

1
2
3
4
5
6
7
8
9
10
11

UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BILL WALKER,

PLAINTIFF,

vs.

THE UNITED STATES OF AMERICA,
Defendant

MOTION FOR DECLARATORY AND INJUNCTIVE
RELIEF IN FINDING UNCONSTITUTIONAL THE
FAILURE OF CONGRESS TO CALL A
CONVENTION TO PROPOSE AMENDMENTS UPON
RECEIPT OF PROPER NUMBER OF
APPLICATIONS BY THE SEVERAL STATES AS
PRESCRIBED IN ARTICLE V OF THE UNITED
STATES CONSTITUTION.

C. A. No.

12
13

1 WHEREAS-

2

3 --under the authority of Article V of the United States
4 Constitution, Congress is obligated to call a convention to propose
5 amendments on the application of two-thirds of the several state
6 legislatures;

7 --the sole standard of application intended by the Framers of the
8 Constitution as established in Article V is a two-thirds numeric
9 count of applying states legislatures;

10 --applications have been filed with Congress by more than two-
11 thirds of the several state legislatures notifying it of the states'
12 intention and desire to hold a convention to propose amendments;

13 --these applications constitute more than a sufficient numeric
14 count of applying state legislatures to satisfy the two-thirds
15 application requirement specified in Article V of the United States
16 Constitution;

17 --neither implication, expression nor historic record of the
18 Constitution demonstrates Congress is permitted any discretion in
19 calling a convention to propose amendments, either by debate or
20 legislative act establishing pre-conditions (other than the two-
21 thirds numeric count of applying state legislatures) such as same
22 subject or contemporaneousness that serves to obstruct the intent of
23 the convention clause of Article V of the United States
24 Constitution;

1 --until a convention to propose amendments is called by Congress,
2 all applications filed by the state legislatures for a convention to
3 propose amendments are in full force and effect and may not be
4 voided by *laches* of Congress failing to perform its constitutionally
5 mandated duty specified in Article V of the United States
6 Constitution;

7 --the state legislatures having fulfilled the two-thirds
8 requirement of Article V of the United States Constitution, and
9 thus, among other reasons, forbidden under its terms from vetoing
10 Congress in its mandated obligation to call a convention to propose
11 amendments, any recession of any application for a convention to
12 propose amendments filed by any state is unconstitutional;

13 -- the perimeter of Congress' call of a convention to propose
14 amendments was intended by the Framers to be a limited "minuscule"
15 role that precisely ends upon its issuance of a convention call;

16 --Congress is denied any authority by the Constitution to
17 legislate or regulate any procedural or substantive matters
18 concerning the convention to propose amendments;

19 --any issue of state malapportionment has no effect on the
20 validity of applications for a convention to propose amendments or
21 on the obligatory action of Congress to call such a convention, and
22 in no way holds Congress immune from the effects of Section 2 of the
23 14th Amendment;

24 --the convention to propose amendments is constitutionally
25 autonomous with its own powers and authority, limited by the

1 applicable provisions of the Constitution, but is in no way
2 subservient to any other branch of the United States Government or
3 any branch of state government in the execution of these powers and
4 authorities;

5 --Congress is obligated to pass any proposed amendment[s] from the
6 convention to the states for ratification either by state convention
7 or consideration in the various state legislatures and thus may not,
8 in any manner, "veto" any proposed amendment[s] made by the
9 convention to propose amendments;

10 --no member of the executive branch of the United States
11 Government or the several states, or any of its assigns, may, in any
12 way, obstruct or interfere with the calling of the convention to
13 propose amendments, its proper and legal business or any of its
14 proposed amendment[s];

15 --under the terms of the 14th Amendment, the general operational
16 powers of Congress are equally granted to the convention to propose
17 amendments in order to permit it to execute its constitutional
18 function, and that these general operational powers serve to answer
19 the composition, authority and other such matters related to the
20 convention to propose amendments;

21 --the doctrine of equal protection dictates the election of
22 delegates to the convention to propose amendments and precludes any
23 other form of selection such as gubernatorial or congressional
24 appointment, the number of delegates to a convention, and sovereign
25 representation;

1 --the terms and conditions of the Constitution prevent and
2 preclude any financial aid or regulation of the convention to
3 propose amendments through this avenue, either by Congress or the
4 several states;

5 --such constitutional terms and conditions also dictate the
6 convention to propose amendments be conducted, convened and held on
7 the Internet in order to be compliance with all terms and
8 specifications of the Constitution;

9 --the state legislatures having exercised their constitutional
10 power in applying for a convention to propose amendments have thus
11 exhausted all state power in the matter (until the issue of
12 ratification of a proposed amendment shall arise), the matter now
13 becomes a power of the people under their right to alter or to
14 abolish;

15 --in its *laches* to call a convention to propose amendments as
16 prescribed and mandated by Article V of the United States
17 Constitution, Congress has violated the constitutional right of the
18 people to alter or abolish, thus violating the Ninth Amendment of
19 the Constitution;

20 --any *laches* by Congress in failing to call a convention to
21 propose amendments is an act of tyranny which is contrary to the
22 intent and spirit of the Constitution as intended by its Framers;

23 -- the *laches* of Congress has violated not only the general right
24 of the people to alter or abolish but several individual rights of

1 the plaintiff including, but not limited to, his right to vote in an
2 election and right to politically associate;

3 --Congress being *constitutionally mandated* to call a convention
4 to propose amendments as specified in Article V of the United States
5 Constitution, the proper number of state legislatures having
6 applied, and Congress having refused to do so, the Court is
7 obligated to determine that the United States Congress, as a body of
8 the whole, is in clear violation of Article V of the United States
9 Constitution and;

10

11 --it is entirely within the Court's constitutional power and duty
12 to compel Congress to fulfill its constitutional obligation and
13 declare such *laches* to refuse to call a convention to propose
14 amendments unconstitutional and issue such declaratory judgment as
15 required compelling Congress to call a convention to propose
16 amendments including stipulations and provisions necessary to
17 prevent any state or federal obstruction of a convention to propose
18 amendments in the execution of its constitutional duties,

19 THEREFORE:

20 --it is respectfully moved the Court herein grant relief to the
21 plaintiff in the form of the attached order together with such other
22 relief as it may see proper so as to redress the issues herein
23 presented in his attached brief and thus compel and demand Congress
24 call a convention to propose amendments as specified in Article V of
25 the United States Constitution.

1 Respectively submitted for the Court's consideration.

2

3

4 Bill Walker, Plaintiff, *pro se*