

lfp/ss 01/23/86 PEM SALLI-POW

MEMORANDUM

To: Bill
DATE: January 23, 1986

FROM: Lewis F. Powell, Jr.

84-1160 Pembaur v. Cincinnati

84-1160 Pembaur v. Cincinnati

Wednesday afternoon. It would be helpful if you could give me a draft of a dissent in this case prior to my departure.

Dear Bill:

The Chief Justice has asked me to draft a dissent.

This is on my list of things to do. I'll try not to delay you.

Sincerely,

Justice Brennan

lfp/ss

cc: The Conference

Despite the "forward" opinion given by the county prosecutor, his opinion was in accord with the law of the Sixth Circuit at that time. The county did not raise an appeal, but this does not prevent us from arguing that this issue is dispositive.