

1 IN THE UNITED STATES DISTRICT COURT,  
2 SOUTHERN DISTRICT OF CALIFORNIA,  
3 SOUTHERN DIVISION

4 THE UNITED STATES OF AMERICA ) No. G - 111 - T  
5 Plaintiff )  
6 vs. ) ANSWER  
7 SAKHARAM GANESH PANDIT )  
8 Defendant )  
9

10 Now comes the defendant, Sakharam Ganesh Pandit, and for an-  
11 swer to the petition herein, avers:

12 I.

13 He admits that on or about the 4th day of March, 1911, he filed  
14 a declaration of intention to become a naturalized citizen of the  
15 United States, with the Clerk of the United States Circuit Court  
16 for the Northern District of Illinois, and that he was then and  
17 there a subject of George V, King of Great Britain and Ireland and  
18 Emperor of India.

19 II.

20 The defendant also admits that on or about the 13th day of June,  
21 1913, he filed a petition to be naturalized as a citizen of the  
22 United States, in the Superior Court of the State of California, in  
23 and for the County of Los Angeles, and that said defendant was then  
24 and there a subject of George V, King of Great Britain and Ireland  
25 and Emperor of India.

26  
27 III.

28 The defendant avers that after a full and complete hearing of  
29 his said petition, upon documentary and oral evidence, and after a  
30 full and exhaustive argument and examination of authorities, and  
31 after having held said cause under advisement for about nine months,  
32 the said Court, on the 7th day of May, 1914, made its order and de-



1 tion of intention to become a naturalized citizen of the United  
2 States, with the Clerk of the United States Circuit Court for the  
3 Northern District of Illinois; and that on the 13th day of June, 1913  
4 defendant filed a petition to be naturalized as a citizen of the  
5 United States, in the Superior Court of the State of California, in  
6 and for the County of Los Angeles, which said cause was numbered  
7 2377 of Petitions for Naturalization in said Court; that the United  
8 States of America appeared and contested the said petition then and  
9 there before the said Court, upon the same grounds alleged in the  
10 petition herein for cancellation of the defendant's certificate of  
11 naturalization, and did then and there cross-examine the petitioner  
12 and the witnesses produced in support of his petition concerning the  
13 matters touching and in any way affecting this defendant's right to  
14 admission to citizenship; and then and there called witnesses and  
15 produced evidence, and was then and there heard in opposition to the  
16 granting of said petition therein, and the said United States was  
17 then and there represented therein by Frederick Jones, Esq., who was  
18 at said time the duly appointed, qualified and acting Examiner of  
19 the Bureau of Naturalization, of the United States Department of  
20 Labor; and after a full hearing upon said cause, in which witnesses  
21 were produced and testimony adduced, as aforesaid, and after full  
22 argument, and after holding said cause under consideration for about  
23 nine months, the said cause was determined in favor of this defend-  
24 ant, and he was, by a judgment of said court rendered May 7, 1914,  
25 in said cause, duly admitted as a citizen of the United States, and  
26 a certificate of naturalization numbered 445,063 was then and there  
27 duly, regularly, and lawfully issued to him. That no motion for a  
28 new trial was made in said cause, and said judgment and order of the  
29 Court was not appealed from, and has long since become final, and  
30 has been, ever since the said 7th day of May, 1914, and now is in  
31 full force and effect; and the said judgment of the said Court has  
32 become and is res adjudicata to, upon and against the plaintiff here-

1 in, and in this proceeding.  
2  
3

4 THIRD

5 For a third answer to the petition herein, this defendant  
6 avers:

7 I.

8 That the defendant herein duly and regularly filed his declar-  
9 ation of intention to become a naturalized citizen of the United  
10 States with the Clerk of the United States Circuit Court for the  
11 Northern District of Illinois, on March 4, 1911; and afterwards, on  
12 the 13th day of June, 1913, this defendant duly and regularly filed  
13 a petition in the superior court of the state of California, in and  
14 for the county of Los Angeles, being petition numbered 2377 in the  
15 Naturalization records of said Court, which petition and the proceed-  
16 ings thereon will be found in Volume 11, at page 44, Petition and  
17 Records in the office of the Clerk of said Superior Court, the said  
18 Court then and there being a court of competent jurisdiction to  
19 hear, determine and grant certificates of naturalization, and after  
20 a full and complete hearing, at which hearing the United States of  
21 America then and there appeared by Frederick Jones, Esq., the duly  
22 appointed, qualified and acting examiner of the Bureau of Naturaliz-  
23 ation, Department of Labor, and contested the right of the defend-  
24 ant to receive a certificate of naturalization upon the same grounds  
25 alleged in the petition herein for the cancellation of said certi-  
26 ficate of naturalization, and the said court then and there granted  
27 to this defendant a certificate of naturalization; and defendant  
28 avers that said certificate of naturalization was duly, lawfully and  
29 regularly granted to this defendant by said Court; and this defend-  
30 ant avers that the action of the plaintiff herein to cancel the said  
31 certificate of naturalization is barred by the statute of limitations,  
32 limiting appeals and writs of error from said judgment to the courts

1 of appeal of the State of California and to the United States Cir-  
2 cuit Court of Appeal, and the Supreme Court of the United States.

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4  
5 FOURTH

6 And for a fourth defense to the petition herein, the defend-  
7 ant avers:

8 I.

9 That this defendant now is and at all the times herein men-  
10 tioned was a White person entitled to be naturalized under the laws  
11 of the United States; that this defendant on the 24th day of March,  
12 1911, filed his declaration of intention to become a citizen of the  
13 United States with the Clerk of the United States Circuit Court  
14 for the Northern District of Illinois, and that he was at that time  
15 a subject of George V, King of Great Britain and Ireland and Empe-  
16 or of India; that thereafter on the 13th day of June, 1913, defend-  
17 ant filed a petition to be naturalized as a citizen of the United  
18 States, in the Superior Court of the State of California, in and  
19 for the County of Los Angeles, the said Superior Court then and  
20 there having competent jurisdiction to hear and determine such peti-  
21 tion; and afterwards such proceedings were had in the said cause,  
22 which was numbered 2377 of Petitions for Naturalization in said  
23 Court, that witnesses were called and documentary evidence submit-  
24 ted upon the part of petitioner, this defendant; and the United  
25 States of America appeared in said cause by Frederick Jones, Esq.,  
26 who was then and there the duly appointed, qualified and acting  
27 Examiner of the Bureau of Naturalization, United States Department  
28 of Labor, and contested this defendant's right to naturalization  
29 upon the same grounds alleged in the petition herein for cancella-  
30 tion, and cross-examined the said petitioner, and his witnesses,  
31 and produced witnesses and evidence on behalf of the United States,  
32 and argued said cause on behalf of the United States, and after

1 said hearing said cause was held under consideration by said Court  
2 for about nine months; that afterwards, on May 7th, 1914, the  
3 Court, having been fully advised in the premises, rendered its judg-  
4 ment and decree in said cause, granting the said petition of this  
5 defendant to be naturalized as a citizen of the United States, and  
6 issued to this defendant a certificate of naturalization numbered  
7 445,063; all of which was then and there well known to the United  
8 States and to Frederick Jones, aforesaid. That the plaintiff here-  
9 in, the United States of America, did not make a motion for a new  
10 trial in said cause and never appealed from said judgment, either  
11 to the courts of California having appellate jurisdiction, or to  
12 the courts of the United States having appellate jurisdiction over  
13 said cause; and the said United States of America took no action  
14 whatever to change, modify, or reverse the said judgment or to can-  
15 cel the said certificate of naturalization, but acquiesced in the  
16 said judgment and the said certificate of naturalization until the  
17 day of April, 1923, when the petition herein was filed in  
18 this Court; and this defendant, relying upon the finality and bind-  
19 ing force of said judgment of the Superior Court of the State of  
20 California, because of the want of any action upon the part of the  
21 United States of America to vacate, reverse, or modify the said  
22 judgment, either by a motion for a new trial; by an appeal, or by  
23 writ of error to any court whatsoever, or by filing a petition to  
24 cancel the said certificate of naturalization; and because of the  
25 acquiescence of the United States in said judgment and said certi-  
26 ficate of naturalization, began and prosecuted with all his ability  
27 and energy the study of the law, and on the 20th day of December,  
28 1917, after having duly passed an examination before the State Bar  
29 Examiners of the State of California, this defendant was duly ad-  
30 mitted to practice law as an attorney and counsellor in all the  
31 Courts of the state of California. That afterwards, on the 21st  
32 day of December, 1917, upon application duly made, this defendant

1 was duly and regularly admitted as a proctor, advocate, attorney,  
2 solicitor and counsellor in the above entitled District Court of  
3 the United Staes, and since said date the defendant has devoted his  
4 time and attention to, and earned his livelihood by, practicing as  
5 such attorney and counsellor in the Courts of the State of Califor-  
6 nia, and of the United States, and defendant represents that if the  
7 said judgment granting naturalization to this defendant be set aside  
8 and the certificate of naturalization issued to him be canceled, this  
9 defendant will be deprived of his license to practice law in the  
10 courts of California and of the United States, and he will thereby  
11 be deprived of his means of earning a living for himself and his fam-  
12 ily, greatly to the defendant's damage and injury.

13  
14 II.

15 That since the said certificate of naturalization has been  
16 granted to this defendant, said defendant, fully relying upon the  
17 finality of the judgment granting such certificate, and the acquies-  
18 cence of the United States therein, has procured himself to be ap-  
19 pointed a Notary Public, and has a commission issued by the Governor  
20 of the State of California as such Notary Public, and defendant is a  
21 duly qualified and appointed Notary Public of the State of California;  
22 and if said certificate of citizenship so issued to this defendant  
23 be now canceled, this defendant will be deprived of his said commis-  
24 sion and will be stripped of his said office as Notary Public, and  
25 will suffer the loss of such fees as he would be able to earn as such  
26 officer, to defendant's damage and loss.

27  
28 III.

29 That the defendant herein, in full reliance upon said judg-  
30 ment granting defendant naturalization, and the acquiescence of the  
31 United States therein, and believing that he was a duly, regularly  
32 and lawfully naturalized citizen of the United States, bought him a  
home in said state of California, and is now the owner thereof, and

1 resides with his family therein; and defendant avers that if said  
2 naturalization certificate is now canceled, under the Alien Land Law  
3 of the State of California, defendant may be deprived of the title  
4 to said home, and he and his family ejected therefrom, to defendant's  
5 great damage and loss.

6 IV.

7 That since the said certificate of naturalization was issued  
8 to the defendant, the defendant, in full reliance upon the finality  
9 and legality of the said certificate, and the acquiescence of the  
10 United States therein, contracted a marriage with a White American  
11 woman citizen, born in the state of Michigan; and defendant avers  
12 that if the said certificate of naturalization should be now canceled  
13 for the reason, and upon the ground that this defendant is not a  
14 White person, it will seriously involve the legality of his marriage,  
15 because, under the provision of the Civil Code of California, in  
16 which state his marriage license was procured, and his marriage took  
17 place, it was required, in order that he procure such license, that  
18 he should be a White person, and the judgment of this court that he  
19 was not a White person would throw doubt upon the legality of his  
20 marriage relations, greatly to defendant's damage and irreparable  
21 loss.

22 V.

23 That prior to the marriage of the defendant, the defendant's  
24 wife, then Lillian B. Stringer, was a citizen of the United States,  
25 and as such filed her application in the United States Land Office  
26 for 320 acres of desert land in the Imperial Valley in California,  
27 to wit, the west half of section 4, township 14 south, range 10  
28 east, S.B.B. & M., and defendant's said wife, has, aided by this de-  
29 fendant, spent in reclamation work upon said land the sum of about  
30 \$2,000.00; that the time to make final proof on said land for the  
31 purpose of procuring a patent from the Government is near, and de-  
32 fendant avers that if said Certificate of Naturalization should now