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No. 31, Original

In the Supreme Court of the United States

OCTOBER TERM, 1967

STATE OF UTAH, PLAINTIFF

v.

UNITED STATES OF AMERICA

ANSWER

THURGOOD MARSHALL,

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

In the Supreme Court of the United States

OCTOBER TERM, 1967

No. 31, ORIGINAL

STATE OF UTAH, PLAINTIFF

v.

UNITED STATES OF AMERICA

ANSWER

I

The defendant admits the allegations of Paragraph I of the Complaint.

II

The defendant denies the allegation of the first sentence of Paragraph II of the Complaint that the State of Utah owns the lands which are the subject of this suit. The defendant admits the remaining allegations in Paragraph II.

III

The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation of the first two sentences of Paragraph III of the Complaint that the Great Salt Lake is a navigable body of water. The remaining allegations of Para-

graph III are conclusions of law, premised for the most part upon the supposed navigability of the Great Salt Lake; such legal conclusions require no response in this Answer, and therefore are neither admitted nor denied, but to the extent that they may be construed as allegations of fact, they are denied.

IV

The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first three sentences of Paragraph IV of the Complaint. The defendant denies the allegations of the fourth and fifth sentences of Paragraph IV of the Complaint. The defendant admits the truth of the allegation of the sixth sentence of Paragraph IV. The defendant denies the allegations of the seventh and eighth sentences of Paragraph IV. The defendant admits the allegations of all of the remaining sentences of Paragraph IV, except for the thirteenth, as to which defendant denies plaintiff's claim of ownership, and the last (the fourteenth), which the defendant denies in its entirety.

V

The allegation of the first sentence of Paragraph V of the Complaint is a conclusion of law, which requires no answer, and which, therefore, is neither admitted nor denied; but to the extent that it may be construed as an allegation of fact, it is denied. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation

of the second sentence of Paragraph V of the Complaint. The remaining allegations of Paragraph V are merely argumentative, and do not require an answer, but to the extent that they may be construed as allegations of fact, they are denied.

VI

The defendant denies each and every allegation of the Complaint not specifically admitted, denied, or qualified herein.

WHEREFORE, having fully answered, the defendant prays this Court to confirm, declare and establish that the United States is the owner of all right, title and interest in all of the lands described in Section 2 of the Act of June 3, 1966, 80 Stat. 192, as amended by the Act of August 23, 1966, 80 Stat. 349, and that the State of Utah is without any right, title or interest in such lands, save for the right to have these lands conveyed to it by the United States, and to pay for them, in accordance with the provisions of the Act of June 3, 1966, as amended.

Respectfully submitted.

THURGOOD MARSHALL,
Solicitor General.

JULY 1967.

