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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

March 14, 1985

Re: No. 83-1919, 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 disturbed by 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 in the CA10's opinion, for it seems to be out of line with the officer's testimony set forth on page 227 of the appendix. Thus, if the first 10 pages of your opinion are retained, I would be somewhat happier if the second and third sentences and the first word of the fourth sentence of the first full paragraph on page 10 were omitted.

Sincerely,

Harry

Justice Rehnquist

cc: The Conference