

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

CHAMBERS OF
JUSTICE ANTHONY M. KENNEDY

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

From: Justice Scalia

May 30, 1989

Circulated: MAY 30 1989

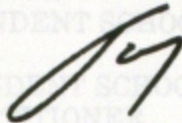
Recirculated:

Re: Appeal Nos. 87-2084 and 88-214
Jett v. Dallas Independent School Dist.

Dear Sandra,

I would be pleased to join your opinion.

Sincerely,



NORMAN JETT, PETITIONER
87-2084
DALLAS INDEPENDENT SCHOOL DISTRICT
DALLAS INDEPENDENT SCHOOL DISTRICT,
PETITIONER
88-214
NORMAN JETT
ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT
[Date ---, 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. § 1961 establish a mode of liability for a particular category of offense by municipalities is not inconsistent with that statute's closely related status (42 U. S. C. § 1963) which deals specifically with that precise category of offense. The general principles of liability that govern the general category of offenses under the statute governs the particular subject matter of this case.

Justice O'Connor

Copies to the Conference