

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

CHAMBERS OF
JUSTICE BYRON R. WHITE


April 29, 1978

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

Dear Bill,

As I have told you, Part II is in general quite all right with me, and I now think I would include it whether there are five for it or not. The amendments to footnotes 55 and 60 suggested in your letter to Potter of April 25 are definitely an improvement. I would also prefer what you orally suggested to me today, namely, that you drop footnote 57.

Sincerely yours,



Mr. Justice Brennan

Copies to the Conference

Bill - I take it that under Part II, a city would not be liable for "deliberate indifference" or "negligence", even if its officials were, unless it was ^{the} official policy of the city to be indifferent or negligent. That would seem a difficult matter to establish.

John