

SOUTER, J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 05–1508

ZUNI PUBLIC SCHOOL DISTRICT NO. 89, ET AL.,
PETITIONERS *v.* DEPARTMENT OF EDUCA-
TION ET AL.

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

[April 17, 2007]

JUSTICE SOUTER, dissenting.

I agree with the Court that Congress probably intended, or at least understood, that the Secretary would continue to follow the methodology devised prior to passage of the current statute in 1994, see *ante*, at 7–8. But for reasons set out in JUSTICE SCALIA’s dissent, I find the statutory language unambiguous and inapt to authorize that methodology, and I therefore join Part I of his dissenting opinion.