

The Burger Court Opinion Writing Database

Memphis Community School District v. Stachura

477 U.S. 299 (1986)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University





CHAMBERS OF
THE CHIEF JUSTICE

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

June 7, 1986

Re: No. 85-410 - Memphis Community School District
v. Stachura

Dear Lewis,

I join.

Regards,

Justice Powell

Copies to the Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

May 29, 1986

No. 85-410, Memphis Community School District v. Stachura

Dear Lewis:

I join your fine opinion. May I, however, presume to suggest three small changes?

First, on page 9, you say that: "Carey thus makes clear that the violation of a constitutional right cannot itself be considered a compensable injury." Would it be more precise to say something like "Carey thus makes clear that the abstract value of a constitutional right may not form the basis for damages.

Second, on page 11, you say that: "Presumed damages are a substitute for ordinary compensatory damages, not a supplement for a fully compensatory verdict." I am concerned that your use of the word "verdict" might imply that where a plaintiff alleges two discrete injuries arising from a single set of facts a verdict which includes presumed damages for one of the injuries cannot also include regular compensatory damages for the other injury. Would you consider replacing your phrase "a fully compensatory verdict" with something like "an award that fully compensates the alleged injury?"

Finally, on the last page you state that: "It is likely that a major part of these damages was intended to 'compensate' respondent for the abstract 'value' of his [constitutional] rights." You may well be right about the jury's intentions; on the other hand, the jury may have believed that Stachura deserved substantial compensation for injury to his reputation and for

emotional distress. Would you consider softening our pronouncement on the jury's motivation just a bit by adding something like ", although not certain," after the word "likely?"

Thanks so much for giving these suggestions some thought.

Sincerely,

Bill

Justice Powell

Copies to the Conference

1967-10-10

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

June 3, 1986

No. 85-410, Memphis Community
School v. Stachura

Dear Lewis,

Thank you so much for making the changes I suggested. Please forgive my delay in writing to thank you; I have been out of town for a few days.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill".

Justice Powell
Copies to the Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

June 23, 1986

No. 85-410

Memphis Community School
District, et al. v. Stachura

Dear Thurgood,

Please join me.

Sincerely,

Bill

Justice Marshall

Copies to the Conference

2

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 2, 1986

85-410 -

Memphis Community School District v. Stachura

Dear Lewis,

Please join me.

Sincerely yours,



Justice Powell

Copies to the Conference

To: The Chief Justice
 Justice Brennan
 Justice White
 Justice Blackmun
 Justice Powell
 Justice Rehnquist
 Justice Stevens
 Justice O'Connor

From: Justice Marshall

Circulated: JUN 19 1986

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 85-410

MEMPHIS COMMUNITY SCHOOL DISTRICT, ET AL.,
 PETITIONERS *v.* EDWARD J. STACHURA

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
 APPEALS FOR THE SIXTH CIRCUIT

[June —, 1986]

JUSTICE MARSHALL, concurring in the judgment.

I agree with the Court that this case must be remanded for a new trial on damages. Certain portions of the Court's opinion, however, can be read to suggest that damages in § 1983 cases are necessarily limited to "out-of-pocket loss," "other monetary harms," and "such injuries as 'impairment of reputation . . . , personal humiliation, and mental anguish and suffering.'" See *ante*, at 7. I do not understand the Court so to hold, and I write separately to emphasize that the violation of a constitutional right, in proper cases, may itself constitute a compensable injury.

The appropriate starting point of any analysis in this area is this Court's opinion in *Carey v. Piphus*, 435 U. S. 247 (1978). In *Carey*, we recognized that "the basic purpose of a § 1983 damages award should be to compensate persons for injuries caused by the deprivation of constitutional rights." *Id.*, at 254; see *ante*, at 7-8. We explained, however, that application of that principle to concrete cases was not a simple matter. 435 U. S., at 257. "It is not clear," we stated, "that common-law tort rules of damages will provide a complete solution to the damages issue in every § 1983 case." *Id.*, at 258. Rather, "the rules governing compensation for injuries caused by the deprivation of constitutional rights should be tailored to the interests protected by the particular right in question—just as the common-law rules of damages

STYLISTIC CHANGE
A.P. 1

To: The Chief Justice
Justice Brennan
Justice White
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: Justice Marshall

Circulated: _____

Recirculated: JUN 23 1986

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 85-410

MEMPHIS COMMUNITY SCHOOL DISTRICT, ET AL.,
PETITIONERS v. EDWARD J. STACHURA

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SIXTH CIRCUIT

[June —, 1986]

JUSTICE MARSHALL, with whom JUSTICE BLACKMUN and
JUSTICE STEVENS join, concurring in the judgment.

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To: The Chief Justice
 Justice Brennan
 Justice White
 Justice Blackmun
 Justice Powell
 Justice Rehnquist
 Justice Stevens
 Justice O'Connor

P.1 ✕

STYLISTIC CHANGES THROUGHOUT

From: Justice Marshall

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SUPREME COURT OF THE UNITED STATES

No. 85-410

MEMPHIS COMMUNITY SCHOOL DISTRICT, ET AL.,
 PETITIONERS *v.* EDWARD J. STACHURA

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
 APPEALS FOR THE SIXTH CIRCUIT

[June 25, 1986]

JUSTICE MARSHALL, with whom JUSTICE BRENNAN, JUSTICE BLACKMUN, and JUSTICE STEVENS join, concurring in the judgment.

I agree with the Court that this case must be remanded for a new trial on damages. Certain portions of the Court's opinion, however, can be read to suggest that damages in § 1983 cases are necessarily limited to "out-of-pocket loss," "other monetary harms," and "such injuries as 'impairment of reputation . . . , personal humiliation, and mental anguish and suffering.'" See *ante*, at 7. I do not understand the Court so to hold, and I write separately to emphasize that the violation of a constitutional right, in proper cases, may itself constitute a compensable injury.

The appropriate starting point of any analysis in this area is this Court's opinion in *Carey v. Piphus*, 435 U. S. 247 (1978). In *Carey*, we recognized that "the basic purpose of a § 1983 damages award should be to compensate persons for injuries caused by the deprivation of constitutional rights." *Id.*, at 254; see *ante*, at 7-8. We explained, however, that application of that principle to concrete cases was not a simple matter. 435 U. S., at 257. "It is not clear," we stated, "that common-law tort rules of damages will provide a complete solution to the damages issue in every § 1983 case." *Id.*, at 258. Rather, "the rules governing compensation for injuries caused by the deprivation of constitutional rights

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

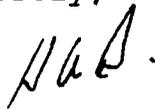
June 20, 1986

Re: No. 85-410, Memphis Community School Dist. v. Stachura

Dear Thurgood:

Please join me in your opinion concurring in the judgment in this case.

Sincerely,



Justice Marshall

cc: The Conference

05/27

To: The Chief Justice
 Justice Brennan
 Justice White
 Justice Marshall
 Justice Blackmun
 Justice Rehnquist
 Justice Stevens
 Justice O'Connor

From: **Justice Powell**

Circulated: MAY 28 1986

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 85-410

MEMPHIS COMMUNITY SCHOOL DISTRICT, ET AL.,
 PETITIONERS *v.* EDWARD J. STACHURA

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
 APPEALS FOR THE SIXTH CIRCUIT

[May —, 1986]

JUSTICE POWELL delivered the opinion of the Court.

This case requires us to decide whether 42 U. S. C. § 1983 authorizes an award of compensatory damages based on the fact-finder's assessment of the value or importance of a substantive constitutional right.

I

Respondent Edward Stachura is a tenured teacher in the Memphis, Michigan public schools. When the events that led to this case occurred, respondent taught seventh-grade life science, using a textbook that had been approved by the school board. The textbook included a chapter on human reproduction. During the 1978-1979 school year, respondent spent six weeks on this chapter. As part of their instruction, students were shown pictures of respondent's wife during her pregnancy. Respondent also showed the students two films concerning human growth and sexuality. These films were provided by the county health department, and the principal of respondent's school had approved their use. Both films had been shown in past school years without incident.

After the showing of the pictures and the films, a number of parents complained to school officials about respondent's teaching methods. These complaints, which appear to have been based largely on inaccurate rumors about the allegedly

P/D

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 29, 1986

85-410 Memphis Schools v. Stachura

Dear John:

My thanks for the opportunity to speak to your concern. My recollection is that the Conference did not specifically decide anything with respect to the punitive damages award in this case.

My view is that, since petitioners do not challenge the punitive damages instructions or the size of the punitive award, the correctness of that award is not before us. I would not want to reverse the punitive damages award solely on an unconfirmed suspicion that the jury "traded off" between compensatory and punitive damages--something it may not have been authorized to do.

I also would doubt that suspicion is well-founded. The major portion of the compensatory damages award was against the School Board, and it was immune from punitive damages liability. Newport v. Fact Concerts, Inc., 453 U.S. 247 (1981). As for the individual defendants--those who were assessed punitive damages--both punitive damages and compensatory damages were in small amounts. This pattern does not suggest that the jury was trading off between the two categories of damages. If anything, they were trading off among defendants.

Sincerely,



Justice Stevens

Copies to the Conference

LFP/vde

05/29

To: The Chief Justice
 Justice Brennan
 Justice White
 Justice Marshall
 Justice Blackmun
 Justice Rehnquist
 Justice Stevens
 Justice O'Connor

pp. 9, 11, 12, 13

From: Justice Powell

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 85-410

MEMPHIS COMMUNITY SCHOOL DISTRICT, ET AL.,
 PETITIONERS *v.* EDWARD J. STACHURA

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
 APPEALS FOR THE SIXTH CIRCUIT

[June —, 1986]

JUSTICE POWELL delivered the opinion of the Court.

This case requires us to decide whether 42 U. S. C. § 1983 authorizes an award of compensatory damages based on the fact-finder's assessment of the value or importance of a substantive constitutional right.

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Respondent Edward Stachura is a tenured teacher in the Memphis, Michigan public schools. When the events that led to this case occurred, respondent taught seventh-grade life science, using a textbook that had been approved by the school board. The textbook included a chapter on human reproduction. During the 1978-1979 school year, respondent spent six weeks on this chapter. As part of their instruction, students were shown pictures of respondent's wife during her pregnancy. Respondent also showed the students two films concerning human growth and sexuality. These films were provided by the county health department, and the principal of respondent's school had approved their use. Both films had been shown in past school years without incident.

After the showing of the pictures and the films, a number of parents complained to school officials about respondent's teaching methods. These complaints, which appear to have been based largely on inaccurate rumors about the allegedly

06/20

To: The Chief Justice
 Justice Brennan
 Justice White
 Justice Marshall
 Justice Blackmun
 Justice Rehnquist
 Justice Stevens
 Justice O'Connor

Stylistic Changes throughout & p. 4

From: **Justice Powell**

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3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 85-410

MEMPHIS COMMUNITY SCHOOL DISTRICT, ET AL.,
 PETITIONERS *v.* EDWARD J. STACHURA

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
 APPEALS FOR THE SIXTH CIRCUIT

[June —, 1986]

JUSTICE POWELL delivered the opinion of the Court.

This case requires us to decide whether 42 U. S. C. § 1983 authorizes an award of compensatory damages based on the factfinder's assessment of the value or importance of a substantive constitutional right.

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Respondent Edward Stachura is a tenured teacher in the Memphis, Michigan, public schools. When the events that led to this case occurred, respondent taught seventh-grade life science, using a textbook that had been approved by the school board. The textbook included a chapter on human reproduction. During the 1978-1979 school year, respondent spent six weeks on this chapter. As part of their instruction, students were shown pictures of respondent's wife during her pregnancy. Respondent also showed the students two films concerning human growth and sexuality. These films were provided by the county health department, and the principal of respondent's school had approved their use. Both films had been shown in past school years without incident.

After the showing of the pictures and the films, a number of parents complained to school officials about respondent's teaching methods. These complaints, which appear to have been based largely on inaccurate rumors about the allegedly

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

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CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 29, 1986

Re: 85-410 - Memphis Community School District
v. Stachura

Dear Lewis:

Please join me.

Sincerely,



Justice Powell

cc: The Conference

MAY 29 1986

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 28, 1986

Re: 85-410 - Memphis Community School District
v. Stachura

Dear Lewis:

Although I probably will end up joining you, this case continues to trouble me because I suspect that the jury may have inflated the compensatory damage award because of the erroneous instruction and then reduced what it otherwise would have awarded in punitive damages in light of its generous compensatory award. A properly instructed jury might well have returned about the same aggregate award that this jury did, in which case it would be unfair to the plaintiff to hold him to the low amount of punitive damages awarded at the original trial while forcing him to retry the compensatory damage issue. I do not remember that the Conference decided on this disposition and wonder if it might not be more equitable simply to have the case retried on damages across the board.

Respectfully,



Justice Powell

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

June 20, 1986

Re: 85-410 - Memphis Community School
District v. Stachura

Dear Lewis:

Please join me.

Respectfully,



Justice Powell

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

June 20, 1986

Re: 85-410 - Memphis Community School
District v. Stachura

Dear Thurgood:

Please join me in your opinion concurring in the
judgment.

Respectfully,



Justice Marshall

Copies to the Conference

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

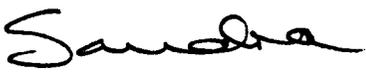
May 30, 1986

No. 85-410 Memphis Community School District
v. Stachura

Dear Lewis,

Please join me.

Sincerely,



Justice Powell

Copies to the Conference

U.S. SUPREME COURT