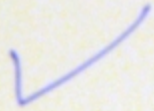


Supreme Court of the United States  
Washington, D. C. 20543



CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

January 23, 1986

Re: No. 84-1160, Pembaur v. Cincinnati

Dear Bill:

Please join me.

Sincerely,

Your organization of Part II, and your analysis and quite good - including the fallacy of the Court's reasoning and the standards of analysis that should have been applied under Merrill. If you have been fair to the Justice Brennan opinion and I have not checked this, you are quite cc: The Conference this case eviscerates Merrill and exposes local governments to substantially increased litigation and liability. It makes a mockery of any normal conception of "official policy" making.

Apart from my editing, and a minor suggestion for page 17, I have only one major observation: Part II is a good deal too long and somewhat repetitive.