

Conference of 3/6/78

- (1) - be no basis for overruling Moore + would affirm
- WJ3 - would A
 PS - " R
 PRW - " R
 TM - " R
 HAB - " R + not decide unanimously at this time
 LFP - " R - shd have unanimity unless const. doctrine has been settled, so it was not here
 WHR - " A
 JPS - " R - should not be overruled unanimously - even to extent LFP wants to must overrule Moore squarely along with other cases - City assumed police carte blanche to do as they please would cause various liability - even much more than 60-90 in Moore balance interests not as heavy here
 discussion shdnt be influenced by how Bivens applies to 14th ~~Amendment~~

PS originally thought Moore could be held as "person" for its own deliberate actions with a Wood v. Strickland defense - would decide it + not leave undecided