

TO: Justice Marshall **Supreme Court of the United States**
Washington, D. C. 20543

FROM: Debra

CHAMBERS OF
JUSTICE BYRON R. WHITE City of Canton v. Harris

January 5, 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 definition of deliberate indifference to

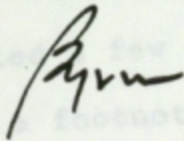
86-1088 - City of Canton v. Harris

Dear Bill,

I made a doubtful fifth vote at Conference to reverse outright, but soon thought better of it, preferring to have the Court of Appeals deal with the question whether a new trial is to be had, an issue that is not all that open and shut since four Justices would still reverse rather than remand.

As presently advised, I shall leave the draft as it is and await Sandra's writing.

Sincerely yours,



Justice Brennan

Copies to the Conference

89 JAN 5 10:00
JUSTICE BYRON R. WHITE
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