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5
6 UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8
9 THE UNITED STATES GOVERNMENT

32 B
Case No. CV-10-1413-PHX-NVW-
{Re: SB-1070}

10
11 Plaintiff,

MATTHEW D. PINNAVAIA
AN AMERICAN-CITIZEN, A
BRIEF FOR AMICUS CURIAE
IN SUPPORT OF DEFENDANTS,
THE STATE OF ARIZONA AND
AND GOVERNOR JANICE K.
BREWER, GOVERNOR OF THE
STATE OF ARIZONA.

12
13 v.

14 THE STATE OF ARIZONA
15 AND JANICE K. BREWER
16 GOVERNOR OF THE STATE
17 OF ARIZONA, IN HER
18 OFFICAL CAPACITY.

19 Defendants.

20 THE BRIEF OF AMICUS CURIAE

21 THE FEDERAL ENCROACHMENT
22 ON THE AUTHORITY OF A STATE GOVERNMENT.

- 23 1. Matthew D. Pinnavaia, an American-Citizen, hereby does respectfully submit
24 this Amicus-Curiae, to the Court, as does pertain to the U.S. Constitution
25 and this case before the Court.
26 2. The legal-action of the U.S. Government, as directed by the president of the
27 United States of America, and thereby composed and filed by the Office of
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1 the United States Attorney General, as against the State of Arizona, and as,
2 against Janice K. Brewer, the Governor of the State of Arizona, is a legal-
3 action based specifically on the supreme law of the United States: The U.S.
4 Constitution.

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6 3. The legal position of the U.S. Government is absolutely pertaining to the
7 “Supremacy Clause” of the U.S. Constitution, wherein the U.S. Government
8 does state, “In this action, the U.S. seeks to declare invalid and preliminary
9 and permanently enjoin the enforcement of S.B. 1070, as amended and
10 enacted by the state of Arizona, because S.B. 1070 is preempted by federal
11 law and therefore violates the Supremacy Clause of the United States
12 Constitution.”

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14 The legal-position of the U.S. Government
15 is unconstitutional and is a violation of the U.S.
16 Constitutional-Rights of the State of Arizona,
17 and of, the citizens of Arizona.

- 18 4. The U.S. Government’s legal-action is unconstitutional because it does
19 “prohibit the petitioning for governmental redress” – the First Amendment
20 of the U.S. Constitution – by the State of Arizona and the citizens of the
21 State of Arizona. When the elected, state representatives of the citizens
22 of Arizona, did compose, and then did pass the state legislation (S.B. 1070)
23 regarding the state of Arizona immigration law, which was then signed by
24 the Chief Executive of the State of Arizona, Governor Brewer, this state of
25 Arizona law, became the “petitioning for a governmental redress of
26 grievances”, as does pertain directly to the failure of the U.S. Government
27 to fully address the issue of illegal-immigration in the State of Arizona.
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5. The "Supremacy Clause" of the U.S. Constitution is as follows: The Constitution and the laws of the United States shall be the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding. The State of Arizona in addressing the issue of illegal-immigration, is not attempting to disregard the power of the federal government in the uniformity of the federal laws that govern the issue of illegal-immigration, it is properly addressing, under the U.S. Constitution, the impotence of the federal government to protect the health and welfare of the citizens of Arizona. The State of Arizona and Governor Brewer have lawfully petitioned the federal government thru the U.S. Constitution, wherein the voice of the citizens of Arizona, thru their elected state representatives, has been stated in the State of Arizona law, S.B. 1070. ///

1 6. The citizens of Arizona, have spoken thru their elected state
2 representatives, in the passage of the State of Arizona law S.B. 1070.
3 The citizens of Arizona, are directly exercising their fundamental
4 Constitutional-Rights, under the First-Amendment of the U.S.
5 Constitution. The U.S. Government, by filing their legal-action against the
6 State of Arizona, is encroaching on the ability and the rights of the State
7 of Arizona, under the U.S. Constitution, to “petition the U.S. Government”
8 for the grievances that the citizens of the State of Arizona, do have, as
9 does pertain to the federal government and the issue of illegal-immigration
10 in the State of Arizona.
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12 7. The State of Arizona law (S.B. 1070) is not preempted by federal law and
13 is not a violation of the Supremacy Clause of the U.S. Constitution because
14 it is a state law protected by the First Amendment of the U.S. Constitution.
15 If the U.S. Congress passes a federal law which does effect the citizens
16 of a State of the United States, and or, the citizens of several States, and
17 the citizens have concluded that their health, safety, and welfare, are not
18 being protected by a federal law, then they have the U.S. Constitutional-
19 Right, to petition the federal government with their grievances, in the form
20 of a State law, by which, to not only state their grievances of the failure of
21 a federal law – the non-enforcement of a federal immigration law – but
22 to also state that a State Government has the fundamental-right to protect
23 the health, safety, and welfare of its own citizens.
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25 8. The U.S. Government’s legal-action against the State of Arizona is not only
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1 a severe and unjustified and unwarranted federal encroachment upon the
2 powers of a State government, but is a complete violation of the First
3 Amendment of the U.S. Constitution, whereby the U.S. Government is
4 attempting to deprive or abridge the right of the citizens of Arizona, to
5 speak.
6

7 CONCLUSION

8 The words of the primary author and father of the U.S. Constitution,
9 James Madison, do relate to this matter before the Court:

10 "But ambitious encroachment of the federal government, on the authority
11 of the State governments, would not excite the opposition of a single state,
12 or of a few states, only. They would be signals of a general alarm.... But
13 what degree of madness could ever drive the federal government to such an
14 extremity? {The Federalist Paper No. 46, January 29, 1788.
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16
17 Respectfully Submitted

18 *Matthew D. Pinnavaia* / DATE: 7-19-10.

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20 An American-Citizen.

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