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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

November 24, 1987

Re: 86-772 City of St. Louis v. Praprotnik

Dear Chief and Byron,

It appears I will be unable to attract 5 votes in this case. Bill Brennan wants a narrower opinion, and he will be joined by Thurgood and Harry. John prefers a respondeat superior approach, and he will write separately. Nino has advised me that he would join my opinion, giving me a plurality, unless John persuades him otherwise and provided I would make a couple of changes. The changes he proposes are marked in the attached 2nd Draft. Please let me know whether either of you object to these changes which I will make if Nino decides to join.

Sincerely,

*Sandra*

The Chief Justice  
Justice White  
Justice Scalia

*See Scalia to  
Justice White re  
the proposed changes*