

05-35023

United States Court of Appeals

For the Ninth Circuit

Bill Walker, pro se

Appellant

v.

Members of Congress, et al.

Appellees

Reply To Response To Motion Re: Court Investigation of Improper Actions of
Karen D. Utiger

05-35023

Appellant now files the following reply to Karen D. Utiger's response regarding Appellant's motion an addendum regarding a court investigation regarding possible misconduct on the part of Ms. Utiger.

This motion for investigation began as a result of Ms. Utiger submitting a letter dated April 25, 2005 in which Ms. Utiger stated House and Senate counsels authorized her to represent the appellees in this matter. Thus, Ms. Utiger in mentioning this permission triggered this motion, not any action by Appellant. As such, her allegation of harassment is preposterous and intended divert attention from the true issue: has Ms. Utiger mislead this court?

Ms. Utiger's action in her letter speaks for itself. She raised the issue authorization of representation by the appellees through legal counsels who presumably spoke for the appellees. Obviously, this acknowledgement in her letter proves that despite all of her contrary rhetoric to the court, she knew, as Appellant has asserted, that she needed permission by the appellees as required by statute to represent them. If this is not true, why else mention the matter at all? Why assert this permission if, in fact as she has suggested to the court, the need for such permission is absurd and not required? Why not ignore the matter entirely? There is only one logical answer; the permission is required, was received after the date of her submission of her court material, and Ms. Utiger hoped that Appellant would be

pacified by her statement and therefore not raise the matter any further. She was wrong.

As to Appellant's request that the court determine the legal position of the appellees, the answer is obvious. Given that Ms. Utiger misled the court as to required authorization in regards to legal representation, it is not unreasonable to ask the court to determine what legal position the appellees actually hold. It is entirely possible that if someone misleads the court one time, they may do it again. Appellant did not ask Ms. Utiger submit "irrefutable evidence" to the court. Instead he said she possesses such evidence and refuses to turn it over to the court.

Finally, the court should note that Ms. Utiger did not deny in her response that "It is irrelevant whether the method of disobedience of the appellees is that of direct advocacy or whether as Ms. Utiger and others in Department of Justice has publicly advocated, the court endorse an action permitting the appellees to continue to veto direct constitutional language by refusing to obey it. The public position of Ms. Utiger is her alleged clients, the appellees don't want to obey the Constitution and shouldn't have to." Instead she asserts she doesn't have to prove she was instructed to oppose "obeying the Constitution." This is correct. Ms. Utiger has already proved this by submitting a legal brief suggesting the court allow appellees to veto the language of the Constitution. She proves her alleged clients are opposed to obeying the Constitution by submitting a brief whereby if the court up-

holds that argument, it permits her alleged clients to continue as they have before, ignoring and vetoing the direct language of the Constitution, thus refusing to obey it. Appellant merely asks: are these actually the instructions appellees have given in this suit?

As Ms. Utiger has not submitted evidence which most likely she possesses that can prove whether or not at the time of the submission of her legal brief, motions and other material to the court that, as required by federal statute, she had been requested by the appellees to represent them, and, as her own actions indicate that she acknowledges such permission is required before such representation can occur, Appellant urges the court to affirm his motion and conduct an investigation in the questions raised in his motions.

Dated: June 16, 2005

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

CERTIFICATE OF SERVICE

Case Name: Walker v. Members of Congress, et al.

Case No: 05-35023

I hereby certify that the person show below per her written request was served with a copy of Reply To Response To Motion Re: Court Investigation of Improper Actions of Karen D. Utiger.

Dated: June 16, 2005

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

Karen D. Utiger
Attorney
Tax Division/Appellate Section
Department of Justice
PO Box 502
Washington DC 20044