



Written by [Rebecca Terrell](#) on March 13, 2024

Supreme Court to Hear Case That Could Release J6ers

Is the tide beginning to turn on President Biden's weaponized Department of Justice (DOJ) and its persecution of J6ers?

Last week, the U.S. Supreme Court dealt a death blow to various states' attempts to remove Donald Trump from their 2024 ballots. In *Trump vs. Anderson*, the State of Colorado had accused Trump *without evidence* of participating in an "insurrection" on January 6, 2021.

SCOTUS disappointed Trump's political enemies, too, when it agreed late last month to review lower-court rulings that rejected his claims of presidential immunity from criminal prosecution. They'll hear oral arguments in that case on April 22, about the same time that the DOJ had hoped to be convicting the former president.



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But another J6 case, ignored in major media, is also scheduled to be heard next month, on April 16. Its outcome could significantly reduce the sentences of J6ers, even to the point of releasing some from prison immediately.

In [Fischer v. USA](#), SCOTUS will decide whether DOJ lawfully applied a section of U.S. Code known prosaically as 1512(c)(2).

It was added in the wake of the Enron scandal in 2002 and prohibits tampering with evidence or obstructing an official proceeding. The statute was written because executives at the corrupt energy company had ordered employees to shred incriminating documents. Conviction carries a prison sentence of up to 20 years.

Previous case law shows a precedent of applying 1512(c)(2) only to *judicial* proceedings. There is another section of federal law — namely 1505 — that applies to obstruction of proceedings before other bodies, such as Congress, but it carries a sentence of not more than five years — four times lighter than 1512(c)(2).

In what appears to be massive judicial collusion, judges in J6 cases ignored precedent and repeatedly referenced one another's cases to justify the use of 1512(c)(2) against J6ers.

Fischer v. USA involves two people convicted of violating 1512(c)(2), but they argue the very obvious fact that the certification of a federal election is *not* a judicial proceeding. They believe that 1512(c)(2) was applied so that exorbitant sentences could be handed down.

The case was originally before U.S. District Court Judge Trevor McFadden, in D.C., who said 1512(c)(2) does not apply to the certification of the electoral college count. DOJ is challenging his ruling.

The outcome will affect some 330 J6 defendants, including Trump, who is charged with two counts of



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1512(c)(2) violations.

Many are optimistic because of another case decided on March 1 in the U.S. Court of Appeals in Washington, D.C.

In [United States vs. Brock](#), Circuit Judge Patricia Millett ruled that, indeed, Electoral College certification is *not* a judicial proceeding. But she went a step further than that, also ruling that many J6 defendants had improperly harsh sentencing enhancements imposed on them, extending their prison time exponentially.

The J6er in this case was [Larry Brock](#), a 1989 graduate of the U.S. Air Force Academy, an A-10 Warthog pilot, and retired Air Force lieutenant colonel with 29 years of service. He was originally sentenced to two years in a federal penitentiary — a high-security facility usually reserved for violent criminals involved in drug trafficking, organized crime, terrorism, or treason.

So, matters in regard to J6 are not looking as rosy lately for President Biden. He's obviously worried, as evidenced by his inflammatory rhetoric before the six SCOTUS justices who attended his State of the Union speech last week:

Just like history watched three years ago on January 6th, when insurrectionists stormed this very Capitol and placed a dagger to the throat of American democracy. Many of you were here on that darkest of days. We all saw with our own eyes the insurrectionists were not patriots. They had come to stop the peaceful transfer of power, to overturn the will of the people.

January 6th lies about the 2020 election and a plot to steal the election posed a great — gravest threat to U.S. democracy since the Civil War. But they failed! America stood! America stood strong! And democracy prevailed!

We must be honest. The threat to democracy must be defended. My predecessor and some of you here seek to bury the truth about January 6th. I will not do that. This is a moment to speak the truth and to bury the lies. Here's the simple truth: You can't love your country only when you win.

As I've done, ever since being elected to office, I ask all of you without regard to party to join together and defend democracy. Remember your oath of office to defend against all threats, foreign and domestic. Respect — respect free and fair elections. Restore trust in our institutions and make clear political violence has absolutely no place, no place in America. Zero place. Again, it's not — it's not hyperbole to suggest history is watching. We're watching. Your children and grandchildren will read about this day and what we do.

In other words, he's telling them that if they decide in favor of the J6ers, they are a "threat to our democracy," too. Of course, never mind that the United States is a republic ruled by law, and not its opposite — a democracy, manipulated by mob rule.

SCOTUS' decision in the *Fischer* case is due by the end of this term, in late June or early July.



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