

# The Burger Court Opinion Writing Database

## *Watt v. Energy Action Educational Foundation*

454 U.S. 151 (1981)

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

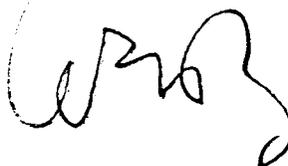
November 16, 1981

Re: 80-1464 - Watt v. Energy Action Educational Foundation

Dear Sandra:

I join.

Regards,



Justice O'Connor

Copies to the Conference

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

November 16, 1981

RE: No. 80-1464 Watt v. Engery Action Educational  
Foundation

Dear Sandra:

I agree.

Sincerely,



Justice O'Connor

cc: The Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

November 16, 1981

Re: No. 80-1464 -- Watt v.  
Energy Action Educational Foundation

Dear Sandra,

Your first opinion is quite  
satisfactory to me and I am happy to  
join it.

Sincerely yours,



Justice O'Connor

Copies to the Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

November 16, 1981

Re: No. 80-1464 - Watt v. Energy Action  
Educational Foundation

Dear Sandra:

Please join me.

Sincerely,



T.M.

Justice O'Connor

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

November 19, 1981

Re: No. 80-1464 - Watt v. Energy Action  
Educational Foundation

Dear Sandra:

I am glad to join your first opinion for the Court.

Sincerely,



Justice O'Connor

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

November 13, 1981

80-1464 Watt v. Energy Action Educational Foundation

Dear Sandra:

I am happy to join your first opinion for the  
Court.

It is a fine opinion.

Sincerely,



Justice O'Connor

lfp/ss

cc: The Conference

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

November 16, 1981

Re: No. 80-1464 Watt v. Energy Action Educational  
Foundation

Dear Sandra:

Please join me.

Sincerely,



Justice O'Connor

Copies to the Conference



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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

November 13, 1981

Re: 80-1464 - Watt v. Energy Action Educational  
Foundation

Dear Sandra:

Please join me.

Respectfully,

Justice O'Connor  
Copies to the Conference

To: The Chief Justice  
Justice Brennan  
Justice White  
✓ Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens

From: Justice O'Connor

Circulated: NOV 12 '81

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(TYPED DRAFT)

No. 80-1464 Watt v. Energy Action Educational  
Foundation

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JUSTICE O'CONNOR delivered the opinion of the Court.

We are asked to review a decision of the United States Court of Appeals for the District of Columbia Circuit compelling the Secretary of the Interior to experiment with the use of certain statutorily defined bidding systems in awarding leases for oil and gas exploration and development on the Outer Continental Shelf. Because the

Stylistic Changes Throughout

PP 6, 2

To: The Chief Justice  
 Justice Brennan  
 Justice White  
 Justice Marshall  
 Justice Blackmun  
 Justice Powell  
 Justice Rehnquist  
 Justice Stevens

0\$1464J rev. 11/17/81 spw

From: Justice O'Connor

Circulated: \_\_\_\_\_

Recirculated: NOV 18 1981

1st PRINTED DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 80-1464

JAMES G. WATT, SECRETARY OF THE INTERIOR,  
 ET AL., PETITIONERS, *v.* ENERGY ACTION  
 EDUCATIONAL FOUNDATION ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED  
 STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

[November —, 1981]

JUSTICE O'CONNOR delivered the opinion of the Court.

We are asked to review a decision of the United States Court of Appeals for the District of Columbia Circuit compelling the Secretary of the Interior to experiment with the use of certain statutorily defined bidding systems in awarding leases for oil and gas exploration and development on the Outer Continental Shelf. Because the decision below incorrectly construes the Outer Continental Shelf Lands Act Amendments of 1978, 92 Stat. 629, 43 U. S. C. § 1331 *et seq.* (1976 ed., Supp. III), we reverse.

## I

The Outer Continental Shelf Lands Act of 1953 ("OCS Lands Act"), 67 Stat. 462, as amended, 92 Stat. 629, 43 U. S. C. § 1331 *et seq.* (1976 ed., Supp. III), authorizes the Secretary of the Interior to lease tracts of the Outer Continental Shelf (OCS)<sup>1</sup> for the exploration and development of

<sup>1</sup>The Outer Continental Shelf is defined by statute to mean "all submerged lands lying seaward and outside of the area of lands beneath navigable waters . . . and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control." 43 U. S. C. § 1331 (a). The term "lands beneath navigable waters" is itself given an extensive definition in 43 U. S. C. § 1301, but generally means the undersea lands within three miles of the coast line.

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens

Stylistic Changes Throughout

pp. 2, 3, 4, 5, 6, 8, 10, 11, 12

0\$1464J rev. 11/24/81 spw

From: Justice O'Connor

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2nd PRINTED DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 80-1464

JAMES G. WATT, SECRETARY OF THE INTERIOR,  
ET AL., PETITIONERS, *v.* ENERGY ACTION  
EDUCATIONAL FOUNDATION ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

[November —, 1981]

JUSTICE O'CONNOR delivered the opinion of the Court.

We are asked to review a decision of the United States Court of Appeals for the District of Columbia Circuit compelling the Secretary of the Interior to experiment with the use of certain statutorily defined bidding systems in awarding leases for oil and gas exploration and development on the Outer Continental Shelf. Because the decision below incorrectly construes the Outer Continental Shelf Lands Act Amendments of 1978, 92 Stat. 629, 43 U. S. C. § 1331 *et seq.* (1976 ed., Supp. III), we reverse.

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