

OCT 12 1971

E. ROBERT SEAVER, CLERK

Number 9 Original

In the  
Supreme Court of the United States

OCTOBER TERM, 1971

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF LOUISIANA, ET AL.

Supplemental Alternative Motion of the State of  
Louisiana for Leave to file Response to the  
United States' Motion for Entry of  
Supplemental Decree as to the  
State of Louisiana (No. 3)  
One Hundred Twenty  
Days after the Report  
of the Special Master  
and for Oral  
Argument

JACK P. F. GREMILLION,  
Attorney General.

PAUL M. HEBERT,  
VICTOR A. SACHSE,  
OLIVER P. STOCKWELL,  
FREDERICK W. ELLIS,  
WILLIAM E. SHADDOCK,  
W. THOMAS TETE,  
Special Assistant Attorneys General.  
State of Louisiana,  
State Capitol,  
Baton Rouge, Louisiana 70804.



**INDEX**

	PAGE
Supplemental Alternative Motion of Louisiana .....	1
Appendix A, Copy of Receipt of Clerk of Supreme Court for Louisiana Objection .....	5
Appendix B, Copy of Letter of Louisiana Counsel to Clerk of Supreme Court, May 19, 1971 .....	6
Appendix C, Copy of Letter of Louisiana Counsel to Clerk of Supreme Court, August 27, 1971 ....	8
Appendix D, Copy of Letter of Louisiana Counsel to Deputy Clerk of Supreme Court, October 5, 1971 .....	11



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The State of Louisiana, by the Attorney General, without waiving its prior objections to the Motion of the United States moves the Court as follows:

For leave to file response within one hundred twenty (120) days after the report of the Special Master, and for oral argument.

1. The State shows that in April 1971, the United States of America filed a Motion for a Supplemental Decree as to the State of Louisiana No. 3, in which it did not seek to apply the ordinary rules of the Court as to time for response but instead moved the Court

for an order "that the State of Louisiana be required to respond to this Motion within 60 days."

2. No order on such Motion has been rendered by the Court.

3. On May 19, 1971, the State by letter inquired of the Clerk of this Court "whether it could have through July 20, 1971, to file an opposition to the motion of the Government [United States of America], as distinguished from an opposition to the proposed decree, which Louisiana thinks would come later, and only if it is first determined that the motion of the Government should be considered prior to the report of the Special Master [appointed by the Court pursuant to its opinion of March 3, 1969, 394 US 11.]" Copy thereof was duly supplied to opposing counsel. A further copy is attached hereto.

4. In the absence of a reply, Louisiana filed on June 25, 1971, its objection of the State of Louisiana to the right of the United States at this time to file a motion for entry of supplemental decree as to the State of Louisiana in the alternative asking for additional time within which to respond to the motion of the United States, and a memorandum in support of its objection. Its alternative urged that "if the Court permits the filing of the motion, the time for Louisiana to respond should be extended until the Special Master in this case files his report and in no event less than one hundred twenty (120) days from the filing of the motion." This objection was duly served on opposing counsel and no response has been made thereto.

5. On August 27, 1971, counsel for Louisiana

again wrote to the Clerk of this Honorable Court reviewing the foregoing and stating:

Louisiana would like to be assured that all that is before the Court at this time is Louisiana's objection to the timeliness of the motion [of the United States of America]. If the motion itself is to be considered on the merits, Louisiana would like to be assured that it will be afforded a proper opportunity to respond.

A copy was forwarded opposing counsel and another copy is attached hereto.

6. No response was received, perhaps because of the press of other matters or illness in the office of the Clerk. Counsel for Louisiana conferred with the Deputy Clerk of this Honorable Court. An understanding was reached that Louisiana would be given an opportunity to answer the United States' Motion if the Court should overrule Louisiana's objection. This understanding is reflected in the letter by counsel to the Deputy Clerk, a copy of which is attached.

7. The State shows that the Special Master, at the request of the litigants, has neither closed the record, nor received briefs from either party, nor fixed time for filing yet, nor heard argument.

8. The issues obliquely presented through the Motion of the United States involve national territory quoad the other nations of the world and through that means the domestic division of submerged lands between State and Nation, and should await full argument to the Court after report of the Sepcial Master.

9. The State is concerned that as of October 4, 1971, its objection and alternative motion for exten-

sion of time mentioned in paragraph 4 had not been placed on the docket of the Court even though timely filed with the Clerk, though hopefully it has now been properly docketed as the result of and following the conference between counsel for the State and the Deputy Clerk of this Honorable Court, as set forth in paragraph 6 hereof. The State believes the docketing was not accomplished because of illness and death in the office of the Clerk.

10. Even though its objection and alternative motion was timely filed the State is concerned that because of uncertainties respecting docketing and procedures, this matter so important to Louisiana and to the territory of the United States might be disposed of without needed argument and consideration of the full implications of all aspects of the Motion of the United States and without opportunity to consider relevant evidence, hence the State files this supplemental motion and asks for appropriate orders.

Respectfully submitted,

JACK P. F. GREMILLION,

Attorney General.

PAUL M. HEBERT,

VICTOR A. SACHSE,

OLIVER P. STOCKWELL,

FREDEDICK W. ELLIS,

WILLIAM E. SHADDOCK,

W. THOMAS TETE,

Special Assistant Attorneys General.

By:

*[Handwritten signatures: Jack P. F. Gremillion, Paul M. Hebert, Victor A. Sachse]*



## Appendix A

Number 9 Original JUN 25 1971

RECEIVED  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

In the  
Supreme Court of the United States

OCTOBER TERM, 1970

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF LOUISIANA, ET AL.

Objection of the State of Louisiana to the Right of the  
United States at this time to file a Motion for  
Entry of Supplemental Decree as to the  
State of Louisiana (No. 3) and  
Memorandum in Support  
of Objection

JACK P. F. GREMILLION,  
Attorney General.

JOHN L. MADDEN,  
Assistant Attorney General.

PAUL M. HEBERT,  
VICTOR A. SACHSE,  
OLIVER P. STOCKWELL,  
FREDERICK W. ELLIS,  
WILLIAM E. SHADDOCK,  
W. THOMAS TETE,  
Special Assistant Attorneys General.

State of Louisiana,  
State Capitol,  
Baton Rouge, Louisiana 70804.

**Appendix B**

TIDELANDS STAFF  
ROOM 410 OLD LNB BLDG.  
150 THIRD STREET  
BATON ROUGE, LA. 70801

**State of Louisiana**

DEPARTMENT OF JUSTICE

**Baton Rouge**

70804

JACK P. F. GREMILLION  
ATTORNEY GENERAL

May 19, 1971

E. Robert Seaver, Esquire  
Clerk, Supreme Court of the United States  
Washington, D. C.

Re: United States v. State of  
Louisiana, No. 9 Original,  
Supreme Court

Dear Mr. Seaver:

The United States of America has notified the State of Louisiana that it has filed a motion for a supplemental decree in Original No. 9. No order from the Court has been received and, hopefully, none will be forthcoming now.

Pursuant to the opinion of the Court of March 3, 1969, 394 U.S. 11, Walter P. Armstrong, Jr. Esquire, of Memphis was appointed Special Master to make a preliminary determination consistent with the opinion of the Court.

Hearings have been conducted and were in progress when the above mentioned motion was filed but motions are also pending before the Special Master and counsel of Louisiana are seeking now to devote

their attention to the completion of the hearings. Louisiana will wish to file an opposition to the motion of the Government, as distinguished from an opposition to the proposed decree, which Louisiana thinks would come later, and only if it is first determined that the motion of the Government should be considered prior to the report of the Special Master. Louisiana respectfully asks whether it can through July 20, 1971, to file its opposition to the motion itself.

Sincerely yours,

VICTOR A. SACHSE  
Special Assistant Attorney General

VAS:jgs

cc: George Swarth, Esquire  
Jonathan I. Charney, Esquire  
Attorney General Jack P. F. Gremillion  
Dean Paul M. Hebert  
Oliver P. Stockwell, Esquire  
Frederick W. Ellis, Esquire

## Appendix C

TIDELANDS STAFF  
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## State of Louisiana

DEPARTMENT OF JUSTICE

## Baton Rouge

70804

JACK P. F. GREMILLION  
ATTORNEY GENERAL

August 27, 1971

Supreme Court of the United States  
Office of the Clerk  
E. Robert Seaver, Esq.  
Clerk of the Court  
Supreme Court of the United States  
Washington, D. C. 20543

Re: *United States vs. State of Louisiana, et al*  
No. 9, Original

Dear Mr. Seaver,

The United States filed with the Clerk of United States Supreme Court Motion for Entry of a Supplemental Decree as to the State of Louisiana (No. 3) in which the Court was asked to require the State of Louisiana to respond within sixty days.

No order permitting the filing of the Motion or requiring Louisiana to respond has issued from the Court.

Louisiana has filed objection to the right of the United States to file the motion at this time and has shown that by Order of May 19, 1969, the Court referred issues to Walter P. Armstrong, Jr., Esq. and hearings

had proceeded pursuant to that order. Louisiana points out in its objection that the entirety of the case and not a portion of it could reach the Court after Special Master Armstrong has submitted his findings. Louisiana concluded its objection thus:

### III.

“For these reasons the right of the United States to file a motion for entry of supplemental decree as to the State of Louisiana (No. 3) should be denied and no order issued requiring Louisiana to respond.

### IV.

In the alternative, if the Court permits the filing of the motion, the State of Louisiana’s time to respond should be extended until the Special Master files his report with this Court and in no event less than one hundred and twenty (120) days from the date the Court permits the filing of the motion.”

Louisiana would like to be assured that all that is before the Court at this time is Louisiana’s objection to the timeliness of the Motion. If the Motion itself is to be considered on the merits, Louisiana would like to be assured that it will be afforded a proper opportunity to respond.

With the opening of the Court approaching, Louisiana respectfully requests an early response.

Sincerely yours,

VICTOR A. SACHSE

VAS/vu

cc/Lawrence G. Wallace, Esq.

George Swarth, Esq.

Jonathan Charney, Esq.

bcc/Hon. Jack P. F. Gremillion

Paul M. Hebert, Esq.

Oliver P. Stockwell, Esq.

William E. Shaddock

# Appendix D

TIDELANDS STAFF  
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## State of Louisiana

DEPARTMENT OF JUSTICE

Baton Rouge

70804

JACK P. F. GREMILLION  
ATTORNEY GENERAL

October 5, 1971

Mr. Michael Rodak, Deputy Clerk  
Supreme Court of the United States  
Washington, D. C.

Re: *United States vs. State of Louisiana, et al*  
No. 9, Original

Dear Mr. Rodak,

Thank you very much for your courtesy in taking so much time out to work on the problem of *United States vs. State of Louisiana, et al*, No. 9, Original. As I understand it, our objection will be docketed retroactive to the date of its filing, June 25, 1971, and you will take the matter up further with the Court.

On behalf of Mr. Victor A. Sachse and in connection with his letter of August 27, I should especially like to thank you for the assurance that you gave me that Louisiana would be given an opportunity to file an answer to the United States' Motion before any supplemental decree might be granted.

In the meantime, we are looking forward to hearing from you when the matter has been further clarified.

Sincerely,

W. THOMAS TETE [by Frederick W. Ellis]  
Special Assistant  
Attorney General

WTT/vu

cc/Lawrence G. Wallace, Esq.  
George Swarth, Esq.  
Jonathan Charney, Esq.

bcc/Hon. Jack P. F. Gremillion  
Paul M. Hebert, Esq.  
Victor A. Sachse, Esq.  
Oliver P. Stockwell, Esq.  
William E. Shaddock, Esq.









### PROOF OF SERVICE

I, the undersigned, authorized to act on behalf of the State of Louisiana, certify that copies of the foregoing motion have been properly served on the 11<sup>th</sup> day of October, 1971 by mailing copies, sufficient postage prepaid, to the offices of the Attorney General and of the Solicitor General of the United States, respectively, in the Department of Justice Building, Washington, D. C.

W. J. P. F. Givaudan