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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. C04-1977RSM

MOTION E:

MOTION TO REFER TO ATTORNEY GEN-
ERAL FOR PROSECUTION FOR VIOLA-
TION OF 18 U.S.C. 872 BY DEFENDANTS

NOTE ON MOTION CALENDAR: NOVEM-
BER 5, 2004

ORAL ARGUMENTS REQUESTED

Defendants have refused to call a convention as required under Article V of the United States Constitution.¹ The convention call is an official duty of office of the defendants which is peremptory and ministerial in nature.² Therefore defendants possess neither discretion nor legal authority to withhold a convention call when demanded by the Constitution. This illegal withholding of an official act permits the defendants to continue to collect income tax where had they not acted “under color of official right” that is the presumption to veto a clause of the Constitution, such authority would cease to exist.³ By withholding a ministerial official act, defendants

¹ See Evidence Appendix, pp.4-8.
² See Brief, pp. 14-16, Motion A, generally.
³ See Evidence Appendix, p. 8.
Motion E, Motion to Refer 18 U.S.C. 872
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1 have committed, among other illegal criminal acts, extortion⁴ on the Plaintiff in that they have,
2 through the direction of the IRS,⁵ continued the collection of income tax with its associated
3 threat of criminal penalties against the Plaintiff. Had defendants issued a convention call, the
4 amendment supporting such authority would be repealed and thus the tax not collected under
5 threat or otherwise. Only by the refusal to take an ministerial official constitutional act does in-
6 come tax remain in effect.⁶

7 If the Constitution is supreme, then all clauses and provisions of that document must be
8 supreme and none may be vetoed or ignored by those subject to its regulation. Hence, one clause
9 of the Constitution may not be ignored so as to continue the existence of another clause. The
10 Constitution must be satisfied in all respects. While collection of income tax by the federal gov-
11 ernment is, under ordinary circumstances, an entirely legally supported constitutional action, it is
12 no longer legally supported when, in order to preserve such tax collection, illegal extortion in the
13 form of withholding a mandated constitutional official action is employed by the defendants un-
14 der color of office to continue that tax collection. As such, the action by the defendants satisfies
15 the definition of extortion and therefore provides sufficient evidence to suggest defendants have
16 violated 18 U.S.C. 872.

17 For these reasons, motion is made to refer violations of 18 U.S.C. 242 by defendants to
18 the Attorney General of the United States for prosecution. Proposed order attached.

21 ⁴ “Extortion. The obtaining of property from another *induced by wrongful use of actual or threatened force* violence,
22 or fear, *or under color of official right*. 18 U.S.C.A. § 871 et seq.: § 1951. “A person is guilty of theft by extortion if
he purposely obtains property of another by threatening to: ... (4) *take or withhold action as an official, or cause an*
23 *official to take or withhold action*; Model Penal Code, § 223.4.” *Black’s* (emphasis added).

24 ⁵ See Evidence Appendix, p.20, IRS Reply Letter. The IRS letter admits it is controlled by the defendants in the col-
lection of income tax. The IRS admits it does not “have the authority to change the laws.” Therefore, in the context
of the letter sent to it by the Plaintiff in which Plaintiff cited illegal actions on the part of defendants in vetoing the
Constitution, the IRS attempts to absolve itself of any responsibility in that violation of the Constitution. Instead, it
places the entire blame for such illegal action on the defendants saying it does have the authority to change the law,
25 i.e. Article V of the United States Constitution.

⁶ See Evidence Appendix, p.8. showing 39 applications by the states for the repeal of the 16th Amendment authoriz-
ing income tax.

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Dated this 4th day of November, 2004

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