

HAB

June 11, 1981

Mr. Henry Lind  
Reporter of Decisions

Dear Henry:

Re: No. 80-396 - City of Newport v. Fact Concerts, Inc.

I enclose two copies of the second printed draft of the proposed opinion in this case. Justices Stewart, White, and Rehnquist have joined. The anticipated other joining vote is that of the Chief Justice. I think this is a firm vote, but I suspect it will come in at the last moment. Justice Powell will probably not participate in the decision. The others perhaps will be at least in partial dissent.

I presume to send you these copies at this time because we are so close to the end of the Term. My guess is that the preparation of the headnote will not be wasted effort.

Sincerely,

*not used - the I joined*