Justice Blackmun
% Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

On 4 November 1988, Dear Justice Blackmun:

I have expended a great deal of effort, pains and expense to prepare and present some thoughts pertinent to Will v Michigan, docket number 87-1207.

Since I learned of this case only after it had been fully briefed, it was impossible for me to proceed according to the formal briefing procedure. Also, I do not have the resources to carry out the rigmarole of the formal procedure, expensive non-standard printed format size, etc.

Therefor I presented my thoughts in the form of an:
Informal AMICUS CURIAE Memorandum.

I served three copies of said memorandum upon the parties, and sent forty copies to the clerk with a letter requesting that it be "received" or "lodged" with the Court if not acceptable for being "filed". A copy of my letter of transmittal is attached.

The clerk rejected and returned to me the subject memorandum. The accompanying letter from the clerk is attached.

I intensely want to share my thoughts on the question in the case with this Court, and wish the Court to consider my input.

I therefor enclose herewith four copies of the subject memorandum and beg and urge that you accept this memorandum and consider its contents.

My interest is that I have similar matters pending and soon to be pending in the lower courts. It is not significant for me whether there is any Court emplaced stamp at all on this memorandum.

Sincerely,

For human rights, civil liberties, peace, justice, human dignity and liberty, I am

Michael McGovren

Michael McGovren, In Propria Persona

11/14/88

Settling of Ohio, Northwest Territory, 1788

W.H.@MM
P.O. BOX 451
ESTUDILLO STATION
SAN LEANDRO, CA
94577

RE: HLPF2086 BLACKMUN

tal of the enclosed 40 + 3
R I A E MEMORANDUM.

I learned of this case too late to be able to comply with the formal procedures for amicus curiae, so the best I can do now is this informal input via the the enclosed memorandum.

Since this presentation is not in accordance with the formal rules, I anticipate that this memorandum may possibly not be accepted for "filing". If this memorandum cannot be formally "filed", please then merely "receive" it, or accept it as "lodged" with the court.

Enclosed please find a self addressed franked envelope. Please "filed", or "received", or "lodged" stamp the three extra conformed copies and forward them to me in the said envelope.

Thank you, sincerely,

Michael McGovren 9 OCT '88

Michael McGovren, Amicus Curiae

P R O O F O F S E R V I C E

I, Michael McGovren, declare that I served 3 copies of the subject INFORMAL AMICUS CURIAE MEMORANDUM, my document 0041HLPF2080, upon the parties as listed upon the face of the memorandum, by United States Postal Service, First Class Mail, under pain and penalty of perjury.

Michael McGovren 11 OCTOBER 1988

Michael McGovren, Amicus Curiae

PLEASE ACKNOWLEDGE RECEIPT BY
HERE → AND DEPOSIT IN MAIL

RE: HLRF 2086 BLACKMUN

The Clerk
United States Supreme Court
1 First Street, N.E.
Washington, DC 20543

On 9 October 1988, Dear Clerk:

This is a cover letter to accompany transmittal of th
copies of my INFORMAL A M I C U S C U R I A

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United States Supreme Court
1 First Street, N.E.
Washington, DC 20543

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Michael McGovren 11 OCTOBER 1988

Michael McGovren, Amicus Curiae

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

. F. SPANIOL, JR.,
ERK OF THE COURT

October 26, 1988

AREA CODE 202
479-3011

Mr. Michael McGovren
W.H. at MM
P. O. Box 451
San Leandro, CA 94577

Re: Ray Will v. Michigan Department of State Police, et al., No. 87-1207

Dear Mr. McGovren:

Your typewritten "informal amicus curiae memorandum" was received October 19, 1988, and is returned. Any such amicus curiae brief must be printed in conformity with Rule 33 of the rules of the Court; must be filed within the time allowed the party whom you are supporting, as stated in Rule 36; and must bear the name of the member of the Bar of this Court who is counsel for the amicus curiae.

There is no provision within the Rules of this Court or in Title 28 of the United States Code to permit one to submit a pro se memorandum as amicus curiae.

Very truly yours,

JOSEPH F. SPANIOL, JR., Clerk

By

Francis J. Lorson
Chief Deputy Clerk

kb
cc: William Burnham, Esq.
Louis Caruso, Esq.

DOCKET NUMBER: 87-1207

IN THE UNITED STATES SUPREME COURT

RAY EUGENE WILL versus MICHIGAN DEPARTMENT OF STATE POLICE

INFORMAL A M I C U S C U R I A E MEMORANDUM

submitted by

MICHAEL McGOVREN

NATURE OF INTEREST:

SIMILAR MATTERS PENDING AND TO BECOME PENDING IN LOWER COURTS

COUNSEL FOR PARTIES:

FOR: RAY EUGENE WILL:	WILLIAM BURNHAM, PROFESSOR WAYNE STATE UNIVERSITY LAW SCHOOL 468 WEST FERRY
TELEPHONE: 313-577-3928	DETROIT, MICHIGAN 48202
FOR: STATE OF MICHIGAN:	FRANK J. KELLY, ATTORNEY GENERAL MR. L. CARUSO, DEPUTY ATTORNEY GENERAL 739 LAW BUILDING 525 WEST OTTAWA STREET
TELEPHONE: 517-373-1124	LANSING, MICHIGAN 48913

THIS MEMORANDUM SUBMITTED BY:
IN PROPRIA PERSONA MICHAEL McGOVREN
W.H. @ MM
P.O. BOX 451
SAN LEANDRO, CA 94577 (CALIFORNIA)

PROOF OF SERVICE
I served this Memorandum upon the parties
via United States Postal Service.

MICHAEL McGOVREN, AMICUS CURIAE, IN PROPRIA PERSONA

QUESTION PRESENTED BY PETITIONER

Whether a State or its officers acting in their official capacity are "persons" subject to suit in state court under 42 USC 1983 ?

QUESTIONS PRESENTED BY THIS AMICUS CURIAE

QUESTION ONE Did the People through their servants, the congress, deliberately exclude from from 42 USC 1983 that cause of action where the need for federal remedy is the greatest ?

QUESTION TWO Who is the sovereign:

The People or their servant, the government ?

QUESTION THREE If, in the unlikely degenerate event that, the servant-government has some sort of sovereignty, is that sovereignty status of the servant-government equal or superior to that of the People ?

QUESTION FOUR What exactly is the State ?

QUESTION FIVE Would and did the People deliberately, through their servants the congress, the Founders of this Nation, and the Framers of the Constitution establish and secure to themselves rights of remedy in redress and relief against their servant-government which are in any way intentionally and designedly inferior to that available to their English contemporairy and ancestor subjects against the crown ?

QUESTION SIX Is it necessary, in the interest of preservation of the funtional operational integrity of the Nation that a sovereignty and a sovereign immunity be recognized, attributed and granted to the People's servant, the government ?

I, MICHAEL McGOVREN, AMICUS CURIAE, submit that the foregoing questions are germane to the matter at issue and in some ways even more fundamental. These questions conduce focus and perspective.

D I S C U S S I O N

QUESTION ONE

Did the People through their servants, the congress, deliberately exclude from from 42 USC 1983 that cause of action where the need for federal remedy is the greatest ?

Regarding whether a state or its officers are "persons" under 42 USC 1983:

It is absurd to entertain a thought that the People acting through their servant, the congress, intended to exempt one of the largest governmental entities from inclusion amongst those liable and actionable against under 42 USC 1983. The states and state officers are the very "persons" from whom the People individually most acutely particularly and emphatically need protection.

An interpretation which excludes and exempts states and state officers from actionability as "persons" under 42 USC 1983 consitutes a construal that the People, deliberately, through their servants the congress, intentionally placed a void where the need was greatest.

The attribution of such extreme stupidity and incompetence upon the People with such an interpretation is so patently absurd, ridiculous, and insulting to the People that it is remarkable that any public servant would have the audacity to raise even the possibility.

If the state is behaving in a proper ethical, moral, reasoned and constitutional manner, then wrongful behavior of the inferior geo-political elements (counties, cities, et cetera) will be swiftly

redressed by faithful responsible state governmental officials and will require only deminumus effort of the individual People. The only effort required of the individual would be the mere notification by directing the attention of the state level government official to the wrong, and then stepping back as the state government functionaries proceed to correct, remedy and redress the wrong.

The need for federal remedy and/or federal judicial involvement is most acute when the state is not functioning as it should in a proper ethical, moral, reasoned and constitutional manner. And this is the very circumstance in which a defendant party state would have the 42 USC 1983 remedy against her eliminated.

Of course, it is not surprising that wrongdoers wish to be free of interference in their wrongdoing and liability therefor.

For the forgoing reasons alone, it is absurd to contemplate or proffer that congress intended to exempt states from the 42 USC 1983 remedy by means of an artifice of construing that neither states nor state officials are "persons" within the meaning of the remedy.

This amicus curiae urges the Court to rule that:

states and state officials are "persons" under 42 USC 1983 because: the People, DID NOT, deliberately, through their servants the congress, intentionally excluded from the 42 USC 1983 remedy, the cause of action where the need is the greatest and most acute.

QUESTIONS TWO and THREE

TWO. Who is the sovereign:
The People or their servant, the government ?

THREE. If, in the unlikely degenerate event that, the servant-government has some sort of sovereignty, is that sovereignty status of the servant-government equal or superior to that of the People ?

These questions are rhetorical and are proffered by this amicus curiae for the purpose of rendering perspective to the matter at issue.

TWO. The People individually are the raison d'etre of this Nation, and of course they are members of and constitute the Sovereign Body. The government is definitely and emphatically not sovereign.

THREE. If any sort of sovereignty whatever can be attributed to the People's servant, the government, then it is clear that any such sovereignty must be vastly inferior to the Ultimate Sovereign, the members of the Sovereign Body, The People. (Yick Wo v. Hopkins)

QUESTION FOUR

What exactly is the State ?

A SEMANTIC PROBLEM: WHAT IS THE STATE ?

A very significant component of the difficulties encountered in the topic of sovereignty is a result of confusion caused by the vagaries and imprecise use of language.

The word "state" is used in many circumstances and contexts to mean a number of different and distinct things. The word "state" is used variously to refer to:

@ The geographical land mass within a recognized defined boundary.

@ The governmental organization unit which has the highest and broadest jurisdiction at large throughout the entirety of the space within the boundary.

@ The legislatively or constitutionally created artificial corporate entity assigned to the duty of managing assets owned in common.

@ The agencies created by the constitution or legislature to perform various functions and services such as the: Department of Business, Transportion and Housing,, Employment Development Department,,

Corrections Department,, Health Services Department,, Consumer Affairs Department,, Francise Tax Board,, Public Utilities Commission,, Judicial Performance Commission,, Judicial Council,, et cetera.

@ The geo-political element as distinguished from other geo-political units/ entities/ subdivisions such as federal or county or city, etc.

@ The people within the boundary.

@ The subset of people within the boundary who have a certain high and full status of citizenship and who possess the voting franchise, et cetera, and who constitute the sovereign body.

@ The forgoing citizens and their dominion over the land mass within the boundary.

@ Various combinations and permutations of the foregoing.

The following excerpts from dictionaries illustrate the variety and multiplicity of meaning and sense in usage of the word "state" :::

> "state, noun.
> "7. pl. The bodies that constitute the legislature of a country."
> "A political body, or body politic; any body of people occupying a definite territory and politically organized under one government, esp. one that is not subect to external control."
> "Any number of commonwealths,or bodies politic, constituting a sovereign state [in the foregoing sense] by their union as in the United States."
> "Territory or government of a state [in the two foregoing senses]."
> "The entity collectively constituted by the body politic, territory, and government of a state; as the Department of State.
> --adjective.
> "Of or pertaining to the body politic; as, state papers."
> Webster's New Collegiate Dictionary, 1961

page 544, et sequens.

> "STATE, government. This word is used in various senses. In its most enlarged sense, it signifies a self-sufficient body of persons united together in one community for the defense of their rights, and to do right and justice to foreigners. In this sense, the state means the whole people united into one body politic. (q.v.) and the state, and the people of the state, are equivalent expressions. 1 Pet.Cond.Rep.37 to 39; 3 Dall.93; 2 Dall.425; 2 Wilson's Lect.120; Dane's Appx. sec.50, p.63; 1 Story, Const. sec.361. In a more limited sense, the word state expresses merely

the positive or actual organization of the legislative, or judicial powers; thus the actual government of the state is designated by the name of the state; hence the expression, the state has passed such a law, or prohibited such an act. State also means the section of territory occupied by a state, as the state of Pennsylvania."

"2. By the word state is also meant, more particularly, one of the commonwealths which form the United States of America."

"8. The district of Columbia and the territorial districts of the United States, are not states within the meaning of the constitution and of the judiciary act, so as to enable a citizen thereof to sue a citizen of one of the states in the federal courts. 2 Cranch,445; 1 Wheat.91."

A Law Dictionary, adapted to the Constitution and Laws of the United States of America and of the Several States of the American Union; with references to the Civil and Other Systems of Foreign Law. By John Bouvier. Eighth Edition. Philadelphia. 1859.

"STATE, n.

A people permanently occupying a fixed territory bound together by common-law habits and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe. United States v. Kusche, D.C.Cal., 56 F.Supp. 201, 207,208. The organization of social life which exercises sovereign power in behalf of the people. Delany v. Moraitis, C.C.A.Md., 136 F.2nd 129, 130.

One of the component commonwealths of states of the United States of America. The term is sometimes applied also to governmental agencies authorized by state, such as mutual corporations. Georgia v. City of Portland, 114 Or.418, 235 P.681, 683, 39 A.L.R. 341.

The people of the state considered in their collective capacity, considered as the party wronged by a criminal deed; the public; as in the title of a cause, "The State vs. A.B."

The section of territory occupied by one of the United States."

STATE OFFICERS

"Those whose duties concern the state at large or the general public, or who are authorized to exercise their official functions throughout the entire state, without limitation to any political subdivision of the state."

Black's Law Dictionary, Revised Fourth Edition, 1968

The foregoing excerpts clearly show that the use of the word "state" is various as to a multiplicity of different and distinct things.

The imprecise use of the word "state" in the context of the matters

at issue has resulted in great confusion. In the topical area of sovereign immunity it is necessary to discriminate and differentiate very exactly as to which particular specific sense and aspect is addressed.

Two uses of the word "state" which must be clearly distinguished are:

>>> the People of and within the boundaries who constitute the body politic and who are the Sovereign Body, and master of their public servants; as differentiated and distinguished from

>>> their servant/agent the government, in its various manifestations and forms, none of whom are sovereign.

When a plaintiff names a state as a defendant in an action, it is necessary to distinguish exactly who is the defendant amongst the various possibilities. In many instances the actual defendant party is some government entity or functional unit, and not the People of the state. In these instances, sovereign immunity and Eleventh Amendment issues do not even arise at all since the government and no part whatever of it is sovereign. It is logically impossible in very basic terms for that which is not sovereign to possess sovereign immunity.

Hence, in many cases wherein government entities, officials and functionaries are named defendants, there is no sovereign immunity bar to remedy in redress. Precise, discriminative and differentiative terms used in this topical area will avoid the confusion and difficulties which seem to be endemic therein.

QUESTION FIVE

Would and did the People deliberately, through their servants the congress, the Founders of this Nation, and the Framers of the Constitution establish and secure to themselves rights of remedy in redress and relief against their servant-government which are in any way intentionally and designedly inferior to that available to their English contemporairy and ancestor subjects against the crown ?

S O V E R E I G N I M M U N I T Y

IN ENGLAND

At the time of the American Revolution, the great statesmen, founders of this Nation and the Framers of our Constitution, were well aware of the rights and status of English subjects under the law of England. An authoritative estimate has it that nearly as many copies of Sir William Blackstone's Commentaries on the Laws of England were sold in the colonies as in the mother country, and the tendencies of colonial laymen to become "smatterers is the law" was notable.

The fact that the American colonists were receiving treatment from the king which was inferior to that accorded subjects in England was the very stimulus and reason why they officially memorialized in the DECLARATION OF RIGHTS of 1765 and again in 1774, their unhappiness and dis-satisfaction. The continued persistance of the disparities between the treatment of the colonists and British subjects in England eventually provoked the Revolutionary War. The two declarations of rights alone with the DECLARATION OF INDEPENDENCE make it clear that the American colonists knew very well the law and its application in England.

The Founders of this Nation and the Framers of our Constitution knew the status and effect of "sovereign immunity" in England. They knew that "sovereign immunity" in England was a traditional vestigal

fictional conceptual artifice.

While "sovereign immunity" was "recognized" in England, such "recognition" and the effect of this "immunity" did not operate to deprive an English subject of remedy in redress for wrongs suffered at the hands of his sovereign.

The petition of right and the monstrans de droit, involving proceedings against the crown by name, were already ancient remedies by the eighteenth century. Moreover, the English subject could obtain redress by suits for damages against subordinate officers and by means of various prerogative writs. The "immunity doctrine" was little more than a traditional vestigal fictional conceptual artifice which was given lip service in deference to British history and the crown.

Emphatically, in England, "sovereign immunity" did not operate as a bar to remedy in redress and relief of wrongs inflicted by the sovereign upon his subjects.

Underlying operative principles in England included: that:

>>> a subject with a legal claim against the king was as much entitled to redress as if the claim were against a fellow subject !!!!

>>> for the sovereign to know of the injury and to redress it are inseparable.

>>> the king is the fountain of justice and, as such, bound by law and conscience to redress wrongs done to his subjects.

>>> the very existence of a subject's legal right supposed legal redress for the wrong he had suffered. If the plaintiff has a right, he must of necessity have means of vindication if he is injured in the exercise or enjoyment of it. Right and remedy, want of right and want of remedy, are reciprocal.

IN THE THIRTEEN COLONIES CUM UNITED STATES

Circa the American Revolution, the reference standard in the Colonies/States regarding matters of law was the state of law in England. So, when the now former colonists established their Constitution and laws, they did so with accute cognizance of the "English standard" law.

There can be no denying that in the United States, individual rights have always been paramount. So, the pre-eminent question is: would the People of these United States, in their new Constitution, dispense and affirm rights to themseslves which are in any way inferior to those enjoyed by English subjects? Emphatically, obviously they would not settle for rights which are inferior in any way, be it quantity, kind, or quality. And especially not at a time immediately after having fought and suffered through a bitter bloody war against the major empire on the planet to achieve independence. This is at a time when there were many wounded, crippled and maimed people presently living who were casualties of the war.

There are those who would have this amicus curiae and this Court believe that the rights Americans carved out for themselves after their struggle for independence from Britain were intentionally designed to be inferior to the rights of English subjects in certain ways. Such a proposition would be laughable if it were not true that high officers of government in this Nation actually are proffering such nonsense in the courts of this Nation.

SOVEREIGN IMMUNITY IN THE UNITED STATES

In this Nation there is no possible doubt or equivocation about who the sovereign is. The People are the Sovereign. This is diametrically

opposite of the situtation in England. In the United States the government is absolutely not sovereign. The government and its components are merely the servant of the Sovereign, The People.

In the context of "sovereign immunity": immunity from what ? The "immunity" at issue is from criminal or civil liability for the consequences of servant-government conduct.

Where and in what way does immunity from liability for the consequences of government conduct have a part in this Nation ? The answer is a resounding: No place at all !!! None whatever !!!

If in England, defacto, there was no sovereign immunity bar to remedy in redress of wrongs committed by the Sovereign, why and of what need do We the People of the United States have of such a bar ?

A "sovereign immunity" bar to claims against the State or its component officials is totally antithetical to and in absolute irreconcilable conflict with the founding principles of this Nation !!

The very conceptual idea that a member of the Sovereign Body, the People, would be barred from remedy in redress against his servant-government is ridiculous enough, but to attempt to invoke no less than sovereign immunity as a bar is so absurdly stupid, outrageous and intractible that it is exasperating to realize that such a thing actually is taken seriously in the courts.

In order for one to successfully invoke "sovereign" immunity, one must first of all BE a <u>sovereign</u> ! Just how in the universe of logical possibilites could the servant-government who <u>definitely is not a sovereign</u>, seriously invoke no less than "<u>sovereign</u>" immunity. Those who would entertain such nonsense need to do some serious rethinking of these concepts since such stuff is logically incoherent on its own

terms and on its own face.

The propounders of such non-existant "sovereign immunity" exhibit a lack of command of a logically coherent concept of this Nation.

SOVEREIGN IMMUNITY AND ETHICS, MORALS, AND JUSTICE

The present implementation of sovereign immunity in this Nation is glaring evidence of a drastic, sorry and sad, extreme state of degeneracy in the status of We the People vis'-a-vis' our servant-cum-master, the government. In regard to remedy in redress against our servant-government, We the People, the Sovereigns, actually have worse status than the subjects had in England centuries ago vis'-a-vis' the crown. We the Sovereign People have extremely inferior rights of remedy in redress against our servant-government than did our ancestors against their Sovereign in England centuries ago !!!

The bar to remedy in redress extant in our Nation is diametrically opposed to and in total irreconcilable conflict with any any all respectable values and principles of ethics, morals, reason and justice.

QUESTION SIX

Is it necessary, in the interest of preservation of the funtional operational integrity of the Nation that a sovereignty and a sovereign immunity be recognized, attributed and granted to the People's servant, the government ?

REGARDING THE ALLEGED
NECESSITY OF SOVEREIGN IMMUNITY TO THE INTEGRITY OF THE NATION

Various rationale have been alluded-to invoking the necessity of recognition of sovereign immunity to protect the government in the performance of its functions. Justice Davis: "the government would be unable to perform the various duties for which it was created". Chief

Justice Vinson: "The government as representative of the community as a whole cannot be stopped in its tracks". Elsewhere, the sovereign immunity doctrine is treated as a necessary safeguard against judicial interference in the exercise of administrative discretion and in the fiscal and propriety affairs of government.

There is a conspicuous lack of thorough sustained analysis in support of these sort of rationale favoring a public policy sovereign immunity. The foregoing judicial expresions are scarcely more than hortative groping appeals to expediency.

An analysis of the propounded exigencies which make a sovereign immunity doctrine "necessary" brings the analyst immediately face to face with the values of the People of the Nation. The fact is that the invocation of sovereign immunity in this Nation operates to <u>deny justice</u> to certain some of the People of the Nation.

The first question is: exactly what is more important to the People of this Nation than justice ??!

This amicus curiae stands on the principle that there is nothing more important than justice, for justice is a paramount raison d'etre of the Nation -- and not the inverse !! In emergency circumstances such as war, exigency in allocation of scarce resources may compel that justice cannot be provided as speedily as otherwise in peace. But, there is never any excuse for outright denial of justice, and especially not as a matter of <u>public policy</u> !!

The alleged <u>dangers</u> asserted by proponents of the 'necessary' doctrine of sovereign immunity, as a matter of practical empirical experience, have rarely materialized. There is simply no evidence that governmental operations have been embarrassed as governmental immunity

has been constricted and liability expanded through legislative enactments and judicial decisions, nor that there WOULD BE in the absence of a sovereign immunity doctrine. There is not, nor can there be, any sufficient argument in support of any proposition that it is necessary for the Nation(state) that certain some of the People, individuals, suffer un-remedied, un-redressed, and un-recompensed harm at the hands of the servant-government.

No coherent criteria have been offered by the Court for determining whether or when recognition of immunity is necessary to protect the government in the performance of its functions. Such rules as have been judicially proffered express no more than outcomes of judicial choices that are probably more intuitive than reasoned, and are not altogether intelligible in terms of protecting the government in performing its essential function. The Court has failed to identify, with any precision, the need, to protect executive and administrative officials in the exercise of their functions from interference by the judiciary, or to specify the countervailing considerations which reasonably account for exceptions to the principle of sovereign immunity.

The reason for all of this is: there IS NO danger nor essentiality nor need nor necessity. IT SIMPLY DOES NOT EXIST !! The Court has sadly undertaken an impossible task of trying to fabricate a structure with incompatible and conflicting structural components on grounds which will not support it. Such a collection of components simply cannot result in coherency nor have structural integrity !! The Court is heroically trying to deliver justice against adversity and has resorted to extreme

contortions and extraordinary effort to do so. This all is a result of adherence to a supposed doctrine of "sovereign" government immunity which in fact does not exist and could not possibly exist in our Nation where the People are Sovereign. The reason that the Court has not succeded in producing a coherent structure in these matters is that it is logically impossible to do so on a foundation of "sovereign government immunity" in the context of this Nation. This amicus appreciates the Court's efforts in attempting to do the impossible.

This amicus curiae's statement that the doctrine of sovereign immunity is diametrically opposed to and in fundamental conflict with the founding principles of this Nation is still yet a great understatement of the actual situtation. It is doubtful that the Founders of this Nation and the Framers of our Constitution ever envisioned the executive branch of government becoming so massive and all pervasive as it now is. This behemoth is capable of causing and has and continues to cause a great deal of harm to individuals.

The individual rights, liberties and other blessings We enjoy under Our Nation's system of values and tenets are accompanied by weighty attendent imperative duties and responsibilities of citizenship.

One of the most important duties of the People of this Nation is to monitor and control their unreliable unfaithful and often enough contrary servant, the government. If for any reason, the People's servant causes harm upon anyone, it is the responsibility of the People, and the People are liable for all consequences flowing from such harm without exception, condition or limit.

This is not merely a spurious fringe aberrant anomalous result of Our Nation's system of values and tenets, but in fact, is an

absolutely imperative NECESSARY concommitant element of Our system. Without this element, Our system is doomed to degeneracy and failure.

This is so because: absent properly placed attendent consequences for failure to properly and adequately monitor and control the People's servant-government, so too will be absent the NECESSARY motivation to properly and adequately attend to, discharge and fulfill the People's necessary and imperative duties of citizenship.

Not only is the doctrine of sovereign immunity NOT necessary, it is emphatically antithetical, inimical, contrary and in fundamental conflict with Our system to the point of being DANGEROUSLY DESTRUCTIVE of Our precious system. So much for this nonsense doctrine of the necessity of "sovereign immunity".

The proponents of the allegedly necessary doctrine of "sovereign immunity", by deliberate intentional knowing choice, turn their backs upon the most highly esteemed values and principles which ever entered the cognizance of human kind and which is explicitly annunciated in the Preamble to the Constitution as a fundamental raison d'etre of the Constitution and this Nation. They would abandon the high principles of justice, reason, ethics, morals, and National integrity and respectability in the interest of a mere transitory momentary convenience or expediency.

Government "sovereign immunity" is worse than un-American.

GOVERNMENT "SOVEREIGN IMMUNITY" IS TRUELY A N T I - A M E R I C A N !

C O N C L U S I O N

States and state officials clearly are "persons" under 42 USC 1983.

For human rights, civil liberty, peace, justice, dignity and liberty, I am

MICHAEL McGOVREN, AMICUS CURIAE, In Propria Persona