

The Burger Court Opinion Writing Database

United States v. California
447 U.S. 1 (1980)

Paul J. Wahlbeck, George Washington University
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To: Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist
Mr. Justice Stevens

From: The Chief Justice
Circulated: MAY 30 1980

Recirculated: _____

No. 5 Original - United States v. California

MR. CHIEF JUSTICE BURGER delivered the opinion of the Court.

I

The United States began this original action against the State of California under Article III, Section 2, of the Constitution in 1945 to determine whether the right to exploit natural resources under the submerged lands off the California coast belongs to the United States or to California.

In 1947, this Court decreed that the United States owned all submerged lands extending seaward of the ordinary low water mark on the California coast. United States v. California, 332 U.S. 804, 805 (1947). See also United States v. California, 332 U.S. 19 (1947). When Congress enacted the Submerged Lands Act of 1953, 67 Stat. 29, 43 U.S.C. §§ 1301, et seq., the United States, in effect, quitclaimed to California whatever interest the federal government may have had in, and to, all lands and natural resources lying within three geographical miles seaward of the California coast line. § 3(b)(1), 43 U.S.C. § 1311(b)(1). Congress subsequently enacted the Outer

To: Mr. Justice Brennan
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STYLISTIC CHANGES ONLY

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Circulated:

Speculated: JUN 4 1980

1st PRINTED DRAFT

SUPREME COURT OF THE UNITED STATES

No. 5, Orig.

[June —, 1980]

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

June 2, 1980

RE: No. 5 Orig. United States v. California

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

June 2, 1980

Re: No. 5 Original, U.S. v. California

Dear Chief,

I am glad to join your opinion for
the Court.

Sincerely yours,

P.S.

The Chief Justice

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 2, 1980

Re: 5 Original - United States v.
California

Dear Chief,

I agree.

Sincerely yours,



The Chief Justice
Copies to the Conference
cmc

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 2, 1980

Re: No. 5 Original - United States v. California

Dear Chief:

Please note on your opinion that I did not participate.

Sincerely,

J.M.

T.M.

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 4, 1980

Re: No. 5 Original - United States v. California

Dear Chief:

Please join me.

Sincerely,

h.a.b.

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 5, 1980

5 Orig. U.S. v. California

Dear Chief:

Please join me.

Sincerely,



The Chief Justice

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 2, 1980

Re: No. 5 Orig. - United States v. California

Dear Chief:

Please join me in your proposed opinion of May 30th.

Sincerely,



The Chief Justice

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

June 2, 1980

Re: No. 5 Original United States v. California

Dear Chief:

Please join me.

Respectfully,



Mr. Chief Justice
Copies to the Conference