

15

IN THE
District Court of the United States
FOR THE DISTRICT OF OREGON.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TATOS O. CARTOZIAN,

Defendant.

DEPOSITIONS taken in accordance with notice served by solicitors for defendant before PHILIP ADLER, Notary Public, at the office of GUTHRIE, JEROME, RAND & KRESEL, No. 37 Wall Street, in the City of New York, on Tuesday, 8th April, 1924, at 10 o'clock a. m.

APPEARANCES:

WILLIAM D. GUTHRIE, Esq., and
WILLIAM RAND, Esq., of the firm of
Guthrie, Jerome, Rand & Kresel,
of New York City, representing Messrs.
McCAMANT & THOMPSON, of Portland, Ore-
gon, Solicitors for the Defendant.

JOSEPH M. CROOKS, Esq., Assistant to U. S. Attorney,
Eastern District of New York.

It was stipulated between the respective parties that the testimony of the witnesses who may be examined

upon this hearing be taken by WILLIAM F. SMART, as Stenographer, and that the transcript of the notes be subscribed by the respective witnesses, but need not be sworn to by them. It was also stipulated that Dr. James L. Barton of Boston, Massachusetts, might be examined as a witness in addition to those whose names are mentioned in the notice heretofore served.

The Notary Public, Philip Adler, thereupon cautioned and swore the witness to testify to the truth, the whole truth and nothing but the truth, and the witness was thereupon examined as follows:

ROLAND BURRAGE DIXON was called as a witness on behalf of the Defendant, and having been previously sworn, testified as follows:

Direct examination by Mr. Guthrie:

Q. Will you please state your name, age, residence and occupation? A. Roland Burrage Dixon; age 49, next November. Residence, Harvard, Mass.; occupation, Professor of Anthropology, Harvard University.

Q. And how long have you been Professor of Anthropology in Harvard University? A. I have been a full Professor since 1915; Assistant Professor for ten years before that, and Instructor for some years before that.

Q. And you have therefore been how long at Harvard University teaching the various branches of the Science of Anthropology? A. Twenty-seven years.

Q. I understand that the Science of Anthropology includes, as a branch, the Science of Ethnology? A. The

definitions are sometimes confused. Anthropology is generally taken to be the more inclusive, and Ethnology as one of the sub-divisions of Anthropology. My own work has laid in Ethnology.

Q. And Ethnology would be confined more scientifically or strictly to the Science of Races? A. The study of Races.

Q. Where were you educated? A. At Harvard University.

Q. And you have been connected with Harvard then for how many years? A. Since 1893, that would be.

Q. What professional degrees have you? A. A. B., A. M., Ph. D.

Q. And are you a member of any scientific bodies? A. A considerable number, yes.

Q. Will you kindly mention them? A. If I can remember them. I am a member of the American Anthropological Association, and Past President; the American Folk Lore Society, Past President; Past President of Section H of the American Association for the Advancement of Science; Fellow of the Royal Anthropological Society of Great Britain; Corresponding Member of the Société des Américanistes of Paris and also Foreign Member of the Société d'Anthropologie of Paris; and a number of other smaller societies. Do you wish a list complete? I do not know that I have it all in my head. I might add that I was Ethnographer to the American Commission to Negotiate Peace at Paris, in 1918.

Q. I take it, therefore, that you accompanied President Wilson and attended as a Government representative on the subject of Ethnology during the Peace Con-

ferences? A. I was the Chief of the Division of Ethnography during the Peace Conference.

Q. The bodies and organizations that you have referred to are scientific bodies devoted principally, or in greatest measure, to the study of Anthropology and Ethnology, are they not? A. They are.

Q. Have you published any writings upon the subject of Anthropology or Ethnology? A. I have written a considerable number of monographs and special scientific papers, and two more general volumes, one on Oceanic Mythology, ten years ago, and a volume on "The Racial History of Man", last year.

Q. And is that the work published by the house of Charles Scribner's Sons in 1923, under the title of "The Racial History of Man"? A. Yes.

Q. And in that work you discussed the origin of the various human races? A. Yes, sir.

Q. Have you made special study of the origin, history, and racial groupings of the Armenians? A. I have, both in connection with the preparation for the book, and since.

Q. And you have also made a special study in connection with the preparation for testifying in this case, have you not? A. I have.

Q. Are you familiar with the term "white persons" used in the various Federal Statutes, beginning with the Naturalization Act of 1790? A. I am.

Q. What is the definition of the term "white person", as used in scientific works or in popular common speech? A. I should say that the definition of "white person" would be one who, on ordinary examination, one

would classify as of white skin, and obviously similar to the bulk of the population of Europe.

Q. In your opinion, is that the body of persons whom the fathers at the end of the eighteenth century knew as white persons? A. I should regard it as such, because persons of varied European ancestry were present in the United States at that time.

Q. It is the fact, is it not, that in the eighteenth century there were a large number of French, Spanish and Jews and other inhabitants of Europe, and western Asia in the United States? A. It is.

Q. What is the scientific term generally used to designate the inhabitants of Europe, so far as race is concerned? A. The only general term which has any acceptance, I think, is the term "Caucasian", which, in view of the more detailed study of racial origins and sub-divisions, is no longer regarded as adequate, because that group is now sub-divided. It is nevertheless still the only general term applicable to the population of Europe and adjacent sections of Asia Minor.

Q. When did the term Caucasian first come into current use, either popularly or among scientists? A. It was first brought into use by Blumenbach in the second edition of his Doctor's Thesis, which was published in 1781. This was a slight modification over the first edition published in 1775. His final five-fold division was not made until the edition of 1795.

Q. Kindly state what was the five-fold classification which he then published in his work of 1795. A. It was a classification of Caucasian, Mongolian, Ethiopian, Malay and American Indian, and in the Malay he included the Oceanic peoples of the Pacific Ocean.

Q. And were they generally called the Malay race?

A. Yes, the Malay race.

Q. Is the test of linguistic origin any satisfactory or reliable basis in determining race? A. No. Race is essentially a biological matter, essentially a question of physical facts. Language is in no sense of the term a test of race. As an example, we have the fact that the negroes of the United States speak English, but obviously they are not of the same race or origin as the rest of the population. Language is an acquired characteristic, not a thing inherent in the individual.

Q. It is the fact, is it not, that the color of the European or Caucasian races, or those currently and commonly called the white races, varies as a matter of common knowledge from the blue-eyed blondes of the north, to the swarthy, black-eyed and black-haired inhabitants of Spain and southern Italy? A. It is. There is a wide variation in skin color among those classified as belonging to the white race.

Q. And is it in your opinion the fact that mere color is not a basis for ascertaining or determining the race?

A. By itself, it is not a sufficient criterion.

Q. Or as to the origin? A. That is so.

Q. In scientific nomenclature is what is known among scientists or in common use as the White or European or Caucasian race, divided into three racial groups? A. It is. As I said a moment ago, the term "Caucasian" is now regarded as a rather convenient but somewhat unsatisfactory general term to include the three major subdivisions which are now recognized—the Nordic, the Alpine and the Mediterranean types of the race.

Q. And are these three sub-divisions generally recognized among scientists of authority as sub-divisions or branches of the White, European, or Caucasian race? A. They are.

Q. Has your attention been called to the work of Madison Grant? A. Yes.

Q. Published in 1923 by Charles Scribner's Sons of New York under the title of "The Passing of the Great Race"? A. Yes.

Q. And has your attention been called to a map in front of pages 272 and 273 of that work purporting to show the present distribution of European races? A. It has.

Q. Have you studied that map? A. I have.

Q. Will you kindly state your opinion as to the reliability of the classifications indicated by the legend in colors shown upon that map? A. I should say in regard to this map of Mr. Grant's that while there are opportunities for differences of opinion in regard to certain minor details, the general outline as indicated there would be accepted as correct. And in my opinion it is substantially accurate.

Q. And in your opinion are the general outlines of that map accurate? A. They are.

Q. And in conformity with the statements of recognized authorities upon the subject of the distribution of what is known as the European race? A. It shows the distribution of the three sub-divisions of that race, and as I say, while there are certain points open to discussion, this would be mainly in the line of the greater extension in the European area of the green or Alpine type which is shown on this map of Mr. Grant's.

Q. To what extent in your opinion, would there have to be any modification of the green or Alpine indications upon that map? A. My own opinion would be substantially this: that a considerable proportion of the region shown here on the east of the Baltic sea should have the indication of very much larger proportion of Alpine blood, and that there should be substantial elements of the same Alpine blood shown in the Stavanger region, and the western coast of Norway; and that there are elements of Alpine type in southern Spain, and considerable evidence of Alpine type in southern England and parts of eastern Scotland.

Q. So far as this map indicates the predominance of the Alpine branch of the European race in France, is it, in your opinion as an expert, accurate? A. My personal opinion is that it understates the predominance of the Alpine type in France.

Q. And would you say that the same is true of northern Italy as indicated on this map? A. I should say that it was distinctly a debatable question whether the Alpine factors do not go down very well toward the heel of the Italian Peninsula.

Q. Referring to the map which I have shown you, and the part of Asia Minor thereon between the Black Sea and the Caspian Sea and south thereof, will you please state whether, in your opinion, the indication in green, or identification as Alpine, is or is not, accurate? A. I should say that so far as it is possible to state the facts for this whole region, that is, so far as our knowledge goes, the map is essentially accurate. I should regard it, however, as a matter open to discussion, as to whether

the Greek area, as shown on the coastal districts should not also be indicated as Alpine rather than Mediterranean.

Q. But so far as Armenia and the territory immediately adjacent, stretching from the Black Sea to the Caspian Sea and southward, is it your opinion that the indication of Alpine as the predominant race is accurate? A. Absolutely correct.

Q. And is such classification in your opinion in accord with all the recognized authorities at the present time? A. It is.

Q. You are familiar, I take it, with all the writers, or leading writers, upon the subject to which you have devoted your life? A. I am.

Q. Has any writer known to you ever classified the Armenians as other than white or Caucasian? A. There is only one writer of whom I know, and he classified the Armenians as Semitic. His statement, however, stands alone, and I know of no acceptance of it.

Q. In your opinion, is the weight of authority clearly in favor of the defendant's contention that the Armenians are white persons? A. Overwhelmingly.

MR. GUTHRIE: Defendant's counsel offers in evidence the map identified by the witness, to be marked as Defendant's Exhibit No. 1.

Received in evidence and marked "Defendant's Exhibit No. 1—Philip Adler, Notary, April 8, 1924."

Q. In common speech and in the writings of recognized authorities are the terms "European" and "Caucasian" as applied to race; used interchangeably and

recognized as practically synonymous? A. I should say that in current usage they were.

Q. And that applies both in the common speech or popular meaning, as well as the current usage of writers of authority? A. From a purely scientific point of view, of course, neither is usually employed, because in scientific works it is the sub-divisions which are the terms primarily in use, but so far as my recollection goes, where any such general term is employed "Caucasian" and "European" would be substantially synonymous.

Q. And would that include the inhabitants of Asia Minor, and particularly the inhabitants of Armenia? A. Yes. The larger proportion thereof.

Q. I take it that your opinion and conclusion, as stated by you in your testimony, are based in great measure upon the study of authorities? A. It is and also upon personal investigation of all existing and available data.

Q. Will you kindly refer us to some of the leading authorities beginning with the earliest recognized authorities that you can at present recall? A. The earliest authority of any value or significance is Herodotus, the Greek Historian of the Fifth Century B. C., who affiliated the Armenians with the Phrygians, as immigrants from Europe into Asia Minor. This immigrant group was a people of Indo-European speech, and allied to the then European population of the northern Balkans and the region north of the Black Sea. They came in as conquerors and immigrants into Asia Minor, and in the seventh century before Christ, settled in what is now Armenia. They blended and intermixed with the

older resident population which was of the Alpine type, as shown on this map.

Q. And by "this map" you are referring to Defendant's Exhibit No. 1? A. Yes.

Q. Would you kindly quote some pertinent statement in Herodotus, and give us the reference where it can be found? A. I refer to Herodotus' book 7, section 73, as follows: "The Armenians . . . being colonists of the Phrygians", and again "The Phrygians, as the Macedonians say, used to be called Brigians during the time that they were natives of Europe and dwelt with the Macedonians."

Q. Among scientists and anthropologists, are the works of Herodotus recognized as reliable and authoritative? A. Herodotus' data on the racial characteristics and distribution of peoples in his day are accepted and regarded as one of the bases on which we must reconstruct the racial constitution of the known world at that time.

Q. And in your opinion are these statements of Herodotus, in regard to the origin of the peoples whom he discussed in his history, reliable? A. In general, I think, one may say, yes, that is, where it has been possible to substantiate by later evidence his conclusions, they have in almost all cases proved to be correct, such as in the case of the Armenians.

Q. What other authoritative writer of the period before the Christian era would you refer to upon this subject of the race to which the Armenians at that time belonged? A. I would refer to Strabo, book XI, section

14, as follows: "All these facts lead to the conclusion that there really exists a sort of relationship between the Medes and the Armenians on the one hand, and the Thessalians on the other." Strabo was one of the great geographers of classic times and lived about the middle of the first century B. C.

Q. Are his writings recognized among scientists and anthropologists as reliable and high authority? A. They are.

Q. In the quotation from his works, he refers to the Thessalians; to what country or district did the Thessalians belong in the first century B. C.? A. The Thessalians were the people who lived to the north and northeast of Greece, in the northern portion of the Balkan Peninsula, what was then known as Thessaly, near Macedonia.

Q. Will you kindly refer to any other authorities recognized as accurate and reliable writers upon this subject of the origin or race of the Armenians? A. Do you mean the earlier authors or later writers of the present generation or past century?

Q. I think that you might kindly refer to the leading writers in the eighteenth century, and then one or two in the earlier nineteenth century, and then to a few of the modern investigators and writers upon this subject; but we want reference to writers whose works are recognized as reliable and accepted as authoritative? A. Before the nineteenth century, the chief reference would be to Blumenbach in his publication to which I have referred, the exact title of which is "De generis humani varietati nativa".

Q. Blumenbach wrote in what language? A. In Latin. This was his Doctor's Dissertation.

Q. And when did he live? A. This Dissertation was published in 1775. He must have been born somewhere about 1750.

Q. And he wrote in 1795? A. The third edition of this paper was published in 1795, and he lived, if I remember rightly, to be nearly one hundred. I think he lived to be ninety odd years old, and he published numerous other works during the first quarter of the nineteenth century.

Q. How did Blumenbach classify the Armenians as to race? A. He does not specifically mention the Armenians by name, but he groups as members of the Caucasian race all those living west of a line from the Caspian Sea to the Ganges. He then later excepts certain peoples living further south than the Armenians.

Q. So that he includes in his classification of "Caucasian" (being the term that he used) the inhabitants of the countries west of the Caspian Sea? A. He specifically included by that definition the region of Armenia.

Q. Will you now kindly refer to any other leading authorities upon this subject of the classification of the Armenians as to race? A. The references might be divided into two groups; on the one hand those who accept and agree to the Phrygian and European origin of the immigrant group of Armenians, and on the other hand, those who refer to the Alpine character of the original resident population in Armenia.

A. And by immigrant group, you mean to refer to those mentioned by Herodotus as having migrated from

Thessaly to Armenia? A. From Thessaly to Armenia. As accepting that view, I would refer to D. G. Brinton's work entitled "Races and Peoples" published in New York in 1890. Do you wish the exact quotations?

Q. I think a brief quotation. We need not refer to all? A. On page 167 of Brinton's book, in speaking of the Armenians and one of the sub-divisions of his general classification of races, he says: "Its latest contingent, the Armenian people, was a branch of the Thracian Briges and occupied their territory in Asia Minor about 700 B. C."

Q. Will you cite to us a few additional leading and authoritative writers upon this subject? A. I might refer perhaps to two others; one H. F. B. Lynch, "Armenia, Travels and Studies", London, 1901.

Q. Is that generally recognized as an authoritative and reliable work? A. Yes, as an authoritative source on Armenia. Lynch says, in volume 2, page 67, as follows: "All the evidence points to the conclusion that they" (the Armenians) "entered their historical seats from the west, as a branch of a considerable immigration of Indo-European peoples, crossing the straits from Europe into Asia Minor and perhaps originally coming from homes in the steppes north of the Black Sea." This tends to show the acceptance of the statement of Herodotus in regard to the origin of the immigrant element among the original Armenian group. As for the classification of that original element, we should have to come down to modern authorities who have based their conclusions on actual measurements and observation of the peoples. I would refer there to W. Z. Ripley's work

entitled "Races of Europe", New York, 1899. He says at page 448, "The similarity of this" (that is the Armenoid type) "to our Alpine races of western Europe has been especially emphasized by the most competent authority, Von Luschan. . . . The importance of the Armenoid group is derived from the fact that it, with the Caucasian one" (Caucasian here being used in the strict sense of the peoples of the Caucasus) "is the only connecting link between the Alpine racial type of western Europe and its prototype, or perhaps we had better say merely its congener, in the highlands of western Asia. . . . The continuity of the Alpine race across Asia Minor cannot be doubted."

Q. Who was Von Luschan? A. Von Luschan was one of the outstanding anthropologists of Germany who died this last year. He has been recognized for a generation as one of the two or three greatest anthropologists of Germany and indeed Europe, and he had made a special study of this Asia Minor region for some twenty odd years.

Q. And where does Von Luschan rank or classify the Armenians? A. In his general discussion in a paper entitled "The Early Inhabitants of Western Asia", published in the Journal of the Royal Anthropological Institute of Great Britain and Ireland, volume 41, page 243, published in 1911, he says: "The Alpine race of Central Europe is certainly somehow related to or connected with them" (that is to say the Armenoid peoples of Asia Minor) "and *a priori* it is not easy to determine if the Hittites" (who were one of the ancient peoples of the

Asia Minor plateau) "came from Central Europe, or if the Alpine race came from Western Asia."

Q. I notice in the quotation from Ripley that he uses the phrase "Armenoid group". Will you kindly state what "Armenoid" means or signifies? A. "Armenoid" is a term which I think was first used by Von Luschan to describe certain other small remnants of peoples in the Asia Minor region similar to the Armenians.

Q. Are there any other leading authorities to whom you would call attention? A. I might add one more, Professor A. C. Haddon, Professor of Anthropology at Cambridge University, England, and his work "The Races of Man and their Distribution", pages 15 and 16. The book was published about 1913 or 1914. It is not stated on the title page. The book was published without date.

Q. It was published within ten or fifteen years? A. Within ten or fifteen years.

Q. Will you kindly proceed? A. Pages 15 to 16, he classes the Armenians specifically as belonging to the Alpine race, grouping them with the Cevenoles of central Europe and the Dinaric group in the Balkan region, which he regards as "probably an off-shoot from the Anatolian", and which, in his understanding is essentially synonymous with Armenian.

Q. Do these statements and conclusions expressed by Von Luschan represent the general consensus of expert opinion on the continent of Europe and particularly in England, France, Italy and Germany, as to the proper classification of the Armenians? A. They do.

Q. And you have made a special study, I understand, of the leading writers in those languages? A. I have looked through all the literature that I have been able to discover on the subject, in English, French, Italian, and to a large extent, German.

Q. You are familiar with those languages? A. I am, and I might add also the Russian sources.

Q. Are you familiar with the Russian language? A. I am.

Q. And do the Russian sources also agree with this classification of the Armenians as essentially Caucasian or European in their origin and racial grouping? A. They do.

Q. Where is the term "white race" first found among the scientific writers upon the subject, I mean as to date? A. The term was used by the older writers, that is to say, those of the first half of the nineteenth century. I can quote if you wish one or two such references. For example, Omalius d'Halloy, in his work "Des Races Humaines ou Elements d'Ethnographie" Paris, 1845, on page 78, classes the Armenians as belonging to the "Persian Branch" of the "White Race". I would add in that connection that that was a double classification. He used the term "Persian" there with reference to language for at that time, the early half of the nineteenth century, the Armenian language was regarded as more closely allied to the Persian branch of the Aryan languages than it was to the European branch. Later study has shown that that view was incorrect, and that there is no question but what the Armenian language is allied to the European branch of Aryan speech. Would you care for other references of the same sort?

Q. I would like a reference from Figuiet for example? A. Figuiet in his work "Les Races Humaines", Paris, 1872, page 216, classes Armenians as belonging to the Aramean branch of the white race. The Catholic Encyclopedia, published in 1907, which is generally recognized as a scholarly and authoritative work, among other things, says, volume 1, page 736, as follows: "As far as is known, the earliest inhabitants of Armenia were a white race."

Q. Professor Dixon, you have just referred to the Aramean branch of the white race. What does "Aramean" mean in the sense used? A. "Aramean" is a term which is applied to one of the later dialectic developments of the Semitic languages. The Aramean was the speech of the Syrian area, and this term I assume was used by Figuiet with the idea in his mind of a certain similarity owing to geographical propinquity. I do not see what other reason he could have had, because Aramean refers specifically to a Semitic language.

Q. You also used or quoted two terms with which we are not familiar, and we should like you to define or explain them. They are contained in Haddon's work from which you quoted, the one term being "Cevenoles" and the other "Dinaric." We are not familiar with those terms and would like to understand them. A. "Cevenoles" refers to the population of the upland and hill country of south central France, the "Cevennes," where there are outstanding examples of the Alpine type in western Europe. The term "Dinaric" is one which has come into vogue within the last ten or fifteen years, to refer to the peoples occupying the eastern shore

of the Adriatic, from Epirus and northern Greece through Albania and Montenegro, and so on up to the Austrian Tyrol.

Q. I take it the etymology of "Cevenoles" is the same as "Cevennes," the mountains in France; and what is the etymology of "Dinaric"? A. I am afraid I cannot answer that question off-hand. I fancy it refers to some classical term, by referring to some tribal group comparable to the Illyrians, or something in that region. If I had a classical dictionary I might be able to tell you.

Q. I ask as to that latter word "Dinaric," as I cannot find it in the dictionaries that we have at hand. A. I think the term is too recent. It has probably not got into the dictionaries.

Q. My attention is called to the fact that one of the dictionaries speaks of the Dinaric Alps. A. These are the Eastern Alps. According to my understanding, the term "Dinaric" used in the classification of peoples or races, refers to the region on the eastern border of the Adriatic, extending from northwestern Greece through Albania, Montenegro, western Serbia, Bosnia, Herzegovina and the Dalmatian coast, the Austrian provinces of Slavonia, Syria and the Tyrol.

Q. Would you include any part of Switzerland? A. The Tyrol is eastern Switzerland.

Q. So that by the Tyrol, you refer to both Switzerland and Austria? A. Yes. The eastern portion of Switzerland, I mean the Alpine area, was politically Austrian, and individuals of Dinaric type may be traced all through the rest of Switzerland.

Q. In order to complete the citation of authority, if I may notwithstanding your presence use that term, will you please state how in your work, to which you have referred as published under the title of "The Racial History of Man", and which was published before this controversy in any aspect arose, you classified the Armenians? A. I classified the Armenians as unquestionably of the Alpine type. May I continue?

Q. Certainly, I wish you would. A. I might add that in my classification I have used the term "Alpine" in a broader sense than that in which it is ordinarily used, and that the Alpine group, in the sense in which I use the term, should, for more detailed study, be further subdivided into European and other branches, and under such circumstances the Armenian would unquestionably go with the European rather than with any of the other branches.

Q. Classifying the inhabitants of central and western Europe as members of the white race as distinguished from other colors in racial terminology, is it proper, in your opinion, as an expert, to group the Armenians with them, as part of the same general white race, as that term is understood? A. Unquestionably, and as primarily a member of the Dinaric sub-division of the Alpine type.

Q. As defined by you? A. The Dinaric division of the Alpine type, as commonly understood. My own use of the term "Alpine" is broader than that of the ordinary use.

Q. Professor Dixon, would you kindly, as briefly as practicable, explain the history of the Armenian nation,

as a separate national group? A. So far as actual details of history are concerned, I am only generally conversant with the facts. So far as the racial aspect is concerned, I might say that the Armenian people were formed by the amalgamation of those two elements which have already been referred to, namely, the older original Alpine group and the immigrant Indo-European Phrygian group, which gave to the resultant Armenian people their language. The Armenians as a nation attained very considerable importance as a power in Asia Minor. They were, of course, subject, from about the sixth or seventh century after Christ, to very considerable invasions and attacks by various immigrant peoples—conquering groups largely of Turkish and other central Asiatic origin, who came into and passed through the Asia Minor area. The Armenians retained their nationality and national characteristics against the tremendous pressure brought to bear upon them by these conquerors for many centuries. They were practically the first nation to be converted to Christianity, and they have retained their faith in the face of tremendous odds from the early fourth century to the present time.

Q. The date of their embracing Christianity as a nation, was about when? A. I think it was the early fourth century, either that, or the very late third century.

Q. Prior to the Christian era, were the Armenians known as an independent and powerful nation? A. They were.

Q. And for how many centuries would you say, according to your best recollection? A. I am not a historian, but I should say confidently for several centuries.

Q. It is a fact, is it not, I mean an historical fact, that the Kingdom of Armenia was part of the Roman Empire? A. It was.

Q. For about how many centuries? A. I should say three centuries at any rate, if not four or five.

Q. And is it not an historical fact that several Armenians were Byzantine Emperors? A. It is.

Q. Have you made any study of the effect of the Crusades upon Armenia and the advent of the Crusaders into that territory? A. One of the striking features in connection with the Crusades was the easy assimilation and easy union of Armenians with the European Crusading elements. We have clear evidence that the Armenian ruling dynasty at that period; intermarried freely with the French and other western European Crusaders.

Q. It is the fact, is it not, and a remarkable example in the history of the nations, that the Armenians have practically preserved their individuality, their religion, and their national characteristics, as against the conquering Turks, more than probably any other people? A. I should say yes.

Q. Have you had occasion to investigate the extent of the assimilation of Armenians in other countries, and if you have, will you kindly first of all state what information you have in regard to the continent of Europe? A. There are reliable indications that Armenians settled and resided in Marseilles and southern France and parts

of Germany and Russia, and I believe also in Italy, and that they, for several centuries, mingled and mixed freely with the population and intermarried with them, and made themselves distinguished in letters, arts and sciences in one way or another.

Q. And so far as your studies enabled you to ascertain, they readily assimilated with the peoples in those countries and did not continue any separate or distinct existence? A. Very readily assimilated.

Q. Have you made any investigation as to the assimilation of Armenians in the United States? A. I have some evidence in regard to the assimilation of Armenians in the United States, based upon studies of intermarriage in New York City, in the monograph by Drachsler on "Intermarriage in New York City," Columbia University Studies in History, Economics and Law.

Q. Is he a writer of any authority? A. He is a Doctor of Philosophy of Columbia University, and I think is either now or has been a member of the Columbia University Faculty and is recognized as a competent scholar.

Q. And has his book been accepted as an authority? A. I believe it has. It is the only authoritative investigation at first-hand of the problem of racial inter-mixture in this country that I know of.

Q. And so far as you can judge from the study of the work, is it accurate and reliable? A. It is, so far as I can tell. It was published in volume 94 of that series, No. 2, 1921. His results were based on the study of some 80,000 to 100,000 marriage certificates in the City of New York for the six years preceding the war. His mono-

graph shows in a table given on page 93, stating the percentage of intermarriages between Armenians and others, that (including only males of first and second generation) 17.5 per cent. of Armenian marriages were with other than Armenians. These figures may be compared with 17.4 per cent. for Irish; 14.8 for north Italians; 12.1 per cent. for Bohemians; and 26 per cent. for Swedes. The marriages of these Armenians in the majority of cases, were with Canadians, English, Germans, Irish and Swedes. On page 95 there is a table showing the intermarriage of males of the second generation only. In this table the Armenians showed a record 100 per cent., in that all marriages of the second generation, as recorded in the data for the Armenians in New York, were with other than Armenians. On the basis of intermarriage, there was, therefore, 100 per cent. assimilation in the second generation.

MR. GUTHRIE: That is all.

Cross-examination by Mr. Crooks, (Counsel for the Plaintiff):

XQ. You say without hesitancy then, Professor, that Armenians come within the meaning of the term, as used in the Naturalization Law, as I understand you are familiar with the term, within the meaning of "white persons"? A. Yes.

XQ. You say that without any hesitation? A. Without any hesitation at all.

XQ. Are all peoples of the Alpine type group, as you call them, white persons? A. As that term is generally understood, yes, in the ordinary and popular sense of that term.

XQ. And Armenians come exclusively within that type or group? A. There are no people in the world who are of absolutely pure race. So far as the Armenians are not Alpine, however, they are Nordic.

XQ. How would you determine, for instance, taking an individual, as to what race he belonged; what tests would you use? A. One would use the tests of actual physical measurements in regard to body, skull, face and nose proportions, together with the evidence furnished by the color of the skin, the eyes, the hair and so on; that is to say, race is determined by the correlation of various factors pertaining to the body, namely, somatic factors.

XQ. The mere fact that you were told that a certain person was an Armenian would not enable you to determine whether or not he was a white person, would it? A. The natural presumption would be that if you were told that he was an Armenian, he would be like other persons who are Armenians, and in such circumstances, if unseen, one would be justified in assuming him to be a white person.

BY MR. GUTHRIE:

Q. In other words, birth in Armenia would not necessarily make an individual a white person? A. No.

BY MR. CROOKS:

XQ. Can you tell whether or not a particular individual is a white person, without seeing that person? A. You mean if information were given to me in regard to that person, or if I was supplied with measurements and photographs and other things?

XQ. Yes. A. If all the anthropological data which we ordinarily use were in my hand, I could generally say in regard to any single individual whether or not he was a white person.

BY MR. GUTHRIE:

Q. As to the race he belonged to? A. Yes. Owing to the fact that there is no such thing as a pure race, racial questions are necessarily settled on the basis of averages and numbers, rather than on single individuals.

MR. CROOKS: That is all, Mr. Guthrie.

Re-direct examination by Mr. Guthrie:

RDQ. Professor Dixon, have you personally met and studied a number of persons who came from Armenia, and were of the Armenian race? A. I have not had a number of intimate friends, but I have known quite well, a number of Armenians, yes.

RDQ. And judging from their appearance and characteristics, in what race would you group them? A. Unquestionably with the European or white, as white persons, as that term is currently understood.

RDQ. Would it be easy to distinguish them from other inhabitants of the continent of Europe, such as those coming from France or Italy or Spain or Greece? A. I think he would be a very rash person who would be sure of distinguishing an Armenian from a general group of people from these countries and especially from the Dinaric region of southern Europe.

RDQ. Southern Europe? A. Yes. He would be very rash indeed.

Re-cross examination by Mr. Crooks:

RXQ. Are there any authorities at all, Professor, who point out that Armenians are not of the white race?

A. I know of none. It is taken so much for granted. You might say that there are relatively very few statements using specifically the word "white", but I know of none of any authority which asserts the contrary.

RXQ. You have never had any doubt in your mind about it at all? A. Absolutely none. I know of no statements to the contrary.

BY MR. GUTHRIE:

RDQ. In any language? A. No, not in any language with which I am familiar.

(Signed)

ROLAND B. DIXON

Subscribed in the presence of

PHILIP ADLER

Notary Public, etc.,

April 9, 1924.

By consent, thereupon the examination of witnesses was adjourned until Thursday, April 10th, 1924, at 10 o'clock a. m., and Friday, April 11th, 1924, at 2 o'clock p. m.