

The Chief Justice either says explicitly or officials must be "persons" if care may be maintained. I'd say they are not under Monell v. Pape.

Stewart, J. Can officials be sued for damages - not reached if school board is a person.

I think Monell v. Pape has sent against city on respondent superior - reflection of Sherman amendment shows can't be sued unless boundaries are truly of absolute liability. But school deseg cases make clear school board can be sued for direct violation by the board as here. But even city ought be held to own direct acts. There may be word v. Strickland debate here. Will pass.

White, J. Wouldn't extend Monell v. Pape to school board - whether O'ague has said it should be cut back is irrelevant. When agents do precisely what they're authorized to do, body should be "person" for purpose of liability.

Marshall, J. Like to be as gentle as possible with Monell v. Pape - leave it there & not extend it here.

Blackmun, J. Did at sea in this case, Monroe & Page has bothered me. Think Wood was wrong on this history. Some of "person" not raised in school cases & Monroe suggests must affirm. If we want to pull back from it, leave problem that Congress has out, have to affirm because think did bound by it

Powell, J. 7-1 and further was right in Monroe & Page. Never made sense to say those cops acted in "color of state action". Would go with idea that when police by body violates constitution that's violation of 1983 by a "person". So I lean toward affirm. See difficulties getting around logic of Kenasha & so have to be tentative

Rehnquist, J. 1983 "person" rule never raised in school cases. It was the official clearly under 1983 who were enforced under Harpers analogy to ex parte Young

If stare decisis means anything, rejection of 77's better position means have to open up back the Sherman Act & color of state law points

Can't draw line between police making officials & subordinate officers

Stevens, J. An "person" rule was what the Court would look ridiculous to say school board not a person.

There doubts about Monroe & Page but it & Moore & Almeida County were police officers. Their board is engaged in wholly different kind of activity.

I would thus limit Monroe to cases where police officers are involved