



Minnesota

March 4, 2026

House State Government Finance Committee_HF3477 support

Chair Klevorn, Chair Nash & members of the committee,

We are writing in support of HF3477. For the last few months, Minnesotans have watched as their neighbors have been gassed and sprayed, dragged from their cars, detained without cause for hours sometimes days, and two extrajudicial killings.

There is virtually no pathway for private individuals to sue federal officers for violations of the U.S. constitution. While 42 U.S.C. § 1983 provides a federal remedy for constitutional violations by **state and local government** officials, there is no comparable federal statutory remedy for such violations by **federal government** officials.

State legislatures can and must fix this gap by creating their own laws—sometimes known as “converse 1983” laws—that allow individuals to sue federal officers for violating the U.S. Constitution.

This bill does apply uniformly though – it provides remedies under the federal and state constitutions and against federal, state, and local law enforcement officers. That parity – that equal treatment of government officers provides this bill a necessary constitutional grounding. Currently, people can bring claims:

- Against state and local officials for violations of constitutional rights (42 USC 1983)
- Against federal officials for state tort claims – injuries to themselves or to property – but not for violations of their constitutional rights (Federal Tort Claims Act (FTCA))

In 1971, the Supreme Court held that the U.S. Constitution itself created a right to sue federal government officials for violations of the U.S. Constitution in *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics* 403 U.S. 388 (1971)¹. But subsequent case law following that decision has whittled away that right, creating a legal accountability gap for federal officers that is especially alarming in light of their current behavior.

We support this bill because it fills that crucial gap – remedies for violations of constitutional rights by federal actors – but also because it provides an independent, state-level remedy for violations of constitutional rights by state and local officials separate from the federal 1983 statute.

We urge the committee to support HF3477.

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¹ See <https://www.lawfaremedia.org/article/reckoning-with-bivens> (“Congress never created a cause of action, and courts have long proved ill-suited to fashion one. *Bivens* was, from the start, a judicial workaround and, as it turns out, not an especially effective one, regardless of whose perspective is being considered: civil rights plaintiffs, civil rights defendants, or the bench. *Bivens* is a false promise of the very worst sort.”)