

Jeh

March 6, 1978

75-1914 Monell v. Dept. of Social Services

At the special Conference today at which the Court took a final vote on the above case, I raised the question as to possible disqualification because of the ownership by my wife and me of municipal bonds.

I reminded the Conference that in a case last Term (I believe) written by Harry, involving a Contract Clause question that could have affected the enforceability of every municipal bond in the country, both Justice Stewart and I recused ourselves. I view Monell and similar cases as being quite different. The Code of Judicial Conduct does not require disqualification for the ownership of government securities unless the particular government issuing the securities is a party to a ^{case} ~~question~~ that may affect it. I therefore have not disqualified myself in the many cases that come to the Court involving suits by or against municipalities, school boards and other agencies or entities of government. These involve a broad spectrum of cases from damage and injunction claims to the validity of tax measures, zoning ordinances, the applicability of federal statutes (e.g., Equal Employment Opportunities

Act, etc.) and the like.

It was the unanimous view of the Chief Justice and other Justices that there was no occasion to consider disqualification in cases of this kind, including Monell

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