

Dear John:

Perhaps I can save you some unnecessary effort by responding quickly to your memo on the above.

First, with respect to the "full power" argument, I agree that this argument goes farther than is necessary and have already planned to rewrite this section.

Second, with respect to Part II-B, I had thought my footnote 58 on page 32 answered the concern you expressed at conference. As I indicate there, plaintiffs in Monroe interpreted their own complaint as stating a respondeat superior action.

Finally, Parts II-C and III were at least implicit in my earlier memorandum in which I thought a majority joined. I therefore included them explicitly in the draft since each seems to follow directly from Part I. Of course, both are open to modification, but I'd be better able to make changes if I knew the views of my colleagues concerning them. Accordingly, I confirm that I'd welcome expressions of such views.

Sincerely

A handwritten signature in cursive script, appearing to read "Bill".

Mr. Justice Stevens

Copies to the Conference