

No. 75-1914  
MONELL v. DEPARTMENT OF SOCIAL SERVICES

As you know, Justice Brennan and Justice Rehnquist have each circulated lengthy memoranda in this case. They take diametrically opposite positions on a number of points.

I understand from conversations with other clerks, that memoranda from other chambers may be forthcoming which will attempt to chart a middle course between these two extremes. Since no other Justice has commented on (much less joined) either Justice Brennan's or Justice Rehnquist's memorandum, I see no reason for haste: I recommend that you await further circulations. At that time, the available dispositions (and opposing rationales) can be considered.

2/10/78

X/S