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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BILL WALKER,

Plaintiff,

v.

MEMBERS OF CONGRESS OF THE
UNITED STATES, et al.,

Defendants

CASE NO. C04-1977RSM

PLAINTIFF’S RESPONSE TO ORDER TO
SHOW CAUSE ORDER OF OCTOBER 8,
2004

On October 8, 2004, Judge Ricardo S. Martinez issued an Order to Show Cause why Plaintiff’s complaint against defendants “should not be dismissed for lack of jurisdiction.” Plaintiff submits this Response together with a brief in support of his complaint (hereafter Brief¹) and evidence appendix (hereafter Appendix) to that brief as answer to the show cause order as to why his complaint should not be dismissed for lack of jurisdiction. As the scope of the “Order to Show Cause” is specifically directed at Plaintiff proving court jurisdiction in his complaint, Plaintiff will confine his remarks to addressing the jurisdiction standard set by the court “estab-

¹ Footnotes (hereafter fn.##) in the Brief shall be also referenced.

1 lish[ing] either that federal statute creates the cause of action, or that the plaintiff's right to relief
2 necessarily depends on the resolution of a substantial question of federal law." Order to Show
3 Cause, p. 2.

4 However Plaintiff does suggest the court's Show Cause Order may be premature. To
5 date, none of the defendants have responded to the Plaintiff's complaint. Under court rules, de-
6 fendants have at least another month before they are required to do so. Given even a miniscule
7 amount of legal research by them it is possible the defendants may elect to accept Plaintiff's
8 complaint without protest falling on the mercy of the court regarding criminal charges. Further,
9 as criminal violations have been brought to the court's attention, it is well settled law that the
10 court, before reaching any decision of dismissal, is obligated to hear the Plaintiff out fully re-
11 garding these allegations lest the court risk running afoul of legal sanctions intended to prevent
12 the continuance of illegal acts. It is the same principle of a citizen calling the police to report a
13 criminal act. The act of reporting alone obligates the officers to investigate the matter fully be-
14 fore making a determination of criminal action lest they face legal redress.

15 It is also well settled law the Plaintiff is not required to prosecute the defendants. All the
16 Plaintiff is required to do is show sufficient evidence to demonstrate that a criminal act has most
17 likely occurred.(See Brief, p.10, fn.18). In this sense Plaintiff acts in the role of informer. Like-
18 wise, this court does not hold trial regarding the reported crime. Instead, as noted in Plaintiff's
19 complaint, it merely refers the evidence of the crime to other legal officials charged with prose-
20 cution of these criminal acts. The fact such criminal acts may involve numerous defendants or
21 that these defendants are highly placed public officials cannot and should not have any bearing in
22 this matter. We are a nation of law, not men and thus it is that law that matters most.

23 Several issues were raised by Plaintiff in his complaint which were not challenged in the
24 Show Cause Order. Thus, by this act the court has established recognition of jurisdiction over
25 much of Plaintiff's complaint. The court has accepted jurisdiction over all criminal charges

Response to Order to Show Cause
Case No: C04-1977RSM

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1 against the defendants which includes 18 U.S.C. 241, Conspiracy against Rights; 18 U.S.C. 242,
2 Deprivation of Rights under Color of Law; 18 U.S.C. 1621, Perjury; 18 U.S.C. 1918, Disloyalty
3 against the Government; 18 U.S.C. 2383, Rebellion or insurrection; 18 U.S.C. 872, Extortion; 18
4 U.S.C. 371, Conspiracy to commit offense or to defraud United States; 18 U.S.C. 1512(citations
5 omitted), Tampering with a witness, victim or an informant and 42 U.S.C. 1983, Civil action for
6 Deprivation of Rights. In addition, the court did not raise jurisdictional questions regarding a
7 Writ of Mandamus requested by Plaintiff which is authorized by 28 U.S.C. 1361. The statute
8 states:

9 “The district courts shall have original jurisdiction of any action in the nature
10 of mandamus to compel an officer or employee of the United States or any agency
11 thereof to perform a duty owed the plaintiff.”

12 In this instance 28 U.S.C. 1361 establishes statutory jurisdiction in the area of Writ of
13 Mandamus for the court and therefore satisfies the Order of Show Cause under the terms estab-
14 lished by the court.

15 In its Show Cause Order, the court stated “The complaint here contains no jurisdictional
16 statement whatsoever.” As the court did not dispute 42 U.S.C. 1983 as to court jurisdiction and
17 this statute was asserted in the complaint, and this statute specifically addresses redresses only
18 available through court proceedings, it is obvious that this statute confers court jurisdiction. 42
19 U.S.C. 1983 states (in part):

20 “Every person who, under color of any statute, ordinance, regulation, custom,
21 or usage, of any State or Territory of the District of Columbia, subjects, or causes
22 to be subjected, any citizen of the United States or other person with the jurisdic-
23 tion thereof to the deprivation of any rights, privileges, or immunities secured by
24 the Constitution and laws, shall be liable to the party injured in an action at law,
25 suit in equity, or other proper proceeding for redress...”

 As the defendants are both “of any State” and also “of the District of Columbia” it is
clear that this statute applies to them. Further, the specific redresses of the statute clearly imply
court jurisdiction as these redresses must be conducted in a court of law in order to be executed.

1 Thus court jurisdiction is established for the Plaintiff by statute satisfying the court’s standard in
2 its Order to Show Cause Order.

3 Further, 28 U.S.C. 1343 (3)(4) states:

4 “The district courts shall have original jurisdiction of any civil action author-
5 ized by law to be commenced by any person:

6 To redress the deprivation, under color of any State law, statute, ordinance,
7 regulation, custom or usage, of any right, privilege or immunity secured by the
8 Constitution of the United States or by any Act of Congress providing for equal
9 rights of citizens or of all persons with the jurisdiction of the United States;

10 To recover damages or to secure equitable or other relief under any Act of
11 Congress providing for the protection of civil rights, including the right to vote.”

12 This statute clearly provides statutory authority for court jurisdiction thus satisfying the
13 requirements expressed in the court’s Order to Show Cause.

14 Defendants have established a usage² as to the convention clause of Article V of the
15 Constitution, creating the claim they can refuse to obey, or veto, the Constitution. (See Appen-
16 dix, pp.6-8). As interpreted by the Supreme Court, this clause mandates an election by citizens to
17 elect delegates to a convention to propose amendments.³ The right to vote in an election is a right
18 clearly guaranteed in the Constitution to its citizens, including the Plaintiff. Denial of the same is
19 therefore a deprivation of that right. Both 42 U.S.C. 1983 and 28 U.S.C. 1343 state that court ju-
20 risdiction is established by statute for denial of these rights. This fact therefore satisfies the Order
21 of Show Cause under the terms established by the court. Plaintiff maintains other rights have also
22 been denied by actions of the defendants, specifically the right to alter or abolish. As noted in
23 Plaintiff’s Brief (p.4) the Treaty clause of the Constitution, (Art. VI, § 2) states (in part):

24 “This Constitution, and the Laws of the United States which shall be made in
25 Pursuance thereof; and all Treaties made, or which shall be made, under the Au-
26 thority of the United States, shall be the supreme Law of the Land:...”

² Usage: “habitual or customary use or way of action.” Webster’s.

³ “Both methods of ratification, by legislatures or conventions, call for action by deliberative assemblages represen-
24 tative of the people, which it was assumed would voice the will of the people.” Hawke v Smith, 253 U.S. 221
25 (1920). The Court did not exclude a convention to propose amendments in this “representative of the people”
phrase, i.e., voted into the office by the people, which the Court had discussed earlier in its ruling.

1 The phrase “all treaties made” is obvious and refers to such treaties as the Treaty of Paris
2 whose language recognized the right of the people to alter or abolish their government. By refus-
3 ing to obey the amendment process which is the method the people created in order to execute
4 this right in an orderly manner, defendants have denied this right to Plaintiff preventing him from
5 participating in the amendatory process (where that process permits such as election of delegates
6 to a convention). The language of 42 U.S.C.1983 obviously includes this right as well as it is
7 introduced into the Constitution via the treaty clause and the Ninth Amendment. Further, it is
8 axiomatic the people are the source of sovereignty of the United States and the Constitution is an
9 act of their sovereignty. As such sovereignty is based on the right to alter or abolish, the entire
10 Constitution is a protected right for all citizens including the Plaintiff. As such, 42 U.S.C. 1983
11 establishes statutory jurisdiction in the area of denial of rights of the Plaintiff for the court and
12 therefore satisfies the Order of Show Cause under the terms established by the court.

13 As noted earlier the court has recognized jurisdiction as to 18 U.S.C. 1918. However an
14 examination of the text of 18 U.S.C. 1918--

15 “Whoever violates the provision of section 7311 of title 5 that an individual
16 may not accept or hold a position in the Government of the United States”
17 --reveals 18 U.S.C. 1918 is directly related to 5 U.S.C. 7311, the statute in question. 5 U.S.C.
18 7311 in turn, has a civil penalty, that of removal or denial of office. In fact, as written, 18 U.S.C.
19 1918 can only take effect if the civil statute of 5 U.S.C. 7311 is violated. In turn, 5 U.S.C. 7311
20 relates directly to 5 U.S.C. 3331 and 5 U.S.C. 3333. 5 U.S.C. 3331 provides the oath of office the
21 defendants are required to take and 5 U.S.C. 3333 requires an affidavit from these defendants
22 that is “prima facie evidence that the acceptance and holding of office of employment by the af-
23 fiant does not or will not violate section 7311 of this title” 5 U.S.C. 3331 and 5 U.S.C. 3333 are
24 the statutory requirements designed to satisfy a constitutional clause which will be discussed
25 later in this response. Essentially therefore, 18 U.S.C. 1918, 5 U.S.C. 7311, 5 U.S.C. 3331 and 5
U.S.C. 3333 are actually a single statute split into four parts spread across the United States

Response to Order to Show Cause
Case No: C04-1977RSM

Bill Walker
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1 Code. The basis for the text of these statutes is the satisfaction of a constitutional clause. Hence,
2 as single statute, if the court recognizes jurisdiction in one part of this statute, it follows it recog-
3 nizes jurisdiction in all parts. This fact alone provides jurisdiction for the court. However, as
4 noted, more will be discussed later in this response regarding 5 U.S.C. 7311 and its associated
5 statutes.

6 As to the matter of 42 U.S.C. 1985(1) raised by Plaintiff in his complaint, Plaintiff, after
7 extensive research, was unable to find 42 U.S.C. § 1985(c) which is the statute the court referred
8 to in its Order to Show Cause and which the court raised jurisdictional objection to. 42 U.S.C.
9 1985 (1) which is the statute the Plaintiff cited in his complaint, states (in part):

10 (1) Preventing officer from performing duties

11 If two or more persons in any State or Territory conspire to prevent, by force,
12 intimidation, or threat, any person from accepting or holding any office, trust, or
13 place of confidence under the United States, or from discharging any duties
14 thereof, ... the party so injured or deprived may have an action for the recovery of
15 damages occasioned by such injury or deprivation, against any one or more of the
16 conspirators.”

17 As the court directed its concerns to 42 U.S.C. 1985(c) which is not the statute the Plain-
18 tiff cited as a bases for his complaint, the legal citations made by the court cannot be valid as it
19 was addressing a statute not cited in the complaint. The clear language of the statute the Plaintiff
20 did cite in his complaint states a civil redress (an action for recovery) and therefore clearly im-
21 plies court jurisdiction. The statute does not cite any criminal penalties whatsoever. Therefore
22 under 42 U.S.C. 1985(1), court jurisdiction is established and the standard set by the court in its
23 Order To Show Cause satisfied.

24 Beyond this however 28 U.S.C. 1343 (1)(2)(4) states:

25 “The district courts shall have original jurisdiction of any civil action author-
26 ized by law to be commenced by any person:

27 (1) To recover damages for injury to his person or property, or because of the
28 deprivation of any right or privilege of a citizen of the United States, by any act
29 done in furtherance of any conspiracy mentioned in section 1985 of Title 42:

30 (2) To recover damages from any person who fails to prevent or to aid in pre-
31 venting any wrongs mentioned in section 1985 of Title 42 which he had knowl-

1 edge were about to occur and power to prevent;...

2 (4) To recover damages or to secure equitable or other relief under any act of
3 Congress providing for the protection of civil rights, including the right to vote.”

4 The statutory language of 28 U.S.C. 1343 (1)(2) clearly establishes court jurisdiction thus
5 satisfying the Order to Show Cause. Clause (2) applies to the defendants in that they were aware
6 as defendants in *Walker* (See Brief, generally) of wrongs Plaintiff had asserted and took no ac-
7 tion whatsoever to prevent or to aid in preventing such wrongs. Clause (4) addresses denial of
8 the right to vote raised by the Plaintiff.

9 The court however obviously has misunderstood Plaintiff’s complaint based on the cita-
10 tions and language the court employed in its Order to Show Cause. Plaintiff will therefore re-
11 clarify his complaint. As to the court’s statement that “Plaintiff has made no allegation that he is
12 member of a protected class, nor that defendants have any impermissible animus toward any pro-
13 tected class”, Plaintiff did assert these issues in his complaint.

14 It is alleged in the complaint that “Congress’ illegal and criminal and civil actions have
15 “prevented... any person from accepting or holding any office... under the United States, or from
16 discharging any duties thereof.” The impermissible animus the court seeks is the fact the defen-
17 dants have committed numerous criminal and illegal civil acts in order prevent the calling of and
18 holding of a convention to propose amendments as authorized under Article V of the Constitu-
19 tion. They have thus prevented the election of delegates to such a convention. These acts and this
20 fact were alleged in the complaint. As such defendants obviously possess an animus against any-
21 one who would be a delegate elected to that convention. The federal office in question in Plain-
22 tiff’s complaint is not the office senator or representative to Congress but the federal office of
23 delegate to a convention to propose amendments. This is a clearly defined group of citizens who
24 would hold and occupy a federal office during such time as they were conducting the business of
25 proposing amendments to the Constitution as authorized under Article V. Plaintiff intends to

1 seek the office of delegate to the convention and is prevented from doing so by the criminal and
2 civil violations of the defendants. Thus he is a member of this group of clearly defined citizens.

3 Is this action invidious against the Plaintiff? Yes, because the motivations behind these il-
4 legal acts is continuation of unbridled political power for the defendants. If a convention is held,
5 political power will have to be shared and indeed the convention might even reduce or limit the
6 political power of the defendants. Such a situation surely clearly invokes ill will on the part of
7 the defendants, the very definition of invidious⁴ as it is axiomatic defendants crave political
8 power above all other considerations.

9 As the to court's discussion of *Gravel v. United States*, 408 U.S. 606, 624 (1972), the
10 short answer to this concern is the Speech and Debate Clause of the Constitution, Article I, § 6,
11 Clause 1 does not exempt the defendants from acts of felony committed by them. Clearly, viola-
12 tion of the Constitution by criminal action is not protected by the Speech and Debate Clause as
13 such actions are in no way the "furtherance of the legislative function."

14 As to the voting the court refers to in its Order which presumably refers to voting by
15 Congress, the Founders made it clear the convention call is "peremptory" and that "no consent of
16 the national legislature" is required for a call. (Brief pp.14, 33; fn. 49). Hence, there is no vote
17 for a convention call by Congress as there is nothing to vote on. The Speech and Debate Clause
18 does not apply as there is neither speech nor debate nor any other legislative action in the matter
19 which Congress has any discretion to vote on. Beyond this, the Supreme Court has made it clear
20 the amendatory process is not part of the legislative process as proposing amendments cannot
21 involve the actions of the President thus eliminating the legislative procedure specified in the
22 Constitution. (See Article I, § 7, clause 2). Hence, the amendatory process is not legislative in
23

24 _____
25 ⁴ Invidious: Like to incur ill will or hatred, or to provoke envy; giving offense, especially, by discriminating un-
fairly." Webster's

1 nature. (See *Hawke v. Smith* 253 U.S. 221 (1920) quoting *Hollingsworth et al. v. Virginia*, 3
2 Dall. 378 (1798)):

3 “The Attorney General answered that the case of amendments is a substantive
4 act, unconnected with the ordinary business of legislation, and not with the policy
5 or terms of the Constitution investing the president with a qualified negative on
6 the acts and resolutions of Congress. In a footnote to this argument of the Attor-
7 ney General, Justice Chase said: ““There can, surely, be no necessity to answer
8 that argument. The negative of the President applies only to the ordinary cases of
9 legislation. He has nothing to do with the proposition, or adoption, of amend-
10 ments to the Constitution.””

In the same case, the Court also said:

8 “Such legislative action is entirely different from the requirement of the Con-
9 stitution as the expression of assent or dissent to a proposed amendment to the
10 Constitution. In such expression no legislative action is authorized or required.”

Finally, in the same case, the Court said:

11 “The language of the article [5] is plain, and admits no doubt in its interpreta-
12 tion. It is not the function of courts or legislative bodies, national or state, to alter
13 the method which the Constitution has fixed.”

14 Thus, if the Constitution has fixed that upon two-thirds application of the state legisla-
15 tures, a numeric count, Congress must call a convention to propose amendments, it is neither a
16 court power nor a legislative function to do otherwise. As Plaintiff has established that court ju-
17 risdiction for 42 U.S.C. 1985(1) is clearly established within the text of the statute itself in that it
18 calls for a redress only available within a civil court setting, Plaintiff has satisfied this portion of
19 the Show Cause Order.

20 Plaintiff will now discuss 42. U.S.C. 1973. Plaintiff did not cite 42 U.S.C. 1973(a) as
21 stated by the court in its Order to Show Cause. In his complaint, Plaintiff cited violations of 42.
22 U.S.C.1973i(a) and 42 U.S.C.1973j(c).

22 42 U.S.C. 1973i(a) states:

23 “(a) No person acting under color of law shall fail or refuse to permit any
24 person to vote who is entitled to vote under any provision of subchapters I-A to I-
25 C of this chapter *or is otherwise qualified to vote*, or willfully fail or refuse to
tabulate, count, and report such person’s vote.” (emphasis added).

The text of 42 U.S.C. 1973j(c) states:

1 “(c) Whoever conspires to violate the provisions of subsection (a) or (b) of
2 this section, or interferes with any right secured by section 1973, 1973a, 1973b,
3 1973c, 1973e, 1973h, or 1973i(a) of this title shall be fined not more than \$5,000,
4 or imprisoned not more than five years, or both.”

5 As a civil fine and criminal imprisonment are punishments under this law, the law there-
6 fore falls under the criminal jurisdiction of the court earlier cited in this Response by the Plain-
7 tiff. As the penalty refers specifically to 1973i(a) which is what Plaintiff cited in his complaint,
8 jurisdiction is established. However, the matter does not stop there. 42 U.S.C. 1973j(f) states:

9 “The district courts of the United States shall have jurisdiction of proceedings
10 instituted pursuant to this section and shall exercise the same without regard to
11 whether a person asserting rights under the provisions of subchapters I-A to I-C of
12 this chapter shall have exhausted any administrative or other remedies that may be
13 provided by law.”

14 Thus by the text of 42 U.S.C. 1973, court jurisdiction in the matter is established. In this
15 regard, 42 U.S.C. 1973 et al. is obviously based on the 13th and 14th Amendments of the Consti-
16 tution. Under the 13th Amendment voting cannot be denied on account of race. But the 14th
17 Amendments provides equal protection for all citizens regarding all privileges, rights and immu-
18 nities. The right to vote clearly falls in this category and creates a class of citizens, i.e. citizens
19 who have the right to vote. As the 14th Amendment demands equal protection for all in particular
20 class of citizens, one part of that class cannot be favored above another part. Hence any law can-
21 not exclude one part of a class over another part of the same class of citizens. In 42 U.S.C.
22 1973(a) the statutory language refers to the sections of the statute relating to race but also creates
23 protection for citizens who can vote but who are denied that vote by the “or otherwise qualified
24 to vote” clause. The clause obviously refers to every other voter who is deprived of vote by the
25 methods described in the law but not for reasons of race. Plaintiff is otherwise qualified to vote.
(See Appendix, p.11) and thus falls into this second protect class. Without the clause “otherwise
qualified to vote” the law would violate the 14th amendment of equal protection as it would pro-
vide immunities and privileges for just part of a class, in this case voters, yet deny such protec-
tion for the rest of the class who are not members of a minority as they would be unable to obtain

Response to Order to Show Cause
Case No: C04-1977RSM

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1 protection under this law. The effect, save for this clause, would be that it is acceptable for a
2 person to deny a citizen the right to vote or tabulate his vote so long as it was not done on the
3 basis of race. The clause resolves this issue by creating a second, if little used, protected class of
4 voters who are otherwise qualified to vote under the law. Thus irrespective of race, 42 U.S.C.
5 1973 et al., is intended to protect voting rights. In any event, the same protection exists in 42
6 U.S.C 1983 which the court does not dispute as to jurisdiction. Hence court jurisdiction regard-
7 ing the right to vote and denial of the same is established by federal statute thus satisfying the
8 court's Order To Show Cause standard.

9 The matter does not stop there as to court jurisdiction. 28 U.S.C. 1357 states:

10 "The district courts shall have original jurisdiction of any civil action com-
11 menced by any person to recover damages for any injury to his person or property
12 on account of any act done by him, under any Act of Congress, for the protection
13 or collection of any the revenues, or to enforce the right of citizens of the United
14 States to vote in any State."

15 Thus, statutory authority for court jurisdiction is established where any person, such as
16 the Plaintiff, is attempting to enforce the right to vote for citizens, specifically himself, in any
17 State.

18 Plaintiff now address the allegations regarding income tax in his complaint. A careful
19 reading of the complaint reveals Plaintiff did not cite 26 U.S.C. 7214 as the basis of his com-
20 plaint. The sentence in the complaint stated: "Recovery of illegally collected income tax upon
21 Plaintiff is permitted under 26 U.S.C. 7422 et al. and reparation of \$7333.00 by writ of execution
22 is sought by Plaintiff." As the court is aware, the term "et al." literally means "and others";
23 hence Plaintiff cited 26 U.S.C. 7422 for jurisdiction *and others*. Plaintiff stated in his complaint
24 that "Congress has violated 18 U.S.C. 872 and 26 U.S.C. 7214 (1)" but his assertion of 26 U.S.C.
25 7422 which deals with revenue recovery by citizens clearly precludes any assumption Plaintiff
was using 26 U.S.C. 7214(1) as the basis for court jurisdiction. Plaintiff was merely informing
the court of what illegal criminal acts the defendants had committed which he is required to do in

Response to Order to Show Cause
Case No: C04-1977RSM

Bill Walker
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1 order to establish court jurisdiction as the issue before the court is the collection of *illegally col-*
2 *lected* tax, i.e., tax collected by illegal means. Plaintiff cannot allege illegally collected taxes
3 unless some illegal act is committed by defendants in order to collect them.

4 As noted in his letter to Defendant Everson, (See Appendix, pp.17-18) Plaintiff is re-
5 quired to send to defendants Iverson and Snow a certified letter presenting his claim. As noted in
6 the Appendix, (p. 23), 26 U.S.C. 6532 states:

7 “No suit or proceeding under section 7422(a) for the recovery of any internal
8 revenue tax... shall be begun before the expiration of 6 months from the date of
9 filing the claim required under such section unless the Secretary renders a deci-
10 sion thereon within that time...”

11 As defendant’s letter (See Appendix, p.20) makes clear as far as they are concerned, the
12 matter is closed with their response. The letter provides no instructions, request, information or
13 other material related to any other action Plaintiff is required to take before commencing a legal
14 action, despite the Plaintiff’s request. Therefore the Secretary has rendered a decision in this mat-
15 ter as required under 26 U.S.C. 7422(a). By closing the matter, defendants conceded Plaintiff has
16 satisfied 26 U.S.C. 6532 and is therefore free to commence his suit. Thus, until 26 U.S.C. 6532
17 has been satisfied, court jurisdiction cannot be asserted. Further as the IRS has sent no notice of
18 deficiency to Plaintiff, there is no further administrative action involved. (See 26 U.S.C.
19 6532(a)(1)). Plaintiff is limited in the amount he seeks by 26 U.S.C. 6511 which prevents claims
20 for credit or refund “within 3 years from the time the return was filed or 2 years from the time
21 the tax was paid, whichever of such periods expires the later...”

22 Having therefore satisfied the preliminary requirements of the United States Code (which
23 is why Plaintiff use et al. in his citation) which are (1) a notice to the IRS by certified mail (2)
24 waiting a period of at least six months after such notice is sent (3) presenting evidence of some
25 illegal action by the defendants in regards to income tax collection and (4) limiting his suit to a
period not to exceed three years, Plaintiff can invoke court jurisdiction.

28 U.S.C. 1346 is clear as to court jurisdiction:

Response to Order to Show Cause
Case No: C04-1977RSM

Bill Walker
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Auburn, WA 98071-0698
(253) 735-8860

1 “The district courts shall have original jurisdiction, concurrent with the
2 United States Court of Federal Claims, of:

3 (1) Any civil action against the United States for the recovery of any internal-
4 revenue tax alleged to have been erroneously or illegally assessed or collected, or
5 any penalty claimed to have been collected without authority or any sum alleged
6 to have been excessive or in any manner wrongfully collected under the internal-
7 revenue laws;

8 (2) Any other civil action or claim against the United States, not exceeding
9 \$10,000 in amount, founded either upon the Constitution, or any Act of Con-
10 gress...”

11 Further, 28 U.S.C. 1340 states:

12 “The district courts shall have original jurisdiction of any civil action arising
13 under any Act of Congress providing for internal revenue, or revenue from im-
14 ports or tonnage except matters within the jurisdiction of the Court of Interna-
15 tional Trade.”

16 Plaintiff’s suit clearly falls within jurisdiction authority of these two statutes. He has sat-
17 isfied 26 U.S.C. 6532. His requested reparation is less \$10,000. His requested reparation is
18 founded not only on illegal collection by criminal action of the defendants but on violations of
19 the Constitution as well. Thus both sections of the 28 U.S.C. 1346 apply in this instance. Court
20 jurisdiction is provided by specific statutory language and thus the standard set forth in the Order
21 to Show Cause is satisfied.

22 As noted earlier, 5. U.S.C. 7311 et al., (See Response, p.5) is the statutory text required
23 by Article VI, §3 of the Constitution that all members of Congress take an oath of office to sup-
24 port the Constitution and the text prescribes statutory penalties for those violating that oath of
25 office:

 “The Senators and Representatives before mentioned, and the Members of
the several State Legislatures, and all executive and judicial Officers, both of the
United States and of the several States, shall be bound by Oath or Affirmation, to
support this Constitution;...”

 As 5 U.S.C. 7311 and its related laws are based ultimately based on a constitutional
clause, it clear that if the defendants violate this clause or its related statutes, such action raises
legitimate constitutional questions arising under the Constitution. In addition, in his complaint
and brief, Plaintiff has raised legitimate and significant constitutional questions regarding the

1 16th Amendment, Article V, and whether the defendants must obey the Constitution. All of these
2 questions in turn relate to Article VI § 2 of the Constitution, otherwise known as the Supremacy
3 Clause:

4 “This Constitution, and the Laws of the United States which shall be made in
5 Pursuance thereof; and all Treaties made, or which shall be made, under the Au-
6 thority of the United States, shall be the supreme Law of the Land; and the Judges
7 in every States shall be bound thereby,...”

8 These questions directly effect the Plaintiff’s right to relief as the issues raised in his
9 complaint cannot be answered by the court without resolution of these substantial questions of
10 federal law and Constitution. It is axiomatic the Constitution regulates the citizens under its ju-
11 risdiction providing rights, immunities, privileges and responsibilities for all citizens. Given that
12 axiom, the constitutional questions raised in this suit include:

13 --Given the axiom that a constitutional clause designating a specific act or ac-
14 tion on the part of an officer must be performed imposes a duty of office upon the
15 officer, can that officer who is required to take an oath of office supporting the
16 Constitution and “well and faithfully discharge the duties of the office” can those
17 duties be voided, ignored or vetoed by the officer with total immunity?

18 --Does taking an oath “to support the Constitution” mean the obligation to
19 obey its clauses and laws or is such an oath a mere formality without legal sub-
20 stance of which the oath-taker retains the right to veto, ignore or otherwise nullify
21 at his whim?

22 --Do the defendants have the right to veto, ignore or void the explicit lan-
23 guage of clauses of the Constitution such as the convention call of Article V at
24 their individual or collective legislative whim where such veto is clearly unconsti-
25 tutional as it grants these citizens political powers not intended by the Founders?

--If clauses of the Constitution intended to regulate the actions of citizens in a
particular manner, such as commanding certain citizens to call a convention can
be vetoed, ignored or voided by those citizens with immunity, does not the Plain-
tiff as a citizen enjoy the same immunity, meaning he is free to veto, ignore or
void clauses, amendments and so forth of the Constitution as he feels fit?

--If constitutional clauses can be vetoed, ignored or voided by the citizens
they are intended to regulate, does the Plaintiff have to continue paying income
tax when, if he should lose this suit, it is established the authority for such tax, the
Constitution and hence the 16th Amendment, can be ignored, vetoed or voided by

Response to Order to Show Cause
Case No: C04-1977RSM

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1 the citizens it is intended to regulate with total immunity?

2 --Does the Plaintiff continue to enjoy any rights, privileges or immunities un-
3 der the Constitution since, were he were to lose this suit, the right of the govern-
4 ment to veto, ignore or void explicit constitutional clauses mandating specific ac-
5 tions by the government is established?

6 --Does this government right to veto, ignore or void explicit constitutional
7 language mean that constitutional enforcement of rights, privileges and immuni-
8 ties for citizens is entirely voluntary, selective and optional on the part of the gov-
9 ernment and these rights, privileges and immunities can be ignored, void, vetoed
10 or removed by the government as it pleases despite the guarantees of explicit con-
11 stitutional language and statutes to the contrary?

12 --How can defendants hold they can veto, void or ignore the Constitution yet
13 bind themselves to its provisions by seeking immunity or privileges for them-
14 selves in its clauses, such as the Speech and Debate Clause, or by paying income
15 taxes as required by the Constitution and its associated statutes?

16 --If the Constitution must be obeyed, can the defendants ignore, void or veto
17 its provisions allowing for the abolishment of the 16th Amendment with impunity
18 as to civil and criminal penalties in order to continue to collect income tax against
19 the Plaintiff ?

20 --Is Plaintiff's right to vote merely optional as he has no redress for denial of
21 his vote as he is not a member of a minority usually associated with racial dis-
22 crimination thus implying denial of his right to vote is of less legal weight be-
23 cause such denial is not based on race?

24 --Is the Constitution the supreme law of the land with such authority as the
25 term "law" implies, or has it evolved into a mere guideline with some historic
significance, but lacking true legal authority, being no more than advisory in na-
ture, the advice of which may be ignored, voided or veto by the citizens and gov-
ernment it is intended to regulate at their individual, collective or legislative
whim?

Court jurisdiction for such constitutional questions is established by 28 U.S.C. 1331:

"The district courts shall have original jurisdiction of all civil actions arising
under the Constitution, laws or treaties of the United States."

All three issues, the Constitution, federal laws and treaties of the United States are raised
in this suit and thus court jurisdiction is established by statute thus satisfying the Show Cause
Order standard.

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1 The most important question before the court is whether the Constitution has legal effect
2 or whether its provisions can be vetoed by groups of citizens those provisions are intended to
3 regulate at their whim. Every word in the Constitution is a right, privilege or immunity for some
4 citizens. Hence, there are hundreds of rights contained in the Constitution beyond those con-
5 tained in the Bill of Rights. But if the Constitution can be ignored, if its language has no force of
6 law, if a clause of that Constitution mandates an action the government can disobey at its whim,
7 then the Constitution ceases to exist as a legal authority becoming meaningless. In the final
8 analysis, all rights in the Constitution are based on the premise of obedience to the Constitution
9 in that the rights exist in the Constitution and therefore must be respected and obeyed. If the lan-
10 guage can be ignored by the government or citizens making up that government with impunity,
11 does the Plaintiff enjoy any rights, or can the government cancel them whenever it pleases?
12 Clearly the answer to this question is substantial and the consequences to the Plaintiff grave.

13 In sum, Plaintiff has shown the issues raised in his complaint are either (a) already ac-
14 cepted by the court as to jurisdiction; (b) that jurisdiction is provided for by statute or (c) the is-
15 sues raised by Plaintiff present substantial constitutional questions effecting the Plaintiff as to his
16 rights, privileges and immunities contained within the Constitution. Thus Plaintiff has shown
17 cause why his complaint should not be dismissed for lack of jurisdiction as jurisdiction is estab-
18 lished in all matters of his complaint under the standards set in the court's Show Cause Order of
19 October 8, 2004.

20 Dated this 20th day of October, 2004

21
22
23 _____
/S/ Bill Walker, pro se
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25
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Case No: C04-1977RSM

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