

TO: Justice Marshall
FROM: Debra
RE: City of Canton v. Harris

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

January 4, 1989

As you know there has been a flurry of communication in this case. Most recently SOC and AK proposed changes that would change the disposition from remand to reverse and would further narrow the definition of deliberate indifference to make it virtually impossible to hold a municipality liable for inadequate training of its employees. JPS and WJB are on record opposing the reversal and the changes.

BRW is circulating a new draft. His clerk said that it should arrive this afternoon. He said that they are sticking with the remand and have not accepted SOC and AK's suggestion that a plaintiff identify the relevant policymaker but have accepted a few other minor changes. In addition, they have dropped a footnote discussing a few circumstances under which a §1983 plaintiff could show deliberate indifference. Depending on the new draft, you may wish to join it, await action by WJB and HAB, or write separately.

Justice White

cc: The Conference