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