

May 3, 2005  
Karen D. Utiger  
Attorney  
Department of Justice  
PO Box 502  
Washington, D.C. 20044

Re: Walker v. Members of Congress, et al., 05-35023

Dear Ms. Utiger,

Upon review of a letter sent you May 2, 2005, I discovered a statement made in it which was incomplete and therefore may lead to an improper conclusion on your part. I refer to the sentence which reads "The rest of the members contacted made it clear they had not asked for such representation primarily because they had never even heard of this suit." The letter then continues, "If you are in fact of their legal representative, doesn't it stand to reason they would have heard of you?"

In the first place, I must inform you I never directly spoke to any member of Congress. Instead, in each instance, I was put on hold by a staff member who then came back on the line after my inquiry and relayed the information I was given. I assumed I was being informed by this staff member of a statement or statements made by that member in question but I could not and cannot confirm that is the case.

Further, as indicated in my reply brief, and as you in your answering brief indicated, there are at least two parties who can receive service, the member himself or his legal counsel. At no time did I speak to any legal counsel for any individual member. It is possible the legal counsels, as the service letter was marked in such a manner that it would have been directed to them as I indicated in my reply brief, may have been the only person in the member's office to have dealt with the matter. Therefore any inquiry by me even to the member of Congress, let alone his staff, would have resulted in their saying they never heard of "this suit."

In follow up questions I made on the telephone I did ask if the member knew your name. As indicated in my letter, only one did. The rest had never heard of you. Again however, as the legal counsels may have processed the matter, this is no surprise. I would point out however the fact remains that that statute requires the individual member must have requested representation and while I have two parties in regards to service which may be dealt with, you have only one. The counsels of the members are not allowed under statute to make that decision for the individual member though I am sure they were party to the decision, assuming that decision was in fact made by them which you asserted was made. Therefore it is clear you are asserting the members of Congress have determined to publicly assert they do not have to obey the Constitution. This public assertion alone as I'm sure you know is enough to violate federal statute.

Finally, I'm sure you realize that this matter is a public court proceeding and the officials in question are public officials, not to mention the fact I as a party to that proceeding have every right to questions the veracity of any statement made by you in public court documents. I cer-

tainly retain the right as a citizen to make inquires to my public officials. Beyond this of course, my inquiry was just that. No member of Congress, nor any person I spoke to was under oath in the form of testimony or legal deposition. Hence, anything said to me was in fact hearsay. I understood that at the time of my inquiry which is why I did not make mention of it in my reply brief or in any other court documents until you raised the matter in your letter.

I trust this will clarify the matter for you and I sincerely apologize for any confusion caused.

Sincerely,

Bill Walker  
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cc: Cathy A. Catterson, Esquire  
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