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(JAN. 13, 1943)

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No. 10,299
IN THE
United States Circuit Court of Appeals
For the Ninth Circuit

JOHN T. REGAN,

Appellant,

VS.

CAMERON KING, as Registrar of Voters
in the City and County of San Fran-
cisco, State of California,

Appellee.

BRIEF FOR APPELLEE.

JOHN J. O'TOOLE,

City Attorney

of the City and County of San Francisco,

WALTER A. DOLD,

Chief Deputy City Attorney

of the City and County of San Francisco,

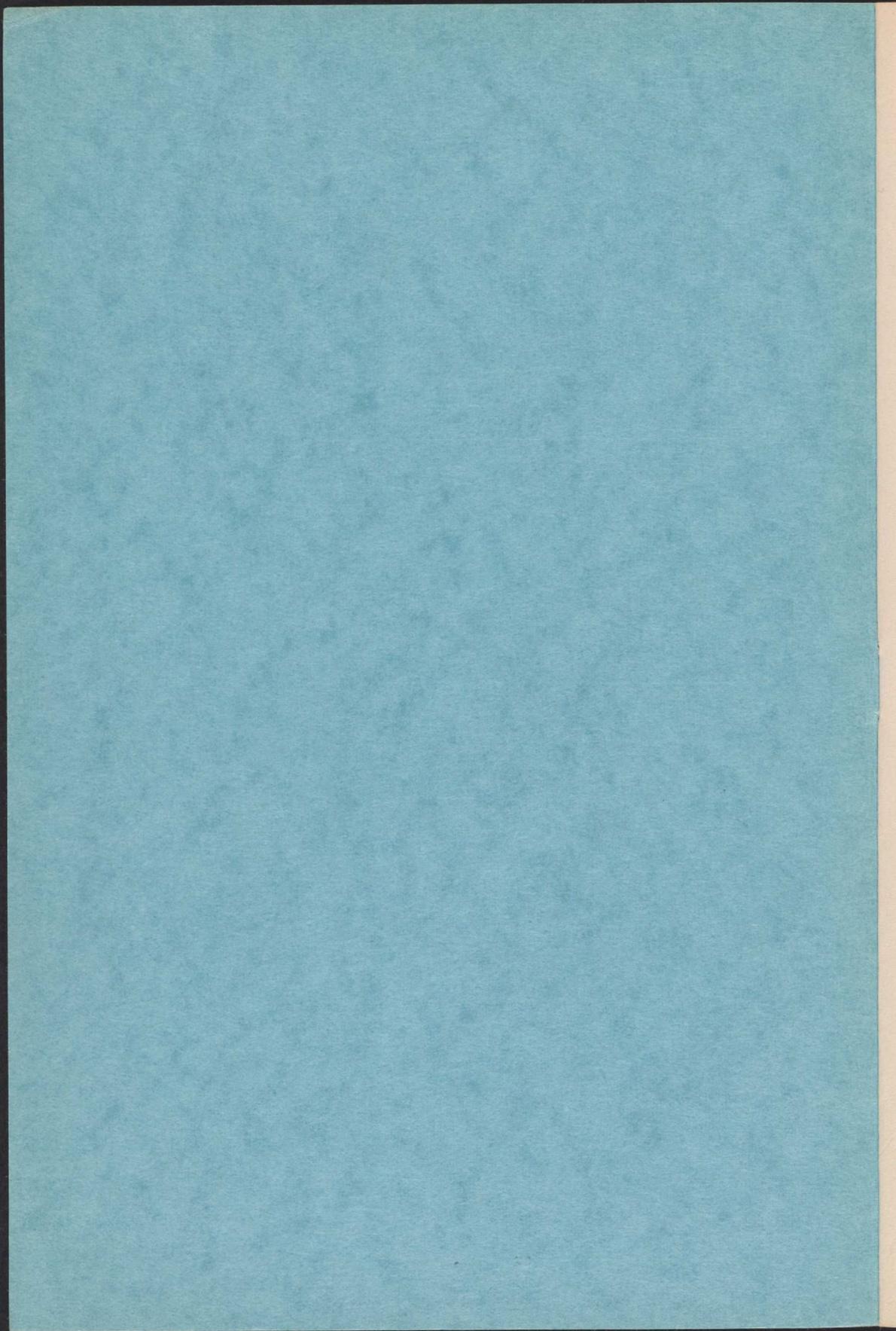
City Hall, San Francisco,

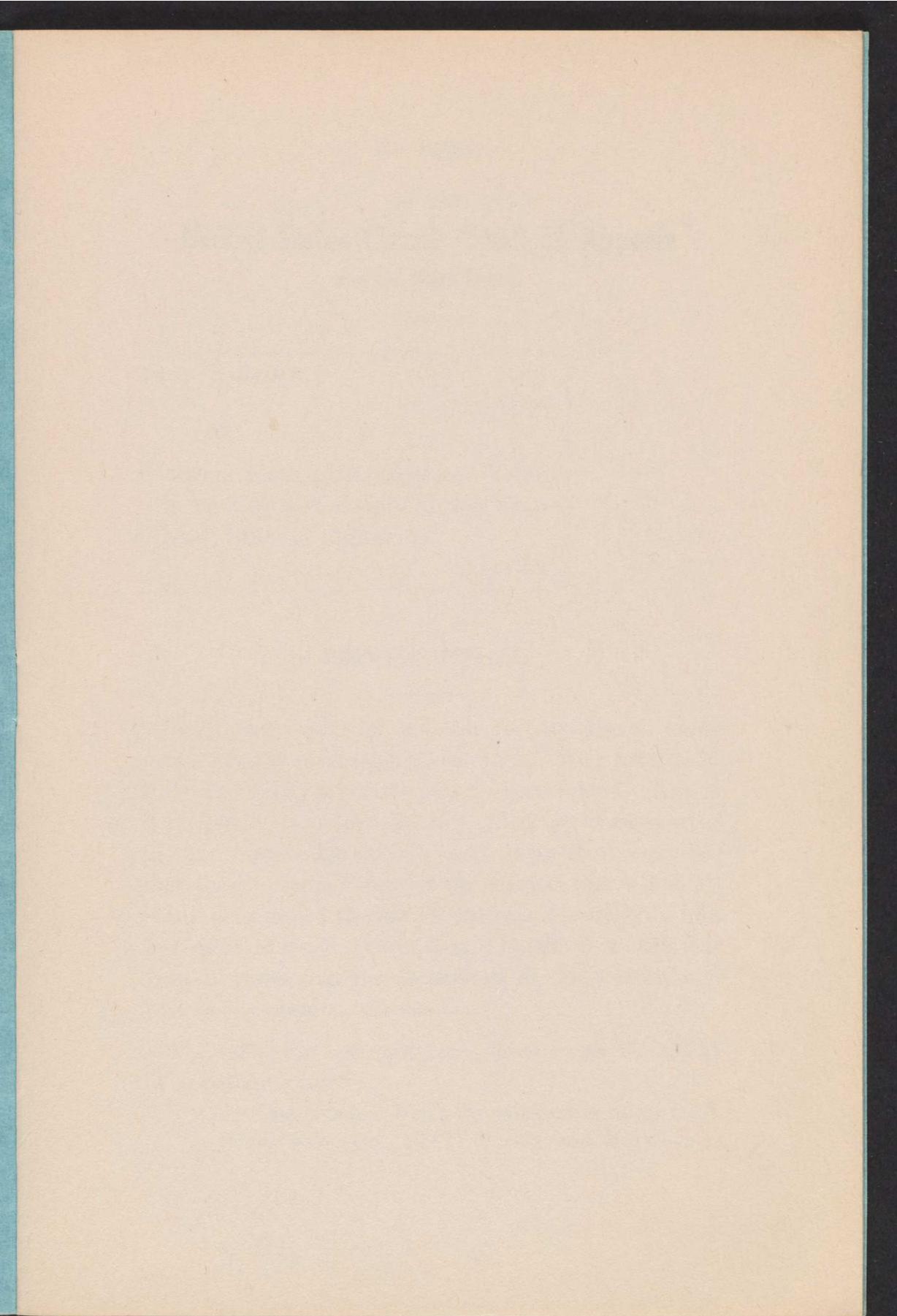
Attorneys for Appellee.

FILED

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PAUL P. O'BRIEN,
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BRIEF FOR APPELLEE.

There is no need in this case for appellee to enter into a lengthy discussion of the facts. They have been fully and fairly set forth in appellant's brief. Nor is it necessary to enter into any extended discussion of the law applicable to the case. Appellant concedes that the Supreme Court of the United States has already determined the law of this case adversely to him in *United States v. Wong Kim Ark*, 169 U. S. 649, but frankly states that the decision of the Supreme Court was, in his opinion, erroneous.

The following are quotations from pages 20 and 21 of appellant's brief:

“The Court below bases its conclusion upon *U. S. v. Wong Kim Ark*, 169 U. S. 649, and *Morrison v.*

California, 291 U. S. 82. In its memorandum and order (T. R. p. 16) it adds the case of *Perkins v. Elg*, 307 U. S. 325.”

“Wong Kim Ark was a Chinese born in the United States and based his claim to citizenship upon the first sentence of the Fourteenth Amendment of the Federal Constitution. The Supreme Court approved his claim and declared him to be a citizen of the United States solely because he was born therein.”

“Appellant was not unaware of this decision but brought this action *in the belief that the decision was erroneous* and agrees that if that case was correctly decided, the judgment from which he appeals must be affirmed.”

In view of the foregoing there appears to be no reason for appellee to proceed further with this brief.

We respectfully submit that the judgment of the United States District Court should be affirmed.

Dated, San Francisco,
January 13, 1943.

Respectfully submitted,

JOHN J. O'TOOLE,

City Attorney

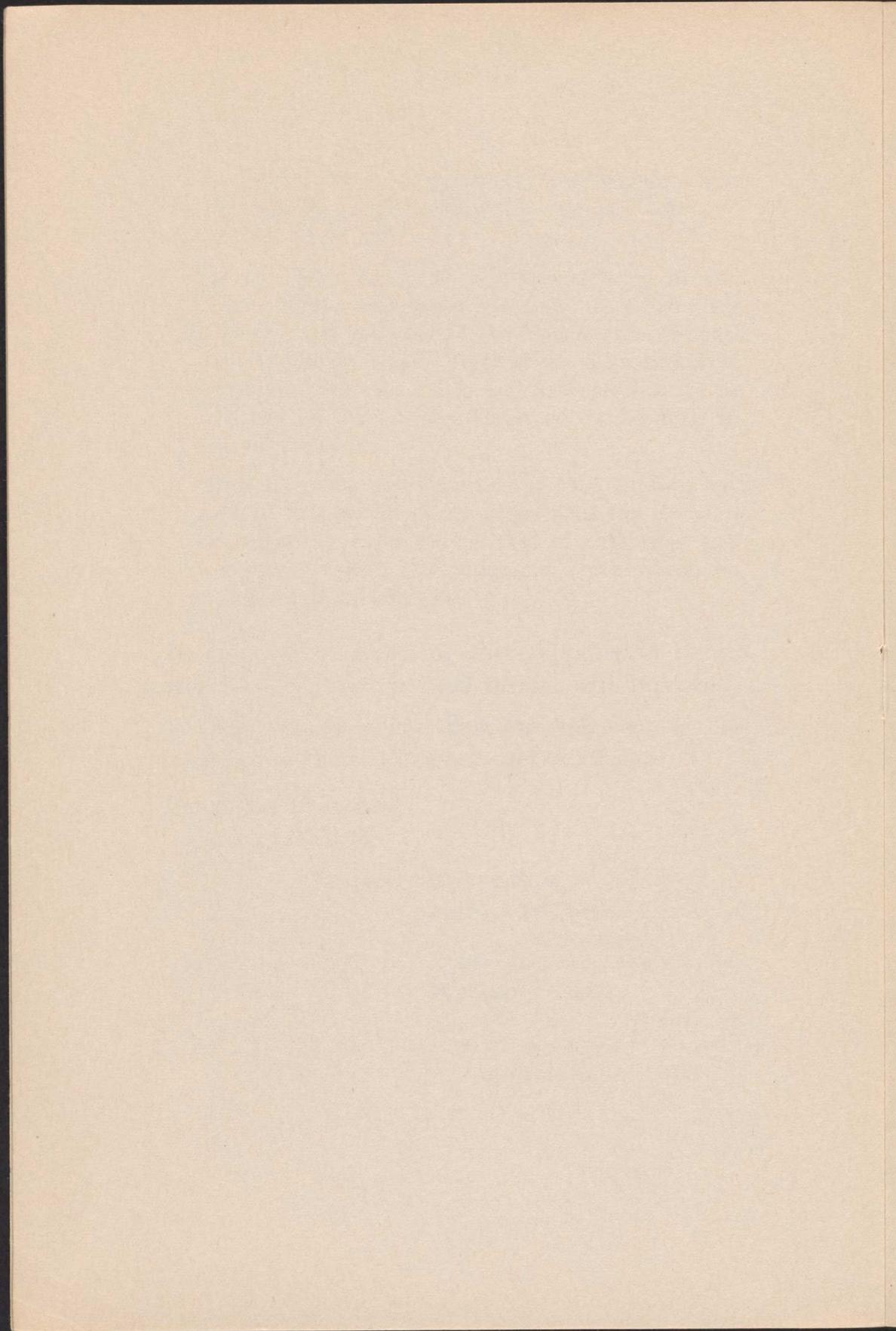
of the City and County of San Francisco,

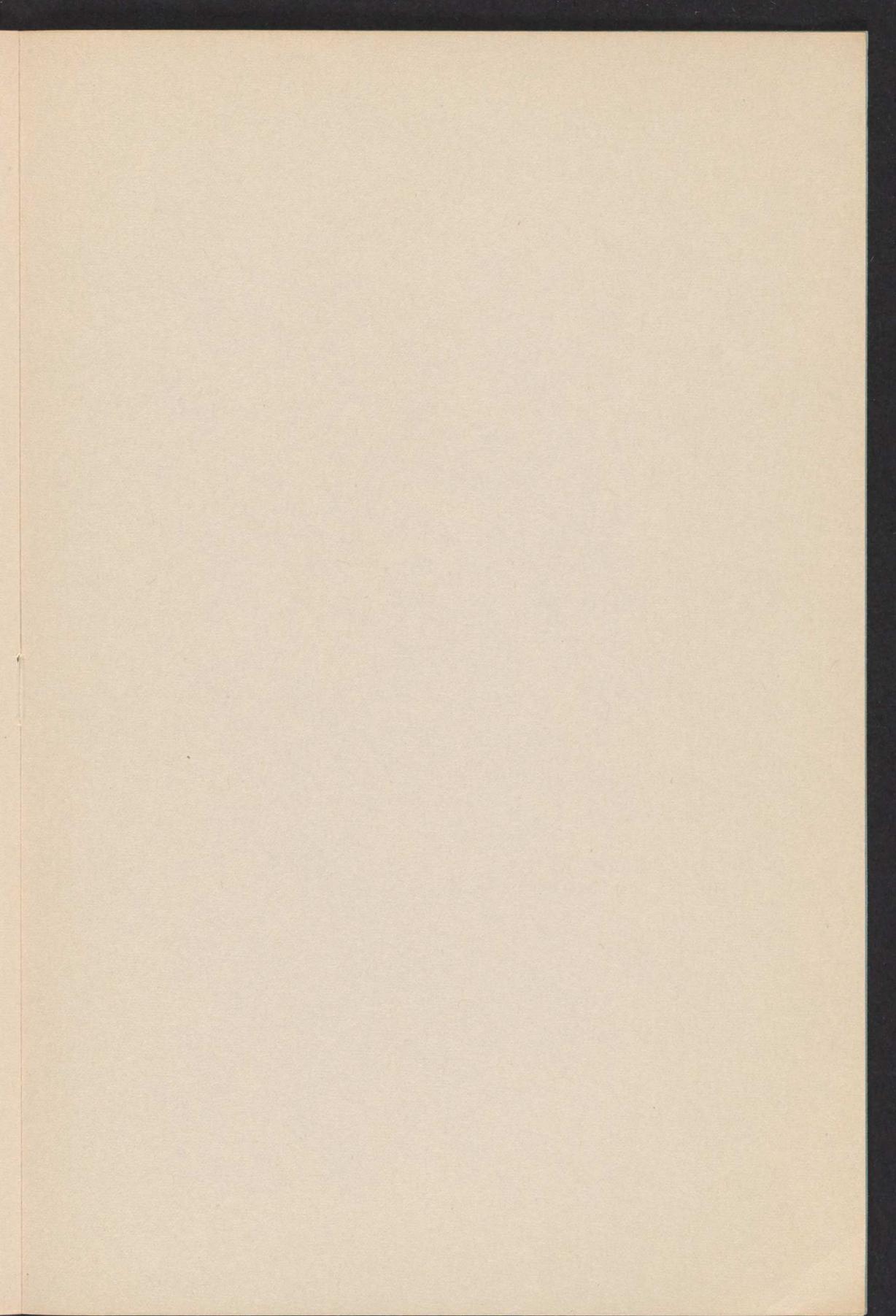
WALTER A. DOLD,

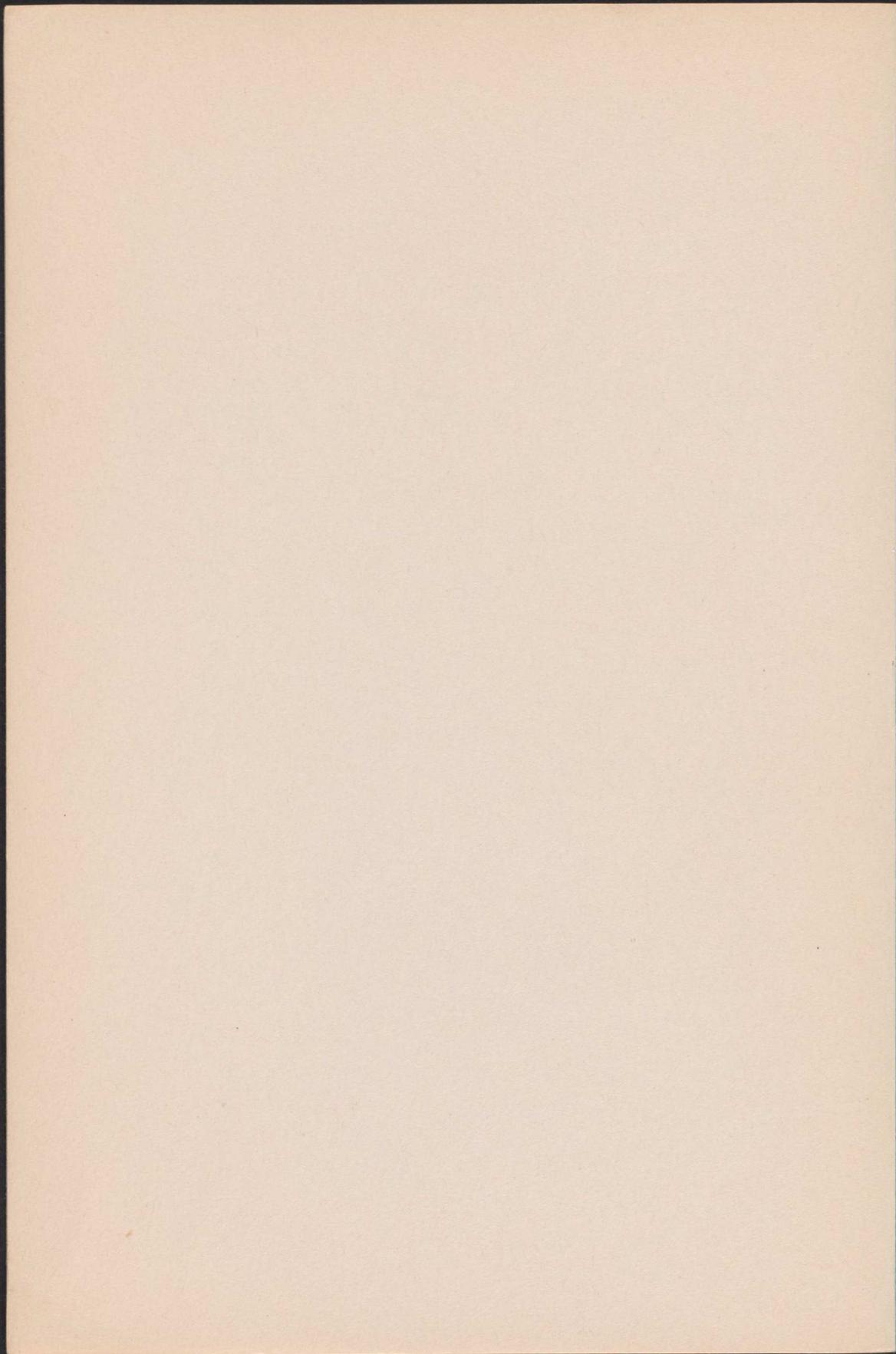
Chief Deputy City Attorney

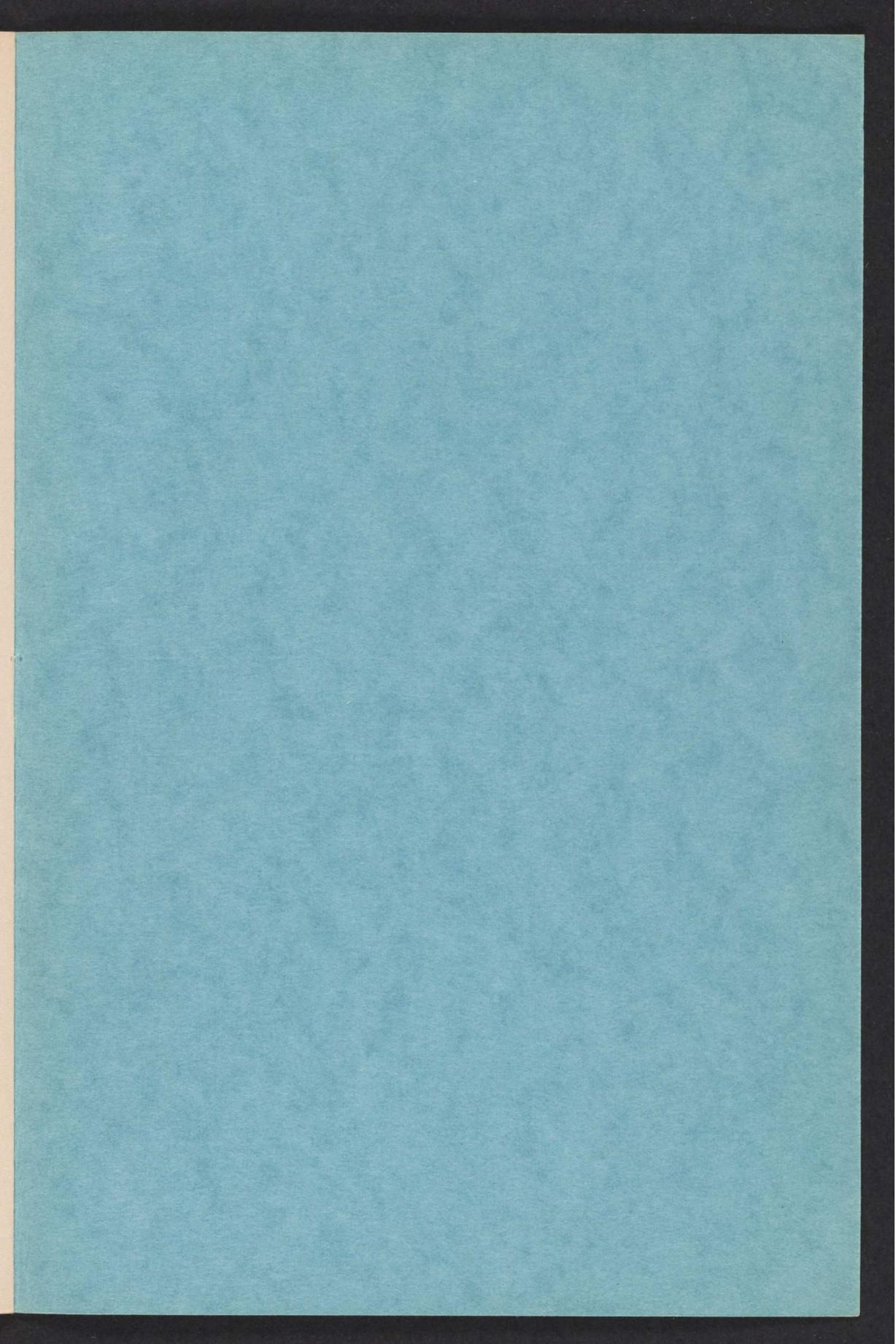
of the City and County of San Francisco,

Attorneys for Appellee.









Due service and receipt of a copy of the within is hereby admitted

this.....day of January, 1943.

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Attorneys for Appellant.