

# Red River Dispute Decided Long Ago

**T**HE THREAT of a new outbreak of border warfare between Oklahoma and Texas has been reported from south of Altus. It could become a reality if oil is discovered in the bed of Red River but Oklahoma should win.

It was discovery of oil in the river bed south of Waurika about 1920 that led to the boundary being established on the south bank of the stream by the Supreme Court of the United States.

The booming Burkburnett oil field extended into the river bed. An Oklahoma oil company drilled there and some Texans challenged its right to do so.

Herbert M. "Major" Peck was appointed to handle the litigation by the U.S. attorney general's office. The federal government has constitutional jurisdiction in disputes between states. Peck soon afterward was appointed U.S. district attorney at Oklahoma City.

About 10 years before his death in 1970, Peck dictated his recollections of this dispute and the tape has been made available by his daughters, Mrs. James Thompson

and Mrs. MacMillan Lambert of Ardmore.

"For a long time there had been speculation whether the true boundary between Oklahoma and Texas had been the middle of the stream, as is ordinarily the case," Peck said, "or the south bank, because of peculiar wording of the treaty between Spain and the United States back in 1819 when John Quincy Adams, then secretary of state, and the Spanish minister of foreign affairs, drew up the treaty.

"According to this treaty ... the dividing line between Spain and the United States started in the Sabine Pass and followed the Sabine River to the 32nd parallel, thence due north to the Red River, then following the course of the Red River to the 100th meridian," Peck stated.

"Then following the 100th meridian to the Arkansas River, thence following the Arkansas River to its source in the high Rocky Mountains, and thence following the ridges of the Rocky Mountains.

"This left everything north of this line as property of the United States

and everything south as property of Spain," Peck continued. "For a number of years, the United States claimed both Florida and Texas as part of its territory.

"Napoleon thought when he made the deal with President Thomas Jefferson for the Louisiana Purchase that the south boundary of the Louisiana Purchase was the Rio Grande river. He claimed the territory known as Texas for a long time. It was finally settled by the United States giving up its claim to Texas and Spain giving up its claim to what is now the State of Florida.

If Napoleon had been right, all of Texas might have become part of Oklahoma, but that's beside the point. The Supreme Court ruled that the median between the high and low water marks on the south bank of the Red River constitutes the boundary between the two states. Of course, the river does meander a bit now and then.

According to Peck's story, the bed of the Red River is in the State of Oklahoma. So, any oil lying below it must be, too!