

COPI No. 14, Orig.  
MOTION FILED DEC 2 1955

Office - Supreme Court, Ala.

FILED

DEC 12 1955

HAROLD B. WILLEY, Clerk

IN THE

# Supreme Court of the United States

OCTOBER TERM, 1955

IN THE MATTER OF MOTION FOR LEAVE BY THE STATE  
OF LOUISIANA TO FILE PETITION TO PERPETUATE  
THE TESTIMONY OF DR. JAMES P. MORGAN, AND  
PETITION

FRED S. LeBLANC

*Attorney General*

State of Louisiana

2201 State Capitol

Baton Rouge, Louisiana

JOHN L. MADDEN

*Assistant Attorney General*

State of Louisiana

2201 State Capitol

Baton Rouge, Louisiana

BAILEY WALSH

*Special Assistant*

*Attorney General*

State of Louisiana

1346 Connecticut Ave., N. W.

Washington, D. C.

*Attorneys for Petitioner*

W. SCOTT WILKINSON

L. H. PEREZ

FRANK J. LOONEY

GROVE STAFFORD

*Of Counsel*



IN THE  
**Supreme Court of the United States**

OCTOBER TERM, 1955

---

**MOTION FOR LEAVE BY THE STATE OF LOUISIANA TO  
FILE PETITION TO PERPETUATE THE TESTIMONY  
OF DR. JAMES P. MORGAN**

---

The State of Louisiana, appearing by its Attorney General and Assistant Attorney General, both authorized to make this appearance under the Constitution and laws of said state, respectfully moves and prays the Court for leave to file its annexed petition to perpetuate the testimony of Dr. James P. Morgan.

FRED S. LeBLANC  
*Attorney General*  
State of Louisiana  
2201 State Capitol  
Baton Rouge, Louisiana

JOHN L. MADDEN  
*Assistant Attorney General*  
State of Louisiana  
2201 State Capitol  
Baton Rouge, Louisiana



IN THE

**Supreme Court of the United States**

OCTOBER TERM, 1955

---

**THE PETITION OF THE STATE OF LOUISIANA TO  
PERPETUATE THE TESTIMONY OF  
DR. JAMES P. MORGAN**

---

TO THE HONORABLES, THE CHIEF JUSTICE AND ASSOCIATE  
JUSTICES OF THE SUPREME COURT OF THE  
UNITED STATES

The State of Louisiana, through its Attorney General, respectfully petitions this Honorable Court and shows:

## 1.

The State of Louisiana is a sovereign State of the United States, and as such has full ownership, use, administration and control of all lands within its seaward boundaries as defined in the Acts of Congress of April 8, 1812, 2 Stat. 701, 703, admitting this State into the Union and the Act of April 14, 1812, 2 Stat. 708, said boundaries extending three leagues from the Louisiana coast seaward into the Gulf of Mexico.

## 2.

By Act of Congress of May 22, 1953, c. 65, 67 Stat. 29, 43 U.S.C. 1301, et seq., known as the "Submerged Lands Act", the United States recognized, confirmed,



established and vested in and assigned to the coastal states, including Louisiana, title to and ownership of the lands beneath navigable waters and the natural resources within such lands and waters, within the boundary line of said States, as it existed at the time such State became a member of the Union, including the right and power to manage, administer, lease, develop and use the said lands and natural resources, and the United States further released and relinquished unto said States, including Louisiana, all right, title and interest of the United States, if any it had, in and to the submerged lands along the coast of said states not more than three marine leagues into the Gulf of Mexico from the coast line of said states.

## 3.

A dispute exists between the United States and the State of Louisiana concerning the proper location of Louisiana's coast line and the width or extent of the marginal belt and territorial waters belonging to the State in the Gulf of Mexico.

The existence of said dispute and its nature in part are shown with greater particularity in the Motion to Modify Decree which was filed by plaintiff in UNITED STATES OF AMERICA v. STATE OF LOUISIANA, No. 7 Original, October, 1955 Term of this Honorable Court, and by said court denied on October 10, 1955.

Following the dismissal of said Motion, certain officials and representatives of the United States indicated that study was being given to the matter of instituting further litigation against the State of Louisiana to have the above mentioned dispute judicially resolved. During the course of said dispute the Secretary of the Interior, and officers and agents of the United





States, acting pursuant to his orders, have been and are now trespassing upon and slandering the title of the State to submerged lands belonging to it in the Gulf of Mexico. Petitioner is unable to bring suit against the United States because of its sovereign immunity but is advised, informed, believes, and therefore avers that suit will be brought against it in the near future by the United States in this Court for the purpose of determining the location of Louisiana's coast line and the extent of its historic boundaries in the Gulf of Mexico.

## 4.

In order to make a proper defense of its lawful claims and establish its title to submerged lands in the Gulf of Mexico, Louisiana will need the testimony of Dr. James P. Morgan of the Department of Geology of Louisiana State University at Baton Rouge, Louisiana. The proposed witness has, during the past year, conducted extensive research and investigation on behalf of Petitioner to determine location of the State's shore line, its coast line, and its seaward boundaries in the Gulf of Mexico as they existed prior to or at the time the State became a member of the Union, and has prepared maps, charts, diagrams, and notes of surveys for such purposes which are indispensable to the proper presentation of the State's case in this Court in the suit which the United States is expected to bring against it.

## 5.

Louisiana expects to establish by the proposed testimony of Dr. James P. Morgan the exact location of its shore line in the Gulf of Mexico prior to or at the time when the State was admitted into the Union; to



show the nature of its shore line, islands, bays, etc., at such time and gradual changes that have subsequently occurred therein as the result of accretion, erosion and subsidence; to explain various historic maps and surveys as well as later maps of Louisiana's Gulf shores and coastal territory; to furnish expert testimony concerning the manner in which said lines and areas should be determined; and to show the extent of Louisiana's sea shores and coastal territory in the Gulf of Mexico. It is necessary to perpetuate the testimony of the said Dr. James P. Morgan for the reason that he expects to leave the United States on or about January 2, 1956, for an absence of approximately twelve months and will be continuously conducting research and study in Pakistan on the Continent of Asia. He will therefore be unavailable as a witness at the time when his testimony will be needed in this Court.

## 6.

The maps, charts, graphs, tabulations and other documents compiled or assembled by Dr. James P. Morgan and his staff in making his study and investigation and in reaching his findings are in such numbers and volume as to make transportation of same to Washington, D. C., wholly impracticable and exceedingly burdensome, if feasible at all. A trip from Baton Rouge, Louisiana to Washington, D. C., to testify in the latter part of December, 1955, only a few days before his necessitous departure for Pakistan, would also involve considerable risk to Dr. Morgan from the standpoint of meeting travel requirements and commitments in Pakistan. It is therefore suggested to the Court that the aforementioned circumstances war-



rant the taking of said testimony at Dr. James P. Morgan's domicile in the City of Baton Rouge, Parish of East Baton Rouge, Louisiana, to which end the interests of justice would be best served.

WHEREFORE Petitioner asks for an order authorizing it to take the depositions of Dr. James P. Morgan for the purpose of perpetuating his testimony.

STATE OF LOUISIANA, *Petitioner*

FRED S. LEBLANC  
*Attorney General*  
 State of Louisiana  
 2201 State Capitol  
 Baton Rouge, Louisiana

JOHN L. MADDEN  
*Assistant Attorney General*  
 State of Louisiana  
 2201 State Capitol  
 Baton Rouge, Louisiana

BAILEY WALSH  
*Special Assistant*  
*Attorney General*  
 State of Louisiana  
 1346 Connecticut Ave., N. W.  
 Washington, D. C.

*Attorneys for Petitioner*

W. SCOTT WILKINSON  
 L. H. PEREZ  
 FRANK J. LOONEY  
 GROVE STAFFORD  
*Of Counsel*



STATE OF LOUISIANA:

PARISH OF EAST BATON ROUGE:

Fred S. LeBlanc, being duly sworn, states that he is the Attorney General of the State of Louisiana and is charged by the Constitution and laws of the State of Louisiana with the duty of prosecuting and defending all suits for the assertion or protection of the rights and interests of the State, and is authorized to represent it in this proceeding; and that he has read the foregoing petition and that the contents thereof are true to his knowledge.

/s/ FRED S. LEBLANC  
 Fred S. LeBlanc  
*Attorney General*  
 State of Louisiana

SWORN TO AND SUBSCRIBED before me on this 30th day of November, 1955.

/s/ ESTHER A. KELLY  
 Esther A. Kelly  
*Notary Public*  
 State of Louisiana

(SEAL)

My commission expires at death.

