

REHNQUIST, C. J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 99–830

DON STENBERG, ATTORNEY GENERAL OF
NEBRASKA, ET AL., PETITIONERS v.
LEROY CARHART

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE EIGHTH CIRCUIT

[June 28, 2000]

CHIEF JUSTICE REHNQUIST, dissenting.

I did not join the joint opinion in *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U. S. 833 (1992), and continue to believe that case is wrongly decided. Despite my disagreement with the opinion, under the rule laid down in *Marks v. United States*, 430 U. S. 188, 193 (1977), the *Casey* joint opinion represents the holding of the Court in that case. I believe JUSTICE KENNEDY and JUSTICE THOMAS have correctly applied *Casey*’s principles and join their dissenting opinions.