

May 25, 1989

Mr. Justice:

Re: Nos. 87-2084 & 88-214, Jett v. Dallas Independent School District

SOC has let Andrew McBride do it again. This time its an effort to write the definitive history of §§1981 and §1983. This effort leads to a rather unusual result: §1981 does not provide a private right of action against public parties, but only against private parties. Given the fact that the conservatives were ready to overrule Runyon and hold that §1981 did not provide a cause of action against private parties but applied only to government action, SOC's opinion in Jett is truly bizarre.

WJB will be writing a dissenting opinion. You were with WJB at Conference, and I recommend that you wait for his dissent.

Ned