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JOHN F. DAVIS, CLERK

IN THE  
Supreme Court of  
The United States

October Term, 1968

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No. 35, Original

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UNITED STATES OF AMERICA,  
Plaintiff,

v.

STATE OF MAINE, ET AL.,  
Defendants.

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ANSWER OF THE  
STATE OF FLORIDA

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STATE OF FLORIDA  
Earl Faircloth  
Attorney General

T. T. Turnbull  
Chief Trial Counsel  
State of Florida

The Capitol  
Tallahassee, Florida 32304



IN THE  
Supreme Court of  
The United States

No. 35, Original

UNITED STATES OF AMERICA, Plaintiff,

v.

STATE OF MAINE, and others  
(including the State of Florida), Defendants.

ANSWER OF THE  
STATE OF FLORIDA

I

The jurisdiction of this Court has been established and no answer is made to paragraph I of the complaint.

II

The State of Florida does not deny that the United States is entitled to exercise a portion of its sovereign rights over the seabed and subsoil underlying the Atlantic Ocean to the outer edge of the continental shelf, but does deny that this is an exclusive rights, insofar as Florida is concerned, from the low-water mark, outward in the Atlantic Ocean for a distance of only three (3) geographic miles, as will more fully appear in paragraph III.

III

Insofar as the ultimate and legal facts are alleged in paragraph III, the same are admitted. However, the State of Florida positively avers that in the case of *United States v. Florida*, 363 U.S. 121; 80 S. Ct. 1026; 4 L. Ed 2d 1096;

decided May 23, 1960 (the amended complaint having been filed in November, 1957), this Court has sustained and upheld Florida's historic boundary on the Atlantic Coast, as well as the Gulf Coast, such boundary having been approved by the Congress upon Florida's re-entry into the Union in 1868. The boundary approved by this Court for the State of Florida is contained in Article I of the Constitution of 1868 and is completely stated from that document as follows:

"The boundaries of the State of Florida shall be as follows: Commencing at the mouth of the river Perdido; from thence up the middle of said river to where it intersects the south boundary line of the State of Alabama, and the thirty-first degree of north latitude; then due east to the Chattahoochee river; then down the middle of said river to the Atlantic Ocean; thence southeastwardly along the coast to the edge of the Gulf Stream and Florida Reefs to and including the Tortugas Islands; thence northeastwardly to a point three leagues from the mainland; thence northwestwardly three leagues from the land, to a point west of the mouth of the Perdido river; thence to the place of beginning."

#### IV

Florida claims, by virtue of its historic boundaries, to the Gulf Stream, wherever the same may be located, recognizing however that the Gulf Stream is a variable boundary, but variable boundaries are not frowned upon by the law when such boundaries may be accurately determined from time to time, and asserts further that by reason of the decision in *United States v. Florida, supra*, this is an established and confirmed boundary and therefore denies the allegations of paragraph IV of the complaint.

#### V

Answering paragraph VI of the complaint: Paragraph VI of the complaint is denied and Florida asserts that she does not now nor has she ever asserted any claim but its historic and constitutional boundaries.

## VI

Answering paragraph VII of the complaint: The allegations of paragraph VII are denied, except insofar as the statement of the law is concerned, which statement is admitted to be true. Florida avers that there are no oil and gas leases on the Atlantic Coast of Florida and none are now proposed to be, even within Florida's historic and legally constituted boundaries.

## VII

Answering paragraph VIII of the complaint: Paragraph VIII of the complaint requires no answer. Florida avers that the United States, in the case of *U.S. v. Florida, supra*, has already brought Florida before this Court and this Court has already determined Florida's boundary.

## VIII

Answering paragraph XX of the complaint: Relating to the term "Atlantic Ocean," Florida denies that this term includes the Straits of Florida and asserts that geographers, navigators and scientists generally have determined and historically have included the Straits of Florida as a part of the Gulf of Mexico. Florida asserts that there is doubt as to the location of the confluence of the Gulf of Mexico and the Atlantic Ocean and avers that this confluence is located at a point on the landmass of Florida approximating the location of Palm Beach, Florida, extending therefrom in a southeasterly direction. Thereupon, Florida further alleges that all water areas surrounding Florida southerly from this point, including its Keys and its insular possessions, also to include the Marquesas and Dry Tortugas, lie within the confines of the Gulf of Mexico.

## IX

There is no controversy between the State of Florida and the United States of America in this cause that has not already been firmly and positively determined by this Court. Admittedly, there are areas which under the case of *United States v. Florida, supra*, need positive delineation, which may

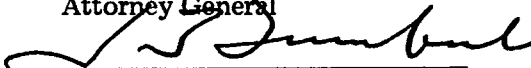
well be done not in this cause, but in the original case of which this Court has retained jurisdiction.

WHEREFORE, Florida prays dismissal from this cause.

DATED this 12<sup>th</sup> day of September, 1969.

Respectfully submitted,


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EARL FAIRCLOTH  
Attorney General

  
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T.T. Turnbull  
Chief Trial Counsel

### CERTIFICATE OF SERVICE

I certify that in compliance with Supreme Court Rules 34 (5) and 50 (2), I have this day served a copy of the foregoing Answer of the State of Florida on the Honorable John N. Mitchell, Attorney General of the United States, and Erwin N. Griswold, Solicitor General of the United States and on all of the parties to this action.

Dated this 12<sup>th</sup> day of September, 1969.

  
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T.T. TURNBULL  
Chief Trial Counsel  
Attorney General's Office  
State of Florida