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

From: **Justice Brennan**

Circulated: FEB 17 1989

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 86-1088

CITY OF CANTON, OHIO, PETITIONER *v.*
GERALDINE HARRIS ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

[February —, 1989]

JUSTICE BRENNAN, concurring.

The Court's opinion, which I join, makes clear that the Court of Appeals is free to remand this case for a new trial.