

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

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CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

December 29, 1988

86-1088 - City of Canton v. Harris

Dear Byron,

Although I would like to see your revised draft and think about this case a little longer, I am in general agreement with your opinion. In view of your letter to Sandra today, however, I thought I should say that a remand seems to me appropriate in this case. If you were to hold that respondent's proof was insufficient as a matter of law and that reversal without remand is the proper disposition, I very much doubt that I could join. I also agree with you that a plaintiff need not always identify the relevant policymakers in section 1983 suits, and that there is no reason to lay down that requirement here.

Sincerely,

WJB/ER

Justice White

Copies to the Conference