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January 19, 1986

Mr. Justice:

Re: No. 8-1160, Pembaur v. City of Cincinnati

I recommend that you join. I see nothing inconsistent between Pembaur and JUSTICE BRENNAN's concurrence in City of Oklahoma City v. Tuttle, No. 83-1919 (June 3, 1985), which you joined. (I also think Pembaur can be reconciled with the plurality opinion in Tuttle.)

HM