

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

CHAMBERS OF  
JUSTICE POTTER STEWART

June 8, 1981

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

Dear Harry,

Although I agree generally with your proposed opinion for the Court, I am disturbed by note 28 on page 22, and by the reference thereto in the last two lines of text on page 27. My concern is prompted by at least two reasons: (1) the situation posited in note 28 is not remotely involved in the present litigation, and (2) the footnote seems to equate taxpayers with voters.

I hope you can give favorable consideration to deleting this footnote and the resulting qualifying language in the text on page 27. If these are deleted, I shall be glad to join your opinion for the Court.

Sincerely yours,

P.S.  
/

Justice Blackmun

Copies to the Conference