

The Court states that its rejection of qualified immunity for municipalities is "compelled" by the legislature ~~to~~ purpose" of Congress in enacting § 1983. Note at 27. "Compelled" is a strong word. One would expect a convincing, if not unanswerable, documentation in the Court's ~~opinion~~ ^{absolutist} view of Congressional intent. Yet ~~it~~ ^{the opinion} is barren of ~~evidence~~ any such support, except for fragmentary references to ambiguous statements in the debates.

Indeed, the Court refers to only three specific ^{issues of legislative history} ~~references~~ as ~~justifying~~ its conclusion.

David - My revision of Dissent F may be at cross-purposes with what you had in mind.

It seems to me that WGB's bold characterization of leg. hist. as compelling his ~~to~~ conclusion of no immunity, should be rebutted decisively.

My "partic-part" tinkering with your Dissent can be improved,

I'd refer back to our discussion of leg. history

I'm inclined to leave a rewritten F in the text rather than a note.