

"CRUDE AND RUDE"

The first citation comes from SCOTUS - the Supreme Court of the United States - and the decision that is relevant to the current situation was issued somewhere around one hundred years ago. That decision is *New York Times v. Sullivan*, where the court decision (9-0) contained the following two relevant and still prevailing portions –

"We consider this case against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include *vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.*"

The protection the above Supreme Court decision still provides for my "unpleasantly sharp attacks on government and public officials" was clearly established some one hundred years ago and any time I choose to use what I call my "Crude and Rude" tool, that use is PROTECTED from any retaliatory measures OF ANY KIND.

Justice Hugo Black put it this way -

"To punish the exercise of this right to discuss public affairs or to penalize it through libel judgments is to abridge or shut off discussion of the very kind most needed. This Nation, I suspect, can live in peace without libel suits based on public discussions of public affairs and public officials. But I doubt that a country can live in freedom where its people can be made to suffer physically or financially for criticizing their government, its actions, or its officials."

I think those citations set the tone RESTRICTING retaliatory measures OR NEGATIVE COMMENTS OF ANY KIND IN RESPONSE to my use of the "Crude and Rude" tool??!! SCOTUS sets that standard - get a clue, or they will clue you in!!!!

And in *Alford v Haner*, 333 F.3d 972, 975-76 (9th Cir.2002) the court states -

"The elements of a section 1983 action are: (1) that the conduct complained of was committed by a person acting under the color of state law; and (2) that the conduct deprived a person of rights, privileges, or immunities secured by the Constitution or laws of the United States."

Any so-called government agent automatically qualifies as the first above element – "Acting under the color of state law". So the only remaining issue is whether the conduct of any government agent is contrary to the established entitlements ("rights, privileges, or immunities") of any person. Thus, the standard of review for a section 1983 action is if any person suffered deprivations of any their established personal entitlements - "rights, privileges, or immunities". ANY action by ANY government agent that is contrary to ANY established personal entitlement is AUTOMATICALLY a deprivation of "rights, privileges, or immunities" as defined in *Alford v Haner* above.

Merging the above two legal situations results in any attempts to abridge a person's exercise of their established right to make "*vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials*" while engaged in "*filing grievances to seek redress*" – essentially accurately described as retaliatory actions by those same government/public officials being sharply attacked – are sufficient to eliminate any entitlement by those government/public officials to ANY immunity – qualified OR OTHERWISE.

In order to prevent official government actions from being subject to "undue influence" from "personal preferences and conflicting agendas" those government actors are prohibited from the exercise of any personal rights while engaged in official government related activities. Any such exercise is clearly indicated by the fact of official actions being contrary to established entitlements - "rights, privileges, or immunities".

And to bring this full circle, any attempt to deny the provision of established entitlements based on "personal preferences" regarding "unpleasantly sharp attacks on government officials" creates a "conflicting agenda" that completely eliminates any entitlement for such government officials to ANY immunity, including qualified immunity based on that conflicting agenda demonstrated by official actions contrary to established entitlements.