

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 G:

MOTION TO REFER TO ATTORNEY GEN-  
ERAL FOR PROSECUTION FOR VIOLA-  
TION OF 18 U.S.C. 1621 BY DEFENDANTS

NOTE ON MOTION CALENDAR: NOVEM-  
BER 5, 2004

ORAL ARGUMENTS REQUESTED

“Perjury. A person is guilty of perjury if in any official proceeding he makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of a statement previously made, when the statement is material and he does not believe it to be true. Model Penal Code, § 241.1” Black’s.

In simple language, perjury is lying under oath. Defendants, in taking their oath of office and signing an affidavit swearing they shall not violate 5 U.S.C. 7311 have committed several acts of perjury in that they have vetoed the convention clause of the Constitution an act contrary to their oath of office.

5 U.S.C. 3331 prescribes the oath of office for the defendants and states:

“An individual, except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services, shall take the following oath: ‘I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I

Motion G, Motion to refer 18 U.S.C. 1621  
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1 will bear true faith and allegiance to the same; that I take this obligation freely,  
2 without any mental reservation or purpose of evasion; and that I will well and  
3 faithfully discharge the duties of the office on which I am about to enter. So help  
me God” (emphasis added).

18 U.S.C. 1621 states:

4 “Whoever—having taken an oath before a competent tribunal, officer, or  
5 person, in any case in which a law of the United States authorizes an oath to be  
6 administered, that he will testify, declare, depose, or certify truly, or that any writ-  
7 ten testimony, declaration, deposition, or certificate by him subscribed, is true,  
willfully and contrary to such oath states or subscribes any material matter which  
he does not believe to be true; is guilty of perjury and shall, ...be fined under this  
title or imprisoned not more than five years, or both.”

8 Defendants have sworn an oath to “bear true faith and allegiance<sup>1</sup> [to the Constitution]”

9 to “support the Constitution of the United States...without mental reservation or purpose of eva-  
10 sion” and finally that they would “faithfully discharge the duties of the office” that they entered.

11 As required by statute<sup>2</sup> defendants must subscribe to an affidavit that “acceptance and holding of  
12 the office... does not or will not violate section 7311 of this title.”

13 Defendants have refused to call a convention as required by Article V of the Constitution.  
14 The call is ministerial and peremptory in nature allowing no discretion on the part of the defen-  
15 dants as to whether or not they will issue such a call. They have publicly advocated the over-  
16 throw of our constitutional form of government by unconstitutional means as well as committing  
17 such acts by refusal to obey a clause of the Constitution thus violating 5 U.S.C. 7311.<sup>3</sup>

18 As such defendants have violated their oath of office as well as the affidavit they sub-  
19 scribed to thus committing acts of perjury. Specifically, defendants subscribed to an affidavit  
20 which states they shall not violate 5 U.S.C. 7311 and have, by their act of refusal to call, as well  
21 as public advocacy of the same, violated sections (1) and (2) of that statute. As to their specific  
22 oath of office, defendants, by refusing to obey a clause of the Constitution have obviously re-

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23  
24 <sup>1</sup> “Allegiance. Obligation of fidelity *and obedience* to government in consideration for protection that government  
25 gives.” *Black’s*. (Emphasis added). Oath of allegiance. An oath by which a person promises and binds himself to  
bear true allegiance to a particular sovereign or government (e.g., the United States), and to support its Constitution,  
administered generally to certain public officers or officials...” *Black’s*.

<sup>2</sup> 5 U.S.C. 3333.

<sup>3</sup> See Motions A, B and Brief generally.

1 fused to “support” and “bear true faith and allegiance” to the Constitution. Further, their recalci-  
2 trant act of refusal to obey the Constitution violates the oath’s “mental reservation or purpose of  
3 evasion” clause in that their refusal demonstrates a clear mental reservation toward obeying the  
4 Constitution. Evasion is demonstrated in that their actions demonstrate an overt act to evade  
5 obeying the Constitution. Finally, defendants are required under the oath to “well and faithfully  
6 discharge the duties of the office” of which they are about to enter.

7 Clearly an obligatory, peremptory, ministerial duty of the call is a duty of the office and  
8 by refusal to obey Article V of the Constitution they have not “well and faithfully discharge[d]  
9 the duties of the office”. In all aspects of the oath, defendants have committed perjury in their  
10 obsession to retain all political power for themselves and this obsession has directly resulted in  
11 their overthrowing our constitutional form of government by unconstitutional means, a direct  
12 violation of the law they swore, under oath, they would not violate. Such acts are perjury.

13 Defendants have no immunity of any description in all of this. The Supreme Court has  
14 addressed the matter succinctly:

15 “Since *there is no constitutionally protected right to overthrow a govern-*  
16 *ment by force, violence, or illegal or unconstitutional means*, no constitutional  
17 right is infringed by an oath to abide by the constructional system in the future.”  
18 *Cole v. Richardson*, 405 U.S. 676 (1972). (emphasis added).

19 For these reasons, motion is made to refer violations of 18 U.S.C. 1621 by defendants to  
20 the Attorney General of the United States for prosecution. Proposed order attached.

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

22 \_\_\_\_\_  
23 S/Bill Walker, pro se  
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25 Auburn, WA 98071-0698

1 PROPOSED ORDER TO REFER VIOLATIONS OF 18 U.S.C. 1621 BY DEFENDANTS  
2 TO ATTORNEY GENERAL OF THE UNITED STATES

3 Having reviewed all evidence in this matter, this court determines there is sufficient evi-  
4 dence in this matter to suggest defendants may have violated 18 U.S.C. 1621, Perjury.

5 This court further determines as criminal violations are associated with such actions de-  
6 fendants lack immunity from such criminal penalties as prescribed by law.

7 This court therefore refers this matter to the Attorney General of the United States for  
8 prosecution of criminal violations of 18 U.S.C. 1621 by defendants. It is so ordered.

9 Presented by:

10 Bill Walker, pro se  
11 PO Box 698  
Auburn, WA 98071-0698

12 Dated this day of , 2004

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14 UNITED STATES DISTRICT JUDGE  
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