

## NO MUNICIPAL JURISDICTION OR IMMUNITY

[double check all references]

Presidential documents: FEDERAL REGISTRY 48 #38 Title 3, Executive Order 12407, signed on February 22, 1983, by Ronald Reagan **revoked all powers from municipalities**, policing, and maintenance, referenced at; Community Communications Co. v. Boulder, Colorado, "ours is a "dual system of government," *Parker, supra*, at 317 U. S. 351, which **has no place for sovereign cities.**"

"Held: **A municipality has no immunity from liability** under 1983 flowing from its constitutional violations and may not assert the good faith of its officers as a defense to such liability. Pp. 635-658." Owen v. City of Independence, 445 U.S. 622 (1980)

"...state and its agencies are endowed with absolute sovereign immunity to tort liability except to the extent that such immunity has been abrogated legislatively, but **subdivisions of governmental and municipal corporations are not shielded from tort liability by governmental immunity**" William v. Primary School Dist. NO. 3, 3 Mich App 468.

"Public Policy of state dictates that **defense of governmental immunity to tort actions should no longer exist.**" Branum v. Board of Regents, 5 Mich App 134.

"We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or **right of soil** in and to the territory, of which Alabama or any of the new States were formed... ...[B]ecause, **the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere**, except in the cases in which it is expressly granted... ...Alabama is therefore entitled to the sovereignty and jurisdiction over all the territory within her limits, **subject to the common law...**" Pollard v. Hagan, 44 U.S. 212 (1845)

## RIGHT TO BE LET ALONE

"The protection guaranteed by the Amendments is much broader in scope. The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings, and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. **They conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men.** To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment. And the use, as evidence in a criminal proceeding, of facts ascertained by such intrusion must be deemed a violation of the Fifth.

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[*Olmstead v. United States*, 277 U. S. 438, 478 (1928) (Brandeis, J., **dissenting**); see also *Washington v. Harper*, 494 U. S. 210 (1990)]

[double check all references]

[Executive Order 12407]

[Ronald Reagan Executive Order 12407 - Federal Regional Councils February 22, 1983 Public Papers of the Presidents

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to eliminate a mechanism for interagency and intergovernmental coordination which is no longer needed, it is hereby ordered that Executive Order No. 12314, establishing the Federal Regional Councils, **is revoked.**]

[<http://www.presidency.ucsb.edu/ws/index.php?pid=40958>]

[Community Communications Co. v. Boulder, Colorado, "ours is a "dual system of government," *Parker, supra*, at [317 U. S. 351](#), which **has no place for sovereign cities.**"]

[[supreme.justia.com/cases/federal/us/455/40/case.html](http://supreme.justia.com/cases/federal/us/455/40/case.html)]

[*Parker v. Brown* - 317 U.S. 341 (1943) Page 317 U. S. 351]

legislature. In a dual system of government in which, under the Constitution, the states are sovereign save only as Congress may constitutionally subtract from their authority, an unexpressed purpose to nullify a state's control over its officers and agents is not lightly to be attributed to Congress.

The Sherman Act makes no mention of the state as such, and gives no hint that it was intended to restrain state action or official action directed by a state. The Act is applicable to "persons," including corporations ( § 7), and it authorizes suits under it by persons and corporations ( § 15). A state may maintain a suit for damages under it, *Georgia v. Evans*, 316 U. S. 159, but the United States may not, *United States v. Cooper Corp.*, 312 U. S. 600 -- conclusions derived not from the literal meaning of the words "person" and "corporation," but from the purpose, the subject matter, the context and the legislative history of the statute.

There is no suggestion of a purpose to restrain state action in the Act's legislative history. The sponsor of the bill which was ultimately enacted as the Sherman Act declared that it prevented only "business combinations." 21 Cong.Rec. 2562, 2457; see also at 2459, 2461. That its purpose was to suppress combinations to restrain competition and attempts to monopolize by individuals and corporations abundantly appears from its legislative history. See *Apex Hosiery Co. v. Leader*, 310 U. S. 469, 310 U. S. 492-93 and n. 15; *United States v. Addyston Pipe & Steel Co.*, 85 F. 271, affirmed, 175 U. S. 175 U.S. 211; *Standard Oil Co. v. United States*, 221 U. S. 1, 221 U. S. 54-58.

True, a state does not give immunity to those who violate the Sherman Act by authorizing them to violate it, or by declaring that their action is lawful, *Northern Securities Co. v. United States*, 193 U. S. 197, 193 U. S. 332, 193 U. S. 344-47, and we have no question of the state or its municipality becoming a participant in a private agreement or combination

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