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## Foreword

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# FOREWORD: THE FIRST ANNUAL FRITZ B. BURNS LECTURE ON THE CONSTITUTIONAL DIMENSIONS OF PROPERTY

*Roger W. Findley\**

In the immediately preceding issue of this *Law Review* we described the context for the First Annual Fritz B. Burns Lecture, a debate between Professor Richard Epstein of the University of Chicago Law School and Professor Joseph Sax of the University of California at Berkeley School of Law.<sup>1</sup> The debate, held on March 20, 1992, and generously supported by the Fritz B. Burns Foundation, was titled "The Constitutional Dimensions of Property: Rent Control, Coastal Management and Regulatory Takings." The focal points were two takings cases then pending before the United States Supreme Court: *Yee v. City of Escondido*,<sup>2</sup> which involved a California mobile home rent control ordinance, and *Lucas v. South Carolina Coastal Council*,<sup>3</sup> which involved a law limiting construction within the beach/dune system. Professor Sax had written an amicus curiae brief in *Yee*, and Professor Epstein had written one for *Lucas*. Those briefs were reprinted in full in the *Loyola of Los Angeles Law Review* as a "first installment" of the authors' views on the constitutional issues raised by those cases.<sup>4</sup>

In this issue we present the second installment: Essays by Professors Epstein and Sax based on their March 20 debate. Each author challenges arguments made by the other in his amicus brief and at the debate. In addition, Professor Epstein critiques the Supreme Court's decision in *Yee*.

The authors do not analyze in depth the meaning of the Supreme Court's decision in *Lucas*. That will be the subject of another debate between them, the Second Annual Fritz B. Burns Lecture, which will take place on November 20, 1992. It will also be the subject of the third

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1. Roger W. Findley, *Foreword: How Far Is Too Far? The Constitutional Dimensions of Property*, 25 LOY. L.A. L. REV. 1221, 1223 (1992).

2. 112 S. Ct. 1522 (1992).

3. 112 S. Ct. 2886 (1992).

4. 25 LOY. L.A. L. REV. 1233 (1992) (*Lucas*); 25 LOY. L.A. L. REV. 1265 (1992) (*Yee*).

and final set of papers by Professors Epstein and Sax, which will appear in Volume 26, Issue 4 of the *Loyola of Los Angeles Law Review*.

We believe this series of provocative joinders and rejoinders between two of the nation's preeminent property law scholars is a unique and valuable contribution to legal literature and discussion, and we express our special appreciation to the Fritz B. Burns Foundation for making it possible.