

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

UNITED STATES OF AMERICA,
Plaintiff,

vs.

TATOS O. CARTOZIAN,
Defendant.

Portland, Oregon, April 5, 1924, 10 a. m.

This cause coming on to be heard at this time on the application of the defendant to take the testimony of Dr. Paul Rohrbach, pursuant to notice served on solicitors for plaintiff, and filed in the cause, and pursuant also to affidavit of Wallace McCamant, so served and filed, the plaintiff being represented by John S. Coke, U. S. Attorney for the District of Oregon, and the defendant being represented by Wallace McCamant, of his counsel, the following proceedings were had:

MR. COKE: If Your Honor please, I would like to have Mr. V. W. Tomlinson docketed as one of the solicitors for plaintiff.

Plaintiff objects to the taking of the deposition of this witness or any witness, for the reason, Your Honor, that there are no issues to be tried permitting the taking of depositions: For the further reason that the plaintiff

has interposed a motion to strike all of the answer except the admissions, and that motion remains undisposed of. And for the further reason, Your Honor, that the answer filed by the defendant admits that the defendant is an alien subject of foreign sovereignty, to wit, a subject of the Turkish Empire, and was such at the time of his admission to citizenship, and that he was born in that part of the Turkish Empire known as Turkey in Asia, or Asia Minor, and that he was born at Sivas, Turkey, and claims to be and is of Armenian blood and race.

COURT: Will be taken subject to that objection.

DR. PAUL ROHRBACH, a witness called on behalf of the defendant, being first duly sworn, testified as follows:

Direct examination:

MR. McCAMANT: I will say that Dr. Rohrbach does not speak English fluently. I think we can get along without an interpreter, but perhaps we had better swear Mr. Wessinger; possibly we may have to use him as interpreter. (Mr. Paul Wessinger, sworn as interpreter.)

Questions by Mr. McCamant:

Q. Your name is Paul Rohrbach? A. Yes, sir.

Q. And where were you born, Dr. Rohrbach? A. I was born near Riga.

COURT: Born where? A. A small village near Riga, former Russian Territory, now independent republic of Latvia. The name of my native village is Irigen; a small village near Riga.

Q. Your present residence is where, Dr. Rohrbach?

A. Berlin.

Q. And what is your occupation? A. I was for about eight years professor of Geography and Political Economy in a Commercial Academy in Berlin. It is not a High School but has a right to confer degrees, Doctors' Degrees—Commercial Academy. Now I have taken leave for some years to travel. I took leave for some years from this Commercial Academy to college and travel, and getting different material for geography and world's commerce. I intend to write a book about the World's Commercial Geography.

Q. Had you begun to collect the data for this book before the World War broke out? A. Oh, yes. Began to collect the material in 1912-1913. 1913 was the first time I went away.

Q. And are you still travelling collecting data for this geography? A. Oh, yes. I am going from here to South America, to Brazil and Argentine.

Q. State whether or not you have made a specialty of studying history, philology and ethnology, particularly with reference to Asia Minor? A. Russia, Asia Minor and Near East.

Q. Have you specialized in those studies? A. Oh, yes.

Q. For how many years? A. Oh, for twenty-seven years.

Q. Have you written any books bearing on these people? A. Oh, yes, six or seven books and a lot of magazine articles and newspapers.

Q. Is this a list of the books which you have written bearing more or less on these people? A. Yes, yes.

MR. McCAMANT: I offer this list in evidence.

Marked Defendant's Exhibit 1.

Q. In addition to the books listed there have you published magazine articles and papers of various kinds?

A. Yes.

Q. Now, what opportunity have you had for coming in contact with the Armenian people? A. I travelled several times in Armenia; in Armenia before the war; Armenia was divided in three parts, Turkish Armenia, Russian Armenia and Persian Armenia, and the most educated part of the Armenians were the Russian citizens, and I speak Russian. I could come in contact with educated people, clergymen, lawyers, solicitors, peasants, commercial people, because the second language of the Armenians in Russian Armenia is Russian.

Q. Do the bulk of the Armenian subjects of Russian Armenia speak Russian? A. Everybody.

Q. How many trips have you made to Armenia? How many times have you visited Armenia? A. The first time in 1897; the second time in 1898; the third time in 1901, and in 1911.

Q. Now, the aggregate of these visits, the time that you have spent in Armenia on these visits would aggregate what? All told how much time? A. Perhaps one year.

Q. And when you have been in Armenia have you mingled with the Armenian people? A. Sure.

Q. With all classes and types of people? A. Yes, all classes.

Q. Have you travelled about the world generally, Dr. Rohrbach? A. I beg pardon.

Q. Have you travelled over the world generally? A. Yes, Europe, China, Central Asia, Egypt, Palestine, Mesopotamia, and North and South America, Central Africa, South Africa, Belgian Congo.

Q. I think that is enough for our purposes. A. I can easier count the countries where I have not been than the countries where I have been.

Q. Now, are the Armenians a scattered people? Do you find them about the world generally? A. Yes, I can say so.

Q. And as you have travelled over the world have you met them and mingled with them in countries other than their own? A. Oh, yes.

Q. In what countries particularly have you observed them? A. Armenians?

Q. Yes. A. In Russia, Turkey, in Persia, in Austria, in Greece, in Switzerland, in Holland and in America.

Q. I will ask you whether the Armenians in the different countries where you have found them intermarry with the white people? A. Oh, yes, everywhere.

Q. What have you observed particularly with reference to their intermarriage with Russians? A. There are thousands and thousands of intermarriages. There is not any difference in feeling for Armenian or Russian people.

Q. No prejudice one way or the other? A. No, absolutely no prejudice. I know several cases where Armenians are counts or prince or baron of the Russian Empire.

Q. Can you give us any such cases? Can you give us any names, Dr. Rohrbach? A. Yes, for instance Melikian, when Armenian; his Russian name was Loris Melikoff—Loris Melikian, Armenian; his Russian name was Loris Melikoff; he was a count of the Russian Empire, and Prime Minister under Alexander II.

Q. Whom did he marry? A. Russian Countess or Baroness.

Q. Married a Russian woman? A. Yes. And then the Minister of Finance was an Armenian, Abasa, under the same Emperor, Alexander II.

Q. Now do you know of any marriages of Germans with Armenians? A. Yes, I know the Armenian Missionary Awetaranian, and he is a friend of mine. I know him very closely and he married a German Baroness, Fraulein Oertzen.

Q. And he was an Armenian? A. He was an Armenian.

Q. And do you know of any other cases where Germans and Armenians have intermarried? A. Yes, I know that old Professor Knapp—he was professor of Political Economy in Strassburg, Alsace-Lorraine—he is now retired, living in Leipsic. He is about seventy-one or seventy-two years old, and his wife is an Armenian, and his daughter is married to a close friend in Berlin, the daughter of this Professor Knapp and his Armenian wife.

Q. The husband of the daughter is of what nationality by birth? A. Is German from Wurttemberg, Stuttgart. His name is Dr. Huess.

Q. Do you now recall, Dr. Rohrbach, any other marriages between Germans and Armenians, where you can give specific cases? A. I cannot give you their names, but I know there are several intermarriages, but I can't give you names.

Q. You came to Portland only this morning, didn't you? A. Yes.

Q. And you had no opportunity to consult with counsel except for a few moments before coming over? A. Yes, yes, quite so.

Q. And until you came here your attention was not directed to this character of examination, was it? A. Oh, no.

Q. Until you came to Portland? A. Yes.

Q. Now what have you observed, Dr. Rohrbach, as to whether there is a color line drawn against the Armenians anywhere in the world? A. No.

MR. COKE: We desire to offer an objection to this testimony on the ground it is incompetent, irrelevant and immaterial, and on account of the fact that the allegations of the complaint as to the status, racial status of this defendant is admitted; and I would like this objection to go to all questions along this line without repeating.

COURT: Very well. The objection is overruled for the present and you may have an exception.

Q. Read: (Now what have you observed, Dr. Rohrbach, as to whether there is a color line drawn against the Armenians anywhere in the world?) A. I have never noticed that.

Q. Are the Armenians received in the scientific societies in Germany? A. Sure; yes, there are many.

Q. Have you ever known a case where an Armenian has been discriminated against on account of his color, in the matter of accommodation at hotels? A. No, no, no.

Q. Or on sleeping cars? A. No.

Q. Or in any other place of entertainment or amusement? A. No.

Q. And what is the fact as to whether they mingle with white people all over the world? A. Yes.

Q. What have you observed as to their position in business and political circles in the countries in which they locate? A. A great deal of big business, especially in Russia, is in the hands of the Armenians. There are many bankers in Moscow, in Petersburg and Tiflis, the capital of the Caucasus, and many professors in Russian universities are Armenians. There is an institute of eastern languages in Moscow, is a very famous institute, known all over the world; is a most—the best and most ancient institute for eastern languages. It is founded by an Armenian, Lazarew, in 1818 or 1819, in Moscow. Lazarew Institute of Eastern Language.

Q. Are there Armenians— A. The supply of—

Q. Professors? A. —Professors for Eastern languages in Russia come from this Lazarew Institute.

Q. Are there Armenians in the faculty? A. Yes, mostly.

Q. Most of them? A. Yes.

Q. In other countries than Russia what have you observed as to their prominence in business, and their

capacity for business? A. In Turkey, especially in Constantinople, and in Persia, and Teheran, the capital of Persia, in Mesopotamia and Bagdad, also, a great deal of commerce is in the hands of Armenian traders and exporters and importers.

Q. What can you say as to whether they are a capable race? Are they qualified to transact business successfully? A. Yes; very creditable; the highest degree. Very qualified for business and for science, especially for learning languages. Either Russian or Turkish Armenia, you can talk Russian, Turkish, Armenian, German, French and English.

Q. An educated Armenian, in other words, generally knows a number of languages? A. Yes.

Q. What is their most distinguishing physical characteristic? A. Round skull, that is, the diameter nearly the same this way as this (indicating from front to back the same as from side to side),—brachycephalous.

Q. That is your understanding, is it not, of your English equivalent of the German word? A. Yes, and a rather big aquiline nose.

Q. Now, what do their physical characteristics indicate as to their ethnic origin and relationship? A. I believe the Armenians must be relatives of European population of the Alps, Alpine population of Europe. The European population—or the Alpine population in Europe, in the southern part of Switzerland, is nearly the same physical type, especially the same shape of head and nose, and also dark hair and dark eyes. If you give Armenian clothes, shoes, trousers, and Armenian jackets to a peasant of the Tyrol, or Styria, you couldn't

discern him from an Armenian peasant, of Russian or Turkish Armenia.

Q. The Tyrol is part of German Austria? A. German Austria, yes.

Q. And Styria is also a part— A. Also a part of German Austria. And you can take the population of the Swiss canton of Graubunden, for instance. the same case.

Q. The same remark would hold true of the population of that Canton? A. Yes, or you can take an inhabitant of upper Bavaria; the same thing; for instance, Oberammergau, the village where the Passion Play has come from, the population of Oberammergau is the same type.

Q. That is, if you were to put a typical Armenian peasant in the clothing that is worn in Oberammergau, what is your judgment as to whether he would be distinguishable in physical characteristics? A. Yes, he could pass for a European Alpine man.

Q. What can you say as to the language, as to the Armenian language? A. The Armenian language is a branch of the family of the Indo-European language, Romanic, German, Slav, and other Indo-European languages. The Armenian alphabet is derived from the Greek.

Q. Dr. Rohrbach, in the light of your study of the subject, and of your contact with the Armenian people, wherever you have met them throughout the world, state whether or not they are white persons in your opinion? A. White.

Q. What is that? A. Absolutely white.

Q. Do you know of any part of the world where they are regarded as other than white persons? A. No. For instance, personally I would marry—I wouldn't hesitate to marry an Armenian girl, suppose she were willing to take me.

Cross examination—Questions by Mr. John S. Coke:

Q. Doctor, you are a native and citizen of Germany?

A. I was born in Russia, a Russian subject, and I became a German subject in 1894.

Q. A German subject? A. My mother tongue is German, but my parents lived in Russia.

Q. And what race were your ancestors? A. German, pure German.

Q. Pure German? A. Came from Hesse. Hesse is a province of western Germany.

Q. Hesse-Cassel? A. No, Hesse Darmstadt.

Q. Have you been a resident of the United States any length of time, Doctor? A. No, I was here the first time in the United States in 1913 for a very short pleasure trip, and last year, in 1923, I was invited by the Central Relief Committee of New York, for some lectures in German, in German-speaking circles, in favor of German children. It was last year. Central Relief Committee for German and Austrian children in New York. But I learned only a little English last year and am not able to speak fluently.

Q. You know anything about the number of Armenians in the United States, Doctor? A. No, I can't tell.

Q. Now, the books and authorities that you have read, Doctor, and those that you have written, were they in the English language or in some other language?

A. German; only in German.

Q. They were only in German? A. Yes, and are now translated.

Q. And these magazine articles that you have written were published in the German language and not in the English language? A. Mostly German, one Russian, one Swedish.

Q. But none of them in English? A. No.

MR. McCAMANT: I may say, Judge Coke, I asked the Doctor to translate the title of his books into English. I thought it would be more intelligible as testimony, and the list introduced as an exhibit is in English.

MR. COKE: I think that is all, if the Court please.

Redirect examination—Questions by Mr. McCamant:

Q. Dr. Rohrbach, do you know of any eminent painter of the Armenian race in Russia? A. Eminent painter?

Q. Yes. A. Yes, there are poets, painters, sculptors.

Q. Do you know a man by the name of Aiwasowsky? A. Aiwasowsky? Oh, yes, a very prominent painter; one of the most prominent painters in Russia. His Armenian name is Aiwasian.

Q. Tell the Court about the branch of the Armenian church located in Venice and Vienna? A. In Venice and Vienna, mostly Armenians belong to the Armenian

church, a very old branch of Christendom; most Armenians belong to the Orthodox Armenian church, but a number are converted to the Roman Catholic Church; the Roman Catholic Armenians have one monastery cloistered—one monastery in Venice and one monastery in Vienna, with very large libraries and very noted printing office. The printing office of the Armenians in Vienna is used for the most difficult printing work in the eastern language in Europe.

Q. And that settlement of Roman Catholic Armenians has existed in Venice and in Vienna how long?

A. For two hundred years. In Venice two hundred. In Vienna, perhaps one hundred.

MR. McCAMANT: I think that is all.

WITNESS: About forty-five thousand Armenians are Protestants.

WITNESS EXCUSED.

Through Turan and Armenia,	Berlin, 1898
From the Caucasus to the Mediterranean	Leipzig, 1901
To Bagdad and Babylon	Berlin, 1907
Travels in Western Asia,	Berlin, 1903
The Bagdad Railway,	Berlin, 1908
Armenia and the Armenians,	Berlin, 1919
Plaintiff's Ex. 1 [?]	