

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

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UNITED STATES OF AMERICA,  
Plaintiff,  
*vs.*  
TATOS O. CARTOZIAN,  
Defendant.

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DEPOSITION 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 Wednesday, 9th April, 1924, at 4 o'clock p. m. by consent of parties.

APPEARANCES:

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

HERMAN L. FALK, Esq., Assistant to the United States Attorney, Southern District of New York, appearing for the Plaintiff, United States of America.

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It is stipulated that the testimony of Dr. James L. Barton of Boston, Massachusetts, be taken as a witness on behalf of the Defendant in the absence of the Notary

Public PHILIP ADLER, before WILLIAM F. SMART, as stenographer, heretofore duly sworn, and that the transcript of the Deposition be subscribed and sworn to by the witness before said Notary Public with the same force and effect as if the witness had been previously duly cautioned and duly sworn to testify the whole truth and nothing but the truth.

DR. JAMES L. BARTON, called as a witness on behalf of the Defendant, testified as follows:

*Direct examination by Mr. Guthrie:*

Q. Will you please state your name, age, residence and occupation? A. James L. Barton. I was born in Charlotte, Chittenden County, Vermont, on the 23rd day of September, 1855. I am Foreign Secretary of the American Board of Commissioners for Foreign Missions, which was incorporated in Massachusetts in 1812, and also Chairman of the Board of Directors of the Near East Relief, Incorporated, which was incorporated by Special Act of Congress. The address of the American Board of Commissioners for Foreign Missions is 14 Beacon Street, Boston, and that of the Near East Relief, No. 151 Fifth Avenue, New York. I reside in Boston.

Q. Will you kindly state where you were educated? A. I was fitted for college at Beeman Academy, New Haven, Vermont, and graduated from Middlebury College, at Middlebury, Vermont, in 1881, and from Hartford Theological Seminary at Hartford, Connecticut, in 1885.

Q. Please state what, if any, degrees you have received? A. On graduating from Middlebury—I will just give the degrees—

MR. FALK: This is all taken for the purpose of qualifying Dr. Barton?

MR. GUTHRIE: Yes.

MR. FALK: I will concede for the purpose of the record, that Dr. Barton is qualified to testify as an expert.

MR. GUTHRIE: I would rather have some details in the evidence.

WITNESS (continuing): I was given the Degree of Bachelor of Arts by Hartford Theological Seminary, Bachelor of Divinity, and later by Middlebury College, Master of Arts; then I was given the degree of Doctor of Divinity and later of Doctor of Laws by Middlebury College. I have also received from Dartmouth College the degree of Doctor of Divinity, and from Oberlin College, that of Doctor of Laws.

MR. FALK: I think you are perfectly qualified.

Q. Have you visited Armenia in Asia Minor? A. Right after graduating from Hartford Theological Seminary, I was appointed Missionary of the American Board of Commissioners for Foreign Missions and sailed for Armenia in the fall of 1885, September 1885. I went directly to Harpoot, on the Euphrates River in ancient Armenia, and established my home there; that was my home until the summer of 1892, when I returned to this country. Do you want any further visits?

Q. Yes. A. In 1919—

Q. Were there not visits between 1892 and 1919? A. No visits to Turkey between those years. In 1919, I went at the head of the Relief Expedition under the Near

East Relief, into Turkey, and Armenia, and was there for the greater part of that year, traveling practically all over the country, establishing relief centres. I was there the first of February, and left Turkey in September. Then from the Lausanne Peace Conference I was sent again to Turkey, and was in Smyrna; that was in the beginning of 1922, and Constantinople again. Those were my three personal contacts with Turkey and Armenia.

Q. Will you state as briefly as practicable what connection you have had with relief operations in Armenia and Turkey, during and after the World War?

MR. FALK: At this time may I interpose an objection on the ground that this question is incompetent, irrelevant and immaterial?

A. The relief work was largely and primarily for Armenians, because of their deportations, and from the time of the organization of the Near East Relief in 1915, my official connection was constant and continuous with relief workers all through Armenia and in all parts of Turkey, by correspondence and by sending out relief, and keeping in touch with the situation there.

Q. And were you brought to any extent, and if so, to what extent, in contact with Armenians in the course of that work? A. In constant contacts. Long before the relief operation began, when I returned to this country from Turkey in 1892. I was made Foreign Secretary of the American Board of Missions in 1894. The American Board has carried on mission work among Armenians and throughout Turkey since 1820, and I have had the care and responsibility of that work as administrative officer since 1894.

Q. From 1894? A. Yes, until the present time. I still have that responsibility. That has kept me in close contact with Turkey and with Armenia and Armenians.

Q. Did you attend the Peace Conference in Paris, in December, 1918, and the first part of 1919, and if so, in what capacity? A. On the way out for this relief work in 1919—we left here early in January—I was several days in Paris, and was brought into the peace discussions by President Wilson and by our delegates—Colonel House probably more especially than any one else, my principal contacts being with him, and with the Armenian Delegation who were there in Paris. I secured the hearing for the Armenian Delegation with the American Representatives there in Paris.

MR. FALK: Is this testimony still for the purpose of qualifying Dr. Barton, that he may be qualified to state or express an opinion as to whether an Armenian is a white person and only for that purpose?

MR. GUTHRIE: Solely for that purpose.

Q. Did you attend the Lausanne Conference, and if so, in what capacity? A. I attended the first Lausanne Peace Conference.

Q. What date was that? A. That was in the fall of 1922, in November and December. I represented American Religious, Educational and Philanthropic interests in Turkey. While there I was in contact with the Armenian Delegation constantly, and was officially representing American institutions in Turkey as just stated.

Q. To what extent have you travelled in Armenia, Dr. Barton? A. During my seven years as missionary

at Harpoot, my business took me pretty thoroughly over Armenia. I was superintendent of the missionary schools over an area as large as New England excluding Maine, in which there were from four thousand to six thousand Armenian children under American supervision. I had the general superintendence of that work which took me practically all over Armenia, from Erzeroum on the north down across Armenia, to Diarbekir, Mardin, Aintab, Adana and Tarsous on the south, including the upper waters of the Tigris and Euphrates Rivers. I made constant trips on horseback over those areas, and many times a year I was away for weeks visiting those fields, until the latter part of the period when I was made President of the Euphrates College, formerly Armenia College. The name was changed by order of the Turkish Government. Its students then numbered about six hundred, and they were almost entirely Armenians.

Q. Did you acquire any knowledge of the Armenian language? A. That was my first business when I reached Turkey. According to the rules of our Mission Board each missionary has to learn the language of the people for whom and among whom he is at work. I began within a week after my arrival to take Armenian lessons under Armenian Professors from Euphrates College.

Q. And that was in what year? A. 1885. I began in the fall of 1885, and as the language is an easy language, within three years I was speaking the Armenian with freedom. During my entire seven years in Turkey, with only one exception, whenever I stood on my feet and faced an audience, I always spoke in Armenian.

Q. Did you preach in Armenian? A. Preached and gave addresses of all kinds in Armenian, and even when in a Turkish-speaking area, I always spoke in Armenian, and it was translated into Turkish. When in a Kurdish area, I spoke in Armenian, which was translated into Kurdish; in an Arabic area, I spoke in Armenian and it was translated into Arabic. My language of conversation outside of my home was Armenian, for at least five years after I had mastered it; so much so, that when I was out there in 1919, I gave addresses in Armenian to Armenian audiences, and used Armenian freely in conversation.

Q. And you have kept up until the present time your familiarity with the Armenian language? A. To a degree, but not altogether with the old facility. Of course, I have lost some of my vocabulary, but I can carry on a conversation in Armenian. Thus, yesterday I had half an hour's conversation with an Armenian who knew no English, and I had no difficulty in understanding his Armenian and making him understand mine.

Q. While you were in Armenia did you make a special study of the history of Armenia, its religion, customs, etc.? A. Yes. Before I had been there a year, I had a request from the publishers of an encyclopedia in this country to prepare an article on the Armenians for the encyclopedia, which required more than a year of work. That drove me to the study of the Armenians, their history, their characteristics and their religion. I prepared the article for the encyclopedia, and that experience at the very beginning of my life among the Armenians, gave me a ground work for a knowledge that was of great value to me in all of my missionary work.

Q. What was the name of that encyclopedia? A. It was the Encyclopedia of Missions, published by Funk & Wagnalls Company in New York; Dr. Bliss was the editor.

Q. And you wrote the article on Armenia published in that encyclopedia? A. I do not remember this minute just what the full title of it was. I have not seen it for a good many years, but it was on Armenia and the Armenians, as I remember the article.

Q. Do you remember about what year that encyclopedia was published in this country? A. Well, it must have been somewhere around 1889, I should think, but I am guessing at that now. I think probably in 1888 or 1889, when it was published here.

Q. Did you make a study whilst in Armenia, generally speaking, of the social habits and culture of the Armenians? A. I did. That became a part of the study of the Armenians themselves. Of course in my travels among the Armenians I lived among them. There were no hotels in the country, and wherever I went I was the guest of the Armenians.

MR. FALK: Might I suggest, Doctor, that you merely answer the questions as propounded, and not volunteer information.

WITNESS (continuing): I did make an extended study of their characteristics and culture through my constant contact with the Armenians—that is of their social life and social habits.

Q. Judging from the physical characteristics of the Armenians as observed by you in your studies of the



Armenian people, what is your opinion as to whether or not the Armenians are to be classed as "white persons"?

A. Why, I never have heard it suggested that they were not white. In all the conversations with Americans and foreigners, we have always regarded them as white. There were colored people——

MR. FALK: Just note my objection here, and I move to strike out the answer as not responsible.

By MR. FALK:

Q. Did I understand you to say, Dr. Barton, that they were known as colored people at one time? A. No. I would say there were occasionally colored people came through the country, but they were always marked as completely distinguishable from the Armenians, who were never referred to in any way except as white, never thought of in any other terms than white persons.

By MR. FALK:

Q. Then those colored people that came through were not regular inhabitants? A. No, from southern Arabia and India, frequently they would come through the country. In India I met Armenians in Madras, India, and there in India the Armenians are classed by the English and all classes of people as white. There is a colony in Madras, India, that I met myself when I was there some years ago. They were always regarded as whites by all the Americans and European missionaries as well as teachers throughout the country. I never heard any suggestion to the contrary.

By MR. GUTHRIE:

Q. As the terms "white" and "white persons" are commonly and popularly used in the United States and Canada and Europe, would you class the Armenians in your opinion as "white persons"? A. I surely would.

Q. And by "white persons" you refer to the general race term that is used? A. Yes, it is generally considered that they are of the Alpine class of whites, as distinguished from the Nordic and the Mediterranean group. I have always thought of them only in that connection.

MR. FALK: Are the Armenians part of the Caucasian race?

THE WITNESS: I should think so, from the same branch.

Q. Have you heard of any other classification of or reference to the Armenians than that they were members of the white race? A. Never.

Q. Have you had occasion to observe and study the social standing and assimilation of Armenians in other countries than Armenia? A. I have, very widely, in Europe, Paris, London, England, Italy, and of course, throughout the United States I have been in very close relations with them since I came back in 1892, and have always kept in close relation with Armenians; and I have at the present time very close relations with them.

Q. Have you observed their assimilability or non-assimilability with other white peoples, and if so, to what extent and with what result? A. Yes. I have had much experience in that line, both in Turkey and in this country, with regard to their assimilability with Euro-

peans. In this country they mix very freely with our people, so much so that our missionaries often complain that Armenians come to America to study for positions in American colleges in Turkey, and marry American wives, and are then lost to the work over there; that is, they marry American wives and their wives do not wish to go back to Turkey, and they are lost to our missionary work. I have been a guest in many an Armenian home in America where Armenians had American wives, and I have been in England where they have English wives.

Q. And is the same true of France and Italy? A. I have not come in contact with them socially in France and Italy. I have come in contact with them in other relations, but I do not know intimately any Armenian in France who has married a French wife. I have heard there are many, but I cannot say myself from personal knowledge. I do know of them in America to my personal knowledge, in large numbers. I have been a guest in many of their homes.

Q. Could you give us any details as to intermarriage in America, which would aid us in forming a judgment of individual Armenians? A. Yes.

MR. FALK: That question is objected to on the ground that it is incompetent, irrelevant and immaterial. Pardon my interruptions, Doctor.

THE WITNESS: Do you want me to give names?

Q. I do not think it is necessary. You can state generally the numbers of Armenians that you have met, so that we can form some judgment as to the extent of your personal contact and experience. A. I know of ten or fifteen in Boston who have married American wives. I have been thinking rapidly over different individuals. I

have been a guest at many of their homes, and we class them with Americans without any distinction. Their relations and affiliations in American colleges, in American churches and in American clubs and fraternal societies here are always upon the basis of social equality. They are always treated as whites, as distinguished from colored people or Japanese or Chinese or Hindoos. Many Armenians are pastors of our churches, where there are no Armenians in the congregation, and they are genuine American churches. One of these Armenians has recently died in Boston, who was an old friend that I knew, and they had a large public funeral service. For thirty years he was Methodist pastor of large churches in Boston and immediate vicinity. For years he was pastor of one of the old historic churches, the Methodist Temple, in Boston. He had an American wife.

Q. And did the Methodist Temple have an Armenian congregation? A. I do not suppose they had any Armenians; certainly none that I know of. It was essentially an American Church and an American congregation. He never had a pastorate at an Armenian church.

Q. And his ministrations as pastor extended to your knowledge, over a period of thirty years? A. To my knowledge; I have known him for that time.

Q. And always as a pastor of American Methodist churches, which were not Armenian in any sense? A. No. Not an Armenian church in any sense.

Q. Have you made an investigation in respect to the religion and religious history of the Armenians with reference to the Christian faith? A. I have. That was a part of the investigation for the encyclopedia article. I started with that. The Armenians are unquestionably

Christians. They are Christians and constitute a branch of the Christian Church and are recognized as such by the churches of America and England. All children born in Armenian families are baptized and become members of the Church. I visited their great religious capital Etchmiadzin, now in Russia, and met their Catholicos—Archbishop or Pope—whose official residence is there. Three or four years ago I was there and had a long conference with him. I am personally acquainted with their next lower order, the Patriarch, such as the Patriarch of Constantinople, the Patriarch of Jerusalem. I have had to do with their bishops and their priests throughout my whole career with the Armenians, since 1885. I have dealt with them constantly. The Armenians are everywhere recognized as a Christian race. They were members of the Church Ecumenical Council at Nicea in 325 A. D., the first great historic Christian Ecumenical Council of the world. They were fully represented there, and from that time on have been regarded as a branch of the Christian Church.

Q. Did your researches confirm the current statement that the Armenians as a nation were the first to embrace Christianity? A. As a nation, yes. I think that is fully established by history, not simply Armenian history, but contemporary history, that they were the first nation to adopt Christianity as a national religion.

Q. Dr. Barton, have you published any works relating to your work in Asia Minor? A. One of my first books was "Daybreak in Turkey" which was published and had a wide circulation. That gives something of an outline of the races in Asia Minor, but especially the de-

velopment of missionary work in Asia Minor among the races there and among Armenians.

Q. What year was that published? A. Well, I will have to look to find out when it came off the press.

Q. About—will be near enough for us. A. Toward the end of the '90's, near the beginning of this century.

Q. The end of the nineteenth or the beginning of the twentieth century? A. Yes, somewhere along there. Then I published other books in regard to missionary work, not applying to the Armenians especially. There are quite a list of books which I have written.

*Cross-examination by Mr. Falk:*

XQ. Dr. Barton, what was the form of religion that the Armenians had before the missionaries entered? A. It is the episcopal form. It is an episcopal church, and so recognized by the Church of England. It has its Catholicos and Bishops and Archbishops, and so forth.

XQ. That is the form of religion today; I am asking for the form of religion before the missionaries entered the country. A. That was the form of religion before the missionaries entered there.

XQ. And for how many years had that form of religion been used? A. For 1700 years. They began in the first century—1700 years ago.

XQ. Do you know the form of religion of the Hindoos? A. I have seen a lot of it. I lived and travelled nearly a year in India.

XQ. What is their form of religion? A. It is the worship of idols, the worship of animals and snakes. The cobra is one of their objects of worship, and the cow.

XQ. Do you know whether or not in any part of Armenia such a form of religion is customary? A. Absolutely not.

XQ. Did you ever know of such a form of religion to be used in Armenia at any time? A. Never.

XQ. Are there various dialects used in the Armenian language? A. No. There is only one Armenian dialect. Their classical language corresponds to their spoken language something as the Latin corresponds to the spoken French of to-day. The modern spoken language has somewhat deteriorated from their classical books, their church books, ancient church books and the Bible. They had the Bible long before the missionaries went there. It was in their classical language, but missionaries introduced it in the modern spoken language.

XQ. You stated, I believe in your direct examination, that the Armenians were known as whites of the Alpine race; will you please state what you mean by "the Alpine race"? A. I am giving testimony now from my own personal observation. That was in the common language, as we used it among ourselves, that they were of the Alpine branch of the white race.

XQ. But you cannot at this time specifically state just what is meant by "whites of the Alpine race"? A. No, I think you will have to get that from the experts in anthropology. I am speaking of what was in the common thinking or language of the people with whom I came in contact there, missionaries and others.

XQ. Are you familiar with the term "whites of the Caucasian race"; are you familiar with that term? A. No. I have not studied that very closely I must confess.

XQ. So that you cannot at this time express an opinion as to what is "A white person of the Caucasian race"? A. I could not separate one from the other (addressing himself to Mr. Falk)—I have spoken only of my own observations among them, and of the common language used by the people in talking of them and about them.

XQ. But as to whether or not they are "white persons of the Caucasian race", you are unable to state, and that that particular proposition would have to be obtained from experts along that line, is that what you intend to infer? A. Yes, that is right.

XQ. Doctor, can you state at this time, if an Armenian is "a white person of the Caucasian race"? A. Why, I could hardly say of what race. He is always regarded as a white person. Yes, we have always regarded them as connected with the Caucasian race, have always thought of them that way.

XQ. When you say "we"— A. I am speaking now of the missionary group, that is, we have seventy to a hundred or so American missionaries all through that region, and I met with them and I dealt with them, and we always regarded and referred to them, the Armenians, as of the Caucasian or white race.

XQ. In your direct examination you stated that you knew them to be "white persons of the Alpine race"? A. I regarded them to be that.

XQ. Which do you mean—either the Alpine race or the Caucasian race?

MR. GUTHRIE: May I put a question?

MR. FALK: Surely, Mr. Guthrie. I do not want to cloud the issue here.

MR. GUTHRIE: I think I can clarify it.



*Re-direct examination by Mr. Guthrie:*

RDQ. With Mr. Falk's permission, I would like to ask this question of Dr. Barton: Is it not the fact that in the terminology of scientists and anthropologists, the European or Caucasian or White race, as they are known, is sub-divided into three great sub-divisions; the first, the Nordic of the north; the second, the Alpine of the centre, and the third, the Mediterranean; and that these three sub-divisions constitute the general race called "Caucasian" or "European" or "White"?

MR. FALK: That question is objected to on the ground that it is leading, and calling for the witness to answer something with which apparently he is not familiar, from his testimony as herein stated, and further that he is not qualified at this time to answer such a question.

MR. GUTHRIE: Then I will withdraw the question.

RDQ. Dr. Barton, are you familiar with the classification in current use of the Caucasian or European races? A. Why, we constantly use them as referring to the white races of Europe, in general terms.

RDQ. And have you any knowledge as to any division or sub-division of that race in common terminology and understanding? A. In a general way.

RDQ. Will you kindly state what is your general understanding? A. That is what I said before—the Nordic representing one tendency perhaps of the race, then the Alpine, and then the Mediterranean.

RDQ. And all three are sub-divisions of the one great Caucasian or European race, as that is known in com-

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mon language? A. Connected back possibly to one source in the beginning.

MR. FALK: Subject to my interruption here, my objection is as stated above.

By MR. FALK:

RXQ. Dr. Barton, you state that the answers submitted here only refer to those on the European continent; would you say they also refer to Asia Minor? A. Oh, yes, to Asia Minor also.

(Signed)

JAMES L. BARTON.

Subscribed and sworn to before me by the above named witness as being the whole truth and nothing but the truth on this 10th day of April, 1924.

PHILIP ADLER,  
Notary Public, etc.

(Whereupon, at 5 o'clock p. m., the Deposition was adjourned by consent until Friday, 11th of April, 1924, at 2:30 o'clock p. m., to take the deposition of Professor Franz Boas of New York.)