

FILE COPY

Office-Supreme Court, U  
FILED

SEP 15 1969

JOHN F. DAVIS, CLERK

IN THE  
**Supreme Court of the United States**

\_\_\_\_\_  
OCTOBER TERM, 1968  
\_\_\_\_\_

**No. 35, ORIGINAL**  
\_\_\_\_\_

UNITED STATES OF AMERICA,  
*Plaintiff,*

v.

STATE OF MAINE, ET AL.,  
*Defendants.*

\_\_\_\_\_  
**ANSWER OF THE STATE OF MARYLAND**  
\_\_\_\_\_

FRANCIS B. BURCH,  
Attorney General of Maryland,  
1200 One Charles Center,  
Baltimore, Maryland 21201.

September 12, 1969.



IN THE  
**Supreme Court of the United States**

---

OCTOBER TERM, 1968

---

**No. 35, ORIGINAL**

---

UNITED STATES OF AMERICA,  
*Plaintiff,*

v.

STATE OF MAINE, ET AL.,  
*Defendants.*

---

**ANSWER OF THE STATE OF MARYLAND**

---

Comes now the sovereign State of Maryland (hereinafter for brevity called "Maryland"), defendant in this cause, by and through its Attorney General, Francis B. Burch, and in answer to the allegations contained in the numbered paragraphs of the Plaintiff's complaint under the heading *Eighth Cause of Action* admits, denies and alleges as follows.

I.

In answer to Paragraph I of the Plaintiff's complaint, Maryland alleges that such paragraph in its entirety alleges nothing requiring answer.

II.

In answer to Paragraph II of the Plaintiff's complaint, Maryland denies each and every allegation in said Paragraph contained.

## III.

In answer to Paragraph III of the Plaintiff's complaint, Maryland alleges that the provisions of the Submerged Lands Act, 67 Stat. 29 (1953), speak for themselves, and, insofar as the allegations in said Paragraph may be construed to infer that prior to the effective date of the Submerged Lands Act Maryland was without power to exercise dominion and control over the exploration of the seabed and subsoil underlying the marginal sea adjacent to its coast and the development of such natural resources as might be found in, on or about the same, Maryland denies them in their entirety.

## IV.

In answer to Paragraph IV of the Plaintiff's complaint, Maryland admits that it claims some interest in the seabed and subsoil of the Continental Shelf underlying the Atlantic Ocean more than three geographic miles seaward from ordinary low water mark and from the outer limit of inland waters; and, insofar as the allegations in said Paragraph may be construed to infer that the Plaintiff is empowered, in the exercise of its alleged sovereign rights in the above-described submerged lands, to assert any claim with respect thereto which is adverse to Maryland, Maryland denies them in their entirety.

## V.

In answer to Paragraph V of the Plaintiff's complaint, Maryland is without knowledge of any of the allegations contained therein.

## VI.

In answer to Paragraph VI of the Plaintiff's complaint, Maryland denies each and every allegation in said Paragraph contained.

## VII.

In answer to Paragraph VII of the Plaintiff's complaint, Maryland alleges that the portion of the Outer Continental Shelf Lands Act, 67 Stat. 462 (1953), cited by the Plaintiff, speaks for itself; denies that any action taken by Maine and interferes with or obstructs or threatens to obstruct the orderly and effective exploration, leasing and development of any natural resources in, on or about the Outer Continental Shelf; denies that any such action will cause any injury to the Plaintiff; and alleges that the statement "The United States has no other adequate remedy" is a conclusion of law and requires no answer.

## VIII.

In answer to Paragraph VIII of the Plaintiff's complaint, Maryland alleges that such Paragraph, in its entirety, is argument in support of the Plaintiff's invocation of this Court's jurisdiction; denies the existence of any urgent need for prompt and final settlement of the issues raised by this proceeding; and denies that any aspect of the Plaintiff's foreign policy is involved herein.

## AFFIRMATIVE DEFENSE

By way of affirmative defense, Maryland alleges that as successor in title to Caecilius Calvert, Baron of Baltimore, grantee of King Charles I of England, by Letters Patent dated June 20, 1632, Maryland is now, and ever since its admission to the Union has been, entitled to exercise dominion and control over the exploration and development of such natural resources as may be found in, on or about the seabed and subsoil underlying the Atlantic Ocean adjacent to its coast line to the limit of ten marine leagues to the exclusion of any other political entity whatsoever,

including the Plaintiff (subject, however, to the limits of the national seaward jurisdiction established by the Plaintiff); that the power to exercise dominion and control is not prohibited to Maryland by the Constitution of the United States, has never in fact or by operation of law been delegated by Maryland to the Plaintiff; and that any attempt by the Plaintiff to assert such power with respect to Maryland violates the provisions of the Tenth Amendment to the Constitution of the United States and is void and of no effect.

#### PRAYER

WHEREFORE, Maryland prays that a decree be entered declaring its rights as against the Plaintiff in the subsoil, seabed, and natural resources underlying the Atlantic Ocean lying more than three geographical miles seaward from the ordinary low water mark and from the outer limit of inland waters to the edge of the continental shelf.

FRANCIS B. BURCH,

Attorney General of Maryland.

September 12, 1969.

I HEREBY CERTIFY that on this 12th day of September, 1969, a copy of the foregoing Answer was mailed, postage prepaid, to Honorable John N. Mitchell, Attorney General of the United States, and Honorable Erwin N. Griswold, Solicitor General of the United States, Department of Justice, Washington, D. C. 20530, and to the Attorney General of each of the other 12 defendant states.

FRANCIS B. BURCH,  
Attorney General.





