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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

June 8, 1981

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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 am inclined to believe that the Court would have come to the conclusion that you suggest in your reference on page 27 to footnote 28. I must confess that you write 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 assessed 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.

Respectfully,

/s/

Justice Blackmun

Copies to the Conference