

SUPREME COURT OF THE UNITED STATES

No. 92-351

LEONARD HELLER, SECRETARY, KENTUCKY CABINET
FOR HUMAN RESOURCES, PETI-
TIONER v. SAMUEL DOE, BY HIS MOTHER
AND NEXT FRIEND, MARY DOE, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SIXTH CIRCUIT
[June 24, 1993]

JUSTICE BLACKMUN, dissenting.

I join JUSTICE SOUTER's dissenting opinion, for I agree with him that this statute is not even rational. I write separately only to note my continuing adherence to the view that laws that discriminate against individuals with mental retardation, *City of Cleburne v. Cleburne Living Center, Inc.*, 473 U. S. 432, 455 (1985) (opinion of Marshall, J., joined by Brennan and BLACKMUN, JJ.), or infringe upon fundamental rights, *Foucha v. Louisiana*, ___ U. S. ___, ___ (1992) (plurality opinion of WHITE, J., joined by BLACKMUN, STEVENS, and SOUTER, JJ.), are subject to heightened review.