

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

WILLIAM ALEXANDER POPE,

Defendant.

Case No.: 1:21-cr-00128-RC

RESPONSE TO THE COURT’S ORDER FOR PARTICULARS

In ECF No. 227 at 4, I moved the Court for a Bill of Particulars, asking for information on, among other things, “What specific action of mine the government alleges to be ‘parading, demonstrating, and picketing’ in a Capitol.”

In Order No 251 at 13, the Court partially granted my request for particulars, finding that:

. . . the indictment does not provide any detail about which of Defendant’s actions constituted parading, demonstrating, and picketing. Because Defendant’s conduct in the Capitol Building spanned multiple areas during a relatively lengthy period of time, without an explanation as to what actions constituted the charged offense, Defendant will not be able to adequately prepare for trial. Accordingly, the Court agrees that it is necessary to the adequate preparation of Pope’s defense that the Government provide additional details on which of his actions constitute the charged offense.

In light of that, the Court ordered the government to provide particulars for Count Eight – 40 U.S.C. § 5104(e)(2)(G) – for which of my actions “are alleged to have constituted ‘parading, demonstrating, and picketing,’” in the Capitol.

Since the government did not produce those particulars by the Court's pre-trial motions deadline of May 13, 2024, I filed a motion to dismiss (ECF No. 280) because I had not been "informed of the nature and cause of the accusations against me" as required by the Sixth Amendment. The Sixth Amendment also recognizes my right to confront my accusers. Since the Court's pre-trial schedule has passed the point where motions to confront accusations were allowed, I was denied my right to be informed of the nature of Count Eight, and to confront the accusation prior to trial. On the same basis, I moved to dismiss Counts Five and Seven.¹

The day after the pretrial motions deadline had passed, the government filed particulars for Count Eight in ECF No. 284:

The government intends to argue and offer proof that William Pope willfully and knowingly paraded, demonstrated, or picketed in the Capitol building when he engaged in the following conduct: Carrying a flagpole. . .

This accusation is unconstitutional on face value because it criminalizes the act of carrying the American Flag. However, this charge also violates 4 U.S. Code § 6(a) and (e), which allow that, "when a patriotic effect is desired, the flag may be displayed 24 hours a day," and that the "flag should be displayed daily on or near the main administration building of every public institution." Furthermore, President Franklin D. Roosevelt issued Executive Proclamation No. 2605, that defined the meaning and significance of the American Flag:

The flag of the United States of America is universally representative of the principles of the justice, liberty, and democracy enjoyed by the people of the United States. . .

¹ On May 13, 2024, the government also moved to dismiss Counts Five and Seven, because after three years of bringing these false accusations against me, they finally realized they had no facts to offer the Court as particulars.

The American Flag is so significant that the Congress issued a resolution for a Flag Day, 36 U.S. Code § 110, which calls for all Americans to display the America Flag, and for the President of the United States to issue a yearly proclamation declaring June 14, Flag Day. This last year, on June 9, 2023, President Biden proclaimed Flag Day and Flag Week, and Biden specifically noted that the American Flag “presides over free and fair elections.”²

Yet as part of the accusation brought against me in ECF No. 284, Mr. Biden’s Department of Justice accuses me of carrying an American Flag in “support for what he described as ‘free elections, fair elections, and President Trump.’”

The crux of what the government is accusing my crime to be is WRONGTHINK. The government supports President Biden using the American Flag to call for “free and fair elections,” but the Biden administration criminalizes the American Flag being used by those who support an opposition candidate and call for free and fair elections.

The only overt action the government alleges to be in violation of the parading statute is me carrying an American Flag through the United States Capitol. But the government admits they also intend to argue thoughts they believe I carried in my head through the Capitol were, “in support or disapproval of a particular viewpoint, action, public question, or cause.”

This is overly broad, vague, and un-American.

Every single person who enters the Capitol carries thoughts in support or disapproval of various viewpoints and causes. The Capitol was built for this very purpose. It was intended to be

² President Biden’s 2023 Flag Day Proclamation: <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/06/09/a-proclamation-on-flag-day-and-national-flag-week-2023/#:~:text=To%20commemorate%20the%20adoption%20of%20our%20flag%20in,the%20United%20States%20on%20all%20Federal%20Government%20buildings.>

a meeting place to debate contrasting visions for America. The First Amendment also recognizes that the public has a right to petition the government for a redress of grievances. The only time American citizens enter the Capitol without supporting or disapproving viewpoints are when they are laid in state, and even then, they are allowed the courtesy of having an American Flag.



Figure 1: Only citizens who are laid in state enter the Capitol without viewpoints, and even they are allowed an American Flag.

While I can no longer submit pre-trial motions to the Court, I am allowed to point out to the Court that the particulars provided by the government for Count Eight do not meet the requirements set forth by the Court in Order No. 251 at 13. The Court surmised that “Defendant’s conduct in the Capitol Building spanned multiple areas during a relatively lengthy period of time, without an explanation as to what actions constituted the charged offense.” The government responded by saying I carried an American Flag, spanning multiple areas, while having ideas in my head. I argue that carrying an American flag should not, ever be criminal in the United States of America. Further, the government has not identified any other overt actions that constitute parading. Therefore, the information the government provided in ECF No. 284

does not satisfy the Court's directive to provide particulars for Count Eight, and it falls short of sufficiently providing notice of accusation as required by the Sixth Amendment.

Not only did the information provided by the government fail to satisfy the Court's order, but the government provided it too late for me to confront the accusations in pretrial motions. Because of this delay, my Sixth Amendment right to confront accusations was also violated by the government. The only possible cures for these violations are for the Court to continue the trial date, require additional particulars for Count Eight, and to allow a new pretrial motions schedule; or for the Court to dismiss Count 8 from the indictment.

While I can no longer move the Court to do so, I respectfully point this out, and if the Court believes me to be with my right to motion these cures, then I so move.

Respectfully submitted to the Court,

By: William Pope

/s/

William Pope

Pro Se Officer of the Court

Topeka, Kansas

Certificate of Service

I certify a copy of this was filed electronically for all parties of record on May 15, 2024.

/s/

William Alexander Pope, Pro Se