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No. 9, Original

In the Supreme Court of the United States

OCTOBER TERM, 1968

UNITED STATES OF AMERICA, PLAINTIFF

v.

STATE OF LOUISIANA, ET AL.

DECREE PROPOSED BY THE UNITED STATES AND MEMORANDUM IN SUPPORT THEREOF

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INDEX

CITATIONS

312-855—68——1

In the Supreme Court of the United States

OCTOBER TERM, 1968

NO. 9, ORIGINAL

UNITED STATES OF AMERICA, PLAINTIFF

v.

STATE OF LOUISIANA, ET AL.

PROPOSED SUPPLEMENTAL DECREE

For the purpose of giving effect to the conclusions of this Court as stated in its opinion announced December 4, 1967, supplementing the decree entered herein on December 12, 1960, it is ordered, adjudged and decreed as follows:

1. As against the State of Texas, the United States is entitled to—

(a) All the lands, minerals and other natural resources underlying the Gulf of Mexico that are more than three marine leagues gulfward from the present or future coast line as referred to in § 2(c) of the Submerged Lands Act, 43 U.S.C. § 1301(c); and

(b) All the lands, minerals and other natural resources underlying the Gulf of Mexico, more than three geographical miles gulfward from the present or future coast line as referred to in § 2(c) of the Sub-

merged Lands Act, 43 U.S.C. § 1301(c), that are gulfward of the following line:

Beginning at a point on the international boundary with Mexico, three marine leagues gulfward from the point x=2,447,717, y=104,830 (Texas Plane Coordinate System, South Zone), latitude 25°56′54.30″ N., longitude 97°08′15.50″ W., and proceeding thence northwardly and eastwardly as follows:

Course	South Zone		Latitude	Longtitude
	x	y		
1. By arc centered at	2,447,033	105,994	25°57′05.90″	97°08′22.85″
to	2,498,223	125,226	26°00′10.59″	96°58′59.59″
2. By straight line to	2,498,068	126,760	26°00′25.80″	96°59′01.09″
3. By arc centered at	2,443,661	121,256	25°59′37.4″	97°08′58.0″
to	2,497,383	131,474	26°01′12.56″	96°59′07.98″
4. By straight line to	2,497,076	135,704	26°01′54.49″	96°59′10.78″
5. By straight line to	2,497,119	137,947	26°02′16.70″	96°59′10.02″
6. By straight line to	2,497,240	139,652	26°02′33.58″	96°59′08.47″
7. By arc centered at	2,442,693	143,530	26°03′18.1″	97°09′06.0″
to	2,496,942	150,421	26°04′20.26″	96°59′10.32″
8. By straight line to	2,496,723	152,145	26°04′37.36″	96°59′12.50″
9. By arc centered at	2,442,474	145,254	26°03′35.2″	97°09′08.2″
to	2,496,370	154,510	26°05′00.83″	96°59′16.06″
10. By straight line to	2,495,553	159,267	26°05′48.04″	96°59′24.39″
11. By arc centered at	2,441,657	150,011	26°04′22.4″	97°09′16.6″
to	2,495,161	161,316	26°06′08.37″	96°59′28.42″
12. By straight line to	2,494,875	162,668	26°06′21.79″	96°59′31.38″
13. By straight line to	2,494,746	163,636	26°06′31.39″	96°59′32.67″
14. By straight line to	2,492,451	182,957	26°09′43.01″	96°59′55.32″
15. By arc centered at	2,438,148	176,509	26°08′45.2″	97°09′52.0″
to	2,492,330	183,907	26°09′52.44″	96°59′56.52″
16. By straight line to	2,490,612	196,490	26°11′57.26″	97°00′13.74″
17. By arc centered at	2,436,430	189,092	26°10′50.0″	97°10′09.4″
to	2,490,574	196,764	26°11′59.99″	97°00′14.12″
18. By straight line to	2,488,714	209,890	26°14′10.20″	97°00′32.84″
19. By arc centered at	2,434,570	202,218	26°13′00.2″	97°10′28.3″
to	2,488,423	211,722	26°14′28.37″	97°00′35.80″
20. By straight line to	2,486,399	223,191	26°16′22.20″	97°00′56.54″
21. By arc centered at	2,432,546	213,687	26°14′54.0″	97°10′49.2″
to	2,486,322	223,615	26°16′26.40″	97°00′57.33″
22. By straight line to	2,484,084	235,738	26°18′26.73″	97°01′20.36″
23. By arc centered at	2,430,308	225,810	26°16′54.3″	97°11′12.4″
to	2,483,535	238,353	26°18′52.69″	97°01′26.05″
24. By straight line to	2,478,947	257,823	26°22′06.05″	97°02′13.99″
25. By arc centered at	2,425,720	245,280	26°20′07.6″	97°12′00.6″
to	2,478,775	258,531	26°22′13.09″	97°02′15.79″
26. By straight line to	2,475,739	270,687	26°24′13.83″	97°02′47.63″
27. By arc centered at	2,422,684	257,436	26°22′08.3″	97°12′32.6″
to	2,475,708	270,811	26°24′15.06″	97°02′47.96″
28. By straight line to	2,472,116	285,051	26°26′36.50″	97°03′25.67″
29. By arc centered at	2,419,092	271,676	26°24′29.7″	97°13′10.5″
to	2,471,287	287,990	26°27′05.71″	97°03′34.42″
30. By straight line to	2,466,585	303,033	26°29′35.22″	97°04′24.28″
31. By straight line to	2,461,419	319,706	26°32′20.92″	97°05′19.08″

Course	South Zone x	South Zone y	Latitude	Longitude
32. By arc centered at	2,409,184	303,522	26°29'46.1"	97°14'56.0"
to	2,461,209	320,369	26°32'27.52"	97°05'21.31"
33. By straight line to	2,450,926	352,124	26°37'43.15"	97°07'10.71"
34. By arc centered at	2,398,901	335,277	26°35'01.6"	97°16'45.8"
to	2,449,710	355,498	26°38'16.70"	97°07'23.71"
35. By straight line to	2,447,122	362,000	26°39'21.38"	97°07'51.45"
36. By straight line to	2,445,524	366,527	26°40'06.38"	97°08'08.52"
37. By straight line to	2,442,108	376,994	26°41'50.42"	97°08'44.95"
38. By straight line to	2,437,787	392,060	26°44'20.08"	97°09'30.82"
39. By straight line to	2,437,079	394,740	26°44'46.70"	97°09'38.82"
40. By arc centered at	2,384,205	380,784	26°42'33.7"	97°19'23.0"
to	2,435,953	398,463	26°45'23.70"	97°09'50.30"
41. By straight line to	2,435,511	399,759	26°45'36.57"	97°09'55.03"
42. By straight line to	2,432,474	410,567	26°47'23.94"	97°10'27.28"
43. By straight line to	2,427,617	431,540	26°50'52.15"	97°11'18.47"
44. By straight line to	2,424,278	447,618	26°53'31.73"	97°11'53.51"
45. By straight line to	2,422,538	459,109	26°55'25.72"	97°12'11.42"
46. By arc centered at	2,368,469	450,923	26°54'09.8"	97°22'09.6"
to	2,422,177	461,213	26°55'46.59"	97°12'15.17"
47. By straight line to	2,421,519	468,580	26°56'11.43"	97°12'22.16"
48. By arc centered at	2,367,051	463,714	26°56'16.6"	97°22'24.0"
to	2,421,383	469,914	26°57'12.85"	97°12'22.95"
49. By straight line to	2,420,872	474,392	26°57'57.25"	97°12'28.09"
50. By arc centered at	2,366,540	468,192	26°57'01.0"	97°22'29.2"
to	2,420,613	476,347	26°58'16.64"	97°12'30.73"
51. By straight line to	2,419,889	487,832	27°00'10.46"	97°12'37.44"
52. By straight line to	2,419,593	493,822	27°01'09.82"	97°12'40.04"
53. By straight line to	2,419,571	498,661	27°01'57.74"	97°12'39.73"
54. By arc centered at	2,364,887	498,418	27°02'00.5"	97°22'44.5"
to	2,419,564	499,351	27°02'04.57"	97°12'39.74"
55. By straight line to	2,419,442	506,501	27°03'15.40"	97°12'40.28"
56. By straight line to	2,419,750	514,047	27°04'30.10"	97°12'36.02"
57. By straight line to	2,419,951	517,831	27°05'07.56"	97°12'33.36"
58. By straight line to	2,420,165	521,009	27°05'39.01"	97°12'30.64"
59. By arc centered at	2,365,603	524,676	27°06'20.5"	97°22'34.0"
to	2,420,260	522,916	27°05'57.88"	97°12'29.38"
60. By straight line to	2,420,367	526,247	27°06'30.86"	97°12'27.81"
61. By straight line to	2,421,336	538,406	27°08'31.18"	97°12'15.70"
62. By arc centered at	2,366,824	542,751	27°09'19.4"	97°22'18.7"
to	2,421,429	539,789	27°08'44.87"	97°12'14.52"
63. By straight line to	2,421,449	540,167	27°08'48.61"	97°12'14.25"
64. By straight line to	2,421,591	540,986	27°08'56.71"	97°12'12.59"
65. By arc centered at	2,367,705	550,301	27°10'34.1"	97°22'08.2"
to	2,422,109	544,769	27°09'34.13"	97°12'06.42"
66. By straight line to	2,422,522	548,828	27°10'14.28"	97°12'01.39"
67. By straight line to	2,422,909	550,953	27°10'35.28"	97°11'56.86"
68. By arc centered at	2,369,110	560,755	27°12'17.5"	97°21'51.6"
to	2,423,074	551,906	27°10'44.71"	97°11'54.92"
69. By straight line to	2,423,600	555,114	27°11'16.42"	97°11'48.73"
70. By straight line to	2,425,604	565,501	27°12'59.09"	97°11'25.35"
71. By straight line to	2,425,955	567,201	27°13'15.88"	97°11'21.27"
72. By straight line to	2,430,188	585,397	27°16'15.65"	97°10'32.26"
73. By straight line to	2,435,271	602,898	27°19'08.44"	97°09'33.87"
74. By straight line to	2,437,860	611,265	27°20'31.02"	97°09'04.17"
75. By straight line to	2,440,773	619,882	27°21'56.05"	97°08'30.84"
76. By straight line to	2,443,622	627,687	27°23'13.04"	97°07'58.31"
77. By straight line to	2,449,412	641,292	27°25'27.14"	97°06'52.41"
78. By straight line to	2,455,945	656,139	27°27'53.45"	97°05'38.08"
79. By straight line to	2,459,158	662,847	27°28'59.52"	97°05'01.59"

Course	South Zone		Latitude	Longitude
	x	y		
80. By straight line to	2,460,858	666,346	27°29′33.99″	97°04′42.27″
81. By arc centered at	2,419,058	701,605	27°35′27.6″	97°12′22.4″
to	2,468,926	679,163	27°31′40.01″	97°03′11.05″
82. By straight line to	2,473,113	688,467	27°33′11.66″	97°02′23.35″
83. By arc centered at	2,423,245	710,909	27°36′59.3″	97°11′34.8″
to	2,477,118	701,518	27°35′20.43″	97°01′37.17″
84. By straight line to	2,477,226	701,748	27°35′22.70″	97°01′35.93″
85. By straight line to	2,484,830	715,453	27°37′37.53″	97°00′09.62″
86. By straight line to	2,492,830	728,654	27°39′47.30″	96°58′38.91″
87. By straight line to	2,503,178	744,730	27°42′25.23″	96°56′41.63″
88. By straight line to	2,511,491	757,057	27°44′26.26″	96°55′07.44″
89. By straight line to	2,515,272	762,240	27°45′17.11″	96°54′24.63″
90. By arc centered at	2,471,092	794,467	27°50′41.5″	97°02′32.2″
to	2,522,680	776,327	27°47′35.66″	96°53′00.17″
91. By straight line to	2,523,498	778,651	27°47′58.57″	96°52′50.74″
92. By straight line to	2,523,986	779,631	27°48′08.21″	96°52′45.16″
93. By straight line to	2,526,031	782,992	27°48′41.29″	96°52′22.00″
94. By straight line to	2,535,804	796,133		

Course	South Central Zone		Latitude	Longitude
	x	y		
(Repeating two courses)				
93. By straight line to	2,687,786	−1,605		
94. By straight line to	2,697,492	11,498	27°50′50.13″	96°50′31.25″
95. By straight line to	2,705,230	21,472	27°52′27.43″	96°49′03.01″
96. By straight line to	2,710,958	28,002	27°53′31.00″	96°47′57.84″
97. By arc centered at	2,669,848	64,063	27°59′35.4″	96°55′28.7″
to	2,712,719	30,115	27°53′51.59″	96°47′37.77″
98. By straight line to	2,714,852	32,807	27°54′17.84″	96°47′13.45″
99. By straight line to	2,720,377	38,910	27°55′17,21″	96°46′10.59″
100. By straight line to	2,724,705	43,579	27°56′02.60″	96°45′21.36″
101. By straight line to	2,727,377	46,418	27°56′30.20″	96°44′50.97″
102. By arc centered at	2,691,713	87,873	28°03′27.2″	96°51′20.0″
to	2,733,517	52,619	27°57′30.40″	96°43′41.20″
103. By straight line to	2,745,287	64,045	27°59′21.23″	96°41′27.48″
104. By straight line to	2,759,114	76,842	28°01′25.17″	96°38′50.43″
105. By straight line to	2,760,917	78,432	28°01′40.55″	96°38′29.96″
106. By straight line to	2,775,278	90,137	28°03′33.53″	96°35′47.09″
107. By straight line to	2,780,827	94,573	28°04′16.30″	96°34′44.15″
108. By arc centered at	2,746,685	137,290	28°11′26.0″	96°40′55.7″
to	2,782,550	96,009	28°04′30.16″	96°34′24.59″
109. By straight line to	2,783,852	97,140	28°04′41.08″	96°34′09.80″
110. By straight line to	2,791,476	102,789	28°05′35.43″	96°32′43.40″
111. By straight line to	2,800,074	109,137	28°06′36.47″	96°31′05.92″
112. By straight line to	2,807,482	114,230	28°07′25.32″	96°29′42.01″
113. By straight line to	2,814,202	118,283	28°08′04.00″	96°28′26.00″
114. By arc centered at	2,785,963	165,112	28°15′53.5″	96°33′30.4″
to	2,815,384	119,016	28°08′11.01″	96°28′12.63″
115. By straight line to	2,824,561	124,874	28°09′07.01″	96°26′28.73″
116. By straight line to	2,831,319	128,676	28°09′43.18″	96°25′12.32″
117. By straight line to	2,836,670	131,276	28°10′07.75″	96°24′11.92″
118. By straight line to	2,839,197	132,254	28°10′16.87″	96°23′43.45″
119. By arc centered at	2,819,460	183,253	28°18′46.0″	96°27′11.5″
to	2,840,053	132,594	28°10′20.04″	96°23′33.80″
120. By straight line to	2,844,564	134,428	28°10′37.20″	96°22′42.95″
121. By straight line to	2,846,278	135,087	28°10′43.34″	96°22′23.64″

Course	South Central Zone		Latitude	Longitude
	x	y		
122. By arc centered at	2,833,368	188,226	28°19′32.2″	96°24′34.7″
to	2,864,032	142,947	28°11′57.16″	96°19′03.31″
123. By straight line to	2,865,389	143,866	28°12′05.95″	96°18′47.92″
124. By arc centered at	2,834,725	189,145	28°19′41.0″	96°24′19.3″
to	2,879,517	157,775	28°14′20.38″	96°16′06.44″
125. By straight line to	2,880,106	158,616	28°14′28.57″	96°15′59.64″
126. By arc centered at	2,835,314	189,986	28°19′49.2″	96°24′12.5″
to	2,883,104	163,406	28°15′15.29″	96°15′24.87″
127. By straight line to	2,885,158	167,099	28°15′51.36″	96°15′00.94″
128. By arc centered at	2,837,368	193,679	28°20′25.3″	96°23′48.6″
to	2,886,819	170,332	28°16′22.99″	96°14′41.53″
129. By straight line to	2,890,783	177,022	28°17′28.27″	96°13′55.43″
130. By arc centered at	2,843,740	204,903	28°22′15.0″	96°22′34.5″
to	2,893,218	181,614	28°18′13.16″	96°13′26.99″
131. By straight line to	2,899,374	187,032	28°19′05.34″	96°12′16.69″
132. By straight line to	2,908,291	193,515	28°20′07.38″	96°10′35.21″
133. By straight line to	2,912,716	196,355	28°20′34.44″	96°09′44.93″
134. By straight line to	2,927,833	205,781	28°22′04.08″	96°06′53.21″
135. By straight line to	2,936,888	211,198	28°22′55.48″	96°05′10.38″
136. By straight line to	2,950,886	219,194	28°24′11.14″	96°02′31.45″
137. By straight line to	2,961,311	224,721	28°25′03.23″	96°00′33.18″
138. By straight line to	2,978,776	233,372	28°26′24.39″	95°57′15.13″
139. By straight line to	2,987,582	237,367	28°27′01.65″	95°55′35.35″
140. By arc centered at	2,964,991	287,167	28°35′20.4″	95°59′34.0″
to	2,988,795	237,935	28°27′06.96″	95°55′21.60″
141. By straight line to	2,998,740	242,743	28°27′51.95″	95°53′28.80″
142. By straight line to	3,002,406	244,493	28°28′08.31″	95°52′47.22″
143. By straight line to	3,005,833	246,002	28°28′22.33″	95°52′08.38″
144. By arc centered at	2,983,797	296,051	28°36′43.5″	95°56′00.5″
to	3,007,526	246,783	28°28′29.61″	95°51′49.18″
145. By straight line to	3,026,416	255,881	28°29′54.60″	95°48′14.81″
146. By arc centered at	3,002,687	305,149	28°38′08.6″	95°52′25.9″
to	3,028,326	256,847	28°30′03.64″	95°47′53.12″
147. By straight line to	3,047,657	267,108	28°31′39.91″	95°44′13.33″
148. By arc centered at	3,022,018	315,410	28°39′45.0″	95°48′45.9″
to	3,048,496	267,563	28°31′44.18″	95°44′03.79″
149. By straight line to	3,059,100	273,431	28°32′39.31″	95°42′03.10″
150. By arc centered at	3,032,622	321,278	28°40′40.2″	95°46′45.1″
to	3,060,936	274,494	28°32′49.32″	95°41′42.19″
151. By straight line to	3,078,889	285,359	28°34′31.79″	95°38′17.46″
152. By arc centered at	3,050,575	332,143	28°42′22.8″	95°43′20.2″
to	3,080,687	286,496	28°34′42.53″	95°37′56.93″
153. By straight line to	3,084,317	288,890	28°35′05.20″	95°37′15.45″
154. By straight line to	3,092,292	293,735	28°35′50.86″	95°35′44.46″
155. By arc centered at	3,063,896	340,470	28°43′41.5″	95°40′48.0″
to	3,092,642	293,950	28°35′52.89″	95°35′40.46″
156. By straight line to	3,110,764	305,148	28°37′38.45″	95°32′13.53″
157. By arc centered at	3,082,018	351,668	28°45′27.2″	95°37′20.9″
to	3,111,027	305,312	28°37′39.99″	95°32′10.52″
158. By straight line to	3,128,977	316,545	28°39′25.86″	95°28′45.39″
159. By arc centered at	3,099,968	362,901	28°47′13.2″	95°33′55.6″
to	3,129,951	317,169	28°39′31.75″	95°28′34.25″
160. By straight line to	3,152,081	331,678	28°41′48.68″	95°24′20.95″
161. By arc centered at	3,122,098	377,410	28°49′30.3″	95°29′42.1″
to	3,153,769	332,830	28°41′59.57″	95°24′01.60″
162. By straight line to	3,158,904	336,478	28°42′34.10″	95°23′02.71″
163. By straight line to	3,168,664	342,866	28°43′34.32″	95°21′10.91″
164. By arc centered at	3,138,717	388,622	28°51′16.3″	95°26′31.5″
to	3,172,530	345,644	28°44′00.62″	95°20′26.53″

Course	South Central Zone		Latitude	Longitude
	x	*y*		
165. By straight line to	3,177,771	349,049	28°44′32.69″	95°19′26.48″
166. By arc centered at	3,147,981	394,907	28°52′15.7″	95°24′45.2″
to	3,178,426	349,481	28°44′36.76″	95°19′18.98″
167. By straight line to	3,184,351	353,452	28°45′14.21″	95°18′11.04″
168. By arc centered at	3,153,905	398,878	28°52′53.2″	95°23′37.2″
to	3,185,298	354,101	28°45′20.34″	95°18′00.17″
169. By straight line to	3,196,291	361,808	28°46′33.16″	95°15′53.96″
170. By arc centered at	3,164,899	406,585	28°54′06.1″	95°21′30.9″
to	3,197,099	362,386	28°46′38.61″	95°15′44.67″
171. By straight line to	3,203,248	366,865	28°47′21.00″	95°14′33.99″
172. By straight line to	3,205,264	368,190	28°47′33.46″	95°14′10.87″
173. By arc centered at	3,182,950	418,115	28°55′54.6″	95°18′03.8″
to	3,213,259	372,598	28°48′14.53″	95°12′39.45″
174. By straight line to	3,214,103	373,160	28°48′19.82″	95°12′29.76″
175. By arc centered at	3,183,794	418,677	28°55′59.9″	95°17′54.1″
to	3,230,736	390,625	28°51′07.29″	95°09′16.44″
176. By straight line to	3,240,421	399,503	28°52′31.99″	95°07′24.26″
177. By straight line to	3,258,176	414,679	28°54′56.30″	95°03′58.91″
178. By straight line to	3,262,578	418,206	28°55′29.73″	95°03′08.07″
179. By straight line to	3,266,484	420,949	28°55′55.57″	95°02′23.08″
180. By arc centered at	3,239,802	468,683	29°03′56.8″	95°07′05.4″
to	3,282,040	433,949	28°57′58.97″	94°59′23.10″
181. By straight line to	3,282,364	434,343	28°58′02.76″	94°59′19.30″
182. By arc centered at	3,240,126	469,077	29°04′00.6″	95°07′01.6″
to	3,290,005	446,661	29°00′02.05″	94°57′48.53″
183. By straight line to	3,296,652	452,104	29°00′53.63″	94°56′31.59″
184. By straight line to	3,302,419	456,606	29°01′36.20″	94°55′24.90″
185. By straight line to	3,315,160	466,352	29°03′08.22″	94°52′57.60″
186. By straight line to	3,320,930	470,564	29°03′47.89″	94°51′50.94″
187. By straight line to	3,328,195	475,602	29°04′35.19″	94°50′27.11″
188. By straight line to	3,342,587	484,679	29°05′59.91″	94°47′41.32″
189. By arc centered at	3,313,417	530,934	29°13′47.9″	94°52′51.6″
to	3,345,594	486,717	29°06′19.02″	94°47′06.62″
190. By straight line to	3,350,192	490,063	29°06′50.48″	94°46′13.45″
191. By arc centered at	3,318,015	534,280	29°14′19.4″	94°51′58.4″
to	3,351,664	491,173	29°07′00.94″	94°45′56.41″
192. By straight line to	3,366,438	502,706	29°08′49.73″	94°43′05.18″
193. By straight line to	3,373,759	508,167	29°09′41.10″	94°41′40.41″
194. By arc centered at	3,341,062	552,000	29°17′06.6″	94°47′31.2″
to	3,376,113	510,025	29°09′58.63″	94°41′13.09″
195. By straight line to	3,379,502	512,855	29°10′25.40″	94°40′33.71″
196. By arc centered at	3,344,451	554,830	29°17′33.4″	94°46′51.8″
to	3,382,463	515,517	29°10′50.64″	94°39′59.22″
197. By straight line to	3,385,938	518,877	29°11′22.61″	94°39′18.63″
198. By arc centered at	3,347,926	558,190	29°18′05.4″	94°46′11.2″
to	3,393,316	527,691	29°12′47.10″	94°37′51.73″
199. By straight line to	3,394,123	528,892	29°12′58.69″	94°37′42.12″
200. By arc centered at	3,348,733	559,391	29°18′17.0″	94°46′01.6″
to	3,399,047	537,969	29°14′26.68″	94°36′42.74″
201. By straight line to	3,399,847	539,848	29°14′44.97″	94°36′32.92″
202. By arc centered at	3,349,533	561,270	29°18′35.3″	94°45′51.8″
to	3,401,544	544,379	29°15′29.17″	94°36′11.86″
203. By straight line to	3,402,301	546,710	29°15′51.96″	94°36′02.32″
204. By arc centered at	3,350,290	563,601	29°18′58.1″	94°45′42.3″
to	3,404,498	556,395	29°17′26.97″	94°35′33.41″
205. By straight line to	3,404,679	557,758	29°17′40.38″	94°35′30.79″
206. By straight line to	3,405,303	558,363	29°17′46.13″	94°35′23.49″
207. By straight line to	3,407,136	559,951	29°18′01.16″	94°35′02.12″
208. By straight line to	3,409,314	561,570	29°18′16.36″	94°34′36.85″

Course	South Central Zone		Latitude	Longitude
	x	y		
209. By straight line to	3,413,751	564,517	29°18′43.86″	94°33′45.50″
210. By straight line to	3,421,690	569,297	29°19′28.16″	94°32′13.83″
211. By straight line to	3,429,293	573,476	29°20′06.63″	94°30′46.17″
212. By straight line to	3,447,430	582,437	29°21′28.35″	94°27′17.47″
213. By straight line to	3,466,717	591,592	29°22′51.47″	94°23′35.58″
214. By arc centered at	3,443,267	640,994	29°31′09.3″	94°27′38.8″
to	3,467,072	591,762	29°22′53.01″	94°23′31.50″
215. By straight line to	3,480,531	598,270	29°23′52.12″	94°20′56.55″
216. By straight line to	3,497,178	605,998	29°25′01.98″	94°17′44.98″
217. By arc centered at	3,474,153	655,599	29°33′21.8″	94°21′42.9″
to	3,497,492	606,145	29°25′03.31″	94°17′41.36″
218. By straight line to	3,512,863	613,399	29°26′08.92″	94°14′44.35″
219. By arc centered at	3,489,524	662,853	29°34′27.5″	94°18′45.7″
to	3,513,624	613,765	29°26′12.24″	94°14′35.58″
220. By straight line to	3,530,376	621,990	29°27′26.82″	94°11′22.44″
221. By straight line to	3,554,680	633,780	29°29′13.49″	94°06′42.17″
222. By arc centered at	3,530,811	682,981	29°37′30.0″	94°10′49.1″
to	3,555,470	634,171	29°29′17.03″	94°06′33.05″
223. By straight line to	3,571,673	642,357	29°30′31.26″	94°03′25.94″
224. By straight line to	3,579,924	646,355	29°31′07.35″	94°01′50.72″
225. By arc centered at	3,564,669	698,869	29°39′53.2″	94°04′18.2″
to	3,583,947	647,695	29°31′18.91″	94°01′04.58″
226. By arc centered at	3,570,700	700,751	29°40′09.3″	94°03′09.0″
to	3,583,971	647,701	29°31′18.96″	94°01′04.31″
227. By arc centered at	3,585,544	702,363	29°40′19.0″	94°00′20.1″
to	3,587,641	647,718	29°31′17.58″	94°00′22.79″
228. By arc centered at	3,588,465	702,397	29°40′18.1″	93°59′47.0″
to	3,597,166	648,409	29°31′20.37″	93°58′34.73″
229. By arc centered at	3,598,298	703,082	29°40′20.7″	93°57′55.3″
to	3,611,182	649,936	29°31′29.50″	93°55′55.45″
230. By arc centered at	3,616,758	704,337	29°40′25.2″	93°54′25.6″
to	3,617,980	649,666	29°31′23.90″	93°54′38.73″
231. By straight line to	3,622,052	649,757	29°31′23.04″	93°53′52.62″
232. By straight line to	3,628,661	649,851	29°31′21.11″	93°52′37.85″
233. By arc centered at	3,627,884	704,530	29°40′22.3″	93°52′19.5″
to	3,632,508	650,041	29°31′21.32″	93°51′54.24″
234. By straight line to	3,634,971	650,250	29°31′22.32″	93°51′26.29″
235. By arc centered at	3,630,347	704,739	29°40′23.3″	93°51′51.5″
to	3,651,368	654,256	29°31′54.77″	93°48′18.84″
236. By straight line to	3,653,430	655,115	29°32′02.36″	93°47′55.08″
237. By arc centered at	3,632,410	705,598	29°40′30.9″	93°51′27.7″
to	3,663,602	660,681	29°32′52.93″	93°45′57.22″
238. By straight line to	3,664,862	661,556	29°33′01.02″	93°45′42.53″
239. By arc centered at	3,633,670	706,473	29°40′39.0″	93°51′13.0″
to	3,677,669	674,000	29°34′58.40″	93°43′11.30″
240. By straight line to	3,678,810	675,546	29°35′13.18″	93°42′57.60″
241. By arc centered at	3,634,811	708,019	29°40′53.8″	93°50′59.3″
to	3,680,595	678,115	29°35′37.80″	93°42′36.08″
242. By straight line to	3,686,069	686,496	29°36′58.24″	93°41′29.83″

The State of Texas is not entitled to any interest in such lands, minerals or resources, and said State, its privies, assigns, lessees and other persons claiming under it are hereby enjoined from interfering with the

rights of the United States in such lands, minerals and resources.

2. As against the United States, with the exceptions provided by § 5 of the Submerged Lands Act, 43 U.S.C. § 1313, the State of Texas is entitled to—

(a) All the lands, minerals and other natural resources underlying the Gulf of Mexico, bounded on the south by the international boundary with Mexico and on the east by the western boundary of Louisiana and an extension thereof, that are within three geographical miles from the present or future coast line as referred to in § 2(c) of the Submerged Lands Act, 43 U.S.C. § 1301(c); and

(b) All the lands, minerals and other natural resources underlying the Gulf of Mexico, bounded on the south by the international boundary with Mexico and on the east by the western boundary of Louisiana and an extension thereof, less than three marine leagues gulfward from the present or future coast line as referred to in § 2(c) of the Submerged Lands Act, 43 U.S.C. § 1301(c), that are landward of the line described in paragraph 1(b) hereof.

3. As used herein—

(a) "Geographical mile" means a distance of 1852 meters (6076.10333 . . . U.S. Survey Feet or approximately 6076.11549 International Feet);

(b) "Marine league" means a distance of three geographical miles;

(c) Plane coordinates refer to the Texas Coordinate Systems, South Zone or South Central Zone, as indicated.

(d) Latitudes and longitudes refer to the North American 1927 Datum.

(e) All distances referred to herein are expressed at grid scale, Texas Plane Coordinate Systems.

4. The Court retains jurisdiction to entertain such further proceedings, enter such orders, and issue such writs as may from time to time be deemed necessary or advisable to give proper force and effect to this decree, or to the decree of December 12, 1960, herein, or to effectuate the rights of the parties in the premises.

In the Supreme Court of the United States

OCTOBER TERM, 1968

No. 9, ORIGINAL

UNITED STATES OF AMERICA, PLAINTIFF

v.

STATE OF LOUISIANA, ET AL.

MEMORANDUM IN SUPPORT OF PROPOSED DECREE

The immediate occasion for the present phase of this case was a disagreement between the United States and Texas over the propriety of using coastal jetties erected after 1845 as part of the baseline from which to measure the three-league width of Texas' historic maritime belt for purposes of the Submerged Lands Act. However, resolution of that narrow issue necessarily involved consideration of broader principles, and, in rejecting use of the jetties, the Court held generally that historic boundaries, for purposes of the Act, are immovable lines, fixed at their location on the date of statehood.[1] In considering formulation of a proposed decree to effectuate that holding,

[1] By analogy, boundaries approved by Congress after statehood presumably are fixed at the location where they first existed with congressional approval. This will apply to Florida's his-

the parties have agreed that it will be desirable to describe the actual line forming the historic maritime boundary of Texas. The Court having allowed additional time needed for completion of the cartographic work involved, the parties have now agreed on the location of Texas' 1845/1849 gulfward boundary for domestic purposes, and have described it in the Stipulation which is filed herewith.[2]

That is not the end of the matter, however. So that offshore leasing may go forward with minimum delay, both parties would prefer a decree that not only identified the 1845/1849 boundary but went on to fix Texas' resultant rights under the Submerged Lands Act. And, at this point, the parties are in disagreement on one principle which prevents the joint submission of a proposed decree. Texas maintains—sub-

toric boundary, *United States* v. *Florida*, 363 U.S. 121, and to the portion of Texas' boundary opposite Sabine Pass, which was added with congressional approval in 1849. See *infra*, pp. 16–18. This technical distinction between the two parts of Texas' boundary has no practical consequences, and for convenience we refer herein to the combined line as the "historic" or "1845/1849" boundary.

[2] We characterize the agreed line as Texas' historic boundary "for domestic purposes" because the United States makes no contention in this case as to its maritime boundary, as against other nations, and the original opinion in this case specifically refrained from establishing an international boundary for the United States. *United States* v. *Louisiana*, 363 U.S. 1, 35. The rights of the United States or of any States in submerged lands seaward of the national maritime boundary under the Submerged Lands Act, 67 Stat. 29, 43 U.S.C. 1301–1315, the Outer Continental Shelf Lands Act, 67 Stat. 462, 43 U.S.C. 1331–1343, or the Convention on the Continental Shelf, 15 U.S.T. (Pt. 1) 471, are of a special character and may be described as extraterritorial in nature.

ject to reservations not presently in dispute[3]—that the 1845/1849 line permanently fixes the extent of the State's rights under the Submerged Lands Act. The United States, on the other hand, believes that the Act grants Texas only so much of the submerged land landward of its historic maritime boundary as is within three leagues of the present or future coast line. This difference has practical importance because substantial erosion has occurred along the coast of Texas during the intervening century.

The point is a narrow one, and we have concluded that it may be brought before the Court most conveniently by submission at this time of two proposed decrees, each embodying the proponent's view of the disputed principle. Apart from this one difference, the two proposed decrees are identical, and it is agreed that each decree is proper and should be entered if the proponent's view on the disputed point is sustained. The United States does not request, but does not oppose, the hearing of oral argument on the proposed decrees.

The present memorandum is intended (1) to explain briefly, for the Court's information, how the

[3] As in all such decrees that have been entered under the Submerged Lands Act, the problem of identifying particular areas reserved to the United States by section 5 of the Act, 43 U.S.C. 1313, must be preserved for determination of the facts involved in each instance. Cf. *United States* v. *Louisiana*, 364 U.S. 502, 503; *Ibid.*, 382 U.S. 288, 289; *United States* v. *California*, 382 U.S. 448, 452.

Likewise, the location of Texas' southern offshore boundary with Mexico and the location of its eastern offshore boundary with Louisiana cannot be effectively determined between the present parties, but must await appropriate proceedings in the future.

agreed historic boundary was arrived at and what it represents, and (2) to support the United States' view on the single remaining legal issue, as embodied in the decree herein proposed.

I. THE HISTORIC MARITIME BOUNDARY OF TEXAS

Texas' gulfward boundary, as declared by the Act of December 19, 1836, of the Republic of Texas, was a line "three leagues from land." 1 Laws Rep. Tex. 133. Under the Court's opinion of December 4, 1967, herein, that boundary as it was located on December 29, 1845, when Texas became a State, is the State boundary "as it existed at the time such State became a member of the Union" within the meaning of section 2(b) of the Submerged Lands Act, 43 U.S.C. 1301(b). Lacking exactly contemporary surveys fixing the boundary, the parties have agreed on a reconstruction of it by the following means:

First, it was agreed that the earliest federal surveys, made at various times from 1854 to 1886, should be accepted as representing conditions in 1845, in the absence of contrary evidence. No contrary evidence has been adduced by either party.

Second, although Texas' 1836 statute referred only to "land," without distinguishing the high- or low-water line or making specific reference to the closing lines of inland waters, it was agreed to construe it as referring to the mean low-water line and as including closing lines across entrances to inland waters.

Third, since the early surveys showed only the high-water line, it was necessary to reconstruct a hypothetical low-water line. This was done by assuming a

uniform bottom slope between the high-water line and the closest inshore depth sounding shown on the earliest hydrographic chart of each area, and by drawing a supposed low-water line where that uniform slope would have intersected the plane of mean low water.

Fourth, since it is not feasible to describe or survey an irregular curve or a line at a stated distance therefrom, the low-water line was reduced to a meander line of straight segments. This was done by selecting points on the low-water line such that straight lines between them did not depart more than 50 feet from the low-water line (with minor exceptions), except where they constitute appropriate lines marking the outer limits of inland waters. This produced a continuous line of 223 straight segments, connecting 224 points, extending from the Mexican boundary to the Louisiana boundary. In addition, one point (No. 176) on the gulfward side of an island, outside the entrance to Galveston Bay was separately identified but was found to have no effect on the 3-league limit, and so to be irrelevant to the present purpose.

Fifth, the early maps were correlated with the North American 1927 datum now in use, and the meander line was transferred to modern maps, from which geographical coordinates were read. This is done by an optical device which gives a mechanical reading of the coordinates as the crosshairs of an optical

scanner are centered on a desired point. Equivalent plane coordinates were then ascertained by computer.[4]

Sixth, we computed the position of a line parallel to, and three leagues seaward from, the meander line. This consists of straight segments parallel to the segments of the meander line, which meet opposite concave angles of the meander line or are connected by arcs with three-league radii around convex angles of the meander line, thereby maintaining a uniform distance of three leagues from the nearest point on the meander line.[5] This line is described by intersection points of its component lines and arcs and by the centers of the arcs, the radii being uniformly three leagues.

All of these measurements and computations have been made on the grid scale of the Texas plane coordinate systems, as provided by the proposed decrees. This permits the use of plane rather than spherical

[4] Both parties use the plane coordinate systems for offshore surveying and leasing, and those systems provide the most convenient means of description for such purposes. Latitudes and longitudes are more readily usable by navigators and by many others not directly involved in offshore leasing or surveying. We identify points by both means, to make the decree useful and meaningful to as many people as possible.

[5] This is the so-called envelope line or arcs-of-circles method by which maritime boundaries are drawn under Article 6 of the Convention on the Territorial Sea and the Contiguous Zone, 15 U.S.T. (Pt. 2) 1609. See 1 Shalowitz, *Shore and Sea Boundaries* (1962) 170–172.

geometry and trigonometry. The parties join in requesting this procedure, believing that its much greater convenience far outweighs the slight inaccuracy (which ranges from 0 to about 1/10,000).[6]

Because the exact locations of Texas' offshore boundaries with Mexico and Louisiana have not yet been determined, we have described a line that presumably extends beyond both those boundaries, with a provision limiting the effect of the decree to that portion of the line lying within those boundaries. This is the same approach that both parties have followed in the pending motions for determination of Louisiana's offshore boundary in this case.

One additional complication requires comment. When Texas entered the Union on December 29, 1845, its eastern boundary was at the western bank of the Sabine River.[7] By the Act of July 5, 1848, 9 Stat. 245, Congress consented—

> that the legislature of the State of Texas may extend her eastern boundary so as to include within her limits one half of Sabine Pass, one half of Sabine Lake, also one half of Sabine River, from its mouth as far north as the thirty-second degree of north latitude.

By Act of November 24, 1849, Laws, Third Tex. Legis., c. 2, p. 4, the Texas Legislature provided—

[6] See Mitchell and Simmons, *The State Coordinate Systems* (Dept. of Commerce Spec. Pub. No. 235, 1957), 2–3.

[7] Convention of April 25, 1838, between the United States and the Republic of Texas, 8 Stat. 511, reaffirming the boundary established by Article 2 of the Treaty of January 12, 1828, between the United States and Mexico, 8 Stat. 372, 374; Act of December 19, 1836, of the Republic of Texas, 1 Laws Rep. Tex. 133.

> That in accordance with the consent of the Congress of the United States, given by an act of said Congress, approved July 5th, 1848, the Eastern Boundary of the State of Texas be, and the same is hereby extended so as to include within the limits of the State of Texas, the western half of Sabine Pass, Sabine Lake and Sabine River from its mouth as far north as the thirty-second degree of north latitude * * *.

Neither the federal nor the Texan legislation made any reference to a corresponding eastward extension of Texas' maritime belt opposite the western half of Sabine Pass. However, the Court has held in this case that congressional silence in 1845 as to Texas' maritime claim should be construed as an adoption of it; and we see no less reason to suppose that the silence of Congress in 1848 and the Texas legislature in 1849 is to be understood as establishing a similar maritime boundary opposite the newly added Texan territory. Accordingly, we accept Texas' three-league boundary opposite the western half of Sabine Pass, not as a boundary as it existed when the State became a member of the Union in 1845, but rather as one approved by Congress before passage of the Submerged Lands Act, and as such equally entitled to recognition under section 2(b) of that Act, 43 U.S.C. 1301. This distinction is made only as a matter of technical accuracy. It has no practical consequences, as no private rights appear to have accrued in this limited offshore area between 1845 and 1849, and our present cartographic materials do not disclose any physical changes in the coast in that interval.

While our treatment of this extension of Texas' eastern boundary is premised on the assumption, *arguendo,* that it was valid and effective according to its terms, we are not to be understood as seeking to foreclose that question or to have it decided now. It is our understanding that Louisiana claims the entire bed of the Sabine River, Lake, and Pass, and denies the validity of Texas' claim to the west half.[8] Our purpose here is to identify the line to be recognized as Texas' historic offshore boundary, including its putative 1849 extension, while reserving the question of the effectiveness of that extension for a subsequent proceeding in which Louisiana may participate.

II. THE THREE-LEAGUE LIMITATION OF THE SUBMERGED LANDS ACT

The single remaining point of difference between the United States and Texas may be simply stated. Section 2 of the Submerged Lands Act, defining the terms "lands beneath navigable waters" and "boundaries" as used in the grant made by section 3, imposes the restriction that "in no event shall the term 'boundaries' or the term 'lands beneath navigable waters' be interpreted as extending from the coast line more than three geographical miles into the Atlantic Ocean or the Pacific Ocean, or more than three marine leagues into the Gulf of Mexico." 67

[8] The Louisiana Enabling Act of February 20, 1811, 2 Stat. 641, and Louisiana Admission Act of April 8, 1812, 2 Stat. 701, described the boundary of that State as "beginning at the mouth of the river Sabine, thence by a line to be drawn along the middle of the said river, including all islands to the thirty-second degree of latitude * * *."

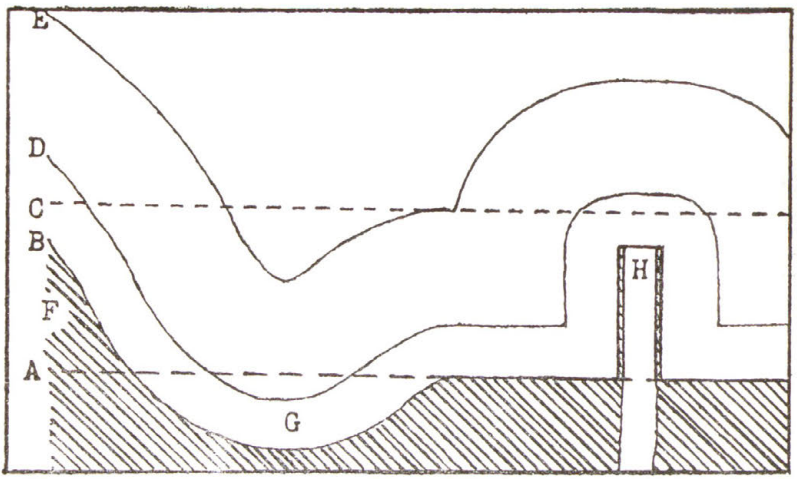
Stat. 29, 43 U.S.C. 1301. Texas acknowledges the limitation but reads it as measuring from the coast line as it existed on the dates as of which the historic boundary was recognized by the Act: that is, December 29, 1845, or November 24, 1849. The United States reads the limitation as measuring from the coast line as it exists currently or at any time in the future.

Under Texas' view, the three-league limitation was complied with, once and for all, by the fact that its boundary was only three leagues from the coast when Texas entered the Union and when it made its Sabine extension. Under the United States' view, the three-league maximum limit is always to be measured from the contemporary coast, and so constitutes an ambulatory maximum limit that may sometimes restrict the otherwise unrestricted grant of the lands within Texas' immovable historic boundary. The practical application of these differing approaches to a hypothetical example is illustrated on the following two pages.[9]

[9] The three-mile minimum grant (measured from the modern coast) has no present application in the case of Texas. But, as the hypothetical example shows, that principle will become important, under our view, if accretion or artificial construction should at some future time extend the coastline more than six miles beyond its 1845/1849 position.

HYPOTHETICAL EXAMPLE

Illustrating relevant elements in relation to areas of accretion, erosion, and artificial construction along an originally straight coastline



A. Historic coastline

B. Modern coastline, showing accretion (F), erosion (G), and artificial construction (H)

C. Fixed historic boundary, three leagues gulfward from historic coastline

D. Three-mile limit, measured from modern, ambulatory coastline

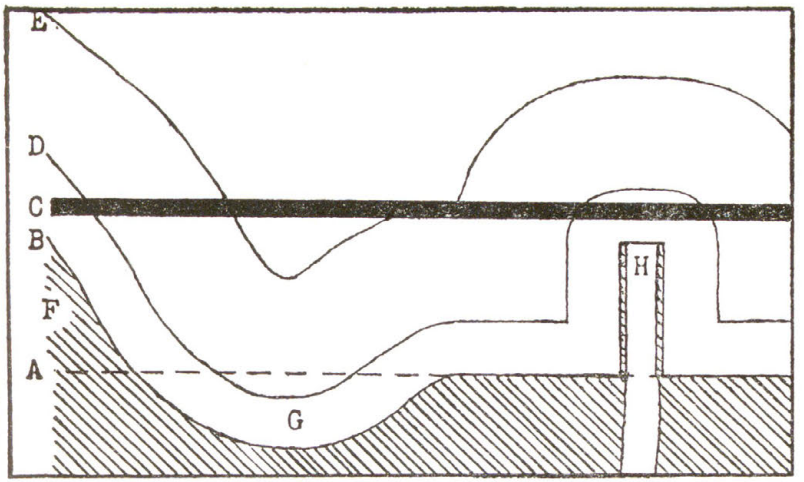
E. Three-league limit, measured from modern, ambulatory coastline

F. Area of accretion

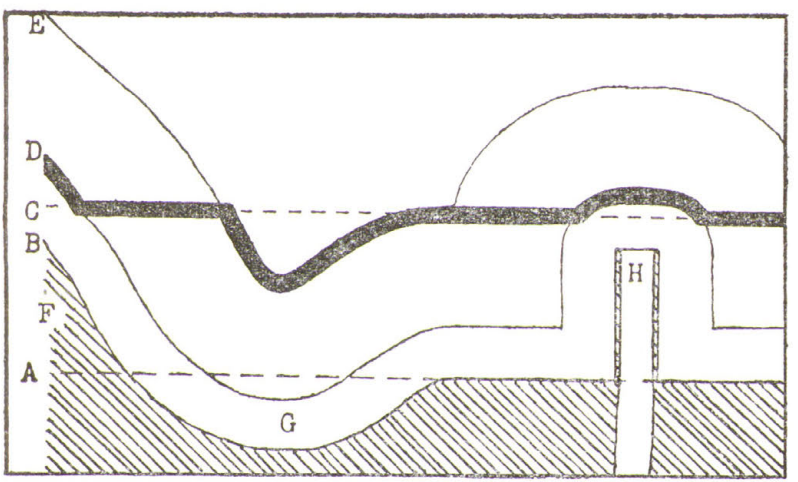
G. Area of erosion

H. Modern artificial construction

APPLICATION OF TEXAS AND UNITED STATES VIEWS
TO HYPOTHETICAL EXAMPLE



BOUNDARY LINE OF SUBMERGED LANDS ACT GRANT
ACCORDING TO TEXAS
(Same as historic boundary, without regard
to distance from modern coastline)



BOUNDARY LINE OF SUBMERGED LANDS ACT GRANT
ACCORDING TO THE UNITED STATES
(Includes areas within 3 miles of modern coast-
line, even if beyond historic boundary, but no
areas more than 3 leagues from modern coastline,
even if within historic boundary)

This question was not argued by the parties or decided by the Court. Indeed, it does not affect the immediate controversy over the maritime boundary of Texas opposite Galveston Harbor and Sabine Pass, because, at those points, the modern coastline—extended by artificial jetties—is gulfward of the historic baseline and the three league limitation has no bite. The issue arises as a result of the conclusion that the historic boundary referred to in the Submerged Lands Act is a fixed line.[10] As we read the Court's opinion, it (1) fixes the historic boundary as an immovable line, (2) recognizes that the statutory grant of land within that boundary is subject to a maximum limitation of three leagues from the coast,[11] and (3) expresses no view as to the proper interpretation of that limitation. In this situation, we submit the question is now open, and should be re-

[10] Had the Court accepted Texas' view that its historic three-league limit should be measured from the modern coast, or the United States' alternative suggestion that it could be understood to be ambulatory so far as natural coastal changes were concerned, the baseline for the three-league limit would always have been identical to the baseline for the three-league boundary, or farther seaward (since significant artificial changes are almost invariably extensions rather than excavations of the coast). Thus the limit would have no practical importance where, as in Texas' case, the original distance did not exceed three leagues. However, since the Court has held that the historic boundary is immovable, and since comparison of early maps with modern maps has disclosed erosion along part of the Texas coast, it is now important to know whether the limitation of "three leagues from the coast" means the modern or the historic coast.

[11] Thus, the Court said of the grant conditioned upon a State's prior history (*United States* v. *Louisiana*, 389 U.S. 155, 156):

> It allows those States bordering on the Gulf of Mexico, which at the time of their entry into the Union had a sea-

solved in order to permit the entry of a meaningful decree.

In our view, the statutory limitation of three leagues from the coast line can only be read as meaning three leagues from the modern, ambulatory coast line. Section 3 of the Submerged Lands Act, 43 U.S.C. 1311, granted the "lands beneath navigable waters within the boundaries of the respective States." Section 2, 43 U.S.C. 1301, so far as relevant here, defined those terms as follows:

> (a) The term "lands beneath navigable waters" means—
>
> * * * * *
>
> (2) all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from

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ward boundary beyond three miles, to claim this historical boundary "as it existed at the time such State became a member of the Union," but with the maximum limitation that no State may claim more than "three marine leagues" (approximately nine miles).

Again, the Court said (389 U.S. at 159):

> In effect what Congress has done is to take into consideration the special historical situations of a few Gulf States and provide that where they can prove ownership to submerged lands in excess of three miles at the time they entered the Union, these historical lands will be granted to them up to a limitation of three marine leagues. * * *

The further statement (389 U.S. at 160) that "Texas has simply been given that amount of submerged land it owned when it entered the Union" must be read, in context, as no more than an interpretation of the statutory reference to historic boundaries "as [they] existed at the time such State became a member of the Union," not as a repudiation of the three-league limitation which the Court had expressly recognized earlier in the same paragraph.

the coast line of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore approved by Congress, extends seaward (or into the Gulf of Mexico) beyond three geographical miles, * * *

* * * * *

(b) The term "boundaries" includes the seaward boundaries of a State or its boundaries in the Gulf of Mexico or any of the Great Lakes as they existed at the time such State became a member of the Union, or as heretofore approved by the Congress, or as extended or confirmed pursuant to section 4 hereof but in no event shall the term "boundaries" or the term "lands beneath navigable waters" be interpreted as extending from the coast line more than three geographical miles into the Atlantic Ocean or the Pacific Ocean, or more than three marine leagues into the Gulf of Mexico;[12]

(c) The term "coast line" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters;

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[12] The discrepancy between section 2(a)(2), which contemplates historic boundaries of any extent and in any sea, and the final clause of section 2(b), which precludes recognition of any such boundaries except within three leagues of the coast of the Gulf of Mexico, arises from the fact that the latter restriction was added to the measure by a floor amendment, without corresponding revision of section 2(a)(2). 99 Cong. Rec. 4114–4116.

Section 4 of the Submerged Lands Act, 43 U.S.C. 1312, provided:

> Sec. 4. Seaward Boundaries.—The seaward boundary of each original coastal State is hereby approved and confirmed as a line three geographical miles distant from its coast line or, in the case of the Great Lakes, to the international boundary. Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line three geographical miles distant from its coast line, or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries. Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is hereby approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line. Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond three geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore approved by Congress.

The combined effect of these provisions is that each State was given the submerged lands within its claimed boundary, to the extent of three miles from the coast line, and that where a State showed that its boundary as it existed upon statehood or as approved by Congress extended into the Gulf of Mexico more

than three miles from the coast line, it was given the submerged lands within such boundary, to a maximum extent of three leagues from the coast. It seems evident that these references to the "coast line" as the baseline of the three-mile minimum and of the three-league maximum are *in pari materia* and can only be understood as referring to the same coast line—that is, the modern, ambulatory coast line, as defined in section 2(c) and construed in *United States* v. *California,* 381 U.S. 139.

In the *California* case the Court said of its adoption of the principles of the Convention on the Territorial Sea and the Contiguous Zone in construing the Submerged Lands Act, "This establishes a single coastline for both the administration of the Submerged Lands Act and the conduct of our future international relations * * *." 381 U.S. at 165. While that was said with reference to measurement of the three-mile minimum limit of the grant, we find no reason to suppose it any less applicable to measurement of the three-league maximum limitation. Both measurements are provided for in a single section and with reference to a single coast line. Sec. 2, 43 U.S.C. 1301. As held in the *California* case, that is the modern, ambulatory coast line.

We cannot state the point more clearly than it was stated earlier in these proceedings in the Reply Brief of Texas in Opposition to Motion for Injunction and Supplemental Decree, at page 12: "The Act plainly applies the same term as the baseline from which to measure the grant (whether three miles or three leagues) to all coastal States." Texas failed in its con-

tention there, not because "coast line" as used in the Act has two different meanings, but rather because of the fact that whereas the three-mile measurement is a *minimum* (whenever claimed by a State), the three-league measurement is not a *grant,* but is rather a *maximum limitation* on the historic grant. As the Court pointed out, in the operative historic grant itself "the term 'coast line' is omitted and in its place the word 'boundary' is used * * *." 389 U.S. 155 at 160. The term "coast line" in that connection is used only in imposing the maximum limitation that "in no event shall the term 'boundaries' or the term 'lands beneath navigable waters' be interpreted as extending from the coast line more than three geographical miles into the Atlantic Ocean or the Pacific Ocean, or more than three marine leagues into the Gulf of Mexico." Section 2(b), *supra.*

In accordance with our interpretation, our proposed decree would provide that, with the exceptions provided by section 5 of the Submerged Lands Act, 43 U.S.C. 1313, Texas is entitled to all the submerged lands less than three geographical miles from the present, ambulatory coast line, and the United States is entitled to all the submerged lands more than three leagues from the same coast line. Between those two limits, the lands inside Texas' historic boundary belong to Texas, and those outside it belong to the United States.

While we provide a specific description of the immovable 1845/1849 line, we describe the limit three leagues from the modern coast line only in general terms. That is because there is not now available a

complete survey of the modern low-water line adequate for the development of a description of the three-league limit comparable to the description of the 1845/1849 boundary. Since many months will be required for the completion of such a survey,[13] it seems preferable to await a ruling on the relevance of the line before undertaking that extensive work. Moreover, because the coast of Texas has none of the complexities of the Louisiana coast, we believe there will be no real basis for disagreement between the parties in applying the principles announced by the Court in *United States* v. *California,* 381 U.S. 139, should the decree proposed by the United States be entered by the Court. Should a dispute subsequently arise over the correctness of a survey or the application of a legal principle, presumably a further supplemental decree could be sought, under the provision for retention of jurisdiction.

[13] This work is done by photogrammetry—that is, by aerial photographs taken when the sea is exactly at the level of mean low tide. These are then correlated with maps by use of control points, and the water line shown on the photographs is transferred to the maps. There are only limited times when the tide reaches the proper stage while there is suitable daylight for such photography and there is no offshore or onshore wind to dislocate the water line. When the necessary conditions do concur, the tide stage lasts only a few minutes. Thus, photography of an extensive coast such as that of Texas may be a protracted operation. Subsequent cartography requires skilled and painstaking work that cannot be done hurriedly or by mass production methods.

CONCLUSION

For the foregoing reasons, it is submitted that a decree should be entered in the form herein proposed.

Respectfully.

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