

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Peter Chaunt v. United States

295 F.2d 319 (9th Cir. 1961) · No. No. 15843 · Decided October 11, 1961

SUMMARY

The Ninth Circuit reconsidered Peter Chaunt’s denaturalization after the Supreme Court reversed its earlier decision concerning concealment of prior arrests. The court held that the evidence supported a finding that Chaunt had been a Communist Party member when he applied for naturalization, but that his disclosure of membership in and employment by the International Workers Order sufficiently disclosed his communist affiliations to avoid fraudulent concealment. The court reversed the district court’s judgment revoking his citizenship.

CASE DETAILS

COURT	United States Court of Appeals for the Ninth Circuit
WRITING FOR THE COURT	Maris, Circuit Judge; Stephens, Circuit Judge; Barnes, Circuit Judge
JURISDICTION	Federal
DECIDED	October 11, 1961
DOCKET	No. 15843
DISPOSITION	reversed
PROCEDURAL POSTURE	Appeal from a judgment of the United States District Court for the Southern District of California revoking Chaunt's order of naturalization. The appeal was heard after the Supreme Court reversed the Ninth Circuit's prior affirmance and remanded for consideration of unresolved denaturalization issues.
STANDARD OF REVIEW	The court reviewed whether the evidence supported the district court's findings and whether the alleged misrepresentations and concealment legally warranted denaturalization.
PRECEDENTIAL VALUE	Published federal appellate opinion
PARTIES	Peter Chaunt v. United States of America

TOPICS

- naturalization
- immigration
- appellate procedure
- evidence
- burden of proof

PRACTICE AREAS

Immigration and nationality law

Appellate procedure

Evidence

QUESTIONS PRESENTED

1. Whether Chaunt's alleged misrepresentation of his attachment to the principles of the Constitution and allegiance to the United States could support denaturalization after *Nowak v. United States* and *Maisenberg v. United States*.
2. Whether the evidence supported the finding that Chaunt was a member of the Communist Party around the time of his naturalization application.
3. Whether Communist Party membership and activity, together with Chaunt's answer that he belonged only to the International Workers Order, established fraudulent concealment sufficient to revoke his naturalization.

HOLDINGS

1. The alleged untruthful answer concerning Chaunt's attachment to the principles of the Constitution could not support denaturalization because the Government had abandoned that theory in light of *Nowak* and *Maisenberg*.
2. The evidence supported the district court's finding that Chaunt was a member of the Communist Party at approximately the time he petitioned for naturalization.
3. Mere membership and activity in the Communist Party were not, under the applicable naturalization law, sufficient by themselves to warrant denaturalization.
4. Chaunt's disclosure that he belonged to and worked for the International Workers Order was sufficient disclosure of his Communist affiliations to put the Government on inquiry; therefore, his answer that he belonged to no other organization did not establish fraudulent concealment sufficient to revoke naturalization.

KEY QUOTATIONS

"Acquisition of American citizenship is a solemn affair. Full and truthful response to all relevant questions required by the naturalization procedure is, of course, to be exacted, and temporizing with the truth must be vigorously discouraged. Failure to give frank, honest, and unequivocal answers to the court when one seeks naturalization is a serious matter. Complete replies are essential so that the qualifications of the applicant or his lack of them may be ascertained. Suppressed or concealed facts, if known, might in and of themselves justify denial of citizenship. Or disclosure of the true facts might have led to the discovery of other facts which would justify denial of citizenship." (364 U.S. 352-353)

"We think that the Supreme Court here clearly ruled that the record established that the International Workers Order was known to be a communist controlled organization in 1940 and that the defendant's disclosure of his membership in and employment by that organization was, therefore, a sufficient disclosure of his communist affiliations to put the Government on inquiry and thus avoid the charge of fraudulent concealment." (para. 13)

FACTUAL BACKGROUND

Chaunt, a native of Hungary who entered the United States in 1921, engaged in Communist-related activities from at least 1928 through the 1940s and worked for the International Workers Order, which the record characterized as controlled or dominated by the Communist Party. During his 1940 naturalization examination, he disclosed membership in and employment by the International Workers Order but stated that he belonged to no other organization. He became a naturalized citizen in the Eastern District of New York on November 28, 1940. The Government later brought a denaturalization action, alleging that he had concealed Communist Party membership and had made other material misrepresentations.

PROCEDURAL HISTORY

The district court entered judgment revoking Chaunt's citizenship on several alleged grounds, including concealment of prior arrests, misrepresentation of attachment to constitutional principles and allegiance to the United States, and concealment of Communist Party beliefs and membership. The Ninth Circuit initially affirmed on the prior-arrests ground, but the Supreme Court reversed because the arrests did not reflect on Chaunt's character and remanded the case. On remand, the Ninth Circuit rejected the remaining grounds and reversed the district court's denaturalization judgment.

DISPOSITION

reversed

CASES CITED

- Peter Chaunt v. United States, 270 F.2d 179 (9th Cir. 1959)
- Peter Chaunt v. United States, 364 U.S. 350, 81 S.Ct. 147, 5 L.Ed.2d 120 (1960)
- Nowak v. United States, 356 U.S. 660, 78 S.Ct. 955, 2 L.Ed.2d 1048 (1958)
- Maisenberg v. United States, 356 U.S. 670, 78 S.Ct. 960, 2 L.Ed.2d 1056 (1958)
- Schneiderman v. United States, 320 U.S. 118, 158, 63 S.Ct. 1333, 87 L.Ed. 1796 (1943)
- Costello v. United States, 365 U.S. 265, 81 S.Ct. 534, 5 L.Ed.2d 551 (1961)
- United States v. Anastasio, 226 F.2d 912 (3d Cir. 1955)
- Thompson v. Maxwell Land Grant Co., 168 U.S. 451, 456, 18 S.Ct. 121, 42 L.Ed. 439 (1897)