

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 25, 1989

From Justice White

Circled:

Received: MAY 25 1989

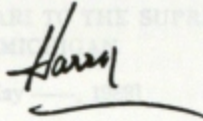
44 DRAFT

Re: No. 87-1207, Will v. Mich. Dept. of State Police

Dear Bill:

Please join me in your dissenting opinion in this case.

Sincerely,



JUSTICE WHITE delivered the opinion of the Court.
This case presents the question whether a State, or an official of the State while acting in his or her official capacity, is a "person" within the meaning of 42 U. S. C. § 1983.
Petitioner Ray Will filed suit in Michigan Circuit Court alleging various violations of the United States and Michigan Constitutions as grounds for a claim under § 1983. He alleged that he had been denied a promotion to a data systems analyst position with the Department of State Police for an improper reason, that is, because his brother had been a student affiliate and the subject of a "red squad" list maintained by respondents. Named as defendants were the Department

88 MAY 25 AM 10:13

Justice Brennan

cc: The Conference

JUSTICE BRENNAN
215

... 1987 ...
... of any ...
... within the jurisdiction thereof is the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be deemed to be the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia." 42 U. S. C. § 1983.