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JOHN T. PEY, C

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

OCTOBER TERM, ~~1957~~ 1958

No. ~~10~~ 11 Original

UNITED STATES OF AMERICA,  
*Plaintiff*

v.

STATES OF LOUISIANA, TEXAS, MISSISSIPPI,  
ALABAMA, and FLORIDA  
*Defendants.*

ANSWER OF DEFENDANT THE STATE OF TEXAS  
TO SECOND CAUSE OF ACTION

WILL WILSON  
Attorney General of Texas  
JAMES N. LUDLUM  
First Assistant Attorney General  
JAMES H. ROGERS  
Assistant Attorney General  
State Capitol  
Austin, Texas

JAMES P. HART  
Brown Building  
Austin, Texas

J. CHRYS DOUGHERTY  
P. O. Box 1123  
Austin 66, Texas

*Of Counsel*



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ANSWER OF DEFENDANT THE STATE OF TEXAS  
TO SECOND CAUSE OF ACTION

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The State of Texas, a defendant herein, by its Attorney General, in compliance with the Court's order of November 18, 1957, for answer to the Second Cause of Action of the Amended Complaint of the United States of America says:

I.

Texas admits the allegations in paragraph I.

II.

Texas admits the allegations in paragraph II to the extent but only to the extent that such allegations are a restatement of this Honorable Court's opinion and decree in *United States v. Texas*, 339 U.S. 707.

III.

Texas admits the allegations in paragraph III.

IV.

Texas admits that on May 22, 1953, Congress enacted Public Law 31, 83rd Congress, known as the Submerged Lands Act, 67 Statutes at Large 29. The terms of the Act in context are controlling. Texas denies that in paragraph IV the plaintiff has completely stated the terms and effect of the Act.

V.

Texas denies each and all of the allegations of paragraph V.

VI.

Texas denies those allegations in paragraph VI demanding an accounting and further denies all other allegations in this paragraph insofar as they may pertain to the lands, minerals and other things in and under the Gulf of Mexico, lying more than three geographic miles seaward from, and extending

seaward three marine leagues from, the ordinary low-water mark and from the outer limit of inland waters on the coast of Texas. Except as specifically denied, Texas admits the allegations of paragraph VI.

## VII.

Texas admits the allegations in paragraph VII.

## VIII.

Texas does not have sufficient information either to admit or deny the allegations contained in the first sentence of paragraph VIII. Texas admits the allegations of the second and third sentences of said paragraph.

## IX.

Further answering, Texas says:

A. Prior to and at the time of its admission to the Union the statutes of the Republic of Texas fixed its seaward boundary as follows:

“ . . . beginning at the mouth of the Sabine River and running west along the Gulf of Mexico three leagues from land, to the mouth of the Rio Grande. . . ”

This boundary so fixed was the boundary of the Republic of Texas and of the state of Texas as it existed at the time Texas became a member of the Union.

B. This seaward boundary was approved by the Congress of the United States at and after the time Texas was admitted to the Union and prior to the enactment of the Submerged Lands Act on May 22, 1953.

C. Therefore, by reason of the allegations of either subparagraph A or subparagraph B above, or subparagraphs A and B together, the United States on May 22, 1953, by the Submerged Lands Act, and subject to its limitations, released and relinquished to the State of Texas title to and ownership of and the rights of management, administration, leasing, use and development of the lands and natural resources in the Gulf of Mexico within the area in controversy (described in paragraph VI hereof) and further by the terms of said Act released its claim for accounting and damages.

## X.

In the alternative, inasmuch as the lands and boundaries of Texas existed and extended three marine leagues from the coast before and at the time Texas became a member of the Union, or were so fixed by subsequent congressional or executive action, the present boundary of Texas was confirmed and the national boundary was fixed on May 22, 1953, by the terms of the Submerged Lands Act at three marine leagues from the coast of Texas irrespective of where the national boundary or the boundary of Texas may have been fixed, or attempted to be fixed, otherwise during the intervening period

from the admission of Texas into the Union to the date of passage of the Submerged Lands Act. Hence the United States on May 22, 1953, by the Submerged Lands Act, and subject to its limitations, released and relinquished to the State of Texas title to and ownership of and the rights of management, administration, leasing, use and development of the lands and natural resources in the Gulf of Mexico within the area in controversy (described in paragraph VI hereof) and further by the terms of said Act released its claim for accounting and damages.

## XI.

In the alternative, Texas says that the United States has asserted certain rights in, jurisdiction and control over, and the power of disposition of the natural resources in the subsoil and sea-bed of the continental shelf, as evidenced by the Presidential Proclamation of September 28, 1945 (59 Statutes at Large 884) and as subsequently defined and augmented by the Submerged Lands Act and the Outer Continental Shelf Lands Act (67 Statutes at Large 462). By the Submerged Lands Act and subject to its limitations, the United States, irrespective of the location of its national boundary or the State boundary of Texas on May 22, 1953, transferred and assigned to Texas all of these rights, title and interests of the United States asserted under the Presidential Proclamation within the area in controversy and released its claim for accounting and damages.

XII.

The State of Texas denies each and every allegation contained in the Second Cause of Action of said complaint not herein admitted, controverted or specifically denied.

WHEREFORE, the State of Texas prays that Plaintiff take nothing by its Second Cause of Action, that Plaintiff's suit as to this defendant be dismissed with prejudice and that all costs properly allocable to the Second Cause of Action be taxed against the United States.

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WILL WILSON

Attorney General of Texas

JAMES N. LUDLUM

First Assistant Attorney General

JAMES H. ROGERS

Assistant Attorney General

State Capitol

Austin, Texas

JAMES P. HART

Brown Building

Austin, Texas

J. CHRYS DOUGHERTY

P. O. Box 1123

Austin 66, Texas

*Of Counsel*

December 31, 1957



## PROOF OF SERVICE

I, Will Wilson, Attorney General of Texas, and a member of the Bar of the Supreme Court of the United States, certify that on the 24th day of December, 1957, I served copies of the foregoing answer of the State of Texas to the Amended Complaint by mailing, postage prepaid, copies thereof to the offices of the Attorney General and of the Solicitor General of the United States, respectively, in the Department of Justice Building, Washington, D. C., and to the Attorneys General of the States of Alabama, Florida, Louisiana, and Mississippi, respectively.

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WILL WILSON

