

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BILLWALKER,

Plaintiff,

vs.

MEMBERS OF CONGRESS OF THE  
UNITED STATES, et al.

Defendants

CASE NO. C04-1977RSM

MOTION H:

MOTION TO REFER TO ATTORNEY GEN-  
ERAL FOR PROSECUTION FOR VIOLA-  
TION OF 18 U.S.C. 2383

NOTE ON MOTION CALENDAR: NOVEM-  
BER 5, 2004

ORAL ARGUMENTS REQUESTED

“Whoever incites, *sets on foot*, assists, or *engages in any* rebellion or *insur-  
rection against the authority of the United States or the laws thereof*, or gives aid  
or comfort thereto, shall be fined under this title or imprisoned not more than ten  
years, or both; and *shall be incapable of holding any office under the United  
States.*”

18 U.S.C. 2383. (Emphasis added.).

While Plaintiff does not assert defendants have engaged in any acts of violence in the  
classic physical sense against the United States in their conspiracy to overthrow our constitu-  
tional form of government by unconstitutional means, it is clear they have still engaged in  
insurrection against the *authority and laws* of the United States by violation of several them,  
notably 5 U.S.C. 7311, 18 U.S.C. 1621 and several civil rights violations against the Plaintiff.<sup>1</sup>  
Further, defendants have refused to call a convention as required by Article V of the

<sup>1</sup> See Motions B-G, I-L.  
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Bill Walker  
PO Box 698  
Auburn, WA 98071-0698  
(253) 735-8860

1 defendants have refused to call a convention as required by Article V of the Constitution. This is  
2 a direct act of insurrection against the authority of the United States, the Constitution of the  
3 United States.

4 Insurrection is defined as:

5 “A rebellion, or rising of citizens or subjects in resistance to their govern-  
6 ment. Insurrection consists in any combined resistance to the lawful authority of  
7 the state, with intent to cause the denial thereof...”<sup>2</sup>

8 By their illegal acts defendants have combined to offer resistance to the lawful authority  
9 of the state, the Constitution. Their actions have incited and set on foot a rebellion engineered by  
10 the defendants and carried out by them as participants in that insurrection and rebellion in order  
11 to obtain and hold exclusive political power over the United States and its Constitution.

12 Violence can come in many forms which the courts have recognized. The usual recog-  
13 nized form is physical force, such as a weapon, or the threat to use a weapon, against a victim.  
14 Violence can also be mental or emotional, such as the use of loud or abusive language against  
15 people where no physical injury is inflicted but nevertheless damage is done to the victim’s well-  
16 being by mental or emotional attack.

17 It is this latter type violence which defendants are guilty. Through their illegal, unconsti-  
18 tutional acts defendants have inflicted violent emotional and mental damage on this nation and  
19 the Plaintiff by destroying its most fundamental principles—principles upon which this nation  
20 was founded. If these principles are destroyed and such action goes unpunished, then this nation  
21 and its set of laws, which are based on those principles, surely will fall. Much of our national  
22 fabric is based on the faith of its citizens in the belief that their government will obey the Consti-  
23 tution and in the faith of what that document stands for. If that fabric is ripped asunder by the  
24 actions of the defendants, it will do irreparable harm to all including the Plaintiff. His faith and  
25 belief in the Constitution as well as what it stands for will be permanently destroyed and this is

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<sup>2</sup> *Black’s*.  
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1 as violent an action as if defendants had employed actual physical weapons. The faith of this na-  
2 tion in its Constitution will be destroyed. Such fall, when engineered by a group of citizens, is as  
3 much an act of insurrection as if these same citizens had pulled out weapons from holsters and  
4 fired them. It is the goal and end of the insurrection which must be paramount in consideration  
5 by the court, not the means by which the insurrection succeeds. Therefore, the destruction of the  
6 Constitution by rendering it meaningless and legally neutered is as much a violent act by defen-  
7 dants as if they had raised an army and taken the country by force.

8         The principles which this insurrection by defendants seeks to destroy are fundamental:  
9 the belief that the Constitution is supreme law and must be obeyed by all citizens of the United  
10 States; the belief the laws of the United States must be obeyed by those charged with enforcing  
11 them; the belief that no citizen, regardless of his office or political position is above such laws  
12 and can and will be punished by others also charged with the enforcement of those laws and fi-  
13 nally the belief that it is the people of the United States who possess sovereign authority in this  
14 nation and that as such, the people have the inalienable right to alter or abolish that form of gov-  
15 ernment they have created by the legal means they have established in a document they have  
16 written, subscribed to and shared sovereign authority with. No member of the government cre-  
17 ated by that document has the right or authority to resist in any fashion or manner the precepts  
18 established by that document.

19         Simply put, the defendants have done just that. As such have committed an act of insur-  
20 rection against the United States which cannot go unpunished. For these reasons, motion is made  
21 to refer violations of 18 U.S.C. 2383 by defendants to the Attorney General of the United States  
22 for prosecution. Proposed order attached.

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

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S/Bill Walker, pro se  
PO Box 698  
Auburn, WA 98071-0698

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Bill Walker  
PO Box 698  
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1 PROPOSED ORDER TO REFER VIOLATIONS OF 18 U.S.C. 2383 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. 2383, Rebellion or insur-  
5 rection.

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

8 This court therefore refers this matter to the Attorney General of the United States for  
9 prosecution of criminal violations of 18 U.S.C. 2383 by defendants. It is so ordered.

10 Presented by:

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

13 Dated this day of , 2004

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15 UNITED STATES DISTRICT JUDGE  
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