

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF THE DISTRICT OF COLUMBIA

_____)	
UNITED STATES,)	
)	
v.)	Case No. 1:21-CR-117 (TFH)
)	
RYAN TAYLOR NICHOLS,)	
Defendant.)	
_____)	

SECOND SUPPLEMENT TO DEFENDANT’S MOTION FOR CHANGE OF VENUE

Comes now Defendant Ryan Nichols by undersigned counsel and hereby submits this second supplement to his Motion for Change of Venue (ECF Nos. 92, 135).

Ryan Nichols, like all other January 6th Defendants who came to the United States Capitol to support President Trump on January 6, 2021, is clearly a MAGA Republican. Mr. Nichols’s right to choose to be a MAGA Republican is constitutionally protected and sacred. As is his right to protest the Federal Government for redress of grievances.

President Biden’s attack on Mr. Nichols’s political affiliation is unprecedented. Never in the history of this great country has a sitting President made such terrible remarks directed at a group that comprises millions of American citizens. The fact, however, that the group of people being targeted by President Biden is also being prosecuted by his Attorney General, is unconscionable.

On September 1, 2022, Joseph R. Biden, Jr., the President of the United States of America, addressed the nation in a prime-time television address, which began at 8:03 PM EDT and concluded at 8:27 P.M EDT. During this 24-minute speech, President Biden made the following thirty-one statements about MAGA Republicans:

1. Donald Trump and the **MAGA Republicans** represent an extremism that threatens the very foundations of our republic.
2. Now, I want to be very clear — (applause) — very clear up front: Not every Republican, not even the majority of Republicans, are **MAGA Republicans**. Not every Republican embraces their extreme ideology.
3. But there is no question that the Republican Party today is dominated, driven, and intimidated by Donald Trump and the **MAGA Republicans**, and that is a threat to this country.
4. These are hard things. But I'm an American President — not the President of red America or blue America, but of all America. And I believe it is my duty — my duty to level with you, to tell the truth, no matter how difficult, no matter how painful. And here, in my view, is what is true: **MAGA Republicans** do not respect the Constitution.
5. **They** do not believe in the rule of law.
6. **They** do not recognize the will of the people.
7. **They** refuse to accept the results of a free election.
8. And **they're** working right now, as I speak, in state after state to give power to decide elections in America to partisans and cronies, empowering election deniers to undermine democracy itself.
9. **MAGA forces** are determined to take this country backwards — backwards to an America where there is no right to choose, no right to privacy, no right to contraception, no right to marry who you love.
10. **They** promote authoritarian leaders, and they fan the flames of political violence that are a threat to our personal rights, to the pursuit of justice, to the rule of law, to the very soul of this country.
11. **They** look at the mob that stormed the United States Capitol on January 6th — brutally attacking law enforcement — not as insurrectionists who placed a dagger to the throat of our democracy, but they look at them as patriots.
12. And **they** see their **MAGA** failure to stop a peaceful transfer of power after the 2020 election as preparation for the 2022 and 2024 elections.
13. **They** tried everything last time to nullify the votes of 81 million people.

14. This time, **they're** determined to succeed in thwarting the will of the people.
15. That's why respected conservatives, like Federal Circuit Court Judge Michael Luttig, has called Trump and the **extreme MAGA Republicans**, quote, a "clear and present danger" to our democracy.
16. But while the **threat to American democracy** is real, I want to say as clearly as we can: We are not powerless in the face of these threats. We are not bystanders in this ongoing attack on democracy.
17. There are far more Americans — far more Americans from every — from every background and belief who reject the **extreme MAGA ideology** than those that accept it.
18. And, folks, it is within our power, it's in our hands — yours and mine — to stop the **assault on American democracy**.
19. **MAGA Republicans** have made their choice.
20. **They** embrace anger.
21. **They** thrive on chaos.
22. **They** live not in the light of truth but in the shadow of lies.
23. Democrats, independents, mainstream Republicans: We must be stronger, more determined, and more committed to saving American democracy than **MAGA Republicans** are to — to destroying American democracy.
24. Ladies and gentlemen, we can't be pro-ex- — pro-ex- — **pro-insurrectionist** and pro-American. They're incompatible.
25. Democracy cannot survive when one side believes there are only two outcomes to an election: either they win or they were cheated. And that's where **MAGA Republicans** are today.
26. **They** don't understand what every patriotic American knows: You can't love your country only when you win.
27. I will not stand by and watch elections in this country stolen by people who simply refuse to accept that **they** lost.
28. **MAGA Republicans** look at America and see carnage and darkness and despair.

29. **They** spread fear and lies — lies told for profit and power.

30. The **MAGA Republicans** believe that for them to succeed, everyone else has to fail.

31. **They** believe America — not like I believe about America.¹

At the conclusion of his speech, backlit in red, and flanked by two unmoving Marines, the President exhorts all Americans to put their hatred into action: “It’s within our power to stop the assault on American democracy.” What better place to begin than in the jury box?

The President has incited the entire nation to hate the January 6th defendants as a patriotic duty. The President, the holder of National Command Authority, has charged the American Public with protecting democracy against MAGA Republicans, at any cost. He has made it clear, it’s us against them. President Biden demands betrayal of a juror’s oath by anyone sitting in judgment of a January 6th defendant, and therefore a juror’s impartiality will not become evident at *voir dire*. A demand from a person with such authority tends “to deprive the accused of his right to a forum where impartiality is not impaired.” *United States v. Thomas*, 22 M.J. 388, 393 (C.M.A. 1986).

Therefore, and for the reasons stated above, in addition to the reasons set forth in the adopted motion to change venue (ECF No. 92) and in Nichols’ Supplement to the same (ECF No. 135), Ryan Taylor Nichols respectfully submits, that the Eastern District of Texas is the only place where he has any chance at selecting a fair and impartial jury of his peers, which is his right under the Sixth Amendment of United States Constitution.

¹ See White House Official Transcript of President Biden’s Speech: *The Continued Battle for the Soul of the Nation* @ <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/09/01/remarks-by-president-bidenon-the-continued-battle-for-the-soul-of-the-nation/> (last visited on September 8, 2022)

Dated September 8, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify on the 8th day of September 2022, a copy of the foregoing was served upon all parties as forwarded through the Electronic Case Filing (ECF) System.

/s/ Joseph D. McBride, Esq.
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