

The Burger Court Opinion Writing Database

California v. Nevada

447 U.S. 125 (1980)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



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

CHAMBERS OF
THE CHIEF JUSTICE

June 4, 1980

RE: 73 Orig. - California v. Nevada

Dear Bill:

I join.

Regards,



Mr. Justice Brennan

Copies to the Conference

Mr. Justice Stewart
Mr. Justice White
 Mr. Justice Black
Mr. Justice Frankfurter
Mr. Justice Harlan
Mr. Justice Stone
Mr. Justice Brandeis
Mr. Justice Holmes

For Mr. Justice Brennan
29 1930
Circulated: _____
Recirculated: _____

State of California

v.

State of Nevada

On the Report of the Special Master

No. 73, Original

MR. JUSTICE BRENNAN delivered the opinion of the Court.

The Report of the Special Master tenders for the Court's approval his determination of the true boundary between the States of California and Nevada. That boundary was the subject of numerous surveys in the latter half of the nineteenth century, and the central question presented in this original action is which, if any, of the lines which resulted properly marks the rugged border between the two States.^{1/} The Special Master combed the voluminous record and concluded that in combination the two most recent surveys had fixed a boundary to which both States have acquiesced for the better part of a century. Applying the doctrine of prescription and acquiescence, he concluded that the boundary so fixed was the proper one. Nevada takes exception to that determination on several grounds. We overrule those exceptions and, with the qualifications hereinafter noted, approve and adopt the Special Master's report.

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SUPREME COURT OF THE UNITED STATES

No. 73, Orig.

State of California, Plaintiff,
v.
State of Nevada. } On the Report of the Special
Master.

[June —, 1980]

MR. JUSTICE BRENNAN delivered the opinion of the Court.

The Report of the Special Master tenders for the Court's approval his determination of the true boundary between the States of California and Nevada. That boundary was the subject of numerous surveys in the latter half of the 19th century, and the central question presented in this original action is which, if any, of the lines which resulted properly marks the rugged border between the two States.¹ The Special Master combed the voluminous record and concluded that in combination the two most recent surveys had fixed a boundary to which both States have acquiesced for the better part of a century. Applying the doctrine of prescription and acquiescence, he concluded that the boundary so fixed was the proper one. Nevada takes exception to that

¹ California instituted this original action on April 22, 1977, when it filed its Motion for Leave to File Complaint and Complaint. On June 29, 1977, we granted that motion and appointed the Special Master. Basically, California sought a declaration that the currently recognized line dividing the two States was in fact the lawful boundary. As counsel for the State characterized it at oral argument, the suit was in the nature of a quiet title action and was precipitated by growing doubts about the geographic accuracy of the existing line as well as concerns regarding the validity of certain titles which depended upon the location of the border. The Special Master's report was filed in this Court on October 9, 1979, and we set Nevada's exceptions and related matters for oral argument.

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

CHAMBERS OF
JUSTICE POTTER STEWART

May 30, 1980

Re: No. 73 Original, California v. Nevada

Dear Bill,

I am glad to join your opinion for
the Court.

Sincerely yours,

P.S.

Mr. Justice Brennan

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

May 30, 1980

Re: 73 Original - California v. Nevada

Dear Bill,

Please join me.

Sincerely yours,



Mr. Justice Brennan
Copies to the Conference
cmc

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

May 29, 1980

Re: No. 73 Original - California v. Nevada

Dear Bill:

Please join me.

Sincerely,

JM

T.M.

Mr. Justice Brennan

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20530

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 3, 1960

Re: No. 73 Original - California v. Nevada

Dear Bill:

Please join me.

Sincerely,

H. A. B.

Mr. Justice Brennan

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 29, 1980

73 Orig. California v. Nevada

Dear Bill:

Please join me.

Sincerely,

Lewis

Mr. Justice Brennan

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 30, 1980

Re: No. 73 Orig. California v. Nevada

Dear Bill:

Please join me.

Sincerely,

W.H.R.

Mr. Justice Brennan

Copies to the Conference

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 29, 1980

Re: 73 Original - California v. Nevada

Dear Bill:

Please join me.

Respectfully,



Mr. Justice Brennan

Copies to the Conference