

The Burger Court Opinion Writing Database

Summa Corp. v. California ex rel. State Lands Commission

466 U.S. 198 (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

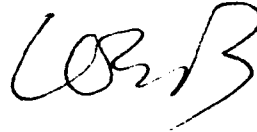
April 3, 1984

Re: 82-708 - Summa Corporation v. California, Ex Rel
State Lands Commission

Dear Bill:

I join.

Regards,

A handwritten signature in dark ink, appearing to be 'WRB', written in a cursive style.

Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

March 5, 1984

No. 82-708

Summa Corporation v. California
ex. rel. State Lands Commission

Dear Harry,

You and I voted to affirm in the above but I gather we were just as uncertain as everybody else about the proper outcome of this case. Under the circumstances, I don't think I am prepared to say at this juncture that I'll write a dissent, and for the same reason I hesitate to ask you at this time to do so. Don't you think we should both wait for Bill Rehnquist's circulation before we should decide?

Sincerely,



Justice Blackmun

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

RECEIVED
SUPREME COURT U.S.
JUSTICE MARSHALL

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

'84 APR -5 A10:14

April 5, 1984

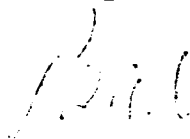
No. 82-708

Summa Corporation v. California ex
rel. State Lands Commission and
City of Los Angeles

Dear Bill,

You are much too persuasive. I
voted the other way but I now join you.

Sincerely,



Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

April 10, 1984

Re: 82-708 -

Summa Corporation v. California ex rel. State
Lands Commission and City of Los Angeles

Dear Bill,

Please join me.

Sincerely yours,



Justice Rehnquist

Copies to the Conference

cpm

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

March 30, 1984

Re: No. 82-708-Summa Corp. v. California

Dear Bill:

Please show me as "not participating" in this one.

Sincerely,



T.M.

Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

March 6, 1984

Re: No. 82-708 - Summa Corporation v.
California ex rel. State Lands Commission

Dear Bill:

I agree that we should await developments in this case. I am still rather inclined to affirm, but it is only an inclination.

Sincerely,



Justice Brennan

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

April 6, 1984

Re: No. 82-708, Summa Corp. v. California
Ex rel. State Lands Commission

Dear Bill:

I'll give you one of Charlie Whittaker's "graveyard
dissents" and go along in this case.

Sincerely,



Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

April 2, 1984

82-708 Summa Corporation v. California

Dear Bill:

Please join me.

Sincerely,

Lewis

Justice Rehnquist

lfp/ss

cc: The Conference

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Stevens
Justice O'Connor

From: **Justice Rehnquist**

Circulated: MAR 30 1984

Recirculated: _____

W.H.R.
Please read the opinion
1/1/84

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-708

SUMMA CORPORATION, PETITIONER *v.* CALIFORNIA
EX REL. STATE LANDS COMMISSION
AND CITY OF LOS ANGELES

ON WRIT OF CERTIORARI TO THE SUPREME COURT
OF CALIFORNIA

[April —, 1984]

JUSTICE REHNQUIST delivered the opinion of the Court.

Petitioner owns the fee title to property known as the Ballona Lagoon, a narrow body of water connected to Marina del Rey, a man-made harbor located in a part of the City of Los Angeles called Venice. Venice is located on the Pacific Ocean between the Los Angeles International Airport and the City of Santa Monica. The present case arises from a lawsuit brought by respondent City of Los Angeles against petitioner Summa Corp. in state court, in which the City alleged that it held an easement in the Ballona Lagoon for commerce, navigation, and fishing, for the passage of fresh waters to the Venice Canals, and for water recreation. The State of California, joined as a defendant as required by state law, filed a cross-complaint alleging that it had acquired an interest in the lagoon for commerce, navigation, and fishing upon its admission to the Union, that it held this interest in trust for the public, and that it had granted this interest to the City of Los Angeles. The City's complaint indicated that it wanted to dredge the lagoon and make other improvements without having to exercise its power of eminent domain over petitioner's property. The trial court ruled in favor of respondents, finding that the lagoon was subject to the public trust easement claimed by the City and the State, who had the right to construct improvements in the lagoon without

Changes 5, 10, 11

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Stevens
Justice O'Connor

From: Justice Rehnquist

Circulated: _____

Recirculated: APR 11 1984

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-708

SUMMA CORPORATION, PETITIONER v. CALIFORNIA EX REL. STATE LANDS COMMISSION AND CITY OF LOS ANGELES

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF CALIFORNIA

[April —, 1984]

JUSTICE REHNQUIST delivered the opinion of the Court.

Petitioner owns the fee title to property known as the Ballona Lagoon, a narrow body of water connected to Marina del Rey, a man-made harbor located in a part of the City of Los Angeles called Venice. Venice is located on the Pacific Ocean between the Los Angeles International Airport and the City of Santa Monica. The present case arises from a lawsuit brought by respondent City of Los Angeles against petitioner Summa Corp. in state court, in which the City alleged that it held an easement in the Ballona Lagoon for commerce, navigation, and fishing, for the passage of fresh waters to the Venice Canals, and for water recreation. The State of California, joined as a defendant as required by state law, filed a cross-complaint alleging that it had acquired an interest in the lagoon for commerce, navigation, and fishing upon its admission to the Union, that it held this interest in trust for the public, and that it had granted this interest to the City of Los Angeles. The City's complaint indicated that it wanted to dredge the lagoon and make other improvements without having to exercise its power of eminent domain over petitioner's property. The trial court ruled in favor of respondents, finding that the lagoon was subject to the public trust easement claimed by the City and the State, who had the right to construct improvements in the lagoon without

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 23, 1984

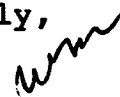
MEMORANDUM TO THE CONFERENCE

Re: No. 82-708 Summa Corp. v. California

Respondents in this case contest the characterization of one of their arguments in footnote 3 of the Court's opinion, on page 5. They claim to have contested the point whether the State could have asserted its interest in the confirmation proceedings under the 1851 Act at issue in this case. The authorities cited now by respondents in favor of their position were also advanced in their briefs on the merits and were rejected by the Court in its decision. However, I am willing to concede that they contested the point and, absent dissent, will make the following change in footnote 3:

Replace the word "undisputed" in the first sentence with "plain".

Sincerely,



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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

April 2, 1984

Re: 82-708 - Summa Corp. v. California

Dear Bill:

Please join me.

Respectfully,



Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

April 2, 1984

Re: No. 82-708 Summa Corporation v. California ex rel.
State Lands Commissions and City of
Los Angeles

Dear Bill,

Please join me.

Sincerely,



Justice Rehnquist

Copies to the Conference