

Find a new Lucas museum site while you can

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The ruling stops well short of saying that filmmaker [George Lucas](#) cannot put a museum on Chicago's lakefront. U.S. District Judge John W. Darrah only rejected a [City Hall](#) motion to quash a lawsuit objecting to such a land grab for the benefit of the "Star Wars" creator. But Darrah's 19 pages plainly imperil Mayor [Rahm Emanuel](#)'s effort to put a [Lucas Museum](#) of Narrative Arts on lakefill land south of Soldier Field.

Darrah's "memorandum opinion and order" calmly repudiates City Hall's arguments that opponents of the project, and their lawsuit, should be tossed out of court. That suit, filed by Friends of the Parks, now will move forward, although at a pace that may not be very fast. At least three California cities — San Francisco, Oakland and Los Angeles — would like to have the museum if Chicago loses it. After Thursday's ruling, we expect that Lucas will hear from still more suitors.

We continue to hope Lucas chooses Chicago. But he may have to give up his desire for lakefront land. Darrah's ruling suggests that the [Illinois General Assembly](#) would have to pass legislation before the city could give Lucas what it wants to give him for \$1 a year: "... the exclusive right to occupy, use, maintain, manage and control the Museum Building and the Museum Site."

So what? Won't Springfield play along?

Except, Darrah indicates, Springfield may have no such option. His ruling tacitly supports the opponents' contention that this parcel benefits from a long-standing legal principle called public trust doctrine. That would mean that because the property was recovered from Lake Michigan as landfill in the 1920s, by law it is submerged lake bottom and enjoys special protections: The state (not the city) holds title to the land — not with a traditional landowner's right, but as a trustee representing *every resident of Illinois*; if you're a citizen, you hold what courts call a fractional beneficial interest in public trust land. How many legislators would vote to deprive every constituent of access to some of the most valuable land on Earth to please a billionaire?

And there's more: Citing federal precedents, Darrah notes that the purpose of the public trust doctrine is "to police the legislature's disposition of public lands." And lawmakers specifically cannot relinquish control of such land "to satisfy a private interest." Darrah writes that the opponents' lawsuit "alleges enough facts to state that (City Hall and the Park District) intend to transfer the exclusive right to use and control the Museum Site to a private entity. The Complaint plausibly states a claim that the agreement violates the public trust doctrine."

All of which puts a big — although not necessarily insurmountable — legal obstacle between Lucas and Emanuel on one side and their proposed museum site on the other. This isn't where City Hall's lawyers expected to be, or want to be. They figured the opponents would challenge the land grab as an affront to Chicago's Lakefront Protection Ordinance, which it arguably is. That sort of lawsuit would be filed in Cook County courts, where politically astute judges typically defer to Democratic mayors.

Instead, plaintiff attorney Tom Geoghagen shrewdly seized on public trust doctrine and headed to federal court. As Wednesday's lavishly annotated ruling attests, Darrah is focused on U.S. Supreme Court case law, not on doing favors for City Hall or a celebrity filmmaker.

We don't know how much the city's effort to give Lucas the use of lakefront land — parking lots that ought to be green space — is costing Chicago taxpayers. But here's some advice that will cost City Hall lawyers nothing more than the price of a Tribune, print or online:

You'd be smarter to tell Mr. Lucas, politely but firmly, that Chicagoans have spent nearly two centuries guarding their lakefront from similarly grand and otherwise desirable projects. Tell him that other superb sites abound, including some that would enhance redevelopment of the historic African-American neighborhood of Bronzeville.

You don't have to admit to Lucas that you were wrong, wrong, wrong when you said publicly that the plaintiffs' invocation of public trust doctrine was wrong, wrong, wrong. Judge Darrah isn't buying what you're trying to sell.

But with Thursday's ruling and the clear threat of more definitive ones like it in some distant future, you're putting any hope of creating jobs, tourism and civic cachet here at grave risk.

Every day the obsession on scoring lakefront land for a private museum lingers is a day when Chicago is squandering this project to a city far, far away.

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