

The Burger Court Opinion Writing Database

United States v. Maine

475 U.S. 89 (1986)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

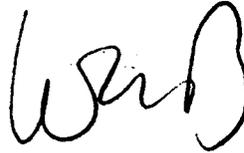
January 28, 1986

Re: No. 35-Orig. - United States v. Maine

Dear John:

I join.

Regards,



Justice Stevens

Copies to the Conference

82 JAN 28 10:52

20543
20543

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

January 23, 1986

No. 35 Original

Maine v. United States, et al.

Dear John,

Please join me.

Sincerely,



Justice Stevens

Copies to the Conference

82 '14 53 11:11

2014

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

January 27, 1986

No. 35, Orig. - United States v. Maine

Dear John,

Please join me.

Sincerely yours,



Justice Stevens

Copies to the Conference

OS:TM TS ML 28

200 200

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

January 24, 1986

Re: 35 Original - United States v. Maine

Dear John:

Please join me.

Sincerely,



Justice Stevens

cc: The Conference

82 JAN 29 6 49:12

17
12

4

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

January 23, 1986

35 Orig. United States v. Maine

Dear John:

Please join me.

Sincerely,

Lewis

Justice Stevens

lfp/ss

cc: The Conference

82 JAN 24 10:05

RECEIVED
20

15

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

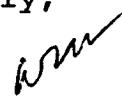
January 23, 1986

Re: 35 Original - United States v. Maine

Dear John:

Please join me.

Sincerely,



Justice Stevens

cc: The Conference

82 JAN 23 11:52

702. 00 11:52 AM '86

Justice Brennan
 Justice White
 Justice Marshall
 Justice Blackmun
 Justice Powell
 Justice Rehnquist
 Justice O'Connor

From: **Justice Stevens**

Circulated: 1-77-76

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 35, Orig.

UNITED STATES OF AMERICA, PLAINTIFF *v.*
 STATES OF MAINE, NEW HAMPSHIRE, MASSACHU-
 SETTS, RHODE ISLAND, NEW YORK, NEW JERSEY,
 DELAWARE, MARYLAND, VIRGINIA, NORTH CARO-
 LINA, SOUTH CAROLINA, GEORGIA AND FLORIDA

ON BILL OF COMPLAINT

[January —, 1986]

JUSTICE STEVENS delivered the opinion of the Court.

The question now before the Court is whether Nantucket Sound qualifies as "internal waters" of the Commonwealth of Massachusetts rather than partly territorial sea and partly high seas as the United States contends. We agree with the Special Master's conclusion that the Commonwealth's claim should be rejected.

I

Pursuant to an earlier decree of this Court,¹ the United States and Massachusetts in 1977 filed a Joint Motion for Supplemental Proceedings to determine the location of the Massachusetts coastline. After our appointment of a Special Master, 433 U. S. 917 (1977), the parties agreed on a partial settlement, which we approved in 1981. 452 U. S. 429.

¹ In 1968 the United States invoked our original jurisdiction to quiet title to the seabed along the coast of the Atlantic Ocean. In 1975 we entered a decree affirming the title of the United States to the seabed more than three geographic miles seaward of the coastline, and of the States to the seabed within the three geographic mile zone. *United States v. Maine*, 423 U. S. 1 (1975). See also *United States v. Maine*, 420 U. S. 515 (1975). In that decree we reserved jurisdiction which either the "United States or any defendant State [could] invoke . . . by filing a motion in this Court for supplemental proceedings." 423 U. S., at 2.

To: The Chief Justice
 Justice Brennan
 Justice White
 Justice Marshall
 Justice Blackmun
 Justice Powell
 Justice Rehnquist
 Justice O'Connor

STYLISTIC CHANGES THROUGHOUT.
 SEE PAGES: 16

From: Justice Stevens

Circulated: _____

Recirculated: _____ JAN 28 1986

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 35, Orig.

UNITED STATES OF AMERICA, PLAINTIFF *v.*
 STATES OF MAINE, NEW HAMPSHIRE, MASSACHU-
 SETTS, RHODE ISLAND, NEW YORK, NEW JERSEY,
 DELAWARE, MARYLAND, VIRGINIA, NORTH CARO-
 LINA, SOUTH CAROLINA, GEORGIA AND FLORIDA

ON BILL OF COMPLAINT

[January —, 1986]

JUSTICE STEVENS delivered the opinion of the Court.

The question now before the Court is whether Nantucket Sound qualifies as "internal waters" of the Commonwealth of Massachusetts rather than partly territorial sea and partly high seas as the United States contends. We agree with the Special Master's conclusion that the Commonwealth's claim should be rejected.

I

Pursuant to an earlier decree of this Court,¹ the United States and Massachusetts in 1977 filed a Joint Motion for Supplemental Proceedings to determine the location of the Massachusetts coastline. After our appointment of a Special Master, 433 U. S. 917 (1977), the parties agreed on a partial settlement, which we approved in 1981. 452 U. S. 429.

¹ In 1968 the United States invoked our original jurisdiction to quiet title to the seabed along the coast of the Atlantic Ocean. In 1975 we entered a decree affirming the title of the United States to the seabed more than three geographic miles seaward of the coastline, and of the States to the seabed within the three geographic mile zone. *United States v. Maine*, 423 U. S. 1 (1975). See also *United States v. Maine*, 420 U. S. 515 (1975). In that decree we reserved jurisdiction which either the "United States or any defendant State [could] invoke . . . by filing a motion in this Court for supplemental proceedings." 423 U. S., at 2.

To: The Chief Justice
 Justice Brennan
 Justice White
 Justice Marshall
 Justice Blackmun
 Justice Powell
 Justice Rehnquist
 Justice O'Connor

38. 3, 4, 6

From: **Justice Stevens**

Circulated: _____

Recirculated: **FEB 6 1986**

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 35, Orig.

UNITED STATES OF AMERICA, PLAINTIFF *v.*
 STATES OF MAINE, NEW HAMPSHIRE, MASSACHU-
 SETTS, RHODE ISLAND, NEW YORK, NEW JERSEY,
 DELAWARE, MARYLAND, VIRGINIA, NORTH CARO-
 LINA, SOUTH CAROLINA, GEORGIA AND FLORIDA

ON BILL OF COMPLAINT

[January —, 1986]

JUSTICE STEVENS delivered the opinion of the Court.

The question now before the Court is whether Nantucket Sound qualifies as "internal waters" of the Commonwealth of Massachusetts rather than partly territorial sea and partly high seas as the United States contends. We agree with the Special Master's conclusion that the Commonwealth's claim should be rejected.

I

Pursuant to an earlier decree of this Court,¹ the United States and Massachusetts in 1977 filed a Joint Motion for Supplemental Proceedings to determine the location of the Massachusetts coastline. After our appointment of a Special Master, 433 U. S. 917 (1977), the parties agreed on a partial settlement, which we approved in 1981. 452 U. S. 429.

¹ In 1968 the United States invoked our original jurisdiction to quiet title to the seabed along the coast of the Atlantic Ocean. In 1975 we entered a decree affirming the title of the United States to the seabed more than three geographic miles seaward of the coastline, and of the States to the seabed within the three geographic mile zone. *United States v. Maine*, 423 U. S. 1 (1975). See also *United States v. Maine*, 420 U. S. 515 (1975). In that decree we reserved jurisdiction which either the "United States or any defendant State [could] invoke . . . by filing a motion in this Court for supplemental proceedings." 423 U. S., at 2.

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

January 22, 1986

No. 35 Orig. United States v. Maine

Dear John,

Please join me.

Sincerely,

Sandra

Justice Stevens

Copies to the Conference

82 JAN 23 10:28

2025