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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

April 12, 1978

Re: 75-1914 - Monell v. Department of Social Services of the City of New York

Dear Bill:

With all respect, I am persuaded that you have given the discussion of respondeat superior in petitioners' brief in Monroe v. Pape, an unwarranted interpretation.

The City had argued that the complaint was properly dismissed because (1) it was not a "person," and (2) it was entitled to immunity. In an argument in the nature of a rebuttal, the petitioners referred to the doctrine of respondeat superior as an alternative basis for supporting the conclusion that the City is a person. See xeroxed page 25 attached.

In Part II of petitioners' brief in Monroe, which addressed the doctrine of immunity, petitioners argued that "all doubts as to the liability of the City under the act should be resolved in petitioners' favor." In support of that position they specifically argued:

> "This case portrays a standard police procedure--whose victims are often innocent. This case is, among other things, a 'custom or usage' case." See xeroxed page 42 attached.

It seems to me that the Court must either overrule Monroe v. Pape, or else hold that the Monroe complaint did not allege a sufficient claim for relief against the City.

Respectfully,

Mr. Justice Brennan

Copies to the Conference