has slipped through the net cast around any challenging of the results of the 2020 presidential election: [Brunson v. Adams](#). The Supreme Court has decided to consider whether it merits a full hearing. The decision, which takes place tomorrow, needs four of the nine justices to move the lawsuit to a formal hearing of the complaint.

If they turn it down, it will be just one more failed effort to consider fully and completely the questioned validity of that election. But if it moves to a hearing, and if the high court then rules in favor of *Brunson*, the shock waves and reverberations will be felt across the nation.



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The lawsuit isn't about the election, it's about Congress' unwillingness to investigate claims that it was fraudulent. From the complaint:

A rigged election is an attack against the U.S. Constitution, especially against the equal protection clause of 14th Amendment of the U.S. Constitution.

Despite the claims of evidence that the November 3, 2020, U.S. Presidential general election was fraudulent, affecting the President of the United States, the Vice President of the United States and members of the United States Congress ... Defendants intentionally voted against investigating the claimed evidence and conspired to cover up the "evidence" to fraudulently have Joseph Robinette Biden Jr. ("Biden") inaugurated as President and Kamala Harris ("Harris") inaugurated as Vice President.

The 388 defendants named in the lawsuit include not only Biden, Harris, and former Vice President Mike Pence, but also every member of Congress, both House and Senate, who voted against that investigation.

They had their chance. Immediately following the election Texas Sen. Ted Cruz presented a resolution to delay certification and take 10 days to investigate the claims of election fraud made by more than 100 members of Congress about the election:

The most direct precedent on this question arose in 1877, following serious allegations of fraud and illegal conduct in the Hayes-Tilden presidential race. Specifically, the elections in three states-Florida, Louisiana, and South Carolina-were alleged to have been conducted illegally.

In 1877, Congress did not ignore those allegations, nor did the media simply dismiss those raising them as radicals trying to undermine democracy. Instead, Congress appointed an



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Electoral Commission-consisting of five Senators, five House Members, and five Supreme Court Justices-to consider and resolve the disputed returns.

We should follow that precedent.

He then presented the resolution:

Congress should immediately appoint an Electoral Commission, with full investigatory and fact-finding authority, to conduct an emergency 10-day audit of the election returns in the disputed states.

Once completed, individual states would evaluate the Commission's findings and could convene a special legislative session to certify a change in their vote, if needed....

We intend to vote on January 6 to reject the electors from disputed states as not "regularly given" and "lawfully certified" (the statutory requisite), unless and until that emergency 10-day audit is completed.

Even though 139 of the 221 House Republicans and eight of the 51 Senate Republicans voted for Cruz's resolution, it wasn't enough to carry the day and Cruz's resolution was defeated.

This roused the ire of the Brunson brothers of Utah: Loy, Raland, Deron, and Gaynor. Loy filed one complaint, which "got stuck in the Federal Court," according to the brothers, so Raland filed an identical one in Utah's 2nd District Court.

When that one "got stuck" as well, Raland (with some outside assistance) filed an emergency complaint under Rule 11, which enabled it to bypass the 10th Circuit Court (where it got stuck) and allowed it to go directly to the Supreme Court.

The complaint isn't about the alleged fraudulent election:

Is this about a rigged election? No. It's about the members of Congress who voted against the investigation, thereby thwarting the investigation.

Was this a clear violation of their oath [of office]? Yes.

Tim Canova, a constitutional scholar and professor at Nova Southeastern University, spelled out the consequences if the high court agrees to hear Brunson's emergency appeal:

The fact that the *Brunson* case has made it to the Court's docket suggests profound concerns about a lawless Jan. 6 congressional committee, politicized federal law enforcement and intelligence agencies and major constitutional violations intended to overthrow an elected government by manipulating the outcome of the presidential election....

Supreme Court justices may well see these approaching storm clouds and conclude that the Court's intervention is necessary to prevent larger civil unrest resulting from constitutional violations that are undermining public trust and confidence in the outcomes of both the 2020 and 2022 elections.

The *Brunson* lawsuit does not claim the election was stolen, merely that a large majority of



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Congress, by failing to investigate such serious allegations of election rigging and breaches of national security, violated their oaths to protect and defend the Constitution against all enemies, foreign and domestic — an oath also taken by Supreme Court justices and members of the U.S. military.

What *Brunson* is asking for makes this case extraordinary. It is asking the high court, if it finds all 388 defendants guilty, *to remove them from office*.

Said Canova: “It seems astounding that the Court would [decide] to wade into such waters two years to the day after the Congressional vote to install Joe Biden as President. But these are not normal times.”

For the record, this is the oath of office taken by the 388 defendants in *Brunson v. Adams*:

I 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.

**Update:** *The Supreme Court decided on Monday, January 9, not to hear the case.*



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