

To Phil - To Note

February 17, 1976

Discussion on Monroe v. Pape

See the casebook by Mashaw & Merrill entitled "The American Public Law System" for a discussion of Monroe v. Pape.

See p. 720 for opinions by Douglas; p. 725 by Frankfurter; and p. 730 for a commentary on elements of a 1983 action. See particularly the last paragraph on 732, which refers to the troubling issue as to duplication of state tort remedies. The note in 82 Harvard Law Review 1486 is cited as suggesting certain limits which I should check. See also p. 735 as to exhaustion and abstension. I should certainly read this.

L.F.P., Jr.