

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1977

No. 79 Original

STATE OF OKLAHOMA *Plaintiff*

vs.

STATE OF ARKANSAS *Defendant*

ANSWER OF STATE OF ARKANSAS TO
COMPLAINT OF STATE OF OKLAHOMA

ANSWER

The State of Arkansas, for its answer to the complaint of the State of Oklahoma, states:

I.

It admits the allegations of paragraph I of the complaint.

II.

It admits the allegations of paragraph II of the complaint only insofar as they state that pursuant to an Act of Congress dated June 16, 1906, providing "[t]hat the inhabitants of all that part of the area of the United States now constituting the Territory of Oklahoma and the Indian Territory, as at present described, may adopt a constitution and become the State of Oklahoma," those inhabitants did adopt a Constitution and

upon the issuance of the Proclamation of Statehood dated November 16, 1907, did become the State of Oklahoma. Otherwise, the allegations of paragraph II are denied.

III.

It admits the allegations of paragraph III of the complaint only insofar as they state that the 1874 Constitution of the State of Arkansas declared, established, ratified and confirmed that the State of Arkansas was "bounded on the west to the north bank of the Red River, as by act of Congress and treaties existing January 1, 1837, defining the western limits of the Territory of Arkansas," and that said boundary did coincide with the eastern boundary of Indian Territory as at that time described. Otherwise, the allegations of paragraph III are denied.

IV.

It admits that the "particular tract of land" in issue was "originally a portion of Indian Territory." The remaining allegations of paragraph IV are denied.

V.

It admits the allegation of the first sentence of paragraph V and affirmatively states that Arkansas's assertion of sovereignty over the tract of land in issue is also based upon a February 16, 1905, act of the state legislature of Arkansas [Ark. Stat. Ann. § 5-101 (Repl. 1976)] enacted pursuant to the Act of Congress of February 10, 1905. The remaining allegations of paragraph V are denied.

VI.

It denies all allegations of plaintiff not specifically admitted herein.

VII.

As an affirmative defense defendant states that plaintiff's long acquiescence in Arkansas's possession of the property in issue and Arkansas's long and continuous exercise of dominion and sovereignty over it pursuant to valid acts of Congress and the General Assembly of Arkansas bars this action and is conclusive of Arkansas's title.

WHEREFORE, defendant, the State of Arkansas, prays that the Court dismiss plaintiff's complaint, award defendant costs, and order such other and further relief as the Court deems proper.

Respectfully submitted,

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