

HAB 13

Supreme Court of the United States
Washington, D. C. 20543
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CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

January 3, 1989
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Re: No. 86-1088 - City of Canton v. Harris

Dear Byron:

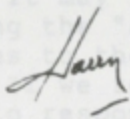
I cannot go along with a remand here. There was nothing to the plaintiff's case, even under a gross negligence standard. To make a higher standard of proof, which the plaintiff already failed to meet, would be unfair, if not deliberately indifferent.

Re: No. 86-1088, City of Canton v. Harris

Dear Byron:

Please join me. Like John, I could not join an outright reversal.

Sincerely,



The need to identify the relevant policymaker. The need to identify the relevant policymaker. The need to identify the relevant policymaker. I think it also exists, however -- though it may rarely make any difference -- when the plaintiff is using the "antecedent obviousness" prong. A legal requirement obvious to the Chief of Police may not always be obvious to the Mayor. It usually means deliberate indifference, as opposed to negligent indifference. While my strong preference is to mention (even if briefly) the need for identifying the policymaker, I can join if the opinion at least does not contradict that requirement.

Sincerely,



Justice White

Copies to the Conference

Justice White

cc: The Conference