7/AB

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 28, 1985

Re: No. 83-1919, Oklahoma City v. Tuttle

Dear Bill:

By separate note, I am joining your concurring opinion in this case. I would feel a little easier, however, if the first sentence of footnote 4 on page 6 were omitted or modified. My concern is that that sentence might be interpreted to rule out the possibility that inaction may constitute a policy. Do you agree?

Sincerely,

Harry

Justice Brennan