

O.T. 88 files

Ivan Douglas Sahlman

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Date: 13 January 1992

To: Mr. Justice Blackmun
Supreme Court of the United States
Washington, D.C. [20543]

In re, Sovereignty of State

Dear Justice Blackmun,

87-1207
6/15/89

In regard to his dissenting opinion in the Willis v. Michigan Case, I found Brennan, J., insightful. And I present the following for your consideration and concurrence.

The court, in its deciding opinion, certainly made a grievous error in determining that the State was a sovereign with respect to 42 USC 1983, in two regards:

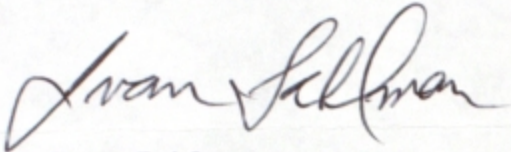
The first is in that for the justice system of the United States to contain its full measure of justice, not even the States can be immune to a redressing of their errors and wrongs. Clearly the 11th Amendment, which is specific rather than general, does not grant immunity to the States, rather it merely prohibits the Courts of the United States from having original jurisdiction, and instead restricts them to their appellate power only.

Secondly, the Court, by declaring, in essence, that the State has sovereignty with respect to its people flies in the face of Chisholm v. Georgia [2 Dall. (2 U.S.) 419, 456, 472, 479], not to mention the most fundamental principles upon which this country's founders fought to establish liberty.

Chisholm v. Georgia declared that in throwing off the sovereignty of King George, that sovereignty devolved upon the people themselves as individuals citizens, leaving no human subjects, and that as the sovereigns they created their governments. Clearly sovereignty is something that work only with equality between equals or otherwise works downward as in from a superior to inferior. That is, the subject of sovereignty is something always below it; and, this sovereignty of one citizen does not operate upon any other citizen but rather instead only upon the state itself. But even the States themselves are imbued with a certain sovereignty, a sovereignty which does not work upward to the people but rather only laterally and with an equality with respect to the other States and downward where the United States are concerned. The state, therefore, is and always will be the subject of the people.

The doctrine is that the sovereign is immune, that is, "in [the] common usage [in statutes], the term 'person' does not include the sovereign, [and][sic] statutes employing the [word][sic] are ordinarily construed to exclude it". Based upon these natural conclusions, how can it be that the State is a sovereign, immune from the people? Either the people are the supreme sovereign or the state is. Do you concur in this?

Yours most truly,

A handwritten signature in cursive script, appearing to read "Ivan Sahlman". The signature is fluid and somewhat stylized, with the first and last letters of each word being prominent.

Ivan Sahlman