in designated courts,[973] and this rule applies equally to suits by states against the United States.[974] Congress may also grant or withhold immunity from suit on behalf of government corporations.[975]

Suits Against United States Officials.—*United States v. Lee*, a 5-to-4 decision, qualified earlier holdings that a judgment affecting the property of the United States was in effect against the United States, by ruling that title to the Arlington estate of the Lee family, then being used as a national cemetery, was not legally vested in the United States but was being held illegally by army officers under an unlawful order of the President. In its examination of the sources and application of the rule of sovereign immunity, the Court concluded that the rule "if not absolutely limited to cases in which the United States are made defendants by name, is not permitted to interfere with the judicial enforcement of the rights of plaintiff when the United States is not a defendant or a necessary party to the suit."[976] Except, nevertheless, for an occasional case like *Kansas v. United States*,[977] which held that a state cannot sue the United States, most of the cases involving sovereign immunity from suit since 1883 have been cases against officers, agencies, or corporations of the United States where the United States has not been named as a party defendant. Thus, it has been held that a suit against the Secretary of the Treasury to review his decision on the rate of duty to be exacted on imported sugar would disturb the whole revenue system of the government and would in effect be a suit against the United States.[978] Even more significant is *Stanley v. Schwalby*,[979] holding that an action of trespass against an army officer to try title in a parcel of land occupied by the United States as a military reservation was a suit against the United States because a judgment in favor of the plaintiffs would have been a judgment against the United States.

Subsequent cases reaffirm the rule of *United States v. Lee* that, where the right to possession or enjoyment of property under gen-

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[973] United States v. Shaw, 309 U.S. 495 (1940). Any consent to be sued will not be held to embrace action in the federal courts unless the language giving consent is clear. Great Northern Life Ins. Co. v. Read, 322 U.S. 47 (1944).

[974] Minnesota v. United States, 305 U.S. 382 (1939). The United States was held here to be an indispensable party defendant in a condemnation proceeding brought by a state to acquire a right of way over lands owned by the United States and held in trust for Indian allottees. *See also* Block v. North Dakota, 461 U.S. 273 (1983).

[975] Brady v. Roosevelt S.S. Co., 317 U.S. 575 (1943).

[976] United States v. Lee, 106 U.S. 196, 207–208 (1882). The Tucker Act, 20 U.S.C. § 1346(a)(2), now displaces the specific rule of the case, as it provides jurisdiction against the United States for takings claims.

[977] 204 U.S. 331 (1907).

[978] Louisiana v. McAdoo, 234 U.S. 627, 628 (1914).

[979] 162 U.S. 255 (1896). Justice Gray endeavored to distinguish between this case and *Lee*. Id. at 271. It was Justice Gray who spoke for the dissenters in *Lee*.