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No. — Original

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*In the Supreme Court of the United States*

OCTOBER TERM, 1948

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UNITED STATES OF AMERICA, PLAINTIFF

*v.*

STATE OF LOUISIANA

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MOTION FOR LEAVE TO FILE COMPLAINT AND  
COMPLAINT

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# In the Supreme Court of the United States

OCTOBER TERM, 1948

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No. —, Original

UNITED STATES OF AMERICA, PLAINTIFF

*v.*

STATE OF LOUISIANA

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## MOTION FOR LEAVE TO FILE COMPLAINT

The United States of America, by its Attorney General and its Solicitor General, asks leave of the Court to file its complaint against the State of Louisiana submitted herewith.

TOM C. CLARK,

*Attorney General.*

PHILIP B. PERLMAN,

*Solicitor General.*

DECEMBER 1948.

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## STATEMENT IN SUPPORT OF MOTION

The United States seeks to bring this suit against the State of Louisiana under the authority of Article III, Section 2, Clause 2 of the Constitution of the United States. The purpose of the litigation is to establish the rights of the United States to the lands, minerals and other things

(1)

underlying the Gulf of Mexico adjacent to the coast of Louisiana, seaward of low water mark along the coast and outside of bays, harbors, rivers and other inland waters.

The rights of the United States in the lands underlying the Pacific Ocean adjacent to the State of California were established by this Court in *United States v. California*, 332 U. S. 19. It is the position of the United States that the rule there announced is equally applicable to the sea bed and subsoil of the Gulf of Mexico adjacent to Louisiana.

The territory out of which the State of Louisiana was created originally belonged to the United States, having been acquired from France under the Treaty of April 30, 1803, 8 Stat. 200. By the Act of April 8, 1812, 2 Stat. 701, the State of Louisiana was admitted into the Union "on an equal footing with the original states, in all respects whatever." The conditions under which Louisiana was admitted to the Union are similar in all respects to those under which California became a State.

Since 1915, Louisiana has, by statute (Act 30 of 1915, Louisiana Acts 1915, page 62, as superseded by Act 93 of 1936, Louisiana Acts 1936, page 276, as amended) undertaken to provide for the leasing of lands underlying the Gulf of Mexico for the exploitation of petroleum, gas, and other mineral deposits. And since 1938, Louisiana has claimed an outer boundary of twenty-

seven marine miles from its shores within which the State claims full and complete ownership (Act of June 30, 1938, Acts 1938, p. 169). Under the provisions of the statutes referred to, Louisiana has executed leases and the lessees thereunder have extracted and are continuing to extract petroleum and other minerals from lands underlying the open waters of the Gulf of Mexico.

It is reported that certain of these leases have been entered into by the State and its lessees subsequent to June 23, 1947, the date of the decision of this Court in the *California* case. Officials of the State of Louisiana have stated that they do not regard the rule announced in the *California* case as applicable to submerged lands adjacent to Louisiana, and that a continuation of the various activities of the State in connection with the development of oil and gas in lands underlying the Gulf of Mexico is contemplated, in violation of the rights of the United States. Accordingly, it is believed that the rights of the United States can be protected only by a decree of this Court granting the relief prayed for in the complaint.

It is respectfully submitted that the motion for leave to file the complaint should be granted.

TOM C. CLARK,

*Attorney General.*

PHILIP B. PERLMAN,

*Solicitor General.*

# In the Supreme Court of the United States

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No. —, Original

UNITED STATES OF AMERICA, PLAINTIFF

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STATE OF LOUISIANA

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## COMPLAINT

The United States of America, by its Attorney General and its Solicitor General, brings this suit against the defendant, the State of Louisiana, and for its cause of action states:

### I

The jurisdiction of this Court is invoked under Article III, Section 2, Clause 2 of the Constitution of the United States.

### II

At all times herein material, plaintiff was and now is the owner in fee simple of, or possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Gulf of Mexico, lying seaward of the ordinary low-water mark on the coast of

Louisiana and outside of the inland waters, extending seaward twenty-seven marine miles and bounded on the east and west, respectively, by the eastern and western boundaries of the State of Louisiana.

### III

The State of Louisiana claims some right, title, or interest in said lands, minerals, and other things adverse to the United States.

### IV

In the exercise of the rights claimed by it, the State of Louisiana has, by general law, Act 30 of 1915 (Louisiana Acts, 1915, page 62), as superseded by Act 93 of 1936 (Louisiana Acts, 1936, page 276), as amended, authorized the leasing of lands underlying the Gulf of Mexico for the exploitation of petroleum, gas and other mineral deposits in the area herein described.

### V

Pursuant to that law, the State of Louisiana has negotiated and executed such leases with various persons and corporations, and those persons and corporations have, in violation of the rights of the United States, paid to the State substantial sums of money, entered upon said lands and drilled wells for the recovery of petroleum, gas and other hydrocarbon substances. Such wells have been producing quantities of petroleum, gas and other hydrocarbon substances, which the les-

sees of the State have taken and converted to their own uses and for which the lessees have paid to the State substantial sums of money in bonuses, rents and royalties reserved under the leases, but neither the State nor its lessees have recognized the rights of the United States nor have they paid to the United States either the value of the petroleum and other things taken from the area, or any royalties thereon.

## VI

The State of Louisiana has no title to or interest in any of the lands in the area herein described, but possesses only those governmental powers which it has with respect to other lands of the United States within the lawful territorial jurisdiction of the State.

## VII

The State has frequently and publicly denied the rights and powers of the United States in the area herein described and has claimed full and complete ownership of the area for itself and, unless the rights of the United States are established and declared by this Court, the State will continue to claim such ownership for itself and to exercise the rights incident to such ownership through its officers, agents and employees, and will continue to aid, abet and encourage others, as its lessees, to trespass upon and to take and use the minerals and other things of value in the area, in



violation of the rights of the United States, from which the United States will suffer irreparable injury, and for which it has no adequate remedy except by this action.

Wherefore, plaintiff prays that a decree be entered adjudging and declaring the rights of the United States as against the State of Louisiana in the area herein described, enjoining the State of Louisiana and all persons claiming under it from continuing to trespass upon the area in violation of the rights of the United States, and requiring the State of Louisiana to account to the United States for all sums of money derived by it from the area herein described subsequent to June 23, 1947.

TOM C. CLARK,  
*Attorney General.*

PHILIP B. PERLMAN,  
*Solicitor General.*

DECEMBER 1948.

