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No. ~~11~~ Original

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In the Supreme Court of the United States

OCTOBER TERM, ~~1957~~ 1958

UNITED STATES OF AMERICA,
Plaintiff,

vs.

STATES OF LOUISIANA, TEXAS,
MISSISSIPPI, ALABAMA AND FLORIDA,
Defendants.

DEFENSES TO AMENDED COMPLAINT

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SOLICITORS FOR THE
STATE OF FLORIDA

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United States

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UNITED STATES OF AMERICA,
PLAINTIFF,

v

STATES OF LOUISIANA, TEXAS,
MISSISSIPPI, ALABAMA AND FLORIDA
DEFENDANTS.

DEFENSES TO AMENDED COMPLAINT
FIRST, SECOND, THIRD AND FOURTH
CAUSES OF ACTION

The State of Florida files no defenses to the First, Second, Third and Fourth Causes of Action, alleged in and by the Amended Complaint filed herein, they being directed exclusively and specifically against the States of

Louisiana, Texas, Mississippi and Alabama, and not against the State of Florida.

FIFTH CAUSE OF ACTION

The State of Florida for defenses to the Fifth Cause of Action, alleges in and by the plaintiff's Amended Complaint and Statement with respect to said Amended Complaint, heretofore filed in this cause, says that she:

FIRST DEFENSE

1. Admits the allegations of paragraph numbered "I" of the said Fifth Cause of Action.
2. Denies the allegations of paragraph numbered "II" of the said Fifth Cause of Action.
3. Admits the allegations of paragraph numbered "III" of the said Fifth Cause of Action.
4. Denies the allegations of paragraph numbered "IV" of the said Fifth Cause of Action.
5. Denies the allegations of paragraph numbered "V" of the said Fifth Cause of Action.
6. Admits the allegations of paragraph numbered "VI" of the said Fifth Cause of Action;

however, she further alleges that she is under no legal or equitable duty to account to the plaintiff for any sums of money received from or relating to the lands, minerals or other things underlying the "coast line" of Florida as defined in and by subsection (c) of section 1301, title 43, of the United States Code.

7. Admits the allegations of paragraph numbered "VII" of the said Fifth Cause of Action.

SECOND DEFENSE

For a Second Defense to the said Fifth Cause of Action the said State of Florida says that subsequent to the admission into the Union, and during or about the year 1868, her boundaries in the Gulf of Mexico were approved by the Congress of the United States as being "three leagues from the land." In that the Congress, by its act of March 2, 1867, provided that "when the people of any one of said rebel states shall have formed a constitution of government in conformity with the Constitution of the United States in all respects, . . . and when such constitution shall have been submitted to Congress for examination and approval, and Congress shall have approved the same . . . said State shall be declared entitled to repre-

sentation in Congress . . . ;” and the State of Florida, having formed such a state constitution, adopted the same by a majority vote of its qualified and voting electors, and caused the same to be submitted to the Congress of the United States during the year 1868, and the same having been approved by the Congress, and the State of Florida admitted to representation in Congress, as evidenced by acts and resolutions of the Congress and the journals of the Congress as reflected by the “Congressional Globe” for 1867 and 1868, it is, therefore, alleged that the Congress, subsequent to the admission of the State of Florida into the Union, heretofore approved the boundaries of the State of Florida as extending into the Gulf of Mexico for a distance of three leagues from the “coast line” as defined in and by subsection(c) of section 1301, title 43, of the United States Code, all within the purview of section 1312, title 43, United States Code.

THIRD DEFENSE

For a Third Defense to the said Fifth Cause of Action the said State of Florida says that the United States acquired the Spanish Territories known as **East and West Florida** from the Kingdom of Spain under and by virtue of the “Treaty

of Amity, Settlement and Limits,” of February 22, 1819, entered into by and between the said United States and the said Kingdom of Spain, under the requirement in said treaty contained that the said territories “be incorporated in the Union of the United States, as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights and immunities, of the citizens of the United States.” Under the statutes and laws of Spain, and of Great Britain from whom Spain acquired the Floridas by treaty of 1783, and pursuant to a proclamation made and issued by the King of Great Britain during the time the Floridas were held and owned by Great Britain, the seaward boundaries of the said Floridas extended into the Gulf of Mexico not less than three marine leagues from the “coast line” as defined in subsection (c) of section 1301, title 43, of the United States Code. It is, therefore, alleged that the boundary of the Floridas and of the State of Florida, as authorized and contemplated by section 1312, title 43, United States Code, extended into the Gulf of Mexico not less than three marine leagues from the “coast line” aforesaid, prior to and when the State of Florida became a member of the Union.

FOURTH DEFENSE

For a Fourth Defense to the said Fifth Cause of Action the said State of Florida says that under the statutes and laws of Spain, and under treaties by and with Spain, as well as under international laws as administered by Spain, prior to and at the time the United States acquired the Floridas from Spain, as well as when Florida became a member of the Union, Spanish international boundaries extended into adjoining oceans, seas and other general bodies of navigable waters adjacent thereto nine or more marine leagues from the coast line of Spanish territories and possessions. This being true the historical boundaries of the Floridas, when acquired by the United States, and of the State of Florida when she became a member of the Union, extended into the Gulf of Mexico three or more marine leagues from the coast line of the said Floridas or the State of Florida.

FIFTH DEFENSE

For a Fifth Defense to the said Fifth Cause of Action the said State of Florida says that there is no rule of international law or rule of nations which limits the marginal sea and the seaward boundaries of states and nations to not

more than three geographic miles from the ordinary low water mark and from the outer waters on the coasts of such states and nations and further says that such rules of international law and rules of nations do not invalidate the provisions of the Submerged Lands Act of May 22, 1953, which releases and relinquishes to the states bordering on the Gulf of Mexico the right, title and interest to submerged lands in the said Gulf of Mexico, including all improvements and natural resources therein, thereon, or in the waters above such land.

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