

File

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

February 25, 1978

Re: 75-1914 - Monell v. Dept.
of Social Services

Dear Bill,

As Lewis has indicated, we are indebted to both you and Bill Rehnquist for educating your Brethren as you have. I am grateful.

I also appreciate Lewis' memorandum. I agree with you and with him that school boards are persons for the purpose of §1983 but share his preference for not overruling Monroe and Moor. At this juncture, however, I am not at rest as to the possible immunity of school boards and prefer not to decide the issue. At least, that is my tentative view.

Sincerely,



Mr. Justice Brennan

Copies to the Conference