

Office Supreme Court, U.S.  
FILED

FEB 6 1963

JOHN F. DAVIS, CLERK

No. 12, Original

---

*In the Supreme Court of the United States*

OCTOBER TERM, 1962

---

STATE OF HAWAII, PLAINTIFF

*v.*

KERMIT GORDON

---

*ON MOTION BY PLAINTIFF TO ADVANCE DATE OF ARGUMENT*

---

MEMORANDUM FOR THE RESPONDENT

---

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

---



**In the Supreme Court of the United States**

**OCTOBER TERM, 1962**

---

**No. 12, Original**

**STATE OF HAWAII, PLAINTIFF**

*v.*

**KERMIT GORDON**

---

**ON MOTION BY PLAINTIFF TO ADVANCE DATE OF ARGUMENT**

---

**MEMORANDUM FOR THE RESPONDENT**

---

A decision of this case during the present Term would serve the interests of the government no less than those of the State, and the respondent accordingly does not oppose the motion of the State to advance the case for argument.

As noted by the State, the five-year period prescribed by § 5(e) of the Hawaii Statehood Act for the processing of the lands to which that provision applies will expire on August 21, 1964. Because of the respondent's view that § 5(e) does not apply to them, lands acquired by the United States by purchase or condemnation have not been, and are not being processed for the determinations that would be required by that provision. Should this case not be heard until the next Term, and should the Court then hold that

§ 5(e) is applicable to such lands, there would remain but a short period within which to make the necessary investigations, reports, and determinations. To undertake the processing of such lands prior to the decision of the case would, on the other hand, involve a waste of effort should the Court find the State's claim as insubstantial as it seems to us.

Because of the pendency of this suit, moreover, the government has voluntarily refrained from making any other disposition of property claimed by the State to be subject to § 5(e). Substantial amounts of property are involved, and an early resolution of the dispute would thus be to the government's advantage in order that, should the State's argument be rejected, such property may be disposed of in the ordinary course.

We note also that the case is now fully ready for argument. Since the case is pending on cross motions for judgment on the pleadings, there is no record to be printed and, since both parties have adopted the briefs previously filed on the motion for leave to file the complaint, all briefs have been filed and served.

For the reasons stated, the respondent does not oppose the State's motion to advance the case for argument. Provided that a rescheduling of the case would not seriously interfere with the Court's calendar, we invite the Court's favorable consideration of the motion.

Respectfully submitted.

ARCHIBALD COX,  
*Solicitor General.*

FEBRUARY 1963.









