



No. 12, Original

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*In the Supreme Court of the United States*

OCTOBER TERM, 1962

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STATE OF HAWAII, PLAINTIFF

*v.*

DAVID E. BELL, DEFENDANT

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MOTION FOR JUDGMENT ON THE PLEADINGS

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ARCHIBALD COX,

*Solicitor General,  
Department of Justice,  
Washington 25, D.C.*

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## MOTION FOR JUDGMENT ON THE PLEADINGS

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Defendant, David E. Bell, Director of the Bureau of the Budget, by the Solicitor General, moves the Court for judgment on the pleadings. The grounds for this motion are as follows:

1. The complaint presents a suit against the United States to which it has not consented.
2. The United States is an indispensable party to a suit upon the claim alleged in the complaint.
3. The complaint fails to state a claim upon which relief can be granted.

ARCHIBALD COX,  
*Solicitor General.*

## BRIEF IN SUPPORT OF MOTION FOR JUDGMENT ON THE PLEADINGS

In support of the motion for judgment on the pleadings, defendant adopts his previously-filed Brief in Opposition to Motion for Leave to File Complaint. For the reasons there stated the complaint should be dismissed.

Respectfully submitted,

ARCHIBALD COX,  
*Solicitor General.*

DECEMBER 1962.











