

SUPREME COURT OF THE UNITED STATES

Will v. Michigan Department of State Police

491 U.S. 58 (1989) · No. No. 87-1207 · Decided June 15, 1989

SUMMARY

The Supreme Court held that neither a State nor state officials acting in their official capacities are "persons" subject to suit under 42 U.S.C. § 1983. The Court reasoned that the statutory text, legislative history, sovereign-immunity principles, and the federal-state balance did not support treating States as § 1983 defendants. The judgment of the Michigan Supreme Court was affirmed.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Justice White; Justice Blackmun; Justice Brennan; Justice Marshall; Justice Stevens
JURISDICTION	Federal
DECIDED	June 15, 1989
DOCKET	No. 87-1207
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner sought review of a Michigan Supreme Court decision holding that neither the State of Michigan nor a state official sued in his official capacity is a person under 42 U.S.C. § 1983.
STANDARD OF REVIEW	De novo review of the statutory question whether a State or a state official acting in an official capacity is a person under 42 U.S.C. § 1983.
PRECEDENTIAL VALUE	Published Supreme Court opinion; binding precedent
PARTIES	Ray Will v. Michigan Department of State Police, Director of State Police

TOPICS

- section 1983
- sovereign immunity
- eleventh amendment immunity
- statutory interpretation
- federalism

PRACTICE AREAS

- civil rights
- constitutional law
- government liability
- sovereign immunity
- statutory interpretation

QUESTIONS PRESENTED

1. Whether a State is a person within the meaning of 42 U.S.C. § 1983.
2. Whether a state official acting in an official capacity is a person within the meaning of § 1983 when the plaintiff seeks damages.
3. Whether the official-capacity distinction for prospective injunctive relief changes the treatment of a state official under § 1983.

HOLDINGS

1. A State is not a person within the meaning of § 1983 and therefore is not subject to liability under that statute.
2. A state official sued in an official capacity is not a person under § 1983 when the action is treated as one against the official's office or the State itself.
3. A state official sued in an official capacity for prospective injunctive relief may be treated as a person under § 1983 because such an action is not treated as an action against the State.

KEY QUOTATIONS

“We hold that neither a State nor its officials acting in their official capacities are “persons” under § 1983.”
(71)

“For the reasons that follow, we reaffirm today what we had concluded prior to Monell and what some have considered implicit in Quern: that a State is not a person within the meaning of § 1983.” (64)

FACTUAL BACKGROUND

Ray Will alleged that the Michigan Department of State Police denied him a promotion to data systems analyst because his brother had been a student activist and was the subject of a departmental red-squad file. He sued the Department and its Director in the Director's official capacity under § 1983 in Michigan state court. A civil-service grievance hearing resulted in a finding that the denial was based on partisan considerations, and the state trial judge found a violation of the United States Constitution.

PROCEDURAL HISTORY

Will filed a § 1983 action in Michigan Circuit Court alleging that he was denied a promotion for an unconstitutional reason. The Circuit Court remanded the matter for a civil-service grievance hearing; Will then filed an essentially identical action in the Michigan Court of Claims. After the Civil Service Commission ruled in Will's favor, the state trial judge found a constitutional violation and allowed the Court of Claims action to proceed. The Michigan Court of Appeals vacated the judgment against the Department of State Police and remanded regarding the official's possible immunity. The Michigan Supreme Court held that neither the State nor the state official acting in an official capacity was a person under § 1983, and the United States Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Monell v. New York City Department of Social Services, 436 U.S. 658 (1978)
- Monroe v. Pape, 365 U.S. 167 (1961)
- Quern v. Jordan, 440 U.S. 332 (1979)
- Wilson v. Omaha Tribe, 442 U.S. 653, 667 (1979)
- United States v. Cooper Corp., 312 U.S. 600, 604 (1941)
- Atascadero State Hospital v. Scanlon, 473 U.S. 234, 242 (1985)
- Pennhurst State School and Hospital v. Halderman, 465 U.S. 89, 99 (1984)
- Rice v. Santa Fe Elevator Corp., 331 U.S. 218, 230 (1947)
- United States v. Bass, 404 U.S. 336, 349 (1971)
- Felder v. Casey, 487 U.S. 131, 147 (1988)
- Patsy v. Board of Regents of Florida, 457 U.S. 496, 503 (1982)
- Newport v. Fact Concerts, Inc., 453 U.S. 247, 258 (1981)
- Brandon v. Holt, 469 U.S. 464, 471 (1985)
- Kentucky v. Graham, 473 U.S. 159, 165-167 n.14 (1985)
- Ex parte Young, 209 U.S. 123, 159-160 (1908)
- Hutto v. Finney, 437 U.S. 678 (1978)
- Maine v. Thiboutot, 448 U.S. 1 (1980)
- Martinez v. California, 444 U.S. 277 (1980)
- Alabama v. Pugh, 438 U.S. 781 (1978)