

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

CHAMBERS OF  
THE CHIEF JUSTICE

November 12, 1977

Dear Bill:

Re: 75-1914 Monell v. Dept.

With the case in a "vague" 4-3-2 posture, I believe memos would help. I will ask Bill Rehnquist to do one articulating the views generally expressed by Harry, Bill and myself to follow Monroe v. Pape (although like Potter I "passed").

I leave it to you to have a memo done along the lines expressed by you, Byron, Thurgood, and John. Lewis' 11/11/77 memo puts him in the "in dubitante" category, hoping, as I do, that the memos will be "helpful."

This memo is to be read with the enclosed Assignment Sheet.

Regards,



Mr. Justice Brennan

cc: The Conference