

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

February 21, 1985

Re: No. 83-1919 Oklahoma City v. Tuttle

Dear John,

February 21, 1985

I said at Conference today that I would write you about why I thought this case, in which I have circulated a proposed opinion, is different from Western Airlines v. Chriswell, which has been assigned to you to write an opinion for the Court. As second thought, I really think that is not the case.

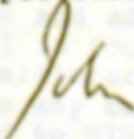
Re: 83-1919 - Oklahoma City v. Tuttle

Dear Bill:

Consistent with my vote at Conference, I plan to try my hand at a dissent as soon as I can get to it.

I might note that I am particularly troubled by the holding that the city can obtain reversal on the basis of an error in the instructions that was not properly preserved in the district court. I have prepared a rough draft of a DIG in Western Airlines v. Chriswell, 83-1545, that is based entirely on the Airlines' failure to make a proper record of its objections to the trial court's instructions to the jury. If the Court accepts your opinion--which I assume it will--perhaps we should also reach the merits in that case.

Respectfully,



Justice Rehnquist

Copies to the Conference