No. 128, Original

In the Supreme Court of the United States

STATE OF ALASKA, PLAINTIFF

v.

UNITED STATES OF AMERICA

ON BILL OF COMPLAINT

ANSWER

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ANSWER

The United States of America, by its Solicitor General, for its Answer to plaintiff State of Alaska's Complaint to Quiet Title, admits, denies, and alleges as follows:

1. The allegations of paragraph 1 of the Complaint are admitted, subject to the affirmative averment that numerous areas of tide and submerged lands, within the bounds described in paragraph 1 of the Complaint, are retained by the United States for purposes other than inclusion as part of the Tongass National Forest or Glacier Bay National Park and Preserve, and the title to such areas is not at issue in this proceeding.

2 The allegations of paragraph 2 of the Complaint are admitted.

3. The first sentence of paragraph 3 of the Complaint is a legal conclusion for which no response is required. The allegations contained in the second sentence of paragraph 3 are admitted as to Tongass National Forest and Glacier Bay National Park, subject to the affirmative averment that numerous withdrawals, reservations, and other federal appropriations, which may include tide and submerged lands and lie within the boundaries described in paragraph 1, were not the subject of any notice of intent to sue. Title to those areas is not at issue in this litigation.

Count I: Historic Waters of the Alexander Archipelago

4. Paragraph 4 of the Complaint is a conclusion of law for which no response is required.

5. The allegations of paragraph 5 of the Complaint are admitted.

6. Paragraph 6 of the Complaint is a conclusion of law for which no response is required.

7. The allegations of the first sentence of paragraph 7 of the Complaint are denied. With respect to the allegations in the second sentence of paragraph 7, the United States admits that Exhibit 1 to Alaska's Complaint presents a general depiction of certain areas at issue here.

8. The allegations of paragraph 8 of the Complaint are denied.

9. The allegations of paragraph 9 of the Complaint are denied.

10. The allegations of paragraph 10 of the Complaint are denied.

11. Paragraph 11 of the Complaint is a conclusion of law for which no response is required.

12. Section 6(m) of the Alaska Statehood Act speaks for itself and no other response to the allegation contained in paragraph 12 is required.

13. Paragraph 13 of the Complaint is a conclusion of law for which no response is required.

14. The allegations contained in the first sentence of paragraph 14 of the Complaint are admitted, except that the United States has insufficient knowledge upon which to form a belief as to the truth of the allegations that the United States drew the closing lines described in that sentence. With respect to the second sentence of paragraph 14, the United States admits only that some of the areas at issue are generally depicted in Exhibit 1 to Alaska's submission.

15. The allegations of paragraph 15 of the Complaint are denied.

16. The allegations of paragraph 16 of the Complaint are admitted.

17. The allegations of paragraph 17 of the Complaint are admitted.

18. The allegations of paragraph 18 of the Complaint are admitted.

19. The allegations of paragraph 19 of the Complaint are admitted.

20. The allegations of paragraph 20 of the Complaint are denied.

21. The allegations of paragraph 21 of the Complaint are denied. Alaska has no title to the described submerged lands. The United States acknowledges that Alaska's *claim of title* is adverse to and is clouded by the title of the United States.

22. The allegations of paragraph 22 of the Complaint are denied.

Count II: The Tongass National Forest

23. The allegations of paragraph 23 of the Complaint are responded to as set out above.

24. The allegations of paragraph 24 of the Complaint are denied.

25. The allegations of paragraph 25 of the Complaint are denied.

26. The allegations of paragraph 26 of the Complaint are denied.

27. With respect to paragraph 27 of the Complaint, the United States admits that it claims an interest in the tidelands and submerged lands within the boundaries of the Tongass National Forest and that that interest is disputed by Alaska. The United States denies that Alaska holds title to such lands.

28. The allegations of paragraph 28 of the Complaint are denied.

Count III: Glacier Bay National Monument

29. The allegations of paragraph 29 of the Complaint are responded to as set out above.

30. With respect to the allegations of paragraph 30 of the Complaint, the United States admits only that the Antiquities Act was one authority for the withdrawal of Glacier Bay National Monument.

31. The 1925 Executive order speaks for itself and no further response is required.

32. Paragraph 32 of the Complaint is a conclusion of law for which no response is required.

33. With respect to the allegations of paragraph 33 of the Complaint, the United States admits only that one of the purposes of the 1925 creation of Glacier Bay National Monument was to preserve the land left bare by the retreat of tidewater glaciers for study of the development of flora and fauna.

34. The allegations of paragraph 34 of the Complaint are denied.

35. The allegations of paragraph 35 of the Complaint are denied.

36. With respect to the allegations of paragraph 36 of the Complaint, the United States admits only that the Antiquites Act was one authority for the expansion of Glacier Bay National Monument.

37. The allegations of paragraph 37 of the Complaint are admitted.

38. With respect to the allegations contained in paragraph 38 of the Complaint, the United States admits only that two of the purposes of the 1939 expansion of Glacier Bay National Monument were to set aside a refuge for brown bears and to preserve the coastal forest.

39. The allegations of paragraph 39 of the Complaint are denied.

40. The allegations of paragraph 40 of the Complaint are denied.

41. The allegations of paragraph 41 of the Complaint are denied.

42. The allegations of paragraph 42 of the Complaint are denied.

43. The allegations of paragraph 43 of the Complaint are denied, except that the United States admits that its title is disputed by Alaska.

44. The allegations of paragraph 44 of the Complaint are denied.

Prayer For Relief

WHEREFORE, the United States prays for the following relief:

A. That judgment be entered quieting title of the United States in and to the subject lands and declaring

that the State of Alaska has no right, title, or interest in or to said lands and that the State of Alaska be forever barred from asserting any claim whatsoever in the subject lands or any part thereof adverse to the United States.

B. That said judgment enjoin the State of Alaska, its privies, assigns, lessees, and other persons claiming under it from interfering with the rights of the United States in said lands.

C. For such further relief as this Court may deem just and proper.

Respectfully submitted.

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