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IN THE

Supreme Court of the United States

OCTOBER TERM, 1968

No. 35, Original

UNITED STATES OF AMERICA,
Plaintiff,

vs.

STATE OF MAINE, *et al.*,
Defendants.

ANSWER OF THE STATE OF NEW JERSEY

STATE OF NEW JERSEY,
ARTHUR J. SILLS,
Attorney General.

ELIAS ABELSON,
Assistant Attorney General,
State of New Jersey,

State House Annex,
Trenton, New Jersey, 08625.

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UNITED STATES OF AMERICA,

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Defendants.

ANSWER OF THE STATE OF NEW JERSEY

Comes now the sovereign State of New Jersey (hereinafter for brevity called "New Jersey"), a defendant in this cause, by and through its Attorney General, Arthur J. Sills, and in answer to the allegations contained in the numbered paragraphs of the Plaintiff's complaint under the heading *First Cause of Action,* paragraphs 1 through 4 and 6 through 8 of which are made applicable to the State of New Jersey under the heading *Sixth Cause of Action,* admits, denies and alleges as follows:

I.

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

II.

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

III.

In answer to Paragraph III of the Plaintiff's complaint, New Jersey 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 New Jersey 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, New Jersey denies them in their entirety.

IV.

In answer to Paragraph IV of the Plaintiff's complaint, New Jersey 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 New Jersey, New Jersey denies them in their entirety.

V.

In answer to Paragraph VI of the Plaintiff's complaint, New Jersey denies each and every allegation in said Paragraph contained; and, answering further, alleges that New Jersey has received no sums derived from said area for which any accounting, even if due, could be made.

VI.

In answer to Paragraph VII of the Plaintiff's complaint, New Jersey 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 New Jersey interfered 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.

VII.

In answer to Paragraph VIII of the Plaintiff's complaint, New Jersey 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, New Jersey alleges that as successor in title to certain grantees of the Crown of England, New Jersey 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 exclusion of any other political entity whatsoever, including the Plaintiff (subject, however, to the limits of national seaward jurisdiction established by the Plaintiff); that the power to exercise dominion and

control is not prohibited to New Jersey by the Constitution of the United States, has never in fact or by operation of law been delegated by New Jersey to the Plaintiff; and that any attempt by the Plaintiff to assert such power with respect to New Jersey violates the provisions of the Tenth Amendment to the Constitution of the United States and is void and of no effect.

Prayer

WHEREFORE, New Jersey prays that a decree be entered that, as against New Jersey, the Plaintiff possesses no right to exercise dominion and control over the exploration and development of such natural resources as may be found in, on and about the seabed and subsoil underlying the Atlantic Ocean adjacent to its coast line and to the limit of national seaward jurisdiction; and for its costs.

STATE OF NEW JERSEY

ARTHUR J. SILLS,
Attorney General
ELIAS ABELSON,
Assistant Attorney General.