

**No. 9, Original**

Supreme Court, U. S.  
FILED

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MICHAEL RODAK, JR., CLERK

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

**OCTOBER TERM, 1972**

**UNITED STATES OF AMERICA, PLAINTIFF,**

**v.**

**STATE OF LOUISIANA, ET AL.**

**RESPONSE BY THE STATE OF LOUISIANA TO  
THE MOTION BY THE UNITED STATES FOR  
LEAVE TO FILE ACCOUNT OF FUNDS RE-  
LEASED FROM IMPOUNDMENT PURSUANT TO  
THE SUPPLEMENTAL DECREE (NO. 3) OF  
DECEMBER 20, 1971 AND TO THE ACCOUNT  
BY THE UNITED STATES OF FUNDS RELEASED  
FROM IMPOUNDMENT PURSUANT TO THE  
SUPPLEMENTAL DECREE (NO. 3) OF  
DECEMBER 20, 1971**

**and**

**MEMORANDUM IN SUPPORT OF RESPONSE**

**WILLIAM J. GUSTE, JR.,**

**Attorney General.**

**PAUL M. HEBERT,**

**VICTOR A. SACHSE,**

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**J. MICHAEL ROBBINS,**

**Special Counsel.**

**State of Louisiana,**

**State Capitol,**

**Baton Rouge, Louisiana 70804.**



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The State of Louisiana by the Attorney General of Louisiana responds to the Motion of the United States for leave to file account with respect to the funds released to it December 29, 1971 and informs the Court that Louisiana has not had an opportunity to verify the information stated by the United States and so is without knowledge or information sufficient to form a belief as to the correctness thereof and reserves the right to object to errors prior to the final settlement of the account between the United States and the State

of Louisiana pursuant to the Agreement of October 14, 1956 and the ultimate decree of this Court.

Respectfully submitted.

WILLIAM J. GUSTE, JR.,  
Attorney General.

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VICTOR A. SACHSE,  
OLIVER P. STOCKWELL,  
FREDERICK W. ELLIS,  
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State of Louisiana,  
State Capitol,  
Baton Rouge, Louisiana 70804.

By: */s/ Frederick W. Ellis*

September 1972.

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**MEMORANDUM IN SUPPORT OF RESPONSE**

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On December 13, 1965, the Court rendered its first Supplemental Decree in this case, 382 U.S. 288, which provided for accountings to be filed thereunder. That decree and subsequent accountings by both parties were the subjects of extensive negotiations and exchanges of information extending over many months, both before and after the decree and the accountings pursuant thereto. Nonetheless, in spite of the extensive exchanges of engineering, cartographic, financial, and accounting material and records, some differences of position could not be successfully resolved. However, a great mass of problems was eliminated and extensive judicial controversy avoided. Remaining problems were the subject of objections by both parties filed with the Court. The retention of jurisdiction clause under the December 13, 1965

decree provided for "further adjustments of the accounting between the parties." 382 U.S. 288, 295. In its filing entitled, "OBJECTIONS BY THE STATE OF LOUISIANA TO THE ACCOUNTING FILED BY THE UNITED STATES OF AMERICA PURSUANT TO SUPPLEMENTAL DECREE NO. 1, DATED DECEMBER 13, 1965," Louisiana's rights were reserved "to seek payment through application for a further supplemental decree or otherwise." In its Objections dated April 1966, the United States remarked, "We make no argument in support of our objections at this time, as it is our understanding that under paragraph 8 of the Supplemental Decree these objections merely serve to preserve the points raised, and that argument in support of them should be deferred until the issues are presented to the Court by motion for settlement of the account as provided by paragraph 8 of the Supplemental Decree."

The form of Supplemental Decree (No. 3) dated December 1971 did not treat details of time periods for accountings and procedure. Nor does the form of the proposed Supplemental Decree (No. 4) now pending on motion by Louisiana, unopposed by the United States, treat such procedural details. This was for the obvious reason that both parties contemplated further negotiations before adversary proceedings would be required, if they would be required, to resolve the pending objections filed by both parties in connec-

tion with the First Supplemental Decree dated December 13, 1965.

Moreover, after the resolution of the coastline controversy and adjudication of the boundary as to all remaining disputed areas in the coastline proceedings before the Special Master, further accounts must be prepared and an overall accounting had.

More than three hundred mineral leases are the subject of the present "account". At least sixteen years and perhaps as much as two decades or more of monthly financial records pertaining to these leases must be audited. This entails comparison of enormous volumes of Federal records to oil company records scattered in various cities around the nation. The enormity of that undertaking is manifest from the fact that the statement of money received was filed with the Court only after more than eight months had elapsed since December 20, 1971, although payments are made to the United States by the producers pursuant to the Interim Agreement of October 14, 1956.

Louisiana is confident that an exchange of information between the United States and Louisiana and negotiations between counsel and technical experts of both governments can avoid most, if not all, of the possible controversies which could now occur if the Court were called upon to give positive or tacit approval of the account.

The motion does not seek such approval and this response is filed only to preserve rights and to make certain that silence is not taken for acquiescence.

Respectfully submitted.

WILLIAM J. GUSTE, JR.,  
Attorney General.

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

J. MICHAEL ROBBINS,  
Special Counsel.

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

By: *F. Frederick Wells*

September 1972.









### PROOF OF SERVICE

I, the undersigned, authorized to act on behalf of the State of Louisiana, certify that copies of this response and memorandum have been properly served on the 13th day of September, 1972, by mailing copies, sufficient postage prepaid, to the offices of the Solicitor General and Attorney General of the United States, Department of Justice, Washington, D. C. 20530.

/s/ Frederick W. Ellis