



- No. 36, Original

In the Supreme Court of the United States

OCTOBER TERM, 1973

THE STATE OF TEXAS, PLAINTIFF

v.

THE STATE OF LOUISIANA

ANSWER OF THE UNITED STATES TO
COMPLAINT OF LOUISIANA

ROBERT H. BORK,
Solicitor General.
Department of Justice,
Washington, D.C. 20530.

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The United States of America, by its Solicitor General, answers the complaint of the State of Louisiana as follows:

I

The United States admits the allegations of paragraphs I, II, III and IV of the complaint.

II

The United States agrees with the claim of Louisiana asserted in paragraph V that the boundary between Texas and Louisiana should be established in the geographic middle of the jetties and extended 3 geographical miles south therefrom.

(1)

III

The allegations of paragraph VI do not state a claim adverse to the interests of the United States.

IV

The United States disputes the right and title of Louisiana to islands in the western half of the Sabine River which is asserted in paragraph VII of the complaint. More specifically, the United States denies the right or title of Louisiana: 1) to any islands formed by the forks or channels of the Sabine River as it enters Sabine Lake lying west of Middle Pass on the 1840 United States/Texas boundary survey map, 2) to Dooms (or John's) Island or, 3) to any of the three islands near the point where Taylor's Bayou enters Sabine Lake.

V

The United States admits the allegations contained in the first sentence of paragraph VIII of the complaint. The United States denies the claim, asserted in the second sentence of paragraph VIII of the complaint, that Louisiana has any right to islands in the western half of the River.

VI

The United States denies the claim asserted in paragraph IX of the complaint that Louisiana's Act of Admission to the Union granted the State all islands in the Sabine. The United States also denies that the two westernmost of the three islands at the north end of Sabine Lake where the Sabine River

empties into it, were patented to Louisiana by the United States. The United States is at this time without knowledge or information sufficient to form a belief as to whether Texas has questioned the survey of the United States or the issuance of patents to Louisiana. The United States admits that the 1848 Act extending the eastern boundary of Texas to the middle of the Sabine did not convey title to those islands.

VII

The United States denies the allegations of paragraph X of the complaint.

VIII

The United States denies that the "geographic middle" of the Sabine River, where there are cut-offs, forks, and/or man-made channels, is or should be the westernmost channel. The United States is at this time without knowledge or information sufficient to form a belief as to the truth of the allegations of the second and third sentences of paragraph XI.

WHEREFORE, the United States prays for relief consistent with the positions asserted by the United States herein and in its complaint in this action.

Respectfully submitted.

ROBERT H. BORK,
Solicitor General.

JANUARY 1974.

