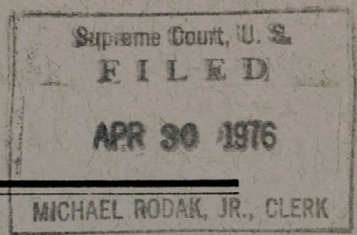


No. 52, Original



**In the Supreme Court of the United States**  
OCTOBER TERM, 1975

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UNITED STATES OF AMERICA, PLAINTIFF

*v.*

STATE OF FLORIDA

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**JOINT MOTION FOR ENTRY OF A DECREE,  
PROPOSED DECREE, AND MEMORANDUM  
IN SUPPORT OF MOTION**

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**MOTION FOR ENTRY OF A DECREE**

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The United States of America and the State of Florida jointly move that the Court enter a decree in the form and manner of the attached proposed decree, which is explained in an accompanying memorandum.

Respectfully submitted.

ROBERT H. BORK,  
*Solicitor General.*

ROBERT L. SHEVIN,  
*Attorney General,*  
*State of Florida.*

APRIL 1976.



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**PROPOSED DECREE**

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For the purpose of giving effect to the decision and opinion of this Court announced in this case on March 17, 1975, 420 U.S. 531, and to the Supplemental Report of the Special Master filed January 26, 1976, it is ordered, adjudged, and decreed as follows:

1. As against the State of Florida, the United States is entitled to all the lands, minerals and other natural resources underlying the Atlantic Ocean more than 3 geographic miles seaward from the coastline of that State and extending seaward to the edge of the continental shelf, and the State of Florida is not entitled to any interest in such lands, minerals, and resources. As used in this decree, the term "coastline" means the line of ordinary low water

along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, as determined under the Convention on the Territorial Sea and the Contiguous Zone, 15 U.S.T. (Pt. 2) 1606.

2. As against the United States, the State of Florida is entitled to all the lands, minerals, and other natural resources underlying the Atlantic Ocean extending seaward from its coastline for a distance of 3 geographic miles, and the United States is not entitled, as against the State of Florida, to any interest in such lands, minerals, or resources, with the exceptions provided by Section 5 of the Submerged Lands Act, 43 U.S.C. 1313.

3. As against the State of Florida, the United States is entitled to all the lands, minerals and other natural resources underlying the Gulf of Mexico more than 3 marine leagues from the coastline of that State; the State of Florida is not entitled to any interest in such lands, minerals, and resources. Where the historic coastline of the State of Florida is landward of its coastline, the United States is additionally entitled, as against the State of Florida, to all the lands, minerals, and other natural resources underlying the Gulf of Mexico more than 3 marine leagues from the State's historic coastline (but not less than 3 geographic miles from its coastline), and the State of Florida is not entitled to any interest in such lands, minerals, and resources. As used in this decree, the term "historic coastline" refers to



the coastline as it existed in 1868, as to be determined by the parties.

4. As against the United States, the State of Florida is entitled to all the lands, minerals, and other natural resources underlying the Gulf of Mexico extending seaward for a distance of 3 marine leagues from its coastline or its historic coastline, whichever is landward, but for not less than 3 geographic miles from its coastline; the United States is not entitled, as against the State of Florida, to any interest in such lands, minerals, or resources, with the exceptions provided by Section 5 of the Submerged Lands Act, 43 U.S.C. 1313.

5. For the purpose of this decree, the Gulf of Mexico lies to the north and west, and the Atlantic Ocean to the south and east, of a line that begins at a point on the northern coast of the island of Cuba in  $83^{\circ}$  west longitude, and extends thence to the northward along that meridian of longitude to  $24^{\circ} 35'$  north latitude, thence eastward along that parallel of latitude through Rebecca Shoal and the Quick-sands Shoal to the Marquesas Keys, and thence through the Florida Keys to the mainland at the eastern end of Florida Bay, the line so running that the narrow waters within the Dry Tortugas Islands, the Marquesas Keys, and the Florida Keys, and between the Florida Keys and the mainland, are within the Gulf of Mexico.

6. There is no historic bay on the coast of the State of Florida. There are no inland waters within Florida Bay, or within the Dry Tortugas Islands,

the Marquesas Keys, and the lower Florida Keys (from Money Key to Key West), the closing lines of which affect the right of either the United States or the State of Florida under this decree.

7. Jurisdiction is reserved by this Court to entertain such further proceedings, enter such orders and issue such writs as may from time to time be deemed necessary or advisable to give proper force and effect to this decree.

**In the Supreme Court of the United States****OCTOBER TERM, 1975**

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**No. 52, Original****UNITED STATES OF AMERICA, PLAINTIFF*****v.*****STATE OF FLORIDA**

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**MEMORANDUM IN SUPPORT OF MOTION FOR  
ENTRY OF A DECREE**

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On February 19, 1974, the Special Master filed his first Report in this case with this Court. Both the United States and the State of Florida took exceptions to the Report. In a decision and order issued March 17, 1975, this Court referred the exceptions of the United States to the Special Master for his consideration; the Court overruled the exceptions of the State of Florida. 420 U.S. 531.

Subsequently, the parties reached agreement on the issue raised by the exceptions of the United States. This agreement was embodied in a written stipulation, dated December 11, 1975, and the Special Master filed a Supplemental Report with this Court on January 26, 1976, expressing his opinion

that "the stipulation effects a reasonable and just solution of the issues remaining in the case" (Supplemental Report, p. 3). A copy of the stipulation is printed as an appendix to the Supplemental Report.

The proposed decree submitted herewith would, if entered by the Court, properly effectuate the decision and order of March 17, 1975, and the written stipulation subsequently entered into by the parties.

Paragraph 1 defines the rights of the United States in the Atlantic Ocean as against the State of Florida in language similar to that used by this Court in the analogous provision of the decree in *United States v. Maine*, 423 U.S. 1. The reference to the Convention on the Territorial Sea and the Contiguous Zone in the definition of "coastline" conforms with this Court's opinion in *United States v. California*, 381 U.S. 139, 161-167, and expresses the agreement of the parties (Supplemental Report, App. A, p. 5).

Paragraph 2 defines the rights of the State of Florida in the Atlantic Ocean as against the United States in language substantially identical to that used in the *Maine* decree.

Paragraphs 3 and 4 define the respective rights of the United States and the State of Florida in the Gulf of Mexico. Under the Submerged Lands Act, the State of Florida is entitled to the lands, minerals, and other natural resources underlying the Gulf of Mexico within the State's historic boundaries but not less than 3 geographic miles, nor more than 3 marine

leagues, seaward of the coastline. 43 U.S.C. 1301 (b), 1311(a), and 1312; *United States v. Florida*, 363 U.S. 1. The Special Master determined that the historic boundary of the State of Florida in the Gulf of Mexico, which was fixed in 1868, ran parallel to and 3 marine leagues seaward of the coastline (Report, pp. 21-32). The parties have agreed that the historic boundary must be measured from the historic coastline (Supplemental Report, App. A, p. 6; see also *Texas Boundary Case*, 394 U.S. 1), and that the historic coastline is to be determined by reference to the charts to be constructed on the basis of a joint mapping project they are currently conducting (Supplemental Report, App. A, pp. 6-7).

Paragraph 5 states the Special Master's determination of the boundary between the Gulf of Mexico and the Atlantic Ocean (Report, p. 56).

Paragraph 6 states the Special Master's determination that there is no historic bay on the coast of the State of Florida (Report, pp. 36-47) and the parties' agreement that the seaward limit of the State's grant under the Submerged Lands Act is not affected by any inland waters that may exist within Florida Bay, or within the Dry Tortugas Islands, the Marquesas Keys, or the lower Florida Keys from Money Key to Key West (Supplemental Report, App. A, p. 6).

Paragraph 7 reserves this Court's jurisdiction to entertain further proceedings. Although the parties do not expect that such proceedings will be neces-

sary, the Court is asked to reserve jurisdiction as a precautionary matter.

It is therefore respectfully submitted that a decree be entered in the form herein proposed.

ROBERT H. BORK,  
*Solicitor General.*

ROBERT L. SHEVIN,  
*Attorney General,*  
*State of Florida.*

APRIL 1976.



