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No. ¹⁰~~11~~ Original

In the Supreme Court of the United States

OCTOBER TERM, ~~1957~~ 1958

UNITED STATES OF AMERICA, PLAINTIFF

v.

STATES OF LOUISIANA, TEXAS, MISSISSIPPI, ALABAMA
AND FLORIDA

AMENDED COMPLAINT AND STATEMENT WITH RESPECT TO
AMENDED COMPLAINT

J. LEE RANKIN,
Solicitor General,
Department of Justice, Washington 25, D. C.

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UNITED STATES OF AMERICA, PLAINTIFF

v.

STATES OF LOUISIANA, TEXAS, MISSISSIPPI, ALABAMA
AND FLORIDA

AMENDED COMPLAINT

Pursuant to the leave of the Court granted by its order of June 24, 1957, as amended by the order of October 22, 1957, the United States of America, by its Solicitor General, brings this suit against the defendants, the States of Louisiana, Texas, Mississippi, Alabama and Florida, and for its causes of action states:

FIRST CAUSE OF ACTION

(Against the State of Louisiana)

I

The jurisdiction of this Court is invoked under Article III, Section 2, Clause 2, of the Constitution of the United States, and Title 28, United States Code, Section 1251 (b) (2).

II

On June 5, 1950, the United States was and, except as set forth in Paragraph IV hereof, has ever since been and now is entitled to exclusive possession of and full dominion and power over the lands, minerals and other things underlying the Gulf of Mexico, extending seaward from the ordinary low-water mark and from the outer limit of inland waters on the coast of Louisiana to the edge of the continental shelf; and the State of Louisiana did not have on June 5, 1950, and, except as set forth in Paragraph IV hereof, has never since had and does not now have any title thereto or property interest therein.

III

On December 11, 1950, in the case of *United States v. Louisiana*, 340 U. S. 899, this Court entered its decree enjoining the State of Louisiana from taking or removing any petroleum, gas, or other valuable mineral products from the lands underlying the Gulf of Mexico, extending seaward twenty-seven marine miles from the ordinary low-water mark and from the outer limit of inland waters on the coast of Louisiana, and enjoining the State from carrying on any activities for that purpose upon or in that area, except upon authorization of the United States, and directing the State of Louisiana to account to the United States for all sums derived by the State from that area after June 5, 1950, which were properly owing to the United States under that decree, the opinion entered by this Court in that case on June 5, 1950, 339 U. S. 699, and applicable principles of law.

IV

On May 22, 1953, by Public Law 31 of the 83rd Congress, known as the Submerged Lands Act, 67 Statutes at Large 29, the United States granted to the State of Louisiana the title to and ownership of the submerged lands and natural resources lying in the Gulf of Mexico within the boundaries of said State, but not extending seaward more than three geographic miles from the ordinary low-water mark or from the outer limit of inland waters unless the boundary of said State as it existed when the State became a member of the Union, or as approved by Congress, extended more than three geographic miles therefrom, and not extending seaward more than three marine leagues therefrom in any event; and by said Act the United States released its claim for money or damages arising out of any operations by the State of Louisiana or under its authority in the area so granted.

V

When the State of Louisiana became a member of the Union its boundary did not extend into the Gulf of Mexico more than three geographic miles from the ordinary low-water mark or from the outer limit of inland waters, and the Congress of the United States has never approved a boundary for said State extending into the Gulf of Mexico more than three geographic miles from the ordinary low-water mark or from the outer limit of inland waters.

VI

By reason of the foregoing, the United States is now entitled to exclusive possession of and full dominion and power over the lands, minerals and other things underlying the Gulf of Mexico, lying more than three geographic miles seaward from the ordinary low-water mark and from the outer limit of inland waters on the coast of Louisiana, extending seaward to the edge of the continental shelf, and is entitled to an accounting for all sums of money derived by the State of Louisiana after June 5, 1950, from the area lying more than three, and less than twenty-seven, geographic miles seaward from the ordinary low-water mark and from the outer limit of inland waters on the coast of Louisiana, which are properly owing to the United States under the decree entered by this Court on December 11, 1950, in the case of *United States v. Louisiana*, 340 U. S. 899.

VII

The State of Louisiana claims some right, title or interest adverse to the United States in the lands, minerals and other things underlying the Gulf of Mexico, lying more than three geographic miles seaward from the ordinary low-water mark and from the outer limit of inland waters on the coast of Louisiana, has invited bids for leases of submerged lands within said area, has threatened to bring suits against lessees of the United States to enjoin them from operating therein, and has not accounted to the United States for all or any sums of money derived after June 5, 1950, from the area lying more than three, and less

than twenty-seven, geographic miles seaward from the ordinary low-water mark and from the outer limit of inland waters on the coast of Louisiana.

VIII

There is urgent need for exploration and development of the mineral resources of the area described in Paragraph VI hereof. On August 7, 1953, by Public Law 212 of the 83rd Congress, known as the Outer Continental Shelf Lands Act, 67 Statutes at Large 462, Congress declared the existence of such need and provided that it should be met by the issuance of mineral leases in that area by the Secretary of the Interior to private operators. The Secretary of the Interior has issued such leases of tracts in the area in dispute, and is desirous of continuing to do so. By its conduct described in Paragraph VII hereof the State of Louisiana has interfered with and obstructed, and is interfering with and obstructing, the orderly and effective exploration, leasing, and development of said mineral resources, and will continue to do so and will thereby cause great and irreparable injury to the United States unless the rights of the United States are declared and established by this Court. The United States has no other adequate remedy.

IX

The original jurisdiction of this Court is invoked because there is urgent need for prompt and final settlement of the controversy, and because the fundamental question in issue is the width of the marginal

sea within the jurisdiction of the United States, which involves inquiry into and application of the foreign policy of the United States in a matter of peculiar importance and delicacy and is most appropriately a subject for original adjudication by this Court.

SECOND CAUSE OF ACTION
(Against the State of Texas)

I

The jurisdiction of this Court is invoked under Article III, Section 2, Clause 2, of the Constitution of the United States, Title 28, United States Code, Section 1251 (b) (2), and this Court's order entered in this case on June 24, 1957.

II

On June 5, 1950, the United States was and, except as set forth in Paragraph IV hereof, has ever since been and now is entitled to exclusive possession of and full dominion and power over the lands, minerals and other things underlying the Gulf of Mexico, extending seaward from the ordinary low-water mark and from the outer limit of inland waters on the coast of Texas to the edge of the continental shelf; and the State of Texas did not have on June 5, 1950, and, except as set forth in Paragraph IV hereof, has never since had and does not now have any title thereto or property interest therein.

III

On December 11, 1950, in the case of *United States v. Texas*, 340 U. S. 900, this Court entered its decree enjoining the State of Texas from taking or removing any petroleum, gas, or other valuable mineral products from the lands underlying the Gulf of Mexico, extending seaward from the ordinary low-water mark and from the outer limit of inland waters on the coast of Texas to the outer edge of the continental shelf, and enjoining the State from carrying on any activities for that purpose upon or in that area, except upon authorization of the United States, and directing the State of Texas to account to the United States for all sums derived by the State from that area after June 5, 1950, which were properly owing to the United States under that decree, the opinion entered by this Court in that case on June 5, 1950, 339 U. S. 707, and applicable principles of law.

IV

On May 22, 1953, by Public Law 31 of the 83rd Congress, known as the Submerged Lands Act, 67 Statutes at Large 29, the United States granted to the State of Texas the title to and ownership of the submerged lands and natural resources lying in the Gulf of Mexico within the boundaries of said State, but not extending seaward more than three geographic miles from the ordinary low-water mark or from the outer limit of inland waters unless the boundary of

said State as it existed when the State became a member of the Union, or as approved by Congress, extended more than three geographic miles therefrom, and not extending seaward more than three marine leagues therefrom in any event; and by said Act the United States released its claim for money or damages arising out of any operations by the State of Texas or under its authority in the area so granted.

V

When the State of Texas became a member of the Union its boundary did not extend into the Gulf of Mexico more than three geographic miles from the ordinary low-water mark or from the outer limit of inland waters, and the Congress of the United States has never approved a boundary for said State extending into the Gulf of Mexico more than three geographic miles from the ordinary low-water mark or from the outer limit of inland waters.

VI

By reason of the foregoing, the United States is now entitled to exclusive possession of and full dominion and power over the lands, minerals and other things underlying the Gulf of Mexico, lying more than three geographic miles seaward from the ordinary low-water mark and from the outer limit of inland water on the coast of Texas, extending seaward to the edge of the continental shelf, and is entitled

to an accounting for all sums of money derived therefrom by the State of Texas after June 5, 1950, which are properly owing to the United States under the decree entered by this Court on December 11, 1950, in the case of *United States v. Texas*, 340 U. S. 900.

VII

The State of Texas claims some right, title or interest adverse to the United States in the lands, minerals and other things underlying the Gulf of Mexico, lying more than three geographic miles seaward from the ordinary low-water mark and from the outer limit of inland waters on the coast of Texas, and has not accounted to the United States for all or any sums of money derived therefrom after June 5, 1950.

VIII

The original jurisdiction of this Court is invoked because the Court, after consideration of representations of the State of Texas as *amicus curiae*, by its order of June 24, 1957, declared that the issues in the First Cause of Action are so related to the possible interests of Texas in the subject matter of the suit that the just, orderly and effective determination of such issues requires that they be adjudicated in a proceeding in which all the interested parties are before the Court. The Court by said order allowed Texas 60 days within which to intervene and, if it failed to do so, allowed the United States 60 days thereafter within which to add Texas as a party. Texas has not intervened, and the 60 days allowed it for doing so have expired.

THIRD CAUSE OF ACTION

(Against the State of Mississippi)

I

The jurisdiction of this Court is invoked under Article III, Section 2, Clause 2, of the Constitution of the United States, Title 28, United States Code, Section 1251 (b) (2), and this Court's order entered in this case on June 24, 1957.

II

On June 5, 1950, the United States was and, except as set forth in Paragraph III hereof, has ever since been and now is entitled to exclusive possession of and full dominion and power over the lands, minerals and other things underlying the Gulf of Mexico, extending seaward from the ordinary low-water mark and from the outer limit of inland waters on the coast of Mississippi to the edge of the continental shelf; and the State of Mississippi did not have on June 5, 1950, and, except as set forth in Paragraph III hereof, has never since had and does not now have any title thereto or property interest therein.

III

On May 22, 1953, by Public Law 31 of the 83rd Congress, known as the Submerged Lands Act, 67 Statutes at Large 29, the United States granted to the State of Mississippi the title to and ownership of the submerged lands and natural resources lying in the Gulf of Mexico within the boundaries of said State, but not extending seaward more than three geographic miles from the ordinary low-water mark or from the outer

limit of inland waters unless the boundary of said State as it existed when the State became a member of the Union, or as approved by Congress, extended more than three geographic miles therefrom, and not extending seaward more than three marine leagues therefrom in any event; and by said Act the United States released its claim for money or damages arising out of any operations by the State of Mississippi or under its authority in the area so granted.

IV

When the State of Mississippi became a member of the Union its boundary did not extend into the Gulf of Mexico more than three geographic miles from the ordinary low-water mark or from the outer limit of inland waters, and the Congress of the United States has never approved a boundary for said State extending into the Gulf of Mexico more than three geographic miles from the ordinary low-water mark or from the outer limit of inland waters.

V

By reason of the foregoing, the United States is now entitled to exclusive possession of and full dominion and power over the lands, minerals and other things underlying the Gulf of Mexico, lying more than three geographic miles seaward from the ordinary low-water mark and from the outer limit of inland waters on the coast of Mississippi, extending seaward to the edge of the continental shelf, and is entitled to an accounting for all sums of money derived therefrom by the State of Mississippi after June 5, 1950.

VI

The State of Mississippi claims some right, title or interest adverse to the United States in the lands, minerals and other things underlying the Gulf of Mexico, lying more than three geographic miles seaward from the ordinary low-water mark and from the outer limit of inland waters on the coast of Mississippi, and has not accounted to the United States for all or any sums of money derived therefrom after June 5, 1950.

VII

The original jurisdiction of this Court is invoked because the Court by its order of June 24, 1957, declared that the issues in the First Cause of Action are so related to the possible interests of Mississippi in the subject matter of the suit that the just, orderly and effective determination of such issues requires that they be adjudicated in a proceeding in which all the interested parties are before the Court. The Court by said order allowed Mississippi 60 days within which to intervene and, if it failed to do so, allowed the United States 60 days thereafter within which to add Mississippi as a party. Mississippi has not intervened, and the 60 days allowed it for doing so have expired.

FOURTH CAUSE OF ACTION

(Against the State of Alabama)

I

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

the United States, Title 28, United States Code, Section 1251 (b) (2), and this Court's order entered in this case on June 24, 1957.

II

On June 5, 1950, the United States was and, except as set forth in Paragraph III hereof, has ever since been and now is entitled to exclusive possession of and full dominion and power over the lands, minerals and other things underlying the Gulf of Mexico, extending seaward from the ordinary low-water mark and from the outer limit of inland waters on the coast of Alabama to the edge of the continental shelf; and the State of Alabama did not have on June 5, 1950, and, except as set forth in Paragraph III hereof, has never since had and does not now have any title thereto or property interest therein.

III

On May 22, 1953, by Public Law 31 of the 83rd Congress, known as the Submerged Lands Act, 67 Statutes at Large 29, the United States granted to the State of Alabama the title to and ownership of the submerged lands and natural resources lying in the Gulf of Mexico within the boundaries of said State, but not extending seaward more than three geographic miles from the ordinary low-water mark or from the outer limit of inland waters unless the boundary of said State as it existed when the State became a member of the Union, or as approved by Congress, extended more than three geographic miles therefrom, and not extending seaward more than three marine

leagues therefrom in any event; and by said Act the United States released its claim for money or damages arising out of any operations by the State of Alabama or under its authority in the area so granted.

IV

When the State of Alabama became a member of the Union its boundary did not extend into the Gulf of Mexico more than three geographic miles from the ordinary low-water mark or from the outer limit of inland waters, and the Congress of the United States has never approved a boundary for said State extending into the Gulf of Mexico more than three geographic miles from the ordinary low-water mark or from the outer limit of inland waters.

V

By reason of the foregoing, the United States is now entitled to exclusive possession of and full dominion and power over the lands, minerals and other things underlying the Gulf of Mexico, lying more than three geographic miles seaward from the ordinary low-water mark and from the outer limit of inland waters on the coast of Alabama, extending seaward to the edge of the continental shelf, and is entitled to an accounting for all sums of money derived therefrom by the State of Alabama after June 5, 1950.

VI

The State of Alabama claims some right, title or interest adverse to the United States in the lands, minerals and other things underlying the Gulf of Mexico, lying more than three geographic miles seaward from the ordinary low-water mark and from the outer limit of inland waters on the coast of Alabama, and has not accounted to the United States for all or any sums of money derived therefrom after June 5, 1950.

VII

The original jurisdiction of this Court is invoked because the Court by its order of June 24, 1957, declared that the issues in the First Cause of Action are so related to the possible interests of Alabama in the subject matter of the suit that the just, orderly and effective determination of such issues requires that they be adjudicated in a proceeding in which all the interested parties are before the Court. The Court by said order allowed Alabama 60 days within which to intervene and, if it failed to do so, allowed the United States 60 days thereafter within which to add Alabama as a party. Although Alabama has intervened pursuant to said order, this amendment to the original complaint is necessary in order that the claim and the subject matter of the claim of the United States against Alabama may properly be before the Court.

FIFTH CAUSE OF ACTION

(Against the State of Florida)

I

The jurisdiction of this Court is invoked under Article III, Section 2, Clause 2, of the Constitution of the United States, Title 28, United States Code, Section 1251 (b) (2), and this Court's order entered in this case on June 24, 1957.

II

On June 5, 1950, the United States was and, except as set forth in Paragraph III hereof, has ever since been and now is entitled to exclusive possession of and full dominion and power over the lands, minerals and other things underlying the Gulf of Mexico, Straits of Florida and Atlantic Ocean, extending seaward from the ordinary low-water mark and from the outer limit of inland waters on the coast of Florida to the edge of the continental shelf; and the State of Florida did not have on June 5, 1950, and, except as set forth in Paragraph III hereof, has never since had and does not now have any title thereto or property interest therein.

III

On May 22, 1953, by Public Law 31 of the 83rd Congress, known as the Submerged Lands Act, 67 Statutes at Large 29, the United States granted to the State of Florida the title to and ownership of the submerged lands and natural resources lying in the Gulf of Mexico, Straits of Florida and Atlantic

Ocean within the boundaries of said State, but not extending seaward more than three geographic miles from the ordinary low-water mark or from the outer limit of inland waters unless the boundary of said State as it existed when the State became a member of the Union, or as approved by Congress, extended more than three geographic miles therefrom into the Gulf of Mexico, and not extending seaward more than three marine leagues therefrom into the Gulf of Mexico in any event; and by said Act the United States released its claim for money or damages arising out of any operations by the State of Florida or under its authority in the area so granted.

IV

When the State of Florida became a member of the Union its boundary did not extend into the Gulf of Mexico, Straits of Florida or Atlantic Ocean more than three geographic miles from the ordinary low-water mark or from the outer limit of inland waters, and the Congress of the United States has never approved a boundary for said State extending into the Gulf of Mexico, Straits of Florida or Atlantic Ocean more than three geographic miles from the ordinary low-water mark or from the outer limit of inland waters.

V

By reason of the foregoing, the United States is now entitled to exclusive possession of and full dominion and power over the lands, minerals and other things underlying the Gulf of Mexico, Straits of Florida and Atlantic Ocean, lying more than three geographic

miles seaward from the ordinary low-water mark and from the outer limit of inland waters on the coast of Florida, extending seaward to the edge of the continental shelf, and is entitled to an accounting for all sums of money derived therefrom by the State of Florida after June 5, 1950.

VI

The State of Florida claims some right, title or interest adverse to the United States in the lands, minerals and other things underlying the Gulf of Mexico, Straits of Florida and Atlantic Ocean, lying more than three geographic miles seaward from the ordinary low-water mark and from the outer limit of inland waters on the coast of Florida, and has not accounted to the United States for all or any sums of money derived therefrom after June 5, 1950.

VII

The original jurisdiction of this Court is invoked because the Court by its order of June 24, 1957, declared that the issues in the First Cause of Action are so related to the possible interests of Florida in the subject matter of the suit that the just, orderly and effective determination of such issues requires that they be adjudicated in a proceeding in which all the interested parties are before the Court. The Court by said order allowed Florida 60 days within which to intervene and, if it failed to do so, allowed the United States 60 days thereafter within which to add Florida as a party. Florida has not intervened, and the 60 days allowed it for doing so have expired.

WHEREFORE, the United States prays that the defendants be required to answer this amended complaint within 30 days and that a decree be entered declaring the rights of the United States as against said States in the lands, minerals and other things underlying the Gulf of Mexico, Straits of Florida and Atlantic Ocean, lying more than three geographic miles seaward from the ordinary low-water mark and from the outer limit of inland waters on their respective coasts and extending seaward to the edge of the continental shelf, enjoining said States and all persons claiming under them from interfering with the rights of the United States therein, and requiring said States to account for all sums of money derived therefrom after June 5, 1950.

J. LEE RANKIN,

Solicitor General.

STATEMENT WITH RESPECT TO AMENDED COMPLAINT

By its order of June 24, 1957, the Court granted leave to the States of Texas, Mississippi, Alabama and Florida to intervene within 60 days and, if they failed to do so, granted leave to the United States to add them as parties. 354 U. S. 515. The Attorney General of Texas wrote to the Clerk of the Court on July 23, 1957, saying that Texas did not intend to intervene, because of its belief that there is no justiciable controversy between it and the United States, or between it and Louisiana, concerning either the submerged lands off the coast of Louisiana or the submerged lands off the coast of Texas, and that the

evidence as to the extent of Texas' ownership in the Gulf of Mexico is so different from that relating to other States that any controversy on the question should be heard in a separate suit. The Attorney General of Florida wrote to the Clerk of the Court on August 1, 1957, saying that Florida did not intend to intervene, because doing so might amount to bringing an unauthorized suit against the United States, and because such intervention would be unnecessary since the Solicitor General had indicated that the United States would seek to join all the Gulf States in any event. The Attorney General of Mississippi wrote to the Clerk of the Court on August 12, 1957, saying that Mississippi did not intend to intervene, because such intervention would unnecessarily encumber the pleadings, since the Solicitor General had indicated that the United States would seek to join all the Gulf States in any event. Those States having thus failed to intervene, the United States now seeks to join them as defendants, as provided by the Court's order of June 24, 1957 (as amended by the order of October 22, 1957).

On August 15, 1957, the "Intervention of the State of Alabama with Supporting Brief" was filed in this case, pursuant to the Court's order of June 24, 1957. However, it appears that such intervention cannot properly bring before the Court the controversy between the United States and Alabama regarding the submerged lands off the coast of Alabama, since those lands are not included in the subject matter of the original complaint of the United States against the State of Louisiana, and Congress has not consented

that the United States be sued with respect to them. Consequently, we have joined Alabama, along with the non-intervening Gulf States, as a defendant in the amended complaint, to effectuate the Court's purpose that the controversies between the United States and all the Gulf States be presented in this single proceeding.

In the Fifth Cause of Action, against Florida, we have included the submerged lands of the Straits of Florida and the Atlantic Ocean as well as the Gulf of Mexico, although this may go beyond the Court's purpose of considering together all claims regarding the Gulf of Mexico. Our reason for doing so is to preclude possible future assertion that our claim as to submerged lands off all the coasts of Florida constitutes a single cause of action, which would be waived as to any portion not included in the present suit. *Barnett v. Mayes*, 43 F. 2d 521, 528-529 (C. A. 10); *Maguire v. Cunningham*, 64 Cal. App. 536, 542, 222 Pac. 838; *Kline v. Stein*, 46 Wash. 546, 90 Pac. 1041; see *Thompson v. Gaudette*, 148 Me. 288, 299, 92 A. 2d 342; *Pennie v. Hildreth*, 81 Cal. 127, 130-131, 22 Pac. 398; cf. *Rodman v. Rogers*, 109 F. 2d 520 (C. A. 6); *Doak v. Mammoth Copper Mining Co.*, 192 Fed. 748 (C. C. N. D. Cal.); *Beronio v. Southern Pac. R. Co.*, 86 Cal. 415, 24 Pac. 1093. See 1 C. J. S. 1339, Actions § 105.

Respectfully,

J. LEE RANKIN,
Solicitor General.

NOVEMBER 1957.

