

HAB

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Stevens
Justice O'Connor
Justice Kennedy

From: **Justice Scalia**

Circulated: MAY 30 1989

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 87-2084 AND 88-214

87-2084 v.
 NORMAN JETT, PETITIONER
 DALLAS INDEPENDENT SCHOOL DISTRICT

 DALLAS INDEPENDENT SCHOOL DISTRICT,
 PETITIONER
88-214 v.
 NORMAN JETT

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT

[June —, 1989]

JUSTICE SCALIA, concurring in part and concurring in the judgment.

I join Parts I and IV of the Court's opinion, and Part III except insofar as it relies upon legislative history. To hold that the more general provisions of 42 U. S. C. § 1981 establish a mode of liability for a particular category of offense by municipalities that is excluded from the closely related statute (42 U. S. C. § 1983) which deals more specifically with that precise category of offense would violate the rudimentary principles of construction that the specific governs the general, and that, where text permits, statutes dealing with similar subjects should be interpreted harmoniously.