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SECTION 1983 AND AN ADMINISTRATIVE EXHAUSTION REQUIREMENT

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The recent explosion of litigation involving section 1983 has generated considerable debate among courts and commentators.[1] In 1984 a subcommittee of the United States Judicial Conference proposed an administrative exhaustion requirement in section 1983 cases that would require a plaintiff to exhaust any available state administrative procedures before bringing suit in federal court.[2] The proposal, however, was tabled in 1985 and the absence of such a requirement in section 1983 cases remains unchanged. Nevertheless, the movement to reform section 1983 should not be abandoned. The utilization of state administrative resources in section 1983 cases would help conserve scarce judicial resources and alleviate needless friction between state agencies and the federal judiciary.

Background

The "no-exhaustion rule" is the accidental by-product of several conflicting United States Supreme Court decisions. Before 1963, the Court had strongly suggested that the exhaustion of administrative remedies was required in section 1983 cases. In *Lane v. Wilson*,[3] for example, the plaintiff sought damages from state officials who had denied him the right to vote. The plaintiff sued under section 43 of title 8 of the United States Code, which was the previous codification of section 1983. The defendants argued

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1. 42 U.S.C. § 1983 (1982), provides as follows:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizens of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to 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.

2. The proposal provides as follows: "No action, suit, or proceeding under this section shall be maintained in any court of the United States until the plaintiff shall have exhausted any presently available state administrative procedures that would afford a plain, speedy, and adequate remedy for the alleged wrong." Lay, *Exhaustion of Grievance Procedures for State Prisoners under Section 1997e of the Civil Rights Act*, 71 IOWA L. REV. 935, 952 n.96 (1986) (quoting REPORT OF THE SUBCOMMITTEE ON JUDICIAL IMPROVEMENTS, COURT ADMINISTRATIVE AGENDA OF COMMITTEE, JUDICIAL CONFERENCE 9, Sept. 9, 1985).

3. 307 U.S. 268 (1939).

that federal relief was unavailable because the plaintiff had not exhausted his administrative remedies. The Supreme Court rejected this defense. In doing so, the Court distinguished between judicial and administrative remedies and held that exhaustion of state judicial remedies was not a prerequisite to federal judicial relief.[4] The implication, of course, was that a different result would be reached if administrative remedies were involved.

Relying on *Lane*, most lower federal courts required exhaustion of state administrative, but not judicial, remedies in cases brought under section 1983.[5] Requiring administrative exhaustion became suspect in 1961, however, when the Supreme Court returned to the *Lane* issue in *Monroe v. Pape*.[6] In *Monroe* the plaintiffs alleged that thirteen police officers ransacked their home, abused them physically and verbally, and detained one of the occupants on "open charges" for ten hours.[7] The *Monroe* Court held that damages under section 1983 are available even though the plaintiff has not exhausted his state judicial remedies. Although that issue had already been settled in *Lane*, the *Monroe* Court held in much broader terms: "The federal remedy is supplementary to the state remedy, and the latter need not be first sought and refused before the federal one is invoked."[8] In its holding the Court relied on the three purposes of section 1983: (1) to override certain state laws; (2) to provide a remedy when state law was inadequate; and (3) to provide a federal remedy when the state remedy, though adequate in theory, was not available in practice.[9]

Two years later, the Supreme Court extended the *Lane* doctrine to state administrative remedies in *McNeese v. Board of Education*.[10] In *McNeese* the plaintiffs requested a federal court to order desegregation of a local school system. However, under applicable state law, the plaintiffs could have obtained state administrative relief by filing a complaint with the Superintendent of Public Instruction. The defendants argued that if such a complaint had been filed, the Superintendent might have requested the Attorney General to litigate on behalf of the aggrieved residents or refused to certify claims by the schools for state aid.[11] The district court dismissed the complaint, holding that the plaintiffs had failed to exhaust administrative remedies available under state law.

The Supreme Court reversed, holding that the state administrative remedy was inadequate. The Court's rationale, however, is ambiguous. The opinion

4. *Id.* at 274.

5. *See* Dove v Parham, 282 F.2d 256 (8th Cir. 1960); Covington v. Edwards, 264 F.2d 780 (4th Cir.), *cert. denied*, 361 U.S. 840 (1959); Baron v. O'Sullivan, 258 F.2d 336 (3d Cir. 1958); Williams v. Dalton, 231 F.2d 646 (6th Cir. 1956); Peay v. Cox, 190 F.2d 123 (5th Cir.), *cert. denied*, 342 U.S. 896 (1951).

6. 365 U.S. 167 (1961).

7. *Id.* at 169.

8. *Id.* at 183.

9. *Id.* at 174-75.

10. 373 U.S. 668 (1963).

11. *Id.* at 670-71.

does suggest that section 1983 provides an alternative remedy to those available under state law.[12] The Court stressed, though, that the state administrative remedy was inadequate, noting that state law did not authorize the Superintendent to take corrective action or to withhold funds from the segregated school districts.[13]

The *McNeese* decision did not address the question of whether exhaustion was required when an adequate administrative remedy was available.[14] Thus, the opinion is unremarkable in itself because it had long been settled that exhaustion was not required unless the administrative remedy was adequate.[15] Nevertheless, most of the circuit courts relied on *McNeese* for the proposition that administrative exhaustion was *never* required in section 1983 litigation.[16]

In the following two decades, the Supreme Court added to the confusion by summarily interpreting *McNeese* in this fashion.[17] Any uncertainty, however, was removed in *Patsy v. Board of Regents*.[18] In *Patsy*, an employee of a state university brought suit in federal court alleging that she had been denied certain opportunities because of her race and sex. The trial court

12. The Court stated:

> The right alleged is as plainly federal in origin and nature as those vindicated in *Brown v. Board of Education*. Nor is the federal right in any way entangled in a skein of state law that must be untangled before the federal case can proceed. For petitioners assert that respondents have been and are depriving them of rights protected by the Fourteenth Amendment. It is immaterial whether respondents' conduct is legal or illegal as a matter of state law.

373 U.S. at 674 (citations omitted).

13. *Id.* at 674-76.

14. *See* Damico v. California, 389 U.S. 416, 418-19 & n.* (1967) (per curiam) (Harlan, J., dissenting); Patsy v. Florida Int'l Univ., 634 F.2d 900, 904-05 (5th Cir. 1981) (en banc), *rev'd*, 457 U.S. 496 (1982); Secret v. Brierton, 584 F.2d 823, 826-27 (7th Cir. 1978); Eisen v. Eastman, 421 F.2d 560, 568-69 (2d Cir. 1969), *cert. denied*, 400 U.S. 841 (1970).

15. *See* Union Pac. R.R. v. Board of Commn'rs, 247 U.S. 282 (1918); 4 K. DAVIS, ADMINISTRATIVE LAW TREATISE § 26:11, at 464 (2d ed. 1983).

16. *See, e.g.*, Simpson v. Weeks, 570 F.2d 240 (8th Cir. 1978), *cert. denied*, 443 U.S. 911 (1979); United States v. Lightcap, 567 F.2d 1226 (3d Cir. 1977); Gillette v. McNichols, 517 F.2d 888 (10th Cir. 1975); McCray v. Burrell, 516 F.2d 357 (4th Cir. 1975), *cert. dismissed*, 426 U.S. 471 (1976); Hardwick v. Ault, 517 F.2d 295 (5th Cir. 1975); Jones v. Metzger, 456 F.2d 854 (6th Cir. 1972). *But see* Patsy v. Florida Int'l Univ., 634 F.2d 900, 912 (5th Cir. 1981) (en banc) ("adequate and appropriate state administrative remedies must be exhausted before a section 1983 action is permitted to proceed in federal court, absent any of the traditional exceptions to the general exhaustion rule"), *rev'd*, 457 U.S. 496 (1982); Jose v. Ambach, 669 F.2d 865, 869 (2d Cir. 1982) (adhering to qualified administrative exhaustion requirement in section 1983 cases).

17. *See* Steffel v. Thompson, 415 U.S. 452, 472-73 (1974); Gibson v. Berryhill, 411 U.S. 564, 574 (1973); Carter v. Stanton, 405 U.S. 669, 671 (1972) (per curiam); Wilwording v. Swenson, 404 U.S. 249, 251 (1971) (per curiam); Houghton v. Shafer, 392 U.S. 639, 640 (1968) (per curiam); King v. Smith, 392 U.S. 309, 312 n.4 (1968); Damico v. California, 389 U.S. 416, 417 (1967) (per curiam).

18. 457 U.S. 496 (1982). *Patsy* does not address the availability of an exhaustion requirement for those section 1983 cases brought in *state* court. *See* Caylor v. City of Red Bluff, 106 S.Ct. 605 (1985) (White, J., dissenting from the denial of certiorari).

dismissed the claim because of her failure to exhaust administrative remedies.[19] The Fifth Circuit remanded, holding that the plaintiff was required to exhaust only "adequate and appropriate" administrative remedies and directed the district court to permit the plaintiff to amend her complaint to determine if there are appropriate administrative remedies that plaintiff should exhaust.[20] The Supreme Court again reversed, holding that exhaustion of administrative remedies is *never* required in section 1983 cases.[21] Seven members of the Court viewed the question as already having been decided by *McNeese*.[22] Only Justices Powell and Burger believed the question was left open by *McNeese* and its progeny.[23] They approved of the Fifth Circuit's approach, concluding that a flexible exhaustion requirement would further the principles of comity and conserve scarce judicial resources.[24] The majority, however, did not address the policy considerations surrounding the debate, concluding that the desirability of an exhaustion requirement should be decided by Congress rather than by the courts.[25]

It is clear from *Patsy* that the Supreme Court believes the "no-exhaustion rule" is consistent with Congress' intent. It is equally clear, however, that the Supreme Court has arrived at this conclusion by a nineteen-year process of distorting the *McNeese* decision.[26]

The Setting for the Controversy

It is now time for Congress to reconsider the exhaustion requirement, given the recent explosion of section 1983 litigation and the resultant drain

19. Patsy v. Florida Int'l Univ., 634 F.2d 900, 902 (5th Cir. 1981) (en banc), *rev'd*, 457 U.S. 496 (1982).

20. 634 F.2d at 914.

21. 457 U.S. at 516.

22. *Id.* at 500-01 (majority opinion), 516-17 (O'Connor, J., concurring), 517 (White, J., concurring). The majority opinion stated: "[T]his Court has stated categorically that exhaustion is not a prerequisite to an action under § 1983, and we have not deviated from that position in the 19 years since *McNeese*. Therefore, we do not address the question presented in this case as one of first impression." *Id.* at 500-01.

23. *Id.* at 532 (Powell, J., dissenting). "[I]n all the cases in which the Supreme Court has articulated its no-exhaustion rule, the state administrative remedies were sufficiently inadequate that exhaustion would not have been appropriate in any event." *Id.* at n.18 (quoting Developments in the Law, *Section 1983 and Federalism*, 90 HARV. L. REV. 1133, 1274 (1977)).

24. 457 U.S. at 532-33.

25. [P]olicy considerations alone cannot justify judicially imposed exhaustion unless exhaustion is consistent with congressional intent. Furthermore, as the debates over incorporating the exhaustion requirement in § 1997e demonstrate, the relevant policy considerations do not invariably point in one direction, and there is vehement disagreement over the validity of the assumptions underlying many of them. The very difficulty of these policy considerations, and Congress' superior, institutional competence to pursue this debate, suggests that legislative, not judicial, solutions are preferable.

Id. at 513 (citations omitted). *See also id.* at 517 (Justice O'Connor's concurrence urging Congress to adopt exhaustion requirement in section 1983 cases).

26. *See* City of Columbus v. Leonard, 443 U.S. 905, 910-11 (1979) (Rehnquist, J., dissenting

on judicial resources. In 1961, when *Monroe* was decided, only 270 civil rights actions were filed in federal district courts.[27] In 1986, 20,128 civil rights cases were brought in federal court.[28] An illustration of the problem appears in *McCray v. Burrell*.[29] In *McCray* a state prisoner instituted fourteen separate section 1983 actions in a single year. Chief Judge Northrop estimated that these cases would take as much as 20 to 25 percent of his time for the 1973 fiscal year.[30] The Burger Court viewed the situation with alarm, searching for ways to reduce the volume of section 1983 litigation in federal courts.[31] Many judges have suggested the exhaustion doctrine as one such method.[32] Certainly the proposal to amend section 1983 would alleviate some of the burdens presently shouldered by federal judges.

Critics of the exhaustion requirement, however, argue that section 1983 cases deserve special attention from the federal courts.[33] The vindication of federal rights is the province of federal courts, but the argument misconceives the nature of an administrative exhaustion requirement. Such a requirement would merely postpone the exercise of federal jurisdiction.[34] Once the administrative agency issues an adverse ruling, the litigant can pursue his claim in federal court. The court can then vindicate the plaintiff's federal rights without regard to the agency's contrary decision, for the prior determination does not create res judicata or collateral estoppel effects.[35]

The only consequence of the exhaustion requirement will be that some litigants cannot immediately seek relief in federal court. It is unclear, however, why immediate federal adjudication of all civil rights claims is

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from the denial of certiorari); Runyon v. McCrary, 427 U.S. 160, 186 n.* (1976) (Powell, J., concurring). In any event, a majority of the Court seem uneasy about the result, for the six Justices in *Patsy* suggested that Congress consider the problem.

27. 457 U.S. at 533 (Powell, J., dissenting).

28. ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS, FEDERAL COURT MANAGEMENT STATISTICS: 1986, at 168.

29. 367 F. Supp. 1191 (D. Md. 1973), *rev'd*, 516 F.2d 357 (4th Cir. 1975), *cert. dismissed*, 426 U.S. 471 (1976) (mem.).

30. *Id.* at 1195.

31. *See* W. BURGER, YEAR-END REPORT ON THE JUDICIARY 5-10 (1981) (proposals to reduce filings in federal courts); O'Connor, *Trends in the Relationship Between the Federal and State Courts from the Perspective of a State Court Judge*, 22 WM. & MARY L. REV. 801, 808-10 (1981) (endorsing limitations on the scope of section 1983).

32. *See, e.g.*, Patsy v. Board of Regents, 457 U.S. 496, 517 (1982) (O'Connor, J., concurring). *See also id.* at 533 (Powell, J., dissenting); H. FRIENDLY, FEDERAL JURISDICTION: A GENERAL VIEW 101 (1973).

33. *See* Chevigny, *Section 1983 Jurisdiction: A Reply*, 83 HARV. L. REV. 1352, 1357 (1970); Recent Decisions, *Exhaustion of Adequate and Appropriate State Administrative Remedies is a Prerequisite for Judicial Review under Section 1983*, 53 MISS. L.J. 283, 297 (1980); Note, *Exhaustion of State Administrative Remedies Under the Civil Rights Act*, 8 IND. L. REV. 565, 586-87 (1975).

34. 457 U.S. at 532 (Powell, J., dissenting). *See also* Fair Assessment in Real Estate Ass'n v. McNary, 454 U.S. 100, 136 (1981) (Brennan, J., concurring) (administrative exhaustion requirement in section 1983 cases concerned merely with "the deferral of federal court consideration").

35. Prentis v. Atlantic Coast Line Co., 211 U.S. 210, 230 (1908); 1 C. ANTIEAU, FEDERAL CIVIL RIGHTS ACTS § 235, at 398 (2d ed. 1980).

necessary.[36] When an adequate administrative remedy is available, the litigant can obtain immediate relief from the agency. If no such remedy exists, he can immediately pursue his claim in federal court. The relevant inquiry, then, should be whether the agency is capable of protecting the litigant's federal rights. The proposal to amend section 1983, by incorporating this test, would preserve the federal judiciary's proper role in section 1983 litigation.

Reasons for Requiring Exhaustion: The Policies

The *McNeese-Patsy* doctrine is an anomaly. In cases other than those involving section 1983, the federal courts have long adhered to the exhaustion principle.[37] The deference accorded state administrative agencies has not been an unthinking one.

The requirement for exhaustion of state administrative remedies, in contexts other than section 1983 cases, is largely attributable to its favorable effect on judicial economy.[38] An administrative exhaustion requirement would have an identical effect in the context of section 1983 litigation.[39]

The most striking impact on judicial administration, of course, will be realized when the administrative agency resolves the dispute in the complainant's favor. Such a result would eliminate the need for judicial action.[40] Even without such a result, the federal court would benefit from the agency's initial review. The agency's decision would provide a factual record that the court could consult in making its own findings.[41] Certainly the agency's preparation of a factual record would save precious judicial time. Moreover, it would help ensure more accurate fact finding in many cases. In *Bradley v. Weinberger*,[42] Chief Judge Coffin noted:

36. *See* Comment, *Exhaustion of State Administrative Remedies in Section 1983 Cases*, 41 U. CHI. L. REV. 537, 548 (1974). Some courts and commentators argue that an exhaustion requirement, by delaying federal intervention, would discourage aggrieved individuals from seeking vindication of their rights. *See, e.g.*, Patsy v. Florida Int'l Univ., 634 F.2d 900, 916 (5th Cir. 1981) (en banc) (Rubin, J., dissenting), *rev'd*, 457 U.S. 496 (1982). *See also id.* at 925 (Hatchett, J., dissenting); Comment, *Exhaustion of State Remedies Under the Civil Rights Act*, 68 COLUM. L. REV. 1201, 1207 (1968). The premise is that these individuals harbor such significant suspicions about state agencies and have so few resources that they would elect to drop their claims completely. The premise is based on little more than conjecture. Even if such suspicions exist, state administrative agencies provide a less expensive and less time-consuming forum than federal courts. *See* Note, *supra* note 33, at 567 (1975). Moreover, a litigant should not be able to deliberately bypass the administrative forum simply because he prefers a federal forum. *See* L. JAFFE, JUDICIAL CONTROL OF ADMINISTRATIVE ACTION 452 (1965); Comment, *Exhaustion of State Administrative Remedies in Section 1983 Cases, supra*, at 541 n.20. In fact, such a path is encouraged by the no-exhaustion rule.

37. *See* McKart v. United States, 395 U.S. 185, 193-95 (1969)); Myers v. Bethlehem Shipbuilding Corp., 303 U.S. 41, 50-51 (1938).

38. *See, e.g.*, Bradley v. Weinberger, 483 F.2d 410, 415 (1st Cir. 1973).

39. *See* Developments in the Law, *supra* note 23, at 1265-66; Note, *supra* note 33, at 567.

40. *See* Patsy v. Florida Int'l Univ., 634 F.2d 900, 911 (5th Cir. 1981), *rev'd*, 457 U.S. 496 (1982).

41. *See* McKart v. United States, 395 U.S. 185, 194 (1969).

42. 483 F.2d 410 (1st Cir. 1973).

> The exhaustion requirement, as it applies to administrative agencies, is no mere technical rule to enable courts to avoid difficult decisions. It is grounded in substantial concerns not only of fairness and orderly procedure, but also of competence. Courts are not best equipped to judge the merits of the scientific studies and objections to them. Specialized agencies like the FDA are created to serve that function.[43]

The exhaustion requirement, in short, would take advantage of the expertise of agency and court alike—the agency in resolving sometimes complicated factual disputes and the judiciary in defining the boundaries of federal rights.[44]

The availability of a factual record, however, would do more than improve decision making by the courts; it would also result in improved decisions by the agencies themselves. The present opportunity for immediate judicial relief encourages litigants to bypass administrative procedures. The result is counterproductive, for it removes the incentive, and occasionally the opportunity, for the agency to correct its own errors. The exhaustion requirement would give the agencies such an incentive, for any errors would be fully exposed to the courts.[45]

The exhaustion requirement represents a sensible division of responsibility between the courts and the agencies, while allocating authority more evenly between the federal courts and the states. Section 1983 litigation creates inevitable tension because it consists of federal review over state action. The exhaustion requirement would not remove this tension because federal courts would still be reviewing the conduct of state actors. It would, however, alleviate some of the friction by postponing federal review until the state administrative process has run its course.[46]

It is true that this effect would be partially offset by the proposal's threshold requirement of an adequate state remedy. Under the new statute, federal courts would review not only the propriety of state action but also the adequacy of its administrative processes.[47] The difficulty, however, is probably more apparent than real. Surely the states do not welcome the deliberate flouting of their administrative processes. Moreover, the current rule subtly

43. *Id.* at 415. *See also Developments in the Law, supra* note 39, at 1265-66; Note, *supra* note 33, at 567.

44. *See* Comment, *Civil Rights: Eliminating the Exhaustion Requirement in Actions Brought under 42 U.S.C. § 1983*, 22 WASHBURN L.J. 544, 546 (1983).

45. Comment, *Exhaustion of State Administrative Remedies in Section 1983 Cases, supra* note 36, at 540. *But see* Note, *supra* note 33, at 587 ("arguable that agencies would not lose any incentive to correct their own errors" as result of no-exhaustion rule).

46. *See, e.g.*, Patsy v. Board of Regents, 457 U.S. 496, 532-33 (1982) (Powell, J., dissenting); Comment, *State Prisoners and the Exhaustion of Administrative Remedies: Section 1983 Jurisprudence and the Availability of Adequate State Remedies*, 7 SETON HALL L. REV. 366, 367 (1976); Comment, *Exhaustion of State Remedies under the Civil Rights Act, supra* note 36, at 1207.

47. *See* Patsy v. Florida Int'l Univ., 634 F.2d 900, 926 (5th Cir. 1981) (en banc) (Hatchett, J., dissenting), *rev'd*, 457 U.S. 496 (1982).

discriminates against state defendants. When federal actors are sued, they can insist on exhaustion of federal administrative remedies. Conversely, state officials are powerless to decide which forum will hear the case. The difference in treatment led Judge Roney to ask: "In terms of comity, why should not state defendants have at least the same rights as federal defendants in suits against them for alleged governmental wrongs?"[48]

The Proposal in Practice

The insertion of an administrative exhaustion requirement into section 1983 would improve the decision-making processes of both the federal courts and the state agencies. The proposal, however, would create some difficulties in its application.[49] In many cases the adequacy of the administrative remedy is not evident.[50] Yet, the issue does not exceed the competence of federal judges, for they are frequently called upon to determine the adequacy of state remedies.[51]

The rich body of law review literature might ease some of the difficulties in that some decision-making models have already been proposed. One suggestion is a presumption that the administrative remedy is adequate, which is rebuttable only by proof of "irreparable injury, interminable delay, excessive expense, or bad faith harassment."[52] Another recommendation is a practice similar to that under the equal employment opportunity sections of the Civil Rights Act of 1964. That Act requires federal courts to defer to the states when they "prohibit the unlawful employment practice alleged" and "establish or authorize a state or local authority to grant or seek relief . . . or to institute criminal proceedings."[53] Regardless of which method is used, the determination will entail some delay that is unnecessary under the current operation of section 1983. The problem is unfortunate, but it need not create the "procedural nightmare" predicted by some judges.[54]

In any event, the proposal would alleviate many of the burdens that have accompanied *McNeese* and its progeny. District judges are entitled to some

48. *Id.* at 912.

49. Congress has already adopted a qualified administrative exhaustion requirement for state prisoners wishing to invoke section 1983. Civil Rights of Institutionalized Persons Act, Pub. L. No. 96-247, § 7, 94 Stat. 349, 352-53 (codified at 42 U.S.C. § 1997e (1982)). Under the statute, judges have the discretion to grant a continuance of up to ninety days "in order to require exhaustion of such plain, speedy, and effective administrative remedies as are available." 42 U.S.C. § 1997e(a)(1) (1982). For the remedies to be sufficient, they must meet certain procedural safeguards. *Id.* § 1997e(b)(2). Such a determination inevitably consumes some court time. *See, e.g.*, Owen v. Kimmel, 693 F.2d 711 (7th Cir. 1982). However, only a few states have filled the statute's procedural requirements. *See* Lay, *supra* note 2, at 941-42.

50. *See* Patsy v. Florida Int'l Univ., 634 F.2d at 925 (en banc) (Hatchett, J., dissenting).

51. Note, *Limiting the Section 1983 Action in the Wake of Monroe v. Pape*, 82 HARV. L. REV. 1486, 1505 (1969).

52. Comment, *Exhaustion of State Administrative Remedies in Section 1983 Cases*, *supra* note 36, at 555.

53. Note, *supra* note 51, at 1505-06.

54. *See* Patsy v. Florida Int'l Univ., 634 F.2d at 925 (en banc) (Hatchett, J., dissenting).

relief from the staggering number of section 1983 complaints filed every year. The proposal to amend section 1983 provides a workable method of providing such relief without surrendering the federal judiciary's supreme responsibility of vindicating federal rights.