

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)
)
 v.)
)
 WILLIAM BLAUSER, Jr.,)
)
 Defendant.)

Case No. 1:21-CR-00386-001-TNM

DEFENDANT’S MEMORANDUM IN AID OF SENTENCING

I. INTRODUCTION

It is with great regret that William Blausner appears before this Court for sentencing following his acceptance of responsibility upon entering a plea of guilty to one count of Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G).

Sentencing Request

Based upon Mr. Blausner’s personal history and characteristics, the nature and circumstances of the offense, his lack of criminal history, his age and medical conditions, and the almost nonexistent likelihood of recidivism, Mr. Blausner, through counsel, respectfully requests that the Court impose a probationary sentence in this matter. Such a sentence would be “sufficient, but not greater than necessary” to achieve the legitimate purposes of sentencing,¹ and is consistent with sentences received by similarly situated defendants.

William Blausner’s Background

William Blausner is a seventy-five (75) year old husband and the father of one adult daughter. See PSR at ¶ 43-44. Mr. Blausner was the eldest of six (6) siblings, and described his

¹ See 18 U.S.C. § 3553(a).

childhood as not “very good.” *Id.* at ¶ 40. Mr. Blauser’s father was a “heavy drinker” throughout Mr. Blauser’s childhood and was physically and verbally abusive towards Mr. Blauser’s mother. *Id.*; *see also* Exhibit A. The family was impoverished, resorting to fishing, picking berries and apples during the summer months, and living off of what they fished and foraged. *Id.* *See also* PSR at ¶ 40. Until Mr. Blauser was fifteen (15) years old, the familial home lacked bathroom facilities. *Id.*

Two of Mr. Blauser’s siblings are alive today and are retired, residing in Kane, Pennsylvania. *Id.* at ¶ 39. Mr. Blauser maintains a “very good” relationship with his living siblings, getting together monthly to visit each other and play cards. *Id.* [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *Id.* Unfortunately, Mr. Blauser’s three other siblings have passed away. *Id.* at ¶ 39.

In 1965, Mr. Blauser graduated high school from the Kane Area School District in Pennsylvania and immediately enlisted in the United States Navy. *Id.* at ¶ 67. He spent four (4) years in the Navy before being honorably discharged. *Id.* at ¶ 77. Mr. Blauser served multiple tours of duty in Vietnam, with his final tour aboard a River Division 15 troop carrier ATC 151-10, also known as the T-151-10 or Tango 10. *See* Exhibit A. During this tour of duty, Mr.

Blauser’s boat was attacked in the early morning hours on April 26, 1969. *Id.* [REDACTED]

[REDACTED] *Id.* He

received a Purple Heart and Navy Commendation Medal with Combat Valor for meritorious service from June 1968 to June 1969. *See* PSR. at ¶ 75, 77. Additionally, Mr. Blauser received the following decorations, medals, and badges: National Defense Service Medal, Vietnam

Service Medal, Vietnam Campaign Medal, Combat Action Ribbon, and Meritorious Unit Commendation. *Id.* at ¶ 78.

Mr. Blausner is a hardworking man. He was continuously employed since he graduated high school in 1965 until his early retirement due to severe health problems in 2004. *Id.* at ¶ 73. He worked at Affiliated Industries for twenty (20) years until he accepted a position at the United States Postal Service (“USPS”), where he worked until his medically necessary retirement. *Id.* at ¶ 73-74.

Mr. Blausner is a proud military veteran, an active member of his small community, and a devoted husband. *See* Exhibit B. Mr. Blausner has been married to his wife, Darlene Blausner, since 1969. *See* PSR at ¶ 43. He and his wife have one daughter, Pamela Blausner Barnes, who is fifty (50) years old and employed as a legal assistant. *Id.* at ¶ 44, *See also* Exhibit G. Mr. Blausner is the local Commander of the American Legion Hall in Ludlow, Pennsylvania, where he resides with his wife. *See* Exhibit B. He is a recipient of the State American Legion Honors and was instrumental in the revival of the township’s community park. *Id.* Mr. Blausner is also a devout Christian, serving on the governing council for his church. *Id.*

Unfortunately, illnesses have had a huge effect on Mr. Blausner and his family. [REDACTED]
[REDACTED]
[REDACTED] which
caused him never to work again. *Id.* ¶ 43-44, 50. In addition, [REDACTED]
[REDACTED]

Mr. Blausner is a man who strives to live his life by his values of service, honesty, authenticity, dependability, and faith. He is a devout Christian who is active in his church and community on many levels and is constantly involved in charity and volunteer work. He is a

fixture in his community, providing a dependable, faithful friend to many. Mr. Blausner not only believes in the principle of helping those in need – but models it as well. He quietly gives what he can and encourages others to do the same by leading by example. *See* Exhibits B-N.

II. 18 U.S.C. § 3553(A) FACTORS

A. The Nature and Circumstances of the Offense.

Mr. Blausner's involvement in the instant offense is extraordinarily regrettable. As he writes in his letter to the Court, "I was caught up in something I truly regret. If I had a chance to redeem myself, I would certainly do that in a heartbeat." *See* Exhibit A. Mr. Blausner truly regrets what he did and tries to be the most honest, giving, and caring person in the world. *Id.*

Mr. Blausner's letter to the Court is filled with seventy-five (75) years worth of stories that showcase a life well-lived – stories comprised of struggle, sacrifice, service, and love to his family, community, country, and God. *Id.* He explains to the Court that he has been a warrior all his life, and believes strongly in the values and freedoms this nation holds so dear. *Id.* He sacrificed his mental and physical wellbeing to fight for the United States in Vietnam, a sacrifice his mind and body still pay for to this day. *Id.* On January 6, 2021, however, Mr. Blausner made one of the worst choices he has ever made, and he feels extreme remorse for his actions. *Id.* He knows he cannot undo what he has done. *Id.*

When viewed within the context of many January 6 defendants, Mr. Blausner's conduct falls on the extremely low end of the spectrum in a variety of ways. Mr. Blausner was not violent or aggressive in word or deed. He didn't force his way into the Capitol building or climb through a broken window, nor did he destroy or deface any property. He did not barge past officers or travel through clouds of tear gas. Instead, he followed a crowd of hundreds through an open door. Although not an excuse, these distinctions are essential to contrast Mr. Blausner's actions

with that of the more egregious behavior of many other defendants, while also serving to accurately place his conduct on the spectrum of January 6 defendants.

Mr. Blauser walked into the Capitol through an open door and made his way to the Rotunda with his co-defendant, Pauline Bauer. He carried a large sign and stood near Ms. Bauer as she screamed at officers. As the Statement of Offense indicates, Mr. Blauser was involved in a brief “skirmish” with law enforcement as officers attempted to push the crowd out of the Rotunda. The extent of Mr. Blauser’s involvement in the skirmish was primarily him attempting to pull Ms. Bauer back from behind the line of officers. After being inside the Capitol for approximately 40 minutes, Mr. Blauser left the building. There is no evidence that Mr. Blauser was violent in any way nor attempted to or caused any damage to property.

In stark contrast to numerous other defendants, Mr. Blauser did not post comments or video on social media before, during, or after the incident.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

B. Mr. Blauser’ History and Characteristics.

William Blauser is beloved by his family and friends, as evidenced by the numerous letters of support submitted on his behalf. *See* Exhibits B-N. The letters submitted on his behalf

paint the portrait of a man who is well respected, loved, and admired for his kindness, faith, and devotion to his family and community. *Id.*

John, and Judy Cox, longtime friends of Mr. Blausner, have known him for over fifty (50) years. *See* Exhibit B. Mr. and Mrs. Cox write together to express their support of one of the pillars of Ludlow, Pennsylvania, that is their dear friend Mr. Blausner. *Id.* Ludlow, Pennsylvania is a community of less than five hundred (500) people. *Id.* As such, it takes a dedicated few to keep that community alive, and Mr. Blausner is one of those few. *Id.* Mr. and Mrs. Cox know Mr. Blausner to be a recipient of the State American Legion Honors, instrumental in the revival of the township's community park, a faithful attendee in the town's only Christian Church, on the governing council for that church, and a devoted husband and father. *Id.* As the commander of the local American Legion, Mr. Blausner was responsible for creating a Veterans' Memorial. *Id.* "Bill is the type of person who will go out of his way to serve his country, his community, and any others he can with no thought of reward." *Id.*

Susan VanGiesen has known Mr. Blausner for over twenty-five (25) years, and Mr. Blausner worked as the mail carrier for her street for over fourteen (14) years. *See* Exhibit C. Ms. VanGiesen is retired, having worked as a medical secretary, bookkeeper, and church treasurer. *Id.* She is a Gold Star Mother, having lost her youngest son in Afghanistan in 2011. *Id.* Ms. VanGiesen describes Mr. Blausner as upbeat, always up for a short chat and sharing with his smile. *Id.* Ms. VanGiesen knows Mr. Blausner to be very active in his community and church, having been a member of American Legion Post 489 for thirty-five (35) years and a member of the V.F.W. for fifty-two (52) years. *Id.* Mr. Blausner was instrumental in creating the Hamilton Township Veterans Memorial in Ludlow, Pennsylvania, and takes pride in the continuous maintenance of the grounds at his own expense. *Id.* Mr. Blausner is a man of strong faith and love

for his family and “is the glue that holds them together.” *Id.* Ms. VanGiesen knows Mr. Blausner to contact his family members often to check on them and that he is always helping people and organizations with fundraisers and other activities. *Id.* Mr. Blausner organizes Memorial Day services, attends local graduations to present scholarships, and volunteers to provide transportation to local veterans, family, and friends. *Id.*

Ms. VanGiesen spoke to Mr. Blausner a few weeks before January 6, 2021. *Id.* From her conversation with him, she did not “feel he had any malice, nor did he want to or intend to cause any bodily or physical harm.” *Id.* Ms. VanGiesen strongly believes Mr. Blausner went to the Capitol to peacefully protest, “He said he fought in the military for our freedoms and rights and felt the right to protest peacefully to keep these freedoms was something he wanted to do.” *Id.* Ms. VanGiesen ends her letter by stating she thinks, “Mr. Blausner has realized that sometimes something good can get out of control very easily and he will remember this and will try to avoid getting into a situation like this again.” *Id.* She further states that Mr. Blausner is a good man, “a true patriot and loves his country and fellow man, all Americans should aspire to be like him and follow the footprints of his life.” *Id.*

John Carlson is a self-employed paint contractor from Kane, Pennsylvania. *See* Exhibit D. Mr. Carlson first met Mr. Blausner in the mid to late 1970s. *Id.* Mr. Carlson describes Mr. Blausner as “an easy person to like” and “friendly to everyone he meets.” *Id.* Mr. Carlson has seen Mr. Blausner since the events of January 6th and believes “he got caught up in the moment and acted on impulse and out of character.” *Id.* Mr. Carlson will “personally not let this error in judgment change my opinion of my friend, Bill Blausner.” *Id.* Mr. Carlson knows Mr. Blausner to be a great family man, caring for his siblings and helping them in any way he can. *Id.* Mr. Carlson reflects on the hundreds of hours Mr. Blausner has worked and fundraised to make his

dream of a veterans' memorial in Wildcat Park come true. *Id.* Mr. Blauser continues to update and maintain the memorial. *Id.* Mr. Carlson states, "this is who Bill Blauser really is, not the one who made an error in judgment and followed other people into the capital." *Id.* [sic]. "Bill admits his mistakes and given the chance would like to move on and do what he does best – helping others." *Id.*

Christine Dilley is Mr. Blauser's step-sister. *See* Exhibit E. Ms. Dilley has known Mr. Blauser all her life and knows Mr. Blauser always to be polite and to conduct himself with great pride. *Id.* Ms. Dilley reflects on when her son was in Alabama suffering from cancer, and they did not have the money to visit him. *Id.* Mr. Blauser generously gave Ms. Dilley and her husband the money to afford the trip and went with them to be with their son. *Id.* Additionally, Ms. Dilley knows that she and any other family members can count on Mr. Blauser to help them when the family has vehicle issues, as evidenced by Mr. Blauser loaning his vehicles as needed. *Id.* Ms. Dilley ends her letter by stating Mr. Blauser is an active member of the Moriah Lutheran Church in Ludlow, Pennsylvania, and services on the Church council. "He goes every Sunday and helps where he can." *Id.*

Esther Pierson, Mr. Blauser's sister-in-law, writes about her brother-in-law of over fifty (50) years. *See* Exhibit F. Ms. Pierson recalls Mr. Blauser and his wife buying their home in Ludlow, Pennsylvania, in the fall of 1994, the same town in which Ms. Pierson's parents lived. *Id.* In spring 1995, Ms. Pierson's mother passed away suddenly, leaving her dementia addled father alone. *Id.* Mr. Blauser and his wife, Darlene, "closed up" the home they had just purchased and moved in with Ms. Pierson's father to care for him and enable him to remain in his home. *Id.* Ms. Pierson knows Mr. Blauser to have had an idea to build a Vietnam Memorial in the Ludlow Wildcat Park, an idea Mr. Blauser saw through to completion and one he cares for still to this

day by adding new names as veterans pass away, maintaining the grounds, and ensuring those that served are honored. *Id.* Ms. Pierson has seen Mr. Blauser selflessly give anonymous Christmas cards containing money to people “down on their luck” to help them out without any expectation of anything in return. *Id.* Ms. Pierson knows Mr. Blauser to snow-blow driveways and shovel out his neighbor’s properties during winter storms, so the elderly can safely get in and out of their homes. *Id.* Ms. Pierson comments on Mr. Blauser’s selfless help transporting family, friends, and anyone else needing medical treatment to the VA Clinic in Warren and Hospital in Erie. *Id.* “They know they can call him, and he will be there to help.” *Id.* Ms. Pierson ends her letter by noting the good deeds Mr. Blauser does for his community and, while they may seem like small gestures, to the people on the receiving end, “it is a big deal.” *Id.* “People notice his kindness and generosity.” *Id.*

Mr. Blauser’s daughter, Pamela Blauser Barnes, writes about all the good her father has done. *See* Exhibit G. Ms. Barnes has been a legal administrative assistant/paralegal since 1992, is recently remarried, and has two adult children. *Id.* “It is very difficult for me to summarize in one letter all the good my father has done, not only for his family, but for his friends, community, and fellow veterans.” *Id.* Ms. Barnes remembers Mr. Blauser not openly sharing much about his service to our country in Vietnam. *Id.* She knew of his injuries and medals but not much about his service. *Id.* “He was very proud but also reserved in sharing his stories with me particularly.” *Id.* Ms. Barnes now knows Mr. Blauser was protecting his daughter from the trauma of his experiences overseas. *Id.* [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *Id.* Ms. Barnes recalls that Mr. Blauser had been fighting for a veterans’

memorial at Wildcat Park since he visited the park with his father, a World War II veteran when he was very young. *Id.* Ms. Barnes is proud that Mr. Blauser spearheaded every step of making the memorial happen, a legacy that will live on forever in the community. *Id.* Ms. Barnes believes Mr. Blauser “regrets very much going to Washington that day, and would not go if he had to do it over again.” *Id.* Further, Ms. Barnes believes people look up to Mr. Blauser “and respect him, not only as a war veteran, but also as a decent human being and well-respected member of society.” *Id.* Ms. Barnes concludes her letter by stating she can assure the Court that Mr. Blauser “has learned so much from the events of January 6th, which, I believe, have only served to make him a better man in the long run.” *Id.*

Mr. Blauser’s younger sister, Kelly Bush, writes about her eldest brother she has known all sixty-eight (68) years of her life. *See* Exhibit H. Ms. Bush worked from her high school graduation until her retirement, mainly as a laborer in a factory. *Id.* Ms. Bush takes pride in her work ethic, and she and her husband raised four children with a focus on church and the difference between right and wrong instilled in them. *Id.* Ms. Bush’s earliest recollection of her eldest brother was of him trying to take care of his younger siblings and their mother. *Id.* Mr. Blauser was the father figure in the home, as their father was an alcoholic who put the bottle above his family. *Id.* Ms. Bush recalls Mr. Blauser fishing at the age of twelve (12) to provide food for the family to eat. *Id.* Mr. Blauser would put himself between their mother and his abusive father to protect her. *Id.* Ms. Bush speaks to Mr. Blauser’s service to our nation and the injuries he sustained during his service in Vietnam. *Id.* Mr. Blauser was wounded and received the Purple Heart “for sounding the alarm to protect his fellow comrades.” *Id.* “Bill loved, and still loves, his Country.” *Id.* Ms. Bush has experienced the love and care Mr. Blauser shows his family, as he has helped them numerous times. *Id.* Mr. Blauser drove Ms. Bush’s family

members to Pittsburgh after she had heart surgery and has offered to help her family while her husband battles cancer. *Id.* Mr. Blauser helps educate his fellow veterans on their benefits, where to go to access them, and helps drive them to their appointments. *Id.* Ms. Bush states, “so many depend on Bill, which he gladly welcomes.” *Id.* “I do believe that the offense for which Bill is charged is out of character for him.” *Id.* “I think that all of this has taught Bill a big lesson ...” *Id.* “Bill has told me numerous times that if he could go back to that day and not go, he would; however, he cannot.” *Id.* Ms. Bush concludes that “Bill is my hero and a good, decent, and loving man, who would do anything for anyone. *Id.*

Pamela King, a friend of Mr. Blauser’s for the last four (4) years, can “attest that he is a loyal, honorable and proud man.” *See* Exhibit I. “The type of man who would give the shirt off his back to anyone who was in need of it.” *Id.* Mr. Blauser is always offering Ms. King assistance, and she considers him a good friend. *Id.* Mr. Blauser helps Ms. King’s daughter with her car troubles, and at her work, he takes Ms. King’s dogs for walks and so much more. *Id.* “He is always checking in on things and if we need anything.” *Id.*

Douglas Church, the 23rd District Commander of the Commonwealth of Pennsylvania American Legion, writes about his fellow Legion Commander, Mr. Blauser. *See* Exhibit J. Mr. Church has known Mr. Blauser for four (4) years, and in Mr. Church’s twenty-five (25) years of working with veterans in the Legion, he “[has] never met a more dedicated individual towards our veterans.” *Id.* It is Mr. Church’s steadfast belief that Mr. Blauser “loves this Nation, for which he took an oath to defend.” *Id.* It is Mr. Church’s opinion that “you will find no other American that will do more for his community, Nation, and God th[an] Bill Blauser.” *Id.* Mr. Blauser is always there when called upon for help by his community, family, and friends. *Id.* Mr. Church outlines additional work Mr. Blauser has done for the community: helping to install a

handicap-accessible bathroom in a fellow veteran's home, running many fundraisers for the community and for friends, and serving as President of the Wildcat Park Association in Ludlow, Pennsylvania. *Id.* Mr. Church wants the Court to know that he is “proud of Bill as a friend, veteran, and Legionnaire member. It is a privilege to know him and serve alongside him.” *Id.*

Kenneth Holmes is a longtime friend, former co-worker/colleague, and fellow veteran who has known Mr. Blausen since 1962. *See* Exhibit K. Mr. Holmes worked with Mr. Blausen for twenty (20) years at the United States Postal Service, worked together at the American Legion, and has fond memories of playing softball and going bowling with Mr. Blausen. *Id.* Mr. Holmes knows Mr. Blausen to be a leader in the community, planning and organizing events and giving counsel and guidance. *Id.* Mr. Holmes himself has come to Mr. Blausen for direction and insight, as each of them has held the title of Bi-County and Post Commanders for the American Legion. *Id.* Mr. Holmes finds it “very hard to believe the charges against Bill[.]” *Id.* Mr. Holmes knows Mr. Blausen “has shown remorse over his actions by his continued actions. During these proceedings, he ran a benefit for a wounded veteran and had a walk-in shower put in at no cost to the veteran.” *Id.* Mr. Blausen continues to run and work fundraisers to benefit his community and fellow veterans. *Id.* “In my heart and clear conscious, I see no reason or rational reason to question the integrity of Bill Blausen.” *Id.*

Retired Pennsylvania State Police Trooper Daniel Moore writes about his next-door neighbor of over twenty-six (26) years. *See* Exhibit L. Mr. Moore has held the position of Criminal Investigator and the rank of Corporal as a Patrol Unit Supervisor and retired from the Pennsylvania State Police in 2018. *Id.* He has since begun working as a Deputy Sheriff in McKean County, Pennsylvania. *Id.* Like Mr. Blausen, Mr. Moore is a veteran of the United States Navy, and in their decades of being next-door neighbors Mr. Moore and Mr. Blausen have

become like family. *Id.* Mr. Blauser influenced the childhoods of Mr. Moore's children and their development. *Id.* Mr. Moore believes "[Mr. Blauser] is as proud as I am that they, like him, chose public service related careers." *Id.* Mr. Moore's son is a United States Marine Corps veteran, and his daughter is a nurse. *Id.* Mr. Moore knows being a mail carrier for the Post Office took a toll on Mr. Blauser's body, but knows Mr. Blauser always made sure to carry biscuits for dogs on his mail route. *Id.* Mr. Moore's dogs eagerly waited for Mr. Blauser to deliver the mail and give them a treat every day. *Id.* Mr. Moore is currently serving as Mr. Blauser's Vice Commander for the American Legion in Ludlow, Pennsylvania. *Id.* Mr. Moore knows Mr. Blauser almost single-handedly initiated and raised funds to build the local Veterans Memorial in Wildcat Park. *Id.* Mr. Moore knows that Mr. Blauser "has always been a man of integrity and selflessness. He loves his family, his community, and his Country." *Id.* Mr. Blauser has expressed his regret over the events of January 6th to Mr. Moore and "takes responsibility for his actions and involvement during the matter that is now before the court." *Id.* Mr. Moore, as a career law enforcement officer, prays that the Court "will see the totality of Mr. Blauser's life of integrity and service in weighing the decision of his sentence." *Id.*

Melissa Haight, Kelly Bush's daughter and Mr. Blauser's niece, writes about her "Uncle Bill" and his impact on her life. *See Exhibit M.* Ms. Haight was extremely close with her cousin, Pamela Blauser Barnes, often staying at Mr. Blauser's house several times a week. *Id.* Ms. Haight considered Mr. Blauser her "second dad" growing up. *Id.* Ms. Haight has always considered Mr. Blauser the patriarch of her mother's family and has "always felt very blessed to have him as my uncle." *Id.* Ms. Haight sees Mr. Blauser as the type of person to always look out for the wellbeing of his family, friends, and even strangers. *Id.* Ms. Haight recalls Mr. Blauser immediately offering to help in any way he could when her parents both had health issues,

driving them to the hospital and doctor's appointments. *Id.* "This is just how he is. He is a very caring and unselfish man." *Id.* Mr. Blausen has always been involved in helping the community in any way, especially with veterans programs. *Id.* Ms. Haight knows Mr. Blausen to be a proud veteran who is always willing to get involved in any way he can to show his support of our Country. *Id.* Ms. Haight believes that anyone who knows Mr. Blausen knows "he would never have done anything to bring harm or hurt to anyone." *Id.* Ms. Haight concludes that "no one is perfect, and I know that [Mr. Blausen] takes responsibility for his wrongdoing." *Id.*

Lastly, Cheryl Sprague has been the controller at Highlander Energy for over twenty-six (26) years and has known Mr. Blausen for at least twenty-five (25) years. *See* Exhibit N. Ms. Sprague met Mr. Blausen at his sister and brother-in-law's twenty-fifth (25) anniversary party. *Id.* Ms. Sprague recalls being welcomed into their family as one of their own. *Id.* Over the years, Ms. Sprague has seen Mr. Blausen take charge of situations and family crises such as hospital visits and deaths. *Id.* "Whatever the situation that was occurring, you could count on William being involved in helping to resolve the situation." *Id.* Ms. Sprague knows Mr. Blausen to selflessly give his time to the community, volunteering for veterans' organizations, community events, and far too many other projects and organizations to name. *Id.* "One thing for certain is that anyone of William's family, friends, or veterans always have a friend in William Blausen." *Id.* Ms. Sprague prays this Court does not judge Mr. Blausen on this one occurrence, "William was always willing to lay down his life for our country and our freedom, and he would not knowingly do anything to jeopardize the honor and respect of our country and its property." *Id.* Ms. Sprague believes "our community and world [are] better off with people like William in it." *Id.*

It is clear that Mr. Blauser is a man of great faith, service, integrity, and values who recognizes that he made the worst decision of his life by entering the Capitol on January 6, 2021.

C. Mr. Blauser’ Poses Little or No Risk of Recidivism

Of all the purposes of sentencing, the need to protect the public from further crimes of the defendant is one of great practical concern and is the most capable of being measured.

Fortunately, Mr. Blauser does not fit the archetype of a person who will commit new criminal offenses or recidivate. And because of the reinvigorated role of the judiciary in sentencing, judges can now impose sentences that take such research into consideration to more effectively impose sufficient, but not greater than necessary, sentences.

The judiciary’s bolstered role is especially important given the Commission’s findings that “there is no correlation between recidivism and Guidelines’ offense level. Whether an offender has a low or high guideline offense level, recidivism rates are similar. While surprising at first glance, this finding should be expected as the Guidelines’ offense level has long been recognized as not intended or designed to predict recidivism.” *U.S. Sentencing Comm’n, Measuring Recidivism: The Criminal History Computation of the Federal Sentencing Guidelines* at 15 (May 2004) (hereinafter *Measuring Recidivism*). Accordingly, *Booker* has freed the judiciary to remedy this inconsistency.

In addition to what has already been described about Mr. Blauser’s character, the Commission has also objectively quantified his low likelihood of recidivism. For example, the Sentencing Commission’s study confirms that recidivism rates decline relatively consistently as age increases. *See Measuring Recidivism* at 12. More specifically, with respect to Mr. Blauser, who is 75 years old, defendants over the age of 50 with no criminal history have a recidivism

rate of only 6.2 %. *Id.* at 28. There is, quite simply, nothing in the record to indicate that Mr. Blauser would commit any criminal offense in the future.

The Commission has also found that first offenders like Mr. Blauser are rarely reconvicted of a crime. In fact, only 3.5% of first offenders with zero criminal history points are ever reconvicted. *U.S Sentencing Comm'n, Recidivism and the First Offender* at Exhibit 6 (May of 2004) (hereinafter *First Offender*).

Beyond the statistics, Mr. Blauser personally presents no risk of recidivism. As detailed by his family and friends, Mr. Blauser has lived his entire life guided by principles completely incongruous with his actions on January 6, 2021. As shocked as those closest to him were by his arrest, no one was more devastated than Mr. Blauser himself. He takes ownership of his actions and acknowledges his wrongdoing because he sincerely regrets his actions.

Moreover, Mr. Blauser has already faced devastating consequences due to his actions and arrest. His reputation and personal life are forever changed, and his actions on January 6 will remain a dramatic aberration in an otherwise exemplary life of service to his country, family, and community. As such, the requested sentence of probation is appropriate to serve as an adequate deterrent to Mr. Blauser and protection for the public.

D. The Need to Avoid Unwarranted Sentence Disparities In Similarly Situated Defendants.

The Court must consider the need to avoid unwarranted sentence disparities among defendants with similar criminal histories convicted of similar criminal conduct. *See* 18 U.S.C § 3553(a)(6); *see also United States v. Parris*, 573 F. Supp. 2d 744, 753, 756-62 (E.D.N.Y. 2008). It is imperative to consider this factor, especially in the January 6 Capitol breach cases, because of the vast differences in the defendants' array of conduct and character. Unlike many other January 6 defendants, Mr. Blauser made no incendiary comments online or on social media in

the days before January 6. Nor did he proudly promote his participation in the riot, like so many other defendants.

Mr. Blauser didn't force his way into the Capitol building or climb through a broken window. Nor did he barge past officers or travel through clouds of tear gas. Instead, he followed a crowd of hundreds through an open door. Although it is not an excuse, these distinctions are essential to contrast Mr. Blauser's actions with that of the more egregious behavior of many other defendants while also serving to accurately place his conduct on the spectrum of January 6 defendants.

For example, in *United States v. Bennett*, the Government sought three months of home confinement after a guilty plea to parading. *See* 1:21-cr-227-JEB. Mr. Bennett was an admirer of the Proud Boys, was very active on social media planning and promoting the events of January 6, 2021, and live streamed while inside the Capitol for nearly 30 minutes, documenting much of the riotous behavior. *Id.* at ECF No. 24. The Government made clear that there was no evidence that Mr. Bennett committed any violence or destruction while inside. Ultimately, Judge Boasberg sentenced Mr. Bennett to twenty-four (24) months of probation, along with the \$500 restitution and \$10 special assessment.

In *United States v. Bustle*, the defendant pled guilty to parading and was sentenced by Judge Hogan to twenty-four (24) months of probation. Ms. Bustle was inside the Capitol for 30 minutes and posting "we need a revolution" on social media. She was also not accused of any violence or destruction. *See* 1:21-cr-238 at ECF No. 39.

Michael Curzio and Thomas Gallagher were recently sentenced. *See* 1:21-cr-41-CJN. Mr. Curzio was held without bond pretrial and ultimately sentenced to six (6) months of incarceration, which amounted to time served. *Id.* This was due to Mr. Curzio's extensive

criminal history, which most notably included a conviction for attempted first degree murder. *Id.* at ECF No. 54. Mr. Curzio's matter is completely distinguishable from Mr. Blauser's, particularly as it pertains to individual characteristics.

Mr. Gallagher's case is very similar to the instant matter in terms of conduct. Mr. Gallagher walked into the Capitol Visitor's Center and at one point, admonished another individual not to throw a chair. Similarly, Mr. Blauser attempted to pull Ms. Bauer back from any further confrontation with law enforcement. Mr. Gallagher was ultimately sentenced to twenty-four (24) months of probation and sixty (60) hours of community service, \$500 restitution, and a \$10 special assessment. *Id.* The Court rejected the Government's request for one month of home confinement. *Id.* at ECF No. 105 (docket entry dated 10/13/2021).

Jennifer Parks was sentenced to twenty-four (24) months of probation and sixty (60) hours of community service, \$500 restitution, and a \$10 dollar special assessment following a plea of guilty to parading. *See* 1:21-cr-363 at ECF No. 31. Ms. Parks had entered the Capitol through a door that was already broken, and remained inside the Capitol taking pictures for approximately 15 minutes, until told to exit the building by a United States Capitol Police officer. *See* ECF No. 21. Similarly, Mr. Blauser left the building as officers cleared the Rotunda.

This Court has also already sentenced several January 6 defendants. In *United States v. Rosa*, the Government sought a sentence of one (1) month of home confinement after a plea to parading. *See* 1:21-cr-68-TNM, ECF No. 66. Mr. Rosa posted on social media about the day's events and acknowledged hearing bangs and smelling pepper spray in the air – an admission that the situation was escalating. He remained inside the Capitol for approximately 20 minutes, but there was no evidence he participated in any violence or destruction. *Id.* Ultimately, this Court

sentenced Mr. Rosa to twelve (12) months of probation, along with \$500 restitution and \$10 special assessment. *Id.* at 79.

In *United States v. Doyle*, this Court sentenced the defendant to two (2) months of probation and a \$3,000 fine, \$500 in restitution, and a \$10 special assessment. Ms. Doyle entered the Capitol through a broken window, remained inside for 24 minutes, and appeared to be chanting and yelling in the direction of law enforcement. 1:21-cr-324-TNM at ECF No. 27, 34.

In *United States v. Cordon*, this Court sentenced the defendant to two (2) months of probation, a \$4,000 fine, and \$500 in restitution. Mr. Cordon entered the Capitol through a broken window, walked into the Crypt of the Capitol building amongst a large crowd, then turned and exited through another broken window. He remained in the Capitol for approximately four (4) minutes and recorded a video while inside. 1:21-cr-00269-TNM-1 at ECF No. 37, 24. As discussed *supra*, Mr. Blausuer's conduct is distinguishable in a variety of ways. He was not violent, did not destroy any property, and was primarily attempting to pull Ms. Bauer back from engaging further with officers. Furthermore, Mr. Blausuer made no incendiary comments online or on social media in the days before January 6, nor did he proudly promote his participation in the riot, like so many other defendants. As such, Mr. Blasuer's conduct is in line with a probationary sentence in this matter.

E. Mr. Blausuer's Public Demise Serves as Adequate Deterrence to Others.

Section 3553(a)(2)(B) requires the Court to consider "the need for the sentence imposed to afford adequate deterrence to criminal conduct." There is no need for personal deterrence in this case, as Mr. Blausuer is not the type of person who would commit any further crimes. Mr.

Blauser has absolutely no criminal history, and this experience has been a defining moment in his life.

Arguably, the government already substantially achieved the maximum deterrent effect of Mr. Blauser's offense simply by charging and convicting him. As a result, numerous media outlets will discuss Mr. Blauser and the substance of his offense, as they have done throughout the pendency of this matter. Further, Mr. Blauser's involvement is forever etched in history, a shameful reality for an otherwise unblemished life of service to others.

Respectfully submitted,

_____/s/_____
David Benowitz
Bar # 451557
Counsel for William Blauser
Price Benowitz LLP
409 7th Street, NW,
Suite 200
Washington, DC 20004
O: (202) 417-6000
M: (202) 271-5249
F: (202) 664-1331
David@PriceBenowitz.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of January 2022, I caused a true and correct copy of the foregoing Defendant's Memorandum in Aid of Sentencing to be delivered via ECF to the parties in this matter.

_____/s/_____
David Benowitz