

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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**DEFENSES AND ANSWER  
OF  
THE STATE OF GEORGIA**

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COMES NOW the State of Georgia, a defendant in the above styled proceeding, and makes this its defenses and answer to the complaint as follows:

**FIRST DEFENSE**

The State of Georgia moves that the complaint be dismissed as to itself under Rule 12 of the Federal Rules of Civil Procedure, or, in the alternative that it be dropped as a party-defendant under Rule 21 of the Federal Rules of Civil Procedure for want of jurisdiction, on the ground that the complaint fails to allege any facts showing the existence of a case or controversy within the meaning of Article III, Section 2 of the Constitution of the United States between plaintiff and this defendant.

## SECOND DEFENSE

The State of Georgia moves that the complaint be dismissed as to itself under Rule 12 of the Federal Rules of Civil Procedure, or, in the alternative that it be dropped as a party-defendant under Rule 21 of the Federal Rules of Civil Procedure, for failure to state a claim against this defendant upon which relief can be granted.

## THIRD DEFENSE

The State of Georgia answers plaintiff's complaint as follows:

1.

Paragraph I of the complaint sets forth legal assertions requiring no answer, but this defendant denies that jurisdiction is properly invoked with respect to the State of Georgia.

2.

The allegations of Paragraph II of the complaint are denied.

3.

Paragraph III of the complaint consists of legal conclusions requiring no answer, but this defendant denies that it was without power to exercise dominion and control over the exploration of the seabed and subsoil underlying the marginal sea adjacent to its coast or in the development of such natural resources as might be found therein before the effective date of 67 Stat. 29 (1953).

4.

The allegations of Paragraph IV of the complaint are admitted.

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5.

The allegations of Paragraph V of the complaint are not asserted against the State of Georgia.

6.

The allegations of Paragraph VI of the complaint are denied, and in further answer thereto this defendant shows the Court that it has received no sums from exploration or exploitation of the described area of seabed and subsoil.

7.

In answer to Paragraph VII of the complaint this defendant admits the first sentence thereof but denies each and every other allegation of such paragraph.

8.

The allegations of Paragraph VIII of the complaint are denied.

#### **FOURTH DEFENSE**

Answering the complaint further, the State of Georgia shows the Court that as successor in title to certain grantees of the Crown of England, it is now, and at all times since its declaration of independence from the Crown of England 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 plaintiff; that the power to exercise such dominion and control respecting seabed and subsoil is not prohibited to the State of Georgia by the Constitution of the United States, has never been sold, granted or transferred by

the State of Georgia to the plaintiff, and is reserved to the State of Georgia by the Tenth Amendment to the Constitution of the United States.

### FIFTH DEFENSE

Answering the complaint further the State of Georgia shows that if by virtue of its adoption of the Constitution or membership in the Union, it did in any way relinquish, grant or transfer to plaintiff its right to exercise dominion and control over the exploration and development of such natural resources as might be found in, on or about the seabed and subsoil underlying the Atlantic Ocean adjacent to its coast line, such rights of dominion were reacquired by the 1802 cession of the United States to the State of Georgia of whatever claim, right or title the United States may have had in such soil or lands, such cession being a consideration and condition of Georgia's cession to the United States of those lands lying west of its present boundary with the State of Alabama.

WHEREFORE, having fully answered and presented this its defenses and answer to plaintiffs' complaint the State of Georgia prays that the complaint be dismissed and the prayers denied with respect to the State of Georgia.

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