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IN THE DISTRICT COURT OF THE UNITED STATES  
For the District of Oregon.

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
TATOS OSGIHAN CARTOZIAN,  
Defendant.

No. E-8668.

*34-8*

TRANSCRIPT OF EVIDENCE.

U.S. DISTRICT COURT  
DISTRICT OF OREGON  
FILED

JUN 19 1925

*[Signature]*  
CLERK

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IN THE DISTRICT COURT OF THE UNITED STATES  
For the District of Oregon.

UNITED STATES OF AMERICA,

Plaintiff,

v.

TATOS OSGIHAN CARTOZIAN,

Defendant.

CHARLES E. WOLVERTON, Judge.

Portland, Oregon, May 8, 1924.

John S. Coke, U. S. Attorney,  
Jos. L. Stearns, Jr., Assistant U. S. Attorney,  
V. W. Tomlinson, Naturalization Examiner;

McCamant & Thompson,  
Wallace McCamant for Defendant.

It is stipulated and agreed that the motion to strike portions of the answer and the trial of the cause may proceed and be heard at the same time, without the Government's waiving its motion.

Mr. Coke: Is it stipulated, Judge McCamant, that the Government may introduce its excerpts and copies from works and authorities and books all together, without separating them? I will furnish copies.

Mr. McCamant: I think so, Judge Coke.

My thought about that, your Honor, is that the court will take judicial knowledge of the contents of works of literature, history and science, and it is only a matter of convenience to have them in the record, so whatever is the easiest way to get them in is satisfactory to the defendant.

Mr. Coke: In that regard, your Honor, the Government requests the court that it do take judicial notice of matters of history and of geography, and of the writings and treatises upon ethnological questions and geographical questions.

COURT: Have you those works that you desire to introduce?

Mr. Coke: I refer to the ones that we shall offer in evidence, if your Honor please. I think it is the correct practice that the court be asked to take judicial knowledge;

and also including the reports of the Committees on Immigration and Naturalization of the House and Senate of the United States, and reports of the Executive Department of the Government, the public and private official acts of the Executive Departments of the United States.

I also at this time desire to direct your Honor's attention to the rule with respect to the admissibility and the weight to be given to expert testimony. The evidence offered on behalf of the defendant is largely of that character, your Honor, and I am respectfully asking that the court bear in mind the rule applicable to evidence of that character.



V. W. TOMLINSON

Called as a witness on behalf of the Government, being first duly sworn, testified as follows.

DIRECT EXAMINATION.

Questions by Mr. Coke:

Mr. Tomlinson, what official position do you occupy with the Government, if any?

A Naturalization Examiner for the Bureau of Naturalization, Department of Labor.

Q How long have you acted as Naturalization Examiner?

A About seven years.

Q I call your attention to an affidavit attached to and marked Exhibit "A" of the complaint. Will you state whether that is an affidavit made by you, of the date given as the time when it was sworn to?

A It is.

Q What did you do with that affidavit? Was that handed to the United States Attorney for the District of Oregon?

A It was forwarded to the Department of Labor, and by them transmitted to the United States Attorney, through the Attorney General,

Mr. Coke: Under the stipulation, your Honor, we now offer in evidence excerpts as follows:

From the Farewell Address of President George Washington to the American People, delivered in 1796.

John Quincy Adams, President of the United States, in 1810.

"A Tour," by William Darby, in 1819.

Tomlinson - direct

The record shows the pages, your Honor. I assume it will not be necessary to repeat the pages.

COURT: It will not be necessary, except we want a record of the references, so we can turn readily to them.

Mr. Coke: The reference to the Farewell Address of George Washington is "Writings of George Washington" (Boston, 1837), pages 214-228. Reprinted in American Patriots and Statesmen; P. F. Collier & Son, 1916, Vol. 3, page 49.

The reference to John Quincy Adams' writings is contained in "Writings of John Quincy Adams," published in New York in 1916; reprinted in American Patriots and Statesmen; P. F. Collier & Son, Vol. 3, pages 238-239.

COURT: In what respect do those productions bear upon the present case?

Mr. Coke: They go, your Honor, largely, to the question as to whom the Fathers regarded as white persons; and that is exactly in line with the decision of Justice Sutherland, of the Supreme Court.

It will shorten this procedure, your Honor, if I offer this testimony in this order, that is to say, these excerpts as contained in pages 1 to 49, and in which are given the names and authorities, together with the volumes and pages, and ask that they be made a part of the record.

COURT: Do you want to offer that document you have in your hand?

Mr. Coke: Yes, I offer the entire document, from page 1

Tomlinson - direct

to page 49, inclusive. So far as the Government is concerned,

it is asking that these excerpts be made evidence in this case, and it is assumed that your Honor, and any court which may be called upon to review the decision, will also have reference to the originals from which these excerpts are taken.

COURT: Yes, of course, the court will very likely want to look further into the matter, even beyond those references.

Mr. Coke: Without a doubt.

COURT: The court ought not to be required to read matter that it does not think is going to throw light upon this question. I would like to get it in as compact form as I can.

Mr. Coke; That was the view we had, your Honor, in making these excerpts, calling your Honor's attention to these particular excerpts; and if your Honor desires further information or references, the authorities quoted from may be referred to, or other matters as well.

COURT: Very well. You may let that go in as record evidence in the case.

Mr. McCamant: I was going to say, your Honor, that I do not object to the manner in which this offer is made; but much that is offered seems to me to be irrelevant to this controversy, and I therefore reserve an objection as to each and every of these documents offered, as irrelevant and immaterial.

COURT: Very well. You may reserve that objection. This is an equity case. The objection will be overruled. All this

matter will go in, so that the record may be complete.

Marked "Plaintiff's Exhibit A."

Mr. Coke: The court's attention is called to the fact also that the Supreme Court of the United States, without any testimony at all, made reference to the books and works and authorities upon this question. They took judicial notice, evidently, of such matters as we are now offering in evidence.

COURT: I have an idea that the court can take judicial notice of all historical matters, all these historical productions that are authority upon the subject. What the court wants is to get such matter as is reliable before it by apt reference and by concrete statement of the matter that you rely upon. I think you need not go further than that, and you can shorten this proceeding very much. If the court is not satisfied with what you have produced, I think it has the authority to go beyond that, and look into other references.

Mr. Coke: I think that is true, without doubt, your Honor.

COURT: Whatever authority comes to hand, even after the case is submitted.

Mr. Coke: The Government now offers in evidence Report No. 4 of the 67th Congress, First Session, being the Report of the Committee on Immigration and Naturalization of the House of Representatives; and Report No. 17, of the 67th Congress, First Session, being the Report of the Committee of the Senate of the United States on Immigration; and Report No. 176 of the 68th Congress, First Session, being Report of the Committee of the House on Immigration and Naturalization.

Mr. McCamant: My objection as to relevancy and materiality is reserved to each of these exhibits as well, your Honor.

COURT: Yes.

Marked, respectively, Plaintiff's Exhibits "B", "C" and "D".

Mr. Coke: The Government now offers in evidence, your Honor, Chart No. 2 of the Bureau of Immigration of the United States, showing the immigration into the United States from the different countries and total from all countries during the past 100 years.

COURT: When was that produced?

Mr. Coke: This seems to cover the years 1820 to 1919, inclusive.

Mr. McCamant: I think it would be material, your Honor, if Armenia were included, but I do not find Armenia here, and I therefore reserve an objection on the ground of irrelevancy and immateriality.

Mr. Coke: Before it is introduced, then, your Honor, I would like to ask the witness a question.

Q Have you, Mr. Tomlinson, seen this chart before?

A I have.

Q You may state whether or not it has ever been in your possession?

A It has.

Q You may state from whence you received it, and how.

A I detached it from the Report of the Commissioner for Immigration for the year 1919, and it is designated in that

Tomlinson - direct

Q You may state, if you know, why Armenia is not given on this chart.

A For the simple reason that the reports of the Immigration Commissioner until very recent times did not contain a segregation of Armenians. The immigration throughout the greater portion of the last quarter-century from the Turkish Empire, if coming from Asia was classed as Turkey in Asia; if coming from Europe as Turkey in Europe. It has only been of recent periods that the Armenians as a race have been at all segregated, and even at the present time there is no segregation of Armenians except Russian Armenians. So that the population referred to must necessarily come under immigration from Turkey in Asia.

Q That is shown on this chart?

A That is shown upon that chart.

Mr. Coke: We now offer it in evidence, your Honor.

COURT: You detached that from what?

A I detached it from the Report of the Commissioner of Immigration for 1919. I have that with me in court, if you care to examine it.

COURT: It will be admitted, with the objection noted in the record.

Marked "Plaintiff's Exhibit E."

Witness excused.

Mr. Coke: If your Honor please, on the theory that your Honor and the courts examining this matter will have reference to the historical, geographical and ethnological matters and works and authorities, the Government rests at this time.

M. B. PAROUNAGIAN

Called as a witness on behalf of defendant, being first duly sworn, testified as follows.

DIRECT EXAMINATION.

Questions by Mr. McCamant:

Mr. Parounagian, where do you reside?

A I live in Salem.

Q And your calling is what?

A Minister.

Q You are a clergyman, connected with the ministry of what church?

A Methodist Episcopal.

Q You were born where?

A In Caesarea, Province of Cappadocia.

Q You are of what race?

A Armenian race.

Q How long have you resided in the United States?

A 34 years last 4th of July.

Q Have you been admitted to American citizenship?

A Yes, sir. I received my last papers the 5th of February, 1896.

Q Have you your certificate of naturalization with you?

A I have.

Q Will you produce it?

(Witness produces paper).

Mr. McCamant: I don't care to offer this in evidence, Judge Coke, but I would like the record to show that the witness produced a certificate showing he was naturalized in Orleans County, Vermont, at the date stated.

Mr. Coke: The Government admits the certificate so shows, your Honor, but objects to the offer on the ground it is incompetent, irrelevant and immaterial.

Parounagian - direct

your objection.

Mr. Coke: I understand you don't want to introduce the document itself?

Mr. McCamant: I don't care to introduce the document, but merely the fact that the document was offered and it showed that fact.

Mr. Coke: No objection to that, your Honor.

A The associate judge there present afterwards became my father-in-law - the judge, your Honor.

Q Mr. Parounagian, are you a married man?

A Yes, sir.

Q When were you married, and where?

A I was married in Vermont the first of June, 1897.

Q What was the maiden name of Mrs. Parounagian?

A Miss Mathews.

Q She is a native of what country?

A She was born in Vermont. Her father, Judge Mathews, was born in the State of Maine, and for generations they were Americans.

Q What family have you, in addition to your wife?

A I have two daughters.

Q They are graduates of what educational institution?

A They are graduates of Willamette University.

Q And what are they now doing?

A Both of them are teaching in the schools - in the high schools in this country. One is in Roosevelt High, in Portland, and the other one in Klaber High School, State of Washington.

Q How long have you resided in Oregon, Mr. Parounagian?

A Nearly seventeen years.

Parounagian - direct



A Yes. Part of it - eight years of my thirty-one years of ministry, was spent as Superintendent of the Sunday Schools of the Oregon Conference of the Methodist Episcopal Church.

Mr. Coke: If your Honor please, the Government wants to be just as liberal as it is possible to be in the reception of evidence here, but it is the Government's theory that the testimony of this witness is wholly immaterial. I don't care to be technical at all. It is just merely a matter of whether the court is willing that the record shall be incumbered with so much of this detail and matters not material.

Mr. McCamant: I think your Honor understands the theory of the defendant.

COURT: I understand your theory about this. I suppose this is to show that these people are regarded as white people in this country, and are assimilating.

Mr. McCamant: That is it.

COURT: Proceed. I would suggest you make it short. There is no necessity for great detail.

Mr. McCamant: It will be my aim, your Honor, not to take the time of the court unnecessarily; but I don't know any way to show the ultimate fact of assimilation, and the manner in which the Armenians are regarded by American people, except by showing some detailed facts.

COURT: You may proceed.

Q You say for eight years you were the Superintendent of the Sunday School work of the Methodist Episcopal Church in Oregon?

A Yes, sir.

Q Now, what pastorates have you held in Oregon?

Parounagian - direct

Q Did you have a pastorate at Salem for a time?

A No. I was living in Salem as the Superintendent of the Sunday Schools.

Q Now, were these four pastorates that you held pastorates over American or Arermenian congregations?

A Exclusively American; not one Armenian among my congregations.

Q What has been your experience generally, since you have been ordained a clergyman, as to what character of people you have ministered to?

A I have ministered to the best people of this state.

Q Have they been Americans, I mean? A Sure.

Q Or foreigners? A American.

Q Foreign born? A American born mostly.

Q I will ask you whether you are a member of the Masonic institution?

A Yes, sir, I am.

Q Your membership is in what lodge?

A Washington Lodge, No. 92, in Danville, Vermont. I haven't changed my membership since I came out.

Q Have you ever been admitted to the Oddfellows?

A I was a member, but I have taken my paper, and I didn't place it anywhere else.

Q I will ask you what kind of people are your friends, Mr. Parounagian, with reference to their racial line?

A American born, and Americans of the best type.

Q Have you lived your life with native Americans since you came to this country?

A Yes, sir.

Q Now, what have you observed, Mr. Parounagian, with reference Parounagian - direct

to the manner in which men of Armenian nativity intermarry with native Americans?

A They have been marrying very freely. As soon as they learn the language and they learn the customs, so that they have the courage to enter into the higher families, they have done so.

Q You have a brother, have you, resident of the United States?

A Yes, I have.

Q Where does he live?

A He is in New York City, 1226 East 39th Street his residence and the place of office, and he is a physician, dermatologist in the Bellevue Hospital.

Q Is he a married man?

A Yes, sir.

Q Whom did he marry?

A He married a young lady born in the State of New York, at Mountainville, of German parentage.

Q Do you know the wife of Hovsep O. Cartozian, brother of the defendant?

A Yes, sir.

Q What is her nativity and ancestry?

A Mrs. Hovsep Cartozian's mother was an American lady, and the father an Armenian clergyman.

Q And the mother was related to what eminent American?

A May I refer to some of my records that I have been keeping?

Mr. McCamant: I suppose you have no objection to his referring to his memoranda?

Mr. Coke: No.

A The Reverend Kavork Shishmanian was the father of that Mrs. Cartozian, and married Miss Lucy McClellan, a daughter of J. Morrison McClellan, Quartermaster. Her address now is Exeter, California.

Parounagian - direct

Q Did you know the daughter of John P. Carroll, who formerly was the editor of the Evening Telegram in this city?

A Yes. His daughter married Harry Boyajian. And this boy is a brother of a Boyajian who married my own niece in New York, my brother's daughter.

Q Mr. Parounagian, what is the fact as to whether there are Armenians who have light eyes and light hair?

A Yes, sir, I have seen quite a few of them. And in fact, the first Armenian that came with me to America, he was an American citizen, he had curly hair and quite blue eyes. And my brother, Dr. Parounagian, has blue eyes.

Q Well, is it at all infrequent to find light eyes and light hair among men and women of Armenian nativity?

A Not very frequently, but you will find quite a few, everywhere.

Q Now, state whether the life of the Armenians in their native land is differentiated from the life of the Turks, the Kurds, and the Syrians.

A Very much so.

Q Tell the court about that.

A The Armenians, being the Christians, the oldest Christian nation, they have adhered very tenaciously to the very principles of the religion of Jesus Christ, and they have lived to those high ideals. They are entirely superior to the Mohammedan faith and the Mohammedan culture. The Christian civilization, as we understand it, is a great deal superior to the other culture and education. And also in the marriage relation and in the home life, Armenians are very much superior to the Mohammedan ideals.

Q Well, do the two races mingle socially in the old country?

A You mean, in case of marriages?

Parounagain - direct

Q Well, tell us about marriages, for one thing, yes. Do they intermarry?

A They don't intermarry. If any Armenian should marry a Turk, they are entirely out of the pale of the Armenian race.

Q Do intermarriages take place?

A Not by will; by force - it might be somebody might change under force; change their religious views, and then marry a Turk, perhaps. But not ordinarily of free will, it hasn't taken place in my days. I don't remember any case like it.

Q Now, Mr. Parounagian, has the color-line ever been drawn against you in the United States, at any time in your life?

A Never. I have always been held in the highest respect, and I have mingled with the best families of the United States, in any part that I have lived in.

Q Have you been entertained in the homes of native Americans - native white Americans?

A Why, more so than any other race.

Q Prior to the time when this suit was brought, had you ever heard any suggestion that a man of Armenian nativity could be regarded as other than a white man?

A Never imagined that such a thing was even contemplated to be brought - any suit against the Armenians as such.

Q Well, did you ever, until this suit was brought, hear the suggestion made that an Armenian could be regarded as other than a white man?

A Never imagined such a thing possible.

COURT: How old were you when you came to this country?

A I was nearly 22.

COURT: You came here direct from Armenia?

Parounagian - direct

A NO. I was about a year in Cairo, Egy I taught school - one of the Armenian teachers there, in that Armenian school, where I taught the language.

-----CROSS EXAMINATION.

Questions by Mr. Coke:

Mr. Parounagian, did I understand you to say that you had never heard of the people of Armenian race being classed otherwise than among the white races, and admissible as citizens, until this case came up?

A Sure.

Q Have you never heard of the numerous cases under application for citizenship, which have been heard by the different courts of the United States, involving Armenians?

A It never came under my observation.

Q It never did? You don't know that as early as 1909, and from that time on, the admissibility of Armenians has been questioned?

A I don't recollect anything of that, only that perhaps in some of the papers I have read that there was a question like that brought before one of the courts,- I don't know where it was. I don't know the particulars at all,- and that they decided in favor of the Armenians, in one of the State courts. I don't know where it was.

COURT: Was that in Massachusetts?

A Either in Massachusetts or somewhere else. But I don't know the case at all - I don't know anything about it - because I didn't read the entire case; didn't know of it.

Q What is the racial distinction, Mr. Parounagian, between the Kurds and the Armenians, as a race, disregarding the question of

A Sometimes, I think, some of the Kurds have been, the pure Kurds have been classified as Aryan race; but I don't know anything about it, because I am not an expert to distinguish about the anthropological differences.

Q You have referred to the fact that the Armenian race is a Christian race, and is one of the very earliest races accepting the Christian religion?

A Yes.

Q Is it not also true, Mr. Parounagian, that the Syrians are a Christian people?

A Surely.

Q Believe in the Christian religion?

A Yes. Yes, sir, they do.

Q They are as completely and thoroughly so as the Armenian race?

A If I had had a real acquaintanceship with the Syrian faith entirely, or their race, I might have answered you affirmatively. But I don't know them as well as I do my own race.

Q But you do know that they are a Christian people; belong to the Christian religion?

A That is what I understand.

Q They always have, so far as you know?

A Yes, that is right. I understand that they are. But I must qualify that. There are Syrians who are Mohammedans and there are Christian Syrians.

Q Are there not also Armenians who are Mohammedans?

A Not one, only if they have become Mohammedan by force, by persecution. Armenians are not Mohammedans.

Q Is it not true that the reason you say they are not Armenians

Parounagian - cross

is because they are disclaimed by the Armenians when they become Mohammedans?

A Yes, by force.

Q But people of Armenian origin and race and blood do belong to the Mohammedan faith; have joined that faith? Is that not true?

A By force, perhaps, they have been made, during the massacres, to save their lives. If there are such cases, they have not been under my observation. I have not met them.

Q You think they do not voluntarily embrace the Mohammedan faith - accept the Mohammedan faith?

A No, not voluntarily.

Q Is it not also true, Mr. Parounagian, that the Syrian country is a more numerous country than Armenia? There are more Syrians than there are Armenians?

A You mean, in this country?

Q In Asia Minor?

A Well, certainly, because the Armenians have been decimated in their numbers, and scattered broadcast.

Q Haven't the Syrians had the same treatment?

A One part of Syria, around Mount Lebanon, they were persecuted before; but I don't know whether they were persecuted during this World War. Only I know about the Armenian race and their persecution - their sufferings.

Excused.



MARTIN FERESHETIAN

Called as a witness on behalf of the defendant, being first duly sworn, testified as follows.

DIRECT EXAMINATION.

Questions by Mr. McCamant:

Mr. Fereshetian, where were you born?

A I was born in Arabkir, Armenia.

Q You are a member of what race by your nativity?

A I was born in Armenia.

Q Now, how did you happen to leave the land of your birth?

A One year after the massacres of 1896, I escaped with my mother and grandmother and aunt into Egypt. And my father came - he had been in America at the time - he came to Egypt to bring us over. We stayed in Egypt for four years, and we came to the United States in 1900. My mother died in Egypt.

Q Tell the court where you got your education, and what it consists of.

A I entered on my coming - we came to Philadelphia - into the fourth grade of the public schools. I went through the public schools, and then went to an agricultural school in Pennsylvania. Then I entered a clerical school in Pennsylvania. I graduated in 1916. I received my Doctor of Divinity there. Then in 1919 I received my Master of Arts from Colorado College; at that time was minister in Colorado Springs. Then I have attended Harvard University, I think the summer of 1919, and University of Chicago summer school 1915 and 1921, I think it is 1921; and at the present time I am trying to do a little

Fereshetian - direct

Q You were ordained to the Christian ministry in what year?

A I was licensed in 1916, and ordained in the following year - 1917.

Q You are now the pastor of what church?

A I am minister of the Unity Church, at Salem, Oregon.

Q Where is that church located in Salem?

A Cottage and Chemeketa Streets. By the way, the church is being constructed there. We are holding services at the Women's Club building. There is a new building.

COURT: You are pastor of Unity Church?

A Unity Church.

Q Your congregation consists of what race?

A All Americans of many generations.

Q Have you any Armenians in your flock?

A Not a single one; and never had any.

Q You have been a minister at large of the Unitarian Church, have you not?

A I have been, yes.

Q You have served in what fields in that capacity?

A I have served in Salt Lake City; Colorado Springs. I have been in Fort Collins, Greeley, Colorado; Sacramento, California; and my last position was in Salem, where I have been the last three years.

Q Did you ever reside at Kent, Ohio?

A Yes. That was my first pastorate on graduation.

Q Are you a member of the Masonic institution?

A I am.

Q What is your lodge?

A My lodge is Rockton, No. 316, located in Kent, Ohio.

Q Are you a member of the Eastern Star?

A I am - I and my wife are members.

Q What other organizations are you a member of?

A At the present time?

Q Yes, or have you been a member of?

A I was, in Kent, Ohio, chairman of the Civic Committee of the Civic Club, which was a club made up of representatives of various clubs. And I directed, during the war, the school and garden movement in the State of Ohio. I was secretary. Then I was one of the official speakers for the American Red Cross, then of Colorado Springs.

Q Did you have any part in Liberty Loan drives?

A I have been on every drive. I was a member of the State Committee of Colorado. And I was superintendent of the Red Cross Emergency Hospital during the influenza epidemic. At the present time I am chairman of the Civic Committee of the Lions Club; and also on the civic committees of the various associated clubs of Salem.

Q Are you a married man? A I am.

Q Whom did you marry?

A I married Florence Moore, a young woman I met in Eagle, Pennsylvania, where I went to school.

Q She is a native of what country?

A Native of Media, Pennsylvania; was teaching school there.

Q She comes of American stock, does she?

A American of many generations - Yankee.

Q In your life, during the twenty-four years you have lived in the United States, with what classes have you mingled? Who Fereshetian - direct

A I have been very fortunate in having for my friends and for my parishioners the finest of native Americans. I don't believe in any of my congregations there have been even first generation, that is, what we consider as first generation of those who come - immigrants.

Q Have you been entertained in American homes?

A I have always been. I am today, you might say, in Portland.

Q Have you lived on terms of social equality with the native American stock, all these twenty-four years?

A They have always been kind enough to feel that way, and I have always held it as such.

Q What I want to get at is, has your life in this country been with men and women of Armenian nativity, or of native American stock?

A With native American stock. As a matter of fact, I understand Armenian, but I speak it with great difficulty, because I never come in contact with Armenians. I never see Armenians, for eight years. The first one in three years, I think, was Mr. Parounagian, when I came to Salem, and one in Colorado Springs.

Q Has the color-line ever been drawn against you at any time?

A Never.

Q Have you ever been denied entertainment at a hotel, or anything of that sort?

A Never.

Q Has the suggestion, prior to the bringing of this suit, ever been brought home to you that a man of Armenian nativity was other than a white man?

A No, sir, the first time. I saw the article in one of the Fereshetian - direct

it was altogether new to me.

Q Was it after the bringing of this suit?

A Yes; it was in connection with it.

COURT: How old are you?

A 35.

COURT: Were you in the war?

A I was exempt, but I offered to go in any capacity they wanted me, and I wrote to Washington, because I received my papers after, you see; I received in 1919.

COURT: You didn't claim exemption on account of your nationality?

A No, sir. I also wrote on the paper that I owed everything to America, and at any time the Government wanted me to serve, in whatever capacity, I was willing to go, to the extent of even driving a pair of mules or learning a new trade.

Q I neglected to ask you whether you were admitted to American citizenship?

A Yes, I was, in Colorado Springs, Colorado.

Q In what year? A 1919.

-----CROSS EXAMINATION.

Questions by Mr. Coke:

When did you come to America?

A In 1900.

Q You have been engaged in the ministerial calling since that time

A Oh, no. I was a boy. 1916.

Q After you had finished your school work? A Yes, sir.

Q Where have you been employed, or resided, during those years since you have been in the ministry?

A I have been first in Kent, Ohio. Then I was called to be minister in Colorado Springs, Colorado. While there I went East, to an institute held by our church, and there I was elected minister at large. Ours is a congregational church, and we have no district superintendent, or any officer of that type; but three of us were elected at that time to visit smaller churches and reorganize finances, or found new churches, and it is in that capacity I have gone to those various places - Salt Lake City and Sacramento, California.

Q Sacramento? A Yes.

Q And Salem, Oregon? A And Salem, Oregon.

Q Those have been the only places in which you have acted as minister?

A Yes.

Q You have been continuously engaged in the ministry since you left school?

A Yes, sir.

Q Now, have you resided among Armenian people, or in sections of the United States where there were Armenians?

A Since my ministry?

Q Yes, since your ministry? A No, I have not.

Q You have not?

A No. I met many students. They are scattered all over.

There is no segregation, as far as I know, just because there happened to be a lot of Armenians in one place.

Q You were, however, located in Sacramento, California?

A Oh, yes.

Q Is there not a very large Armenian colony at Fresno, in the vicinity of Fresno, California?

A Yes, there is; but I had no occasion to go to Fresno. I never lived in Fresno.

Q You never have lived among the Armenian people since you came to the United States?

A No, sir.

Q Nor associated with them?

A No, sir. I have never had the opportunity.

Q Your ancestors were Armenian - pure Armenian?

A They must have been, yes, sir.

Q And they were of Armenian stock themselves, and nativity?

A They were.

Q I mean, their parents were?

A Yes, they were.

Q For many generations back, so far as you know?

A I have reason to believe that, yes.

Excused.

GEORGE K. ARMEN

Called as a witness on behalf of the defendant, being first duly sworn, testified as follows.

DIRECT EXAMINATION.

Questions by Mr. McCamant:

Dr. Armen, where were you born?

A Komerza.

Q That is in Armenia?

A That is in the State of Angora, in Asia Minor, called Armenia.

Q You are of what race? A Armenian.

Q Your ancestry is Armenian? A Yes, sir.

Q When did you come to the United States?

A August 3, 1910.

Q Are you a naturalized citizen? A Yes.

Q Where were you naturalized? A Racine, Wisconsin.

Q Were you admitted to citizenship in a State court or the Federal court?

A In the State Court of Racine County.

Q What is your profession? A Physician.

Q Are you engaged in the practice of your profession now?

A I am.

Q Your offices are where?

A 322-23 Pittock Block.

Q In this city? A Portland.

Q And you have been engaged in the practice of your profession in Portland how long?

A Since September, 1923.

Q Prior to that time, where had you practiced medicine?

Armen - direct



from July, 1919, until July, 1923.

Q Where did you perform your work in the Public Health Service?

A St. Louis, Missouri; Portland, Oregon; Sawtelle, California.

Q Where did you get your medical education, Dr. Armen?

A In America.

Q What school?

A Wisconsin University and Rush Medical College.

Q Rush Medical College is located at Chicago, I believe?

A At Chicago.

Q Are you a married man? A Yes.

Q Whom did you marry? A Marie Josephine Wagner.

Q She is a native of what country? A Germany.

Q How old was she when she left Germany?

A I think she was a baby.

Q She has lived her life in what country? A America.

Q You married her where? A Portland, Oregon.

Q She is sitting in the court-room, the lady by whom you were sitting, is she?

A Yes.

Q Now, your friends and associates since you came to America have been of what race?

A Practically every race in America. I have been associated mostly in my early years with the foreign element - Armenians and Greek; but that was only to 1913. Since then I have been associated mostly with people who call themselves Americans.

I think they are.

Q Are you a member of the Masonic institution?

A I am.

Q You are a member of what lodge?

Armen - direct

Q Friendship Lodge in this city? A Yes.

Q Are you an Elk? A Yes.

Q With what lodge of Elks are you affiliated?

A 142, in Portland.

Q Are you a member of the American Medical Association?

A I am an honorary member of it.

Q Are you on the staff of any hospitals? A Yes, sir.

Q What hospitals?

A Good Samaritan, St. Vincents, Sellwood Hospital, in Portland.

Q Dr. Armen, I will ask you whether the color-line has ever, at any time in your life, been drawn against you?

A Never.

Q Until this suit was brought, was the suggestion ever made in your hearing that a man of Armenian nativity and ancestry was other than a white man? A No.

Q Have you ever been treated as other than a white man by anybody?

A No.

Q Have you ever been denied entertainment? A Never.

Q Have you associated on terms of social equality with the native American stock in this country?

A Always.

Mr. Coke: On that point, if your Honor please, the Supreme Court has said that it is not at all a question of claimed superiority of race. There is no questioning the fact that these Armenians are people of high social standing and belong to the Christian faith - following that faith, rather. That is not the question at all.

COURT: The question there was whether the Hindu was regarded as a white race, that is, by the people of this Armen - direct

country. I suppose we can inquire into that. Do the people in this country ostracise you in any way because of your race?

A No, sir.

COURT: And because you came from Armenia?

A No, sir.

COURT: Or on account of your color?

A No.

Excused.

Mr. McCamant: It is so close to noon that I will not call another witness at this time, unless your Honor desires me to do so; but I will offer in evidence formally the depositions which have been taken. I presume your Honor would prefer to have them considered read. I am quite willing to read them.

COURT: Yes, you might consider them as read. You may offer them.

Mr. Coke: I think I failed to ask Judge McCamant to stipulate that the offers made by the Government be deemed read, without going to the trouble of reading them now. And the same rule would apply to your offers also, Judge McCamant.

COURT: Very well. Let it be so understood.

Mr. McCamant: I will offer the deposition of DR. PAUL ROHRBACH in evidence.

I now offer in evidence the deposition of ROLAND BURRAGE DIXON.

COURT: I suppose there is no objection?

Mr. Coke: No objection to the offer in this manner. The objections were made at the time of the taking of the depositions, your Honor.

Mr. McCamant: I offer in evidence the deposition of JAMES L. BARTON.

COURT: That may be received.

Mr. McCamant: Also the deposition of  
Dr. FRANZ BOAS.

Mr. Coke: I want to offer objection generally to the  
testimony of these various witnesses, as incompetent, irrele-  
vant and immaterial; just the general objection.

COURT: Very well. I want to ask Mr. Tomlinson a  
question.

V. W. TOMLINSON

Recalled.

EXAMINATION BY THE COURT.

Q Under the racial admissions of foreigners to this country, how is the Armenian race regarded, or how do they get in here? What percentage of the Armenian race is admitted to this country?

A None whatever. The exclusion bill which has just been passed by the House and Senate of the United States, based upon a percentage of two per cent of 1890, will exclude them as effectually as the Immigration Act of 1917 excludes the Hindu.

Q Well, those people heretofore have been coming in?

A They have been coming in, since the passage of the quota Act, since 1921, under three percent of the population of 1910.

Q Haven't they been coming in since then?

A Based on that quota.

Q Well, now then, how are they classified? With what other races do they come in here?

A Turkey in Asia.

(Witness excused).

(Thereupon a recess was taken until 2:00 P.M. of this day, Thursday, May 8, 1924, at which time court reconvened and proceedings were resumed as follows:)

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W. A. CARTER

Called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION

Questions by Mr. McCamant:

Mr. Carter, I will ask you whether you are a member of the Loyal Order of the Moose?

A Yes, sir, I am.

Q Are you familiar with the qualifications for membership in that organization?

A I am.

Q State whether or not any others than white persons are admitted to membership.

A They are not.

Q Is it a matter of regulation, or simply a matter of practice in the organization?

A It is a matter of regulation, established by the laws of the order, that none except white persons, male persons, above the age of twenty-one, who are members of the white or Caucasian race and who are not married to any other than a member of that race.

Q Do you know how long that regulation has been in effect?

A I believe it has been in effect ever since the order was instituted, some fifteen years or twenty years ago.

CROSS EXAMINATION

Questions by Mr. Coke:

Mr. Carter, do you know anything about the fact as to whether the regulations of your order are

based upon the statute of the United States admitting or refusing to admit citizens to the United States, or to be naturalized as citizens of the United States?

A No, I do not. I have never investigated that point.

Q Your order accepts or rejects members, so far as their color of skin is concerned, simply based upon the fact as to whether they are white or otherwise? It has no relation at all to the federal statute governing or relating to naturalization of citizens?

A The application blank, which the applicant is required to sign, provides for a statement as to the nativity of the individual, which would then present the question of his race to the lodge.

Q And each lodge determines its own membership, does it?

A Yes; I think they would pass upon that question.

Q In other words, persons whom your lodge might deem white persons other lodges might not take the same view of?

A That is true, except any person of the lodge who might feel aggrieved would have the right to appeal to the supreme lodge of the Moose.

MR. COKE: That is all.

#### REDIRECT EXAMINATION

By Mr. McCamant:

The only difference of opinion would be in the application of the words "white persons"?

A Yes, sir.

MR. McCAMANT: That is all.



THE COURT: Just one question. How long has that order been in existence?

A The order was organized by James J. Davis, who is now Secretary of Labor in President Coolidge's cabinet, and who is still Supreme Director of the order. If I remember correctly, it was 1902, somewhere along there.

THE COURT: That is all.

(Witness excused).

L. E. CARTER

Called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION

Questions by Mr. McCamant:

Mr. Carter, are you a member of the Independent Order of Oddfellows?

A Yes, sir.

Q How long have you been connected with that organization?

A About thirty years.

Q And have you held office in it?

A Yes, sir.

Q Are you familiar with its practices and regulations in regard to the admission of applicants to membership?

A Yes, sir; being the deputy Grand Master, that is one of my duties. I must know that. That is one of my qualifications.

Q What are the qualifications of the order with reference to the admission of persons based upon whether they are white or otherwise?

A They must be free white and over twenty-one. That is the wording.

Q And in the construction of that statute, state whether or not Chinese, Japanese and Hindus are held eligible for membership.

A They are not.

Q Do you know how long that regulation has been in force?

A That is part of the code of laws promulgated by the sovereign grand lodge. Just when the laws were codified I do not

know, but the rule has been in existence one hundred five years.

THE COURT: How long?

A One hundred five years.

MR. McCAMANT: That is all.

#### CROSS EXAMINATION

Questions by Mr. Coke:

Are Turks, Kurds or Persians received into your order under that rule, Mr. Carter?

A I can't answer that directly yes or no. The question in regard to part of those races has been adjudicated by appeal. It is left to the subordinate lodge to judge the qualifications, subject to these laws, which are mandatory upon the subordinate lodge. If there is any difference of opinion it comes to the grand lodge, which is the last court of appeal.

Q Each lodge determines for itself, then, the qualifications of its members, subject merely to an appeal?

A No. Every lodge is subject to the order of the code laid down by the sovereign grand lodge. Anything that is illegal is prohibited.

Q Your lodge, though, determines its own membership, does it not?

A Only subject to the laws of the sovereign grand lodge.

Q Suppose that it admits persons who are not properly termed white persons?

A If it is appealed, and they are so admitted, they would be declared ineligible.

Q Yes, but he is admissible or received in the order unless there is an appeal taken from his admission?

A The local lodge is the judge, unless it is very patently and openly known that he is not white.

Q Very well.

A Syrians have been admitted by adjudication.

Q Pardon me; I didn't get your answer.

A By adjudication. Syrians have been adjudicated as white.

Q Syrians have been adjudicated?

A Yes, sir.

Q By your order, as being white and admissible?

A Yes, sir.

Q Now what can you say about the Kurds and the Turks?

A I do not know.

Q And the Persians?

A I could not answer that. That, as far as I know, has never been adjudicated.

MR. COKE: That is all.

#### REDIRECT EXAMINATION

Questions by Mr. McCamant:

If I understand you aright, it is part of the fundamental code, operative in all lodges, that the applicant must be a free white person, over twenty-one years of age?

A Yes, sir.

MR. McCAMANT: That is all.

(Witness excused).

C. C. BRADLEY

Called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION

Questions by Mr. McCamant:

Mr. Bradley, I will ask you whether you are a member of the Benevolent Protective Order of Elks?

A Yes, sir.

Q And have you held office in that organization?

A Yes, sir.

Q You are a Past Exalted Ruler of the Portland Lodge?

A Yes, sir.

Q And are you familiar with the usages, regulations and laws in regard to the admission to membership in that order?

A Yes, sir.

Q State what the usages and regulations are with reference to the admissibility of persons based on whether they are white or not.

A That is one of the provisions for admittance into the order, a white male American citizen.

Q No one who does not possess those qualifications is eligible?

A No, sir.

Q Are you also a member of the order of the Woodmen of the World?

A Yes, sir.

Q How long have you been connected with that order?

A Well, about thirty years.

Q And have you held office in that order?

A Yes, sir.

Q And are you familiar with the laws and regulations and usages in regard to the admissibility of applicants for membership?

A Fairly so. Of late years I have not been very active.

Q What are the regulations in the Woodmen of the World on that same subject?

A Similar to the other, a white American male citizen.

Q Do you know how long those usages and regulations have been in effect in those two organizations?

A Since the establishment of the orders, to the best of my knowledge.

MR. McCAMANT: That is all.

MR. COKE: That is all.

THE COURT: Well, do they admit Armenians?

A Yes, they do.

THE COURT: In both orders?

A In both orders, particularly I know in the Elks; also Syrians. I know of several cases of Syrians who are members.

THE COURT: That is all.

#### CROSS EXAMINATION

Questions by Mr. Coke:

Now you say these two orders admit Armenians and Syrians?

A Yes, sir.

Q Do they admit Turks?

A Yes, sir.

Q Kurds?

A I don't know anything about the Kurds.

Q Persians?

A I do not know about Persians. Turks and Syrians and Armenians I know, with citizenship papers, of course.

Q How is that?

A With citizenship papers, of course, showing that they are American citizens.

Q Are you controlled in the admissibility of members of these nations that I have just referred to by the fact that they have their certificate of citizenship?

A Yes, sir.

Q That determines the question for you?

A Yes, sir.

Q You go no further than to demand that they shall have been admitted as citizens?

A That is the presumption, that they are.

Q Yes; you take that fact alone as determining the fact as to whether they are white or otherwise?

A That is the way I would figure, that is, they have been classed as such.

MR. COKE: That is all.

#### REDIRECT EXAMINATION

Questions by Mr. McCamant:

Have you with you the regulation of the Elks, Mr. Bradley?

A Yes, sir.

Q Will you produce it.

A (Witness produces pamphlet).

MR. COKE: Pardon me, Judge McCamant. What is this, the regulation of the Elks Lodge?

MR. McCAMANT: This is the regulation of the Elks. "Constitution and statutes" is the title of it.

THE WITNESS: Yes, sir.

MR. McCAMANT: I offer in evidence Section 144 and offer to read it into the record.

MR. COKE: The government objects to it on the ground that it is immaterial, irrelevant and incompetent.

THE COURT: Very well. The objection will be overruled. I think you had better read that into the record. We will have too many of those exhibits.

MR. McCAMANT: "Section 144. No person shall be accepted as a member of this Order, unless he be a white male citizen of the United States of America, of sound mind and body and good character, not under the age of twenty-one years, in possession of the five human senses, and a believer in the existence of a Supreme Being."

Q Now Mr. Bradley, have you ever known of an adjudication which determined that the mere admission of a man into American citizenship settled the question of whether he was a white man?

A No, I can't say that I have.

Q That is merely your judgment of what the lodge would hold, is it?



Bradley Re-D 43

A Yes.

Q And you would say the same thing in regard to the action of the Woodmen's Lodge, would you?

A I presume so.

MR. McCAMANT: That is all.

(Witness excused).

WILLIAM M. CAKE

Called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION

Questions by Mr. McCamant:

Judge Cake, are you a member of the Knights of Pythias?

A Yes, sir.

Q How long have you been connected with that order?

A Since 1890.

Q Have you held office in it?

A I have been the presiding officer of the state.

Q Are you familiar with its usages and regulations in regard to the admission of applicants for membership?

A I am.

Q State what those practices and regulations are with reference to the admissibility of persons based on whether or not they are white.

A The qualification is, white male person over the age of twenty-one.

Q How long has that been the regulation?

A Ever since the order was organized in 1854, I think.

MR. McCAMANT: That is all.

MR. COKE: That is all.

(Witness excused).

JAMES F. ROBINSON

Called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION

Questions by Mr. McCamant:

Mr. Robinson, are you a member of the Masonic institution?

A I am.

Q How long have you been a Master Mason?

A Since 1866 or '67.

Q And have you held office in the Grand Lodge of Oregon?

A I have, yes, sir.

Q You were Grand Secretary for how many years?

A Twenty-eight years.

Q And you now hold an office, do you not, in the Grand Chapter?

A Yes, sir.

Q What is that office?

A Grand Secretary of the Grand Chapter.

Q I will ask you whether the customs which obtain in the Masonic lodges of the United States permit the reception into membership of anyone other than white men?

A If there was ever anything of that kind I never heard of it. I have never heard of a case of a colored man being initiated in the United States, in any lodges in the United States.

Q The practice has been to receive only white men; is that right?

A That has been the practice, yes, sir.

MR. McCAMANT: That is all.

THE COURT: Well, the colored people have Masonic lodges?

A They have, your Honor, but they are not what we would recognize as legitimate Masons, as legitimate lodges. We don't recognize them, have nothing in common to do with them.

THE COURT: There is no affiliation?

A No, sir.

Q (By Mr. McCamant) They are regarded as clandestine lodges, in other words?

A Yes, sir; they have been unable to show any authority, that I ever saw or heard of, for being legitimate bodies. There are not only illegitimate colored bodies, but there have been illegitimate white men who pretended that they were Masons.

Q The legitimate Masonry is always able to trace back its charter to the authority, the Grand Lodge of England of 1717, is it not?

A Yes, sir.

Q And all lodges that are unable so to do are regarded as illegitimate, clandestine, and association with them is refused by the legitimate Masonic bodies; is that right?

A Yes, sir.

MR. McCAMANT: That is all.

MR. COKE: That is all.

(Witness excused).

A. L. TERTSAGIAN

Called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION

Questions by Mr. McCamant:

Mr. Tertsagian, where do you reside?

A I live in Cashmere, state of Washington.

Q That is in the Wenatchee Valley?

A Yes, sir; Chelan County.

Q And what is your occupation, Mr. Tertsagian?

A I am a fruit grower, orchardist.

Q You are the owner of your own farm?

A Yes, sir.

Q How many acres do you have?

A Twenty-two acres.

Q And it is planted to orchard, is it?

A Apples.

Q Where were you born, Mr. Tertsagian?

A I was born in the city of Yozgad, in Cilicia.

Q And you come of what race and ancestry?

A I am of Armenian parentage.

Q And your native tongue was what?

A Armenian.

Q Where were you educated, Mr. Tertsagian?

A I have gone six years to an American college conducted by Congregational missionaries in Turkey.

Q And how long have you lived in the United States?

A I have lived in the United States seventeen years.

Q Have you been admitted to American citizenship?

A Yes, sir.

Q Where and when were you naturalized?

A I was naturalized in 1913 in the city of Seattle.

Q In what court?

A In the United States federal court.

Q What judge was sitting at the time you were naturalized?

A Judge Cushman, of Tacoma.

Q Have you been interested in the Boy Scout movement in your community; and, if so, what part have you had in it?

A I have been a Scout Master in the city of Cashmere for a year and a half, and assistant Scout Master for a half a year.

Q How many Armenians are there in the community in which you live?

A Myself and my family. We are the only Armenians in the county.

Q And you live your life with what race of people?

A We live among American people.

Q And state whether or not there is a color line drawn against you, or there ever has been.

A I have never experienced any discrimination.

Q Until you heard of the bringing of this suit had you ever had any suggestion made to you that men of your race were other than white men?

A Never.

Q How long have you lived in the Wenatchee Valley, Mr.

Tertsagian?

A I have been there eight years.

Q Before you went to the Wenatchee Valley where did you live?

A I lived in Seattle.

Q What work did you do when you were in Seattle?

A When I went there I worked in a grocery store, and then I followed the dairy business.

Q And state with what race of people you had your association and made your friendships when you were living in Seattle.

A I was almost totally among the American people. There are very few Armenians in the city of Seattle. There are a few of them there, but I made my home in the Y. M. C. A., and I came in contact almost always with the American boys living around there, and working among them.

Q Are you a member of any church?

A I am a member of the Presbyterian Church in my home town.

Q What other organizations, if any, do you belong to?

A I have been elected to be the master of the Grange, Patrons of Husbandry, and I am a member of that order now and have been for five years.

Q Have you known anything in regard to intermarriages? Have you observed any intermarriages between men and women of Armenian blood and members of other white races, members of white races, admittedly white races?

A I have. I have known three of my classmates marrying

American girls; and in Seattle I have seen Armenians who have married Americans; and I think it is true that the more educated they are the freer they are in intermarriage. They intermingle that way.

Q Have you made a list of marriages of Armenians with Americans?

A I have not, Mr. McCamant.

Q You have not?

A No, sir.

Q Mr. Tertsagian, you are familiar both with the Armenian language and with the English language, I take it?

A Yes, sir.

Q I will ask you whether as a student of both languages you have observed any similarity between the two?

A Yes, sir.

Q And have you prepared a list of names in the Armenian language which are similar to the corresponding words in English, or other Indo-European languages?

A I have; yes, sir.

Q Have you that list here?

A I have five copies of it.

MR. McCAMANT: I offer in evidence the list prepared by the witness.

THE COURT: Hasn't that all been taken care of, Judge McCamant, by the authorities, by the works referred to?

MR. McCAMANT: Why, I think perhaps it is sufficiently covered, your Honor, not only by what the Court would take



judicial knowledge of but more particularly by the depositions of these experts who have testified positively on it, but I have thought that it might be of value to produce a list of words, several pages of them here, where there is a very evident similarity between the two languages. I thought that it was possibly helpful.

THE COURT: Very well.

MR. COKE: We would like the objection, your Honor, on the general ground that it is incompetent, irrelevant and immaterial.

THE COURT: Very well.

(Said list of words so offered was thereupon marked DEFENDANT'S EXHIBIT 1).

Q (By Mr. McCamant) Mr. Tertsagian, how old were you when you left the land of your birth?

A I was twenty-one years old when I left my home town.

Q I wish you would tell the Court how the Armenian race lives in the old country as compared with the way in which the Turks, the Kurds, and the Mohammedan people generally live.

A The social conception of Mohammedans is that a woman is a chattel; the Christian conception of a woman is that she is the equal of the man, and the Armenians have conducted themselves accordingly, and the Mohammedans have conducted themselves according to the tenets of their faith, and that has prevented both races coming in contact socially whatsoever. I have never known of Armenians intermingling with the Turks, except in the court, in business.

Q State what the fact is as to whether the Armenians live in separate parts of towns.

A Invariably in every city there is a certain section which is segregated from the rest where the Mohammedans live, and another section segregated again where the Christian elements live.

Q Have you ever known of Mohammedan women associating with Christian women?

A Never.

Q And have you ever known of any intermarriages between the Armenian race and the Turks or the Kurds?

A I never heard of it.

Q How does the home life of Armenian families in the old country compare with the home life of Americans?

A As I stated before, the conception of the Armenian is that a woman is the equal of the man. According to their conception they have conducted themselves, taking women as their equals, and respected them to the extent of their knowledge.

Q State whether or not, in all of your seventeen years of life in this country, the color line has ever been drawn against you in any way?

A Never.

Q And have you been received as the social equal of the Americans with whom you have associated?

A Always.

MR. McCAMANT: I think that is all.

CROSS EXAMINATION

Questions by Mr. Coke:

You say you were twenty-one years of age when you left Armenia?

A Yes, sir.

Q Had you finished your school?

A Yes, sir.

Q And education, when you left Armenia?

A Yes, sir.

Q Where did you attend school?

A In the city of Marsovan, where there is an American college.

Q An American college?

A An American Congregational college.

Q It was this American Congregational college that you attended?

A Yes, sir.

Q You have said that you did not know of any instances where Armenians of the Christian faith, or Armenians married those who were members or followers of the Mohammedan faith?

A Yes, sir.

Q Do you say there is not a very large class, and a very great many persons of the Armenian race married to those who follow the Mohammedan religion?

A I have not known one instance in all my life.

Q You don't know that?

A No, sir.

Q What was the position or business of your father in Armenia?

A My father was a tailor.

Q A tailor?

A Yes, sir.

Q And did he live in the city or in the country?

A He lived in the city.

Q All of his life?

A Yes, sir.

Q And did you live in the city all your life until you moved to the United States?

A Yes, sir.

Q You did?

A Yes, sir.

Q Now is it not a fact that there is a very decided difference or class distinction among the Armenians themselves?

A I do not understand the meaning of your question.

Q Well, are there not classes, that is, so far as the social standing of Armenians is concerned, in Armenia?

A I still don't get your meaning, Mr. Coke.

Q Are you acquainted with the peasant type of Armenians who inhabit the mountainous regions?

A Caucasus?

Q The mountainous regions.

A I have seen some Armenian villagers around our city, but I have not seen very many of them.

Q In what lines of business do the Armenians usually engage in the cities?

A In the cities in every line of business you will find the dominating workers are the Armenians. Tailors, barbers, shoemakers, bakers, doctors, lawyers -- all these people, wherever you go, you will find are the Armenians, or have been the Armenians.

Q Well, those inhabiting the cities are regarded as a higher caste, are they not, than those who follow the other lines of business, like the farming, or those who reside in the mountainous sections? They regard themselves rather as a higher caste or class of people?

A I have seen the son of a lowly villager reach the highest position in that country around. I think it is in the race rather than in the caste.

MR. COKE: That is all.

(Witness excused).



environs.

A In Smyrna there were at least one hundred fifty thousand Armenians. I do not know the exact number in Constantinople at that time, but I knew they were a very large number.

Q You came to the United States when, Mrs. Lamson?

A I came to the United States in 1906.

Q You came with intent to stay, or on a visit?

A I came principally on a social visit, to be the house guest for the summer of Mr. and Mrs. W. N. Hartshorne, of Boston, Massachusetts.

Q And how did you happen to stay?

A While I was visiting I came in contact with some socially very prominent people, among them a lady who thought that I was very well prepared to teach in the United States, and as the life in Turkey was very uncertain and I had brothers attending various universities here in the United States, it was the desire of my parents for me to stay, if I pleased to do so, and as I received a call from six different institutions, three colleges and three boarding schools, I decided to go and teach in a fashionable boarding school in Cleveland, Ohio.

Q You speak how many languages, Mrs. Lamson?

A I have spoken perhaps six or seven languages in various periods of my life. Right now I don't know.

Q Well, what were you teaching in this school and any other schools?

A I was teaching German and French.

THE COURT: How old did you enter school?

A What school, your Honor?

THE COURT: Well, the first school in your life.

A I think I was three years old when I attended the American kindergarten in Erzerum, and I was eighteen years old when I made my entree of the University of Berlin.

THE COURT: Where did you acquire your American language?

A In American schools in Constantinople and Smyrna, later in Europe, and perhaps here.

Q (By Mr. McCamant) You spoke English when you came to the United States in 1906, then?

A Yes, sir, very freely.

Q Tell the Court something with reference to the standing of the school in Cleveland, Ohio, in which you taught. It was a girls' school, I think you said, did you not?

A It was a girls' school. At the time Mrs. James Garfield, then Secretary of the Interior, had been a graduate and was one of the alumnae; the Rockefeller daughters were attending that school; and the first summer I spent in the United States I was as a private tutor employed in the home of Mr. and Mrs. James Garfield while Mr. Garfield was Secretary of the Interior. I taught the boys, and also Mrs. Garfield, also Mrs. Harry Garfield, then president of Williams College.

Q And wasn't Mrs. Baker, afterwards the wife of the Secretary of War, one of the students?

A Yes. Mrs. Baker was not a student at that time, but she



had been a student in that school.

Q She had been a student in that school?

A Yes, sir.

Q You remained how long teaching school in Cleveland, Mrs. Lamson?

A I taught two years. Then I had a call to teach in Vassar College. I had accepted this, but suddenly my father died and I had to go to Europe for a rest, and on the suggestion of some friends I changed my career and entered Johns Hopkins Medical School to prepare myself to do medical research, and took a post graduate course in Johns Hopkins Medical School; then immediately I was doing medical research in the clinics of Dr. G. W. Crile, of Cleveland.

Q And your home at present is where?

A Seattle, Washington.

Q What is your husband's name?

A Dr. Otis Floyd Lamson.

Q He is a practitioner of medicine, is he not, and a surgeon?

A He is a surgeon.

Q You have lived there how long, Mrs. Lamson?

A Ten years.

Q And you have been married for ten years to Dr. Lamson?

A Yes, sir.

Q That was the occasion, I take it, of your moving to Seattle?

A Yes, sir.

THE COURT: What is your husband's nativity?

A Dr. Lamson's mother's ancestors came in the Mayflower, and Dr. Lamson's father, the two Lamson brothers, came in 1632 from England.

Q (By Mr. McCamant) He himself was born in what state?

A In Wisconsin.

Q What was your war record, Mrs. Lamson?

A I took very active part in my city and all over my community, and later toured through the United States, not only in the interest of my own little nation but also as an American citizen. I served in executive offices in the American Red Cross, the National League for Women's Service, and other organizations as they came up in the city. And during the war I helped Armenian boys either join the American army-- but before that, before America entered into the war, I helped them to go to the country's front and fight with the allies. Later when America entered into the war I helped every one who would enlist and serve in the American army and I tried to make things rather pleasant while they were in American Lake for the Armenian boys. We had a detachment of seventy-five to a hundred there, and I came in personal touch with every one of them.

Q What was the attitude of the Armenian race in so far as you came in contact with them during the World War?

A It was one of the most inspiring experiences in my life. They were willing to serve, and it came to me with great surprise, not only as enemies of Turkey, not only to defend

their own native country, but they felt a deep loyalty to this country. All of them were willing to enter the army; and I know a great many cases of Armenians who came a great distance, paid their own expenses and entered the United States army and never were sent across to fight the Turks. I know two cases that were sent to Mexico and they were held there, and when they returned there wasn't a word of regret on their part. They had done their duty, and it was up to the United States to send them wherever they pleased.

Q You spoke about your duty as an American citizen; have you been naturalized?

A I was naturalized in 1911.

Q Where?

A In Cleveland, in the federal court, by Judge Day.

Q Mrs. Lamson, what has been your life here in this country in regard to association with Americans, and your reception into their homes, and that kind of thing?

A I have taken active part in all the civic and philanthropic and also the political life of this country. In the five years when I was teaching or that I was in school I never spent one day in any hotel. Wherever I went I had friends who had kept their homes open to me, to extend to me hospitality. I have been a member of quite a number of philanthropic and civic, educational and social organizations. I have been -- shall I continue?

Q Yes; go ahead, Mrs. Lamson.

A First I will take the political. I was a very active

member of the Executive Board of the Woman's Suffrage organization in Cleveland, Ohio, later became in Washington the state chairman of the National Woman's Party during the presidential campaign; and I am a member of the National League of Woman Voters and Woman's Legislative Council. I am a member of the following philanthropic organizations: I am a member of the Lighthouse for the Blind Association; I am secretary of Camp Fire Girls. We have jurisdiction over six thousand girls in the Northwest. I am one of the officers of the Rosemary Club to provide housing for girls. I am a board member of the Orthopedic Hospital, Day Nursery and some other organizations connected with the various churches.

The following civic organizations: I am a member of the City Club and a board member of Music and Art Foundation.

Educational: I am a charter member of the Women's University Club; even the presidency was offered to me, which I declined on account of the infancy of my children. I am vice president of the Parent Teachers' Association, and state delegate to the conference next week.

Social: I am a member of the Sunset Club, a very exclusive social club of Seattle. I am a member of the Tennis Club and Country Club.

Q You speak of your family, Mrs. Lamson; what does your family consist of? How many children have you?

A I have two boys and one little girl.

Q Are they in school?

A Two of them are in school.

Q And the other is too young?

A Two and a half years old.

Q Now Mrs. Lamson, during all of your life in America has there ever been any discrimination against you, or have you ever suffered from any discrimination against you on any ground?

A Never.

Q You have mingled on terms of social equality, have you, with all of these people whom you have testified about and have been living with?

A Yes; and I think I have enjoyed special social privileges, and I don't know many American women who have done it.

Q And your friendships and associations now are with what race?

A Perhaps ninety-nine per cent Americans; but I associate with any Armenian, of any class, regardless of wealth and social position. I like to help them and be friendly to them and make them my friends whenever it is possible for me to do so.

Q What can you tell the Court with reference to the life of Armenians in this country, as to whether they tend to congregate in colonies, or whether they scatter out and mingle among Americans?

A The Armenians here very readily assimilate the American home life, provided they speak English. Whenever they do not speak English, which the adults do not very often, it is very

difficult for them to acquire the English language, they are forced to congregate together. The congregation of Armenians in colonies is never put on them by the American public; it is voluntary from their own side. For instance, that of my mother; she came last year; she was very beautifully received by all of my friends in Seattle, most prominent families; after she spent a few months with me she wanted to go where the Armenians were. Her one expression was that "My soul is hungry. I want to go where I can talk to the people and where the people can talk to me." And that is the primary reason why Armenians, whether in California or anywhere, especially adult Armenians who do not speak English, come together. The minute they speak English, which is evident in their children, they immediately separate and they are very readily consumed in American life.

Q What have you observed with reference to the intermarriage of men and women of Armenian blood with native Americans?

A I have found absolutely no discrimination. Whenever an American man or American woman finds a mate and they can speak the same language -- again the language is very important -- I don't think ever the question of color or race has entered into the minds of either party.

Q That is as regards the Americans who are Armenians?

A Yes.

Q You think that the relationship is one of social equality always?

A That has been my experience and the experience of all my

brothers and sisters in this country, as two of them, the only two brothers, besides myself, have married Americans.

Q You have a sister who is in Washington, D. C., do you not?

A She is not there. My sister was for seven years a cataloger in the Library of Congress in Washington, and she had shown such ability that when the Ordnance Department had to be recataloged they appointed my sister to take entire charge of the cataloging of the gun division of the Ordnance Department. She remained in that position until almost two years after the war; then she was transferred into the Veterans' Bureau. She voluntarily resigned that position, on my request, on account of her health, and now she is associate editor of the Modern Priscilla, of Boston, a woman's magazine.

Q Have you known many cases, Mrs. Lamson, of men and women of the Armenian race marrying with native Americans?

A I have known quite a number of cases.

Q Mrs. Lamson, tell the Court what the conditions are in the old country with reference to the manner in which the Armenians live as compared with the Turks and the Kurds?

A Armenians live like all the European people in different parts of its cities. They intermingle very freely in their social life with the Europeans, in social intercourse of any kind. They never intermingle socially with the Turks or the Kurds. I have known American, French, Italian and German women who have become wives of Turks, mostly Turkish of-

ficers. I have never known of an Armenian woman as the wife of a Mohammedan.

Q In your life in Germany state what the fact was with reference to there being any discrimination against you or other Armenians.

A There was never any discrimination of any kind.

Q Have you been in Europe since you came to this country in 1906?

A Yes, I have been.

Q And when you have been there have you mingled with men and women of Armenian nativity to any extent?

A In Europe?

Q Yes.

A Yes, I have.

Q And what has been their position in the different communities in England and Continental Europe with reference to this matter of discrimination?

A I never felt, and I don't think they ever felt, any discrimination at all. They associated with the class of people in which they found themselves socially and financially able to gather.

Q And are there intermarriages between Armenians and French, Germans, Italians, Swiss and English?

A Yes, quite a number.

Q Mrs. Lamson, are there cases of light eyes, light hair, light complexions among the Armenian people?

A From the part of Armenia, from the highlands of Armenia,



from where I came, blue eyes and light hair are very common. I will not say that the majority are light haired, but it is very common among the people who live in alpine districts, mountain districts.

Q Have you made a study, Mrs. Lamson, of the history of your people?

A Yes, I have.

Q Will you tell the Court what your opinion is with reference to the effect of the Crusades on the Armenian people, as to whether or not they had any effect?

A I recall one sentence given by Pope Leo, I don't know whether the sixth or the fifth, who writes of that time with this one sentence particularly: That Armenians, unlike any other people they found in Asia Minor, in that territory, gave generously of their men, cattle and grain; and I do believe, and the Crusaders believed at that time, the downfall of the last kingdom of Lesser Armenia was greatly due to the fact that Armenians had given all of their men protectors and great deal of the resources of their country, as they were primarily an agrarian people, with their cattle gone, their horses gone and their grain gone. I don't know whether you realize that Armenia is a mountainous territory, five or six months in the year snowbound, and the grain is collected, all the food is collected for the whole winter. When that is absorbed naturally the people have to face starvation until the following harvest time, and that particularly impoverished condition had a great deal to do with the downfall

of the last king of Armenia, Leon the fourth.

Q What is the fact in your opinion with reference to the intermarriage of crusaders from Western Europe with the Armenian people?

A There are a great many signs that they intermarried freely and remained in Armenia. For instance, in Cilicia a very large number, and especially in my own territory which I know of more, we have words that are not used in any other part of the country by the Armenians, words of Germanic origin; and we have a great many customs that were practiced by the German people, for instance. In other words, they remained with us and we absorbed from them parts of their language and their customs, and undoubtedly some of their principles.

Q Until this suit was brought, Mrs. Lamson, had the suggestion ever come to you from any source that the Armenian race could be regarded as other than white people?

A I have never heard of any animosity towards the Armenian people, no matter where they would be, on the basis of racial and color difference. I have heard, and I have investigated animosity, and I have found it invariably was based on a commercial basis, and often just a personal grudge. In one case I investigated I found the man that was making so much noise about the Armenians in Fresno, and on my question as to whether he was naturalized I found that he was a Canadian who had resided in Fresno a great many years, who was taking active part in the civic life but he had never taken the trouble to become an American citizen, had never assumed the

obligations of an American citizen. The animosities I investigated never came from an American of two generations' standing. They were mostly on a commercial basis, from people who were newly Americans, one or at most two generations. I have never heard from them -- I have asked a great many of them -- antagonism on a racial basis.

Q You have never heard of any antagonism on a racial basis?

A They never expressed to me any antagonism on a racial basis.

Q And have you ever heard, until this suit was brought, a suggestion from any quarter that the Armenians are other than a white race?

A No; except that I have heard of that one case in Massachusetts.

Q The Halladjian case?

A The Halladjian case.

Q And you know the court determined that in what way?

A In favor of the Armenian. That was the first time I heard of this question; and I said, "I guess Oregon people are misinformed, because that case was decided some twelve or sixteen years ago in Massachusetts.

MR. MACAMANT: I think you may take the witness.

#### CROSS EXAMINATION

Questions by Mr. Coke:

How old were you, Mrs. Lamson, when you left Armenia, did you say?

A When I first left and went to Europe?

Q Yes.

A Ten years old.

Q When you finally left Armenia?

A No, it wasn't final. I went back and forth.

Q Well, when did you first leave there?

A Yes.

Q When was that? How old were you?

A Ten years old.

Q Then did you return to Armenia?

A Yes, I did.

Q For how long?

A About two years.

Q About two years?

A Two winters, a year and a half.

Q A year and a half. And then you removed from Armenia permanently, did you?

A To America.

Q How is that?

A I came to America.

Q You came to America. So you only resided in Armenia until you were ten years of age?

A Yes.

Q And then returned later for a year and a half?

A Yes.

Q And you resided, when you were in Armenia, in the city, did you not?

A Always in the cities, yes.

Q Always in the city. Your father was a minister?

A Yes.

Q And when were you married to Dr. Lamson, Mrs. Lamson?

A 1913.

Q You were there in the beginning of the World War?

A Yes, I was.

Q And you remained in Seattle?

A Yes, I did.

Q During the whole period of the war?

A Except during various tours that I made in behalf of various philanthropic organizations through the United States and Canada.

Q Where? To Canada and what other place?

A And the United States.

Q And those were trips of what extent of duration?

A Sometimes weeks, and once six months. I made a speaking tour through the United States for a period of six weeks.

Q Mrs. Lamson, how many Armenians are there that you have come in contact with in the city of Seattle?

A I have come in contact with perhaps one hundred fifty, two hundred, or perhaps more Armenians in Seattle; but they are not residing there.

Q How many would you say resided in Seattle during the time that you have been there?

A Not many; perhaps thirty-five or forty.

Q Thirty-five or forty?

A But I cannot vouch for that number.

Q Do you know how many Armenians there are in Fresno County, California?

A No, I am not sure. I think the records are on file.

Q A good many thousands, are there not?

A Yes, there are a good many thousands.

Q Approximately twenty-five thousand?

A I don't think so. I don't think more than ten thousand.

Q Not more than ten thousand?

A I think so.

THE COURT: Do you know what proportion of those people that are living in Fresno have been admitted to citizenship?

A I think all of the Armenians who speak English and are able to take the required examination before naturalization have become naturalized. We are a people with no country, and it is a great privilege for every Armenian to call America their own country.

THE COURT: Do you know what proportion of native Armenians living in Fresno County, California, are now citizens of the United States?

A I do not know.

THE COURT: You have no idea of that?

A No, I have not.

THE COURT: How do you account for the wide range of complexion among your people, from the light to the very dark?

A I have, in some part, followed that question, as I have been the author of two or three books on eugenics and children, and invariably it is simply climatic. For instance,

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that of my case; my mother says that I had light hair, as my children have light hair, and I was light complexioned. I always had dark eyes, but was red cheeked and very white skinned; and my mother says when she brought the children from the highlands of Armenia into a semi-tropic country, which is in Asia Minor or Smyrna, and Constantinople, like in Europe -- and it is the experience of our missionaries -- we immediately lose our red cheeks and become burned by the sun.

THE COURT: Well, doesn't it take some time to bring about that change in complexion after moving from one locality to another?

A It depends on the skin. Some skins burn very readily and some do not, just the same as the experience of the people here in the United States.

THE COURT: That is all.

(Witness excused).

GORDON D. LUTHUR

Called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION

Questions by Mr. McCamant:

Mr. Luthur, the name by which you go in this country is Gordon Luthur?

A Yes.

Q You are a native of what country?

A Armenia.

Q What town were you born in?

A Marash.

Q That is in what we know as Armenia Minor, is it?

A Yes, sir.

Q Or Cilicia?

A Yes, sir.

Q You understand those two terms to be identical in meaning, do you, Cilicia and Armenia Minor?

A Yes, sir.

Q What was your name in Armenian?

A Gorune Charbajian.

Q You adopted the name of Gordon Luthur as a matter of convenience in this country, did you?

A Yes, sir.

Q How old were you when you came to the United States?

A I wasn't over three years old.

Q And you have been in this country how long?

A Very nearly twenty-four years.



Q And have you been admitted to citizenship?

A Yes, sir.

Q In what court and when?

A The Federal Court in Seattle, the 12th day of April, 1924.

Q That was within the last month?

A Within the last month, yes, sir.

Q And what judge was sitting when your naturalization papers were issued?

A Judge Neterer.

Q How long have you lived in Seattle?

A I have lived in Seattle twelve years.

Q Prior to that time where did you live?

A I lived in Massachusetts before I came to Seattle.

Q What is your occupation, Mr. Luthur?

A I am a radio dealer and manufacturer.

Q Where did you get your education?

A I have gone through the grade schools, and I was at the University of Washington.

Q What terminated your career at the University of Washington?

A Draft.

Q You were drafted into the United States army during the World War?

A Yes, sir.

Q Have you had any connection with the Boy Scout movement?

A Yes, sir. I was assistant Scout Master of a troop in Seattle, also in Massachusetts before I came here.

Q Are you a married man?

A Yes, sir.

Q Whom did you marry?

A I married Ruby Norberg, of Burke, Idaho.

Q Ruby Norberg. She was born where?

A In Burke, Idaho.

Q What is the color of your eyes, Mr. Luthur?

A Blue.

Q You are of Armenian ancestry as well as nativity, are you?

A Yes, sir.

Q Now who are your friends? With what race of people do you live your life and have your associations and transact your business?

A Every one that I come in contact with is the one that I associate with. I have gone through the schools, and -- well, everybody in school, whether he was colored or white; I have associated with all of them.

Q Has the color line ever been drawn against you in all your life?

A No, sir, never once.

Q And until you heard of the bringing of this suit had the suggestion ever come to you from any source that the Armenian race were other than white people?

A No, sir.

Q You have a brother-in-law living in Seattle who is an Armenian, have you not?

A Yes, sir.

Q What is his name?

A Mesrob Krikorian.

Q Where was he born?

A He was born in Harpoot.

Q I will ask you whether your brother-in-law is a member of the Elks Lodge?

A Yes, sir.

Q The number of that lodge is what?

A 92.

Q That is the Seattle Lodge of Elks?

A The Seattle Lodge, yes, sir.

Q Do you have a brother who is now dead?

A Yes, sir.

Q Where was he graduated? Of what institution was he a graduate?

A He graduated from Yale College.

Q And after he graduated what did he do?

A He graduated as a civil engineer and he practiced. I don't know whether he was employed by the government to teach in the Philippines, but he was a teacher down there at the Philippine Islands for them.

Q Do you have any children, Mr. Luthur?

A Yes, sir; I have two girls.

Q Are they in school, or are they too young to be in school?

A No; they are too young.

MR. McCAMANT: That is all.

CROSS EXAMINATION

Questions by Mr. Coke:

Q In what business was your father engaged in Armenia, Mr. Luthur?

A Well, sir, I don't remember, but I think that he was a merchant, handling general merchandise, like groceries.

Q He resided in the city?

A I think he was a grocer and a pharmacist -- had a general store.

Q Did he reside in the city?

A Yes, sir.

MR. COKE: That is all.

(Witness excused).

TATOS OSGIHAN CARTOZIAN, The defendant, called as a witness in his own behalf, being first duly sworn, testified as follows:

DIRECT EXAMINATION

Questions by Mr. McCamant:

Mr. Cartozian, you are the defendant in this case?

A Yes, sir.

Q Speak up, please, so the Court can hear you, and so we can make a record. How long have you been in the United States?

A Eighteen years.

Q You landed at New York?

A Yes, sir.

Q How long did you remain in New York?

A Four and a half years.

Q Where did you go then?

A I go then to Providence, Rhode Island, and New Haven, Connecticut, and Troy, New York; and then I come back to New York again.

Q And then you came where?

A I came to Portland, Oregon.

Q And you have lived here how many years?

A Thirteen and a half.

Q And what have you done since you came to Portland? What has been your occupation?

A Well, I worked for Meier & Frank Company, and after that I start to work with our firm.

Q Your firm is Cartozian Brothers?

A Yes, sir.

Q And they are engaged in what business?

A Oriental rug business.

Q And their store is where?

A Between Thirteenth and Fourteenth on Washington at that time when I start to work with them. Now they are in the Pittock Block.

Q In the Pittock Block, between West Park and Tenth?

A Between West Park and Tenth, yes, sir.

Q On Washington street, in this city?

A Yes, sir.

Q And you are secretary of that corporation, Cartozian Brothers, are you?

A Yes, sir.

Q Do you have a family?

A Yes, sir.

Q Were you married in Armenia or in this country?

A Armenia.

Q How many children have you?

A I have five children.

Q How many of them were born in Armenia?

A Three.

Q And how many of them born here?

A Two.

Q Do you own your own home?

A Yes, sir.

Q Where is that situated?

A 6805 Seventy-eighth Street Southeast.

Q In the city of Portland?

A Yes, sir.

Q Are you a member of any church?

A Yes, sir. I belong to the First Christian Church.

Q Your children have been educated where?

A They graduated at the Franklin high school, three of them.

Q They were in the public schools and three of them have graduated?

A Yes, sir.

Q State whether or not you believe in the American form of government.

A Yes, sir.

Q Have you any sympathy with socialism or anarchy, or any other radical doctrines?

A No, sir.

Q With what class of people do you live your life, Mr. Cartozian?

A Well, I always live with a high class of people all my life, and I always believe in that, and I always try to do my best to come to be a real man.

Q Well, are your friends Armenians or Americans for the most part?

A Well, we have friends Armenians, but all day we have most of them American people.

MR. McCAMANT: That is all.

CROSS EXAMINATION

Questions by Mr. Coke:

How many Armenians are there in Port-

land, Mr. Cartozian?

A Well, altogether I think about sixty-five persons.

Q About sixty-five?

A Yes.

Q Is your home life and social life mostly with the Armenians or with the Americans?

A Well, with Americans; and of course we have our relatives; we meet them. But we are always anxious to be social with Americans.

Q Mostly your social life is with Armenians?

A Yes, sir.

Q Your business of course brings you in contact with the Americans?

A Yes, sir.

Q They patronize your store?

A Yes, sir.

Q You say that you do not accept or believe in anarchism or socialism. Do you know what anarchism means?

A Well, I can't say just exactly. I don't understand.

Q Or socialism?

A Well, socialists.

Q Do you know what polygamy means?

A No, sir; no.

MR. COKE: That is all.

(Witness excused).



HAZEL CARTOZIAN

Called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION

Questions by Mr. McCamant:

Miss Cartozian, you are the daughter of the last witness?

A Yes, sir.

Q And you live at home and have also done so, do you?

A Yes, sir.

Q How old were you when you and your family came to the United States?

A About seven and a half.

Q You have been educated where?

A In the schools of America, mostly in Portland.

Q Mostly here in Portland?

A Yes, sir.

Q And which high school did you go to?

A Franklin High School.

Q And after you left Franklin High School did you go to any other school?

A I attended business college for a year and a half.

Q Behnke-Walker Business College, was it?

A Yes, sir.

Q And then where did you go?

A I am now with the firm.

Q You then went into the store of Cartozian Brothers, did you?

A Yes, sir.

Q And you have been there since when?

A Since 1917.

Q A period of nearly seven years?

A Yes, sir.

Q And what work do you do there?

A Bookkeeping and stenography.

Q Miss Cartozian, do you go to parties and dances?

A Yes, sir.

Q State how you are treated at these social functions that you attend.

A Treated like all other Americans.

Q Has the suggestion ever been made to you prior to the time that this suit was brought that you and your people were other than white people?

A No, sir, never.

Q And are you always treated as a white girl?

A Always.

Q And are you a member of any church?

A Yes; the First Christian Church.

Q Aside from your family are there any other Armenians in that congregation?

A No, sir, not that I know of.

Q The congregation is made up of native Americans, is it?

A Yes, sir.

MR. McCAMANT: That is all.

MR. COKE: That is all.

(Witness excused).

ORIE CARTOZIAN

Called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION

Questions by Mr. McCamant:

Miss Cartozian, you are a sister of the last witness?

A Yes, sir.

Q And the daughter of the defendant?

A Yes, sir.

Q Do you live at home?

A Yes, sir.

Q And you have always lived at home?

A Yes, sir.

Q You of course are too young to remember Armenia?

A Yes. I don't remember anything about it.

Q You were born in Armenia, though, were you?

A Yes, sir.

Q What is the color of your eyes, Miss Cartozian?

A Brown.

Q Where did you get your education?

A I went to kindergarten first in New York, and then I went to grammar school here; I went about two and a half years to Franklin High, then went to Behnke-Walker's College about a year and a half.

Q And since you have left the business college what have you been doing?

A I have been a stenographer at the Pacific States Fire In-

urance Company.

Q And their place of business is where?

A Corner of Eleventh and Alder.

Q And you have worked there how long?

A About a year and a half.

Q Do you go to parties and dances and social functions?

A Yes, sir.

Q How are you treated at those gatherings?

A Just as an ordinary white person.

Q Treated like American girls?

A Absolutely.

Q Until this suit was brought had the suggestion ever been made to you that you and your people were other than white people?

A Never.

Q And has the color line ever been drawn against you in any way?

A Never.

MR. McCAMANT: I think that is all.

MR. COKE: That is all, Miss Cartozian.

(Witness excused).

ARAM O. CARTOZIAN

Called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION

Questions by Mr. McCamant:

Mr. Cartozian, you are a brother of the defendant?

A Yes, sir.

Q And you were born where?

A In Sivas.

Q And you come of what race and what ancestry?

A Armenian.

Q You came to the United States when?

A 1904.

Q And where did you land?

A New York.

Q How long did you remain in New York?

A A year and a half.

Q And when did you come to Portland?

A 1906, in September.

Q And have you lived here continuously since then?

A Yes, sir.

Q What is your occupation?

A I start business month after I arrived in city, in Oriental rug business.

Q In the Oriental rug business?

A Yes, sir.

Q And have you continued in that business ever since?

A Yes, sir.

Q Your firm name is what?

A Cartozian Brothers, Incorporated.

Q And what office do you hold in the corporation?

A President of the firm.

Q Have you been naturalized?

A Yes, sir.

Q Where and when were you naturalized?

A In Spokane, in the Federal Court, 1920.

Q Are you a Master Mason?

A Yes, sir.

Q What lodge are you a member of?

A I am a member of Spokane Lodge No. 34.

Q You speak about having conducted this business in Portland all of these years; you have had a branch business in Spokane, have you not?

A Spokane and Seattle, both, and New York.

Q And you for a time resided in Spokane and looked after that business, did you not?

A Yes, sir.

Q You have spoken of your Blue Lodge membership. Have you gone beyond the Blue Lodge in Masonry?

A Up to the Thirty-second in the Scottish Rite.

Q And are you a member of the Shrine?

A Yes, sir.

Q A member of Al Kader Temple?

A Al Kader Temple, yes, sir.

Q What other organizations do you belong to?

A I belong to the Rotary Club, the Chamber of Commerce and the Better Business Bureau.

Q Where do you live, in what part of the city?

A I live in Alameda Park, 956 Bryce Avenue.

Q And are you a member of the Alameda Club?

A Yes, sir.

Q Are you a member of the Retail Merchants' Association?

A Yes, sir.

Q Are you a member of the Portland Art Club?

A Yes, sir.

Q Are you affiliated with any church?

A The First Christian Church.

Q Are you a married man?

A Yes, sir.

Q Did you marry in this country or abroad?

A I married in this country.

Q And how many children have you?

A Two boys and one girl.

Q Are any of your children old enough to go to school?

A One of them is going to the Hill Academy School.

Q Do you own any property?

A We own 160 acres up at Hood River, and also the house that I live in.

Q With what class of people do you live your life? Who are your friends, and with whom do you live your business life and your social life?

A Since I have been in Portland, while I was single and I was alone, I was a member of the Y. M. C. A., and I spent most of my spare times in the Y. M. C. A., and also took quite an interest in the athletic part of it; and then when my mother and brother came, why, I lived with them. But all those years that I was alone I always associated with all Americans, and at this time we only have a few Armenian families and most of our life is spent with Americans; that is socially.

Q And state whether or not you associate on terms of equality with these Americans of whom you have been speaking?

A Yes, sir.

Q Has the color line ever been drawn against you at any time?

A No, sir.

Q With what children do your children play and associate?

A Well, there are no Armenians in the part of the city that I live, and they associate with all of the neighbors' children, which it is known as a children's street; everybody has children, and they associate with them all the time.

Q Have you ever been denied entertainment at any hotel on the ground of your color or race?

A No, sir.

Q And has any discrimination ever been practiced against you based upon your being other than a white man?

A No, sir.

Q Until this suit was brought had the suggestion ever come



to you from any quarter that an Armenian was other than a white man?

A No, sir.

Q Are you acquainted with George Atiyeh?

A I know him by sight; that is, I know him, that he is George Atiyeh; but we don't associate with him, no.

Q Is he an Armenian?

A No, sir.

MR. McCAMANT: I think that is all.

CROSS EXAMINATION

Questions by Mr. Coke:

What is his native state, do you know?

A Sir?

Q What is Mr. Atiyeh's native state, do you know?

A I don't know.

Q In what part of Armenia were you born, did you say?

A In Sivas.

Q And how old were you when you left there?

A Nineteen.

Q Were you a resident of an urban section; that is to say, of the city?

A Yes, sir, it is in the city.

Q And your parents were before you?

A Yes, sir.

Q Your parents, or your father was engaged in some commercial line, was he?

A My father was one of the largest contractors in the stone

building line as a mason.

Q And his business had been confined, or, at least, his place of residence and place of business were in the city during all of his life?

A Yes, sir.

MR. COKE: That is all.

(Witness excused).

MR. McCAMANT: We are making more rapid progress than I expected. Would your Honor grant me an intermission of five or ten minutes?

THE COURT: Yes. Court will take a recess for ten minutes.

(Short recess).

M. VARTAN MALCOM

Called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION

Questions by Mr. McCamant:

Mr. Malcom, you were born where?

A I was born in Sivas, Armenia.

Q And you come of what ancestry and race?

A Armenian.

Q Where do you now reside?

A I reside in New York.

Q How long have you lived in the United States?

A Thirty years.

Q And your profession is what?

A I am a lawyer, practicing in New York.

Q You are admitted to the bar of the courts of the state of New York?

A I am.

Q And of the federal court for the Southern District of New York?

A I am.

Q And of the United States Supreme Court?

A Not yet.

Q Not yet. Mr. Malcom, how many lawyers of Armenian nationality are there at the bar of New York?

A There are nine.

Q What is the law of the state of New York with reference to the right of these men to practice their profession in the

event that it should be determined that men of Armenian nationality are ineligible to American citizenship?

A They will not be permitted to practice law.

Q You were naturalized when and where?

A I was naturalized in the United States District Court, Boston, Massachusetts.

THE COURT: Does not the law inhibit all foreign persons from becoming members of the bar or being admitted to practice in New York as in other states?

A Yes. The law is the same in all states. One has to be a citizen to practice law in every state of the Union.

Q (By Mr. McCamant) While we are on that, do you know of Armenian lawyers in other states than New York?

A I do.

Q Or in other parts of New York other than New York City?

A I do.

Q How many men of Armenian birth do you know of who are engaged in the practice of law?

A I know of about twenty-two throughout the United States.

Q Scattered throughout the United States?

A Yes.

Q Now you were telling us about your naturalization. You were naturalized in the federal court at Boston, and at what time?

A I have my certificate here. May I refer to it? (Witness refers to paper). February 8th, 1909.

Q When were you admitted to the bar?

A I was first admitted to the bar in Boston, Massachusetts, in 1910.

Q And have you been continuously in the practice of your profession since then?

A Yes, sir.

Q What has been your education, Mr. Malcom?

A I attended the public schools in Chicopee, Massachusetts; the American International Academy, at Springfield, Mass.; I graduated from Amherst College in 1907; I studied law at the Harvard University Law School.

Q Have you visited the land of your nativity since you have grown up?

A I have, sir.

Q And have you traveled in Europe in recent years?

A I have. I have visited nearly every country in Europe.

Q Have you made a study of the Armenian race, of its history, its dispersion, its ethnic origin and its activities in the United States?

A I have made a special study of the Armenians.

Q Have you written a book on any subject along that line?

A I wrote a book entitled "The Armenians in America," published in 1919 by The Pilgrim Press, with a preface by ex-American Ambassador to Germany, the Honorable James W. Gerard.

Q Now Mr. Malcom, tell the Court about the Armenian colonies which have been established in European countries in times past and what has become of them.

A There was a very large Armenian colony in Poland.

Q Centering at what city?

A In the city of Lemberg. That colony consisted of some two hundred thousand Armenians. The Polish government at that time permitted the Armenians to have their own church and their own courts of law. When I visited Lemberg some ten years ago I found no trace of that Armenian colony there, with the exception of the great buildings which these Armenians had built, and the names of the streets in a certain section of the town. The entire colony had disappeared by assimilating with the native population.

Q What do you know about a similar colony on Marseilles?

A Yes ----

THE COURT: Do you know that the assimilation took place, or is it possible that they moved elsewhere?

A They did not move elsewhere. There is no record in the history of these Armenians in Poland indicating that they emigrated anywhere else, but that they lived in Poland, intermarried and became lost in the native population.

THE COURT: They could not have gone back?

A No.

THE COURT: And taken up residence in Armenia again?

A No. No Armenian colony that has ever left Turkey, your Honor, has ever returned to Turkey or to Armenia, which during the last several hundred years has been a part of Turkey. You asked me if there are other colonies in Europe. The oldest Armenian colony in Europe is in Holland. There the first

Armenian Bible was printed in the Armenian language, because there the printing press was for the first time apparently available. That colony dates back to some three or four centuries. And it also has disappeared, and there are no traces of it left, the Armenians there having married with the native people. There was a very large colony in France, particularly in the city of Marseilles, and certain streets in that city bear Armenian names. That Armenian colony, too, has disappeared. They have intermarried with the French. There is now a new small colony, due to the fact that a great many Armenians have been driven out of Turkey recently, who have congregated there for the purpose of traveling into other parts of Europe or to the United States, but the old colony has disappeared.

THE COURT: Is that matter written about in your book?

A That matter is not in my book, your Honor, because my book is only of the Armenians in America. There were Armenian colonies in Italy; we have Armenian colonies in England; and in those countries, too, the Armenians have intermarried and have been lost within the native populations, except those who have gone there in recent years.

Q (By Mr. McCamant) Now coming to your race in this country, Mr. Malcom, tell the Court what opportunities you have had for coming in contact with them and for advising the Court with reference to their dispersion and the life they lead in this country.

A I have been a member of the Armenian National Church, al-

though I attend the Episcopal Church in the village where I live near New York City; and my son is a member of the choir of that church. I have been counsel for the Armenian Church in the United States. I am a member of the Armenian General Benevolent Union, one of the largest and best philanthropic organizations existing among the Armenians in this country. It has about eighty branches. I have been a vice president on the board of directors which controls two newspapers published in the Armenian language, one a daily in Boston and the other a tri-weekly published in Fresno, California. I was counsel for the Armenian National Union of America in 1918 and as such counsel I participated in, if not actually conducted, the hearings before the Senate Foreign Relations Committee, of which the late President of the United States, Mr. Harding, was the chairman. In 1922 I was appointed the representative in Washington of the Armenian National Delegation of Paris and I am still the Delegation's accredited representative.

Q Tell us more particularly what that delegation is, Mr. Malcom.

A The Armenian National Delegation was created during the last war to represent the Armenians in Turkey, as a large part of Armenia was and still is under Turkish control. This Delegation became the accredited representative of the Armenians residing in the Ottoman Empire. Its principal task was to negotiate peace and to take care of the interests of the Armenians. The Delegation is recognized by the League



of Nations and by all the allied powers.

Q Mr. Malcom, in your study of the Armenians in America have you found any traces of the presence of men of your race in this country in Colonial times?

A I have. I found that one Armenian at least came to North America, to Jamestown, Virginia, in 1618. This Armenian was a member of the standing committee, which is something like the board of directors of a modern corporation, of the Virginia Company of London. I found traces of Armenians ----

THE COURT: That was 1618?

A 1618. I found traces of Armenians who came here in 1653 or 1654. Two Armenians were brought here by Governor Diggs, of Virginia, and a little poem was written by John Ferrer, the secretary of the Virginia Company of London, commemorating the arrival of these two Armenians to Jamestown, Virginia. Moreover, I found a most interesting evidence of an Armenian in one of the Acts of the Assembly of Virginia, which offered, or granted to an Armenian called "George" four thousand pounds of tobacco in order to induce him to stay in the colony in Virginia. Those were the early Armenians, Judge McCamant, who came here.

Q At the time when the large immigration was coming to this country from Great Britain, Holland, France and Western Germany, were there Armenian colonies in those countries?

A There were Armenian colonies in Holland, in Italy, in France, in England, and one in India, which was then under British control, where the Armenians were engaged in business,

and they traveled back and forth between India and England; and my studies have made me believe that some of these Armenians came to the United States during the years you have in mind.

Q The large emigration from Armenia dates from what time, and under what circumstances did it begin to come?

A The larger immigration of Armenians to the United States commenced in the year 1834. In 1830, or thereabouts, the American Commissioners for Foreign Missions established its first mission school in Constantinople. In the records of that school I found that nearly all the students of that school were Armenians, and these Armenians, having come under the influence of the American missionaries, came to the United States to finish their education. As the missionary movement in Armenia and in Turkey where the Armenians lived increased, and as they established mission schools in the other cities of Armenia and Turkey, the evidence in the records of the mission schools shows that many of the students of those missionary schools emigrated to the United States. From 1834 up to for a period of fifty years nearly every Armenian that came to the United States was either a member of some missionary school or in some way connected with it. After a period of fifty years the American missionaries had become a permanent institution among the Armenians and they, more than anything else, influenced the coming of the Armenians to the United States. Prior to that Armenians used to go to England and to France and to Italy, either for busi-

ness or for education, but with the coming of the American missionaries they diverted their course, and nearly all of them came to the United States. Later on, in 1895 and '94, during the great massacres, the Armenians came in larger numbers, because of the sympathy which the American missionaries showed to the Armenians both in the old country and here in America, and from that time on these people have come here because of their religious persecution by the Turks and because they found friends among the American missionaries in Turkey.

Q Mr. Malcom, I want to introduce -- I guess this is a good time to do it -- some documentary evidence. Has your investigation of the antiquities of your race given you any opinion of the correctness of the statement of Herodotus on the subject of their origin?

A In preparing my book on the Armenians in America I studied Herodotus, and the account of Herodotus is familiar to me.

Q And do you believe it to be in accordance with the facts?

A I believe it is.

MR. McCAMANT: I offer in evidence a quotation from Herodotus.

MR. COKE: No objection.

(The quotation from Herodotus so offered was thereupon marked DEFENDANT'S EXHIBIT 2).

MR. McCAMANT: I will later on let you have copies of these. I haven't them segregated now, though, Judge Coke.

Q Mr. Malcom, I will ask you whether you are familiar with

the Essay of Francois Lenormant on the Armenians, published in 1871, in France?

A I am. I have read it in the French.

Q Do you regard Lenormant as an author of standing and authority?

A Yes. He is.

MR. McCAMANT: I offer the following quotation from the French consul's translation of Lenormant's Essays.

MR. COKE: No objection.

(The quotation from Francois Lenormant's Essay so offered was thereupon marked DEFENDANT'S EXHIBIT 3).

MR. McCAMANT: These may be considered as read, may they, your Honor?

THE COURT: Yes.

Q (By Mr. McCamant) Are you familiar with the authority of von Luschan in ethnic scientific circles?

A von Luschan is the greatest authority of races in Asia Minor, and particularly of the Armenians.

THE COURT: Who is that?

A von Luschan, a German author.

MR. McCAMANT: I will offer in evidence the following extract from von Luschan's work, and if your Honor will permit me, this is brief, I would like to read it, because it bears on matters about which we have offered some testimony.

"The material collected gives us 'a complete, well-rounded picture of the physical characteristics of the Ar-

menians and we recognize that they are not only a homogeneous people according to their language and religion, but also according to their physical type. The homogeneity of this people, which is not found in equal or similar degree in any other civilized nation, is interesting because it shows that owing to the striking geographical, linguistic and religious isolation of Armenia during its development and florescence, the type has remained pure and has been consolidated to such an extent that even today, many centuries after the fall of the empire, it has remained almost entirely uniform.'"

(The extract from von Luschan's work so offered was thereupon marked DEFENDANT'S EXHIBIT 4).

Q Mr. Malcom, in your book on the Armenians in America you publish a quotation from Henry Morgenthau, the former American ambassador to Constantinople, do you not?

A I do.

Q And are you prepared to attest the accuracy of that quotation?

A Yes; perfectly.

MR. McCAMANT: I offer that extract of Henry Morgenthau.

(The statement of Henry Morgenthau so offered was thereupon marked DEFENDANT'S EXHIBIT 5).

THE WITNESS: It is found on pages 227 and 228.

Q Of your book?

A Of his book.

Q Of his book?

A Page 287 and 289 of Mr. Morgenthau's book called "Am-

bassador Morgenthau's Story."

Q By way of preparation for the trial of this case, Mr. Malcom, did you send out a questionnaire to men of Armenian nativity known to you throughout the Union for the purpose of compiling information in regard to the life and activities of your people?

A I did, Mr. McCamant.

Q How many of those questionnaires did you send out?

A I sent out four hundred.

Q And they were sent to men of your personal acquaintance, were they?

A Men whom I knew.

Q How many of them were answered?

A Three hundred thirty-eight.

THE COURT: How many?

A Three hundred thirty-eight, and one answered in this city, one of the witnesses here, Mr. Perounagian, whom I did not know, which makes the total number of answers three hundred thirty-nine in all.

Q (By Mr. McCamant) Have you those answers to the questionnaire here in court?

A I have them all in my bag here in this court room.

Q And are they available to counsel on the other side, if he cares to examine them?

A He is perfectly welcome to them.

Q Now Mr. Malcom, have you compiled the results of that questionnaire in tabulated form?

A I have.

Q I hand you herewith a table purporting to give the gist of that information. Is that compiled by you?

A It is compiled by me.

Q And are you prepared to state that it correctly compiles and tabulates the information contained in the questionnaire?

A As correctly as it was humanly possible.

MR. McCAMANT: I offer this table in evidence. I can give you right now a copy of that.

THE WITNESS: There is a copy of that for Mr. Coke.

MR. COKE: Simply because of the fact that it tends greatly to encumber the record, your Honor, and I deem it to be immaterial and incompetent, the government objects to it on those grounds -- merely the general objection on those grounds.

THE COURT: I suppose that would be introduced along with the rest. It is not testimony under oath. Nobody has had a chance to cross examine those persons who have answered the questionnaires. It is really not admissible, according to the strict rules of evidence, I presume. It is not an historical matter.

MR. COKE: It gives their profession, whether they are citizens or not, and what lodges and churches, and that sort of thing, these parties are members of, and I think it is immaterial.

THE COURT: I will allow it to go in the record.

MR. COKE: Very well.

(The tabulation of answers to the questionnaire

so offered was thereupon marked DEFENDANT'S EXHIBIT 6).

Q (By Mr. McCamant) Mr. Malcom, the questionnaire you say went to men and women of your acquaintance?

A Only to men and women of my acquaintance, and the questionnaire was a very simple one: Name, address, occupation--

THE COURT: Let me see one of those questionnaires.

THE WITNESS: Yes; it is in my bag. Will you bring my bag up here, please. The questionnaire calls for name, address, occupation, maiden name of wife, if any; citizenship, and membership in churches or other societies. Here is one with the envelope (witness passing same to the Court).

Q (By Mr. McCamant) Mr. Malcom, I will ask you whether or not the information which is tabulated in Defendant's Exhibit 6 is to a large extent within your personal knowledge?

A Of my personal knowledge. Wherever I was not certain I wrote to the person again to be sure that I had the right, the correct information.

Q Where a man states that he is practicing our profession, or law, you knew of your own knowledge that that was true?

A I did, yes.

Q And where he stated that he had married an American wife, in the majority of cases you knew that, did you not?

A I knew it. I perhaps had been to their home, or I knew the girl. I had perhaps met them. I knew of my personal knowledge that So-and-So was married to an American girl; and I sent the questionnaire to those that I knew personally.



Q And if the man who answered the questionnaire spoke to you about his civic activities, what is the fact as to whether you, in the majority of cases, were aware of that anyhow?

A In the majority of cases I was aware of it, but in some cases where they lived in far distant cities, because this data covers the entire United States, I simply assumed that they were telling me the truth.

MR. McCAMANT: Now your Honor, I appreciate the legal force of the observations which the Court has made in this matter, and I suppose the way to meet that objection would be to have the witness go over page by page this memorandum and testify to so much of it as is within his personal knowledge. That would take a great deal of time, and ----

THE COURT: I don't think that would be necessary. Of course, in the end what was said by these different individuals would be hearsay, because it is just simply matter of information that is requested from the witness rather than from these parties who answered the interrogatories, and of course his testimony would not strengthen it any more. It would be indirect evidence, because that is all it is. I don't think it is necessary to take the time to go over that item by item and have him testify. I see those are classified there as musicians, dentists, etc., and he has taken the pains to classify them so that they can be readily referred to, but I don't think his testimony now to the fact that they did write those letters to him and they came in that form, and this classification was taken from the letters that he

received, would overcome the rule as against the admission of hearsay testimony.

MR. McCAMANT: I appreciate the force of that suggestion, your Honor, but here, for example, is the name Besh Getoor, a resident of Woodward Avenue, Detroit. Now if Mr. Malcom were able to say as to that gentleman that he knows that man, knows that he is a dentist in that community, knows that he is a graduate of the University of Michigan, he has been at his home and knows his wife, that would remove the objection of hearsay to so much of that part of the exhibit.

THE COURT: Yes.

MR. McCAMANT: And we are prepared to go through that as to a great deal of this testimony, but of course it unduly prolongs the trial.

THE COURT: But he has already testified in a general way that he does know some of these matters of his personal knowledge. That far the evidence will be pertinent perhaps, but I don't think it is necessary to go through that. It is a matter that is historical only, rather than direct testimony.

Q (By Mr. McCamant) Now Mr. Malcom, have you further compiled from that questionnaire a list of women of American or European nativity who have been married by the Armenians to whom you sent that questionnaire?

A I have, sir.

Q And have you segregated that with reference to the occupations of the gentlemen to whom that questionnaire went, the

physicians, the dentists, and the engineers, and so on?

A I have, sir.

Q And is this the statement which you have prepared?

A Yes, sir.

Q Now Mr. Malcom, will you tell us how far your personal knowledge goes with reference to the facts contained in this compilation which I hold in my right hand.

A At least ninety per cent, Mr. McCamant.

THE COURT: How much?

A At least ninety per cent I know personally.

Q (By Mr. McCamant) You have been in the homes and have met the wives?

A Either in the homes or in social ways, or in dining rooms, or somehow or other I knew them. For instance, I have not been to Mrs. Lamson's home, but I know that she is married to Dr. Lamson. I roomed with her brother, and I know the fact that she is married to an American, although I don't think I ever met Dr. Lamson, but once I believe he came to my office.

Q But you have known Mrs. Lamson for a long time?

A Yes; and the same way with the rest of them, I have known them one way or another.

MR. McCAMANT: With that explanation I offer in evidence this table giving the maiden names.

(Thereupon said list of maiden names, etc., so offered, was marked DEFENDANT'S EXHIBIT 7).

THE COURT: I notice in this questionnaire you ask whether the person has been naturalized?

A Yes.

THE COURT: How many of those did you find that were naturalized?

A I have that figure, your Honor.

THE COURT: How many?

A I have them.

MR. McCAMANT: 10,500, according to the 1920 census.

THE WITNESS: I take the Court means of this class here.

MR. McCAMANT: Oh, did your Honor mean from this questionnaire only?

THE COURT: I mean from this questionnaire.

THE WITNESS: Yes, I have that. Of the physicians, 92 reported; that is, 92 sent in their reports, or 92 I am sure about, positive about their statements. Of these 69 were naturalized citizens, 6 had their first papers, and 18 did not say whether they were naturalized or not. I was not sure of the last 18, and I did not have time to find out before this case came on.

THE COURT: That is of the physicians?

A The physicians. The same with business men, 88 reported, 69 were naturalized citizens, 5 had their first paper. Dentists, 43 reported, 35 were naturalized citizens, 1 had first paper. Ministers of the gospel, 37 reported, 34 citizens, 2 had first papers. Professors and teachers in American schools and colleges, 20 reported, 19 were citizens. Lawyers, 18 reported, 18 were naturalized citizens. And others, such as artists, singers, and other professions, 20 reported,

14 citizens.

Q Mr. Malcom, I will ask you again as to how much of this table is within your personal knowledge, the table from which you have just read?

A Just the same; at least ninety per cent is within my personal knowledge, that I know to be true. There were cases where they were so far away that I could not reach them personally.

MR. McCAMANT: I offer in evidence the table which has last been produced.

(Said table, showing number of the 339 Armenians reporting who are naturalized American citizens was thereupon marked DEFENDANT'S EXHIBIT 8).

Q Now have you compiled from the questionnaire a statement with reference to the marital status of those who have answered the questions, showing the number who are married and the number who have married native Americans, and the number who have married Armenians, and so on?

A I have, sir.

Q Is this the table?

A That is.

Q Now tell the Court again, Mr. Malcom, as to how far your personal knowledge goes with reference to the matters covered by this compilation.

A My answer is just the same: About ninety per cent I am positive of.

MR. McCAMANT: I offer in evidence the table which the witness has identified; and I may call the Court's attention to the fact that out of some 257 who report that they were married, 125 of them have married Armenian girls and the remainder have married either American girls or girls of European nativity.

(Said tabulation, showing intermarriage among the Armenians, etc., was thereupon marked DEFENDANT'S EXHIBIT 9).

THE WITNESS: The total number was 339 that reported; of these, total number married 257; total number unmarried 82; married to Armenian girls 125; married to American girls, or girls of Irish, German, Swiss or French parentage, 132.

Q Mr. Malcom, have you compiled a table showing the distribution of these 339 who answered your questionnaire, where they live, how they are scattered throughout the Union?

A I have, Mr. McCamant.

Q And what can you say, Mr. Malcom, as to whether this table is accurate? How far does your personal knowledge go?

A Well, I am quite certain the addresses are accurate. I know they live there.

Q You wrote the letters to these addresses and the answers came back?

A Yes, sir.

Q So that that table ought to be one hundred per cent within your knowledge?

A So that table is one hundred per cent.

MR. McCAMANT: I offer in evidence the table identified by the witness.

THE COURT: Very well.

(The table showing residence by states of the 339 Armenians reporting, was thereupon marked DEFENDANT'S EXHIBIT 10).

Q (By Mr. McCamant) I will ask you whether you compiled from this questionnaire a list of teachers, instructors and professors in American schools, who are men of Armenian nationality?

A I have.

Q How far is the information contained in that tabulation within your personal knowledge?

A One hundred per cent. I know every one of them personally.

Q And you know the facts stated in that tabulation are true?

A Yes, they are true.

MR. McCAMANT: I offer in evidence the table prepared by the witness.

(Said list of teachers, instructors and professors, etc., so offered, was thereupon marked DEFENDANT'S EXHIBIT 11).

THE COURT: When you say one hundred per cent, are you personally acquainted with those?

A With every one of them.

THE COURT: With every one of them?

A Every one of these men I have given here are personal

friends of mine. I have known them for years.

Q (By Mr. McCamant) Have you compiled from that questionnaire a list of clergymen who are ministering to congregations, Christian congregations in the United States, either Armenian or American?

A I have, Mr. McCamant.

Q And is this the table?

A It is.

Q Now tell the Court how much of that table, Mr. Malcom, is within your personal knowledge.

A When I prepared that table there were three of them whom I did not know personally. One of them I became acquainted with here in this court, Mr. Fereshetian, who has testified. I did not know him personally when I prepared the data.

Q So there are only two of them now you don't know?

A Two of them I don't know; the rest I do.

Q You know the rest of them. But you know the facts to be as stated here?

A I do.

MR. McCAMANT: I offer in evidence that table.

THE COURT: Very well.

(Said list of Armenian ministers, etc., so offered, was thereupon marked DEFENDANT'S EXHIBIT 12).

Q (By Mr. McCamant) Have you prepared from that questionnaire, Mr. Malcom, a tabulation of the scientific and educational organizations which are represented in that questionnaire?



A I have.

Q And what can you say as to how far your personal knowledge goes in regard to that tabulation?

A In that tabulation, Mr. McCamant, my personal knowledge does not go beyond, I should say, fifty per cent.

Q Beyond what?

A Fifty per cent; because I am not a member of these societies, and I cannot say from personal knowledge that the statements contained are all true. Personally I don't know. Fifty per cent I do. I should say fifty per cent is within my knowledge.

Q And so far as your personal knowledge enables you to check up the matter, state whether or not that tabulation is correct.

A It is correct, and it is about the best evidence we could produce for this trial.

MR. COKE: If your Honor please, this is admitted to be largely hearsay; and furthermore, it purports to be a list of scientific, literary, religious and other professional societies and institutions to which one or more of the 339 Armenians reporting belong, which we think is immaterial and incompetent. Whether these particular ones belong to the various societies and churches it seems to me is not material in the examination of this matter, so the objection is based upon that ground.

THE COURT: I will allow it to be introduced, with your objections noted in the record.

MR. COKE: And I would like that objection to go to all this same character of testimony.

THE COURT: Yes.

MR. McCAMANT: I presume your Honor does not care to hear argument at this hour of the day, on the subject?

THE COURT: It is not necessary, because I should let it go in the record anyway.

MR. McCAMANT: I offer in evidence the tabulation referred to.

MR. COKE: This same objection, your Honor, may be deemed to have been entered to this present offer?

THE COURT: Yes.

(The tabulation so offered, consisting of list of scientific, literary, religious and other professional societies, etc., was thereupon marked DEFENDANT'S EXHIBIT 13).

Q (By Mr. McCamant) Now have you tabulated the information that came to you in the questionnaire with reference to the fraternal organizations to which these 339 men of your race belong?

A I have.

Q And is this the table?

A It is.

Q Now tell the Court how far your personal knowledge goes on this subject, Mr. Malcom.

A I made a special effort in tabulating this particular table to be sure that I got every one of them within my personal knowledge, and with the exception of 18 from a total

number of 133 reporting here, 18 I cannot say that I know personally, but the rest I do know to be true. In other words, 250 professional men reported. Of these there were 88 Masons, 7 Elks, 15 Oddfellows, 7 Knights of Pythias, 2 Knights Templar, 5 Shriners, 2 Moose, 7 others, such as Woodmen, and so forth. Thus there were two hundred fifty reporting, and 133 were members of these Masonic organizations, and I know out of 133 every one is true, except 18.

Q Now that is as to the first page. The second page shows the business men, does it not?

A Yes, sir. The first page is professional men.

Q The first page is professional men?

A The second page is the business men. The business men, I can say I know nearly every one of them. And then I have a summary of the two. Total number reporting, 339; total number of Masons 124; total number of Elks 11; total number of Oddfellows 18; total number of Knights of Pythias 11; and others 23.

MR. McCAMANT: I offer in evidence the exhibit.

(Said table showing fraternal organizations to which professional and business men of Armenian origin belong, so offered, was thereupon marked DEFENDANT'S EXHIBIT 14).

Q Now I think, Mr. Malcom, that completes all that we have in the way of questionnaire, does it not?

A Yes.

Q That is all of the information that we have tabulated

from these 339 replies to your questionnaire?

A Yes.

Q Have you been at pains to secure any other information with reference to the intermarriage of men and women of your race with the native American stock, or with Europeans resident in the United States?

A I have.

Q Tell the Court what the sources of your information are in that respect.

A In preparing my book on the Armenians in America I became deeply interested in the assimilation of the Armenians, and I started to collect data; in fact, I commenced this work some twelve years ago; I had records in my own office of a great many Armenians who were married to native girls, and in order to bring that up to date and for the use of this trial I sent the list that I had to the pastors of Armenian churches wherever I knew them; wherever I didn't know them I caused it to be sent to the Armenian pastors in various cities throughout the United States, with a request that they give us the names and addresses, and the maiden name of the wife of Armenians who had married other than Armenian girls and who resided in their community. Also the maiden names of Armenian girls who had married American or not Armenian boys. In certain cities where there were more than one pastor they, that is these pastors, worked together and sent in their report jointly. Some gave the name of the girl to whom a certain Armenian was married, and others did not give

the name but stated that the girl was American, or Irish, or German, or Mexican, or whatever it might be. I mention Mexican because there was only one Armenian who had married a Mexican in California. Now that is the way I collected that data.

Q In so far as your personal knowledge goes, are these two tables which you have prepared in that way accurate?

A Well, so far as it goes it is, and I was just thinking, Mr. McCamant, in looking over that while I was here, that if I could go over them I think I could pick out a great many of them, not all, that I knew; particularly in the New England States.

Q In the New England States?

A Yes, sir. But I cannot say that I can testify to my personal knowledge of all.

Q But a good share of it you can?

A Well, a good share I know, particularly, as I say, in the New England States, in Boston, or Worcester, Providence, New York, Philadelphia, Washington, Lowell, Nashua, Manchester, Troy, in the regions of Niagara Falls, possibly to some extent in Chicago, but beyond that I cannot say.

Q You have a very large acquaintance, have you not, Mr. Malcom, among the people of Armenian nativity in the United States?

A I have, Mr. McCamant.

Q And your life work is such that it is a part of your task to keep in touch with them?

A It is.

MR. McCAMANT: I now offer in evidence the table prepared and identified by the witness, showing the marriages and giving the maiden name of the wife.

MR. COKE: The government makes the same objection, the general objection.

THE COURT: Very well. It will be admitted.

(Said table of Armenians who have intermarried with Americans or other nationalities, etc., so offered, was thereupon marked DEFENDANT'S EXHIBIT 15).

MR. McCAMANT: I now offer the table prepared by the witness in which the maiden name of the wife is missing.

(The table so offered was thereupon marked DEFENDANT'S EXHIBIT 16).

Q Mr. Malcom, leaving the questionnaire, I will ask you whether you have made any search of the records of the census for 1920, for the purpose of getting together facts with reference to the Armenian race, those of Armenian nativity, or Armenian parentage, living in the United States in 1920?

A I have.

Q And have you made a table showing the segregation by states of the Armenians resident in the country at that time?

A I have.

Q Treating the word Armenian as meaning those of Armenian parentage, as well as those of Armenian birth?

A Yes, I have, Mr. McCamant.

Q Are you prepared to say that this table correctly compiles the information contained in the 1920 census on that subject?

A I am. It does.

MR. COKE: May I ask the witness a question?

MR. McCAMANT: Certainly.

MR. COKE: Did you compile this table and these figures from official documents?

A Official documents, Judge Coke.

MR. COKE: What documents were they?

A I have them right here, sir.

MR. COKE: Just let us know generally.

A The reports of the Census Bureau published in Washington and from the census itself.

MR. COKE: You say they are accurately copied?

A They are as accurately compiled as humanly possible.

MR. COKE: Taken from those reports?

A I went over it as carefully as I could; and I might say that I had an employe of the Department of Census to go over it with me, to be sure it was carefully done.

MR. COKE: Yes. Judge, have you a copy of that?

MR. McCAMANT: Yes. I now offer in evidence the table identified by the witness.

(The table compiled from Fourteenth Census Reports (1920), so offered, was thereupon marked DEFENDANT'S EXHIBIT 17).

MR. McCAMANT: I call your Honor's attention to the fact

that it covers some 52,840, that including those of Armenian parentage as well as Armenian nativity; and they are segregated by states, 10,112, for example, in California, and 13,204 in Massachusetts, 7,054 in New York, 3,519 in New Jersey, 3,548 in Pennsylvania, 2,950 in Rhode Island. Those are the larger numbers.

THE COURT: How many in California?

MR. McCAMANT: 10,112.

Q And Mr. Malcom, the table, in addition to showing the segregation by states, shows the number in different cities, does it not?

A Yes; it shows the number in different cities where the population of the city was over twenty-five thousand. In other words, as you read the first column, say Alabama, there are 32 in the state of Alabama according to the census of the United States for 1920, and in the city of Birmingham only 16. I did not take the smaller cities.

MR. McCAMANT: There is a significant fact to which I would like to direct the Court's attention in regard to those California figures. The number for the state is 10,112, and the total number living in cities of over twenty-five thousand inhabitants is something like 3500. I tabulated it on a copy of it that I have with my papers somewhere. The figures, therefore, indicating that a very large percentage of the ten thousand are living out in the country, farming land, in all probability, which they consider that they own.

Q Mr. Malcom, did you compile from the census a table of the



number of foreign born Armenians of voting age, and the number of those who have been naturalized, and the number of those who have received first papers?

A I have, Mr. McCamant.

Q Is this the table prepared by you?

A Yes, sir.

MR. McCAMANT: I offer that table in evidence.

(Said table showing number of foreign born Armenians in United States of voting age, etc., so offered, was thereupon marked DEFENDANT'S EXHIBIT 18.)

Q Are you prepared to say, Mr. Malcom, that this table accurately compiles the information contained in the census of 1920?

A It does, Mr. McCamant.

MR. McCAMANT: I call the Court's attention to the fact that this table shows that there had been naturalized and were then living in the United States 10,574 persons of voting age and Armenian ancestry. I shall contend at the proper time that the construction given by the executive branch of the government and by the courts in naturalizing so large a number of men of Armenian birth as that, is very persuasive as to the proper construction of the statute.

Q Have you compiled a table from the figures contained in the 1920 census showing the total number of Armenians, persons of Armenian birth in the United States, or of the Armenian race in the United States, and where they were born?

A I have, Mr. McCamant.

Q And is this the table?

A It is.

Q And are you prepared to say that it correctly tabulates the information given by the census?

A It does.

MR. McCAMANT: I offer that table in evidence.

THE WITNESS: Would you like to see that table, your Honor? It shows that out of the fifty-two thousand Armenians in the United States approximately fifteen thousand were born here and about thirty-seven thousand came from the other side.

(Said table, compiled from the 1920 census, showing total number of persons of Armenian race in United States and where born, so offered, was thereupon marked DEFENDANT'S EXHIBIT 19).

Q Mr. Malcom, are you yourself a married man?

A I am, Mr. McCamant.

Q What is the nativity of Mrs. Malcom?

A Swiss; born in Switzerland.

THE COURT: What is that?

A Swiss. She was born in St. Croix, Switzerland.

Q (By Mr. McCamant) And did you meet her and marry her in Europe or in this country?

A I met her in Boston when I was in school, and married her at Montclair, New Jersey.

Q You have given us part of the information, but tell us at what places in the United States you yourself have lived.

A I have lived in Boston, Cambridge, Chicopee, Springfield, in Massachusetts; New York City, New York; Washington, D. C.; and in the summers I have spent three or four months of each year in the country, sometimes in Maine or New Hampshire or Vermont, or along the lakes.

Q Now what contact have you had with the native American element?

A I have had a great deal of contact with the native element. I represent in New York City three insurance companies which are American corporations. There are no Armenians connected with them. I am their attorney of record. Moreover, my work in connection with the Armenian National Delegation brings me in contact with people in Washington; and my home life, my wife not being an Armenian, has brought me in contact with Americans of all classes, both high and low.

Q I will ask you whether or not you mingle with this native American element on terms of social equality?

A I do.

Q Has the color line ever been drawn against you in any way?

A Never, Mr. McCamant.

Q Have you ever been discriminated against, to your knowledge, on the ground of your birth or racial origin?

A Never.

Q You are a member of what clubs and organizations, especially in or about New York?

A Of course, I am a member of the Bar Association, and the New York County Law Association; I am a member of the Harvard

Club; I was a member of the Republic Club of New York; and since I have been here in your town I have enjoyed the privileges of the Arlington Club.

Q You have been personally acquainted with what presidents of the United States?

A Of all the Presidents of the United States I knew Mr. Harding best of all, but I have been acquainted with and have conferred with President Roosevelt when he was ex-President, President Wilson when he was President, and President Harding. I know President Coolidge personally but not since he has become the President of the United States. I knew of him, he is an Amherst man, a graduate of Amherst College, and two years ago when the president of the Armenian National Delegation came here and had an interview with the Vice President I was present at that time. I arranged the interview with Mr. Coolidge.

Q Mr. Malcom, in the light of your opportunities for observing the manner in which the Armenian people live their lives in this country, tell the Court how they mingle with Americans and what their opportunities are for assimilation into American life.

A I found that Armenians assimilate with American life more readily than any other race from Southeastern Europe or Asia Minor, for two reasons: One is that the American missionaries who have been working in Armenia and among the Armenians for one hundred years have acquainted the American public about the Armenians. No other race has had so much

publicity in this country as the Armenians, and that publicity has come through the American churches. So, therefore, an Armenian, when he settles in a locality, he at once has a sympathetic atmosphere. People go to him and like him because they have heard of him or of his race. The other reason is that Armenians have been known among the Christian people of Europe and America as the great defenders of the Christian religion, and I believe there is an admiration for the Armenians for the way they have withstood the onslaught of Mohammedanism. If you look on the map of Asia Minor you will find that the only Christian race in Asia Minor are the Armenians, except the Greeks, who live in the sea-coast towns, and a few Syrians.

Q What is the fact as to whether the Syrian race as a whole are Christians?

A The Syrian race as a whole are not Christians. The Syrians belong to the Semitic race; the Armenians belong to the Alpine race. The Syrians speak the Arabic language, which is just as different from the Armenian as Chinese is from the English. The Syrians are Mohammedans, and I believe about fifty per cent or more are Mohammedans and the rest of them are either Catholics or Protestants. Their conversion to Christianity, of course, has been due largely to the Jesuit followers and to the Beirut College, which was organized and is still controlled by the Presbyterian mission.

THE COURT: There are only two great races, aren't there, racial stocks?

A There are three great European racial stocks; one is the Nordic, the other the Mediterranean, and the third the Alpine.

THE COURT: Now you spoke of the Semitic race being a different stock?

A I will not go into, and I cannot of course go into the ethnological aspect of that stock, but all writers refer to the Semitic as a distinct class, and to what race they belong I do not know. In a recent book of Madison Grant ----

THE COURT: I have read that.

A (Continuing) -- published by Scribner's last year, he has on page 272 a map dividing the continent of Europe into three groups. According to that map, which was prepared by ----

MR. McCAMANT: Your Honor is familiar with it. I thought perhaps you might want to follow the map by the witness' testimony.

THE WITNESS: According to that map there are three great racial groups, the Nordic, the Mediterranean and the Alpine. The gentleman who prepared that map was Mr. Leon Dominian; Mr. Grant refers to him in the preface of his book. Mr. Dominian, whom I know personally, and who is now in the consular service of the United States government, and was one of the American experts at the Peace Conference in Paris, prepared, or assisted in the preparation of, that map. Mr. Dominian once explained the problem to me in this manner: He said if one takes the map of Europe, it will be found that it is divided by a chain of mountains starting from the hills of Scotland, down through the southern part of Europe,

through Switzerland, the Tyrol of Austria, the Balkan States, across the Black Sea into Armenia, ending in the southern limits of Armenia. The European peoples, he explained, are divided by this chain of mountains. On the north of it are what are known as the Nordics, people who are characterized by their blue eyes and blonde hair; on the south of this chain of mountains are the Mediterranean people, like the Greeks, the Italians, some of the French and Spanish; and in between are the Alpine type, the mountainous people; and the Armenians are clearly one of the members of the Alpine races. And you will find that Mr. Grant in his map puts the Armenians in the Alpine type.

MR. McCAMANT: It is five o'clock, your Honor.

THE COURT: Are you through with this witness?

MR. McCAMANT: No, I am not, and there will be a few more questions.

THE COURT: The court will adjourn until tomorrow morning at ten o'clock.

(Court was thereupon adjourned until tomorrow,  
Friday, May 9, 1924, 10 A. M.)

FRIDAY, MAY 9, 1924, Court convened at 10:00 o'clock A. M., and thereupon the following further proceedings were had herein:

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M. VARTAN MALCOM Thereupon resumed the witness stand and further testified as follows:

DIRECT EXAMINATION (Cont'd)

Questions by Mr. McCamant:

Mr. Malcom, in connection with your European trips have you become familiar with the passport situation, the regulations of the Department in the matter of European passports?

A I have.

Q What would be the effect on the passport situation of a judicial determination that the Armenian race are ineligible to American citizenship?

A No Armenian who is a citizen or who desires to become a citizen ----

MR. COKE: The government objects to that, your Honor, on the ground that it is incompetent and hearsay.

THE COURT: You may have your objection. I will hear the testimony.

A No Armenian will be granted a passport to travel in any part of the world. The Armenians will become a people without a country. Under the Turkish law -- and most of the Armenians here have come from Asia Minor or Turkey in Asia



Minor -- under the old regime, and also under the present regime, a Christian Armenian who has left Turkey forfeits all his personal and property rights, and therefore the Turkish government will not issue a passport to him, and if he were not a citizen of the United States, then the United States government would not issue a passport to him, and therefore it would be impossible for any Armenian to travel.

Q Are you acquainted with Armenians who have in hand eleemosynary institutions in Asia Minor or in Palestine?

A Yes, indeed.

Q Tell the Court of any such cases that are within your personal knowledge.

A I know of Armenians, brothers, who maintain, at their own expense, orphanages in Palestine, in Bulgaria, and in Athens in Greece. They pay the expenses of the entire organization, costing them at the rate of one hundred thousand dollars a year. I know other Armenians, one particularly who died a few years ago, leaving under his will some three hundred thousand dollars to be used for Armenian refugees and educational purposes; and these men, and others of that type, would need passports in order to go and visit their orphanages and send over men who will take care of the orphanages there.

THE COURT: Are they Armenians who have never entered this country?

A They are Armenians who live here now and are maintaining orphanages on the other side.

THE COURT: I don't see how that affects this case.

MR. McCAMANT: It is simply to show the hardship that would be involved. These Armenians of whom you have been speaking are American citizens?

A They are American citizens, indeed.

MR. McCAMANT: If it should be determined that their citizenship is invalid, they can't go abroad and visit these institutions. That is merely calling the Court's attention to the hardship it would bring about.

THE COURT: But that does not bear upon the question as to whether this defendant should be admitted as a citizen. It shows, of course, that they will do this work, and that is very greatly to their credit, but it does not help the situation as to whether they are white persons or of the Caucasian race.

MR. McCAMANT: I am aware of that, your Honor, but I think it is competent for us to show the consequences of an adverse decision. It shows the importance of the litigation, what is involved in it. I don't stress the fact that this evidence tends to show that these particular Armenians are high minded gentlemen, but I do stress the point that they will be very greatly inconvenienced in the carrying on of an important work, if they shall be deprived, as the result of the decision in this case, of their American citizenship.

MR. COKE: Granting all that, if your Honor please, it still does not make this testimony at all admissible, nor pertinent to the inquiry before your Honor; and further we might add there is nothing to show that these gentlemen are

citizens of the United States, whether they are or not, and whether they are entitled to travel.

MR. McCAMANT: The witness just said that they are.

MR. COKE: I didn't hear that.

THE COURT: He said that they were residing in the United States. Did you say that they were citizens of the United States?

A They are citizens of the United States, and the foundations which they have formed, in which they have placed their funds, are corporations organized, in most instances, under the state of New York.

MR. COKE: I understood the witness to say residents of the United States, not citizens.

THE WITNESS: Citizens, I mean. I might have said residents.

MR. McCAMANT: Well, I will not press the matter further.

THE COURT: I just simply made that suggestion. I am willing that you should make your record as you like to make it, so far as that is concerned, because this is an important matter, but I have made that suggestion at the present time because I would like to shorten this up as much as I could.

MR. McCAMANT: Well, I shall not press that matter further, your Honor.

Q Mr. Malcom, in your travels through Europe and your touch with men and women of Armenian nativity in Europe, state what you have observed with reference to the facility with which Armenians intermarry with the white races of Western Europe.

A I have visited Armenian homes in Liverpool and London, England, in Paris and Nice, France, in Geneva and other large cities in Switzerland, in Rome, Naples and Venice in Italy; in Vienna and Budapest; in Berlin; in Amsterdam, Holland; I have dined with families in those countries where the wife or the husband was an Armenian and the other a native. I have met Armenian girls who have married English boys, and Armenian boys who have married English girls. In the same way I have met a great many Armenian girls and Armenian boys who have married into French families in France, the same in Switzerland, and in Vienna and Budapest, and in Berlin, and in Holland. I found that the Armenians in those countries intermingle with the native population.

THE COURT: Are there many Armenians in England?

A In England we have a large colony, your Honor.

THE COURT: Is it a colony or just generally interspersed among the native population?

A Generally interspersed. In Manchester there is a small colony, like, say, the colony in Portland, Oregon, but it is a very old colony, and the Armenians there are engaged in exporting cotton goods manufactured in Manchester.

Q (By Mr. McCamant) Well, will you answer more particularly what the Court asked. Do these Armenians in England live unto themselves, in a separate quarter?

A Oh, no, indeed. No, no. They are scattered all over the city, and I had the pleasure of meeting a great many English families of distinction, members of the English House of

Commons, through these Armenians, who took me to their homes. I found that the English native population received these Armenians in their homes, and the Armenians invite the English to their homes, and there was a most friendly social intercourse between them.

Q And is that true in the other countries of Europe, of which you are familiar?

A That is especially true in England and in France, and I found it so in Germany when I was in Berlin.

Q Mr. Malcom, have you prepared a map on which you have marked out what may roughly be the boundaries of Armenia?

A I have, Mr. McCamant.

MR. McCAMANT: It will be troublesome, your Honor, in making up a record on appeal if I offer that map in evidence, but I would like to produce it and have it available for your Honor's use, if your Honor can make use of it.

THE WITNESS: This is Bartholomeu's map of Asia Minor. Bartholomeu is the well known map maker in Edinburgh. This map shows particularly Asia Minor, and the territories between lines I have drawn from the Black Sea down to the Mediterranean comprise what is generally known as the six Armenian provinces in Turkey, and Cilicia, and here on the border of the Mediterranean. Over here you will notice the Gulf of Iskenderun. That gulf was once known as the Gulf of Armenia. The last Kingdom of Armenia was in Cilicia. The six Armenian provinces are here in the north.

Q Would you give the names of those six Armenian provinces.

A I will just refer to the names so that I will spell them properly for you. The six Armenian provinces are Van, Bitlis, Erzerum, Diarbekir, Sivas, Mamuret-ul-Aziz, and Cilicia. Most of the Armenians live in these provinces. Of course there are other Armenians who have gone into other parts of the Turkish Empire.

Q And what is the fact as to whether a considerable proportion of the race are living in the Caucasus?

A The Caucasus, Mr. McCamant, is immediately east of Armenia. Blumenback, who invented the word Caucasian, originated that word because he found in the Caucasus, which is immediately west -- this is the Caucasus, your Honor (indicating) -- the best type of the white race. He called it colore albo in this thesis written in Latin.

MR. McCAMANT: You misspoke yourself, I think, Mr. Malcom, Did you intend to say that the Caucasus was immediately west?

A East.

Q Immediately east?

A East.

Q Now what can you tell the Court about the home life of the Armenians with reference to their association with the Kurds, Turks and Syrians?

A Mr. McCamant, there is absolutely no association between the Armenians and the Kurds and the Turks and the Syrians and the Persians. That is because the Armenians are Christians, while those other races are Mohammedan. The Armenian Church is very similar to that of the Episcopal Church. An

Armenian can marry but once, and no divorce is allowed, and he can only have one wife. The Mohammedan is permitted to have four wives, legal wives, and as many concubines as his pocketbook will permit. The Armenian maintains a home for his family and children; the Turk, the Mohammedan, such as the Kurds and the Persians, and the Mohammedan Syrians ----

THE COURT: How about the Assyrians?

A The Syrians, the Assyrians also -- a few Syrians are Christians, but the majority of them are not, they are Mohammedans -- do not have the word "home" in their language. They have a word which means house. They have a house but not a home. If you go to a Mohammedan house you do not meet his family. His wife and children are kept apart. No Christian ever sees the face of the wife or daughter of a Mohammedan. But if you go to an Armenian home you are received by his wife, by his children. The Armenian language differs from the Mohammedan language, or the Turkish language, which is Arabic. The Armenians are Alpine; the other people that I have just mentioned are Mongolians -- I mean particularly the Turks. Thus, there has been this great divide between the Armenians and all the other people in the Near East, and that is why for the last two thousand years all these other people in Asia Minor have fallen under Mohammedanism, except the Armenians.

Q (By Mr. McCamant) Mr. Malcom, you produced yesterday a table showing that at the time when the census of 1920 was taken there had been in round numbers 10,500 members of your

race admitted to American citizenship. Now what have been the conditions since 1920 with reference to the acceleration of the naturalization of Armenians?

A I can only speak of my own experience, Judge McCamant. In my practice I have never had so many Armenians coming to me to help them in securing citizenship papers as I have during the last four years.

Q Why is that?

A The reason is that the Armenians, particularly those who are bachelors, who are alone, whose parents have been driven out of their home land through the last Turkish massacres and the war, needed a passport and other protections to go back and find their lost ones. And another reason is that the Armenians have begun to acquire larger property rights in America, and they have gone into larger business. They have learned the English language, and there is a tremendous desire to become American citizens as soon as possible.

Q And what is your judgment as to whether the number of Armenians naturalized in this country has materially increased since 1920?

A I should say, Mr. McCamant, that during the last four years there has been an increase of sixty per cent.

Q Have you any certificates of naturalization granted to men of your race in the distant past?

A I have, Mr. McCamant.

Q Will you produce them.

A That is one (witness producing paper); and here is another



one, Mr. McCamant. Or do you want to take them one by one?  
Just as you please.

MR. McCAMANT: This is for the purpose of showing at least there were some Armenians in the country at the time when the last amendment to the naturalization statute was made. This is a certified copy of the naturalization, under date of 1859 ----

THE WITNESS: That is the original, I think.

MR. COKE: Yes.

MR. McCAMANT: I don't want to offer these in evidence, but I would like to have the record show that the witness produces certified copies of naturalization records, showing the naturalization, at New Haven, Connecticut, in the State Court, on the 27th day of July, 1850, of Christopher D. Seropyan, and the naturalization in the Circuit Court of the United States for the District of Massachusetts, on the 15th of October, 1858, -- no; pardon me; that is the first day of the term; on the 19th of January, 1859, of S. M. Minasian, of Nashua, New Hampshire.

Q State whether or not those are Armenian names.

A They are Armenian names. Mr. Seropyan was a graduate of Yale University and the inventor of the green color which we use on the American dollars now. Mr. Minasian was married to a New Hampshire girl. He has a son who is practicing law in New York City.

Q There was some testimony yesterday, Mr. Malcom, in regard to the failure of the government reports to segregate Ar-

menians from natives of Turkey in Asia. Tell the Court what the fact is as to when the segregation of the Armenian from other races began.

A Up to the year 1895 the Commissioner of Immigration classified immigrants according to the country from which they came. For instance, an Armenian, a Turk, a Bulgarian, a Syrian, a Greek, who came from Turkey, would be classified either as a person coming from Turkey in Asia Minor or Turkey in Europe, but since 1895 that classification has been changed so that Armenians are classified apart. You will find in all the reports and records of the Commissioner of Immigration so many Armenians, so many Turks, so many Syrians, so many Greeks. The classification since 1895 has been by race and not by country.

Q Have you had any correspondence with the Commissioner of Immigration in regard to the attitude of the Department in the matter of the naturalization of Armenians?

A I have had correspondence with the Commissioner of Naturalization; that is what you mean, naturalization?

Q Yes, sir.

A The Honorable Raymond F. Crist, who is now the Commissioner of Naturalization under the Department of Labor in Washington.

Q Will you produce Commissioner Crist's letter?

A I will.

MR. McCAMANT: I offer in evidence the letter identified by the witness.

MR. COKE: No objection.

(Said letter, dated March 7, 1924, Raymond F. Crist, Commissioner of Naturalization, to M. Vartan Malcom, so offered, was thereupon marked DEFENDANT'S EXHIBIT 20).

MR. McCAMANT: The effect of this letter I think should be called to your Honor's attention. It shows that the Halladjian case, decided on the 24th of December, 1909, in Boston, with which your Honor I think is familiar, was followed by the Department and no objection whatever was offered to the naturalization of Armenians for many years thereafter, and this case was brought under the instructions of the Department only when it became apparent that there were certain courts inclined to doubt the eligibility of Armenians, following the decision of Mr. Justice Sutherland in the Hindu case. That is a fair statement, is it not, Judge Coke, of what this letter contains?

MR. COKE: I think so, yes.

MR. McCAMANT: On further thought, your Honor, I will offer in evidence the certified copy of the naturalization decree in the Seropyan case, to which we referred a moment ago. I call attention to the fact that the record shows that it was adjudicated at that time that this Armenian was a free white male person. It appears on the face of the record.

MR. COKE: Do you want to substitute a copy, Judge McCamant? It will be perfectly agreeable to the government.

MR. McCAMANT: I think Mr. Malcom is quite willing to

leave it here, but if we want to do it later on we will avail ourselves of the courtesy, Judge Coke.

THE WITNESS: I don't want to lose that. I have promised to return that. It is very valuable.

MR. McCAMANT: You have. Then I will avail myself of your courtesy and we will substitute a copy for the original. Will you kindly make a copy, Mr. Person.

(Pursuant to said offer, a certified copy of the naturalization decree granting citizenship to Christopher D. Seropyan was later prepared and marked DEFENDANT'S EXHIBIT 21).

MR. McCAMANT: I now offer in evidence a certified copy of the naturalization record of S. M. Minasian. That we don't care to get back.

THE WITNESS: No; that is all right.

(The certified copy of naturalization record of S. M. Minasian so offered was thereupon marked DEFENDANT'S EXHIBIT 22).

Q There is only one other matter, Mr. Malcom. What is the fact in regard to the percentage of illiteracy among the Armenians in this country, if you know?

A I do, Mr. McCamant, from my studies of the reports of the Immigration Commission appointed by President Roosevelt, under the chairmanship of Senator Dillingham, and from other sources.

THE COURT: I didn't get that.

THE WITNESS: President Roosevelt appointed a commission,

known as the Immigration Commission, under the chairmanship of Senator Dillingham. This commission made an exhaustive study of five hundred thousand or more laborers, immigrant laborers, in thirty-seven cities throughout the United States. Among them they examined about or a little over twenty-three thousand Armenians. The report of that commission shows that the ability to read among the Armenian workmen was 92.1 per cent. The abstract of their report, Volume 1, page 443, shows the following:

Percentage of those able to read, old immigrants; that is immigrants that came in Colonial times: Canadian, French, 88.1 per cent could read; other Canadians 98.9 per cent; Dutch 97.6 per cent; English 98.8 per cent; German 98 per cent; Irish 95.8 per cent; Scotch 99.5 per cent; Swedish 99.8 per cent; Welsh 98.1 per cent. Of the new immigrants, so-called, the Armenians were the foremost. Their percentage was 92.1; Bulgarians 78.1 per cent; Greeks 80.5 per cent; Lithuanians 77.3 per cent; Syrians 63.6 per cent.

THE COURT: It is not necessary to follow that.

THE WITNESS: No. The commission made a finding as to ability to speak the English language. In California it was found that among the workmen of all nationalities, 64.9 per cent among the Armenians were able to speak English; among the Greeks 59.5 per cent; among the Germans 43.5 per cent; among the South Italians 40 per cent; North Italians 22.6 per cent; Mexicans 21.7 per cent. The Armenians were far above the rest of those that I have mentioned.

MR. McCAMANT: I think you may cross examine.

CROSS EXAMINATION

Questions by Mr. Coke:

Mr. Malcom, how old were you when you left Armenia?

A I was about ten when I arrived here.

Q How old were you when you left Armenia?

A I was about ten years of age.

Q About ten?

A Yes, sir.

Q And how frequently have you returned, how many times have you returned to Armenia?

A I returned there twice after I was twenty-four years of age.

Q And what was the duration of your sojourn in Armenia on these trips?

A These trips were taken during the summer and I would spend about two months traveling.

Q How long?

A A couple of months at a time I would travel from Constantinople on horseback into the interior. In the interior country of Turkey there are no hotels and frequently one has to stop at the home of some native, which gave me an opportunity to observe how the people lived.

Q So that since you have attained the age of majority, in other words, since you have become a mature man, you have been twice in Armenia, and during those trips you have re-

mained there about two months?

A Two months at a time.

Q On each trip?

A Yes.

Q And after you graduated from your schools you located in New York City?

A I located in Massachusetts, in Boston. I became a member of the firm of Sprout and Kendall and practiced there for three years.

Q That was in the practice of law?

A The practice of law, sir.

Q And you have been continuously engaged in the practice of law since that time?

A I have, sir.

Q That has been your business?

A That is all the business I have ever had.

Q You have never been an instructor in anthropological or ethnological subjects, have you?

A I have not been instructor, but I have read very exhaustively on the subject, in French, in German, in Italian and English.

THE COURT: How many languages do you speak?

A I speak Armenian, I speak English, French; I can read fairly well in German and fairly well in Italian.

Q (By Mr. Coke) Fairly well in what?

A In Italian.

Q Your estimate is that there are now in the United States

approximately eighty thousand Armenians?

A My estimate is a guess, but the records of the United States census show that there were only fifty-two thousand Armenians in 1920. I imagine that others have come since that time, probably an addition of about ten thousand.

Q Are you acquainted with a Mr. Kalaidjian?

A Yes, I know Mr. Kalaidjian.

Q Kalaidjian?

A He is a reverend; he is a minister, married to an American lady.

Q Is he an authority upon the question as to the number of Armenians in the United States?

A I do not consider him an authority on that.

Q Do you know whether he made an estimate, gave an estimate, before the Committee on Immigration and Naturalization?

A I believe he did.

Q Of the House of Representatives of the United States?

A I believe he gave his guess on the subject.

Q Do you remember what his guess was?

A I don't remember. I was present at the time.

Q Was it not one hundred thousand people?

A He guessed it so, but I believe he is entirely wrong, and the records of the Census Bureau show that he was wrong.

Q Your statement is also a guess, is it not?

A My statement here in court is based upon the census of the United States.

Q Did you obtain your figures of eighty thousand from the



census of the United States, or is this merely your estimate?

A That was just my estimate, my own guess. But here I am testifying upon the census of the United States.

Q You said you had written a book on Armenians in America, Mr. Malcom?

A I have, sir.

Q Is this the book, Mr. Malcom?

A I just want to see if it is all there. (Witness examines book). That is.

THE COURT: What book is that, Judge?

THE WITNESS: My book on the Armenians in America.

MR. COKE: Yes; it is Mr. Malcom's book on Armenians in America. It belongs to the library, and I desire to quote from it only.

Q You have stated in your testimony, Mr. Malcom, that Armenian immigrants in the United States -- prior to 1895, wasn't it?

A Yes, sir.

MR. COKE: I will withdraw that for the present, your Honor.

Q I will ask you if there appears in your book, to which your attention has just been called, this statement ----

THE WITNESS: What page, please?

MR. COKE: Page 89.

THE WITNESS: Yes.

Q "The Armenians have, in fact, shown a desire for land not less strong than that of the Japanese. Being ambitious,

disliking the wage relation, and being compelled to stand apart as a race, they have had as their goal the establishment of a business or independent farming. Furthermore, like the Japanese, they are quite willing to take great risk where profit may be had."

A That is not my statement. That is a quotation from the reports of the Immigration Commission. I do not agree with that statement, but I put it in there ----

Q That is copied in your book?

A -- in order to be fair, in preparing the book.

Q And I call your attention to page 91 of this book, and ask you if this statement is made, or is contained in this publication ----

A That is also a quotation, Mr. Coke.

Q "All members of the Armenian family work on the ranch. They economize and save carefully. Some add to the profits of the farms the earnings obtained in packing houses or nearby ranches. Yet such labor is not general. Little of the surplus made is sent abroad; little is used to improve their houses. On the contrary, the savings are used to pay off mortgage indebtedness, or to buy more land, or is sunk in improvements in the land. They are most successful in developing farms, making money, and paying off mortgage indebtedness."

A That is a quotation likewise from the same report, made by one who I believe was entirely unfamiliar with the Armenian situation in California, and unsympathetic. The presence

of beautiful homes owned by Armenian farmers in California shows that the statement is absolutely wrong, and pictures that I have put in the book of the beautiful churches and the residences in California show conclusively that the man's statement from which I have quoted there was entirely baseless.

Q I hadn't quite finished that particular quotation, Mr. Malcom.

A It is a matter of record, Mr. Coke. You can get that.

Q Yes. Continuing, "By working hard, by living frugally, and by good management, the Armenians have usually succeeded better than any other race in accumulating property. Not even the Japanese about Fresno have succeeded as well as they. The sixteen" -- I will omit that.

THE WITNESS: I think you might read that, "The sixteen farmers", because it shows ----

MR. COKE: Very well, if you desire. "The sixteen farmers who reported complete data (and they are believed to be typical of the land-owning Armenians of the country) had properties with a gross value of about three hundred thousand dollars. The value of the real estate was estimated", and so on. It itemizes it, but I think that is not material.

THE WITNESS: I think that is quite material, because it shows that the man who made this investigation only examined sixteen Armenians out of ten thousand in California.

MR. COKE: I simply referred to the remainder of that apparently not being essential.

THE WITNESS: Yes.

Q I now call your attention to page 93 of this book and read as follows: "I have pointed out in another part of this book", this being your own language?

A That is my language, yes.

Q "That ninety per cent of the Armenians in the United States today have come here within the last twenty-five years."

A Exactly. The book was written in 1919, and now it is five years, so that they have had five years more during which time to acquire the English language and come in contact with American institutions and customs.

Q I call your attention now to page 123 and read as follows: "It will be noticed that six of these publications" -- no; just a moment. I think I don't desire to read that part of it. It is unnecessary. I withdraw that. Now I call your attention to page 138 and I will read therefrom: "An independent Armenia will naturally attract many Armenians who are now in the United States. I say naturally because of many considerations. It is impossible to expect a grown-up man who is suddenly transplanted from a far-off country into a shoe factory in Lynn, or a cotton mill in Lawrence, or a slaughter house in Chicago, or a coal mine in Pennsylvania, to blot out from his memory the face of his dear mother, the hills and valleys of his native land and the fond associations of childhood days. As the years go by and he finds himself shackled to hard, humdrum factory life, his longing

for the old home becomes stronger. We must recognize, further, that about seventy per cent of the Armenians in the United States are single or widowers, or else have their wives on the other side. In other words, they have no home here. Armenian girls are scarce and for most of these men to intermarry with foreigners would be very unwise. But there are hundreds of Armenian orphan girls and widowed women back in Armenia who are absolutely destitute. Who is to take care of them if not the unmarried Armenian men? And if there is security of life and liberty, it would be best, economically and politically, for these people to live in their own native country. Moreover, the Armenians in the United States, farmers, workmen and those engaged in business have saved up some money. These individual savings, however, are too small to undertake enterprises in America, but quite sufficient to be profitably invested in Armenia. We also have hundreds of Armenians in professional life. These lawyers, doctors, dentists, engineers, editors and teachers, all graduates of American colleges and universities, believe that they will have opportunities for service and leadership in Armenia which are denied them in this country. These, I think, are the chief reasons which will influence all classes of Armenians to return to Armenia.

"Let us not forget for a moment that should at least two-thirds of the Armenians now in this country -- that is about 50,000 of them -- go back to Armenia, they would contribute materially to the industrial, political and

social reconstruction of their country. The Armenians in America have money. They have acquired skill not only in manufacturing machinery and tools, but in the use of them for productive purposes. With these men in Armenia and with abundance of raw material, the capitalist will encounter no difficulty in securing labor to make machines and in manufacturing shoes, automobiles, silk goods and all sorts of commodities. Also, the Armenians have come in contact with American politics and government. In order to illustrate the lessons they have learned, I might cite here as an example the fact that on February 1, 1919, 25,000 Armenians of voting age, both men and women, throughout the United States chose by ballot patterned after the American system of election, four delegates to the Armenian Congress in Paris. Moreover, the Armenians in America have become accustomed to American habits, and American ways of thought, manner and living. Their association with American institutions has broadened their vision and outlook, has made them more tolerant and has taught them that it is possible for people differing in color, creed and race, to live together happily. Thus when they go back to Armenia, they will demand American-like homes, American clothing, American railroads, telephones and roads. They will carry with them something of the spirit of America. It is no exaggeration to say that the Armenian immigrants from this country, with the skill, knowledge and experience they have gained here in the sphere of education, industry, government and living conditions, together with

the aid of the American missionary forces, and let us hope with the mandate of the United States, will constitute an invaluable asset in the development of the coming Armenian Republic. And they will not only furnish the necessary medium through which American products will find a vast market throughout the East, but will also help to implant and diffuse American ideals and American democracy in that part of the world."

Is that a correct quotation from you, Mr. Malcom?

A That is a correct quotation from me, from my book, but I must explain, Mr. Coke, that the book was written at a time when the allied powers and Armenia, including the United States, were negotiating peace, and at that time I had conference with some of the members of the American Commission to Negotiate Peace in Paris, and there was a great deal of anticipation, in fact President Wilson promised that if America should ever take any mandate it would be the mandate for Armenia, and this book was written specifically for the purpose of using it in connection with that work.

THE COURT: Will you let me see it?

THE WITNESS: I will give you a copy of it, Judge.

THE COURT: I will be glad to have it.

THE WITNESS: I will do so. I might add, Mr. Coke, that there is no Armenia now. President Wilson was delegated, under the treaty of Sevres, to mark the boundaries of Armenia which was to be created. He did delimitate those boundaries, but Armenia has never been created, and today

the entire Armenian people are scattered all over the Near East, and the possibility of Armenians going back to the old country is absolutely dead. My point in the paragraphs that you read is argumentative. What I say there does not mean that the Armenians are not faithful and good citizens of America, but that the Armenian colony in America would furnish some material which, in some measure, would help to build up an Armenian state, and help to improve conditions in the East and to make a better world and less war.

THE COURT: You have a governmental organization, don't you, in Armenia?

A We have no Armenia, your Honor. There is no Armenia now. In the original Caucasus, that is in the Caucasus here (indicating on map).

THE COURT: Yes, I know.

THE WITNESS: After the fall of Russia the Armenian soldiers who had been fighting in the allied armies, particularly those who were in the Russian army, were permitted by Kerensky, who was then the prime minister of Russia, to come into Caucasus near the Armenian border. There were one hundred fifty thousand of them, and they gathered together the Armenian refugees who had been driven out of Turkey, and we have in the entire Caucasus, out of the lines that I have drawn on the map, about two million Armenians scattered all over the region. The Caucasus now is composed of three soviet republics: The soviet republic of Georgia, the soviet republic of Azirbajan, and a very tiny small country of



Armenia which is under soviet rule. I must state that we lost a million Armenians during the war. There were before the war four million Armenians in all the world. We lost one quarter of the entire population. No other nation has lost so many as the Armenians. And there are now in all the world about two and a half million Armenians, and most of them are in the Caucasus. They took refuge there in order to save themselves.

MR. COKE: That is all, Mr. Malcom.

MR. McCAMANT: That is all, Mr. Malcom.

(Witness excused).

H. L. UNDERWOOD

Called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION

Questions by Mr. McCamant:

Dr. Underwood, where do you reside?

A In Portland.

Q I will ask you whether you have ever resided in any part of what is now the Turkish Empire?

A I have.

Q During what years did you reside in that part of the world?

A During the years beginning with 1902, early in 1902 to 1909. I left America in 1901, but I was a long time on the road.

Q What work were you engaged in when you were over in that part of the world, Dr. Underwood?

A In medical work, hospital and dispensary work, under the American Board of Missionaries for Foreign Missions.

Q That is the board with which the Congregational Church affiliates, is it not?

A Yes, sir, under which they do their work.

Q You were a medical missionary under the work of that board?

A I was.

Q In what places did you do your work? Where were you stationed?

A In Bitlis, the capital of the Province of Bitlis; Viliyet, and in Erzerum, the capital of the Province of Erzerum.

Q Did your work require you to travel from place to place?

A Occasionally.

Q And were you brought in contact with the Armenian race in that part of the world?

A I was.

Q I wish you would tell the Court what the fact is with reference to the complexion of Armenians.

A I should say, roughly, that it depended considerably upon the altitude and the climatic conditions; and in the Armenian highlands I found with a decided frequency a very appreciable percentage were blue eyed and fair haired. That would hold of the Province of Erzerum particularly.

Q Take them as a class, take them as a race, how does their complexion compare, for example, with that of the Southern Italians? Are you familiar with Southern Italy?

A I have visited Southern Italy. I should say that the average -- you mean all of the Armenians together?

Q Yes.

A Light or dark?

Q Yes.

A In all parts of the country?

Q Yes.

A I would say they would average lighter than Southern Italians.

Q You know Mr. Malcom, the witness who preceded you on the stand, do you not?

A I do.

Q What would you say of his complexion, as to whether he is lighter or darker than the average Armenian?

A I would say that he is nearly of the average, but darker considerably than the average in Erzerum, in the highlands of Armenia.

Q Tell the Court about the home life of the Armenian race as you observed it when you were over there, Dr. Underwood.

A The home life of the Armenians is, as Mr. Malcom has told you a few minutes ago, one of relative freedom, one in which the women are not kept in seclusion but meet the friends and visitors and strangers who come to the home. It is a home life in which very much emphasis is placed upon religion and upon education. It is a home life marked by industry and commercial activity.

Q What can you say as to the frequency of divorces among Armenians in the old country?

A I never heard of one personally in the eight years that I was there.

Q Are there any intermarriages between Armenians, on the one hand, and Turks and Kurds on the other?

A Not voluntarily. The Armenian girls are carried off into forced marriage at times of massacre, but no voluntary marriages, I mean.

Q Do they live in separate quarters of the cities and towns?

A They do.

Q And what can you say as to their intermingling socially?

I mean, do the Armenians intermingle socially with either

Turks or Kurds?

A No, they do not.

Q You were speaking about the industry of the Armenians; how do they compare with other races in that part of the world in the matter of their capacity for usefulness in the business activities of any country to which they may go?

A I should say they are very decidedly, very far ahead of them.

Q And what can you say, in the light of your familiarity with this race in the land of its nativity, as to their capacity for assimilation with the American people?

A I should say that they were well adapted to assimilation in America.

Q You yourself are a native American, are you, Dr. Underwood?

A I am.

Q You are a native of what state?

A New York.

Q And you have lived on the Pacific slope how long?

A Since 1909.

Q Since you returned from your missionary work?

A Since I returned from Turkey.

Q What can you say as to the manner in which Armenians in this country do, as a matter of fact, affiliate and assimilate with the native American population?

A In my observation very well.

Q What can you tell the Court on the subject of class cleav-

age in Armenia?

A I should say that there is an almost utter absence of what you might call class distinctions in the social life among the Armenians themselves. The poorest and the richest mingle and meet and converse in a very democratic fashion.

Q Have you ever known of the color line to be drawn in any country against Armenians?

A I have not.

Q Have you ever known, prior to the bringing of this suit, of any contention having been made by anybody, anywhere, that the Armenian race was other than a white race?

A I have not.

Q And were they treated as white people by the Europeans who were residents in that country when you were there?

A They were.

Q Now have you been in Paris, Dr. Underwood?

A I have.

Q And have you observed anything as to how Armenians are received by the French people?

A In the medical school in Paris, which was the limit of my observation, I encountered an Armenian student there who was accorded equality in student life, so far as my observation extended.

MR. McCAMANT: You may cross examine.

#### CROSS EXAMINATION

Questions by Mr. Coke:

Doctor, you were in Armenia from 1902

to 1909?

A Yes; leaving early in 1909, the spring of 1909.

Q You were doing missionary work there?

A Medical work, yes.

Q Medical work and missionary work, too?

A Well, not separately. My work was exclusively medical.

Q You were employed by the missions, I suppose, by those in charge of the missionary work?

A Yes. I went out under the American Board of Missionaries for Foreign Missions.

Q You say that the inhabitants of the highlands are, in many instances, of blue eyes and light complexions?

A Yes, sir; so frequently that it does not arouse particular observation.

Q And you compared, I think, the Armenian race as a whole, did you, with the Southern Italian people?

A In a general average.

Q What would you say as to the comparison between the Armenian race as a whole and the Italian race as a whole?

A You mean in their capacity for American citizenship?

Q I mean as to their complexion, their color.

A Their color. There is a distinction between the North Italian and the South Italian, which very nearly parallels the distinction in complexion between the highland Armenian and the Armenian, say, from Diabekir or Aintab, a lower altitude and a different climatic condition. A certain parallelism I should say could be drawn there.

Q What is the general color or the general complexion or color of the Armenians of the lower altitudes?

A The lower altitudes will average a darker complexion than the higher altitudes in Armenia, than those living in the higher altitudes.

MR. COKE: I think that is all.

(Witness excused).

MR. McCAMANT: Aram Cartozian.

MR. COKE: Judge McCamant, before you call this gentleman may I recall Mr. Malcom to quote from one small portion of his book?

MR. McCAMANT: Certainly.



M. VARTAN MALCOM

Was thereupon recalled for further cross examination, and, having been previously sworn, testified as follows:

FURTHER CROSS EXAMINATION

Questions by Mr. Coke:

I think we omitted putting in one short quotation from page 83. Did I quote from that? I think I did, didn't I, Mr. Malcom?

A I don't think you did.

MR. COKE: This will be on cross examination, if your Honor please, with Judge McCamant's consent.

MR. McCAMANT: Certainly.

THE WITNESS: No. I don't think you quoted from that.

Q (By Mr. Coke) Now reading from page 83 of your book, Mr. Malcom, "The skill and experience many possess in some particular trade or handicraft is not usually an asset in earning a livelihood here. In the old country all commodities, if not imported from England, France, Germany and America, are made by hand, while here in America practically every article in daily use is produced by machinery with which the Armenians are absolutely unfamiliar. They are further handicapped because they are regarded as 'foreigners', many are excluded from Trade Unions, and their ignorance of the English language as well as of the customs of the country so unlike those to which they have been accustomed for centuries, aggravates the difficulties they are bound to encounter. On the other hand those who have a small capital dare not start a business of their own, as they might

have done in their native land, on account of the serious competition and disadvantages they must face. The educated and the professional class also discover that their learning is not only a drop in the bucket but far inferior to the standard required here. Thus with rare exceptions all Armenian emigrants are obliged to commence life in the New World by undertaking some sort of manual labor." That is a correct quotation from your work?

A That is a correct quotation from my work; and I must say that my attention was called to it by Mr. Gompers, after the publication of this work, and he called my attention to ----

Q That is, that portion in which you said that your people were excluded from membership in the union labor organizations?

A Yes. But my attention was called to the fact that all Armenians are members of it, and since that time I have found that in Lynn, in the shoe factories, in the manufacturing of automobiles in Detroit, and other places, every Armenian is a member of the union. My statement there that professional men find it hard has been disproved by the very fact that I represent three of the important, I might say, insurance companies; I am the attorney of record for them in New York City; and similarly with other Armenian lawyers I know. I know doctors, my own brother-in-law by marriage, and other physicians, who practice among Americans entirely, And I believe that my paragraph there, written some years

ago, must be modified so as to conform with the facts as they are now.

MR. COKE: That is all.

MR. McCAMANT: That is all.

(Witness excused).

ARAM O. CARTOZIAN

Recalled as a witness on behalf of the defendant, having been previously sworn, testified as follows:

DIRECT EXAMINATION

Questions by Mr. McCamant:

Mr. Cartozian, I had intended yesterday to ask you a question which escaped my memory at the time. You have a brother, Hovsep O. Cartozian, have you not?

A Yes, sir.

Q And he is now where?

A New York.

Q How long has he been in the United States?

A Eighteen years about.

Q Has he been naturalized?

A Yes, sir.

Q Naturalized here in Portland?

A Yes, sir.

Q What organizations does he belong to?

A He belongs to the Masonic Lodge, from the Blue Lodge up to the Thirty-second Degree, and also the Shrine, Al Kader Temple, and the Rotary Club, the Chamber of Commerce, the Portland Art Club, and I don't know whether he belongs to the Retail Merchants' Association or not; I don't remember that.

Q Is he a member of any Christian church?

A He is a member of the First Christian Church.

Q Do you know what Masonic Lodge he has his membership in?

A The Imperial Lodge.

Q Of this city?

A Of this city, Portland.

Q And he is a member of the Scottish Rite bodies of this city, is he?

A Yes, sir.

MR. McCAMANT: I think that is all.

MR. COKE: That is all.

(Witness excused).

MR. McCAMANT: That is our case, your Honor.

THE COURT: Have you any rebuttal, Judge Coke?

MR. COKE: No, your Honor. The government will submit its case.

THE COURT: That closes the testimony.