

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

STEVEN L. REED,)	
)	
Plaintiff)	
v.)	
)	Case No. 05-3133-CV-S-SWH
CHOICE HOTELS INTERNATIONAL,)	
INC. d/b/a CLARION HOTEL, et.al,)	
Defendants)	

**SUGGESTIONS IN OPPOSITION TO DEFENDANT CITY OF SPRINGFIELD'S
MOTION FOR SUMMARY JUDGMENT**

COMES NOW, Plaintiff Steven L. Reed and ask the Court to rule against the City of Springfield' request for Summary Judgment. First of all the opening statement by the City says "The City of Springfield is entitled to the affirmative defense of Sovereign Immunity on some, if not all of plaintiff's claims and therefore judgment should be entered on its b half on this basis where appropriate." City Attorney's Motion Defendant City of Springfield's Motion for Summary Judgment dated June 5, 2008.

Plaintiff Reed says "you really have to be kidding" after three years the City of Springfield legal team brings up Sovereign Immunity and ask the Federal Magistrate Judge to help figure out if any or all the Charges of Civil Rights and other Violations can be thrown out of Court. Plaintiff Reed says he did not just fell off of a turnip truck.

Plaintiff Reed believes the City of Springfield Attorney's are Asking This Court to be Their Advocate in "getting rid of as many of the charges as possible". Plaintiff Reed feels that is reason enough for a settlement offer to be ordered by the Court for misconduct by the City of Springfield in asking for a Court to take sides in this case. It is

also pathetic that the City Under Point 17 of Statement of Facts page 3 says that Upon her arrival Officer Campbell placed Plaintiff and Mr. Kenkel in handcuffs. 18. Says Officer Campbell, a woman, is shorter than Plaintiff.

Plaintiff Reed has brought up in previous motions and pleadings that after over 4 squad cars and officers showed up the excuse that Campbell was the only one on site was no longer valid. Plaintiff Reed contacted Jeff Kenkel in the last couple weeks who said we need to point out that Officer Campbell may have been shorter but, i.e. she had a gun. Also the City should not be allowed to use male or female to define what kind of cases officers should be able to handle. Does that mean before we send officers out we need to determine the height and weight of the people at a call in before we send out officers? Any officer should be ready for any call would seem to be the correct answer. Is the City implying that there was a chance that Reed and Kenkel were going to jump or attack the female officer in front of hundreds of people and three other officers because she was shorter and so the hand cuffs needed to stay on? Maybe next time the City goes to arrest someone at a political event it might be better for those arrested to be put in straight jackets so they do not have bloody scraps and marks for days from hand cuffs. Clearly Officer Gale Campbell used Excessive Force, (by keeping hand cuffs on two people who showed no sign of threatening anyone), and was likely told by the Police Sergeants via the car radio to keep Reed and Kenkel hand cuffed. The Court could ask Gale Campbell now that she is no longer on the Police Force if she thinks now that her actions were Excessive?

The City says page 15 under Equal Access and Right to Freedom of Association that “The city of Springfield, through the Springfield Police Department, only acted upon

the lawful request of a private entity and did not initiate the arrest”. Plaintiff Reed believes that the City is untruthful in saying they simply ticketed Reed and Kenkel and escorted them off as is in the Police Report, which the City Attorney says this Court will never allow into this Court. The truth is Reed and Kenkel were Arrested and Detained for around four hours and were told three times by separate officers they were going to jail and then they were let go after someone likely the Police Department got nervous that it might end up on the evening national news. The City denies that Reed and Kenkel were pulled up with cars running and hand cuffs on in two separate cars after everyone went into the event. AGAIN pictures of daylight around 5:00 of Reed and Kenkel being arrested and then total dark of officers releasing Reed and Kenkel from two separate cars. The Bible talks of the truth.

Plaintiff Reed believes the United States Supreme Court did a very good job in the following case Owen v. City of Independence, and that the case can be read line by line and applied to this current case of why the City of Springfield should be allowed NO Sovereign Immunity concerning all the Claims by Plaintiff Reed including the Constitutional right to Participate in the Democratic, Political, Process which is the Main Pillar the United States claims to rest on.

In Owen v. City of Independence, No. 78-1779445 622 (US Sup. Ct.1980) In this case the Appeals Court addressed the city’s entitlement to qualified immunity in § 1983 lawsuits. The Court held that the city was not qualifiedly immune from liability and could not assert the good faith of its officers as a defense under § 1983. There was no tradition of immunity for cities, and neither history nor policy supported a constitution of § 1983 that would justify immunity. That the municipality’s common law immunity for

“governmental” functions derived from the principle of sovereign immunity explained why the doctrine did not serve as the basis for a qualified privilege under § 1983. Because sovereign immunity insulated the city from uncontested suits altogether. The presence or abuse of good faith was irrelevant. The critical issues was whether injury occurred while the city was exercising governmental, as opposed to proprietary, powers. The city’s “governmental” immunity was abrogated by the sovereign’s enactment of a statute making it amenable to suit. By including municipalities within the class of “persons” subject to liability, Congress abolished whatever vestage of the states’s sovereign immunity the city possessed....The appellate court’s holding that the city was entitled to qualified immunity from liability was reversed.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

Syllabus

After the City Council of respondent city moved that reports of an investigation of the city police department be released to the news media and turned over to the prosecutor for presentation to the grand jury and that the City Manager take appropriate action against the persons involved in the wrongful activities brought out in the investigative reports, the City Manager discharged petitioner from his position as Chief of Police. No reason was given for the dismissal, and petitioner received only a written notice stating that the dismissal was made pursuant to a specified provision of the city charter.

Subsequently, petitioner brought suit in Federal District Court under 42 U.S.C. § 1983 against the city, the respondent City Manager, and the respondent members of the City Council in their official capacities, alleging that he was discharged without notice of

reasons and without a hearing in violation of his constitutional rights to procedural and substantive due process, and seeking declaratory and injunctive relief. The District Court, after a bench trial, entered judgment for respondents. The Court of Appeals ultimately affirmed, holding that, although the city had violated petitioner's rights under the Fourteenth Amendment, nevertheless all the respondents, including the city, were entitled to qualified immunity from liability based on the good faith of the city officials involved. *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. 445 U. S. 635-658.

(a) By its terms, § 1983 "creates a species of tort liability that, on its face, admits of no immunities." *Imbler v. Pachtman*, 424 U. S. 409, 424 U. S. 417. Its language is absolute and unqualified, and no mention is made of any privileges, immunities, or defenses that may be asserted. Rather, the statute imposes liability upon "every person" (held in *Monell v. New York City Dept. of Social Services*, 436 U. S. 658, to encompass municipal corporations) who, under color of state law or custom, "subjects, or causes to be subjected, any citizen of the United States . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws."

And this expansive sweep of § 1983's language is confirmed by its legislative history. Pp. 445 U. S. 635-636. Page 445 U. S. 623

(b) Where an immunity was well established at common law and where its rationale was compatible with the purposes of § 1983, the statute has been construed to incorporate that immunity. But there is no tradition of immunity for municipal corporations, and neither history nor policy supports a construction of § 1983 that would justify the qualified

immunity accorded respondent city by the Court of Appeals. Pp. 445 U. S. 637-644.

(c) The application and rationale underlying both the doctrine whereby a municipality was held immune from tort liability with respect to its "governmental" functions but not for its "proprietary" functions, and the doctrine whereby a municipality was immunized for its "discretionary" or "legislative" activities but not for those which were "ministerial" in nature, demonstrate that neither of these common law doctrines could have been intended to limit a municipality's liability under § 1983. The principle of sovereign immunity from which a municipality's immunity for "governmental" functions derives cannot serve as the basis for the qualified privilege respondent city claims under § 1983, since sovereign immunity insulates a municipality from unconsented suits altogether, the presence or absence of good faith being irrelevant, and since the municipality's "governmental" immunity is abrogated by the sovereign's enactment of a statute such as § 1983 making it amenable to suit. And the doctrine granting a municipality immunity for "discretionary" functions, which doctrine merely prevented courts from substituting their own judgment on matters within the lawful discretion of the municipality, cannot serve as the foundation for a good faith immunity under § 1983, since a municipality has no "discretion" to violate the Federal Constitution. Pp. 445 U. S. 644-650.

(d) Rejection of a construction of § 1983 that would accord municipalities a qualified immunity for their good faith constitutional violations is compelled both by the purpose of § 1983 to provide protection to those persons wronged by the abuse of governmental authority and to deter future constitutional violations, and by considerations of public policy. In view of the qualified immunity enjoyed by most government officials, many victims of municipal malfeasance would be left remediless if the city were also allowed

to assert a good faith defense. The concerns that justified decisions conferring qualified immunities on various government officials -- the injustice, particularly in the absence of bad faith, of subjecting the official to liability, and the danger that the threat of such liability would deter the official's willingness to execute his office effectively -- are less compelling, if not wholly inapplicable, when the liability of the municipal entity is at issue. Pp. 445 U. S. 650-656. 589 F.2d 335, reversed.

The Supreme Court Opinion by BRENNAN said:

BRENNAN, J., delivered the opinion of the Court, in which WHITE, MARSHALL, BLACKMUN, and STEVENS, JJ., joined. POWELL, J., filed a dissenting opinion, in which BURGER, C.J., and STEWART and REHNQUIST, JJ., joined, *post*, p. 445 U. S. 658. MR. JUSTICE BRENNAN delivered the opinion of the Court. *Monell v. New York City Dept. of Social Services*, 436 U. S. 658 (1978), overruled *Monroe v. Pape*, 365 U. S. 167 (1961), insofar as *Monroe* held that local governments were not among the "persons" to whom 42 U.S.C. § 1983 applies, and were therefore wholly immune from suit under the statute. [Footnote 1] *Monell* reserved decision, however, on the question whether local governments, although not entitled to an absolute immunity, should be afforded some form of official immunity in § 1983 suits. 436 U.S. at 436 U. S. 701. In this action brought by petitioner in the District Court for the Western District of Missouri, the Court of Appeals for the Eighth Circuit held that respondent city of Independence, Mo., "is entitled to qualified immunity from liability" based on the good faith Page 445 U. S. 625.....
of its officials:"We extend the limited immunity the district court applied to the individual defendants to cover the City as well, because its officials acted in good faith

and without malice."

589 F.2d 335, 337-338 (1978). We granted certiorari. 444 U.S. 822 (1979). We reverse.

Monell held that

"a local government may not be sued under § 1983 for an injury inflicted solely by its employees or agents. Instead, it is when execution of a government's policy or custom, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy, inflicts the injury that the government as an entity is responsible under § 1983."

436 U.S. at 436 U. S. 694. The Court of Appeals held in the instant case that the municipality's official policy was responsible for the deprivation of petitioner's constitutional rights: "[T]he stigma attached to [petitioner] in connection with his discharge was caused by the official conduct of the City's lawmakers, or by those whose acts may fairly be said to represent official policy. Such conduct amounted to official policy causing the infringement of [petitioner's] constitutional rights, in violation of section 1983."589 F.2d 337. [Footnote 13]

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III

Because the question of the scope of a municipality's immunity from liability under § 1983 is essentially one of statutory construction, *see Wood v. Strickland*, 420 U. S. 308, 420 U. S. 314, 316 (1975); *Tenney v. Brandhove*, 341 U. S. 367, 341 U. S. 376 (1951), the starting point in our analysis must be the language of the statute itself. *Andrus v. Allard*, 444 U. S. 51, 444 U. S. 56 (1979); *Blue Chip Stamps v. Manor Drug Stores*, 421 U. S. 723, 421 U. S. 756 (1975) (POWELL, J., concurring). By its terms, §

1983 "creates a species of tort liability that, on its face, admits of no immunities." *Imbler v. Pachtman*, 424 U. S. 409, 424 U. S. 417 (1976). Its language is absolute and unqualified; no mention is made of any privileges, immunities, or defenses that may be asserted. Rather, the Act imposes liability upon "every person" who, under color of state law or custom,"subjects, or causes to be subjected, any citizen of the United States . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws. [Footnote 16]"

And *Monell* held that these words were intended to encompass municipal corporations as well as natural "persons." Moreover, the congressional debates surrounding the passage of § 1 of the Civil Rights Act of 1871, 17 Stat. 13 -- the forerunner of § 1983 -- confirm the expansive sweep of the statutory. Page 445 U. S. 636

language. Representative Shellabarger, the author and manager of the bill in the House, explained in his introductory remarks the breadth of construction that the Act was to receive:

"I have a single remark to make in regard to the rule of interpretation of those provisions of the Constitution under which all the sections of the bill are framed. This act is remedial, and in aid of the preservation of human liberty and human rights. All statutes and constitutional provision authorizing such statutes are liberally and beneficently construed. It would be most strange and, in civilized law, monstrous, were this not the rule of interpretation. As has been again and again decided by your own Supreme Court of the United States, and everywhere else where there is wise judicial interpretation, the largest latitude consistent with the words employed is uniformly given in construing such statutes and constitutional provisions as are meant to protect and defend and give

remedies for their wrongs to all the people."

Cong.Globe, 42d Cong., 1st Sess., App. 68 (1871) (hereinafter Globe App) Similar views of the Act's broad remedy for violations of federally protected rights were voiced by its supporters in both Houses of Congress. *See Monell v. New York City Dept. of Social Services*, 436 U.S. at 436 U. S. 683-687. [Footnote 17]

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In each of these cases, our finding of § 1983 immunity "was predicated upon a considered inquiry into the immunity historically accorded the relevant official at common law and the interests behind it." *Imbler v. Pachtman, supra* at 424 U. S. 421.

Where the immunity claimed by the defendant was well established at common law at the time § 1983 was enacted, and where its rationale was compatible with the purposes of the Civil Rights Act, we have construed the statute to incorporate that immunity. But there is no tradition of immunity for municipal corporations, and neither history nor policy supports a construction of § 1983 that would justify the qualified immunity accorded the city of Independence by the Court of Appeals. We hold, therefore, that the municipality may not assert the good faith of its officers or agents as a defense to liability under § 1983. [Footnote 18]

A Since colonial times, a distinct feature of our Nation's system of governance has been the conferral of political power upon public and municipal corporations for the management of matters of local concern. As *Monell* recounted, by 1871,

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municipalities -- like private corporations -- were treated as natural persons for virtually all purposes of constitutional and statutory analysis. In particular, they were routinely

sued in both federal and state courts. *See* 436 U.S. at 436 U. S. 687-688. *Cf.* 74 U. S. Mercer County, 7 Wall. 118 (1869). Local governmental units were regularly held to answer in damages for a wide range of statutory and constitutional violations, as well as for common law actions for breach of contract. [Footnote 19] And although, as we discuss below, [Footnote 20] a municipality

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was not subject to suit for all manner of tortious conduct, it is clear that, at the time § 1983 was enacted, local governmental bodies did not enjoy the sort of "good faith" qualified immunity extended to them by the Court of Appeals.

As a general rule, it was understood that a municipality's tort liability in damages was identical to that of private corporations and individuals:

"There is nothing in the character of a municipal corporation which entitles it to an immunity from liability for such malfeasances as private corporations or individuals would be liable for in a civil action. A municipal corporation is liable to the same extent as an individual for any act done by the express authority of the corporation, or of a branch of its government, empowered to act for it upon the subject to which the particular act relates, and for any act which, after it has been done, has been lawfully ratified by the corporation.".....

"There is a large class of cases, in which the rights of both the public and of individuals may be deeply involved, in which it cannot be known at the time the act is done whether it is lawful or not. The event of a legal inquiry, in a court of justice, may show that it was unlawful. Still, if it was not known and understood to be unlawful at the time, if it was an act done by the officers having competent authority, either by express vote of the city

government, or by the nature of the duties and functions with which they are charged, by their offices, to act upon the general subject matter, and especially if the act was done with an honest view to obtain for the public some lawful benefit or advantage, reason and justice obviously require that the city, in its corporate capacity, should be liable to make good the damage sustained by an individual, in consequence of the acts thus done.".....

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State expressly or impliedly allows itself, or its creation, to be sued. Municipalities were therefore liable not only for their "proprietary" acts, but also for those "governmental" functions as to which the State had withdrawn their immunity. And, by the end of the 19th century, courts regularly held that in imposing a specific duty on the municipality either in its charter or by statute, the State had impliedly withdrawn the city's immunity from liability for the nonperformance or misperformance of its obligation. *See, e.g., 66 U. S. 50-52 (1862); 58 U. S. 167-169 (1855). See generally* Shearman & Redfield §§ 122-126; Note, Liability of Cities for the Negligence and Other Misconduct of their Officers and Agents, 30 Am.St.Rep. 376, 385 (1893). Thus, despite the nominal existence of an immunity for "governmental" functions, municipalities were found

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liable in damages in a multitude of cases involving such activities.

That the municipality's common law immunity for "governmental" functions derives from the principle of sovereign immunity also explains why that doctrine could not have served as the basis for the qualified privilege respondent city claims under § 1983. First, because sovereign immunity insulates the municipality from unconsented suits altogether,

the presence or absence of good faith is simply irrelevant. The critical issue is whether injury occurred while the city was exercising governmental, as opposed to proprietary, powers or obligations -- not whether its agents reasonably believed they were acting lawfully in so conducting themselves. [Footnote 29] More fundamentally, however, the municipality's "governmental" immunity is obviously abrogated by the sovereign's enactment of a statute making it amenable to suit. Section 1983 was just such a statute. By including municipalities within the class of "persons" subject to liability for violations of the Federal Constitution and laws, Congress -- the supreme sovereign on matters of federal law [Footnote 30] -- abolished whatever vestige

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In sum, we can discern no "tradition so well grounded in history and reason" that would warrant the conclusion that, in enacting § 1 of the Civil Rights Act, the 42d Congress *sub silentio* extended to municipalities a qualified immunity based on the good faith of their officers. Absent any clearer indication that Congress intended so to limit the reach of a statute expressly designed to provide a "broad remedy for violations of federally protected civil rights," *Monell v. New York City Dept. of Social Services*, 436 U.S. at 436 U. S. 685, we are unwilling to suppose that injuries occasioned by a municipality's unconstitutional conduct were not also meant to be fully redressable through its sweep. [Footnote 32]

Plaintiff Reed points to the following ruling in this case and how the City of Springfield should admit the way they handled the case was not proper and that the proper procedures will be put in place for others in the future when such an issue arises.

Continued Opinion Owen v. City of Independence.

B Our rejection of a construction of § 1983 that would accord municipalities a qualified immunity for their good faith constitutional violations is compelled both by the legislative purpose in enacting the statute and by considerations of public policy. The central aim of the Civil Rights Act was to provide protection to those persons wronged by the "[m]isuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law." *Monroe v. Pape*, 365 U.S. at 365 U. S. 184 (quoting *United States v. Classic*, 313 U. S. 299, 313 U. S. 326 (1941)). By creating an express federal remedy, Congress sought to "enforce provisions of the Fourteenth Amendment against those
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who carry a badge of authority of a State and represent it in some capacity, whether they act in accordance with their authority or misuse it."

Monroe v. Pape, *supra* at 365 U. S. 172.

How "uniquely amiss" it would be, therefore, if the government itself --

"the social organ to which all in our society look for the promotion of liberty, justice, fair and equal treatment, and the setting of worthy norms and goals for social conduct"

-- were permitted to disavow liability for the injury it has begotten. *See Adickes v. Kress & Co.*, 398 U. S. 144, 398 U. S. 190 (1970) (opinion of BRENNAN, J.). A damages

remedy against the offending party is a vital component of any scheme for vindicating cherished constitutional guarantees, and the importance of assuring its efficacy is only accentuated when the wrongdoer is the institution that has been established to protect the very rights it has transgressed. Yet owing to the qualified immunity enjoyed by most government officials, *see Scheuer v. Rhodes*, 416 U. S. 232 (1974), many victims of

municipal malfeasance would be left remediless if the city were also allowed to assert a good faith defense. Unless countervailing considerations counsel otherwise, the injustice of such a result should not be tolerated. [Footnote 33]

Moreover, § 1983 was intended not only to provide compensation to the victims of past abuses, but to serve as a deterrent against future constitutional deprivations, as well. *See Robertson v. Wegmann*, 436 U. S. 584, 436 U. S. 590-591 (1978); *Carey v. Piphus*, 435 U. S. 247, 435 U. S. 256-257 (1978). The knowledge that a municipality will be liable for all of its injurious conduct, whether committed in good faith or not, should create Page 445 U. S. 652.....

an incentive for officials who may harbor doubts about the lawfulness of their intended actions to err on the side of protecting citizens' constitutional rights. [Footnote 34]

Furthermore, the threat that damages might be levied against the city may encourage those in a policymaking position to institute internal rules and programs designed to minimize the likelihood of unintentional infringements on constitutional right.

[Footnote 35] Such procedures are particularly beneficial in preventing those "systemic" injuries that result not so much from the conduct of any single individual, but from the interactive behavior of several government officials, each of whom may be acting in good faith. *Cf. Note, Developments in the Law: Section 1983 and Federalism*, 90 Harv.L.Rev. 1133, 1218-1219 (1977). [Footnote 36].....

The first consideration is simply not implicated when the damages award comes not from the official's pocket, but from the public treasury. It hardly seems unjust to require a municipal defendant which has violated a citizen's constitutional rights to compensate him for the injury suffered thereby. Indeed, Congress enacted § 1983 precisely to provide

a remedy for such abuses of official power. *See Monroe v. Pape*, 365 U.S.

at 365 U. S. 171-172. Elemental notions of fairness dictate that one who causes a loss should bear the loss.

It has been argued, however, that revenue raised by taxation for public use should not be diverted to the benefit of a single or discrete group of taxpayers, particularly where the municipality has at all times acted in good faith. On the contrary, the accepted view is that stated in *Thayer v. Boston* --

"that the city, in its corporate capacity, should be liable to make good the damage sustained by an [unlucky] individual,

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More important, though, is the realization that consideration of the municipality's liability for constitutional violations is quite properly the concern of its elected or appointed officials. Indeed, a decisionmaker would be derelict in his duties if, at some point, he did not consider whether his decision comports with constitutional mandates, and did not weigh the risk that a violation might result in an award of damages from the public treasury. As one commentator aptly put it:

"Whatever other concerns should shape a particular official's actions, certainly one of them should be the constitutional rights of individuals who will be affected by his actions. To criticize section 1983 liability because it leads decisionmakers to avoid the infringement of constitutional rights is to criticize one of the statute's *raisons d'etre*.

[Footnote 41] "

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IV

In sum, our decision holding that municipalities have no immunity from damages liability

flowing from their constitutional violations harmonizes well with developments in the common law and our own pronouncements on official immunities under § 1983. Doctrines of tort law have changed significantly over the past century, and our notions of governmental responsibility should properly reflect that evolution. No longer is individual "blameworthiness" the acid test of liability; the principle of equitable loss-spreading has joined fault as a factor in distributing the costs of official misconduct. We believe that today's decision, together with prior precedents in this area, properly allocates these costs among the three principals in the scenario of the § 1983 cause of action: the victim of the constitutional deprivation; the officer whose conduct caused the injury; and the public, as represented by the municipal entity. The innocent individual who is harmed by an abuse of governmental authority is assured that he will be compensated for his injury. The offending official, so long as he conducts himself in good faith, may go about his business secure in the knowledge that a qualified immunity will protect him from personal liability for damages that are more appropriately chargeable to the populace as a whole. And the public will be forced to bear only the costs of injury inflicted by the "execution of a government's policy or custom, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy. "

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A top 10 list of issues Plaintiff Reed has would include:

1. Plaintiff Reed has asked the FBI to assign a civil rights lawyer to help Reed prepare the case for trial and additional time is needed for their response.
2. Clearly the City lawyer does not understand that the entrance to the Clarion is a

business traffic way making it a public place of activities. The City has apparently talked with members of the Democratic Party which concocted a story that it was a private fund raiser and that was mainly after they figured out three tv cameras and the Sunday News-Leader (over 100,000 circulation ran a story including the arrest). The event has always been advertised as a Public Political Event for decades.

3. Defendant fails to point out Reed's transcript explains he handed out flyers all evening Friday night and people wanted them at the event. It was not until late afternoon when they wanted Reed to leave and especially about a half hour after Bob Holden sitting Governor walked by and said "hi Steven". The Democrat Party wanted the Police to do whatever necessary to get rid of Reed and Kenkel and they were in the squad cars running for over an hour waiting to go to jail. The City Police did wrong in participating in squashing FREEDOM OF SPEECH and creating a situation of shutting down the POLITICAL PROCESS OF ELECTNERING AND PETITIONING THEIR GOVERNMENT.

4. The Police report said that Reed and Kenkel were ticketed only. Yet Reed and Kenkel were in the squad cars running for over an hour waiting to go to jail. They were hand cuffed while four police squad cars blocked the mail entrance (with over four officers on site while three tv camera's rolled), where over 300 people walked into the Clarion and walked within 5 feet of Reed and Kenkel to attend the political function.

5. As a nation we Promote Democracy and Human Rights all over the world. In this case things got out of hand and the City does not want to admit it.

6. If United States Magistrate Judge Sarah W. Hays and or Claire McCaskill showed up and handed out flyers (saying Draft Claire for Governor she is an inspiring person), no

one would have said a word, actually they may have got a police escort to the event. That smacks of violation of the:

From Wikipedia, the free encyclopedia:

The **Equal Protection Clause**, part of the Fourteenth Amendment to the United States Constitution, provides that "no state shall... deny to any person within its jurisdiction the equal protection of the laws." The Equal Protection Clause can be seen as an attempt to secure the promise of the United States' professed commitment to the proposition that "all men are created equal" by empowering the judiciary to enforce that principle against the states.

More concretely, the Equal Protection Clause, along with the rest of the Fourteenth Amendment, marked a great shift in American constitutionalism. Before the enactment of the Fourteenth Amendment, the Bill of Rights protected individual rights only from invasion by the federal government. After the Fourteenth Amendment was enacted, the Constitution also protected rights from abridgement by state leaders, and governments, even including some rights that arguably were not protected from abridgement by the federal government. In the wake of the Fourteenth Amendment, the states could not, among other things, deprive people of the equal protection of the laws. What exactly such a requirement means, of course, has been the subject of great debate; and the story of the Equal Protection Clause is the gradual explication of its meaning.

One of the main limitations in the Equal Protection Clause is that it limits only the powers of government bodies, and not the private parties on whom it confers equal protection. This limitation has existed since 1883 and has not been overturned. However, since the 1960s, Congress has passed most civil rights legislation under its Commerce Clause power.

7. Plaintiff Reed would take the time to try and respond to the 17 pages the Defendant City of Springfield submitted but Plaintiff Reed does not really have the time, money or stress levels to come up with a point by point response.

9. This case has been intertwined with the Write In case since the City of Springfield did not allow Reed to run as a write in for Mayor in an attempt to keep this lawsuit out of the public eyes. Plaintiff Reed submits the just completed Appeals Brief, (SEE EXHIBIT A), as evidence and it was due on June 16, 2008. CLEARLY THIS WAS ANOTHER ATTEMPT TO BADGERER PLAINTIFF STEVEN REED by forcing him to file this

Response at the same time frame as the APPEAL WAS DUE in the State Appeals Court.

10. Concerning PLEADING GUILTY. Plaintiff Reed paid an Attorney to PLEAD

REED NOT GUILTY and Reed can not control others actions. Reed has included

part of the current investigation REGION XV DISCIPLINARY COMMITTEE

UNDER THE AUTHORITY OF THE MISSOURI SUPREME COURT

OFFICE OF THE CHIEF DISCIPLINARY COUNSEL

RANDEE S. STEMMONS, SPECIAL REPRESENTATIVE

(SEE EXHIBIT B), due June 19, 2008. Plaintiff Reed has also send application to the

Missouri State Highway Patrol to have his record cleared, see Application for Executive

Clemency. (EXHIBIT C)

Conclusion

The is that the City of Springfield has stonewalled and gave the Court misinformation concerning a whole host of issues. Plaintiff Reed followed the rules the Court said he must for Discovery and the City has tried to intimidate Plaintiff Reed at every corner of this action. Plaintiff Reed believes the Cities request for Summary Judgment is unreasonable by any test and asks the Court to rule so forth.

Appellant's Brief, (SEE EXHIBIT A),

(SEE EXHIBIT B)

REGION XV DISCIPLINARY COMMITTEE UNDER THE AUTHORITY OF THE MISSOURI SUPREME COURT OFFICE OF THE CHIEF DISCIPLINARY COUNSEL RANDEE S.STEMMONS, SPECIAL REPRESENTATIVE

(EXHIBIT C)

Application for Executive Clemency.

Respectfully submitted,

Steven L. Reed

Certificate of Service---I certify that on _____ a true copy of the above was mailed, postage pre paid or electronically to the last known mailing address of each party to this lawsuit.

Steven L. Reed

Respectfully submitted,

Steven L. Reed

Steven L. Reed, Plaintiff Pro Se
Signed and dated June 20, 2008

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