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INSERT C, page 10.

The Court today abandons any attempt to harmonize § 1983 with traditional tort law. It points out that municipal immunity may be abrogated by legislation. Thus, according to the Court, when Congress included municipalities "within the class of 'persons' subject to liability under § 1983," it "abolished" municipal immunity. Ante, at 24.

This reasoning flies in the face of our prior decisions under this statute. We have held repeatedly that "immunities 'well grounded in history and reason' [were not] abrogated 'by covert inclusion in the general language' of § 1983." Imbler v. Pachtman, supra, 424 U.S., at 418, quoting Tenney v. Brandhove, supra, 341 U.S., at 376. See Scheuer v. Rhodes, supra, 416 U.S., at 243-244; Pierson v. Ray, supra, 386 U.S., at 554. The singular nature of the Court's opinion emerges when the status under of executive officers under § 1983 is compared with that of local governments. State and local executives are personally liable for bad-faith or unreasonable constitutional torts. Although Congress has the power to make those individuals liable for all such deprivations, this Court has refused to find an abrogation of traditional immunity in a statute that does not mention immunities. Yet the Court views the enactment of § 1983

as a direct abolition of traditional municipal immunities. Unless the Court is overruling its previous immunity decisions, the silence in § 1983 must mean that the Forty-Second Congress mutely accepted the immunity of executive officers, but silently rejected common-law municipal immunity. I find this interpretation of the statute singularly implausible, ~~at best~~.