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JOHN F. DAVIS, CLERK

No. 31, Original

In the Supreme Court of the United States

OCTOBER TERM, 1966

STATE OF UTAH, PLAINTIFF

v.

UNITED STATES OF AMERICA

RESPONSE TO MOTION FOR LEAVE TO FILE COMPLAINT

THURGOOD MARSHALL,

*Solicitor General,
Department of Justice,
Washington, D.C. 20530.*

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Section 5 of the Act of June 3, 1966, 80 Stat. 192, provides that, within nine months of the date of its enactment, the State of Utah may maintain an action in this Court to secure a judicial determination of the right, title and interest of the United States in the lands lying below the meander line of the Great Salt Lake. Section 5(b) gives the consent of the United States to be thus sued.

The complaint that the State of Utah proposes to file herein conforms to the requirements of the Act. Accordingly, the United States does not oppose the motion for leave to file the complaint. Indeed, we urge the Court to grant the motion. This original suit would appear to afford the only means of resolving a substantial controversy between the State and the United States over extensive and valuable lands

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and mineral deposits. In addition, important questions of law relating to the doctrine of reliction are presented, while the underlying facts are largely undisputed. The case, in short, would appear to present a suitable occasion for invocation of the original jurisdiction of this Court.

Respectfully submitted.

THURGOOD MARSHALL,
Solicitor General.

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