

1 IN THE DISTRICT COURT OF THE UNITED STATES
2 IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
3 SOUTHERN DIVISION.
4

5 THE UNITED STATES OF AMERICA,)
6 Plaintiff,)
7 - vs -)
8 h SAKKARAM GANESH PANDIT,)
9 Defendant.)

No. G- 111-T

FINDINGS OF FACT AND
CONCLUSIONS OF LAW.

10 The above entitled cause came on regularly for hearing
11 in the above entitled court before the Honorable Paul McCormick,
12 Judge, on the 15th day of December, 1925; the plaintiff appearing
13 by Samuel W. McNabb, United States Attorney, and J. E. Simpson,
14 Assistant United States Attorney, and the defendant appearing by
15 Newby & Palmer, his attorneys, and the cause came on for hearing
16 upon the bill of complaint of the plaintiff, and the defendant's
17 first and fourth defenses thereto as pleaded in the answer of the
18 defendant to the said bill of complaint, and evidence both oral
19 and documentary having been introduced and arguments of counsel
20 heard, the cause was submitted to the court for its finding and
21 decree, and the court being sufficiently advised in the premises
22 makes the following findings of fact and conclusions of law in
23 said cause:
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25 K.

26 The defendant Sakkaram Ganesh Pandit was born in
27 Ahmedabad, India, on the 20th day of December A. D. 1875, and
28 is a high class Hindu of the Brahman caste and of full Indian
29 blood, and that he had a status of high social standing in his
30 native country of India; that he attended in India the Patha-
31 shala (being the orthodox Sanskrit University) in Benares, India,
32 and he attained and had conferred upon him at Dharwar, India, in

1 1904, the degree of Mahamahopadhyaya (corresponding in this
2 country to the degree of doctor of philosophy), which said degree
3 is a very high honor in defendant's native country of India, and
4 such degree enabled defendant to gain admission to any learned
5 institution or assembly of the Hindus in India; that defendant
6 also attended the English University at Bombay in India and there
7 received the degree of B.A.; that in the year 1906 the defendant
8 arrived in the United States at the City of New York on the 28th
9 day of August upon the vessel Crown Prinz Wm., and afterward on
10 the 24th day of March, 1911, he duly filed his declaration of
11 intention to become a citizen of the United States with the Clerk
12 of the United States Circuit Court for the Northern District of
13 Illinois, and that at said time he was a subject of George V.,
14 King of Great Britain and Ireland and Emperor of India; that
15 thereafter on the 13th day of June, 1913, defendant filed a
16 petition to be naturalized as a citizen of the United States in
17 the Superior Court of the State of California, ⁱⁿ and for the
18 County of Los Angeles; that the said Superior Court then and
19 there had competent jurisdiction to hear and determine such
20 petition, and afterwards such proceedings were had in said cause,
21 which was numbered in said court 2377 of petitions for naturaliza-
22 tion, that witnesses were called and documentary evidence sub-
23 mitted upon the part of petitioner, the said defendant. That the
24 United States of America appeared in said cause by Frederick Jones,
25 Esq., who was then and there the duly appointed, qualified and
26 acting examiner of the Bureau of Naturalization, United States
27 Department of Labor, and contested the defendant's right to
28 naturalization upon the same grounds alleged in the petition
29 herein for cancellation, and cross-examined the said petitioner
30 and his witnesses and argued the said cause before the court on
31 behalf of the United States and filed a brief on behalf of the
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1 United States in said cause contesting the granting of natural-
2 ization to this defendant; that after said hearing said cause
3 was held under consideration by said court for about nine (9)
4 months; that afterwards on May 7th, 1914, the said Superior
5 Court, having been fully advised in the premises, rendered its
6 judgment and decree in said cause, granting the said petition
7 of this defendant to be naturalized as a citizen of the United
8 States and issued to the defendant a certificate of naturaliza-
9 tion, No. 445063, all of which was then and there well known
10 to the plaintiff and to the said Frederick Jones, Examiner as
11 aforesaid, and the said Frederick Jones, as such examiner, did
12 then and there write a full report of the said proceeding and
13 of the determination thereof, and reported the same to his
14 superior officer for transmission to the United States Govern-
15 ment authorities at Washington.

16 II.

17 That the plaintiff herein, the United States of
18 America, did not make a motion for a new trial in said cause
19 and never appealed from said judgment, either to the courts of
20 California having appellate jurisdiction or to the courts of
21 the United States having appellate jurisdiction over said
22 cause, and took no proceeding whatever to change, modify or
23 reverse the said judgment, or to cancel the said certificate of
24 naturalization until the 23d day of June, 1923, when the
25 petition herein was filed in this court--about nine (9) years
26 after the granting and issuing to this defendant of the cer-
27 tificate of naturalization aforesaid.

28 III.

29 That the defendant relied upon the finality and
30 binding force of said judgment of the Superior Court of the
31 State of California, and relied upon the fact that the United
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1 States of America took no action whatever to vacate, reverse
2 or modify the said judgment, either by a motion for a new
3 trial, or by an appeal, or by writ of error to any court whatso-
4 ever, or by filing a petition to cancel the said certificate of
5 naturalization, and so relying upon the non-action and
6 acquiescence of the United States aforesaid, the defendant
7 began and prosecuted with all his ability and energy the study
8 of the law, and on the 20th day of December, 1917, after having
9 duly passed an examination before the State Bar Examiners of
10 the State of California, this defendant was duly admitted to
11 practice law as an attorney and counsellor in all of the courts
12 of the State of California.

13
14 IV.

15 That afterward on the 21st day of December, 1917, so
16 relying upon the said non-action and acquiescence of the
17 plaintiff herein defendant upon application duly made was
18 duly and regularly admitted as a proctor, advocate, attorney,
19 solicitor and counsellor in the above entitled district court of
20 the United States, and ever since said date the defendant has de-
21 voted his time and attention to, and earned his livelihood by,
22 practicing as such attorney and counsellor in the courts of the
23 State of California and of the United States; and afterward the
24 defendant was duly and regularly admitted to practice as a
25 proctor, advocate, attorney, solicitor and counsellor in the
26 Circuit Court of Appeals of the United States for the Ninth
27 Circuit.

28 V.

29 That since said certificate of naturalization was
30 granted to defendant, said defendant fully relying upon the
31 finality of the judgment granting such certificate and the
32 acquiescence of the United States therein, has procured himself

1 to be appointed a Notary Public and has a commission issued by
2 the Governor of the State of California as such Notary Public,
3 and the defendant is a duly qualified, appointed and acting
4 Notary Public of the State of California, and as such has been
5 earning fees of a yearly value of not less than Fifty Dollars
6 (\$50.00), and the said Notary commission is of value also to
7 the defendant as attracting to himself cases and business in
8 his said profession as an attorney.

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10 VI.

11 That the defendant, relying upon the conclusiveness
12 and finality of his said naturalization and upon the non-action
13 of the United States Government in reference thereto, and
14 believing that he was a duly regularly and lawfully naturalized
15 citizen of the United States, bought himself a home in the
16 City of Los Angeles in the State of California of the value of
17 about Fifteen Thousand (\$15,000.00) Dollars, and he is now the
18 owner thereof and resides with his family therein.

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20 VII.

21 That said defendant, fully relying upon the finality
22 and legality of said certificate of naturalization and the
23 acquiescence of the United States therein, contracted a marriage
24 with a white American woman citizen of the United States born in
25 the State of Michigan, and that said marriage was duly and
26 regularly contracted, a license having been procured therefor,
27 the ceremony performed according to law, and a certificate of
28 such marriage being duly recorded as provided by statute, and
29 that such marriage was contracted in the County of Los Angeles,
30 State of California, on June 5th, 1920.

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32 VIII.

That prior to the marriage of the defendant the de-

1 he also abandoned and surrendered his honorary degree of
2 Mahamahopadhyaya.

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4 XI.

5 That the defendant was the eldest son in his father's
6 family and as such was entitled to inherit, by the laws of his
7 country, the home, and in addition thereto to inherit about
8 four hundred (400) acres of the most fertile agricultural land
9 in his native country, and the family home which he would have
10 inherited is of the value of about Thirty Thousand (\$30,000.00)
11 Dollars, and the agricultural lands which he would have inherited
12 of the value of from One Hundred Thousand (\$100,000.00) Dollars
13 to Two Hundred Fifty Thousand (\$250,000.00) Dollars, and the
14 said defendant relying upon the lawfulness and regularity of
15 his naturalization, and relying upon the acquiescence of the
16 United States therein, abandoned his right to the said ancestral
17 home and to the said lands greatly to his pecuniary damage.

18 XII.

19 That the defendant had a sister residing in India who
20 recently died, and because of the change of allegiance of the
21 defendant, and his becoming a citizen of the United States, she
22 failed to will to him any portion of her estate greatly to the
23 defendant's pecuniary damage.

24 XIII.

25 That by reason of the taking of the oath of allegiance
26 by the defendant and his abandonment of his citizenship in his
27 native country, all of which was in reliance upon the legality
28 of his citizenship in the United States, defendant has lost
29 his citizenship in his native country and has lost his position
30 as a member of the Brahman caste, and would be, if he returned
31 to his native country, an outcast and incapable of associating
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1 with any of the castes in his native country.

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3 XIV.

4 That if the plaintiff herein is permitted to cancel
5 the naturalization certificate of the defendant and to set
6 aside his naturalization, the defendant's wife will thereby
7 lose her citizenship in the United States and she will then be
8 and become an alien, being the wife of an alien, and she will
9 lose her claim to the desert lands aforesaid, to the great
10 pecuniary loss of this defendant and to his said wife.

11 XV.

12 That if the petition of the plaintiff herein is
13 granted and the naturalization certificate of the defendant is
14 canceled, the defendant will lose his commission as a Notary
15 Public of the State of California, greatly to his pecuniary
16 damage and loss.

17 XVI.

18 That if the naturalization certificate of this de-
19 fendant is canceled the defendant will be deprived of the right
20 to practice law in the State of California, and in the courts of
21 the United States, and will be deprived of his means of making
22 a livelihood for himself and his family, greatly to his
23 pecuniary damage and loss.

24 That the defendant at the time of his naturalization
25 complied with all of the provisions of the statutes on natural-
26 ization in every particular, and there was no irregularity
27 or fraud in the procuring and granting of said naturalization
28 to the defendant, and at the time that said naturalization cer-
29 tificate was granted and issued to the defendant the great
30 weight of authority was to the effect that the defendant was
31 entitled to be naturalized and there was no authoritative
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1 decision to the contrary. That the defendant was, at the time
2 of his naturalization, ever since has been and now is a person
3 morally, mentally and physically qualified and fit to be
4 naturalized as a citizen of the United States.

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6 Conclusions of Law.

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8 And as conclusions of law from the above and fore-
9 going findings of fact the court holds:

10 1. That the plaintiff is estopped from prosecuting this
11 action to cancel the certificate of naturalization of the
12 defendant herein; *and the bill should be dismissed.* *PM*

13 2. That the defendant is entitled to a decree that the
14 plaintiff take nothing by reason of the proceedings herein,
15 and that the defendant have judgment for his costs. A decree
16 is directed to be entered in accordance with the foregoing
17 findings of fact and conclusions of law.

18 Dated January 8th, 1926.

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21 _____
22 Judge.
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