

# The Burger Court Opinion Writing Database

*Michigan v. Ohio*

410 U.S. 420 (1973)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



*Dear Sirs  
Decree and  
Per Curiam  
and decree  
as amended  
1st DRAFT*

To: Mr. Justice Douglas  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall (2)  
Mr. Justice Blackmun  
Mr. Justice Powell  
Mr. Justice Rehnquist

From: The Chief Justice

No. 30, Orig.

Circulated: JAN 23 1973

State of Michigan, Plaintiff,  
v.  
State of Ohio. } Recirculated: \_\_\_\_\_  
                                  } On Bill of Complaint.

[January —, 1973]

PER CURIAM and DECREE.

Upon consideration of the Report filed Nov. 9, 1971, by Senior Judge Albert B. Maris, Special Master, exceptions filed thereto, and argument thereon, it is now ordered, adjudged, and decreed as follows:

1. The boundary line between the States of Ohio and Michigan in Lake Erie follows a line drawn from the point in Maumee Bay where the north cape of that bay was located in 1836 on a course having a bearing North 45° East measured from a true meridian, passing over the center of the existing circular concrete seawall on Turtle Island and continuing on the same course through the lake to the point where it intersects the boundary line between the United States and Canada.

2. In 1836 the north cape of Maumee Bay was located at the point in that bay where a line drawn North 87° 49' 44" East from Post 71 on the land boundary line between the States of Ohio and Michigan intersects a line drawn South 45° West from the center of the existing circular concrete seawall on Turtle Island, both bearings being measured from a true meridian.

3. The costs of this suit, including the expenses of the special master, shall be borne by the State of Michigan.

To: Mr. Justice Douglas  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall ✓  
Mr. Justice Blackmun  
Mr. Justice Powell  
Mr. Justice Rehnquist

2nd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 30, Orig.

Circulated:

State of Michigan, Plaintiff,

Recirculated:

v.  
State of Ohio.

On Bill of Complaint.

JAN 26 1973

[February —, 1973]

**PER CURIAM and DECREE.**

Upon consideration of the Report filed Nov. 9, 1971, by Senior Judge Albert B. Maris, Special Master, exceptions filed thereto, and argument thereon, it is now ordered, adjudged, and decreed as follows:

1. The exceptions filed by the State of Michigan to the report and recommendations of the Special Master are overruled.

2. The boundary line between the States of Ohio and Michigan in Lake Erie follows a line drawn from the point in Maumee Bay where the north cape of that bay was located in 1836 on a course having a bearing North 45° East measured from a true meridian, passing over the center of the existing circular concrete seawall on Turtle Island and continuing on the same course through the lake to the point where it intersects the boundary line between the United States and Canada.

3. In 1836 the north cape of Maumee Bay was located at the point in that bay where a line drawn North 87° 49' 44" East from Post 71 on the land boundary line between the States of Ohio and Michigan intersects a line drawn South 45° West from the center of the existing circular concrete seawall on Turtle Island, both bearings being measured from a true meridian.

4. The costs of this suit, including the expenses of the special master, shall be borne by the State of Michigan.

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

S  
CHAMBERS OF  
THE CHIEF JUSTICE

February 20, 1973

Re: 30 Orig. - Michigan v. Ohio - per curiam  
71-6698 - Morris v. Richardson - per curiam

MEMORANDUM TO THE CONFERENCE:

The two per curiams listed above will  
be announced on Thursday absent word from the  
Court.

Regards,

WB

WB

WD

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

CHAMBERS OF  
JUSTICE WILLIAM O. DOUGLAS

January 24, 1973

Dear Chief:

In No. 30-Orig. - Michigan v. Ohio,  
I agree with the Per Curiam of January 23, 1973.

W. O. Douglas

The Chief Justice

cc: Conference

\* will Justice Brennan  
addendum.

3  
Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WILLIAM O. DOUGLAS

January 26, 1973

Dear Chief:

I join your per curiam of January 26th  
in No. 30 Orig., MICHIGAN v. OHIO.

3  
William O. Douglas

The Chief Justice

cc: The Conference

7  
Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

January 23, 1973

RE: No. 30 Orig. Michigan v. Ohio

Dear Chief:

I fully agree with your proposed  
Per Curiam and Decree in the above  
but wonder if we ought not expressly  
state that the Exceptions are overruled.

Sincerely,

*Bill*

The Chief Justice

cc: The Conference

3  
Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR. February 5, 1973

RE: No. 30 Orig. - Michigan v. Ohio

Dear Chief:

I agree.

Sincerely,

*Bill*

The Chief Justice

cc: The Conference

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

CHAMBERS OF  
JUSTICE POTTER STEWART

January 23, 1973

30 ORIG. - Michigan v. Ohio

Dear Chief,

I think Bill Brennan's suggestion is well taken. With the addition of a statement that the exceptions to the Master's Report are overruled, I think the proposed Per Curiam and Decree will be wholly satisfactory.

Sincerely yours,

PS,  
1/

The Chief Justice

Copies to the Conference

24  

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

February 9, 1973

Re: No. 30, Orig. - Michigan v. Ohio

Dear Chief:

Please join me in your per curiam and  
decree in this case.

Sincerely,



6-5//  
The Chief Justice

Copies to Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

January 24, 1973

Re: No. 30, Orig. - Michigan v. Ohio

Dear Chief:

I agree with your per curiam and  
Decree as amended.

Sincerely,



T.M.

The Chief Justice

cc: Conference

Supreme Court of the United States  
Washington, D. C. 20542

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

January 23, 1973

Re: No. 30 Original - Michigan v. Ohio

Dear Chief:

I agree with Bill Brennan's suggestion, and, with this addition, I also agree with your proposed Per Curiam and Decree.

Sincerely,

*H. A. B.*

The Chief Justice

Copies to the Conference

1

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

February 2, 1973

Re: No. 30 Orig. Michigan v. Ohio

Dear Chief:

Please join me in your per curiam.

Sincerely,

*Lewis*

The Chief Justice

cc: The Conference

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

January 24, 1973

Re: No. 30 Orig. - Michigan v. Ohio

Dear Chief:

Bill Brennan's suggestion with respect to the explicit overruling of the exceptions to the Master's Report seems sound to me, although I do not profess any expertise in the handling of these original actions. I will join your per curiam.

Sincerely,

*WR*

The Chief Justice

Copies to the Conference