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MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1973

THE STATE OF TEXAS, PLAINTIFF

v.

THE STATE OF LOUISIANA

**BRIEF OF THE UNITED STATES IN OPPOSITION
TO THE CITY OF PORT ARTHUR'S MOTION
FOR A MORE DEFINITE STATEMENT**

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This is an action among the States of Texas and Louisiana and the United States concerning the boundary between those States in the Sabine River, the ownership of certain islands in the western half of the Sabine River, and the boundary in the Gulf of Mexico which separates the rights of all three parties in the submerged lands of the Gulf of Mexico.

By motion dated March 29, 1974, the City of Port Arthur, Texas, seeks to intervene in this action to dispute the United States' claim to one island in the western half of the Sabine River. By an additional motion, the City of Port Arthur contends, with respect to the island claimed by the United States, that the claim asserted by the United States is so vague and ambiguous that the City of Port Arthur cannot locate and identify the area claimed by the United States. The City alleges that it is unable reasonably to frame a responsive pleading and asks that the United States be required to provide a more definite statement of its claim, failing which the claim of the United States should be stricken.

The United States does not oppose the City of Port Arthur's motion to intervene in this action.¹ The United States does oppose the City's Motion for More Definite Statement because the pleadings and evidence of the United States, distributed to all parties and to the City of Port Arthur pursuant to procedures established by the Special Master in this case, describe the area claimed with sufficient specificity to enable the City to frame a responsive pleading.

I

THE UNITED STATES HAS DESCRIBED THE ISLAND CLAIMED WITH SUFFICIENT SPECIFICITY

The island claimed by the United States in this action is now part of a formation presently known as Pleasure Island, which was largely formed by spoil dredged from the Sabine River. The natural island claimed by the United States was assimilated into Pleasure Island and although it may have lost its identity as a separate island the United States did not lose its title to the land involved. Paragraph III of the United States' amended complaint describes the center-point of the island claimed as being at approximately 29° 51' 01" north latitude, 93° 56' 41" west longitude.

Moreover, evidence which has been supplied to the City of Port Arthur provides even greater specificity to the claim of the United States. Under procedures established by the Special Master in these proceedings, the United States has already distributed to the parties the evidence upon which it will rely in the hearing

¹We believe that the City's pleading, presently entitled "Amended Complaint," might more appropriately be entitled "Answer."

scheduled for May 20, 1974. U.S. Exhibit YYY indicates that the area claimed is approximately 59,000 square feet. Two other exhibits show the outline of the area claimed on a modern, large-scale map of the Port Arthur area. U.S. Exhibits DDD and CCCC. The City of Port Arthur has been provided with copies of each of these documents pursuant to the Special Master's pretrial order. The City has also received a copy of testimony of the sole witness that the United States will present with regard to the island claim. The United States contends that taken together this information constitutes a definite statement of its claim.²

II

A MORE SPECIFIC DESCRIPTION IS UNNECESSARY AT THIS STAGE IN THE PROCEEDINGS

Only a metes and bounds survey of the claim on the ground could furnish a more specific description than has already been provided. Such a survey would cause a time-consuming and unnecessary delay in this litigation, since the threshold question of ownership may be answered without such a survey. If this Court decides that the United States is entitled to claim the portion of Pleasure Island which incorporates the island claimed by the United States, then this Court may, as it has in many similar cases in the past, retain jurisdiction to resolve any resulting disagreement as to the actual limits of that property.

Finally, the City of Port Arthur has demonstrated by its pleadings that the claim of the United States is sufficiently specific for the City to formulate a response. In paragraph I of its Complaint, the City of Port

²We are informed that by letter to this Court dated April 1, 1974, the Special Master indicated that he does not find that a more definite statement of the federal claim is required.

Arthur alleges that it is the owner in fee simple of that portion of Pleasure Island which is affected by the United States' claim and denies that the United States has any claim or title to that land.

CONCLUSION

For the foregoing reasons, the City of Port Arthur's Motion for More Definite Statement should be denied.

Respectfully submitted.

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