

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

21 CR 587 ABJ

JOHN SCHUBERT

MEMORANDUM IN SUPPORT OF SENTENCE

John Schubert was seventy one years old when he travelled to Washington in January 2021. He states he came "to show [his] concern for the direction he [saw his] country going in." Deft. Letter to the Court. He is profoundly remorseful for his conduct on January 6th, 2021 and feels deep shame. "I'm afraid my actions betrayed the motives of my heart." Deft. Letter to the Court

When Amy Schubert contacted me in July 2021 she was explicit that she wished to hire me to represent both John and her. Her daughter had read about my use of literature and history to help Capitol clients view themselves and their actions in a more universal context. She wanted not only an advocate, but also an educator.

I explained to her that she and her husband each qualified for Court Appointed Counsel and that all the panel attorneys in Washington D.C. were talented and hardworking. They chose to hire me because they wanted to pursue political education and to learn about a broader America. Further, Amy and John felt that by their conduct they had forfeited the right to Court Appointed Counsel.

John asked for a booklist of suggested readings. The first book I suggested was Common Sense by Thomas Paine. John already possessed the book on his book shelf. He re read it. It was the first of many books he and his wife studied. He reviewed the annotated United States Constitution. He read books on civics. Thoreau's On the Duty of Civil Disobedience. He studied the history of the Electoral College in order to learn procedurally what was taking place when he and his wife unlawfully entered the Capitol. He read books on recent political history and he read historical fiction. After he finished a book, he participated in telephone calls to me during which he and his wife Amy shared ideas and thoughts about what each had learned.

Amy Shubert did most of the talking, but John was always on the call to impart his thoughts and his observations. John has been an Independent politically throughout his life. He came to Washington with the intention of trying to solve political divisions. To make the world a better place. The events and his actions on January 6th were not what he had intended. The events he participated in increased the negative discourse and our national divisions and anger.

John Schubert was arrested on July 26, 2021. Upon his release his daughter told him she had read about a lawyer in the New York Times who perhaps would be willing to represent him. Amy Schubert phoned me to request I accept their legal representation. They wanted to take immediate responsibility for entering the Capitol on January 6th, 2021. They felt deeply responsible and truly sorry.

John Schubert entered an early plea. He has always expressed remorse for his actions and always has accepted responsibility. As he wrote to Probation Officer Gavito: PSR p. 9

"I am totally responsible for my actions on January 6th. No one influenced my decision. I was 71 years old at the time and should have known better. I'm sincerely sorry for the shame it has brought to the country I love. I'll live with the shame, but I hope we can all come together and move our country forward."

John has always been a responsible family man. He was reared in a happy home had a very wholesome childhood. He graduated from high school and attended Joliet Junior College. Unfortunately his father died when he was eighteen. After his first year in college when his mother became ill, he chose to end his academic education to help support the family. He began work as a carpenter apprentice and a mill wright. He helped the family financially and was able to help care for his mother. He became a master woodworker and from 1969 until 2001 he worked for the Carpenters Union in Joliet, Illinois.

In 2000 he and his first wife were divorced and he was awarded custody of his fifteen year old daughter. He retired from the Carpenters' Union in 2001 to have more flexibility and be available to better parent his adolescent daughter, Erin. They remain very close to each other. Erin and her family live in Chicago. John and his wife Amy are frequent caregivers to the grandchildren. John has been very happily married to Amy Schubert for nineteen years. She has been a mother to his children and a grandmother to his grandchildren.

While Mr. Schubert suffers from medical problems of congestive heart failure and atrial fibrillation, from his discussions with counsel, I believe he has a very durable and generous heart.

It is very unusual for any man to reach the age of seventy-two without a juvenile adjudication, an adult conviction, a traffic infraction or any other criminal conduct. The offense conduct is clearly aberrant conduct. He will assuredly conform with any requirements of Probation, just as he has complied with the requirements of Pre Trial Services. He is prepared to pay restitution and Court costs.

CONCLUSION

John Schubert sought to enter an early plea and to accept responsibility for his actions last January 6th. He was horrified as he viewed the videos of the chaos at the Capitol which he understands was encouraged by his participation. As he states eloquently in his letter to the Court:

"I admit my emotions from witnessing these things for a lifetime overreached my common sense. [On January 6th]. I was wrong for entering the Capitol. In retrospect, seeing the shame it brought to my country, shames me. I'm afraid my actions betrayed the motives of my heart."

Like all cabinet makers, John Schubert is a perfectionist and holds himself to a very high standard. He deeply regrets coming to Washington last year, regardless of his original motivations or intentions. He has

pursued information in the mainstream news, in history books, civics books and in historic fiction. He accepts full responsibility for his actions.

He is an excellent candidate for Probation.

Respectfully submitted,

_____/s_____

Heather Shaner #273276
Attorney for John Schubert
1702 S Street NW
Washington, D.C. 20009
Tel. 202 265 8210
hhsesq@aol.com