

MOTION FILED  
MAR 6 - 1980

No. 9, Original

---

---

**In the Supreme Court of the United States**

OCTOBER TERM, 1979

---

UNITED STATES OF AMERICA, PLAINTIFF

v.

STATES OF LOUISIANA, TEXAS, MISSISSIPPI,  
ALABAMA AND FLORIDA

(ALABAMA BOUNDARY CASE)

---

*ON CROSS-MOTIONS FOR SUPPLEMENTAL DECREE*

---

**CROSS-MOTION OF THE UNITED STATES FOR  
ENTRY OF SUPPLEMENTAL DECREE AND PROPOSED  
DECREE AND MEMORANDUM IN SUPPORT**

---

WADE H. McCREE, JR.  
*Solicitor General*  
*Department of Justice*  
*Washington, D.C. 20530*

---

---



**In the Supreme Court of the United States**

OCTOBER TERM, 1979

---

No. 9, Original

UNITED STATES OF AMERICA, PLAINTIFF

v.

STATES OF LOUISIANA, TEXAS, MISSISSIPPI,  
ALABAMA AND FLORIDA

(ALABAMA BOUNDARY CASE)

---

**CROSS-MOTION FOR ENTRY OF  
SUPPLEMENTAL DECREE**

---

The United States of America moves that the Court enter a Supplemental Decree, in the form submitted herewith, identifying the coastline of the State of Alabama.

Respectfully submitted.

---

WADE H. McCREE, JR.  
*Solicitor General*

MARCH, 1980

# In the Supreme Court of the United States

OCTOBER TERM, 1979

---

No. 9, Original

UNITED STATES OF AMERICA, PLAINTIFF

v.

STATES OF LOUISIANA, TEXAS, MISSISSIPPI,  
ALABAMA AND FLORIDA

(ALABAMA BOUNDARY CASE)

---

## PROPOSED SUPPLEMENTAL DECREE

---

This cause having come on to be heard on cross-motions and having been argued by counsel, and this Court having considered the positions of the respective parties as to the terms of this decree, it is ORDERED, ADJUDGED AND DECREED as follows:

1. For purposes of the Submerged Lands Act of 1953, 43 U.S.C. 1301 *et seq.*, the coastline of the State of Alabama is the line of ordinary low water on the State's mainland and each of the barrier islands in Mississippi Sound up to the lateral boundary between the State of Alabama and Mississippi, and a series of lines enclosing Mobile Bay.

2. As against the United States, the State of Alabama is entitled to all the lands, minerals and other natural resources underlying Mississippi Sound and the Gulf of Mexico which are within three geographical miles of the coastline as described in paragraph 1.

3. The United States is entitled to all the lands, minerals and other natural resources underlying those areas of Mississippi Sound and the Gulf of Mexico which are not within three geographical miles of the coastline as described in paragraph 1.

# In the Supreme Court of the United States

OCTOBER TERM, 1979

---

No. 9, Original

UNITED STATES OF AMERICA, PLAINTIFF

v.

STATES OF LOUISIANA, TEXAS, MISSISSIPPI,  
ALABAMA AND FLORIDA

(ALABAMA BOUNDARY CASE)

---

## MEMORANDUM ON BEHALF OF THE UNITED STATES

---

The *Alabama Boundary Case* is in the identical posture as the *Mississippi Boundary Case*, in which the Court, on February 19, 1980, referred cross-motions for a supplemental decree to its Special Master. Indeed, a portion of the same body of water, Mississippi Sound, is claimed here by the coastal State, and on like arguments. Again, the affected State asserts that the waters of the Sound are "inland" and therefore belong to it, whether under the Submerged Lands Act or independently. And, here also, the United States disputes the claim and has taken actions adverse to it. There is therefore a live controversy which is ripe for resolution by this Court under the jurisdiction reserved by the Decree of December 12, 1960, 364 U.S. 502, 504.

Because Alabama, like Mississippi, has alternatively advanced an "historic waters" contention, which depends on evidence, this case, in our view, should also be referred

to a Special Master. While there may well be factual and legal differences in the two cases, it appears that most of the issues are the same. In those circumstances, we suggest that the *Mississippi Boundary Case* and the *Alabama Boundary Case* be consolidated for hearing before the same Special Master. I am authorized to represent that the States of Mississippi and Alabama, through their respective Attorneys General, concur in this suggestion.<sup>1</sup>

Respectfully submitted.

WADE H. McCREE, JR.  
*Solicitor General*

MARCH 1980

---

<sup>1</sup>Speaking for the United States alone, we suggest that it would be appropriate to appoint a new Special Master for these cases, which present issues wholly distinct from those recently before the Special Master in the *Louisiana Boundary Case*. The present Master may, moreover, find himself sufficiently burdened with further proceedings in the *Louisiana* case.











