

The Burger Court Opinion Writing Database

Secretary of Interior v. California

464 U.S. 312 (1984)

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

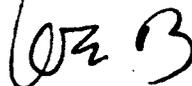
January 2, 1984

RE: 82-1326) - Watt, Sec. of Interior v. Calif, et al.
82-1327) - Western Oil & Gas v. Calif, et al.
82-1511) - Calif. v. Watt

Dear Sandra:

I join.

Regards,

A handwritten signature in black ink, appearing to be "O'Connor", written over the typed name.

Justice O'Connor

Copies to the Conference

M

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

November 15, 1983

Nos. 82-1326, 82-1327 & 82-1511

Watt v. California, etc.

Dear Thurgood, Harry and John,

We four are in dissent in the
above. John, would you be willing to
take the dissent?

Sincerely,

Bill

Justice Marshall

Justice Blackmun

Justice Stevens

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

RECEIVED
SUPREME COURT U.S.
JUSTICE McNEIL

December 7, 1983

'83 DEC -7 A9:58

Nos. 82-1326, 82-1327 & 82-1511

Secretary of the Interior, et al.
v. California, et al., etc.

Dear Sandra,

I will await the dissent.

Sincerely,



Justice O'Connor

Copies to the Conference

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

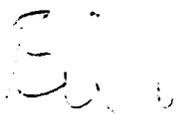
January 5, 1984

Nos. 82-1326, 82-1327 & 82-1511
Watt v. California, etc., et al.

Dear John,

Please join me in your dissent in
the above.

Sincerely,



Justice Stevens

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

RECEIVED
SUPREME COURT, U.S.
JUSTICE MARSHALL

December 7, 1983

'83 DEC -7 A9:58

Re: 82-1326, 82-1327 and 82-1511 -
Secretary of the Interior v. California, etc.

Dear Sandra,

Please join me.

Sincerely,



Justice O'Connor

Copies to the Conference

cpm

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

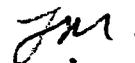
December 7, 1983

Re: Nos. 82-1326-1327 and 1511-Secretary of
the Interior v. California, et al.

Dear Sandra:

I await the dissent.

Sincerely,



T.M.

Justice O'Connor

cc: The Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

January 5, 1984

Re: Nos. 82-1326, 1327 and 1511-Secretary of
Interior v. Calif.; Western Oil & Gas
Assoc. v. Calif. and Calif. v. Secretary
of the Interior

Dear John:

Please join me in your dissent.

Sincerely,



T.M.

Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

December 14, 1983

Re: No. 82-1326) Watt v. California
No. 82-1327) Western Oil & Gas Ass'n v. California
No. 82-1511) California v. Watt

Dear Sandra:

I am waiting, of course, upon the dissent in these cases.

Sincerely,



A handwritten signature in cursive script, appearing to read "Harry", with a horizontal line underneath.

Justice O'Connor

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

January 4, 1984

Re: No. 82-1326, Secretary of the Interior v. California
No. 82-1327, Western Oil and Gas Ass'n v. California
No. 82-1511, California v. Secretary of the Interior

Dear John:

Please join me in your dissent in these cases.

Sincerely,



Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

December 6, 1983

82-1326 Secretary of the Interior v. California

Dear Sandra:

Please join me.

Sincerely,

A handwritten signature in cursive script that reads "Lewis".

Justice O'Connor

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

December 6, 1983

Re: Nos. 82-1326, 82-1327 & 82-1511 Secretary of
the Interior v. California

Dear Sandra:

Please join me.

Sincerely,



Justice O'Connor

cc: The Conference

JP

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

November 15, 1983

Re: 82-1326 - Watt v. California
82-1327 - Western Oil v. California
82-1511 - California v. Watt

Dear Bill:

I shall be happy to undertake the dissent.

Respectfully,



Justice Brennan

cc: Justice Marshall
Justice Blackmun

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

December 6, 1983

Re: 82-1326 - Watt v. California
82-1327 - Western Oil v. California
82-1511 - California v. Watt

Dear Sandra:

In due course I shall circulate a dissent.

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 O'Connor

7.33

From: Justice Stevens

Circulated: _____

Recirculated: _____ JAN 6 '84

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 82-1326, 82-1327, AND 82-1511

SECRETARY OF THE INTERIOR ET AL.,
PETITIONERS

82-1326

v.

CALIFORNIA ET AL.

WESTERN OIL AND GAS ASSOCIATION ET AL.,
PETITIONERS

82-1327

v.

CALIFORNIA ET AL.

CALIFORNIA ET AL., PETITIONERS

82-1511

v.

SECRETARY OF THE INTERIOR ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[January —, 1984]

JUSTICE STEVENS, with whom JUSTICE BRENNAN, JUSTICE MARSHALL, and JUSTICE BLACKMUN join, dissenting.

In this case, the State of California is attempting to enforce a federal statutory right. Its coastal zone management program was approved by the Federal Government pursuant to a statute enacted in 1972. In § 307(c)(1) of that statute, the Coastal Zone Management Act (CZMA), the Federal Government made a promise to California:

“Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.” 86 Stat. 1285, 16 U. S. C. § 1456(c)(1) (1982).

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

From: Justice O'Connor

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SDO
Q
11

1st DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 82-1326, 82-1327, AND 82-1511

SECRETARY OF THE INTERIOR, ET AL.,
PETITIONERS

82-1326

v.

CALIFORNIA, ET AL.

WESTERN OIL AND GAS ASSOCIATION, ET AL.,
PETITIONERS

82-1327

v.

CALIFORNIA, ET AL.

CALIFORNIA, ET AL., PETITIONERS

82-1511

v.

SECRETARY OF THE INTERIOR, ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[December —, 1983]

JUSTICE O'CONNOR delivered the opinion of the Court.

This case arises out of the Department of Interior's sale of oil and gas leases on the outer continental shelf off the coast of California. We must determine whether the sale is an activity "directly affecting" the coastal zone under section 307(c)(1) of the Coastal Zone Management Act (CZMA). That section provides in its entirety:

"Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs." 16 U. S. C. § 1456(c)(1).

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pp. 7, 9, 10, 15, 16, 18, 19, 20

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

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SUPREME COURT U.S.

'84 JAN 9 1984

From: Justice O'Connor

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Jan 9 '84

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 82-1326, 82-1327, AND 82-1511

SECRETARY OF THE INTERIOR, ET AL.,
PETITIONERS

82-1326

v.

CALIFORNIA, ET AL.

WESTERN OIL AND GAS ASSOCIATION, ET AL.,
PETITIONERS

82-1327

v.

CALIFORNIA, ET AL.

CALIFORNIA, ET AL., PETITIONERS

82-1511

v.

SECRETARY OF THE INTERIOR, ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[January —, 1984]

JUSTICE O'CONNOR delivered the opinion of the Court.

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"Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs." 16 U. S. C. § 1456(c)(1).

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