

# The Burger Court Opinion Writing Database

## *United States v. Louisiana*

470 U.S. 93 (1985)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University in St. Louis  
Forrest Maltzman, George Washington University



Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

February 22, 1985

RE: 9 Original - United States v. Louisiana

Dear Harry:

I join.

Regards,



Justice Blackmun

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

January 30, 1985

No. 9 Original

United States v. Louisiana

Dear Harry,

I agree.

Sincerely,

*Bill*

Justice Blackmun

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE BYRON R. WHITE

February 12, 1985

9 Original - United States v. Louisiana

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Dear Harry,

I agree.

Sincerely yours,



Justice Blackmun

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94 FEB 15 1985

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Marshall  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: Justice Blackmun

Circulated: JAN 26 1985

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1st DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 9 Orig.

UNITED STATES *v.* LOUISIANA ET AL. (ALABAMA  
AND MISSISSIPPI BOUNDARY CASE)

ON EXCEPTIONS TO REPORT OF SPECIAL MASTER

[January —, 1985]

JUSTICE BLACKMUN delivered the opinion of the Court.

This is the latest chapter in the long-lasting litigation between the Federal Government and the States of the Gulf Coast concerning ownership of the seabed, minerals, and other natural resources underlying the Gulf of Mexico. The particular and narrow issue presented here is whether the waters of Mississippi Sound are inland waters. If the Sound constitutes inland waters, as the States of Alabama and Mississippi contend, then these States own the lands submerged under the Sound. If the Sound in substantial part does not constitute inland waters, as the Government contends, then the United States owns the lands submerged under several "enclaves" of high seas within the Sound. We conclude that Mississippi Sound qualifies as a historic bay, and that the waters of the Sound, therefore, are inland waters.

### I

The Submerged Lands Act of 1953, 67 Stat. 29, 43 U. S. C. § 1301 *et seq.*, confirms to each State title to and ownership of the lands beneath navigable waters within the State's boundaries. § 1311(a). The Act also confirms in each coastal State a seaward boundary three geographical miles distant from its coastline. § 1312. A State bordering on the Gulf of Mexico, however, may be entitled to a historic seaward boundary beyond three geographical miles and up to three marine leagues (approximately nine geographical miles) dis-

STYLISTIC CHANGES

4 pp. 9, 15

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Marshall  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: Justice Blackmun

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Recirculated: FEB 4 1985

2nd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 9 Orig.

**UNITED STATES v. LOUISIANA ET AL. (ALABAMA  
AND MISSISSIPPI BOUNDARY CASE)**

ON EXCEPTIONS TO REPORT OF SPECIAL MASTER

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

February 12, 1985

9 Orig. United States v. Louisiana

Dear Harry:

Please join me.

Sincerely,

*Lewis*

Justice Blackmun

lfp/ss

cc: The Conference

(2)

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

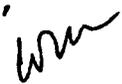
January 29, 1985

Re: No. 9 Original United States v. Louisiana

Dear Harry,

Please join me.

Sincerely,



Justice Blackmun

cc: The Conference

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CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

Supreme Court of the United States  
Washington, D. C. 20543

January 30, 1985

Re: 9 Orig. - United States v. Louisiana

Dear Harry:

Please join me.

Respectfully,

Justice Blackmun

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*[Handwritten mark]*

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

January 29, 1985

No. 9 Orig. United States v. Louisiana

Dear Harry,

Please join me.

Sincerely,

*Sandra*

Justice Blackmun

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