

IN THE
SUPREME COURT OF THE UNITED STATES

October Term 1958

No. 15 Original

Office-Supreme Court, U.S.
FILED
MAR 12 1959
JAMES R. BROWNING, Clerk

STATE OF ILLINOIS,

Complainant,

vs.

STATES OF MICHIGAN, OHIO, PENNSYLVANIA,
MINNESOTA, NEW YORK AND WISCONSIN,

Defendants.

MOTION TO EXTEND TIME FOR FILING OF BRIEF BY
THE STATES OF MICHIGAN, OHIO
AND PENNSYLVANIA

STATE OF MICHIGAN

Paul L. Adams

Attorney General

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Nicholas V. Olds

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STATE OF OHIO

Mark McElroy

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STATE OF PENNSYLVANIA

Ann X. Alpern

Attorney General

Lois G. Forer

Deputy Attorney General

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Defendants.

**MOTION TO EXTEND TIME FOR FILING OF BRIEF BY
THE STATES OF MICHIGAN, OHIO
AND PENNSYLVANIA**

The defendant States of Michigan, Ohio and Pennsylvania by their respective attorneys general respectfully move this Honorable Court that they be allowed until March 31, 1959 for the filing of their joint brief in the above entitled cause.

These defendant States show that the reasons for extending such time from March 23 to March 31 are as follows:

(1) That this cause involves the same issues which are presented to this Court in an amended application filed by the States of Wisconsin, Minnesota, Ohio, Pennsylvania, Michigan and New York vs. the States of Illinois and the Sanitary District of Chicago, and in which causes this Court has granted the complainant States until March 31, 1959 in which to file a reply brief.

(2) It was necessary to hold various meetings and conferences among the States named as defendants in the above cause in order to determine what their individual and collective positions would be; also to determine the contents of the brief or briefs filed in their individual or collective behalf; the last of said conferences having been held on March 2, 1959 in Washington, D. C.

(3) It was decided at said conference of March 2, 1959 that the States of Michigan, Ohio and Pennsylvania would file a joint brief but that the States of Minnesota, Wisconsin and New York would file individual briefs; and it was impossible to begin working on said briefs until such decisions had been made among the aforesaid States.

(4) That during the pendency of the instant cause, a great deal of time and effort had to be devoted by the attorney general staffs of the defendant states in preparing for and appearing at hearings scheduled by the Rivers and Harbors Subcommittee of the House Committee on Public Works with respect to a bill introduced in the House of Representatives known as HR-1; said hearings having been held on February 17 and on March 3, 1959.

(5) That considerable time and effort had to be expended by the attorney general staffs of the defendant states in preparing for a conference called by the Solicitor General of the United States which was held in his office on March 2 and 3, 1959, at which conference the Solicitor sought information and views from both the plaintiff and defendant States in the causes entitled **"States of Wisconsin, Minnesota, Ohio and Pennsylvania, Complainants, v. State of Illinois and the sanitary District of Chicago, Defendants (No. 2 Original); State of Michigan, Complainant, v. State of Illinois and the Sanitary District of Chicago, et al, Defendants (No. 3 Original); State of New York, Complainant,**

**v. State of Illinois and the Sanitary District of Chicago,
Defendants (No. 4 Original)."**

(6) That at the conclusion of the conference with the Solicitor General of the United States, he recommended that the attorneys general of all the Great Lakes States consider the possibility of a general conference among themselves for the purpose of exploring all of the matters that are in issue and dispute in the instant case and in the causes described in paragraph 5 with the hope that a settlement agreeable to all might be arrived at; and the Attorney General of the State of Michigan, acting on behalf of his State and the States of Minnesota, Wisconsin, Ohio, Pennsylvania and New York, addressed a letter dated March 6, 1959 to the Attorney General of the State of Illinois, (Copy attached) marked appendix "A" in which he informed the Attorney General of the State of Illinois, "I have discussed this suggestion with the other Great Lakes States and may I inform you that all of us view this suggestion with favor. Will you please let me know as soon as possible what your views are with respect to Mr. Rankin's suggestion?" Copies of said letter were sent to the following officials who attended said conference:

George A. Lane
Attorney for Sanitary
District

Ernest Beuhler
Assistant Corporation
Counsel for City of
Chicago

Luther Castle
Attorney General for
State of Illinois

Mr. Russell Root
Attorney for Sanitary
District

Robert L. Stern
Special Counsel for
Sanitary District of
Greater Chicago

Thomas M. Thomas
Special Counsel for
Sanitary District

Joseph H. Fleck
Special Counsel for
Sanitary District

Peter J. Kuh
Senior Assistant Attorney
for Sanitary District

William C. Wines
Assistant Attorney
General for State of
Illinois

Mr. Laurence J. Fenlon
Principal Assistant
Attorney for Sanitary
District.

(7) That should the representatives of the State of Illinois and the Sanitary District of Chicago and the City of Chicago accept the invitation extended to them in this letter, such a conference will obviously entail further delay in the submission of these cases to the Court.

Wherefore the defendant States of Michigan, Ohio and Pennsylvania move the Court that they be allowed until March 31, 1959 in which to file their joint brief in the above cause.

Respectfully submitted,

STATE OF MICHIGAN

Paul L. Adams
Attorney General
Samuel J. Torina
Solicitor General
Nicholas V. Olds
Assistant Attorney General

STATE OF OHIO

Mark McElroy
Attorney General
Harold Read
First Assistant Attorney
General

STATE OF PENNSYLVANIA

Ann X. Alpern
Attorney General
Lois G. Forer
Deputy Attorney General

Appendix "A"

March 6, 1959

Honorable Luther Castle
Attorney General, State of Illinois
Springfield, Illinois

My dear Mr. Castle:

Re: *Wisconsin et al v. Illinois*
and Chicago Sanitary District

At the conclusion of the conference held in the office of Mr. J. Lee Rankin, Solicitor General of the United States, on Tuesday, March 3, Mr. Rankin suggested to all of us that we consider the possibility of holding a conference attended by duly designated representatives of all of the Great Lakes states for the purpose of discussing all the problems relating to the diversion of water from Lake Michigan by the State of Illinois and its municipalities. It was Mr. Rankin's hope that there might be a possibility that the differences among us could be explored, and some satisfactory solution found that would obviate the necessity of the appointment of a master by the Supreme Court. I have discussed this suggestion with the other Great Lakes states and may I inform you that all of us view this suggestion with favor.

Will you please let me know as soon as possible what your views are with respect to Mr. Rankin's suggestion?

Very truly yours,

Paul L. Adams
Attorney General

PLA:NVO:g
ac: William C. Wines

COPY

