

# January 6 could blow wide-open

---

 [cnav.news/2023/12/15/news/january-6-blow-open/](https://cnav.news/2023/12/15/news/january-6-blow-open/)

By Terry A. Hurlbut

December 15, 2023



The past sixty hours have seen several rapid-fire – and astonishing – developments concerning the January 6 Event. A U.S. congressman, who has been investigating this event on his own since it happened, has identified two buses that, apparently, the FBI used to transport some of its agents into the crowd that day. More to the point, the Supreme Court has agreed to review the conviction of a January 6 defendant on a charge of obstructing an official proceeding. As it happens, President Donald J. Trump is facing a charge under the same statute at issue in this review. If the court finds in that other defendant's favor, this could force dismissal of half the charges in Trump's case. It could also have the even more salutary effect of exposing who set the event up.

## A January 6 case comes up for review

---

On Wednesday (December 13) the Supreme Court issued a very short Order List, which it called a Miscellaneous Order.

Here is the most salient part of that order:

| 23-5572 FISCHER, JOSEPH W. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted.

A party proceeding *in forma pauperis* may proceed *without* paying any court fees.

Joseph W. Fischer is one of many persons who entered the “restricted area” around the Capitol on January 6, 2021. He must have done so after Ray Epps’ buddies removed fences and signs saying AREA CLOSED. (In fact, he gained entry into the Capitol *after Congress had already recessed*.) Mr. Fischer cannot even afford his own attorneys, so the Federal Public Defender’s Office for the Middle District of Pennsylvania is handling his case. His petition, which runs to thirty-nine pages, asks:

Advertisement

Did the D.C. Circuit err in construing 18 U.S.C. § 1512(c) (“Witness, Victim, or Informant Tampering”), which prohibits obstruction of congressional inquiries and investigations, to include acts unrelated to investigations and evidence?

Attorney (and candidate for Missouri Attorney General) Will Scharf announced the review grant soon after seeing the short order list:

MASSIVE news out of the Supreme Court this morning.

The Court will hear Fischer v. United States, a January 6 case challenging the scope of section 1512(c)(2), which criminalizes obstruction of an official proceeding. Two of the four charges President Trump faces in his DC case... [pic.twitter.com/8R8GmudItA](https://pic.twitter.com/8R8GmudItA)— Will Scharf (@willscharf) [December 13, 2023](#)

Katelynn Richardson of *The Daily Caller* also reported on the review grant, and included this post:

BREAKING: Supreme Court will hear case on Jan. 6 obstruction charges, taking up appeal of Fischer v. United States [pic.twitter.com/nsWx8xqTKu](https://pic.twitter.com/nsWx8xqTKu)— Kyle Cheney (@kyledcheney) [December 13, 2023](#)

## Argument for the government

---

Scharf then explained the problem to Ivory Hecker, hostess of *Gateway: Beyond the Headlines*, yesterday (December 14). Jim Hoft of *The Gateway Pundit* has the details. 18 U.S.C. § 1512(c) is part of the Sarbanes-Oxley law, which Congress passed after the Enron scandal. The government charged Mr. Fischer (and about 300 others) with obstructing an official proceeding, under that section. The problem: Section 1512 has to do with criminal prosecution of financial wrongdoing, like fraud or embezzlement. But the proceeding at issue

on January 6 was a joint session of Congress to certify a Presidential election. No evidence gathering was ever at issue. (Or if it were, it would have been in a cause Mr. Fischer supported, not opposed.)

The Court of Appeals for the District of Columbia issued a 120-page opinion.

A three-judge panel voted 2-1 against Fischer and two co-defendants (Edward Lang and Garrett Miller). The District Court had dismissed all the 1512 counts – so the Court of Appeals reinstated them. (Judge Florence Pan, a Biden appointee, wrote the lead opinion. Judge Justin Walker, a Trump appointee, wrote a concurring opinion.)

Advertisement

## The dissent

---

Judge Gregory Katsas (a Trump appointee) strenuously disagreed. He suggested his colleagues went out of their way to construe Section 1512 as damning in the cases at hand. Never before had any court interpreted that section as having to do with anything other than preserving evidence and preventing the intimidation of complaining, informing, or other witnesses.

In a manner recalling the famous deposition of President Bill Clinton, this case depends on what one's definition of the word *otherwise* is. Usually it means “not quite the same, but similar to examples that have come before.” In this case, *otherwise* means other than:

alter[ing], destroy[ing], mutilat[ing], or conceal[ing] a record, document or other object, or attempt[ing] to do so, with the intent to impair the object's integrity or availability for use in an official proceeding.

The only written records at issue on January 6 are the lists of electoral votes cast from the several States. Not one witness has alleged that Fischer or anyone else tried to lay hands on those votes. But Judge Pan insisted that *otherwise* means “anything different from the examples, but having the same effect.” By that reading, *otherwise* could mean anything at all. If the government thought they could change Fischer and the others with “tampering” with Members of Congress, they would have. They haven't. So Judge Pan had to twist the definition of *otherwise* to create guilt.

## Further consequences for January 6 cases

---

Judge Katsas hinted at one other principle: judges must resolve ambiguity *in favor of a defendant*. That goes double in a criminal case, like these cases. But Judge Pan would appear to have decided to act as a “hanging judge” from Old West lore. (Why Judge Walker

concluded in the judgment, is less clear – except that his prior associations with men like SecDef Donald Rumsfeld make him a “swampy” Republican. Judge Katsas is a member of the Federalist Society.)

Add this to it: when Mr. Fischer was in the Capitol, *Congress had already recessed*. So no proceeding which he could possibly have obstructed, was even taking place.

#### Advertisement

The Supreme Court, having only now granted review, has issued no orders to expedite that review. So they will likely release their opinion by the end of June, as usual. And what happens to Donald Trump’s case? Already that case is under stay, because Trump has argued “Presidential immunity” in his own case. That is *also* before the Supreme Court, which has ordered Trump’s attorneys to brief the Court next week. But since Section 1512 is part of the government’s case against Trump, the stay might remain until June 2024. Even without it, if the Supreme Court reverses the Court of Appeals in this matter, the District Court would then have to dismiss those charges – or vacate them.

## The January 6 buses

---

The next matter goes more broadly to the ideological corruption of the federal government, now in stark relief. Some of the eyewitness accounts indicate that the FBI has gone rogue. Furthermore, it must be on a tight budget, given the apparent sloppiness of its attempt at disguise.

At issue are two buses, each the size of a regular “city bus” or chartered bus. Rep. Clay Higgins (R-La.), drawing on his experiences as a police captain, has been investigating January 6 personally. In November of last year, Higgins cross-examined FBI Director Christopher Wray on the presence of “confidential human sources,” *dressed as supporters of Donald Trump*, at the January 6 rally.

Rep. Higgins: “Did the FBI have confidential human sources on J6?”

Wray: “The suggestion that the FBI's confidential human sources or FBI employees in some way instigated or orchestrated Jan 6th, that's categorically false.”

Higgins: “It should be a no!”

[pic.twitter.com/KViFcPcWDT](https://pic.twitter.com/KViFcPcWDT)— Greg Price (@greg\_price11) [November 15, 2022](#)

(Jim Hoft covered the story then – and released two stories this week, yesterday and today.)

Last month Higgins cross-examined Wray again – in a much more powerful position, now that Republicans control the House. This time he brought a photograph showing those two buses – and those FBI plants boarding them at Union Station. Another X influencer has more video proof:

## Advertisement

Remember when Antifa Changed their Clothes?

Now that we've connected the dots that these "Ghost Busses" were filled with FBI Informants, it's important to remember that there were Antifa members changing from their black attire into Trump gear on January 6.

Too bad this video... <https://t.co/Q1qaZZBmXj> [pic.twitter.com/HZVPKkAhHS](https://pic.twitter.com/HZVPKkAhHS)— UltraMJTruth (@MJTruthUltra) November 15, 2023

Higgins granted an interview to investigative journalist Lara Logan yesterday, in which he described the buses in detail.

### **Not according to the usual charter bus routine**

---

Your editor has ridden several chartered buses, in connection with:

- The big rally on September 12, 2009, in which 1.5 million people descended on Washington and gathered on the Capitol's West Lawn, and
- Marches for Life in subsequent years.



Watch Video At: <https://youtu.be/pgTCLv0f800>

From his experience, chartered buses *always* bear the names of the charter company that owns them, and also bear serial and telephone numbers (in case a passing motorist wants to report a driver behaving badly) *The law requires this*. Furthermore, drivers of buses

operating as a convoy *always* get off and talk to one another at every stop.

According to Rep. Higgins, those two buses were painted an unrelieved white, obscuring all markings. In fact, he said someone simply spray-painted them – “a cheap, fast overspray.” This is *not* according to protocol – nor up to the usual competitive standard of appearance.

Another charter bus driver arrived at Union Station on the morning of January 6, at 5:20 a.m. EST. He had expected to be first to arrive – but those two white buses were already there. *And the drivers never got off the bus to talk to one another.* As the other driver watched, 40 or 50 men, all wearing Trump regalia, got off the buses and received a military-style briefing. These men then went up the escalators to blend into the crowd at Union Station.

## **Nailed!**

---

Higgins then made this explosive claim: *his team has identified one of the buses.* Now that they have identified it, they can trace it. Lastly, Higgins told Logan his belief that all those men were actual FBI agents – meaning *agents provocateurs.*

### Advertisement

Clay Higgins brought his investigative skills from the streets of Louisiana where he was a cop for years to the halls of congress, where he’s been investigating January 6th ever since it happened.

We sat down for a tough, far-reaching interview to explore what he’s learned...  
[pic.twitter.com/engaZJp0np](https://pic.twitter.com/engaZJp0np)— Truth In Media (@Truth\_InMedia) December 14, 2023

All this stands as evidence of entrapment – as Candidate Vivek Ramaswamy asserted on a CNN broadcast in Des Moines, Iowa Wednesday night. He forcefully asserted that many witnesses have attested to FBI “assets” being present in the crowd. He also mentioned Capitol Police actions – like firing rubber bullets and tear gas into the crowd – that provoked that crowd to violence.

<https://twitter.com/VivekGRamaswamy/status/1735126791142904074>

*The Gateway Pundit* X account, in reply, dropped this thread saying the Washington FBI Field Office confirmed the presence of agents salting the crowds that day.

Here’s another one: The House Judiciary Republicans sent out a letter that includes transcribed testimony from former Assistant Director-in-Charge of the Washington Field Office (WFO) Steven D’Antuono.

D’Antuono testified that the FBI had numerous confidential human sources...— The Gateway Pundit (@gatewaypundit) December 14, 2023

Add to it, this story by Bob Unruh of *WorldNetDaily*. He quotes Lt. Tarik Johnson, U.S. Capitol Police (retired), as denying that any “insurrection” took place.

<https://twitter.com/elleonCEOTK/status/1735293623279759548>

The country has in fact known this for seven months, as Rep. Matt Gaetz (R-Fla.) shared then:

BREAKING: The Washington, D.C. FBI Field Office CONFIRMED that undercover officers, confidential informants, and FBI assets were present at the U.S. Capitol on January 6th, despite FBI Director Wray testifying to the contrary!  
<pic.twitter.com/AzBhilAsZ3>— Rep. Matt Gaetz (@RepMattGaetz) May 18, 2023

This could be a turning point in the January 6 story – in which conspiracy becomes more than hypothesis.

Advertisement