

No. 10, Original

In the Supreme Court of the United States

OCTOBER TERM, 1959

UNITED STATES OF AMERICA, PLAINTIFF

v.

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

ON MOTION FOR JUDGMENT ON AMENDED COMPLAINT

REVISED AND ENLARGED CHART OF EVIDENCE AS TO SEA-
WARD BOUNDARIES AND MARITIME JURISDICTION

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Evidence Cited by Gulf States					Evidence Cited by the United States						
Date	Event	Area Involved	Subject Matter	Purpose	Date	Event	Area Involved	Subject Matter	Purpose	Comment by Texas	Comment by the United States
					Jan. 23, 1849	Secretary of State Buchanan to Mr. Jordan	Port in Ireland	Arrest on American Vessel	Secretary Buchanan continued in the immediately succeeding sentence: "If Mr. McManus were arrested within these limits, on board of an American merchant vessel, by virtue of process issuing from a competent British authority, we have no right, to demand redress either under the law of nations, or by virtue of any treaty existing between the two Countries."	Consul J. Murphy, at Cork, Ireland, wrote Mr. Buchanan on March 7, 1849, in part as follows: ". . . the Barque 'N. D. Chase' arrived here from Philadelphia and discharged her cargo, she then took in Emigrants to proceed back to the United States, one of these passengers was Mr. McManus who was arrested by the Sergeant of Police, while the vessel was lying at anchor in this harbor in exclusive British jurisdiction."	<i>The significance of this statement lies not in the particular circumstances to which it related but in its recognition of the three-mile rule as a well-settled rule of international law.</i>
p. 9 50	Compromise of 1850	Northern and Western Land Boundary of Texas	Boundary	"An Act proposing to the State of Texas the Establishment of her Northern and Western Boundaries, the Relinquishment by the said State of all Territory claimed by her exterior to said Boundaries, and of all her claims upon the United States, and to establish a territorial Government for New Mexico."						This act related only to the Northern and Western Boundary of Texas. Still there was no comment or objection to the 3-league boundary on the Gulf.	<i>This was explained by its author and intended by Congress as a compromise of a dispute, demonstrating that the annexation of Texas had not committed the United States to a recognition of the boundaries claimed by the Texan Act of December 19, 1836. U.S. Brief, 233-234. It described the Rio Grande boundary as extending only to the Gulf of Mexico.</i>
								Maritime Limits of Exclusive Jurisdiction			

Evidence Cited by Gulf States					Evidence Cited by the United States					Comment by Texas	Comment by the United States
Date	Event	Area Involved	Subject Matter	Purpose	Date	Event	Area Involved	Subject Matter	Purpose		
					Nov. 17, 1848	Mexican Reply to British Protest	Gulf of Mexico	Boundary	To respond to the British protest of June 9, 1848: "As the tenor of this article [Article 5 of the Treaty of Guadalupe Hidalgo] seems to involve an assumption of jurisdiction on the part of the United States and Mexico over the sea beyond the usual limit of 1 marine league (or 3 geographical miles) which is acknowledged by international law and practice as the extent of territorial jurisdiction over the sea that waters the coasts of the states, Her Majesty's Government think it right to declare, in order to prevent future misunderstanding, that they cannot acquiesce in the extent of maritime jurisdiction assumed by the United States and Mexico in the article in question, and Her Majesty's Government consider this step the more necessary, because the Gulf of Mexico is a great thoroughfare of maritime commerce, and is not like a bay or creek which can by its nature be susceptible of being subjected to exclusive dominion." 99 Cong. Rec. 3623; see U.S. Brief, 66, fn. 17.		Like the American reply, this would have been unresponsive, meaningless and misleading if it had been intended to reserve a contention that the Treaty did establish a three-league maritime belt in the Gulf. Its evident meaning was that the Treaty had no such purpose. The British accepted it in this light, as shown by their failure to make any further protest; and until August 29, 1935, Mexico continued to claim only three miles of territorial waters. U.S. Brief, 84.

Evidence Cited by Gulf States				
Date	Event	Area Involved	Subject Matter	Purpose
Dec. 30, 1853	Gadsden Treaty	Gulf and Western Boundary with Mexico	Boundary	Treaty of Boundary.
<p>"The Mexican Republic agrees to designate the following as her true limits with The United States for the future: retaining the same dividing line between the 2 Californias as already defined and established, according to Article V of the Treaty of Guadalupe Hidalgo, the limits between the 2 republics shall be as follows: Beginning in the Gulf of Mexico, 3 leagues from land, opposite the mouth of the Rio Grande, as provided in Article V of the Treaty of Guadalupe Hidalgo; thence, as defined in the said Article, up the middle of that river." 10 Stat. 1031.</p>				

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Date	Event	Area Involved	Subject Matter	Purpose		
						<p><i>As to the Gulf of Mexico, this merely repeated the language of the Treaty of Guadalupe Hidalgo. It must be understood to have been used with the meaning previously attributed to it by the parties in their explanations to Great Britain, that is, of stating a mere arrangement between the parties, not affecting the rights of nations under international law, as an assertion of a three-league maritime boundary would have done.</i></p>

Evidence Cited by Gulf States

Date Event Area Involved Subject Matter Purpose

Evidence Cited by the United States

Date	Event	Area Involved	Subject Matter	Purpose
July 7, 1855	Secretary of State Marcy's Letter to Spanish Minister [American Ambassador to Spain] "That case is to be decided with reference to the existing rule of international law on the subject. That rule by very general consent establishes the distance of a <i>marine league</i> from land as the exterior limit of the jurisdiction of a country over the waters along its coasts, with exceptions as to bays, harbors, shoals, etc." Gov't. Br. 67.	Cuban Gulf Waters of Mexico	Maritime Territorial Limits	Mr. Marcy continued [had previously stated]: "The United States will never concede that in the thoroughfares of commerce between Cape St. Antonio and the Yucatan shore, or between the Keys of Florida and the Cuban coast the territorial waters of Spain extend eight miles from land or any distance beyond <i>cannon shot or a marine league</i> .—Considering the vast amount of property transported over these thoroughfares it is of the greatest importance to the interests of commerce that the extent of the Spanish claim to jurisdiction in these two straits—for such they may be called—should be accurately understood."

Comment by Texas

William Marcy was Secretary of State when the Gadsden Treaty was signed and ratified. The British noted this notion of a maximum limit was a new 1855 idea of Marcy. See Joint Rep. Br. 30.

Comment by the United States

Texas refers to a letter of April 25, 1856, written by Mr. Crampton, the British Minister, in which he referred to the three-mile rule as a "recently adopted doctrine" of the United States. Joint Reply Brief, 29-30. However, Mr. Crampton's own emphasis, as reprinted by the defendants, shows wherein he thought the novelty lay, namely, in asserting "that the civil jurisdiction of a country in no case extends further than 'a marine league along its coast.'" Actually, he misunderstood the American position, which was only that *exclusive jurisdiction* could not extend beyond one league; we have always recognized that jurisdiction for some special purposes, such as a limited customs jurisdiction, can extend farther. Perhaps the confusion arose from the fact that the stopping of the El Dorado—the subject of Secretary Marcy's letter of July 7, 1855—was sought to be justified by Spain as a permissible exercise of a defensive right, under the particular circumstances, although beyond the distance of three miles from shore. We denied that the action taken was of a sort permitted by international law outside territorial waters. Spain did not rely on a claim of *exclusive general jurisdiction* at the place of the incident. See 11 Manning, Diplomatic Correspondence of the United States: Inter-American Affairs, 201-204, 214-219, 223-224, 231-232, 859-864, 878-886, 908-909, 931-932.

Certainly Mr. Crampton could not have been speaking of the rule against *exclusive jurisdiction* beyond one league, in saying "it has not, unless I am mistaken been ever acquiesced in by Her Majesty's Government" (Joint Reply Brief, 30), for he himself participated in the correspondence in which Britain asserted that position in protest against the Treaty of Guadalupe Hidalgo in 1848. See U.S. Brief, 65; 1 Moore, Dig. Int. L., 730.

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Event	Area Involved	Subject Matter	Purpose
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Evidence Cited by the United States

Date	Event	Area Involved	Subject Matter	Purpose
Dec. 16, 1862	Secretary of State Seward's Letter to Spanish Minister "A third principle bearing on the subject is also well established, namely, that this exclusive sovereignty of a nation, thus abridging the universal liberty of the seas, extends no farther than the power of the nation to maintain it by force, stationed on the coast, extends. This principle is tersely expressed in the maxim <i>Terrae dominium finitur ubi finitur armorum vis</i> . "But it must always be a matter of uncertainty and dispute at what point the force of arms exerted on the coast can actually reach. The publicists rather advanced towards than reached a solution when they laid down the rule that the limit of the force is the range of a cannon-ball. The range of a cannon-ball is shorter or longer according to the circumstances of projection, and it must be always liable to change with the improvements of the science of ordnance. Such uncertainty upon a point of jurisdiction or sovereignty would be productive of many and endless controversies and conflicts. A more practical limit of national jurisdiction upon the seas was indispensably necessary, and this was found, as the undersigned thinks, in fixing the limit at <i>three miles from the coast</i> . This limit was early proposed by the publicists of all maritime nations. While it is not insisted that all nations have accepted or acquiesced and bound themselves to abide by this rule when applied to themselves, yet three points involved in the subject are insisted upon by the United States: First, that this limit has been generally recognized by nations; second, that no other general rule has been accepted; and third, that if any state has succeeded in fixing for itself a larger limit, this has been done by the exercise of maritime power, and constitutes an exception to the general understanding which fixes the range of a cannon-shot (when it is made the test of jurisdiction) at three miles ... "Impressed by these general views, the United States are not prepared to admit that Spain, without a formal concurrence of other nations, can exercise exclusive sovereignty upon the open sea beyond a line of <i>three miles from the coast</i> , so as to deprive them of the rights common to all nations upon the open sea."	Cuban Gulf Waters Gulf of Mexico	Maritime Territorial Limits	Mr. Seward in the immediately succeeding sentence said: "The United States admit that they have a temporary interest (during the present insurrection) to maintain a broad freedom of the seas, so as to render their naval operations as effective as may be consistent with the Law of Nations."

Comment by Texas

Comment by the United States

This Civil War policy is placed in clear perspective by Mr. Seward in his letter of August 14, 1863 to Mr. Perry, U.S. Minister to Spain in which he said in part: "The United States, under ordinary circumstances, could not, so far as I am able to judge, have any special interest in denying to Spain the claim she makes of a maritime jurisdiction exceeding three miles around the island of Cuba, or elsewhere. But upon that question we stand upon a ground which is held by us in common with all the maritime states. The present moment is an unfortunate one, to expect us to surrender on our part a right which they are understood to maintain equally with ourselves." U.S. Diplomatic Correspondence, 1863, part 2, 905.
Note also that the whole tenor Mr. Seward's letter of December 16, 1862 shows that he recognized that uncertainty as to the extent of sovereign jurisdiction still existed.

Secretary of State Seward recognized that not all nations had accepted the three-mile rule, but clearly indicated that the United States accepted it as a rule of international law not only for itself but also as limiting the claims of other nations which it would recognize. The Civil War provided the occasion for invoking the rule in this instance, but in no way affected its substance or operation.

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Date	Event	Area Involved	Subject Matter	Purpose	Date	Event	Area Involved	Subject Matter	Purpose		
					Aug 10, 1863	Secretary of State Seward to Spanish Minister "[A sovereign's] right to a jurisdiction of three miles is derived not from his own decree but from the law of nations, and exists even though he may never have proclaimed or asserted it by any decree or declaration whatsoever. He cannot, by a mere decree, extend the limit and fix it at six miles, because, if he could, he could in the same manner, and upon motives of interest, ambition, or even upon caprice, fix it at ten, or twenty, or fifty miles, without the consent or acquiescence of other powers which have a common right with himself in the freedom of all the oceans. Such a pretension could never be successfully or rightfully maintained." U.S. Brief 189.	Gulf of Mexico	Maritime Boundary	"The statutes which Mr. Tassara has recited are therefore regarded as showing what certainly is by no means unimportant, that Spain at an early day asserted, and has on different occasions since that time reasserted, in her domestic legislation, a claim to an exceptional jurisdiction of three miles in addition to the three miles of jurisdiction conceded by the law of nations. "A claim thus asserted and urged must necessarily be now respected and conceded by the United States, if it could be shown that on its being brought to their notice they had acquiesced in it, or that on its being brought to the notice of other powers it had been so widely conceded by them as to imply a general recognition of it by the maritime powers of the world. It is just here, however, that the claim of Spain seems to need support. Nations do not equally study each other's statute books, and are not chargeable with notice of national pretensions resting upon foreign legislation." U.S. Brief, 189-190.		
					Sept. 3, 1863	Secretary of State Seward to Navy Secretary Welles "The stipulation in the treaty of Guadalupe Hidalgo by which the boundary between the United States was begun in the Gulf three leagues from land is still in force. It was intended, however, to regulate within those limits the rights and duties of the parties to the instrument only. It could not affect the rights of any other power under the law of nations." Gov't. Br. 70.	Gulf of Mexico	Mexico Boundary		This shows that Mr. Seward regarded the boundary provisions of the Treaty of Guadalupe Hidalgo as fully effective despite what he had written to the Spanish minister. There has never been any doubt that the provisions of the Treaty of Guadalupe Hidalgo are fully effective; the disagreement is as to what their effect is. Mr. Seward repeats that it was only an arrangement between the parties, not affecting the rights of others.	

Evidence Cited by Gulf States				Evidence Cited by the United States					Comment by Texas	Comment by the United States
Event	Area Involved	Subject Matter	Purpose	Date	Event	Area Involved	Subject Matter	Purpose		
				1864 (Mar. 5)	Navy Secretary Welles to Mr. Seward "I do not understand our government to claim * * * the right to exercise exclusive jurisdiction to the extent of more than <i>a marine league</i> from our coast." Gov't. Br. 70.	Gulf of Mexico	Maritime Territorial Limits	"With respect to the point last mentioned, any misapprehension which exists may have arisen partly from what may have been an inadvertence, analogous to a clerical error, in the treaty with Mexico, and partly to our municipal law, under which merchant vessels bound to the United States may be boarded by the revenue officers when within four leagues of our coast. Other nations have similar municipal laws, which are to be regarded merely as prescribing the conditions on which trade is permitted." Gov't. Br. 70-71.	It is apparent that Secretary Welles was merely making a gratuitous observation not based on any research as to the history of the Treaty of Guadalupe Hidalgo.	<i>This statement was made with respect to a British protest over seizure of ships in the Gulf of Mexico at the mouth of the Rio Grande, and thus amounts to a specific disclaimer of a boundary beyond the three-mile limit at the precise point of the Mexican boundary. See map in The Dashing Wave, 5 Wall. 170 at 173.</i>
				Mar. 9, 1864	Secretary of State Seward to the British Ambassador <i>In reply to the British protest over seizure of ships in the Gulf of Mexico at the mouth of the Rio Grande, Secretary Seward sent a copy of Secretary Welles' letter of March 5, 1864, supra. U.S. Brief, 70.</i>	Gulf of Mexico	Maritime Limits	<i>To advise Great Britain that the United States did not claim a territorial limit beyond three miles at the mouth of the Rio Grande.</i>		<i>By sending a copy of Secretary Welles' letter to the British Ambassador, Secretary Seward adopted it as the official position of the United States on the subject.</i>
				June 17, 1864	American Ambassador to France, to Secretary of State Seward <i>Reported that he had told the French Foreign Minister that "no other rule than the three-mile rule was known or recognized as a principle of international law." U.S. Brief, 71.</i>	English Channel	Neutrality	<i>"M. Drouyn de l'Huys yesterday informed me that * * * the Alabama professes its entire readiness to meet the Kearsarge, and he believed that each would attack the other as soon as they were three miles off the coast. That a sea fight would thus be got up in the face of France, and at a distance from their coast within reach of the guns used on shipboard in these days. That the distance to which the neutral right of an adjoining government extended itself from the coast was unsettled, and that the reason of the old rules, which assumed that three miles was the outermost reach of a cannon shot, no longer existed, and that, in a word, a fight on or about such a distance from their coast would be offensive to the dignity of France, and they would not permit it." Foreign Relations (1864), Pt. 3, p. 104.</i>		<i>The American Ambassador nevertheless undertook, as a matter of courtesy, that the battle should be farther off shore if no tactical disadvantage would result, and so instructed the captain of the Kearsarge. U.S. Brief, 71.</i>

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Date	Event	Area Involved	Subject Matter	Purpose	Date	Event	Area Involved	Subject Matter	Purpose	Comment by Texas	Comment by the United States
					1864 (July 2)	Secretary Seward to U.S. Minister to France	English Channel	Belligerent Action off French Coast Neutrality	The letter continues: "Especially must we disallow a claim of France so to interfere in any conflict that we find it necessary to wage in European waters with piratical vessels like the Alabama, built, armed, manned, and equipped, and received as a belligerent in opposition to our persistent remonstrances to commit depredations on our commerce."	This correspondence shows its war-dominated motive. There is no calm consideration of boundary problems.	The practical advantages to be gained from the ability to operate warships within three miles of neutral coasts have been among the major considerations in the adherence of this nation and other maritime nations to the three-mile rule.
Mar. 30, 1867	Treaty with Russia Ceding Alaska	Behring Sea North	Pacific Boundary		Mar. 30, 1867	Treaty with Russia Ceding Alaska	Alaska	Territory	Cession of all Russian territory "on the continent of America and in the adjacent islands."	The United States from 1881 to 1893 interpreted "the line of demarcation of the Treaty of 1867 as attributing to it a property right over the eastern part of Bering Sea." (Mr. Peirce, U.S. Representative, Russian Whaling and Sealing Arbitration, 1902, p. 411, Ser. 4441, 57th Cong., 2d Sess.) The Court, in In Re Cooper, 143 U.S. 472, recognized that the Executive and the Congress had made that determination.	The cession was confined to territory on the continent and in the adjacent islands. The "western limit" merely separated the ceded islands from the islands retained by Russia; it could not have been part of the perimeter of a water area, as it closed with nothing at either end. Both before and during the Fur Seal Arbitration of 1893 the United States specifically disclaimed territorial jurisdiction over the Bering Sea outside the three-mile limit. See U.S. Reply Brief, 34-35, fn. 14, and infra, under date May 28, 1886. The Act of July 27, 1868, R.S. § 1956 as amended by the Act of March 2, 1889, sec. 3, 25 Stat. 1009, merely refers to "the dominion of the United States in the waters of Behring Sea." Congress rejected an amendment to make it specifically applicable to all the waters east of the boundary line. 20 Cong. Rec., Pt. 3, 2282, 2372, 2426, 2448, 2502, 2563, 2614, 2672; see U.S. Reply Brief, 34, fn. 14. In In Re Cooper, 143 U.S. 472, the Court said that if the seizure were assumed to have been outside the three-mile limit, that would in itself show a territorial claim there by the Government, which the Court would not review. 143 U.S. at 498-499, 503; see U.S. Brief, 143-144. The actual decision was on the ground that, on the record before the Court, "if the jurisdiction did not extend beyond three miles from the shore, the legal inference is that the offence and seizure were within that limit." 143 U.S. at 509; see also at 503-504, 508. The 10-league provision of the eastern boundary clearly referred to a land boundary, not a water boundary. U.S. Brief, 68, fn. 18.
	"... the Emperor of all the Russias agrees to cede to the United States, ... all the territory and dominion now possessed by his Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: ... The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's straits and Behring's sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper island of the Kormandorski couplet or group, in the North Pacific ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian." 2 Malloy's Treaties 1521-22.					"His Majesty the Emperor of all the Russias agrees to cede to the United States * * * all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, of February 28-16, 1825, and described in Articles III and IV of said convention, in the following terms: " * * * the line of demarcation shall follow the summit of the mountains situated parallel to the coast * * * . "IV. With reference to the line of demarcation laid down in the preceding article, it is understood * * * "2d. That whenever the summit of the mountains which extend in a direction parallel to the coast * * * shall prove to be at the distance of more than ten marine leagues from the ocean, the limit * * * shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom."					
						"The western limit within which the territory and dominion conveyed, are contained, passes through a point in Behring's straits * * * and proceeds due north, without limitation, into the same Frozen ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest * * * to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian." 15 Stat. 539-540; U.S. Brief, 174; see U.S. Brief, 68, fn. 18.					

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Date	Event	Area Involved	Subject Matter	Purpose	Date	Event	Area Involved	Subject Matter	Purpose
1868	Constitution of Florida	Florida							
	<p>"The boundaries of the State of Florida shall be as follows: Commencing at the mouth of the river Perdido; . . . thence southeastwardly along the coast to the edge of the Gulf Stream; thence southwestwardly along the edge of the Gulf Stream and Florida reefs to and including the Tortugas islands; thence northeastwardly to a point three leagues from the main land; thence northwestwardly three leagues from the land to a point west of the mouth of the Perdido river; thence to the place of beginning." Florida Br. App. 18.</p>								
									<div> <div>Comment by Texas</div> <div> <p>Mr. Seward was still Secretary of State, was in Washington, and was in frequent contact with members of both House and Senate while approval was being considered. Yet he made no protest of this Gulfward boundary article as violating the foreign policy of the United States.</p> </div> </div> <div> <div>Comment by the United States</div> <div> <p><i>The fact that neither Secretary Seward nor anyone else, in or out of Congress, protested, questioned or even commented on the three-league boundary provision in the Florida Constitution, although the United States at that time was vigorously maintaining in its foreign relations the position that maritime boundaries cannot exceed three miles, seems to us a clear indication that no one believed that Florida's boundary provision was before Congress for consideration.</i></p> <p><i>The Act of June 25, 1868, did not in terms approve Florida's boundary; it merely recited that the constitution was republican, and enacted that Senators and Representatives from Florida could return to Congress. The debates on that Act and the terms and history of related Reconstruction legislation show that it was never intended that Congress should give a general approval to the new State constitutions. The provision of the Act of March 2, 1867, that the constitutions be submitted to Congress for "approval" is most reasonably understood, in its context, as meaning for a determination that the particular requirements of that Act had been satisfactorily met; the legislative history of the Act supports this view. The same is true of the similar provision in the Act of March 23, 1867; in accepting a floor amendment to add the provision for "approval," Senator Trumbull, chairman of the Senate Committee, expressed the view that it made no change in the meaning of the Act. The Act of July 24, 1866, readmitting Tennessee to representation, presumably similar in purpose, preceded any congressional reference to "approval" of the constitutions. The debates on all the Acts, including the Act of June 22, 1868, to readmit Arkansas to representation, were confined to the "reconstruction" aspects of the constitutions, showing an intent</i></p> </div> </div>
									<div> <div>not to go beyond that subject.</div> <div> <p>U.S. Brief, 265-312, 409-425; U.S. Reply Brief, 92-94; Reply of the U.S. to Briefs Filed by Defendants After Oral Argument, 17-21.</p> <p>White v. Hart, 13 Wall. 646; Gunn v. Barry, 15 Wall. 610; and Butler v. Thompson, 97 F. Supp. 17, aff'd per cur., 341 U.S. 937, indicate that the Reconstruction Acts had no effect beyond readmission of Senators and Congressmen. U.S. Brief, 268-270.</p> </div> </div>

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				Jan. 22, 1875	Secretary of State Fish to the British Minister <p>"We have <i>always</i> understood and asserted that, pursuant to public law, no nation can rightfully claim jurisdiction at sea beyond a <i>marine league</i> from its coast.</p> <p>* * * * *</p> <p>"In respect to the provision in the treaty with Mexico, it may be remarked that it was probably suggested by the passage in the [Anti-Smuggling] act of Congress referred to, and designed for the same purpose, that of preventing smuggling. By turning to the files of your legation, you will find that Mr. Bankhead, in a note to Mr. Buchanan on the 30th of April, 1848, objected on behalf of Her Majesty's government, to the provision in question. Mr. Buchanan, however, replied in a note of the 19th of August, in that year, that the stipulation could only affect the rights of Mexico and the United States, and was never intended to trench upon the rights of Great Britain, or of any other power under the law of nations." U.S. Brief, 72-73.</p>	All Coastal Waters; Spanish Coastal Waters	Maritime Boundary	"* * * Her Majesty's government would be glad to be made acquainted with the views of the United States Government as to the extent of maritime jurisdiction that, in their opinion, can properly be claimed by any power; and further, to be informed whether the United States Government have ever recognized the claim of Spain to a six-mile limit, or have ever protested against such a claim." British Minister to the State Department, October 17, 1874; Foreign Relations of the United States, 1875, Pt. 1, 641-642; U.S. Brief, 72.		Secretary Fish recognized this country's three-mile policy as a long-continued one; he also recognized that from the outset we have construed the Treaty of Guadalupe Hidalgo as not conflicting with it. Of the Anti-Smuggling Act, extending customs jurisdiction to four leagues, he said, "no vessel is boarded, if boarded at all, except such a one as, upon being hailed, may have answered that she was bound to a port of the United States. * * * there is no known instance of any complaint on the part of a foreign government * * *." U.S. Brief, 73.

[Note: Material subsequent to 1868, cited by the Gulf States, is omitted here because it was omitted from Texas' chart.]

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<p>[Note: Material subsequent to 1868, cited by the Gulf States, is omitted here because it was omitted from Texas' chart.]</p>				Aug. 11, 1880	Secretary of State Evarts to Ambassador to Spain	Gulf of Mexico	Maritime Limits		Spanish gunboats had stopped American vessels navigating more than three miles from Cuba, in May, June and July, 1880. U.S. Brief, 73.
					<p>“* * * This government never has recognized and never will recognize any pretense or exercise of sovereignty on the part of Spain beyond the belt of a league from the Cuban coast over the commerce of this country in time of peace. This rule of the law of nations we consider too firmly established to be drawn into debate, and any dominion over the sea outside of this limit will be resisted with the same firmness as if such dominion were asserted in mid-ocean.” U.S. Brief, 74.</p>				<p>“I desire, however, that the position heretofore more than once distinctly taken by this government, in its diplomatic correspondence with Spain, shall be understood by you and firmly adhered to in any intercourse you may have in the pending situation with the Spanish minister of foreign affairs.” U.S. Brief, 74.</p>
				Mar. 3, 1881	Secretary of State Evarts to Ambassador to Spain	Gulf of Mexico	Maritime Limits		To protest Spanish interference with American vessels more than three miles from the Cuban coast.
					<p>“This government must adhere to the three-mile rule as the jurisdictional limit, and the cases of visitation without that line seem not to be excused or excusable under that rule.” U.S. Brief, 74.</p>				
				Feb. 14, 1884	Assistant Secretary of State to Mr. Osborn	Waters outside Bahia Bay, Brazil	Fishery		To assert a general right of fishery outside the three-mile limit.
					<p>“The general law and rule is understood by this Government to be that beyond the marine league or three-mile limit, all persons may freely catch whale or fish.” U.S. Brief, 74.</p>				

Evidence Cited by Gulf States					Evidence Cited by the United States					Comment by Texas	Comment by the United States
Date	Event	Area Involved	Subject Matter	Purpose	Date	Event	Area Involved	Subject Matter	Purpose		
					May 28, 1886	Secretary of State Bayard to Secretary of the Treasury Manning	North-west Coast; Alaska	Maritime Boundary	<p>"It being desirable that there should be an agreement between the several Departments of our Government as to the limits of territorial waters on our northeastern and north-western coasts, I have the honor to submit to you the following statement of the law on this important question as held in the Department of State. What I have here to communicate bears, so far as concerns the Department over which you preside, on our own claim to a jurisdiction over territorial waters on the north-west coast beyond the three-mile zone. We resist this claim when advanced against us on the northeastern coast. What is now submitted to you is the question whether the principle thus asserted by us does not preclude us from setting up an extension beyond this limit of our marine jurisdiction in the northwest." 1 Moore, Dig. Int. L., 718.</p>		<p>After reviewing American policy from 1793, Secretary Bayard concluded that the United States had uniformly insisted on a three-mile rule both for itself and for other nations, and could not claim more than three miles in the waters off the coast of Alaska.</p>
<p>[Note: Material subsequent to 1868, cited by the Gulf States, is omitted here because it was omitted from Texas' chart.]</p>					<p>"We may therefore regard it as settled that, so far as concerns the eastern coast of North America, the position of this Department has uniformly been that the sovereignty of the shore does not, so far as territorial authority is concerned, extend beyond three miles from low-water mark * * *. And during our various fishery negotiations with Great Britain we have insisted that beyond the three-mile line British territorial waters on the northeastern coast do not extend. * * * These rights we insist on being conceded to our fishermen in the northeast, where the mainland is under the British sceptre. We can not refuse them to others on our north-west coast, where the sceptre is held by the United States. We asserted them, as is seen by Mr. Fish's instruction, above quoted of December 1, 1875, against Russia, thus denying to her jurisdiction beyond three miles on her own marginal seas. We can not claim greater jurisdiction against other nations, of seas washing territories which we derived from Russia under the Alaska purchase." U.S. Brief, 75-78.</p>						

Evidence Cited by Gulf States				Evidence Cited by the United States					Comment by Texas	Comment by the United States
Date	Event	Area Involved	Subject Matter	Purpose	Date	Event	Area Involved	Subject Matter		
					July 4, 1902	Statement by Mr. Peirce, American Delegate at the Whaling and Sealing Arbitration	Bering Sea	Maritime Boundary	"In the first session the arbitrator asked * * * 'What is the extent of jurisdiction which the United States claim to-day in Bering Sea?' " U.S. Brief, 78.	This answer by Mr. Peirce was specifically authorized by Secretary of State Hay on July 3, 1902. U.S. Brief, 78.
						"* * * the Government of the United States claims, neither in Bering Sea nor in its other bordering waters, an extent of jurisdiction greater than a marine league from its shores, but bases its claims to jurisdiction upon the following principle: The Government of the United States claims and admits the jurisdiction of any State over its territorial waters only to the extent of a marine league, unless a different rule is fixed by treaty between two States; even then the treaty States alone are affected by the agreement." U.S. Brief, 78-89.				
					Dec. 18, 1902	Mexican Decree of Regime of Federal Real Property "Art. 4. In the public domain or of common use under the Federation are the following: "I. The territorial sea to the distance of three marine miles, counted from the line of lowest tide on the coast or on the shores of the islands that form part of the national territory." U.S. Reply Brief, 40.	Mexico	Maritime Boundary	Definition of the public domain.	This remained in effect until 1935, and shows the Mexican understanding at that time that the Treaty of Guadalupe Hidalgo had not established a three-league maritime belt along the coast.

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Date	Event	Area Involved	Subject Matter	Purpose	Date	Event	Area Involved	Subject Matter	Purpose		
[Note: Material subsequent to 1868, cited by the Gulf States, is omitted here because it was omitted from Texas' chart.]					Oct. 6, 1906	Secretary of State Root to Ambassador to Mexico	Mexico	Maritime Boundary	"* * * an opinion given by the Solicitor of the Department [of State], on the * * * Mexican claim to jurisdiction beyond the 3-mile limit." 99 Cong. Rec. 3621.		Paragraph 2, Article 5, of a Mexican law of December 18, 1902, provided, "The inspection and jurisdiction of the Federal authority may extend into the sea for fiscal purposes up to a distance of 20 kilometers * * *." Secretary Root sent the Ambassador a copy of an opinion of the Solicitor of the Department of State, dated October 2, 1906, to the effect that "the statute of Mexico extending its jurisdiction beyond the 3-mile limit should not affect American vessels unless such vessels are bound for a Mexican port * * *." 99 Cong. Rec. 3621-3622.
						"* * * International law limits the sovereignty of a country to 3 miles from low-water mark * * *." "It cannot be claimed that the jurisdiction of the United States rightfully extends beyond the 3-mile limit, except to its citizens. * * *" "It would appear, therefore, in the light of authority that local jurisdiction without the consent of the party to be affected does not extend beyond the 3-mile limit." U.S. Brief, 79-80.					
					June 16, 1909	Assistant Secretary of State to the Manager of the Carnegie Hero Fund Commission	Coastal Waters of the United States	Maritime Boundary	"* * * for the information of your Commission in determining what distance from shore acts performed at sea may properly be considered as within the waters of the United States * * *."		
						"* * * this Government has always adhered to the principle that its maritime jurisdiction extends for a distance of 1 marine league (or nearly 3½ English miles) from its coasts." U.S. Brief, 80-81.					

Date

Evidence Cited by Gulf States

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Event Area Involved Subject Matter Purpose

Evidence Cited by the United States

Date	Event	Area Involved	Subject Matter	Purpose
Jan. 21, 1911	Secretary of State Knox to Ambassador to Russia <i>"* * * with reference to the general operation of the [Russian customs] law over the marginal seas beyond the generally recognized three mile limit and particularly as affecting American commerce, the United States is constrained to reserve all rights of whatever nature." U.S. Brief, 81.</i>	Russian Coastal Waters	Maritime Boundary	To reserve American objections to a Russian claim of customs jurisdiction to a distance of 12 marine miles.
Nov. 28, 1914	Acting Secretary of State to the Italian Ambassador <i>"* * * the territorial jurisdiction of a nation over the waters of the sea which wash its shore is now generally recognized by the principal nations to extend to the distance of one marine league or three nautical miles, * * * the Government of the United States appears to have uniformly supported this rule, and * * * the right of a nation to extend by domestic ordinance, its jurisdiction beyond this limit has not been acquiesced in by the Government of the United States." U.S. Brief, 82.</i>	Italian Coastal Waters	Maritime Boundary	"I am compelled to inform Your Excellency of my inability to accept the principle of the Royal Decree [of August 6, 1914], in so far as it may undertake to extend the limits of the territorial waters beyond three nautical miles from the main shore line and to extend thereover the jurisdiction of the Italian Government."

Comment by Texas	Comment by the United States
	<i>The United States' exercise of customs jurisdiction to that distance is confined to vessels bound for the United States, and depends upon consent. See the memorandum of October 2, 1906, of the Solicitor of the Department of State, 99 Cong. Rec. 3621, 3622. Apparently the Russian claim was not so limited.</i>

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Date	Event	Area Involved	Subject Matter	Purpose	Date	Event	Area Involved	Subject Matter	Purpose		
					Apr. 30, 1923	Cunard S.S. Co. v. Mellon, 262 U.S. 100, 122 "It now is settled in the United States and recognized elsewhere that the territory subject to its jurisdiction includes * * * a marginal belt of the sea extending from the coast line outward a marine league, or three geographic miles. " U.S. Brief, 102.	Coastal Waters of the United States	Maritime Boundary	"This, we hold, is the territory which the [Eighteenth] Amendment designates as its field of operation * * *." 262 U.S. at 123.		"* * * The immediate context and the purport of the entire section [1 of the 18th Amendment] show that the term ["territory"] is used in a physical and not a metaphorical sense,—that it refers to areas or districts having fixity of location and recognized boundaries." 262 U.S. at 122.
					Jan. 23, 1924	Treaty with Great Britain "* * * The High Contracting Parties declare that it is their firm intention to uphold the principle that 3 marine miles extending from the coast-line outwards and measured from low-water mark constitute the proper limits of territorial waters." U.S. Brief, 82.	Coastal Waters	Maritime Boundary	"Convention between the United States of America and Great Britain to aid in the prevention of the smuggling of intoxicating liquors into the United States." 43 Stat. 1761.		Great Britain consented to enforcement of the Prohibition Act against liquor smuggling within one hour's sailing distance from the coast, though outside territorial waters. Art. II, 43 Stat. 1761-1762.
					May 19, 1924	Treaty with Germany "The High Contracting Parties declare that it is their firm intention to uphold the principle that 3 marine miles extending from the coastline outwards and measured from low-water mark constitute the proper limits of territorial waters." 43 Stat. 1815-1816; U.S. Brief, 82.	Coastal Waters	Maritime Boundary	"Convention between the United States of America and Germany to aid in the prevention of the smuggling of intoxicating liquors into the United States." 43 Stat. 1815.		Germany consented to enforcement of the Prohibition Act against liquor smuggling within one hour's sailing distance from the coast, though outside territorial waters. Art. II, 43 Stat. 1816-1817.

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Evidence Cited by Gulf States

Date

Event Area Involved Subject Matter Purpose

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Evidence Cited by the United States

Date	Event	Area Involved	Subject Matter	Purpose
June 6, 1924	Treaty with Panama "The High Contracting Parties declare that it is their firm intention to uphold the principle that 3 marine miles extending from the coast line outwards and measured from low-water mark constitute the proper limits of territorial waters." 43 Stat. 1875; U.S. Brief, 82	Coastal Waters	Maritime Boundary	"Convention between the United States of America and Panama to aid in preventing the smuggling of intoxicating liquors into the United States." 43 Stat. 1875.
Aug. 21, 1924	Treaty with the Netherlands "The High Contracting Parties declare that it is their firm intention to uphold the principle that 3 marine miles extending from the coastline outwards and measured from low-water mark constitute the proper limits of territorial waters." 44 Stat. 2013-2014; U.S. Brief, 83.	Coastal Waters	Maritime Boundary	"Convention between the United States of America and the Netherlands to aid in the prevention of the smuggling of alcoholic liquors into the United States." 44 Stat. 2013.
July 31, 1925	Secretary of State Kellogg to the Ambassador to Spain "* * * this Government does not recognize the right of either the Spanish or French Government to interfere with American vessels outside the three mile limit, as recognized by international law * * *." U.S. Brief, 83.	Morocco	Maritime Boundary	Instruction to protest against the announced intention of Spain to patrol the waters for six miles off the Moroccan coast.

Comment by Texas

Comment by the United States

Panama consented to enforcement of the Prohibition Act against liquor smuggling within one hour's sailing distance from the coast, though outside territorial waters. Art. II, 43 Stat. 1876.

The Netherlands consented to enforcement of the Prohibition Act against liquor smuggling within one hour's distance from the coast, though outside territorial waters. Art. II, 44 Stat. 2014.

Evidence Cited by Gulf States					Evidence Cited by the United States					Comment by Texas	Comment by the United States
Date	Event	Area Involved	Subject Matter	Purpose	Date	Event	Area Involved	Subject Matter	Purpose		
					Mar. 4, 1926	Treaty with Cuba "The High Contracting Parties declare that it is their firm intention to uphold the principle that three marine miles extending from the coast line outwards and measured from low-water mark constitute the proper limits of territorial waters." 44 Stat. 2396; U.S. Brief, 83.	Coastal Waters	Maritime Boundary	"Convention between the United States of America and the Republic of Cuba to aid in the prevention of the smuggling of intoxicating liquors into the United States." 44 Stat. 2395.		Cuba consented to enforcement of the Prohibition Act against liquor smuggling within one hour's sailing distance from the coast, though outside territorial waters. Art. II, 44 Stat. 2396.
					May 31, 1928	Treaty with Japan "The High Contracting Parties declare that it is their firm intention to uphold the principle that three marine miles extending from the coastline outwards and measured from low-water mark constitute the proper limits of territorial waters." 46 Stat. 2446; U.S. Brief, 83.	Coastal Waters	Maritime Boundary	"Convention between the United States of America and Japan for the prevention of the smuggling of intoxicating liquors into the United States." 46 Stat. 2446.		Japan consented to enforcement of the Prohibition Act against liquor smuggling within one hour's sailing distance from the coast, though outside territorial waters. Art. II, 46 Stat. 2446-2447.
					Sept. 21, 1934	Assistant Attorney General of Louisiana to Mr. Neuman "In the following excerpt from this Act of Congress [Louisiana Admission Act], you will note that the southern boundary of the State of Louisiana is given as the Gulf of Mexico." U.S. Supplemental Memorandum, 11-12.	Gulf Coast of Louisiana	Maritime Boundary	Response to a request to the Attorney General of Louisiana for some reference to the southern legal boundary of the State.		

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Event	Area Involved	Subject Matter	Purpose

Evidence Cited by the United States				
Date	Event	Area Involved	Subject Matter	Purpose

Comment by Texas	Comment by the United States
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June 1, 1935	Assistant Secretary of State Welles to Minister to Ecuador	Ecuador	Maritime Boundary	Instruction as to terms of a protest to be made against Ecuadorean assertion of jurisdiction beyond the three-mile limit.
	<p>"My Government has consistently recognized this three-mile limit in its exercise of general jurisdiction, including jurisdiction with regard to fisheries, in the waters surrounding its coasts and cannot admit the right of the Ecuadorean Government to apply its fishing regulations to American vessels beyond the belt of three miles from low water mark." U.S. Brief, 83-84.</p>			
Mar. 7, 1936	American Ambassador to Mexican Foreign Minister	Mexico	Maritime Boundary	Protest against Mexican claims to enlarge territorial waters from three to nine miles.
	<p>"I * * * refer to the Presidential Decree of August 29, 1935 * * * which purports to amend existing laws so as to extend the territorial waters of Mexico in breadth from three to nine nautical miles. * * * the United States of America reserves all rights of whatever nature so far as concerns any effects upon American commerce from enforcement of this legislation." U.S. Brief, 84.</p>			

This protest was made under instructions from the State Department. See U.S. Brief, 84.

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[Note: Material subsequent to 1868, cited by the Gulf States, is omitted here because it was omitted from Texas' chart.]				June 3, 1936	American Chargé d'Affaires to Mexican Foreign Minister	Mexico	Maritime Boundary	Continued protest against Mexico's claim to extend its maritime boundary from three miles to three leagues, and to answer Mexico's contention that this was justified by the Treaty of Guadalupe Hidalgo.		
					<p>"That portion of article V of the treaty of 1848 which the Mexican Foreign Office quotes relates only to the boundary line at a given point and furnishes no authority for Mexico to claim generally that its territorial waters extend 9 miles from the coast. * * *</p> <p>"Presumably it is true as indicated by a note sent by this Department to the British Minister of January 22, 1875, that the arrangement thus made between the United States and Mexico with respect to the Gulf of Mexico was designed to prevent smuggling in the particular area covered by the arrangement." U.S. Brief, 85-87.</p>					
				Aug. 25, 1936	American Ambassador to Mexican Foreign Minister	Mexico	Maritime Boundary	<p>"I have the honor, under instructions from my Government * * * to inform Your Excellency that so far as concerns the bearing upon this matter of the provisions of Article V of the treaty of February 2, 1848, between the United States and Mexico, my Government reiterates the views expressed in my note * * * of June 3, 1936."</p>		Contrary to assertions by Louisiana, the United States did not recede from its original protest, or limit it to the Pacific Ocean. See U.S. Brief, 89, fn. 21.
					<p>* * * it seems to be established that, generally speaking, the principal maritime powers have adopted the three-mile limit.</p> <p>* * * the United States of America reserves all rights of whatever nature so far as concerns any effects upon American commerce from enforcement of the presidential decree of August 29, 1935, which purports to amend existing law so as to extend the territorial waters of Mexico in breadth from three to nine nautical miles." U.S. Brief, 88.</p>					

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Event	Area Involved	Subject Matter	Purpose	Date	Event	Area Involved	Subject Matter	Purpose		
				Oct. 31, 1936	American Chargé d'Affaires to Ecuadorean Foreign Minister " * * * [T]he United States Government 'can not admit the right of the Ecuadorean Government to apply its fishing regulations to American vessels beyond the belt of three miles from low water mark' on Ecuadorean territory." 5 Foreign Relations (1936) 531; see U.S. Brief, 84.	Ecuador	Fishing Regulations	Protest against Ecuadorean claim to regulate fishing beyond three miles from land.		
				Nov. 4, 1937	American Minister to Honduran Acting Foreign Minister " * * * the Government of the United States of America reserves all rights of whatever nature with regard to any effects upon American interests from an enforcement of this [Honduran] Constitutional provision so far as it asserts that the territorial waters of Honduras extend beyond the three-mile limit, namely, a distance of three nautical miles from the line of mean low water." U.S. Brief, 90.	Honduras	Territorial Waters	"I have the honor to refer to Article 153 of the Honduran Constitution of 1936, which reads in part as follows: "To the State appertains the full dominion, inalienable and imprescriptible, over the waters of the territorial seas to a distance of twelve kilometers from the lowest tide mark * * *." U.S. Brief, 89-90.		This protest was made in accordance with instructions given by the Acting Secretary of State. U.S. Brief, 90.

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<p>[Note: Material subsequent to 1868, cited by the Gulf States, is omitted here because it was omitted from Texas' chart.]</p>				Dec. 8, 1937	Assistant Attorney General of Louisiana to State Commissioner of Conservation	Louisiana Gulf Coast	Maritime Boundary	Response to inquiry whether certain oyster reefs were within the jurisdiction of Louisiana.		<p>This stated three miles only as a minimum; no more was necessary, as the reefs in question were within that distance. However, failure to mention any broader claim indicates that the State had not a policy of asserting a broader claim at that time.</p>
					<p>"* * * we conclude, in consonance with the treaties of the United States with foreign powers, and the jurisprudence of the United States Supreme Court, that the minimum limit of the territorial water domain of our state in the Gulf of Mexico extends at the present time to a distance of three marine miles (60 to a degree of latitude) from the lowest point of low water mark on the coast." U.S. Supplemental Memorandum, 12.</p>					
				June 23, 1947	United States v. California 332 U.S. 19	California	Marginal Belt	<p>"Now that the question is here, we decide for the reasons we have stated that California is not the owner of the three-mile marginal belt along its coast, and that the Federal Government rather than the state has paramount rights in and power over that belt * * *." 332 U.S. at 38.</p>		<p>In speaking of The Abby Dodge, 223 U.S. 166, the Court said that it there narrowed the scope of the federal statute involved "because of a belief that the United States was without power to regulate the Florida traffic in sponges obtained from within Florida's territorial limits, presumably the three-mile belt." 332 U.S. at 37.</p>
					<p>"It did happen that shortly after we became a nation our statesmen became interested in establishing national dominion over a definite marginal zone to protect our neutrality. Largely as a result of their efforts, the idea of a definite three-mile belt in which an adjacent nation can, if it chooses, exercise broad, if not complete dominion, has apparently at last been generally accepted throughout the world * * *. That the political agencies of this nation both claim and exercise broad dominion and control over our three-mile marginal belt is now a settled fact. Cunard Steamship Co. v. Mellon, 262 U.S. 100, 122-124. And this assertion of national dominion over the three-mile belt is binding upon this Court." U.S. Brief, 102; U.S. Reply Brief, 26.</p>					

Evidence Cited by Gulf States

Event Area Subject
Involved Matter

Purpose

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Evidence Cited by the United States

Date Event Area Subject
Involved Matter

Purpose

Jan 14, 1948 Ambassador to Mexico to Mexican Foreign Secretary Campeche Maritime Boundary "I have the honor to refer to Your Excellency's note No. 52602 of February 18, 1947, concerning the interception and detention, in September 1946, of four United States fishing vessels which had been operating off the coasts of the State of Campeche.

*** The Government of the United States maintains, and has consistently maintained, that the general territorial jurisdiction of Mexico, so far as United States nationals are concerned, extends 3 miles seaward from the coast measured from the low-water mark. In this regard Your Excellency's attention is invited to this Embassy's note of June 3, 1936, addressed to Your Excellency's Government, which, after discussing at length the treaty of 1848, pointed out that it furnished no authority for the Government of Mexico to claim generally that the territorial waters of Mexico extend 9 miles from the coast.

"With reference to article 17, section II, of the General Law of National Wealth *** the Government of the United States continues, as in 1936, to reserve all rights of whatever nature so far as concerns any effects upon American commerce from enforcement of this legislation, or of similar legislation which purports to extend the limit of general jurisdiction beyond 3 nautical miles." U.S. Brief, 90-92.

Comment by Texas Comment by the United States

This renewal of the United States' protest, with specific reference to Campeche, demonstrates that the United States has not limited its protests to the Pacific Ocean. See U.S. Brief, 89, fn. 21.

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Event	Area Involved	Subject Matter	Purpose	Date	Event	Area Involved	Subject Matter	Purpose		
[Note: Material subsequent to 1868, cited by the Gulf States, is omitted here because it was omitted from Texas' chart.]				Jan. 6, 1950	United States Memorandum to United Nations International Law Commission.	All Coasts	Territorial Waters	"In accordance with Article 18 of its Statute * * *, the International Law Commission decided * * * to undertake the codification of three topics of international law, namely * * * (iii) the Regime of the High Seas. In implementation of this decision * * * the Commission further decided to request all Governments of Members of the United Nations to furnish it with texts of laws, decrees, judicial decisions, treaties, diplomatic correspondence and other documents relevant to each of these topics." A/CN.4/19 (23 March 1950) 1.		The United States Memorandum pointed out that "Since the high seas are bounded by territorial waters, the delimitation of territorial waters becomes of moment to the regime of the high seas." A/CN.4/19 (23 March 1950) 104.
					"* * * The United States has from the outset taken the position that its territorial waters extend one marine league or three geographical miles (nearly 3½ English miles) from the shore * * *. The rule of the three-mile limit has been incorporated in several U.S. Treaties * * *." U.S. Brief, 94.					
				Nov. 12, 1952	United States Protest to Russia	Russian Coasts	Maritime Boundary	"I have the honor to inform your Excellency that the Government of the United States of America has noted with increasing concern the policy of the Union of Soviet Socialist Republics of asserting territorial jurisdiction over a belt of waters 12 nautical miles in breadth along its coasts and coasts under its control." U.S. Brief, 94.		
					"The Government of the United States of America * * * protests the Soviet Union's closure of a 12-mile belt of waters contiguous to its coasts and to the coasts under its control, and reserves all its rights and interests of whatever nature in the high seas outside 3 nautical miles from those coasts." U.S. Brief, 95.					

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<p>[Note: Material subsequent to 1868, cited by the Gulf States, is omitted here because it was omitted from Texas' chart.]</p>				Jan. 2 1953	House Report No. 2515, 82d Cong., 2d Sess.	All Coasts	Maritime Boundary		<p>The report recommended further study, to determine whether the existing policy should be changed. Congress has taken no further action in the matter.</p>
					<p>"For the purposes at hand, the width of the marginal belt is to be regarded as a constant factor: it is three nautical miles wide."</p> <p>¹ Congressman Regan and Congressman Bentsen of Texas assert that the marginal belt of Texas is 3 leagues."</p> <p>U.S. Reply Brief, 42.</p>		<p>Report pursuant to instructions "to conduct a full and complete investigation and study of the seaward boundaries of the States and the continental United States and the Territory of Alaska in order to determine the proper criteria for fixing the seaward limits of the inland or internal waters of the United States, and the seaward boundaries of the United States and Alaska." U.S. Reply Brief, 41.</p>		
				June 15, 1956	Secretary of State Dulles to Attorney General Brownell	All Coasts	Maritime Boundary		<p>Secretary Dulles' letter of September 8, 1958, made clear that he considered the national maritime boundary to be the limit of territorial waters:</p> <p>"My letter was not intended to indicate any distinction between the national boundary of the United States and the outer limit of its territorial sea, nor was it intended to leave open the possibility that the national boundary might be farther seaward than the outer limit of its territorial sea." U.S. Reply Brief, 98, 99.</p>
					<p>"When the Submerged Lands Act was under consideration in Congress, the Department of State testified * * * that the United States had traditionally supported the three-mile limit, that is, a breadth of territorial waters of three nautical miles measured from low water mark on the shore. * * *</p> <p>"This position is supported by a long line of court decisions, treaties and statements of the Executive going back as far as 1793 * * *.</p> <p>"The position of the United States on the three-mile limit has remained unchanged to this day, and at no time has this Government followed a different policy regarding the extent of its territorial waters in the Gulf of Mexico." U.S. Brief, 101, 342-346; U.S. Reply Brief, 42-43.</p>		<p>"I refer to your letter * * * concerning proceedings now pending before the Supreme Court of the United States between the Federal Government and the State of Louisiana. You state that the purpose of the suit is to determine the extent of the submerged off shore area which the United States granted to the State by the Submerged Lands Act * * * You point out that this issue involves the location of the maritime boundary of the United States and you request a statement of the position of the United States concerning the extent of its territorial waters, particularly during the early years of its history." U.S. Brief, 342.</p>		

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Evidence Cited by Gulf States

Event Area Involved Subject Matter Purpose

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Evidence Cited by the United States

Date	Event	Area Involved	Subject Matter	Purpose	Comment by Texas	Comment by the United States
Dec. 14, 1956	Address of Alternate United States Representative to United Nations Legal Committee "There have been several statements that this three-mile rule is an obsolete one. * * * My Government certainly does not accept this point of view. * * * We do not think that changes have occurred on the international scene which require the abandonment of the three-mile rule ." U.S. Brief, 96.	All Coasts	Maritime Boundary	"The United States Delegation has been extremely interested in the general debate which is now drawing to a close on the International Law Commission's report on the Law of the Sea. * * * In the interest of recording our own views on some of these questions I will discuss briefly a few of the major points covered in the Commission's report." U.S. Mission to the U.N., Press Release No. 2557, Dec. 14, 1956, pp. 1-2		
Mar. 11, 1958	Address of Chairman of U.S. Delegation to First Committee of U.N. Conference on the Law of the Sea "It is the view of my Government. * * * that the 3-mile rule is established international law; that it is the only breadth of territorial waters on which there has ever been anything like common agreement; and that unilateral acts of states claiming greater territorial seas are not only not sanctioned by any principle of international law but are indeed in conflict with the universally accepted principle of the freedom of the seas." U.S. Brief, 97, 348-362.	All Coasts	Maritime Boundary	"Since the right of states to a 3-mile territorial sea is universally recognized, and since in its view the greatest freedom of the seas is in the interest of all states, large and small, the delegation of the United States of America proposes that article 3 of the ILC draft be changed to an unequivocal declaration of restraint that the breadth of the territorial sea shall not exceed 3 miles or 1 marine league." U.S. Brief, 362.		

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Date	Event	Area Involved	Subject Matter	Purpose	Date	Event	Area Involved	Subject Matter	Purpose		
[Note: Material subsequent to 1868, cited by the Gulf States, is omitted here because it was omitted from Texas' chart.]					Apr. 16, 1958	Address of Chairman of U.S. Delegation to First Committee of U.N. Conference on the Law of the Sea	All Coasts	Maritime Boundary	"Our proposal represents * * * our honest effort to find a common ground with those of you who sincerely disagree with us. That is the spirit of compromise, which can be achieved only through sacrifice on both sides." U.S. Brief, 98, 366.		In making this proposal it was recognized that the three-mile limit was the existing rule: "In proposing to depart from a three-mile limit for the territorial sea, the United States of America, as one of the strong exponents of the three-mile territorial sea, has taken an historic step in order that we may reach agreement here." U.S. Brief, 98, 368.
						"I * * * place before this committee * * * a new proposal in the name of the United States of America. * * * "What we propose, in substance, is * * * "1. That the maximum breadth of territorial sea that may be claimed by any State is six miles. * * * "The proposal * * * represents a change in the position that my government has maintained consistently since 1793. "We are making this proposal, at what we regard as a very real and substantial sacrifice of our own interests." U.S. Brief, 97-98, 362-369.					
					Apr. 28, 1958	Address of Chairman of U.S. Delegation to U.N. Conference on the Law of the Sea	All Coasts	Maritime Boundary	"* * * we have made it clear that in our view there is no obligation on the part of States adhering to the three-mile rule to recognize claims on the part of other States to a greater breadth of territorial sea. And on that we stand." U.S. Brief, 100, 370.		
						"Our offer to agree on a six-mile breadth of territorial sea, provided agreement could be reached on such a breadth under certain conditions, was simply an offer and nothing more. Its non-acceptance leaves the pre-existing situation intact. "We are happy with the three-mile rule * * *. "We have made it clear from the beginning that in our view the three-mile rule is and will continue to be the established international law , to which we adhere. It is the only breadth of the territorial sea on which there has ever been anything like common agreement." U.S. Brief, 99-100, 369-370.					
					May 9, 1958	Acting Secretary of State to the Attorney General	All Coasts	Maritime Boundary	"* * * The United States claims only three miles for itself and recognizes only three miles for foreign states. Our position has not been modified in any way by anything that occurred at the United Nations Conference on the Law of the Sea, recently concluded at Geneva." U.S. Brief, 101, 347.		