

Mr. Justice,  
I agree

Vicki

March 14, 1985

19, City of Oklahoma City v. Tuttle

Dear Bill:

My concerns about your opinion in this case are similar to those expressed by Bill Brennan in his letter of February 19. I, therefore, shall await his separate writing. I am not <sup>disturbed by</sup> concerned with your Part II and am advising John that I would prefer to proceed to the merits in the Criswell case rather than DIG.

There is one further detail. On page 10 you state that the respondent has not claimed that the city had a policy of authorizing the use of excessive force, and you point out that the CA10 commented that the officer admitted at trial that he violated Police Department policy in shooting Mr. Tuttle.

I question the accuracy of the statement <sup>by</sup> of the CA <sup>10's</sup> opinion, for it seems to be out of line with the officer's <sup>testimony</sup> ~~statement~~ as set forth on page <sup>227</sup> 10 of the appendix. Thus, if the first 10 pages of your opinion are retained, I would be <sup>reasonable</sup> happier if the second and third sentences and the first word of the fourth sentence of the first full paragraph on page 10 <sup>were</sup> ~~be~~ omitted.

Sincerely,

Justice Rehnquist

cc: The Conference

1/5  
What do you think?

March 14, 1985

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

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