

FBI Kills Article V Convention Despite Mandate, Refuses to Investigate Criminal Charges

By Bill Walker

Despite explicit statutory text mandating a full field investigation, the FBI has refused to investigate criminal charges filed by John Guise of Georgia with U.S. Attorney General Eric H. Holder. The charges of violation of oath of office stem from the refusal by members of Congress to call an Article V Convention as mandated by the Constitution. Holder had referred the complaint to the FBI for investigation.

The FBI refusal effectively gives Congress defacto immunity regarding this or any violation of the Constitution and signals the executive branch will not penalize members of Congress for criminal disobedience of their oaths of office. It also means the government no longer recognizes the supreme authority of the Constitution, statutory law intended to enforce such authority nor the right of the people to alter or abolish their form of government.

In a [statement of facts](#) issued by John Guise April 24, 2012, Guise outlined the actions he took to determine the fate of his criminal complaint. No official he contacted was able to explain why the FBI chose to violate its own oaths of office “to discharge its duties” meaning in this case conducting a full field investigation as mandated by law regarding the charges he brought.

The oath of office statutes are a series of federal laws designed to enforce Article VI, clause 3 of the [Constitution](#) which requires oaths of support from all members of Congress. Moreover, the oath of office is central to the continued existence of the Constitution being “supreme law of the land” as specified in Article VI, clause 1. Without obedience to the Constitution, the supremacy clause is meaningless. Without the convention the people cannot exercise their right of alter or abolish guaranteed in the Declaration of Independence and agreed to by treaty thus making it law of the land. By this official FBI act, the people no longer control their Constitution.

In sum, the oath of office law is contained in [5 U.S.C. 3331](#). The oath clearly states those entering in to federal office “discharge their duties” meaning do what the Constitution or federal law states. Both [members of Congress](#) and the [FBI](#) take the identical oath of office. In turn, [5 U.S.C. 7311](#) and [18 U.S.C. 1918](#) specify the terms under which a violation of oath of office shall occur and the criminal penalty for such violation. The penalty includes removal from office, prohibition from holding federal office and a prison term. Finally, [Executive Order 10450](#) provides more detail and describes where a matter of violation is referred to them, the FBI “shall conduct a full field investigation” into it. The law does not provide an option of refusal by the FBI.

Executive Order 10450 contains two clauses that members of Congress have violated. First, it states that criminal conduct on the part of any government employee or officer is

grounds for investigation. Violation of oath of office, as demonstrated by [18 U.S.C. 1918](#) is criminal conduct. Second, it provides any officer who advocates “alteration of the form of government of the United States by unconstitutional means.” The form of government of the United States, i.e., the Constitution, can only be altered by amendment, which can only be done by a proposed amendment from either Congress, or by a convention for proposing amendments. Either proposal must be ratified by the states before becoming part of the Constitution and thus causing an “alteration of the form of government of the United States.” Any other alteration is therefore unconstitutional.

An Article V Convention is a legal, constitutional part of our form of government. Support of the Constitution as mandated by oath of office includes supporting the call for a convention when the states apply. There is no legal or constitutional basis whatsoever justifying the action of the FBI to effectively veto this portion of the Constitution or to prevent the people from legally exercising their right to alter their form of government as they see fit.

Article V mandates Congress must call a convention if two thirds of the states apply. It provides no alternative. The states [have so applied](#) satisfying not only single the numeric count of two thirds of applying states required by the Constitution but the condition of “same subject” application-convention as well. There is no question therefore Congress is mandated under Article V to call a convention. Thus, for Congress to refuse to call is “an alteration of the form of government of the United States by unconstitutional means” i.e., refusing to call a convention when otherwise mandated by Article V to do so. Such an action on the part of Congress is a criminal act.

The purpose of an investigation is not to prove guilt but to find evidence and the truth. Its intent is to prove innocence as well as guilt. It is not the function of the investigative body, in this case, the FBI to establish constitutional policy, which is also “alteration of the form of government of the United States”. However, in this case, this is exactly what the FBI has illegally done. The only possible explanation for this action is the FBI found the evidence presented by John Guise so overwhelming, so compelling and so conclusive no other conclusion other than members of Congress had violated their oaths of office was possible. If they had found members of Congress had not violated their oaths of office all the FBI and Attorney General Holder had to do was say so without any question of violation of oath of office on their part.

John Guise based his complaint exclusively on material I presented in [Walker v Members of Congress](#). For whatever political reason that motivated the FBI to violate their oaths of office (and considering the recent violations of the Secret Service it is not surprising other agencies would follow suit) the act clearly shows the FBI is more of a threat to this nation than any convention could ever be.

Ironically, the act of the FBI puts even more of a damper on those who say a convention will be a runaway. Given the FBI willingness to violate the law doesn't it stand to reason if a convention did become a runaway FBI agents would step in to stop it, regardless of any legal provisions to the contrary?

I have said this many times. To date, except for John Guise, all who say they support a convention have ignored me. Maybe this FBI action will change their minds. There will be no convention, no change in this nation, and no solution to the issues until pressure is brought to bear on the government. New applications are not the answer. "Same subject" application-convention merely serves the interests of Congress and those opposed to the Constitution. Having "mock" conventions while informative do nothing to solve the problem of an illegal act by Congress. Time is running out. Eventually these problems will overwhelm us and then not even a convention will help. The issues are systematic and no election of anyone to any office can repair them. The legal remedies are nearly exhausted.

We live in a world that is rapidly updating their forms of government by convention and we see the effects of this every day. China is becoming the dominant economic power in the world because of actions taken by its convention in the 1980's. Russia, because of its convention, is not far behind. Europe, because of conventions, is also gaining strength. The examples are worldwide. We, the United States, are afraid to use the system of improvement we invented. Meanwhile everyone else in the world takes advantage of our invention to move ahead of us. It is sheer madness to suggest Americans are so irresponsible they cannot rule themselves and cannot hold a convention. It is equally mad to ignore the fact the only process open to us that can save this nation is ignored because no one is willing to do anything about it.

All that is left is direct political protest and confrontation with members of Congress seeking election. No candidate for Congress should be elected until he is publicly forced to answer one question regarding Article V: "Do you support the FBI's decision to refuse to investigate whether or not you have violated federal criminal laws?"

With the threat of criminal liability removed from oath of office laws, nothing prevents any member of the government acting in any manner he chooses. These laws and their enforcement are the glue that holds the government together. The FBI action will, I believe, be only the first in an ever widening circle of direct violations of statute and Constitution that will occur throughout the government as the word spreads members of government are no longer bound by their oaths of office. Those who have feared a runaway convention as a speculation and thus prevented its occurrence now face an even more dangerous reality: we now officially have a runaway government.