

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 9, 1981

June 8, 1981

Re: 80-396 - City of Newport

Re: 80-396 - City of Newport
v. Fact Concerts

Dear Harry:

If the issue discussed in your opinion had arisen in a case involving the flagrant abuse of the rights of minority citizens, I would be inclined to believe that the Court would reach the conclusion that you suggest in your opinion. I must confess that I am not a most persuasive opinion in support of the proposition that punitive damages should not be awarded in a case that is at least a second cousin to an ordinary breach of contract action. However, if we are to decide the question whether punitive damages may ever be awarded against a municipal corporation in a § 1983 action, I will adhere to my vote to affirm. In all events, I will wait to see what Bill Brennan writes, and may add a word or two of my own.

Dear Harry,

Please join me.

Sincerely yours,

Byron

Justice Blackmun

Copies to the Conference

cpm

Justice Blackmun

Copies to the Conference