

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

To: The Chief Justice  
Justice Brennan  
Justice Marshall  
Justice Blackmun  
Justice Stevens  
Justice O'Connor  
Justice Scalia  
Justice Kennedy

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

January 3, 1989

Stylistic changes;  
pp. 6, 9, 10, 11, 13;  
footnotes renumbered.

From: Justice White

Circulated:

Redrafted: 1/3/89

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

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

No. 86-1088

Dear Byron:

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

Sincerely,

January 3, 1989

JUSTICE WHITE delivers the opinion of the Court.

In this case, we are asked to determine if a municipality can ever be liable under 42 U. S. C. § 1983 for constitutional violations resulting from its failure to train municipal employees. We hold that, under certain circumstances, such liability is permitted by the statute.

In April, 1978, respondent Geraldine Harris was arrested by officers of the Canton Police Department. Harris was brought to the police station in a patrol wagon.

When she arrived at the station, Harris was found sitting on the floor of the wagon. She was asked if she needed medical attention, and responded with an incoherent remark. After she was brought inside the station for processing, Mrs. Harris slumped to the floor on two occasions. Eventually, the police officers left Mrs. Harris lying on the floor to pro-

Justice White

cc: The Conference

42 U. S. C. § 1983 provides, in relevant part, that:  
"Whoever, under color of any statute, ordinance, regulation, custom, or usage . . . subjects, or causes to be subjected, any citizen 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. . . ."  
42 U. S. C. § 1983 (1982).