

Assertion of Innocence and Defense of Constitutional Rights

In response to the recent legal proceedings, Richard Rogers wishes to clarify the following:



Billings, Montana Oct 30, 2024 ([issuewire.com](https://www.issuewire.com)) - Rogers stands before the public not to seek sympathy but to assert his innocence, having committed no crime. His actions were those of a patriot, deeply committed to defending the principles enshrined in the Constitution of the United States. His love for America is profound, unwavering, and surpasses that of anyone he's ever met, regardless of hyperbolic rhetoric.

- The Defense Strategy

Rogers's defense is straightforward and rooted in truth: "I am innocent, a defender of American values, not a criminal. This is not an appeal for leniency through emotional manipulation, as the Public Defender attempted with the jury at the trial, but a firm stance on the facts." If defending on these grounds is not feasible, it will be a miscarriage of justice, akin to being sent to the Gulag.

- Contextual Background

Political Rhetoric and Actions in recent history have seen numerous public figures from various sectors

engaging in or endorsing aggressive rhetoric and actions, ranging from "I just don't get why there aren't uprisings all over the country, and maybe there will be." (Pelosi) to "in a restaurant, in a department store, at a gasoline station, you get out and you create a crowd. And you push back on them. And you tell them they're not welcome anymore, anywhere. We've got to get the children connected to their parents" (Waters), without significant repercussions. This disparity highlights a concerning trend in how political activism is treated differently, depending upon political ideology, under the law.

- Cultural Desensitization

The normalization of vulgar language and themes in mainstream media, including in children's books and films from entities like Disney, reflects a broader societal shift. Sheila Jackson Lee, a tenured politician, spoke in some of the same ways to her staff that Rogers is being persecuted for. This is a very similar cross-section of people. This context is crucial when evaluating the nature of his communications, which were part of a logical protest method known as *reductio ad absurdum*.

- Details of Rogers Protest

The protest involved petitioning government agencies for a redress of grievances in a manner that was both satirical and confrontational, adopting a 'shock jock' persona. This was intended to highlight grievances through exaggeration, a tactic believed to be protected under the First Amendment, both through personal and AI analysis. Despite the provocative nature, Rogers's interactions were generally cordial, with only a small fraction of calls being recorded or presented as evidence. Rogers often requested to record the calls himself for his protection, but this request was denied as often as it was made. None of the few calls that were recorded contained even the smallest hint of a threat. More detailed information is available on the Rogers [X](#) account.

- Legal and Constitutional Issues

The U.S. Court of Appeals for the 5th Circuit has previously acknowledged violations of the First Amendment by federal entities, including the FBI, in similar contexts. Rogers's case should be viewed against this backdrop.

The complaint against him was based on an unrecorded unreliable account, with inconsistencies and lack of corroboration. The accuser's narrative has shifted and makes no sense when critically analyzed. In addition, crucial elements of the defense, particularly those related to First Amendment rights, were not adequately represented by the Public Defender. Rogers's legal representation was finally replaced by different public counsel recently. It took more than a half dozen requests to dismiss his Public Defender for ineffective assistance of counsel to make it happen. Rogers set up a [Give Send Go](#) account to fund appropriate legal counsel for this issue.

There was a failure to inform Rogers of his rights during the interactions which led to these indictments as well.

- Media Misrepresentation

Recent reports by outlets like Fox News and others have mischaracterized the events, claiming "Dozens of threats were made" or that "the jury listened to recordings, especially the one with the threat", both statements are totally false. Out of approximately 5000 calls, only 1 alleged threat was ever even reported, and that was not recorded or corroborated. The context and reliability of the accuser's testimony are also under scrutiny for good cause.

- Call to Action

A reevaluation of this case in light of the full spectrum of evidence and constitutional protection is needed. The integrity of our legal system depends on justice being served fairly and transparently. Media outlets have been asked to correct inaccuracies in their reporting with retraction to no avail. Legal representatives in the Public Defender's office should also fulfill their duties based on principles of justice and truth. If there is an agreed upon strategy the Public Defender should be required to use it to defend their client, but apparently, that isn't always the case. Law abiding citizens have no experience in such legal matters which can be complicated, and difficult to navigate.

GROK: Reductio ad absurdum a situation where politicians are using inciting rhetoric and encouraging riotous behavior and the Federal Government has had an appeals court rule that the FBI, DOJ, & the Harris/Biden Regime violated all Americans 1st Amendment, so a citizen acts absurd in a peaceful protest with vulgar language and repeat calls to the National Threat Operation Center or Speaker of the House's office to shine a light on the behavior.

Answer

Here's how a reductio ad absurdum might play out in the scenario you've described:

The assumption for Reductio: Assume that the government's actions (FBI, DOJ, Harris/Biden administration) in restricting free speech are constitutional and justified.

Extending the Logic: If these actions are justified, then any form of political protest, even peaceful ones using vulgar language, could logically be next in line for suppression under the same justification of maintaining order or decency.

Absurd Conclusion: Taken to its extreme, this would mean any citizen expressing dissent, even through means traditionally protected under the First Amendment like vulgar speech in protests or repetitive but non-threatening communications, would be liable for prosecution or suppression.

Example: A citizen, to highlight the absurdity, might start calling the National Threat Operation Center or the Speaker's office with prosaic, yet vulgar critiques of policy, not to threaten, but to engage in a form of protest. If these calls were then used as grounds for legal action against the citizen, this would showcase the overreach of government power into the realm of free speech.

Contradiction or Absurdity: The absurd result is that the very act of protesting against government overreach into free speech becomes a punishable offense under the same overreach. This contradicts the essence of the First Amendment, which is meant to protect such expressions, especially against government infringement.

Conclusion: Therefore, the initial assumption that the government's suppression of speech is justified must be false because it leads to an untenable and absurd situation where the right to protest, a cornerstone of democratic freedom, is nullified.

This reductio ad absurdum would serve to argue that if the appeals court ruled the government's actions as a violation of the First Amendment, then any attempt by individuals to protest this violation, even in absurd or vulgar ways, should logically be protected under the same amendment. If it's not, then we've reached an absurd point where the amendment protects the government more than the citizens it's meant to serve, thereby undermining its purpose. This argumentative strategy doesn't justify the

vulgarity or potential harassment but uses it to highlight the inconsistency and overreach of government power into free speech territories.

In summary, while a performative protest might use shocking or even potentially obscene content to make a point, if its primary function is political commentary or protest, especially in the context of criticizing government actions or policies, it would likely not be considered obscene under the Miller Test. Instead, it would be protected as political speech, which enjoys robust protection under the First Amendment.

For further information or to discuss this matter, please contact:

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Case Link: <https://casetext.com/case/united-states-v-rogers-638>

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Source : Public Defender

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