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

HAB

From: **Justice Stevens**

Circulated: JUN 20 1989

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 87-2084 AND 88-214

NORMAN JETT, PETITIONER
87-2084 *v.*
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 22, 1989]

JUSTICE STEVENS, dissenting.

My agreement with JUSTICE BRENNAN's dissent is buttressed by the views I expressed in *Middlesex County Sewerage Authority* v. *National Sea Clammers Assn.*, 453 U. S. 1, 22 (1981) (opinion concurring in the judgment in part and dissenting in part), and in *Oklahoma City* v. *Tuttle*, 471 U. S. 808, 834 (1985) (dissenting opinion).