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UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BILL WALKER,

PLAINTIFF,

vs.

THE UNITED STATES OF AMERICA,

Defendant

ORDER 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.

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1 **BASIS OF LAW**

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3 The Court recognizes that the Declaration of Independence defines

4 American sovereignty expressly as the right of the people to alter or

5 abolish their form of government. This Court recognizes, therefore,

6 that all sovereignty resides with the people of the United States who

7 have licensed some of their authority through the Constitution of the

8 United States to the government created by that Constitution and

9 subject to the terms and limitations contained therein. As that

10 sovereign authority is a license of the people, it may be altered or

11 abolished by them in such manner as they have prescribed in Article V

12 of the United States Constitution. This sovereign authority may never

13 be removed from the people except by their consent. It may be reclaimed

14 by them at any time. This Court declares this right of the people to

15 alter or abolish their government as an unenumerated right of the

16 people contained under the Ninth Amendment of the United States

17 Constitution.

18

19 Further, this Court declares that as the Treaty of Paris

20 recognized the definition of American sovereignty as expressed in the

21 Declaration of Independence, then the Declaration of Independence is

22 considered part of the implied powers of the Treaty of Paris, because

23 the rule of law established by the Supreme Court of the United States

24 makes clear that parties to a treaty must agree on the meaning of all

25 terms expressed in that treaty. Under the terms of Article VI of the

1 United States Constitution, therefore, the Declaration of Independence,
2 as an implied power of the Treaty of Paris, defines the meaning, terms
3 and conditions of American sovereignty as understood by the parties in
4 that treaty. Thus, the terms and conditions of sovereignty so expressed
5 in the Declaration of Independence shall be considered law of the land.

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7

DETERMINATION

8

9 Having found for the plaintiff in the above named suit, this
10 Court hereby declares:

11

12 Based on the decision of the Supreme Court of the United States,
13 this Court acknowledges that the Congress of the United States
14 [hereinafter referred to as Congress] possesses the power to overthrow
15 the state legislatures by force, thus vetoing sovereign authority
16 expressly granted to the states and the people by the United States
17 Constitution. This power includes the overthrow of those rights
18 contained in the amendatory procedure of Article V of the United States
19 Constitution. However, this Court also recognizes that even though such
20 action has been approved by the Supreme Court of the United States,
21 neither Congress nor any other branch of the United States Government
22 created under the authority of the United States Constitution has thus
23 far, in modern times, expressly vetoed the Constitution in this manner.

24

1 Instead, Congress has attempted to ignore the Constitution of the
2 United States in the matter of calling a convention to propose
3 amendments (thus vetoing the people, states and clear meaning and
4 intent of the Constitution by *inaction*) when a sufficient number of
5 states has applied for one as prescribed in Article V of the United
6 States Constitution. The expressed language of Article V of the
7 Constitution of the United States makes it absolutely clear that
8 Congress must call, having no discretion in this matter, should the
9 states apply. This Court decrees Congress is subject to all terms,
10 conditions, stipulations, clauses and provisos of the United States
11 Constitution and in no way possesses the authority to veto the
12 Constitution of the United States either by overt act or covert
13 inaction.

14

15 Having established its authority in this matter as to
16 jurisdiction and venue, and recognizing the plaintiff has standing in
17 this matter, this Court declares Congress has unconstitutionally
18 violated the expressed language of Article V of the United States
19 Constitution. Specifically, Congress has unconstitutionally ignored
20 legal, legitimate and constitutional applications by the several state
21 legislatures for a convention to propose amendments. The Court
22 determines that these applications were properly filed with Congress by
23 the several state legislatures, and that they satisfy the clear intent
24 and meaning of the appropriate language of Article V of the United

1 States Constitution. As such, they are constitutionally valid in every
2 sense of the word.

3

4 As these applications by the several state legislatures thus
5 satisfy Article V of the United States Constitution, the states and the
6 people are therefore entitled to a convention to propose amendments as
7 specified under Article V of the United States Constitution. This Court
8 finds that the expressed intent of the Founding Fathers was that
9 Congress should have no discretion in the calling of a convention to
10 propose amendments. Contrary to this clear intent, Congress has refused
11 to perform its miniscule clerical duty of issuing a call for a
12 convention to propose amendments mandated in Article V of the United
13 States Constitution, thus vetoing the Constitution of the United
14 States. As stated before, because Congress has no such authority to
15 veto the Constitution, it is therefore concluded by this Court that
16 Congress, in its refusal to call the convention upon the receipt of the
17 proper number of applications, that being from two-thirds of the
18 several states, has violated the United States Constitution, and such
19 action is in all respects entirely, totally and forever declared
20 unconstitutional.

21

22 This Court recognizes that the power of application for a
23 convention to propose amendments is a state power. However, this Court
24 also recognizes that the states operate under the sovereign authority
25 of the people under their right to alter or abolish. Thus, it requires

1 both the states, using their licensed sovereign power, and the people,
2 using their sovereign authority, to accomplish a convention to propose
3 amendments. Any action by Congress to prevent a convention to propose
4 amendments when the conditions for a call have been satisfied must be
5 considered an affront against both sovereignties. However, in this
6 specific instance, this Court finds the affront is against the people
7 as the states have applied in sufficient number to cause the calling of
8 a convention, and thus have exhausted their constitutional authority in
9 this matter. This Court finds Congress, in refusing to call a
10 convention to propose amendments as mandated in Article V of the United
11 States Constitution, has violated the fundamental right of the people
12 to alter or abolish their government guaranteed under the Ninth
13 Amendment of the United States Constitution, and nothing in this order
14 shall be construed as abridging this transcendent right of the people
15 except where they have limited themselves as expressed in the United
16 States Constitution. This Court finds no such limitations in the matter
17 of the convention to propose amendments.

18

19 Specifically due to the deliberate unconstitutional inaction of
20 Congress, this Court finds that a sufficient numeric count of states
21 and applications well in excess of the constitutional two-thirds
22 minimum does exist. To avoid an unstable and chaotic condition that
23 would result if each two-thirds set of applications were construed to
24 cause a new convention to propose amendments, this Court rules all
25 applications now filed with Congress shall be considered as applying

1 for a single convention to propose amendments. However, this Court
2 decrees this shall be a single occurrence. In no way shall this
3 decision of this Court be construed as granting Congress any discretion
4 in calling a convention to propose amendments so as to allow
5 applications from the states to accumulate above the two-thirds
6 requirement expressed in Article V of the United States Constitution.
7 In the future, Congress is ordered to call a convention to propose
8 amendments immediately on the receipt of the final application from any
9 state which shall cause the two-thirds requirement of applying states
10 as specified in Article V of the United States Constitution to be
11 satisfied.

12

13 As the two-thirds numeric standard necessary for Congress to call
14 a convention to propose amendments now exists, this Court decrees
15 Congress immediately issue a call for a convention to propose
16 amendments as authorized and prescribed by Article V of the United
17 States Constitution. It further decrees the constitutional and
18 legislative authority of Congress in this matter shall terminate when
19 it shall issue the call for the convention to propose amendments.

20

21 **THE CALL**

22

23 This Court orders the call for a convention to propose amendments
24 as specified by Article V of the United States Constitution shall be
25 limited to Congress naming a suggested place and time for the

1 convention to occur. The states or the convention may elect to change
2 this place and time once the convention has convened. Congress shall
3 also include in the call the several states whose applications shall
4 have caused Congress to call a convention to propose amendments. Each
5 state shall receive a copy of the call regardless of whether that state
6 applied for a convention to propose amendments. The call shall not be
7 construed by Congress beyond this narrow, limited miniscule clerical
8 role as required by the Constitution of the United States. No other
9 terms, conditions or other stipulations beyond a suggested time and
10 place shall be permitted in the call. The term "place" shall be
11 construed to mean that no more than a point of meeting for the
12 delegates to a convention to propose amendments and thus shall not
13 necessarily refer to a physical location or physical assembly of the
14 delegates. Congress is forbidden from setting any unusual length of
15 time before the convention to propose amendments shall convene. The
16 Court construes this term to mean a period of time no longer than one
17 year from the date of the issuance of the call for a convention to
18 propose amendments shall occur before the convention to propose
19 amendments shall convene.

20

21 Having found a sufficient number of states has applied for a
22 convention to propose amendments, this Court orders that Congress
23 shall, within five days of the signing of this order (excluding
24 holidays and weekends), issue a call for a convention to propose
25 amendments which shall be convened no later than one year from the date

1 of the issuance of the call. Congress shall also establish a date of
2 election for delegates to the convention which shall be uniform
3 throughout the United States. Said election shall occur no less than 90
4 days before the scheduled convening of the convention to propose
5 amendments.

6

7

NUMERIC COUNT OF APPLICATIONS

8 This Court orders the two-thirds requirement as specified in
9 Article V of the United States Constitution shall be construed to mean
10 no more than a simple numeric count of applying states, and that
11 whenever two-thirds of the total states in the Union shall have applied
12 for a convention to propose amendments, such applications will be
13 considered to have satisfied the two-thirds requirement of Article V of
14 the United States Constitution. Congress is ordered expressly to limit
15 the calling of a convention to propose amendments to a numeric count of
16 applying states which shall be the single, sole and expressed standard
17 of call as expressed by Article V of the United States Constitution. No
18 implied powers of any description shall attached to the expressed words
19 of Article V of the United States Constitution, the language being
20 clear and unambiguous and thus requiring no interpolation. Thus,
21 Congress is granted no implied powers under the expressed language of
22 Article V of the United States Constitution. An application by a state
23 legislature shall be defined as an application originating from a duly
24 elected legislative body of one of the several states of the United
25 States which shall have been forwarded to Congress expressing in any

1 manner the state legislature shall determine appropriate, its intent to
2 require Congress to call a convention to propose amendments as
3 specified in Article V of the United States Constitution. If Congress
4 shall be so notified in any written manner of the demands of two-thirds
5 of the state legislatures to apply for a convention to propose
6 amendments, or the states shall use any language in any form that
7 refers to their intent of applying for a convention as specified in
8 Article V of the United States Constitution, regardless of whatever
9 name shall be used, Congress is obligated to call such a convention
10 under the terms of Article V of the United States Constitution.

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NO PRE-CONDITIONS

13 Congress is enjoined from attaching any pre-conditions to any
14 application by the states for a convention to propose amendments which
15 in any way gives Congress discretion as to whether or not to call a
16 convention or provides any discretion to Congress regarding a
17 convention to propose amendments in any manner. All such pre-
18 conditions, except the numeric two-thirds expressed in Article V of the
19 United States Constitution, are unconstitutional and void. These pre-
20 conditions include, but are not limited to: requiring the several
21 states to submit identical or nearly identical applications covering
22 the same subject or issue for amendment[s] proposal, establishing any
23 time standard by which Congress may then exclude or refuse to recognize
24 any application submitted outside that time standard, and attempting to
25 call a convention to propose amendments without the proper number of

1 applying states having applied, in other words, calling a convention
2 without the proper number of state applications.

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RATIFICATION

5 This Court enjoins Congress from any veto of any proposed
6 amendment[s] that may be issued by the convention to propose
7 amendments. Congress is further enjoined from creating any regulations
8 that serve to obstruct, delay or otherwise impede the ratification of
9 any proposed amendment[s] made by a convention to propose amendments.
10 Congress is ordered within five days (excluding weekends and holidays)
11 of the receipt of any proposed amendment[s] submitted by the convention
12 to Congress to submit the same proposed amendment[s] to the states for
13 ratification. Congress shall elect the method of ratification, either
14 by state legislatures or state conventions, by which ratification shall
15 occur, but in all cases Congress shall be limited strictly and
16 expressly to the two forms of ratification expressed in Article V of
17 the United States Constitution and may not alter these in any manner to
18 created special or unusual conditions in the ratification process.

19

20 Further, Congress is enjoined from altering, modifying or
21 otherwise changing any proposed amendment[s] made by a convention to
22 propose amendments. This prohibition shall expressly include, but not
23 be limited to, any action by Congress to attach any limitation of time
24 for ratification of any amendment proposal made by convention or remove
25 any ratification time period already attached by the convention to

1 propose amendments. However, nothing in this order shall be construed
2 as limiting or otherwise preventing Congress from establishing such
3 limits on any amendment proposal it may propose.

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CERTIFICATION

6 Congress is forbidden from establishing any unusual or unique
7 form of certification of ratification for any amendment[s] proposal
8 made by the convention to propose amendments. Congress is ordered to
9 establish a uniform procedure relating to certification that shall
10 apply to all amendments whether proposed by convention or Congress.
11 Congress is forbidden in any manner from interfering or obstructing the
12 certification of ratification of any amendment[s] proposed by the
13 convention to propose amendments. Until Congress shall elect otherwise,
14 such certification of proposed amendment[s], whether by convention or
15 Congress, shall be performed by the Archivist of the United States. The
16 Archivist of the United States shall be limited to a miniscule clerical
17 duty that shall consist of counting the ratifications from the several
18 states and, upon the three-quarters number of states ratifying the
19 proposed amendment[s] as specified in Article V of the United States
20 Constitution, shall certify the amendment[s] as part of the
21 Constitution of the United States.

22

23

NECESSARY AND PROPER

24 This Court agrees that, under the interpretations of the Supreme
25 Court of the United States, Congress possesses the power to overthrow

1 state legislatures by force should Congress (a) disagree with a
2 ratification vote of a particular state, or (b) wish to otherwise
3 regulate or control the several states' amendatory powers, and this
4 Court finds such power fully inclusive, thus satisfying the necessary
5 and proper clause of the United States Constitution. Therefore,
6 Congress is excluded from assuming any further powers of regulation or
7 control of the state legislatures, or of the convention to propose
8 amendments to affect the application, proposal, ratification or any
9 other portion of the amendatory process of the convention to propose
10 amendments. Congress is expressly forbidden and enjoined from creating
11 legislation of any description so regulating the state legislatures or
12 convention to propose amendments in any other manner than their direct
13 overthrow from power.

14

RECESSION OF APPLICATIONS BY THE STATES

15
16 This Court determines that insofar as a sufficient number of
17 applications was filed with Congress prior to the filing of any
18 recession of any application by any state, all such recessions are null
19 and void. All applications, regardless of the date filed by the states,
20 remain in full force and effect. This Court finds that such recessions
21 constitute a veto by one sovereign state on the sovereign actions of
22 other states and are therefore unconstitutional. Further such
23 recessions are an unconstitutional veto of a constitutionally mandated
24 action on the part of Congress.

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ROLE OF THE PRESIDENT

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As Article V of the United States Constitution does not prescribe in any fashion the participation of the President of the United States in his official capacity, this Court finds that no call for a convention to propose amendments shall require his consent in any manner for the convention to occur. Nor does the President of the United States have the constitutional authority to veto a call for a convention to propose amendments. Further, this Court finds that neither any rules Congress may prescribe to process a call for a convention to propose amendments, nor congressional determination of the method of ratification of proposed amendment[s], nor notification and certification of the ratification of proposed amendment[s], shall require the consent or be subject to the veto of the President of the United States. In short, the President of the United States shall play no part in the amendment of the United States Constitution whether by Congress or a convention to propose amendments.

18

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THE LIMITS OF THE CONVENTION TO PROPOSE AMENDMENTS

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MULTIPLE AMENDMENTS

21

This Court recognizes that, like Congress, the convention to propose amendments may submit to the states for their ratification as many amendments as it shall deem proper on whatever issues the convention to propose amendments shall deem appropriate. No proposed amendment[s] shall carry any force of law until it shall be properly

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1 ratified by the states in the manner prescribed in Article V of the
2 United States Constitution. Upon ratification, as prescribed in Article
3 V of the United States Constitution, such amendment[s] shall be
4 considered to have full force of law and shall become law of the land.

5

6 **NEW CONSTITUTION PROHIBITED**

7 This Court determines it is unconstitutional for a convention to
8 propose amendments to attempt to create or propose any act except
9 amendments to the current Constitution of the United States. This shall
10 be construed to mean the convention to propose amendments is limited to
11 proposing changes by amendment to the current language of the present
12 Constitution of the United States. The convention to propose amendments
13 is expressly forbidden and enjoined from any attempt to write, propose
14 or create a new United States constitution inasmuch as the expressed
15 language of Article V of the United States Constitution strictly
16 forbids such action either on the part of Congress or the convention to
17 propose amendments because both amendatory bodies are only permitted to
18 propose amendments to "this Constitution."

19

20 **EQUAL PROTECTION OF THE CONVENTION TO PROPOSE**

21 **AMENDMENTS**

22

23 This Court is bound by the principle of equal protection under
24 the law as expressed in the 14th Amendment to the United States
25 Constitution. As such, this Court interprets that phrase to mean that

1 all citizens of a specific class of citizens must be treated equally,
2 i.e., the same, under the law. This Court determines that members of
3 Congress and delegates to the convention to propose amendments create
4 such a class. Therefore, insofar as the amendatory procedure of the
5 United States Constitution is concerned, all laws, rules and
6 regulations passed by Congress to effect elections, general powers of
7 office and all other matters related to the general execution of legal
8 business of Congress shall extend to the convention to propose
9 amendments *provided* such power is limited in the case of the convention
10 to propose amendments to the amendatory process only. The convention to
11 propose amendments is enjoined from any legislative action, i.e., any
12 action beyond proposing amendments to the United States Constitution
13 for consideration by the several states under the ratification process
14 specified under Article V of the United States Constitution. Any
15 regulation, law, resolution, order or any other action that Congress
16 may attempt to legislate upon the convention to propose amendments
17 shall be equally applied in force and effect on Congress, and any
18 exemption made by Congress in such regulation, law, resolution, order
19 or any other action that would exempt Congress from such force and
20 effect shall be void and unconstitutional.

21

22

ELECTION STANDARDS OF DELEGATES

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1 House of Representatives. Congress is expressly forbidden from altering
2 or otherwise modifying these expressed eligibility requirements of age,
3 residency and citizenship.

4 All state and federal laws effecting elections of federal
5 officials shall apply equally to candidates seeking the federal office
6 of delegate to the convention to propose amendments.

7 This Court finds the term of office of delegate to a convention
8 to propose amendments shall immediately terminate with the close of the
9 convention's business which shall be construed to mean when the
10 convention to propose amendments has ceased proposing amendments for
11 consideration for ratification by the several states.

12

13 **INTERNAL POWERS OF THE CONVENTION TO PROPOSE AMENDMENTS**

14

15 Congress is forbidden in any manner from regulating the internal
16 operations of the convention to propose amendments which shall include,
17 but not be limited to, establishing the rules of operation, election of
18 officers, admission and certification of delegates and creation of
19 agenda. While Congress is prohibited from interfering with the internal
20 powers of the convention to propose amendments, nothing in this
21 prohibition shall be construed as permitting the convention to propose
22 amendments to ignore or veto clauses of the United States Constitution
23 which shall have as full an effect on the convention to propose
24 amendments as they do on Congress.

25

1 **FUNDING OF THE CONVENTION TO PROPOSE AMENDMENTS**

2

3 As the Constitution of the United States grants to Congress and

4 the several states full discretion in the appropriation of funds, and

5 further grants discretion to Congress regarding any agreement between

6 states under the compact clause, and as the Founding Fathers intended

7 Congress should have no discretion in the matter of the convention to

8 propose amendments, the Court therefore construes this appropriation

9 discretion forbids either Congress or the states from financing the

10 convention to propose amendments as it would permit discretion not

11 intended in the Constitution.

12 Further, as the United States Constitution prohibits the

13 convention to propose amendments any constitutional authority except to

14 propose amendments, it is therefore forbidden to either tax or use the

15 credit and faith of the United States to finance the convention to

16 propose amendments. Therefore, the Court orders that the delegates to a

17 convention to propose amendments must bear the full costs of the

18 convention and further that the costs must be equally distributed among

19 all delegates. Further, this Court orders that delegates to the

20 convention to propose amendments shall receive no compensation during

21 their duration of office as there is no source of income to provide for

22 such funds. As a financial burden cannot in any way be a barrier for

23 any citizen seeking to be a delegate, this Court orders the convention

24 to propose amendments shall be entirely conducted on the Internet which

25 allows any delegate access to the convention to propose amendments

1 through free portals such as libraries, schools and other public
2 outlets. The Court further orders that until the convention to propose
3 amendments shall establish its own domain name, server, web site and
4 other related Internet requirements, the plaintiff shall supply a web
5 site and Internet address to be used during the organization of the
6 convention. Once the convention has established its own web page,
7 address, domain name and other Internet requirements, the obligation of
8 the plaintiff shall terminate. This order shall in no way be construed
9 as preventing the plaintiff from seeking the office of delegate to the
10 convention to propose amendments should he so choose.

11

12 **VOTING IN THE CONVENTION TO PROPOSE AMENDMENTS**

13 The convention to propose amendments shall vote on the basis of
14 one vote per state delegation in order to represent the sovereignty of
15 the states, and shall vote within each delegation by delegate, one vote
16 per delegate, in order to represent the sovereignty of the people. The
17 votes of the delegates shall be totaled in each state delegation in
18 order to ascertain the vote of the state. As with Congress, it shall
19 require a two-thirds vote of the state delegations (assuming a quorum
20 of both state delegations and delegates present in total) to pass an
21 amendment out of the convention to propose amendments, and a two-thirds
22 vote of the total number of delegates irrespective of their state
23 affiliation to pass an amendment out of the convention to propose
24 amendments. The votes shall be taken concurrently and simultaneously.

25

1 **FUTURE RULES**

2 Congress may enact such limited rules as it deems proper to
3 process the call of the convention to propose amendments, but such
4 rules shall neither call for a vote on the part of Congress, nor grant
5 any other form of discretion that might obstruct or otherwise interfere
6 with the call prescribed in Article V of the United States
7 Constitution, nor negate nor otherwise alter the five day limit for
8 Congress to act to call the convention to propose amendments as
9 specified earlier in this order.

10
11 Congress is further ordered to keep a record of all future
12 applications in the Congressional Record in a separate category and
13 within a period not to exceed five days (excluding weekends and
14 holidays) to issue a call for a convention to propose amendments should
15 a sufficient number of states again apply to satisfy the two-thirds
16 numeric requirement expressed in Article V of the United States
17 Constitution.

18
19 Dated this _____ day of _____ .

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21
22 _____
23 UNITED STATES DISTRICT JUDGE

24
25 Presented by: Bill Walker, Pro Se

