

July 20, 2013

Dear Mr. Sementa,

Thank you allowing me this opportunity to send this email to you discussing Mr. Levin's Liberty Amendments. One of your staff was kind enough to give me your email address after consulting with you when I phoned your office earlier this week. You were tied up in a meeting. I am sure not everyone is given your address and I realize your time is valuable so I will take as little of it as possible.

First let me give you some of my background regarding an Article V Convention. I have been involved in the Article V Convention movement for over 20 years. I was the first, and to date, the only person ever to have brought federal lawsuits regarding the obligation of Congress to call an Article V Convention. The first, *Walker v United States* filed in 2000 was followed four years later by *Walker v Members of Congress*. The latter suit was appealed to the Supreme Court. My suit was denied certiorari but not before very significant facts were established for the first time in United States history by admissions of the legal counsel for the Members of Congress, the Solicitor General. I should explain I sued each member of Congress individually in this suit thus forcing them to declare their position and thus their support for the Constitution regarding their constitutional obligation vis-à-vis an Article V Convention call. All members of Congress joined against my lawsuit. To give you some idea how much the law favored me, I wrote an [overlength brief](#) in *Walker v United States* which the court rejected causing me to write a much shorter one. Nevertheless I feel my lawsuits were of value as they ultimately resulted in forcing the government to officially express the terms and conditions of a convention for the first time in United States history. The original brief was over 800 pages and used approximately 208 Supreme Court rulings to present its views. I've always felt the court made a major mistake in doing this. It could have, for example, created a judicial commission, gathered information and gone about the task of answering many of the questions surrounding a convention. Instead it irresponsibly, in my opinion, ignored this entire issue and thus didn't do its sworn duty of interpretation of the Constitution.

As to other activities that I have been involved in. I was greatly involved in compiling, for the first time in United States history, the actual texts of the state applications for a convention call into a single public record and publishing them on the Internet. I have written numerous articles about the convention, and by use of public record, exposed the lies and myths about a convention which basically hold a convention is a "bad idea" or is somehow a threat to our nation or that Chief Justice Warren Burger warned against an Article V Convention or the biggest of all, that the 1787 Federal Convention was a "runaway" convention. Nothing could be further from the truth and Mr. Levin, as far as I can determine by listening to his broadcasts has it spot on regarding what a convention can do and why it is not a threat to our nation. I helped found Friends of the Article V Convention, (FOAVC) the first national non-partisan organization dedicated to bringing about the calling of an Article V Convention. I have addressed Cooley Law School in Michigan at their symposium about an Article V Convention as well as being a [panelist/speaker](#) at the [Harvard Law School](#) conference on the Article V Convention. I have been published in the [Cooley Law School Law Review](#). I have also appeared on television and numerous radio programs throughout the nation to answer questions regarding an Article V

Convention. And before going any further, so that I don't forget it, if you wish to contact me by phone, my number is XXX XXX-XXXX (Home) or XXX XXX-XXXX (Cell). [Phone numbers redacted for reasons of privacy]. By the way I should mention one other fact that you will discover if you go to our website at www.foavc.org that all that I state below is backed by public record in the form of court rulings, written statements by the Founders, members of Congress or other public documents. In other words, what I say I can back up with indisputable facts.

What I'd like to discuss with you is the possibility of having me on Mr. Levin's program as a guest to discuss some aspects of an Article V Convention that as far as I can determine Mark has not discussed. It is possible, because my work schedule sometimes interferes with my hearing all of his program, that I may have missed what I going to present, but I think if Mark had discussed these facts, they would be mentioned frequently either by himself or others. I also believe these facts are very relevant to any national discussion regarding an Article V Convention

As you know Mark has repeatedly said he wishes to start a national discussion going regarding the calling of an Article V Convention. To that end he has proposed in his new book, Liberty Amendments, some 12 different amendments to be proposed an Article V Convention. Let me say at the onset what Mark is doing is one of the most courageous acts I've seen a broadcaster do in a long time. I am fully aware of the risk to his career that he is undertaking having witnessed and dealt with those in opposition to a convention and thus knowing what they have done to others who have stood up in public and favored the calling of a convention. I do not say this lightly. If there is any question as to Mark Levin's patriotism and willingness to sacrifice for the good of this nation, this public action on his part emphatically and positively answers it. Last night I heard him discuss in general terms these 12 amendment proposals. I believe the information I would provide as a guest on his program will compliment that discussion.

As far as I can determine Mark has not mentioned the fact the states have already applied in sufficient number to cause a convention call. As [this link to our website shows](#) the total number of applications now stands at 746 applications from 49 states. Mark has mentioned in some detail one of his amendment proposals—term limits for members of Congress. I'm sure he'll be pleased to learn 30 states have already asked for this particular amendment. Therefore it will be on the agenda of the convention when it is held. Several other of his proposed amendments that he has referred to such as balanced budget, review of the Supreme Court to name two of several, either directly or by reasonable implication also have received multiple state support in form of already submitted state applications. Therefore these will also be on the convention agenda. By the way, before going any further I should mention, and I believe from hearing Mark's comments, that he also understands, that the states are not required by the Constitution to apply for the same amendment subject as this would give Congress the power of determination meaning they could find some flaw in one or more applications and say they did not ask for the same amendments subject and therefore were not required to call a convention thus throwing out all the applications and requiring the states to start all over again. The Founders did not intend this. Instead they merely required a simple numeric count of applying states to cause a convention call. For the record therefore, the states reached the required two thirds mark in 1911.

Despite this fact there has never been convention call. Therefore the fault in all of this does not with the lack of state applications but with Congress itself. As described in great detail in two

Congressional Research Service reports, [R42589](#) and [R42592](#) which repeatedly cite FOAVC information and resources, Congress has done nothing about these applications. It has simply ignored the entire set of applications and for over 200 years done nothing about them. Literally out of sight (buried in thousands of pages of the Congressional Record never compiled into a single public resource) out of mind. Recent events which I will discuss momentarily has brought this issue into sharp focus and hastened a resolution to it however.

Before discussing that however, I need to take a step back to put this matter into proper perspective. The court cases I discussed earlier caused several significant admissions on the part of the government. I will briefly sum them here. (1) The court determined a convention call was under the political question doctrine and ruled therefore a convention call was a political question for Congress to determine thus giving it the option not to call a convention. (2) At the Supreme Court before the court made its decision as to certiorari, under Supreme Court rules requiring both parties to agree what is correct as to fact and law the Solicitor General who was the attorney of record for the members of Congress admitted the following: according to records at the time, 49 states had submitted 567 applications (this number now having risen to the earlier cited 746), that a sufficient number of applications existed to cause a convention call, that a convention call was based on a simple numeric count of applying states with no terms or conditions (such as contemporaneous, same subject and so forth), that the call is preemptory upon Congress (meaning no excuse whatsoever) and that refusal by Congress to call a convention when mandated by the terms of Article V as well as joining in a federal law suit opposing a convention call were both violation of oaths of office and therefore a federal criminal offense.

The matter did not stop with my lawsuits. About the time I was addressing Harvard Law School Mr. John Guise of the state Georgia, based on these admissions, filed a criminal complaint against all members of Congress with the Department of Justice regarding their violation of oath of office for failure to call a convention when mandated to do so by the Constitution. Briefly federal law mandates that any such complaint be first reviewed by the Attorney General (Eric Holder) who judges it for validity and reasonableness that is that the accusation has some merit and is not frivolous. Mr. Holder, to his credit, found the complaint to meet the standards of law, forwarded it on the criminal division of the Department of Justice who, in turn, in accordance with federal law turned the matter over to the FBI for investigation. Federal law mandates that any such complaints received MUST be investigated. It prescribes two levels of investigation but gives no option to the FBI other than this mandate. The FBI, in direct violation of federal law, has refused to investigate this complaint despite the fact Mr. Holder has instructed them to do so. Currently Mr. Guise is in the process of obtaining information regarding who specifically in the FBI made this decision with the aim of bringing this insubordination to the attention of Mr. Holder. He is also pursuing other legal recourses regarding this obvious violation of federal law.

Judging from his comments, it appears Mark believes a convention call is years off. While I cannot give an exact timeline, I can say with some certainty that I expect this matter to be finally resolved, one way or another by no later than mid-fall at the latest. Most of the time will be because of delay by officials in Washington responding to requests currently under way. In sum, we should know by then whether officially we live under the rule of law of the Constitution or under a tyranny. Either we will have a convention call by Congress or the government will

officially determine (based on Supreme Court rulings) it does not have to obey the Constitution and despite the number of applying states, will not call a convention thus repudiating the Constitution.

Mr. Dan Marks of the state of Hawaii has struck at the heart of the matter. To summarize his efforts. About April of this year he sent a letter (which I helped edit and provide copies of the texts of the applications) with copies of 43 applications from the states and asked the Clerk of the House of Representatives to inform him of the official count of applications by the states for a convention call by Congress. He did not ask for a convention call, merely an official number of applying states. The response he received from the legal counsel of the House of Representatives (who by the way under law cannot act without consent of the House of Representatives) was that Congress had never consented to obey the terms of Article V by passing either legislation or a rule designating someone to count the applications and therefore was not obligated to do so. Hence the official count is zero. The counsel did offer to refer Dan's letter to a committee for its "consideration" which I'm sure Mark, having studied James Madison, knows flies directly in the fact of that Founder who in Congress specifically stated that a convention call was to be done with no vote, debate or committee. Given that fact and other political circumstances I'm sure you understand why Dan Marks has not consented to having a committee of Congress decide whether or not it will count applications. I wrote [an article](#) which provides all links to the letter, the response to Dan, Madison's comment taken directly out of the Annals of Congress and so forth. By the way you also might be interested to learn as described in the article according to federal law convention delegates shall be elected not appointed. I'm sure Mark, considering his comments about statist and controlling this nation will be relieved to know the people will not be cut out of the loop in this process.

Dan has since sent a letter to the Senate of the United States requesting the same information from that body as to its count of applying states. I expect he will receive a similar response from that body. Following that there is one last recourse which is in the Constitution and what I have termed the Sword of Alexander. At this time I prefer not discuss it beyond its title as I feel revelation of the matter will doom its possible success. In any event, within a relatively short time we will know what the official position of the United States Government is as to obeying provisions in the Constitution.

I think you can see if you do have me on as a guest that there are several subjects regarding an Article V Convention that your audience may find interesting. I sincerely feel that such information, given to a large segment of the nation will spur the national discussion Mark hopes to bring about by the publication of his book and discussion on his program. I hope you will therefore give thoughtful consideration to my request.

Again I appreciate the opportunity to contact you by email. I look forward to hearing from you at your earliest convenience.

Bill Walker
FOAVC Co-founder
www.foavc.org