

(Slip Opinion)

NOTE: Where it is deemed desirable, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 200 U.S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

DISTRICT OF COLUMBIA *v.* CARTER

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE DISTRICT OF COLUMBIA CIRCUIT

No. 71-564. Argued November 6, 1972—Decided January 10, 1973

The District of Columbia is not a "State or Territory" within the meaning of 42 U. S. C. § 1983, and the Court of Appeals therefore erred insofar as that court sustained respondent's claims for deprivation of civil rights pursuant to that statute. Pp. 2-15.

144 U. S. App. D. C. 388, 447 F. 2d 358, reversed.

BRENNAN, J., delivered the opinion for a unanimous Court. In 1968, James Earl Ray, a police officer in the District of Columbia, arrested James Earl Carter, a member of the Metropolitan Police Department of the District of Columbia, without probable cause. While Carter was being held by two other officers, he was beaten with their fists. The respondent alleged that Carter's arrest violated the right of police officers to be free from unreasonable searches and seizures, and that Carter was injured by the circumstances in which an arrest may be made and the crowd to which various degrees of force may be used to effect an arrest. Respondent's complaint against each defendant upon several theories, including a common law theory of tort liability and an action for deprivation of civil rights pursuant to 42 U. S. C. § 1983, which provides:

Every person who, under color of any statute, ordinance, regulation, custom, or usage of any State or Territory, subjects or causes to be subjected, any

The Max Baer Law of 1911, 36 Stat. 1071, 42 U. S. C. § 1983, 42 Stat. 1071, 42 U. S. C. § 1983 (1911).