

87-1207

Will v Michigan Dept

1983 - when a St & its officials (so sued) r "persons"

Suit vs Mich Dept & its Dir

TCC 1. State is not real p in suit - St is

2. Do 11 Am bar a claims award?

Where here st stat gives Ct Cls JD + deter all cl. ∴ waiver

3 150 Vt claims.

Mich 4a - id

1. Ct Cl has JD

2. But St is not a person U 1983. S Ct did not resolve in

Quern v Jordan 440/332 (Dir reach per dictum - I joined)

Wd b so only if long meant total sov immunity, or St consents

3. Officials r "ps", but removed t @ immunity

Mich S Ct + 455

± Neither St nor official is a "p" - Quern did not resolve t?

Had long so intended, it wd be set up a fed - ct rem.

Dis wps & Sts r "ps"

Sov immunity do n bar 1983 we funde fed court sts r ct issue

I wd -

? is open. Quern did not say a St is not a p.

Ct tw was driven by a concern for St treasuries

Ct had s that St ca b sued U 1983 if it waived immunity U 11 Am

this implies a St is a "p" for 1983.

Straight constr → St as a p. No hard & fast line

Dictionary Act '71 s "p" included bodies politic & corporate

But 1871 retro chy is bothersome. yet not absolute

I go for broad readg

This wd b + d, b-3 or 5-4
v course

no ? v JD

44 or little coming

Emp here to see St map. ii -

? or summary remains.

I wd leave this for + St at on demand.

1 Dec 88