

Tenney v. Brandhove

341 U.S. 367 (1951)

Supreme Court of the United States

Issue: Related absolute immunity (legislative); § 1983 did not abolish common-law immunities

Holding on Judicial Immunity

Legislative immunity. The Court held that § 1983 did not abrogate the common-law absolute immunity of legislators for acts within the sphere of legitimate legislative activity, and that an 'unworthy purpose' does not defeat the privilege. This is the doctrinal root of the rule — later applied to judges and prosecutors — that the general language of § 1983 left pre-existing immunities intact.

Key Quotations (verbatim)

“We cannot believe that Congress—itself a staunch advocate of legislative freedom—would impinge on a tradition so well grounded in history and reason by covert inclusion in the general language before us.”

— Tenney v. Brandhove, 341 U.S. 367, 376 (1951).

“The claim of an unworthy purpose does not destroy the privilege. Legislators are immune from deterrents to the uninhibited discharge of their legislative duty, not for their private indulgence but for the public good.”

— Tenney v. Brandhove, 341 U.S. 367, 377 (1951).

Note / Caveat: Adjacent doctrine: legislative (not judicial) immunity, but the foundational authority for the judicial-immunity line of cases.

Full opinion (authoritative source): <https://www.courtlistener.com/opinion/104906/tenney-v-brandhove/>

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