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UNITED STATES DISTRICT COURT,  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BILL WALKER,

Plaintiff,

vs.

MEMBERS OF CONGRESS OF THE  
UNITED STATES, et al.

Defendants

CASE NO. 04-1977RSM

MOTION C:

MOTION TO REFER TO ATTORNEY GEN-  
ERAL FOR PROSECUTION FOR VIOLA-  
TION OF 18 U.S.C. 241 BY DEFENDANTS

NOTE ON MOTION CALENDAR: NOVEM-  
BER 5, 2004

ORAL ARGUMENTS REQUESTED

Motion is respectfully made by Plaintiff to refer to the Attorney General of the United States for prosecution of violations of 18, U.S.C. 241, Conspiracy<sup>1</sup> against rights, by defendants.

The relevant portion of 18 U.S.C. 241 states:

“If two or more person conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the

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<sup>1</sup> “ Conspiracy. A combination or confederacy between two or more persons formed for the purpose of committing, by their joint efforts, some unlawful or criminal act, or some act which is lawful in itself, but becomes unlawful when done by the concerted action of the conspirators, or for the purpose of using criminal or unlawful means to the commission of an act not in itself unlawful. ... A conspiracy may be a continuing one; actors may drop out and others drop in; the details of operation may change from time to time; the members need not know each other or the part played by others; a member need not know all the details of the plan or the operations; he must, however, know the purpose of the conspiracy and agree to become a party to a plan to effectuate that purpose. Craig v. U.S., C.C.A.Cal., 81F.2d 816, 822.” Black’s.

1 same;... They shall be fined under this title or imprisoned not more than ten years,  
2 or both;...”

3 One issue before the court is that the defendants have conspired to not obey a clause of  
4 the Constitution of the United States. The conspiracy has and is being done in order to continue  
5 collection of income tax by preventing a constitutional method of amendment to remove the con-  
6 stitutional authority for such tax. This conspiracy has deprived Plaintiff of constitutionally guar-  
7 anteed rights.

8 By refusing to call a convention over the time period of nearly 100 years, defendants  
9 clearly have established a “continuing” conspiracy. The purpose of the conspiracy is brutally  
10 simple and straightforward: veto the convention clause by refusing to issue a call for a conven-  
11 tion when the applications of the states would compel such a call therefore preventing any shar-  
12 ing of political power with any other political body. In so doing all political power thus in re-  
13 mains defendants’ hands.

14 While retaining political power is not an unlawful act, when criminal or unlawful means  
15 are employed by the defendants to achieve this goal, then the matter becomes conspiratorial and  
16 consequently illegal. In this instance, illegal acts include not only advocating overthrowing the  
17 constitutional form of government by unconstitutional means but *actually* committing the uncon-  
18 stitutional means by refusal to call. Hence, to retain political power, defendants have employed  
19 illegal means to do so thus committing conspiracy.

20 What rights has this conspiracy by defendants violated? Defendants have violated the  
21 right to alter or abolish, the right of Plaintiff to vote in an election to select delegates to a conven-  
22 tion, (which is a form of the right to alter or abolish), the right of Plaintiff to be free of extortion  
23 from the defendants and the right of regulate the taxing and spending of Congress (as expressed  
24 by the Flast doctrine) through the use of the amendatory process *independent of any control by*  
25 *defendants*. All of these rights fall under the general terms of the Ninth Amendment.

1 Finally, in order to prove conspiracy on the part of the defendants, it must be shown the  
2 defendants “must ... know the purpose of the conspiracy and agree to become a party to a plan to  
3 effectuate that purpose.” An examination of the facts proves this issue. First, it can presumed all  
4 of the defendants are aware of the Constitution of the United States. Proof of this assumption is  
5 the fact the defendants are required to take an oath of office<sup>2</sup> which they “swear” to “support and  
6 defend the Constitution of the United States against all enemies...that I [affiant] will bear true  
7 faith and allegiance to the same...” In addition, federal statute<sup>3</sup> requires defendants “execute an  
8 affidavit...that his acceptance and holding of the office... does not or will not violate section 7311  
9 of this title.” Finally, the oath requires that the affiant [defendants] “will well and faithfully dis-  
10 charge the duties of the office on which I [defendants] am about to enter.”

11 The Constitution obviously spells out the “duties of the office” that the defendants hold  
12 and these duties include the amendatory process obligations of calling a convention and estab-  
13 lishing by which method a proposed amendment is ratified. Obviously, to “well and faithfully  
14 discharge the duties of the office” requires that the defendants know what those duties are.  
15 Hence, the oath of office demonstrates knowledge of the duty to call a convention.

16 As defendants know of the duty to call a convention and a simple examination of the  
17 Congressional Record provides the fact the states have applied in sufficient number to satisfy the  
18 convention clause requirement, it follows any decision *not* to call a convention constitutes crea-  
19 tion of a plan to effectuate the purpose of vetoing the Constitution and the duty of office associ-  
20 ated with it. As no member of Congress has ever attempted to compel a convention call thus ful-  
21 filling his duty of office, it follows all defendants have agreed to become a party to a plan to ef-  
22 fectuate the purpose of this mutually agreed to conspiracy by vetoing the Constitution and thus  
23 preserve their political power. The defendants’ plan is, of course, is to preserve defendants’ po-  
24 litical power and as this obsession permeates all decisions made by defendants, it certainly is

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25 <sup>2</sup> See 5 U.S.C. 3331, Brief, fn. 18.

<sup>3</sup> 5 U.S.C. 3333.

1 well known to all conspirators/defendants. By refusing to call in order to preserve this political  
2 power in spite of an oath requiring they yield this power, defendants demonstrate knowledge of  
3 the conspiracy and agreement to it. Thus the fact defendants have not called a convention dem-  
4 onstrates and proves their conspiracy. As noted above, this conspiracy has oppressed the rights of  
5 the Plaintiff preventing him from the free exercise or enjoyment of those rights.

6 For these reasons, motion is made to refer violations of 18 U.S.C. 241 by defendants to  
7 the Attorney General of the United States for prosecution. Proposed order attached.

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9 Dated this 4<sup>th</sup> day of November, 2004

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