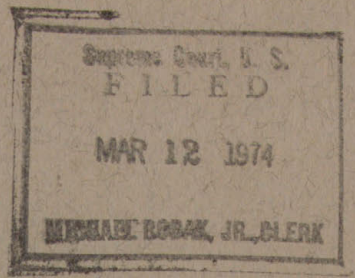


FILE COPY



No. 36, Original

In the Supreme Court of the United States

OCTOBER TERM, 1973

THE STATE OF TEXAS, PLAINTIFF

v.

THE STATE OF LOUISIANA

MOTION OF THE UNITED STATES FOR LEAVE TO AMEND ITS
COMPLAINT AND AMENDED COMPLAINT

ROBERT H. BORK,

Solicitor General,

Department of Justice,

Washington, D.C. 20530.

In the Supreme Court of the United States

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THE STATE OF TEXAS, PLAINTIFF

v.

THE STATE OF LOUISIANA

**MOTION OF THE UNITED STATES FOR LEAVE TO AMEND ITS
COMPLAINT**

The United States of America asks leave of the Court to file the attached amended complaint in place of the pleading initially filed with this Court in November 1973.

ROBERT H. BORK,
Solicitor General.

MARCH 1974.

(1)

In the Supreme Court of the United States

OCTOBER TERM, 1973

No. 36, Original

THE STATE OF TEXAS, PLAINTIFF

v.

THE STATE OF LOUISIANA

STATEMENT

This case was originally brought in this Court by the State of Texas against the State of Louisiana to establish the location of the boundary between those two States in the Sabine River. The matter was referred to a Special Master, Judge Robert Van Pelt, who conducted hearings and submitted his report to the Court.

In *State of Texas v. State of Louisiana*, 410 U.S. 702, the Court, with certain exceptions, adopted the report of the Special Master with respect to the boundary between those two States in the Sabine River. In addition, the Court recognized a potential interest of the United States in islands in the western half of the Sabine River south of 32 degrees north latitude, and stated that the United States "should be requested to present any claims it may have to any of the islands in the western half of the Sabine south of 32 degrees north

latitude and, if it so desires, to present evidence and argument with respect to the ownership of such islands." 410 U.S. at 712.

Subsequent to that decision the State of Louisiana moved to enlarge the reference of the Special Master to include the establishment of Louisiana's lateral boundary with Texas in the Gulf of Mexico. By order of the Court entered June 25, 1973, the motion was referred to the Special Master and the United States was invited to file a brief expressing its views. The United States responded to that invitation by recommending enlargement of the Special Master's reference to include determination of not only the offshore boundary between Texas and Louisiana but also the extension of that boundary to the seaward limit of Texas' 9-mile grant under the Submerged Lands Act so that the rights of all three parties would be settled simultaneously.

In his report to the Court the Special Master recommended that the motions of the State of Louisiana and the United States to enlarge his reference be granted. If granted, the Special Master further recommended that the United States and the State of Louisiana file within 20 days of the entry of the order by the Court their claims and contentions with respect to their respective lateral boundaries with the State of Texas in the Gulf of Mexico. The Special Master's report was adopted by the Court on October 15, 1973.

The United States filed its complaint in November 1973, claiming title to six islands in the western half of the Sabine River. Subsequent research indicates

that some of those islands no longer exist or for other reasons are no longer subject to the claim of the United States. The United States therefore seeks to withdraw its claim to those islands by amending its complaint. The Special Master and counsel for Texas and Louisiana have indicated that they have no objection to this amendment.

CONCLUSION

The motion of the United States for leave to amend its complaint should be granted.

Respectfully submitted.

ROBERT H. BORK,
Solicitor General.

MARCH 1974.

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OCTOBER TERM, 1973

No. 36, Original

THE STATE OF TEXAS, PLAINTIFF

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THE STATE OF LOUISIANA

AMENDED COMPLAINT

The United States of America, by its Solicitor General, intervenes in this suit against the States of Texas and Louisiana, and for its causes of action states:

FIRST CAUSE OF ACTION

I

The jurisdiction of this Court is invoked under Article III, Section 2, paragraph 2 of the Constitution of the United States, and Title 28, United States Code, Section 1251(b)(2).

II

At all times herein material the United States was and now is the owner in fee simple of all islands which have existed in the western half of the Sabine

River since 1848 and which have not been conveyed to the States of Louisiana or Texas.

III

There was in 1848, an unnamed island lying north of the point at which Taylor's Bayou enters Sabine Lake. The center of that island was located approximately at 29° 51' 01'' north latitude, 93° 56' 41'' west longitude.

This island was located in the western half of the Sabine River in 1848.

This island is now part of a larger artificially created island in the Sabine River known as Pleasure Island.

The United States is now, and has been at all times herein relevant, owner in fee simple of that portion of Pleasure Island which existed as a separate island in 1848.

SECOND CAUSE OF ACTION

IV

The United States repeats and realleges the allegations contained in paragraph I, with the same force and effect as herein set forth.

V

The lateral boundary in the Gulf of Mexico which separates the areas over which Texas and the United States exercise exclusive rights to the natural resources of the seabed and subsoil is a line beginning at the seaward terminus of a similar line dividing the exclusive rights of Texas and Louisiana, and ex-

tending seaward to a point 3 marine leagues from the historic coastline of the State of Texas, at all times remaining an equidistance from the coasts of Texas and Louisiana.

VI

The lateral offshore boundary in the Gulf of Mexico dividing the rights of Texas and Louisiana is a line beginning at the midpoint of a closing line across the mouth of the Sabine River and extending seaward into the Gulf of Mexico, being at all times equidistant from the coasts of Texas and Louisiana.

VII

The mouth of the Sabine River and the seaward limit of the inland waters of the United States is a straight line between the southern tips of the Sabine River jetties.

VIII

The western jetty at the mouth of the Sabine River is an extension of the coastline of the State of Texas.

IX

The eastern jetty at the mouth of the Sabine River is an extension of the coastline of the State of Louisiana.

WHEREFORE, the United States prays for relief as follows:

1. That a decree be entered quieting title in the United States to said island in the western half of the Sabine River;

2. That a decree be entered declaring the rights of the United States as against the States of Texas and Louisiana in the subsoil, seabed and natural resources underlying the Gulf of Mexico lying east of a line which begins at the midpoint of the closing line across the mouth of the Sabine River, as described in paragraphs VI-VII, and extends into the Gulf of Mexico an equidistance from the low-water lines on the Texas and Louisiana coasts and more than 3 nautical miles from the coast of Louisiana; and

3. For such other and further relief as the Court may deem proper.

ROBERT H. BORK,
Solicitor General.

MARCH 1974.

