

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 5, 1978

No. 75-1914 Monell v. Department of Social Services

Dear Bill:

As your 3rd draft substantially accommodates my concerns (for which I thank you), I am glad to join you.

Sincerely,



Mr. Justice Brennan

lfp/ss

cc: The Conference

Bill:

There is one language change that I would appreciate your making. The phrase "where state law did not impose such an obligation" (p. 33) could lead to an interpretation that respondeat-superior liability is possible where state law imposes such liability. I would prefer that the phrase be deleted. I recognize that this language appeared in previous drafts, but I just noticed it.

L.F.P., Jr.