

NY 65 35 77 NY case Dave Justice Powell

*Included to Grant Monell
& Hold Muzquiz*

Gene:

Dave and I agree that the Court should take ~~MONELL~~ Monell limited to the 1983 questions. Justice Powell is ^{also} interested in the 14th Amendment cause of action issue. The only case ~~XXXXXXXXXX~~ possibly raising that question is Muzquiz, but CA5 ~~XXXXXXXXXX~~ discussed that question only long enough to say that there was insufficient amount in controversy to satisfy 1331. Some rather far-fetched issues concerning 1331 and 1343(3) are raised in the petn, but, ~~IX~~ given the minimal treatment below and the far-fetched nature of them, I consider this case to be a bad vehicle for the 14th Amendment issue. The Justice would ~~IX~~ like your opinion as well.

I agree completely Gene.

TRAB

** Other Q in Monell is retroactivity of 1972 Amend. to Title VII*