

**TO RECONCILE NATURALIZATION
PROCEDURE WITH THE BILL OF RIGHTS**

**HEARINGS
BEFORE
THE COMMITTEE ON
IMMIGRATION AND NATURALIZATION
HOUSE OF REPRESENTATIVES**

SEVENTY-SECOND CONGRESS

FIRST SESSION

ON

H. R. 297

H. R. 298

Hearing No. 72.1.4



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1932

COMMITTEE ON IMMIGRATION AND NATURALIZATION

HOUSE OF REPRESENTATIVES

SEVENTY-SECOND CONGRESS, FIRST SESSION

SAMUEL DICKSTEIN, New York, *Chairman*

SAMUEL RUTHERFORD, Georgia.

JOHN W. MOORE, Kentucky.

JOHN M. EVANS, Montana.

ROBERT A. GREEN, Florida.

JOHN H. KERR, North Carolina.

LAMAR JEFFERS, Alabama.

MELL G. UNDERWOOD, Ohio.

VINCENT L. PALMISANO, Maryland.

EUGENE B. CROWE, Indiana.

MARTIN PIES, Texas.

ALBERT JOHNSON, Washington.

J. WILL TAYLOR, Tennessee.

ARTHUR M. FREE, California.

THOMAS A. JENKINS, Ohio.

GEORGE J. SCHNEIDER, Wisconsin.

J. MITCHELL CHASE, Pennsylvania.

JOHN L. CABLE, Ohio.

EDMUND F. COOKE, New York.

CHARLES D. MILLARD, New York.

VICTOR S. K. HOUSTON, Hawaii.

SIDNEY SCHARLIN, *Clerk*

F. P. RANDOLPH, *Assistant Clerk*

CONTENTS

PROponents

	Page
Addenda submitted by Mr. Griffin.....	152-227
Appendix, material inserted by proponents.....	227-245
Balle, Mr. William, testimony of.....	60
Clark, Dean Charles E., letter by.....	67
Court decisions, printing of.....	72
Davis, Prof. Jerome, testimony of.....	19
Davis, Hon. John W., letter by.....	18, 195
Finerty, Mr. John F., testimony of.....	35
Griffin, Hon. Anthony J., testimony of.....	4
Griffin, Hon. A. J., interpositions by.....	52
Grubb, Mr. S. M., testimony of.....	77
Hahn, Rev. Herman J., testimony of.....	48
Haviland, Mr. Henry M., testimony of.....	41
Interpretation of the bill.....	147, 12
Johnston, Mr. Mercer G., testimony of.....	73
Lief, Mr. Alfred, testimony of.....	66
List of supporters submitted.....	68, 7
Oath of allegiance not affected.....	147
Pacifists <i>versus</i> Communists, compared.....	71
Perry, Mr. Henry Haines, testimony of.....	81
Purpose of bill.....	10, 69
Rebuttal by Mr. Griffin.....	146
Resolutions submitted by witnesses.....	25, 46, 59
Summary of denied application cases.....	4
Text of H. R. 297 and H. R. 298.....	1
Wold, Dr. Emma, testimony of.....	40
Wood, Mr. Richard R., testimony of.....	57

OPponents AND REbuttal

American Coalition of Patriotic Societies, composed of.....	86
Appendix, material inserted by opponents.....	245-249
Bettleheim, Maj. Edwin, statement by.....	110
Burton, Mr. H. Ralph, statement by.....	92
Catholic Welfare Conference, attitude of.....	144
Cooke, Hon. Edmund F., statement on testimony.....	140
Ending remarks by Mr. Lloyd in opposition.....	131
Free, Hon. Arthur M., remarks by.....	150
Fries, Maj.-Gen. Amos A., statement by.....	115
Fries, Mr. Amos, statement by.....	108
Grant, Lieut. Col. U. S. 3rd., statement by.....	131
Griffin, Hon. A. J., interposed remarks.....	104
Hobart, Mrs. L. F., statement by.....	102
Holderby, Rev. William M., statement by.....	135
Johnson, Col. Orvel, statement by.....	125
Kilbreth, Miss Mary G., request in behalf of.....	139
Laudis, Col. J. F. R., statement by.....	135
Lightfoot, Mrs. J. J., statement by.....	113
Lloyd, Mr. Demarest, statement by.....	85
Longstreet, Col. Robert, statement by.....	123
Means, Mrs. Rice, statement by.....	105

	Page
Miller, Mr. Herman A., statement by.....	106
Nock, Mrs. Ethel S., statement by.....	110
Noyes, Judge J. H., statement by.....	105
Patton, Mr. James H., statement filed.....	140
Peckham, Mr. Frank L., statement by.....	182
Petitions filed, acknowledgment of.....	189
Potts, Mrs. N. N., statement by.....	112
Ray, Mr. L. S., statement by.....	124
Rebuttal for opponents of bills.....	144
Rebuttal for proponents for bills.....	146
Resolutions submitted by witnesses..... 87, 90, 106, 110, 125, 182,	189
Steele, Mr. Frank, statement by.....	114
Taylor, Col. J. T., statement by.....	99
Tucker, Mrs. S. L., statement by.....	107
Worrell, Mr. M. H., statement by.....	122

APPENDIX

Decisions, testimonials, and other pertinent documents printed as addenda in the appendix as follows.....	152 to 185
Addenda submitted by Mr. Griffin—	
Court decisions and citations.....	152 to 185
Davis, Hon. John W., letter by.....	195
Forms used and criticized.....	185 to 194
Military duty exemptions.....	194 to 195
Organizations supporting bills.....	197 to 204
Prominent indorsers of bills.....	205 to 213
Public press indorsements.....	214 to 226
Amle, Hon. Thomas R., brief submitted by.....	230
Federal Council of Churches, data received from.....	239 to 242
Friends (or Quakers), brief submitted for.....	227
Indorsements received by committee.....	234 to 246
Protests and objections received and submitted.....	246 to 249
Provisions affected by bills.....	249

PROCEDURE DURING HEARING

Witnesses favoring the passage of H. R. 297 or H. R. 298 were given opportunity to testify on Tuesday, January 26, 1932. (Pp. 4 to 83.)

Witnesses opposing the passage of H. R. 297 or H. R. 298 were given opportunity to testify on Wednesday, January 27, 1932. (Pp. 85-144.)

Following the above testimony by both proponents and opponents rebuttal, or closing testimony was given by each side on Wednesday, January 27, 1932. (Pp. 144-151.)

TO RECONCILE NATURALIZATION PROCEDURE WITH THE BILL OF RIGHTS*

TUESDAY, JANUARY 26, 1932

HOUSE OF REPRESENTATIVES,
COMMITTEE ON IMMIGRATION AND NATURALIZATION,
Washington, D. C.

The committee this this day met at 10 o'clock a. m., Hon. Samuel Dickstein (chairman) presiding.

The CHAIRMAN. The committee will be in order.

The Chairman will call up H. R. 297 and H. R. 298, being the same bills except for a little change in H. R. 297, both bills having been introduced by Congressman Griffin, to provide that religious views or philosophical opinions against war shall not debar aliens, otherwise qualified, from becoming citizens. A hearing will be confined to consideration of H. R. 297.

[H. R. 297, Seventy-second Congress, first session]

A BILL To provide that religious views or philosophical opinions against war shall not debar aliens, otherwise qualified, from citizenship

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth subdivision of section 4 of the act entitled "An act to provide for a uniform rule for the naturalization of aliens throughout the United States, and establishing the Bureau of Naturalization," approved June 29, 1906, as amended March 2, 1929 (Public, Numbered 962, Seventieth Congress, section 6 (b)), is amended by adding at the end of the first paragraph thereof the following new sentence: "Except that no person mentally, morally, and otherwise qualified shall be debarred from citizenship by reason of his or her religious views or philosophical opinions with respect to the lawfulness of war as a means of settling international disputes, but every alien admitted to citizenship shall be subject to the same obligations as the native-born citizen."

[H. R. 298, Seventy-second Congress, first session]

A BILL To provide that religious views or philosophical opinions against war shall not debar aliens, otherwise qualified, from citizenship

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth subdivision of section 4 of the act entitled "An act to provide for a uniform rule for the naturalization of aliens throughout the United States, and establishing the Bureau of Naturalization," approved June 29, 1906, as amended (March 2, 1929, Public, Numbered 962, Seventieth Congress, section 6 (b)), is amended by adding at the end of the first paragraph thereof the following new sentence: "Except that no person mentally, morally, and otherwise qualified shall be debarred from citizenship by reason of his or her religious views or philosophical opinions with respect to the lawfulness of war as a means of settling international disputes."

* NOTE: See discussion on title p. 149.

Now, I should like to make the following announcement. There are a number of witnesses present who would like to be heard. Very naturally, we would like to hear everybody we can and I wish that the witnesses would bear in mind that fact and try not to take up too much time. I will ask the witnesses to come right down to the point in question in this bill. In that way everybody who wants to speak for or against this bill will have an opportunity to be heard. The committee will sit here to listen to the testimony if we can in some way formulate a program by which you will cut your time down.

Congressman Griffin, would you like to be heard first?

Mr. FREE. I presume, in hearing these witnesses, you will hear those in favor of the bill first, and those opposed later.

The CHAIRMAN. Yes.

Mr. FREE. Now, then, I see there are a great number of people here. I do not know who is going to testify or on what side, but last year we gave each side a certain number of hours, and I am wondering if that is what the chairman proposes to do this time.

The CHAIRMAN. The chairman believes that we should give these witnesses on both sides an opportunity. We could come back to-day or to-morrow, and I am willing to come back here to-morrow, for the purpose of disposing of this hearing.

Mr. FREE. Could we agree that we will hear one side to-day, and the other side to-morrow?

Mr. JOHNSON. Here is the printed record of the hearings which were devoted to H. R. 3547, in the previous Congress. The proposal was then made, as you will see by reading these hearings, that Mr. Griffin and his witnesses be heard. It took so much time, I recall, that in the afternoon session, the chairman decided to alternate sides, and even then that hearing ran until after 6 o'clock in the evening. It has been claimed that the customary time for ending an afternoon hearing is 4.30 p. m. That is not the case. All who were members of this committee in the previous Congress will know that afternoon sessions were run just as late as members of the committee could be prevailed upon to remain.

Now, I beg to suggest that if you allow a free hand to the proponents on occasions of this kind, you will use up as much of the day as can be used.

There is a motion with reference to our agricultural appropriations bill on the floor to-day—it may come any hour—which will take the members away, and you will then find yourselves in a congestion as to the witnesses in opposition. I think the proponents of this bill should be permitted to present, say, 10 witnesses briefly, without interruption.

The CHAIRMAN. I have a list of witnesses and there were at least 50 on the list; I cut them down to about 12, and I think we ought to go along the best way we can to-day, and we will hear the other side to-morrow. If there should be a call in the House on any vote, we will suspend immediately.

Mr. RUTHERFORD. It is not my purpose, Mr. Chairman, to shorten the hearings, except that I do not think we ought to cover matters that have been covered so much heretofore.

Mr. JOHNSON. I agree with the gentlemen. In the previous hearing, and some others in the previous Congress, at the beginning per-

mission was granted to witnesses to revise and extend their remarks. Now, that was done in the interest of economy of time. A great many came here with prolonged and prepared statements, and were permitted to extend them, and that nearly always leads to certain abuses. It is a question, when a man has a prepared statement, having made part of it, and is then permitted to extend it in the record, how far that extension should go. It resulted in the manuscript of this hearing being taken out and retained for a long time. First, by Representative Griffin, himself, and then others. The chairman, who at that time was myself, had gone to his home in the Pacific Northwest before these manuscripts came back. I think we had better have an understanding as to whether we are to permit extensions of remarks, elaborations, or hold the witnesses to 5, 10, or 15 minutes without interruption on a direct statement.

The CHAIRMAN. I realize the point that you make, and, while sitting in with you, Mr. Johnson, we sat here until 6 o'clock one night, listening to the witnesses in the case. I am very mindful of that fact and, as a result of that knowledge, I have confined Mr. Griffin to the list of witnesses which I have here, and they are the ones who may give you some additional light to-day.

Mr. MOORE. I think they should go along without interruption until they get through.

The CHAIRMAN. They ought to finish their statements, and then we can ask questions.

Mr. JOHNSON. If you do not have some limitation, we will be here a week on one bill.

The CHAIRMAN. We will be out of here to-morrow and we will give the opposition an opportunity to be heard as well as the proponents.

Mr. JENKINS. Why not do this—this is a great question involved here, and everybody is more or less familiar with it. There is a lot of feeling liable to be manifested here, as it was before. Let us agree that one side will have this morning, and the other side to-morrow morning.

Mr. MOORE. I think that suggestion is all right, if we do not run into a conflict on the time, and possibly we may get a call to the House. This is a great big question, one that is highly debatable. I am opposed to this bill, but I would like to see ample opportunity given to the proponents of the bill this morning, and that they be given an opportunity to present their case as they want it, and to the satisfaction of any reasonable person.

The CHAIRMAN. That is the intention of the Chair. I want a fair hearing, and to give everybody an opportunity, whether for or against the proposition.

Mr. FREE. My idea would be to set a certain number of hours for the proponents, and a certain number of hours for the opponents, and if we have to sit until to-morrow night, let us do that.

Mr. RUTHERFORD. I move that the proponents have to-day, and the opponents have to-morrow.

The CHAIRMAN. If, by reason of a roll call, some of the time is not used, if we are called away at 2 or 3 o'clock, and are away an hour or so, we ought to give them that additional time.

Mr. MOORE. I propose giving each side four hours.

The CHAIRMAN. Let us go on for the present, and see how we are coming along.

The first witness will be Mr. Griffin.

Mr. JOHNSON. We learn by experience, and it develops here from the statements just made, that Chairman Dickstein is following exactly almost in the identical words of his predecessor, in an effort to solve this question.

Mr. FREE. I do not know whether that is a recommendation or not.

Mr. JOHNSON. I find it reported that the former chairman said, "Let us run along as best we can and hear as many as we can."

The CHAIRMAN. I have learned that from you.

Mr. COOKE. You are allowing too much to chance here. I think if you fix a certain length of time, you are better off.

The CHAIRMAN. Mr. Griffin, will you please proceed?

STATEMENT OF HON. ANTHONY J. GRIFFIN, A MEMBER OF THE HOUSE OF REPRESENTATIVES FROM THE STATE OF NEW YORK

Mr. GRIFFIN. Mr. Chairman and gentlemen of the committee, having in mind that many of the members of this committee are familiar with the bill, I do not intend to trespass upon your time by an extended recitation of the circumstances which preceded the introduction of the bill, but I would like to put into the hearing a summary of the various cases that have been decided, under the construction of the oath of allegiance administered to applicants for citizenship, since the Schwimmer case was decided in May, 1929.

The CHAIRMAN. Do you mean by that of the last decision rendered by the Supreme Court of the United States?

Mr. GRIFFIN. A summary of all of the cases. There have been quite a number of applicants denied citizenship upon the basis of the decision in the Schwimmer case.

The CHAIRMAN. It will be so ordered at this point.

Mr. GRIFFIN. The MacIntosh and Bland case, and several others; all bearing on the question.

(The summary of cases referred to by Mr. Griffin is as follows:)

SUMMARY OF APPLICANTS REJECTED FOR CITIZENSHIP

(a) *Rosika Schwimmer*.—See addenda to Mr. Griffin's remarks. (P. 152.)

(b) *Professor Clyde MacIntosh*.—Judge Bondy of the United States district court refused the application on the decision in the Schwimmer case. An appeal was taken to the United States Court of Appeals for the district which overruled the decision by a unanimous court—Judge Manton writing the decision—deciding that the applicant was entitled to citizenship. See Supreme Court decision, addenda to Mr. Griffin's remarks. (P. 159.)

(c) *Marie Averill Bland*.—This case was also decided on the decision in the Schwimmer case and was taken to the Supreme Court which decided against the applicant in a five to four decision, Chief Justice Charles Evans Hughes writing the dissenting opinion which was concurred in by Justices Brandies, Holmes, and Stone. See addenda to Mr. Griffin's remarks. (P. 169.)

(d) *Martha Jane Graber*.—See addenda to Mr. Griffin's remarks. (P. 174.)

(e) *Mrs. Margaret Webb*.—See addenda to Mr. Griffin's remarks. (P. 175.)

(f) *Mrs. Jorgan Boe* (nee Mary Mable Harris).—See addenda to Mr. Griffin's remarks. (P. 183.)

(g) *Reverend J. S. King*.—See addenda to Mr. Griffin's remarks. (P. 183.)

(h) *Klemens A. Offermann*.—See addenda to Mr. Griffin's remarks. (P. 185.)

(i) *Herman Enns*.—Herman Enns applied for citizenship late in 1927 or early in 1928. He wrote "Yes" in reply to a question but the examiner found out that he was a Mennonite from the reference in the paper to a mission. The examiner, after probing his beliefs, finally got him to say "No" to the question. "Would you kill human beings?" He was forthwith refused. Enns now lives in Kansas.

(j) *Jacob Becker*.—Jacob Becker, of 1040 Marengo Avenue, applied for second papers in 1928. To the bearing arms question he replied: "I am willing to defend the question." The examiner asked him to explain the answer and when he was asked if he would kill human beings he said "No." His case was not disposed of until shortly before Christmas, 1929, when papers were denied.

(j) *Auxenty Miroch*.—Auxenty Miroch, age 35, of 533 Prospect Avenue, Newark, N. J., was a student of ministry at Bloomfield Theological Seminary. Was denied citizenship by Judge Flake in Newark, N. J., on May 12, 1930. Said he would be willing to lecture or help the Red Cross but would not take up arms. Asked why, he replied: "Because the Bible teaches us not to kill."

I. ROBIKA SCHWIMMER

The applicant was a woman 49 years of age, a linguist, lecturer, and writer, well educated, and of unimpeachable character. She filed a petition for naturalization in the district court for the northern district of Illinois. The application was on Form 2214, which contained the following question:

"22. If necessary, are you willing to take up arms in defense of this country?"

To this she replied: "If * * * the United States can compel its women citizens to take up arms in defense of the country—something that no other civilized government has ever attempted—I would not be able to comply with this requirement of American citizenship. In this case I would recognize the right of the Government to deal with me as it is dealing with its male citizens who for conscientious reasons refuse to take up arms."

She had previously expressed her willingness to take the oath of allegiance mentioned in question 20, and at the hearing reiterated her ability and willingness to take the oath of allegiance without reservation and added:

"I am willing to do anything that an American citizen has to do except fighting. If American women would be compelled to do that, I would not do that * * * in every other single way I am ready to follow the law and do everything that the law compels American citizens to do. That is why I can take the oath of allegiance, because, as far as I can find out, there is nothing that I could be compelled to do that I can not do."

Notwithstanding this her application was denied. She took an appeal to the circuit court of appeals for the seventh circuit, which reversed the district court and directed the granting of her application by unanimous decision.

An appeal was taken by the Government to the United States court which reversed the circuit court. Justices Holmes, Brandeis, and Sanford dissented. (See Exhibit I-a, b, and c.) (Pp. 152 to 153.)

II. MARTHA JANE GRABER

Miss Graber, a nurse by profession, filed a petition for citizenship in the Court of Common Pleas of Allen County, Ohio. The hearing took place on July 9, 1929. The representative of the Bureau of Naturalization asked her:

"Suppose you were called upon to act as a combatant in time of war for the United States, would you fight?—A. That would not be professional as a nurse.

"Q. That doesn't answer the question: Are you willing to fight for the United States if need be? You understand what is meant by fighting, Miss Graber; I mean to take up arms in defense of the United States if necessary?—A. I can not kill, but I would be willing to give my life."

After some more heckling of this character her application was denied.

III. MARGARET WEBB

The applicant was a member of the Quaker religion. She made an application for naturalization at Richmond, Ind. The hearing came on March 28, 1929. She testified that she was a "Friend" (meaning a Quakeress); that in the

event this country got into war, she would be loyal to this country, but "I could not approve of war on account of my faith." Her application was denied.

IV. MRS. JORGAN BOE (NÉE MARY MABEL HARRIS)

This was a case where the applicant, a native American-born woman, was unable to recover her citizenship, which she had lost by marrying the Rev. Jorgan Boe, a Norwegian, who was the pastor of the Church of the Brethren, Konmare, N. Dak. Her marriage took place before the Cable Act was passed, consequently she had lost her citizenship and it became necessary for her to apply for restoration as a citizen. The Church of the Brethren to which she belonged, popularly known as the Mennonite, takes the same attitude against war as the Quakers. Therefore, on her stating that she would be unwilling to take up arms in the event of war, her application was denied.

V. REV. T. E. KING

The applicant was a Methodist minister residing at Lake Arthur, La. He was a native of England, and served for three years in the British Army, presumably as a chaplain. He was asked by the Judge:

"Q. * * * If California wanted more territory and decided to seize some in Mexico and everyone was drafted for some form of service, would you object or be loyal?—A. I do not believe the United States would engage in such a war.

"Q. I do not want any convictions, sir. Under such circumstances, a war of aggression, would you object?—A. In all probability I would. I would first have to consider my duty to God and to humanity.

"Q. In other words, you can't subscribe under any and every condition to the doctrine, 'My country, right or wrong, my country'?—A. No."

The Judge: "Then you can not be admitted. What we want are citizens who are prepared to say, 'My country, right or wrong, my country.'" Therefore he was rejected.

VI. KLEMENS A. OFFERMANN

In 1924 the applicant, a native of Germany, made an application for citizenship. Its disposition can best be described in a personal letter he wrote me from 24 Sheridan Avenue, Brookfield, Ill. His letter is dated May 31, 1929, and is as follows:

"I am one of them to whom citizenship was denied. I am not a radical, but only a noncombatant. The chief naturalization examiner of Chicago asked me about the position I would take in time of war. I said I would serve the country in any capacity I could. 'Would you take up arms?' he asked. I said: 'Yes.' 'Would you shoot?' 'Yes.' 'Would you shoot to kill?' He said: 'Whom?' He was asked. 'Your enemy.' He replied, 'I as a Christian have no enemies to kill.' These were the questions of my examination. After some counseling with other men the chief examiner said to me: 'You can not become a citizen of the United States when you do not answer this question with "yes." That was in the year 1924. Because of my loyalty to the teachings of Jesus Christ citizenship is denied to me. Hoping your bill will pass so that conscientious citizens may be granted citizenship, I remain,

"Yours very truly,

"KLEMENS A. OFFERMAN."

VII. HERMAN ENNS

The applicant was a Mennonite and applied late in 1927 or early in 1928 for citizenship. In reply to question 23, whether he would be willing to take the oath of allegiance as recited in the application form, he replied that he would. The examiner, however, found out from a reference in his application to the mission where he was located that he was a Mennonite. After heckling him for some time about his beliefs and his attitude on war, asked him the question: "Would you kill human beings?" Enns replied "No," and he was forthwith rejected. This was at Chicago, Ill.

VIII. JACOB BECKETT (OR BECKER)

The applicant, a resident of 1040 Marengo Avenue, Chicago, Ill., applied for second papers in 1928. To the bearing-arms question, he replied, "I am willing

to defend the country." The examiner asked him to explain the answer, and if he would kill human beings. He replied that he would not. He said, "I am willing to lecture or help the Red Cross, but would not take up arms." When asked why, he replied, "Because the Bible teaches us not to kill." The case was not finally disposed of until December, 1920, when the application was denied.

IX. PROF. DOUGLAS CLYDE MACINTOSH

The applicant was a professor in the Yale Divinity School. He was over 60 years of age—beyond the draft age and beyond the age where military service would be expected of him. He was a teacher—a profession which in time of war has always been excused from military service. Notwithstanding that, he served as a chaplain in the English Army in France during the World War.

He was willing to take the oath of allegiance to defend the Constitution and the laws of this country; but when he was asked if he would promise in advance to bear arms in defense of the United States under all circumstances, he replied that he would but only if he believed the war to be morally justified. His application was denied by Judge Bondy, of the United States District Court of the Southern District of New York, upon the authority of the United States Supreme Court decision in the Schwimmer case. An appeal was taken to the United States Circuit Court of Appeals for the Southern District of New York, which overruled the decision by a unanimous Court—Judge Manton writing the opinion, deciding that the applicant was entitled to citizenship.

An appeal was then taken to the United States Supreme Court, which decided against the applicant in a "five to four" decision—Chief Justice Charles Evans Hughes writing the dissenting opinion, which was concurred in by Justices Brandeis, Holmes, and Stone.

X. MARIE AVERILL BLAND

The applicant was a nurse by profession, a resident of No. 100 Park Avenue, New York City. She was a Canadian by birth and served as a nurse for the United States Government at Brest, France, nursing the United States soldiers for nine months. On her examination she replied that she was unwilling to take up arms, as "I could not, according to my conscience as a Christian, bear arms. It is against my ethics, the ethics of Christ."

Judge Bondy, of the United States District Court of the Southern District of New York, also decided this case, denying citizenship on the authority of the decision of the United States Supreme Court in the Schwimmer case. She likewise took an appeal to the United States circuit court of appeals and her case, and that of Professor Macintosh, were practically argued together. Her application was upheld in the United States circuit court, which reversed the decision of Judge Bondy. An appeal was taken to the United States Supreme Court along with the Macintosh case and decided against her by "five to four" decision as above mentioned.

The CHAIRMAN. Proceed.

Mr. FREE. What have the general holdings been?

Mr. GRIFFIN. I will touch upon that in my remarks when I go into it.

I wanted to say to the members of the committee that we have here to-day about a dozen prominent persons who have come voluntarily to the support of this bill from all over the United States. It is indorsed by many organizations, and I would like at this point to indicate what they are. I will not recite them now, in order to save the time of the committee. There are many religious organizations, the Quakers, the Mennonites, the Dunkards, the Methodist Church, and various other churches, the Episcopal Church, all of which will be enumerated in the extension of my remarks at this point.

(The list of the organizations referred to by Mr. Griffin are in the appendix.) (See p. 197.)

Mr. GRIFFIN. In order to save the time of the committee, I would like to get my analysis of the bill on the record, and I trust that I will be permitted to proceed without interruption.

The CHAIRMAN. Yes; you may proceed.

Mr. GRIFFIN. The object of these bills now before you is expressed in their title, "To provide that religious views or philosophical opinions against war shall not debar aliens, otherwise qualified, from citizenship."

This committee is quite familiar with the problem of the naturalization of aliens and it will be unnecessary to burden you with an elaborate review.

But for the record, it is incumbent upon me to submit a few of the salient facts.

May I ask, Commissioner Crist, at this time, when you put into operation question 22-A subsequently superseded by question 24-A?

Commissioner CRIST. You are referring to Form A-2214?

Mr. GRIFFIN. Yes.

Commissioner CRIST. That has been in existence since about 1907.

Mr. GRIFFIN. 1907?

Commissioner CRIST. Yes, sir.

Mr. GRIFFIN. Containing this question?

Commissioner CRIST. Not in the exact present form; no.

Mr. GRIFFIN. Then, that is not the correct answer.

The CHAIRMAN. Suppose you proceed. Commissioner Crist will be here for some time with us.

Mr. GRIFFIN. The earlier questionnaire (Form 2214) in use up to about 1923, simply required applicants for naturalization to say whether or not they would support and defend the Constitution and the laws of the United States. (See Ex. III, letter of Assistant Secretary Robe Carl White and Form 2214 and A-2214). (See p. 186.)

This was in exact compliance with the terms of the oath of allegiance which Congress required should be taken and was deemed sufficient for over 100 years.

Please keep in mind that Congress made no change in the oath; neither did it pass any act requiring the Bureau of Naturalization to exact any further tests of loyalty, nor authorize it to dig into the attitude of intending citizens as to their religious scruples or views respecting war.

Influenced, no doubt, by the lingering spark of war hysteria the Bureau of Naturalization devised this question, designated as question 24 on the revised questionnaire (Form A-2214):

"If necessary are you willing to take up arms in defense of this country?"

It is obvious that this question is purely hypothetical and calls for an answer as to what the applicant, at that moment, may think he may be willing to do in a hypothetical war that may never take place in his or "her" lifetime. For it is true that the hypothetical question was not only asked of young men and women but of old men and women.

Such a question addressed to the aged, the infirm, and even to women, young and old, was a manifest absurdity and provocation to hypocrisy and dissimulation.

The thoughtless would, as they have done, are now doing, and always will do, answer this question flippantly, while cowards, under the fear of denial of citizenship, are virtually clubbed into making an outrageously deceitful statement.

In brief, they are willing to enlist offhand and now in a war that may never come. There are thousands of aliens admitted to our citizenship every day of the year. How many of them do you think would really fight for the flag if they were put to it? Yet, every mother's son and daughter of them raise their right hands and swear that they would.

Are they telling the truth? No; they are dissimulating for the purpose of obtaining citizenship, while self-respecting, conscientious men and women with high ideals and the finest respect for the principles of our Government, confess the truth manfully and say that they have religious or conscientious scruples, and thus are entrapped by this ridiculous, absurd, hypothetical question.

Take the case of Doctor Macintosh and Miss Bland. Both of them were under no compulsion to volunteer the information that they had these religious scruples with respect to war, but yet they were frank enough to confess immediately that they held these scruples, and they were denied citizenship.

The first one to fall before this question was a Mme. Rosika Schwimmer. She was a woman of education and refinement and of moral courage. She was distinguished for her advocacy of peace and had participated in the Ford expedition during the war in order to bring the nations around the council table and settle the war by arbitration. She is a lecturer of renown and highly respected wherever she is known. When she was asked this question she confessed her scruples against war. Citizenship was denied her. She took an appeal to the circuit court, which reversed the decision of the lower court and directed her admission.

At this point I will put in the opinion of the circuit court, which granted her citizenship.

(For the opinion of the circuit court referred to by Mr. Griffin see p. 152.)

Mr. GRIFFIN. The Bureau of Naturalization invoked the Attorney General to appeal the case to the United States Supreme Court, and that august tribunal in a decision now famous decided against her.

At this point I will put in the majority opinion and the dissenting opinion.

(For the majority opinion and the dissenting opinion referred to by Mr. Griffin see pp. 155-158.)

Mr. GRIFFIN. The case became famous, as I say, but it was famous principally because it brought into the limelight the cogent, scholarly, and logical dissenting opinion of that able, learned, and patriotic Justice of the Supreme Court, the Hon. Oliver Wendell Holmes, who has a few days ago retired from his position as a Justice of the Supreme Court.

It has been charged that this bill is presented by the pacifists. I am not a pacifist. I am a veteran of the Spanish-American War. There are times when war is proper, in my opinion, but I am against war. I am a believer in peace. I am so fond of peace that I would

fight for it. I do not believe that the time is now here when nations can lay down their arms; for—

* * * war shall last while greed and hate endure;
 So long as locks and bolts our treasures guard,
 Or watchmen pace the narrow dimlit street;
 So long as oaths are taken in our courts
 Or bonds demanded to secure just debts;
 So long as vice impels the human heart
 And self's the mainspring of a sordid world.

* * * * *
 Against the curse of war there's one recourse—
 The sword is yet its own best antidote.

Mr. DIES. When a person becomes an American citizen, that person accepts great advantages, the protection of life, liberty, and property, and the enjoyment of our great institutions.

The CHAIRMAN. We have formulated a program here to permit the witness to make his statements, and then we may ask questions. We want to get their point of view, and then we will go on. Excuse me for interrupting you, but that has been the procedure here.

Mr. GRIFFIN. The minority decision or opinion of Mr. Justice Holmes was supported by Justice Brandeis and Justice Sanford. It was a 4 to 3 opinion, and with such eminent justices to uphold my own convictions, I prepared this bill for the recognition of the rights of religious liberty and freedom of speech.

The very first amendment to the Constitution provides that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech.

Congress, up to this good hour, has never attempted to challenge or thwart this guaranty of freedom, the real foundation stone of the Bill of Rights and human liberty.

Is it not absurd to permit a bureau of the Government to curtail this sacred boon of freemen everywhere?

If the Bureau of Naturalization is permitted to have its way in this, without the sanction of Congress, establishing a new qualification for citizenship, religious liberty and freedom of speech and of thought might be considered as practically abolished in this land of the free and the home of the brave. In saying this, I am not speaking in a deprecatory way with respect to the Bureau of Naturalization. They followed the impulse of their best judgment, no doubt, but I hold that they were mistaken and committed an usurpation in insisting upon a question such as this being attached to the formal taking of the oath of allegiance to the Constitution of the United States.

The Quakers, who contributed so largely in the past in the building of this Nation and whose virtue and patriotism are so highly esteemed that one of their number now occupies the highest place in our land, are hereafter barred from admission to citizenship if Congress permits this usurpation of its powers, this infraction of the Constitution itself to go unchallenged and unchanged.

The Dunkards and the Mennonites, who likewise hold views in opposition to war, will likewise be barred forever from citizenship.

Not only does this usurpation of legislative authority to enlarge the intent and purpose of the American oath of allegiance debar a

numerous body of religionists, but likewise a vast number of men and women throughout the world who have come to look upon war as a relic of barbarism and who are firmly convinced that this Nation was in earnest when it signed and promulgated the Kellogg peace pact.

To thwart the conscience of mankind by a denial of citizenship to the courageous idealists who tell the truth about their convictions rather than to purchase American citizenship by a subterfuge is to make of the Kellogg peace pact a travesty and a sham.

We have never yet lost anything by devotion to the guaranties of liberty placed in our Constitution; yet, by a strange inconsistency, we open the door of citizenship to the mendacious while cruelly slamming it in the faces of the honest and straightforward who bow in humble submission to that mysterious sacred inner voice of conscience. Conscience is the one thing in all eternity that no force has been able to conquer. It is universal, all powerful, and eternal.

The CHAIRMAN. Mr. Griffin, have you any objection to answering a question or two?

Mr. GRIFFIN. No, indeed.

The CHAIRMAN. Mr. Dies.

Mr. DIES. I merely wanted to get your position, Congressman Griffin. You think, in other words, when a person becomes a citizen of this country and accepts all the advantages, he should not accept the disadvantages. One of the disadvantages of citizenship is the necessity to fight for your country.

Mr. GRIFFIN. I am sure the gentleman misinterprets the purposes of the bill.

Mr. DIES. That is what I wanted to get, your view in that respect.

Mr. GRIFFIN. This bill is not to enlarge the rights of naturalized citizens. It can not, in the very nature of things, enlarge the rights of citizenship. When a man or a woman becomes a citizen, whether they acquire that status by birth or by virtue of naturalization, they inevitably become amenable to our laws, our institutions, and the direction of Congress. They must accept all of the burdens as well as the privileges of citizenship. That is inevitable.

There are two bills before you, H. R. 297 and H. R. 298. In H. R. 297 I added the explanatory clause, which was recommended to me by a certain organization, and which reads:

Every alien admitted to citizenship shall be subject to the same obligations as the native-born citizen.

I added that clause, although I consider that it is a matter of pure surplusage, and unnecessary.

Mr. RUTHERFORD. This form of oath is required of every one who makes application for naturalization, is it not?

Mr. GRIFFIN. Absolutely.

Mr. RUTHERFORD. Then, why is it discrimination? That is what I would like to know. Then, why do you construe it to the disadvantage of one and the advantage of the other?

Mr. GRIFFIN. But I do not. All of these people whose applications have been rejected have invariably been willing to take that oath, every one of them. Doctor MacIntosh, Miss Bland, Madam Schwimmer, Miss Boe, every one that I have enumerated, were all willing to take the oath.

Mr. RUTHERFORD. That is under the old question asked, but under the new—

Mr. GRIFFIN (interposing). No; under this question. They are asked in the questionnaire, "Have you read the oath?"

Mr. RUTHERFORD. I understand.

Mr. GRIFFIN. They say, "Yes." "Are you willing to take it?" "Yes." Then question No. 24 is fired at them, "Are you willing to take up arms in defense of this country?"

Mr. RUTHERFORD. Is not that part of the oath that everyone is required to make now?

Mr. GRIFFIN. The oath says nothing about bearing arms. That is an interpretation. The oath says nothing whatever about bearing arms.

Mr. RUTHERFORD. No; the interpretation is on the part of the party who is applying, and has a mental reservation, but the plain reading of it, as I understand it, if you are willing to take up arms in defense of this country, and therefore, if they qualify under that statement, then the papers are granted.

Mr. GRIFFIN. That is the interpretation of the Bureau of Naturalization, and I believe was, as I said, probably inspired by war hysteria, and trouble with the conscientious objectors.

The CHAIRMAN. Is not the question you refer to, Mr. Griffin, on page 2 of the Form A-2214, question 24: "If necessary, are you willing to take up arms, in defense of this country?"

Mr. RUTHERFORD. If they answer that in the affirmative, they are not denied naturalization, are they?

Mr. GRIFFIN. No; they are not. I was saying that that question had its origin in the Bureau of Naturalization, and it was their interpretation of what was necessary to be deemed a good citizen; that every applicant—man, woman, child, or cripple, must be obliged to say in advance what they intend to do in the event of war.

The CHAIRMAN. Well, is it your contention, Mr. Griffin, do I clearly understand your meaning, that question is not in the organic act at all? It is not in the law?

Mr. GRIFFIN. Absolutely not.

The CHAIRMAN. It is just a regulation that has been promulgated by the Department of Labor—in the Naturalization Bureau—by which they incorporated this question. Is that your point?

Mr. GRIFFIN. That is the point precisely.

Mr. RUTHERFORD. The idea is to have legislation prohibiting this bureau from asking that particular question.

Mr. GRIFFIN. In substance, that is about the interpretation to be put upon my bill, for, while it does not directly prohibit the Bureau of Naturalization from asking the question, it intimates very clearly by reference to the Constitution and the laws of our land respecting religious liberty and freedom of conscience, that a question of that kind would be inconsistent with the bill of rights, besides being hypothetical. Assuming that this bill were on the statute books, religious liberty and freedom of conscience would stand sanctified, and protected. That is the idea.

Mr. CABLE. Congress, in its naturalization law, provided that the alien should take an oath of allegiance before he should be admitted to citizenship and declare, under oath, in open court, that he will support the Constitution of the United States, and that he will sup-

port and defend the Constitution and the laws of the United States against our enemies, foreign and domestic, and bear true faith and allegiance to the same. Now, the Bureau of Naturalization, in order to determine whether the alien meant what he said, propounded certain questions, and question 24 reads as follows: "If necessary, are you willing to take up arms in the defense of this country?"

Now, you seek, under your bill, as I understand it, to prohibit the Bureau of Naturalization from going into the intent that is in the heart of the alien as to whether he will do that which the oath provides.

Mr. GRIFFIN. If the Bureau of Naturalization or anybody else could ascertain by any questions known to man the real intent or purpose of an intending citizen by asking him that question, I would be very strongly in favor of it.

Mr. CABLE. Well, you know, from the time we have had courts we have cross-examined witnesses to find out what they really knew and meant. Is not this the same thing?

Mr. GRIFFIN. If you get facts by cross-examination, it is all right; but it is certainly very foolish to ask people, interested people, a question when you might know in advance what their answer will be, if they intend to dissimulate—if they are anxious to obtain citizenship.

Any blackguard will hold up his hand and, without reluctance, swear allegiance to the flag; that he will fight or do anything to gain the coveted citizenship.

Mr. CABLE. Therefore Uncle Sam ought to have a right to cross-examine that particular man to find out what he really meant.

Mr. GRIFFIN. If by such examination you can ascertain his real sentiments, all right; but I defy any lawyer or judge to ascertain the real sentiments of these people by asking them any questions at all. The best way to do is—

Mr. COOKE (interposing). We still continue to interrogate them; courts and attorneys still interrogate people.

Mr. GRIFFIN. I oppose it being left altogether in the discretion of the naturalization officers as to the scope of the questions they will ask. My purpose is—

Mr. CABLE (interposing). Do you want to prevent any cross-examination? Do you want to prevent any examination as to intent?

Mr. GRIFFIN. There is nothing in my bill to intimate any such interpretation. The bill speaks for itself. It is clear. Its purpose is to put a halo of protection around the religious and conscientious views of people. Any cross-examination which will dig into a man's past history, his reputation among his neighbors, where he comes from, what company he is associated with, what he has said in the past—

Mr. CABLE (interposing). Do not some men use that as a shield or a cloak?

Mr. GRIFFIN. What he may have said in the past respecting the United States—that is all legitimate cross-examination, and it is sensible cross-examination. But to ask an old woman, or young woman, or a cripple—whom we know would never, under any circumstances enlist in time of war—a question as to what they would do in time of war seems to me to be an outrageous absurdity.

Mr. CABLE. Would not the alien attempt to use that as a shield or a cloak—the part you want to bar the Naturalization Bureau from inquiring about?

Mr. GRIFFIN. I am glad you asked that question. Mr. Cable has asked whether the intending alien might use this freedom from cross-examination as to his religious and conscientious views as a cloak—how?

Mr. CABLE. I am asking you the question.

Mr. GRIFFIN. I want to ascertain just what sort of a cloak you have in mind. My answer is a sort of a Yankee reply: Is not the present system of asking questions of an alien, as to what he will do in time of war, more likely to be used by him as a cloak now, to obtain citizenship. He is asked if he will fight, will he kill, and he says, "Yes." Thousands of them every day are admitted to citizenship, and answer that question perfunctorily, thoughtlessly. They are using it as a cloak to obtain the advantages and blessings of our citizenship. But how any intelligent, high-minded, idealistic native of another land, who seeks the protection of our flag can use his religion as a cloak, is more than I can understand, and yet the question of my friend and colleague, Mr. Cable, is repeated right and left, and reiterated time and again: "They will use it as a cloak to come in and get the advantages of our naturalization law, and then escape their obligation." How could they?

Congress has never legislated on the subject; and will not legislate on exemptions in war, until we are confronted with war. When war comes, no matter under what circumstances a man becomes a citizen, he is obliged to do as the Government directs, and as Congress directs. In fact, that was a finding of the Supreme Court even in the majority opinion. They said it was wholly in the jurisdiction of Congress to provide exemption from service in time of war. Congress has not legislated, and I maintain that Congress should conserve its rights, not only as to entrance into citizenship, but as to the disposition of citizens after they are once within the protection of our laws. We have not abandoned that right. Congress can not abandon the right to say when a man shall serve his country, how he shall serve his country. Those are all questions that are covered by exemption laws, when the occasion arises.

We have exempted conscientious objectors, the Quakers, the Mennonites, and the Dunkards right from the beginning of our history.

In fact, there is so imbedded in the American system, the system of freedom of conscience and liberty of thought that 16 of our States have in their constitution, safeguards that persons shall be exempted from military service because of their religious belief, if those beliefs conflict with military duty; but, even where they had the advantage of this exemption, Quakers and the other organizations that I have mentioned, have repeatedly come to the front and volunteered.

General Green, during the Revolutionary War, was a Quaker. Sergeant York, in the World War, I believe, was a Quaker, and yet he is an outstanding figure for bravery. Men do not know what they will do when war comes. Everything goes by the board in the excitement of war, and the fellows that take the oath glibly and say "Yes, yes, I will fight; I will shed blood; I will fight for the flag when the time comes," they are the first to get in a corner and hide.

I know men that tried to evade their military duty during the war, who are now foremost in the patriotic societies.

It was disgusting to me, if you will permit the word, during the war, to see the number of men anxious to gain exemption, able-bodied men, strong, healthy, that could fight, and yet they would not fight.

The CHAIRMAN. I believe, Mr. Cooke, you desired to ask a question.

Mr. COOKE. My question, Mr. Chairman, I think was pretty well cleared up by Mr. Cable. I wanted to bring out that question No. 24 naturally derives itself from the promise in the oath to protect and defend the Constitution. Do you not think so, Mr. Griffin?

Mr. GRIFFIN. What was that?

Mr. COOKE. Do you not think the question contained in No. 24 is the natural derivative of the promise in the oath to protect and defend the Constitution?

Mr. GRIFFIN. You mean it is a fair interpretation according to your idea?

Mr. COOKE. Yes.

Mr. GRIFFIN. Of course, that is where the difference arises as to the interpretation of the oath. The word "defend," for instance; the majority of the court in the Schwimmer case, 4 to 3, decided that it was as you say, a derivative from the oath, that defense by fighting was a part of the obligation, but, on the other hand; Justice Holmes and Justice Brandeis and Justice Sanford held the contrary opinion. Then, in the Macintosh and the Bland cases, the Chief Justice, himself, the Hon. Justice Hughes, took the view that it was not a derivative.

Mr. COOKE. Assuming that Madam Schwimmer had been admitted to citizenship, having given a negative answer to question 24, and that we had then become involved in war, and Mrs. Schwimmer, using her great talents as an orator, had gone back and forth across the country lecturing against the war, and lecturing and advising and counseling against enlistment in the Army, do you think she would have then been protecting and defending the Constitution of the United States?

Mr. GRIFFIN. That is an unfair presumption——

Mr. COOKE (interposing). I do not think it is.

Mr. GRIFFIN. Because, if Madam Schwimmer were admitted to citizenship, I am sure she would have had enough patriotism to give help and support to everything that the Government did, because if she did not, she would violate her oath.

Mr. COOKE. You are assuming that.

Mr. GRIFFIN. There is no assumption there.

Mr. COOKE. I am trying to get your idea of what supporting and defending the Constitution is.

Mr. GRIFFIN. My idea is that a person who takes the oath is presumed to carry it out, and the lady in question, whose name has been mentioned, having been given the oath, having taken it, and having been admitted to citizenship, I am quite sure that as a conscientious woman of high ideals, she never would have taken the attitude which my friend and colleague here suggests. It is utterly inconceivable.

Mr. COOKE. Not to me, because there were a great many of those cases that did occur during the past war, did they not?

Mr. GRIFFIN. No.

Mr. COOKE. A great many people were preaching pacifism throughout the land.

Mr. JOHNSON. Opposing the Liberty bond issues and opposing everything that meant winning the war.

Mr. GRIFFIN. There is no doubt the Labor Department had trouble during the war with so-called pacifists, but those people were mostly native-born pacifists.

Mr. FREE. Suppose everybody refused to defend their country, what situation would you be in then?

Mr. GRIFFIN. All would be in a splendid condition. There could be no war.

Mr. FREE. If every country was armed and fought us and we stood and took it?

Mr. GRIFFIN. That could never happen.

The CHAIRMAN. I think we are going a little too far now.

Mr. CABLE. Mr. Griffin, an alien has no right to become a citizen.

Mr. GRIFFIN. Absolutely not; it is a privilege.

Mr. FREE. Mr. Griffin, as I followed your testimony you take the position that all these people that you referred to in these cases would take the oath if permitted to do so; did you not take that position?

Mr. GRIFFIN. Yes.

Mr. FREE. All right. You go on further and state that a great many people take the oath who just take it perfunctorily and with no idea of living up to it exactly as some one else might interpret it, but living up to it as they might interpret it themselves.

Mr. GRIFFIN. That is true.

Mr. FREE. Now, then, do you not think that if that is the case—if there are a whole lot of people now holding up their hands and taking the oath and intending to put whatever interpretation they please on it—that it is then incumbent upon the Supreme Court of the United States to place an interpretation on it?

Mr. GRIFFIN. No; there are a million who take the oath thoughtlessly, as against one or two or three who take it with sober consciousness of the burden that they assume.

Mr. FREE. What have you got to say, then, about this syllabus in the decision rendered by the Supreme Court when it says that it is the duty of citizens by force of arms to defend our Government against all enemies whenever necessity arises is a fundamental principle of the Constitution?

Mr. GRIFFIN. I'll let the Justices of the Supreme Court fight that out among themselves.

The Macintosh decision was a 5 to 4 decision. Four judges of the Supreme Court took the contrary view on that. They held that it was not a fundamental duty of the citizen to fight, to shed blood.

Mr. FREE. Well, do I understand from that, that you do not want to recognize the majority decision of the Supreme Court as the fundamental law of the land?

Mr. GRIFFIN. I do; but I feel like Lincoln did about the "Dred Scott" decision. I am going to fight as long as I can against an injustice even by the Supreme Court of the United States.

Mr. FREE. That is all right. I grant you have that privilege, and that right, but do you not think that the fact that there are

so many people who place their own interpretation on the Constitution, that that justifies the great Supreme Court in placing an interpretation on it, and whenever that interpretation is placed, it is our duty to support it?

Mr. GRIFFIN. These poor aliens that accept naturalization, coming up to the court to be sworn in, have not the slightest idea of interpreting the Constitution; or reserving any opinion to themselves with respect to what they will do, or what they will not do when the war comes. They simply do not think about it.

Mr. FREE. Then, do you not think in that case the Supreme Court, or some great power, ought to take a stand and interpret the Constitution so that anybody, who can read at all, can understand what they say the Constitution means?

Mr. GRIFFIN. Precisely. That is what I am fighting for. I would like to see the Congress take a stand to cut out and eliminate all such questions where human conscience and human concepts of religion come into consideration. Those questions should be eliminated.

Mr. FREE. What is the meaning of the word "defend"?

Mr. GRIFFIN. Justice Hughes, in his minority opinion, the dissenting opinion, gives a very good definition of defense. He says there are a thousand and one ways in which a citizen may defend his country. He may defend his country the same as Doctor Macintosh and Miss Bland defended their country, by serving in the forces overseas, as in various duties of kindness for the troops. Miss Bland was a nurse. Several other people who have been denied citizenship served during the war as nurses.

Our exemption law is filled with exceptions. I will put that in the record at this point. It is a good place to put it in. Exemptions of school teachers and clergymen, and policemen and firemen, and city officers, and Members of Congress.

The CHAIRMAN. You mean exemptions from war?

Mr. GRIFFIN. They are exempted from service in war.

(For the exemption list referred to by Mr. Griffin, see p. 195.)

Mr. RUTHERFORD. That has no connection with the oath of allegiance. That is a matter for Congress.

Mr. GRIFFIN. This is simply elaborating on the question that was asked as to the interpretation of the word "defend."

The reason why these people are exempted is that it is assumed that the schools have got to carry on, and the churches have got to carry on, pilots have got to conduct ships in and out of the harbors, other activities of the Government have got to go on. Those men are defending the country. That comes within the scope of the proper interpretation of the term "defend" in the oath, and that is the view that Chief Justice Hughes expressed, and I stand with him.

Mr. FREE. Do you not think it is a dangerous proposition to encourage the average alien to consider that when the Supreme Court of the United States renders a decision 4 to 5 that it is only four-fifths right, because four decide one way and five the other, and it is only four-fifths the law?

Mr. GRIFFIN. It does not make any difference to me if none of them took the stand for the defense of freedom of thought and religious liberty. I am one of those who is willing to stand alone.

Mr. COOKE. It seems to me that it is not right to ask all these people to stand, Mr. Chairman.

The CHAIRMAN. The Chair is very mindful of that and is arranging to go down to the room of the Committee on the Judiciary within a half an hour (they are having an executive session), where everybody will have a seat and be more comfortable.

Mr. GRIFFIN. I said I would introduce Professor Davis, but before I leave I want to read for you the opinion of one of the ablest constitutional lawyers that we have in this land to-day, a man who was a candidate for President of the United States and a man whose views on constitutional questions are looked upon with great respect. This is from the office of Davis, Polk, Wardwell, Gardiner & Reed, 15 Broad Street, New York, under date of January 25, 1932, and is addressed to me at Washington, D. C.

(For letter of Hon. John W. Davis, see p. 195.)

The CHAIRMAN. Well, so far as that goes, they would deny citizenship, whether a person is intelligent or less intelligent, if he refused to answer questions 22 and 24, if he refused to bear arms he was practically excluded from citizenship whether a professor of college or a bricklayer.

Mr. GRIFFIN. Absolutely.

There is just another paragraph:

True the majority of the court decided otherwise. Our contentions, however, were fully grasped and forcefully and lucidly presented by Mr. Chief Justice Hughes. In his opinion he states—

He then quotes the opinion which I have already put in the record, so I will not repeat that. I will read this part of it. Justice Hughes is speaking.

I think that the requirement should not be implied because such a construction is directly opposed to the spirit of our institutions and to the historic practice of the Congress, it must be conceded that departmental zeal may not be permitted to outrun the authority conferred by statute. If such a promise is to be demanded, contrary to principles which have been respected as fundamental, the Congress should exact it in unequivocal terms, and we should not, by judicial decision, attempt to perform what, as I see it, is a legislative function.

That is by Chief Justice Hughes.

Mr. RUTHERFORD. Now, Mr. Griffin, all the laws we pass, as a rule, give the bureaus the right to make rules and regulations. Under that right they inserted in the application for naturalization the question 24, which has been sustained by the majority decision of the Supreme Court, and is now the law of the land. That argument was very good before the court at the time, but that is res adjudicata, and is all settled.

The CHAIRMAN. They are coming here and want the law amended. Apparently they concede that that is the law.

Mr. GRIFFIN. That is the reason I am here, to try to make an appeal to the judgment of Congress itself to defend its rights, and its prerogatives.

Mr. JENKINS. You talk about Madam Schwimmer. I notice in the opinion of the Supreme Court this sentence is used.

And that she was an uncompromising pacifist, with no sense of nationalism, but only a cosmic sense of belonging to the human family.

If this woman has only got a cosmic sense of belonging to the human family, what kind of a woman is she?

Mr. GRIFFIN. If you are asking my opinion, I will say that perhaps I have not advanced far enough in civilization as yet to take that lofty stand, but I will frankly say I have the utmost respect for any human being who, with humility at heart, bows to the infinite and says:

I am a mere speck in the universe. I love all of the human race. I stand for the principles of liberty and freedom of thought, and of conscience.

That, I would say, is a noble attitude—too noble an attitude for anybody to criticize.

(For addenda by Mr. Griffin, see p. 152.)

The CHAIRMAN. The chairman would like to make an announcement.

We will run along here until about 12 o'clock, then we will take a recess until 1, and we will convene back in the room of the Committee on the Judiciary where this hearing will be continued at 1 o'clock. That is room 379.

When there is a vote in the House we will suspend and go and vote.

Mr. GRIFFIN. Professor Davis was here—

The CHAIRMAN (interposing). I will put him on right now, and we will run along until 12 o'clock, then we will take a recess until 1 o'clock and reconvene in the room of the Committee on the Judiciary, where everybody will have a seat.

Mr. GRIFFIN. I will now call Prof. Jerome Davis, of Yale University.

STATEMENT OF JEROME DAVIS, PROFESSOR OF SOCIOLOGY OF YALE UNIVERSITY

Mr. DAVIS. Mr. Chairman, members of the committee, ladies and gentlemen, at the outset I want to make clear that I am not a naturalized citizen. My ancestors fought in the Revolution. My great, great grandfather was Brig. Gen. John Glover, who had charge of the boats when George Washington crossed the Delaware.

Two of my other ancestors were governors of Massachusetts. My father was a lieutenant colonel on the side of the North in the Civil War. I was born and brought up in a patriotic tradition.

I am not here to question whether Congress should legislate for conscription. I am not here to question the decision of the United States Supreme Court. I am concerned with whether Congress should amend the present naturalization law, and I believe that Congress should amend that law in accordance with the suggestion and bill which is proposed by Congressman Griffin or Senator Cutting.

The first point which I want to make is that the present naturalization law, as now construed, is contrary to the entire traditions of the United States, as the Chief Justice of the United States Supreme Court has said.

It goes without saying that it was not the intention of Congress, in framing the oath, to impose any religious test.

Now, there are two contrasting theories of Government operating in the world to-day. One is the theory of the divine state. It is the theory which is exemplified by Prussia. It is the theory that

was advocated by Bernhardt, of Germany. It is the theory exemplified most supremely by the late Kaiser in Germany, and it was with the avowed intention of destroying that theory, "Der Stadt Uber Alles," that the United States entered the World War to make, as our President said, the world safe for democracy.

In other words, I am saying here there are two contrasting theories of government. One is the Der Stadt Uber Alles, in which the individual conscience does not count. The individual conscience must be subservient to the state, and no matter what the state says, the individual must conform, and that is the theory of government which the United States has never held.

The United States has always recognized freedom of the individual conscience. Our forefathers came over to America because they believed in freedom of conscience. They believed that an individual citizen had the right to say that his first loyalty was to God and his own conscience, and that, secondly, he would give his life for his country.

It was never the idea of the founders of this Republic that a man should have to obey the supreme law of the United States in contravention to his conscience and what he thought his God would want him to do.

Since the World War there has been another state that has adopted this divine right of the state—the Prussian ideal—and that country is Bolshevistic Russia. I know something about conditions in Bolshevistic Russia, because I was acting senior secretary in charge of the Y. M. C. A. war work in Russia during the war, and remained there upon the direct orders of the Secretary of War in Wilson's Cabinet.

The theory under which the Bolshevists operate is that the individual conscience does not count. It is the state first. You shall fight, whether or not you believe that is God's will, you have got to fight. Your individual conscience does not make any difference in the matter.

Now, we in America do not believe that theory, and yet the opponents of this law find themselves in entire agreement with the Bolshevists on that point. They are arguing that the individual conscience does not count, that the individual must say in advance, regardless of what kind of a war there is, regardless of whether the war is just or unjust, he will always fight, no matter what the war, whether it violates the Kellogg peace pact or not.

Mr. JOHNSON. That is, an individual who is not a citizen of the United States.

Mr. DAVIS. That is an individual who is not a citizen of the United States. They require him to say that he will subserve his conscience when he becomes a citizen, just exactly as the Bolshevists do, and it is precisely the Bolshevistic theory of it, and I for one am opposed to this Bolshevistic theory, and I will not stand silent while my country drifts into adopting it in contravention to our entire history and tradition.

In America, throughout our history, from the beginning to the present time, we have always held to the theory of freedom of conscience for the individual. From the earliest colonial days Congress has granted exemption from military service to those whose religious convictions opposed it. It has been our theory that the citizen, once he has been granted citizenship, who is patriotic, should protest an

unjust law, and if that unjust law goes against God, he should act in opposition to the law.

We have always held that there is a mandate that is higher than the state, and that is the will of God. We do not want citizens who are blindly loyal to authority. We want citizens who are patriotically sincere in criticizing the Government where it is wrong. How absurd the present ruling is you can readily understand if you ask yourselves, should a Christian in Bolshevik Russia go to war regardless of what that war is about? Should a Christian in Germany go to war regardless of the justice of that war?

Mr. JOHNSON. Do you mean whether that Christian is a citizen of Germany or not a citizen?

Mr. DAVIS. Yes; if they are Christian citizens of Germany, should they go to war?

Mr. JOHNSON. You have just destroyed your own argument. You have said that in the United States, in all wars, Congress has made laws to exempt the conscientious objector, and those with religious scruples. That is, citizens?

Mr. DAVIS. Yes.

Mr. JOHNSON. And now, you enter into some new proposition that persons not citizens, shall have this thing guaranteed to them before the time of war, before the act of Congress, but when you refer to Germany and Russia, you discuss that phase of it from the standpoint of the citizen of that country, and not of a noncitizen.

Mr. COOKE. I think we should allow the witness to make his statement.

The CHAIRMAN. We want the witness to make his statement first before questions are asked.

Mr. DAVIS. I am glad of the comment that has been made. I want to make clear that I am saying that the Bolshevik theory, and the Kaiser's theory of "Der Stadt Uber Alles," in not allowing the individual citizen to have freedom of conscience, is directly in contravention to the traditions of the United States, and in the United States we have always followed the practice of allowing the prospective citizen to have freedom of conscience and we do not ask him, never have asked him, until the recent Supreme Court decision, to pledge in advance—regardless of whatever war occurs, regardless of his conscience and his God—to fight; and, if we adopt that, we are doing precisely what the Prussian Government did in Germany.

Personally, I hope our country never will embark on a wrong war, but if it does, the loyal citizen must speak in opposition. Certainly, the loyal citizen can not go out and kill for a war which he believes is against the will of God, and against his own conscience. So, if you adopt that theory you at least should recognize that you have adopted the Prussian theory and the Bolshevistic theory.

To the American mind, Fox was a more loyal citizen of England because he declared that the war with America, commenced unjustly, was supported with no other view than the extirpation of freedom.

Patriotic Americans have always believed that Pitt was a good English subject when he thundered in Parliament—

I rejoice that America has resisted. Three millions of people so dead to all feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to have made slaves of the rest.

Now, the gentleman says, "Oh, but these are citizens."

I am talking about the kind of citizens we want, and if the present interpretation of the naturalization law is allowed to remain, we debar all citizens of the type of Fox and of Pitt.

John Bright of England opposed the Crimean War, and no less an authority than Abraham Lincoln testified that he was a good potential citizen.

Charles Sumner opposed an unjust war upon which America had embarked. Historians ever since have upheld him as a model to the youth of America. It was Sumner who attacked the theory that one must chloroform their conscience in order to operate on the battlefield of an unjust war. In Faneuil Hall, he declared—

In what book of morals is it written that what is bad before it is commenced may become righteous merely because of the fact that it has commenced, but who on earth is authorized to transmute wrong into right?

Now, the point I am making is that a man like Sumner would have been debarred from citizenship under the present ruling, and we need men like Sumner. That is the kind of men we need.

The entire Massachusetts Legislature in the war that was declared in 1846, the war with Mexico, after war was declared, said—

Resolved, That such a war of conquest, so hateful in its objects, so wanton, unjust, and unconstitutional in its origin and character, must be regarded as a war against freedom, against humanity, against justice, against the Union, against the Constitution and against the free States; and that a regard for the true interests, and highest honor of the country, not less than the impulses of Christian duty should arouse all citizens to join in efforts to avert this war.

It would be absurd to indict the entire Massachusetts Legislature, yet, if those men were prospective citizens, we would have asked them whether they would fight for it, and they would have to conscientiously say, "No," and everyone would have been debarred under the present ruling.

Two ex-Presidents of the United States, Grover Cleveland, and Benjamin Harrison, condemned the cause of our Government in the war with Spain.

Again, if they had been prospective citizens, they would have been asked this question, and then, for they would have had to answer they could not support the war, they would have been debarred.

So imbedded in the fabric of American government has been this right of criticism of what the individual conscience of the citizen feels is wrong, that it has been incorporated into the very constitution of many of our States. The provision of Indiana is typical:

No law shall be passed restraining the free interchange of thought and opinion.

Not only do 24 States similarly guarantee freedom, but a total of 39 State constitutions provide that the people shall always have the right to change their government, even to violate the law if it is necessary, so to secure a higher justice.

If the present naturalization law as now construed is allowed to stand, we shall have turned our backs on the doctrine of liberty of conscience of free citizens in a free State, and will have accepted the pernicious Bolshevik doctrine of the absolute will of the State. We shall have passed from rendering unto Caesar the things that are Caesar's to rendering unto Caesar the things that are God's. Those

who oppose the Griffin or the Cutting amendment thus find themselves in company with the Bolshevists at this point.

In the second place, I find that the present naturalization law as now legally interpreted, is inconsistent with our use of the oath for office holders. The oath is the same in both cases, hence, if one interpretation is legal, then the other must be. If it is right to ask the question in one case, it is right to ask it in the other. In that case it means that from now on all office holders in the United States, both Federal and in a large part State office holders, will be debarred if they are Quakers and many sincere Christians would be debarred from office holding.

I do not believe that was ever the intention of Congress; yet the oath is precisely the same. Consequently, if you are going to interpret it for prospective citizens that way, you must interpret it for those who are going to take the oath of office in the same manner.

In President Lincoln's Cabinet you find three Quakers, showing that at that time it was certainly not customary to interpret it, at that time, in this way.

Washington believed the Quakers made the best kind of citizens and yet, if Congress does not amend the present naturalization law, most Quakers and a great many other Christians not only can not be naturalized, but also are technically debarred from any political office. I hold, therefore, that in the third place, the present naturalization law, as now construed, is positively dangerous to America.

Now, just why is this present interpretation dangerous? Do we want a situation in America which would debar from citizenship those who are most loyal to their Catholic and Protestant faiths, while all the time, as Congressman Griffin has so cogently argued, we are giving admission, as the Chief Justice also has said, to a host far less worthy? For, make no mistake, the decision to debar from citizenship anyone who pledges loyalty to his conscience and his God above blind submission to the State, debars only those who are potentially the best citizens. The slackers and the hypocrites would all be admitted. They have no compunction about swearing to the oath as now interpreted. Neither would it debar the gangsters or the Al Capones. [Applause.]

I stood in the District Court of New Haven with my distinguished colleague, Professor MacIntosh, the most distinguished theologian in the world to-day, and the court room was filled with foreigners desiring admission to citizenship, what I consider a very sacred privilege, and the Federal judge called Doctor MacIntosh to appear first, and, appearing before all these prospective citizens, the judge gave them some example of the kind of citizens that we did not want, and he asked Doctor MacIntosh if he would agree to fight in any war, just or unjust, if it should ever occur, and Doctor MacIntosh replied that he did not believe that we would have an unjust war, but if we did, he could not place loyalty to an unjust war above his conscience and his God, and that he must, as every honest Christian must do, place loyalty to his God first. How absurd it would be to ask the prospective citizen to read that oath and end with the words, "So help me God," and then say, "If God does not want me to do it, I will do it, so help me God." In other words, you would be making the oath that if an unjust war against God comes, you will fight in that war, so help you God. It is absurd; but the judge debarred

Doctor MacIntosh. Now, what happened? Every other person in the room was admitted. The hundreds of prospective citizens were admitted, and since that time I understand that many of those men who were admitted have violated the law and the Constitution of the United States, and Doctor MacIntosh, who would give his life for his country, no more patriotic man in America exists than Doctor MacIntosh, a man with a war record, is debarred from citizenship.

The worth of a citizen is not measured by such a crude test as willingness to kill in a war against which his conscience revolts, but, rather, in the extent to which he will devote his life and conscience, as he sees it, in harmony with the highest welfare of the people and the Nation.

In an ordinary case at law, as some one raised the question here, having an attorney to prosecute, and he delves into that case, brings hundreds of witnesses to testify, you do not ask ordinarily great hypothetical questions divorced from testimony as to the character of the individual, and a jury of 12 decides the case, and I am here to tell you that if a jury of 12 were to decide whether Doctor Macintosh should be admitted to citizenship, they would decide in his favor, because there was not one testimony against the character of Doctor Macintosh, nor even a hint that he would not give his life for his country.

Congress should be absolutely clear as to just who is being debarred by this present twisting of the naturalization law. First, all loyal, thinking Roman Catholics must now be debarred. The Catholic Church teaches that a war may be unjust, and that no one is morally entitled to participate in a war he is convinced in his own conscience is morally unjust. This position is reaffirmed in an editorial which appeared on October 24, 1931, in America, a representative and influential organ of the Roman Catholic Church:

The affirmation of our highest court of loyalty to which our loyalty to God must be subordinated is highly disturbing. For, after all, it is possible for Congress to err, and hence quite possible that the United States can engage in a war which is objectively unjust. In that case, the duty of every man who holds that conscience comes first is plain. "Laws bind only when they are in accordance with right reason," writes Leo XIII, "and hence with the eternal law of God."

Now, that is the Catholic Church.

Mr. FREE. Where is that statement?

Mr. DAVIS. I could look it up for you.

Mr. FREE. Will you please do so?

Mr. DAVIS. I would be very happy to, if you would give me your name and address, and I will mail it to you.

Mr. FREE. You quoted there, and I thought you had some information.

Mr. DAVIS. I will be glad to make it a part of the record. Naturally, all Quakers and Mennonites would be debarred because they do not believe in fighting.

I am now quoting from the executive committee of the Federal Council of Churches, in an official resolution adopted December 3, 1930, in a message to the churches, and this is what they say:

We hold that our country is benefited by having as citizens those who unswervingly follow the dictates of their consciences, and who put allegiance to God above every other consideration, and that a policy of denial of naturalization to aliens of such character is contrary to the ideals of a Nation into whose structure the principle of political and religious liberty has been built.

Furthermore, we believe it to be the duty of the churches to give moral support to those individuals who hold conscientious scruples against participation in military service.

The Federal Council of Churches wound up this declaration by asking the various denominations to take official action in the matter.

Let me quote the official action of some of the other Protestant denominations.

The house of bishops of the general convention of the Protestant Episcopal Church of the United States in October, 1925, adopted a resolution that "aggressive warfare is a crime on the part of a nation, and is so to be held by the followers of Christ."

In other words, a prospective citizen who is an Episcopalian, asked whether in any war, just or unjust, whether he will fight, if true to the church, must say "No."

At the world conference of the bishops of the Protestant Episcopal Church held at Lambeth, England, in July and August, 1930, the conference affirmed "that war as a method of settling international disputes is incompatible with the teaching and example of our Lord Jesus Christ."

At the biennial conference of the American Unitarian Association held in Philadelphia on October 19, 1931, a resolution of protest against the decision debarring Doctor MacIntosh was voted. Among other things this said "the decision puts a construction upon the Constitution contrary to our American practice in all its history." The conference added:

Be it further resolved that we who approve these resolutions pledge ourselves to all possible efforts to move Congress to find some relief, if necessary, in a constitutional amendment, from the intolerable results of the Supreme Court decision as it affects both the native-born citizen and the applicant for citizenship.

At the 1931 meeting in Seattle of the National Council of the Congregational and Christian churches, the representatives adopted resolutions which declared that the dissenting opinion in the MacIntosh case was the historic American constitutional doctrine, in that it recognized the practice of freedom of conscience, and the superior obligation of the religious man to the will of God.

The majority decision by a bare majority of one does not mean that that necessarily, in every case, is the right thing for Congress to do. The Supreme Court was merely interpreting what they thought was the intent of Congress. I think they interpreted wrongly. I agree with the Chief Justice of the United States Supreme Court, but the question before this committee, and before the citizens of America, is whether Congress should amend the law.

On August 23, 1931, the general conference of Seventh Day Baptists made a series of resolutions from which I quote the first five:

While a nation has a "duty to survive," yet its first duty is to "seek justice, love mercy, and walk humbly before God."

Our Nation has by the Constitution and by legislative enactment even in times of war safeguarded religious liberty, thus recognizing that a citizen's first duty is to God.

The Kellogg-Briand treaty anticipates the formation of a body of conscience-led citizens in every nation, who shall assure the peaceable settlement of international disputes.

Our Nation must not put itself in the position of demanding that incoming citizens give up the right to be conscience-led when by the Constitution, by

legislative enactment, and by the Kellogg-Briand treaty, this very thing is safeguarded and encouraged for native-born citizens.

We express ourselves in agreement with the minority opinion written by Chief Justice Hughes.

I am asking what kind of citizens do you want? If any citizen who is a loyal supporter of these various denominations is asked the hypothetical question, if true to his denomination, true to his religious faith, he must answer as Doctor MacIntosh answered, and then you are going to debar all those people from citizenship, and I say they are the very type of citizens that we want.

The report of the Commission of International Justice and Goodwill of the Northern Baptist Convention in 1930 declared:

We believe that such a policy is not only unjust to the individual but contrary to public welfare and in conflict with the ideals of a nation into whose very structure the principle of religious and political liberty has been built. More than anything else our country needs citizens who unswervingly follow the dictates of their conscience, making allegiance to God the supreme guide to life and conduct.

We believe, moreover, that it is quite unsuitable that our courts and our laws should require applicants for citizenship to make pledges that conflict with the spirit and intent of the peace pact.

We appeal to our fellow citizens to help secure the needed amendment of our naturalization law.

The United Lutheran Church at its biennial convention on October 9, 1930, said:

War service is a matter of conscience * * * under certain circumstances it may become the duty of a Christian to defend the State even at the cost of human life; but what these circumstances must be can not be determined by the church. Hence, the individual conscience alone can serve as a guide.

As early as 1924 the general conference of the Methodist Episcopal Church declared:

Governments which ignore the Christian conscience of men in time of peace can not justly claim the lives of men in time of war.

The 1930 international convention of the Disciples of Christ declared:

We reaffirm the well-founded principle of the sanctity of the individual conscience in the matter of participation in war, and declare against the invasion of this right by the Government in the case of the refusal of naturalization to foreign-born persons of good character seeking citizenship. We hold it to be the duty of all good citizens to support the State up to the point where obedience to man becomes disobedience to God.

The general assembly of the Presbyterian Church in the United States of America adopted at its 1930 meeting a resolution which read in part:

Whereas the standards of the church declare that God alone is Lord of the conscience; therefore, resolved that this assembly declares its belief that the right and duty of citizenship should not be conditioned upon the test of ability or willingness, contrary to conscience, to bear arms or take part as a combatant in war.

The above reference to the "standards of the church" is specifically to the Westminster confession of faith drawn up in 1729, in which it is stated:

God alone is Lord of conscience and hath left it free from the doctrines and commandments of men which are in anything contrary to His word * * * and the requiring of an implicit faith, and an absolute and blind obedience, is to destroy liberty of conscience and reason also.

The feeling against the present naturalization law on the part of religious bodies is so unanimous that not only have Catholic, Protestant, and Jewish periodicals protested; but, for the first time in the history of the Nation, 27 of the leading religious periodicals have agreed to join in a national campaign for signatures to a declaration, which says in part:

Therefore, I, a citizen of the United States, solemnly refuse to acknowledge the obligation which the Supreme Court declares to be binding upon all citizens, whether native born or naturalized. I have not promised, expressly or tacitly, to accept an act of Congress as the final interpretation of the will of God, and I will not do so. In my allegiance to my country I withhold nothing, not even my life. But I can not give up my conscience. That belongs to God. I repudiate the obligation which the Supreme Court's decision would impose upon me, and declare that the imposition of such an obligation is the essence of tyranny. I refuse to be bound by it.

Mr. JENKINS. This is exclusive of the religious periodical, The Nation. They run full-page advertisements in every issue.

Mr. CABLE. They are advertisements?

Mr. DAVIS. No; the official policy.

Mr. CABLE. I would like to know who is citing all this.

Mr. DAVIS. It was the official policy of the 27 periodicals going out on this crusade.

They, therefore, end by saying:

I, therefore, earnestly and respectfully petition Congress to amend the naturalization law so as to unbind the consciences of American citizens and to insure that no alien who is otherwise qualified and who is willing to be subject to the same obligation in all respects as a native-born citizen shall be refused citizenship.

Now, I want to show a chart which shows these periodicals, so that you will get an idea of the sweep of these periodicals. I, unfortunately, do not have the circulation of all of them, but you can see they embrace the leading periodicals of the Nation.

The Christian Courier, with a circulation of 6,000; the Christian Herald, with a circulation of 216,022; the Christian Leader, with a circulation of 5,790, the Christian Register, with a circulation of 6,360; the Epworth Herald, with a circulation of 56,301; the Friends Intelligencer, with a circulation of 2,520; the Living Church, with a circulation of 8,700; the Methodist Protestant Recorder, with a circulation of 5,100; the Presbyterian Advance, with a circulation of 15,548; the Reformed Church Messenger, with a circulation of 9,360; and the Richmond Christian Advocate, with a circulation of 8,000; Unity, with a circulation of 1,166; the Witness, with a circulation of 16,828; the World Tomorrow, with a circulation of 10,000; and Zion's Herald, with a circulation of 12,000.

These periodicals down here, although I do not have the total circulation, are, many of them, more important than the ones I have listed. The ones I have listed have a combined circulation of 379,695.

I also want to show this committee—

Mr. JENKINS (interposing). You do not have the Christian Advocate on there, which has a subscription of more than 10 times—

Mr. DAVIS (interposing). You may have a dozen, or a hundred periodicals, who are not on this, and who yet stand for that position. We could only determine that by going to the editors. As a matter of fact, I could prolong this list by 20 or 25 if I took the periodicals

who protest the decision but who have not gone out on this crusade. I have given only the ones who have come out on a very radical united platform against the present interpretation. I want to show this committee what it means if you are going to debar prospective citizens.

Mr. FREE. Do you mean to infer that 15,000,000 Roman Catholics are for this damnable thing you are trying to put over?

Mr. DAVIS. I do not mean to infer that all the members of these churches individually want the law amended, but I do mean that their conscientious members of the church and official bodies have taken official action in favor of amending the law, or by their inherent doctrine, such as the Westminster confession. This present interpretation of who can be a citizen goes against that church's doctrine.

Mr. FREE. You are not claiming that you represent these people, that you have a right to speak for them?

Mr. DAVIS. No; but I am maintaining these denominations have taken official action by protesting the decision, and you are saying that a man, a prospective citizen of the Methodist church, who comes up and wants citizenship, in order to get it, must go against the official declaration of the Methodist Church. You are saying that a member of the Presbyterian Church, who comes to the United States, who has always been a good Presbyterian, you would debar him from citizenship if he goes against the official declaration, you force him to go against the official declaration of his church.

Mr. FREE. Are you addressing that question to me?

Mr. DAVIS. No; I am not. I am just making a statement. So, you get the thought of denominations with a representation in the Federal Council of Churches, with a total of 36,000,000 members.

Mr. FREE. Do you contend that they represent 36,000,000 people?

Mr. DAVIS. No.

Mr. FREE. On any of their propaganda? I will challenge you on anything they stand for.

Mr. DAVIS. I am willing to cut out the Federal Council of Churches. It only reduces it by 2,700,000.

Mr. FREE. Let us take the Catholics next.

Mr. DAVIS. I am not saying every single one of these individuals would be debarred from citizenship, but I am saying that many of the most loyal Catholics would be debarred. I am saying many of the most loyal Methodists would be debarred.

Mr. JENKINS. I was a member of the national conference of Methodist Episcopal Churches in 1924, that you refer to, and that conference did not do anything that would justify you in standing up there and representing them.

The CHAIRMAN. I think you ought to hold back your opinions, because there are a number of resolutions that the chairman has, from these respective churches, that might be offered in evidence.

Mr. FREE. They claim the Federal Council of Churches represents all these organizations, when, as a matter of fact, nearly all the organizations are repudiating the Federal Council of Churches.

The CHAIRMAN. You might be right or wrong, but let us have the professor complete his statement, and then you may ask questions.

Mr. DAVIS. I am going to conclude very shortly now. As I said, even if you cut out the Federal Council of Churches, it still leaves 84,000,000 members, many of whom, if they are loyal to the official declaration of their churches, would be debarred from citizenship.

Mr. GREEN. Please name where the Roman Catholic Church came out as an organization—which would have to be done through the church—for this sort of thing.

Mr. DAVIS. Leo XIII said:

Laws bind only when they are in accordance with right reason, and hence with the eternal law of God.

St. Thomas said:

Human law is law, only by virtue of its accordance with right reason, so that manifestly, it flows from eternal law. In so far as law deviates from right reason, it is no law at all, but rather a species of violence, hence obedience to the State is disloyalty to God.

Mr. GREEN. And, under that you are claiming they are backing up this amendment that you want?

Mr. DAVIS. I do not say they back up any specific amendment, but I say the Catholic Church stands for loyalty to God first, and does not officially say that if it is against the law of God and against the conscience of an individual, that he should nevertheless go out against a war which the Pope and which God have declared to be unjust.

I took that up yesterday when I arrived in Washington with the Catholic University of America, and they said I would be justified in so saying.

Mr. GREEN. Who said that? Who told you that in the Catholic University?

Mr. DAVIS. I can not give, I am sorry to say, the name of the gentleman who gave me that; but it was some one connected with the department of moral action.

Mr. GREEN. Some brother, or some one of that kind? Did the head of the organization authorize you to make that statement?

Mr. DAVIS. This statement is authorized; yes, sir. He authorized me.

Mr. GREEN. What is his name?

Mr. DAVIS. I do not have the name.

Mr. GREEN. In other words, you got out and speak to somebody up there on the campus and they tell you this, and you come in and tell us the Catholic University is for this.

Mr. DAVIS. I did not say the Catholic University; I said a teacher in the Catholic University. I am not standing on this. I do not care what the Catholic University says.

I am standing on the declaration of Leo XIII, and I am saying every Catholic holds that position. I am saying there are many sincere and consecrated Catholics that would be debarred, and that you can not deny. I have an editorial from the official Catholic Journal—

Mr. JOHNSON (interposing). You keep talking about interpreting the will of God. Who does that interpreting?

Mr. DAVIS. You ought to straighten that out when you testify to-morrow, but I would say this, that the opinion of the church is that the conscience can not be dictated by the State. The State can not determine the conscience of the individual.

Mr. FREE. Suppose our Congress declares a war. Who is going to determine what the will of God is on that? Who is going to determine whether that war is according to the will of God or against the will of God?

Mr. DAVIS. That is a very good question. I am glad you asked that. I think that when the Congress declares war, the Congress of the United States can conscript all American citizens, and if an individual says that he believes it is against the will of God and his conscience, he can be put in jail, and I do not believe there is any danger to our American Government if you allow the individual to have freedom of conscience to go to jail because he believes that that is an unjust war.

I do not believe for one moment that there is any danger to our institutions by that policy, but I do think there is danger in asking a hypothetical question as has been done in these cases, such as asking the question, "Supposing the war is unjust, would you fight?" and forcing a man to say if the war is unjust he could not fight, and the putting of hypothetical questions of that kind would debar a citizen.

Mr. JOHNSON. You have stated, if I heard you correctly, that more than 38,000,000 people in the United States want the laws loosened up with respect to naturalization.

Mr. DAVIS. No.

Mr. JOHNSON. What does it mean; it means 38,000,000 people you undertook to represent want that, doesn't it?

Mr. DAVIS. No.

Mr. JOHNSON. Why did you present that table of statistics if it does not mean that?

Mr. DAVIS. To show that religious organizations representing more than 36,000,000 people have taken official stands in opposition to the present interpretation of the naturalization law. The principle that allegiance to one's conscience and to one's God comes ahead of allegiance to the State, and I am therefore arguing from that many of that 36,000,000 people would be debarred from citizenship under this interpretation of the law.

Mr. JOHNSON. Thirty-eight million, I think the chart indicated.

Mr. DAVIS. Whatever the number is.

Of course, millions of Christians attach the label of Christianity to themselves, whether they do what Secretary Fall did or whether they do what other criminals in the name of patriotism have done. There are millions of our citizens who will preach patriotism to them that they do not necessarily feel, and I am also saying that there are many sincere Christians who would swear they would fight in any war whether it is good or bad, but I am saying that these organizations representing these denominations, representing that number of people in the United States, have taken active opposition against the present construction of the naturalization law.

Mr. JOHNSON. I am afraid you are not properly dividing the problem. What the citizens of the United States think is one matter; and what the prospective citizens think, or shall do in their desire to become citizens of the United States along with the 120,000,000 other citizens, is another matter.

I think the problem should be divided. The province of this committee is to do concerning aliens what this committee recognizes as

best for the population, for the citizens of the United States of America.

Mr. DAVIS. I am very happy to clear that misunderstanding up if there is any necessity for it on the part of the committee. These millions of citizens oppose the restrictions on prospective citizens. They do not feel that these prospective citizens who place allegiance to God and good conscience ahead of allegiance to the State should be debarred from citizenship. They do not think it is right for men to say they will fight in every just or unjust war.

Mr. JENKINS. Doesn't this long, eloquent, and learned dissertation of yours amount to this, which we all agree with, that all war is wrong?

Mr. DAVIS. I do not think everybody will agree with that now. I do not think that is the thought of everybody.

Mr. JENKINS. Then the next thing is this: Do you not believe in our republican form of Government?

Mr. DAVIS. Yes. That is why we are having this hearing and I am permitted to appear before this committee.

Mr. JENKINS. Do you not believe in our republican form of government and, at the same time, that the threat of war has some efficacy at times?

Mr. DAVIS. But I am trying to prove to Congress that a majority are in favor of changing the law, as it has been interpreted. When the Supreme Court passed on this I believe they were mistaken in their interpretation and the present interpretation was only by a bare majority of one.

Mr. JOHNSON. But the majority of the people of the United States want the law tightened as to naturalization.

Mr. FREE. Do you think there is any question in the world that this committee and this Congress does not intend just what the Supreme Court decided?

Mr. DAVIS. The Supreme Court was not deciding as to whether or not Congress should change the law; the Supreme Court, by a bare majority against the opinion of the Chief Justice, was deciding that in their opinion that was now the interpretation of the law. They did not say it could not be changed at any time you became convinced it should be changed.

Mr. FREE. My question is: Is there any doubt about that? You say you are from the legal department of Yale University.

Mr. DAVIS. No; I am not a member of the legal department.

Mr. MILLARD. Are you appearing as an individual, or whom do you represent?

The CHAIRMAN. No; he is a professor at Yale University, Jerome Davis.

Mr. DAVIS. I do not represent the university in appearing here. I am speaking here for no one but myself.

Mr. FREE. What do you teach?

Mr. DAVIS. Sociology in the Yale University Divinity School. I am one of the sympathizers with Macintosh, who is denied citizenship.

Mr. FREE. What are your religious affiliations?

Mr. DAVIS. I am a Congregationalist.

Mr. FREE. Do you think there is any doubt about what Congress meant or does mean now by this law which is interpreted by the Supreme Court?

Mr. DAVIS. Well, I should think that there is, if Chief Justice Hughes of the Supreme Court says, as he does in his dissenting opinion, that there must be some doubt.

Mr. MILLARD. Does Yale University back you up in your opinion?

Mr. DAVIS. I can't say, because we have not taken that up with them, but I can say that the dean of the Law School is in entire accord with this opinion.

Mr. MILLARD. Dean Cross?

Mr. DAVIS. Dean Clark. If you will pardon me, I would like to finish. I have a couple more pages here.

The CHAIRMAN. How much more time do you think you will need?

Mr. DAVIS. I think about six minutes.

I just want to say that it is not only religious denominations which stand aghast at this ruling. Some of the foremost citizens of America would be debarred from citizenship under the Supreme Court's interpretation if they were prospective citizens and they have expressed their individual denunciation of this ruling.

Dr. Harry Emerson Fosdick, for instance, says:

The Nation in wartime will conscript our children, conscript our property, conscript our business. There is no doubt of that now and no one will be able to prevent it. Has the Nation, however, so taken the place of God Almighty that it can conscript our consciences? Let this be frankly and publicly spoken. If Professor Macintosh is not fit to become a citizen, then we are not fit to be citizens, for we most certainly will not support a war which we think is morally wrong.

Thousands of leaders in the United States have signed statements declaring that they refuse to be bound by the Supreme Court decision, and that in spite of it they will place loyalty to God ahead of loyalty to the State. Some of those who have signed and would be barred from citizenship if they were prospective citizens are: Benjamin Brewster, Bishop of Maine; S. Parkes Cadman, radio minister, Federal Council of Churches.

Mr. FREE. You are holding Cadman out as a great, outstanding, loyal citizen to us who know him?

Mr. DAVIS. I would say so; yes.

Mr. FREE. Well, think it over.

Mr. DAVIS. Samuel M. Cavert, general secretary of the Federation of Churches; Henry Sloane Coffin, member of the Corporation of Yale University and president of Union Technological Seminary; Sherwood Eddy, international secretary of the Y. M. C. A.; Francis J. McConnell, foremost leader of the Methodist Church and president of the Federal Council of Churches.

Mr. FREE. Another fine, outstanding, loyal citizen.

The CHAIRMAN. Why not give him a chance, gentlemen?

Mr. FREE. Well, he is holding up to us people whom he states are fine, outstanding American citizens.

Mr. DAVIS. Also C. C. Morrison, editor of the Christian Century; Albert W. Palmer, president of Chicago Theological Seminary; Carl S. Patton, Moderator of all the Congregational Churches; and Luther A. Weigle, dean of the Yale University Divinity School.

I can extend this list almost indefinitely, but I can not refrain from mentioning the name of Mary E. Woolley, president of Mount

Holyoke College, who was selected by President Hoover to be the first woman to ever represent the United States at a disarmament conference, and yet who would be debarred from American citizenship if she were an applicant as the present naturalization laws now stands.

Mr. MILLARD. What does she say about it?

The CHAIRMAN. Please let him finish his statement, then you can ask any questions you want to.

Mr. DAVIS. Not only would these representative citizens be barred, but Justice Holmes of the United States Supreme Court and Chief Justice himself (supposing for the moment that they were to seek citizenship) would both be declared "as not attached to the Constitution." What an absurd, nay, what a dangerous law it is that would debar as citizens such as these. It would undermine the very structure of our country. It is hardly necessary to add that the great writer Leo Tolstoy, the great religious leader, Francis of Assisi, and that greatest of religious leaders, Jesus of Nazareth, would all be debarred from citizenship.

One wonders what kind of country the United States would become if the sincere and earnest followers of the Christian way of life were debarred, and the materialists, atheists, and gangsters were to be admitted. Is it not terribly dangerous to make legal a policy opposed by so many millions of religious people?

The issue thus narrows down to the question whether, from the standpoint of broad public policy, we should debar from citizenship sincere, patriotic Christians who are willing to die for their country in every just war, if they refuse to pledge in advance that they will fight in a war which is unjust. If such loyal, sincere religious leaders are no longer to be admitted to citizenship, it is a tragic commentary on the depths to which our patriotism has sunk.

In conclusion, then, I reiterate, first, that unless the present warped construction of the naturalization law is changed, we are turning away from the heritage of freedom of conscience for which our Nation was founded and adopted in its place the supremacy of State over the consciences of the individuals; second, of necessity, also to be consistent, we must debar from public office countless numbers of our most intelligent citizens. In taking office they must now submit to the same oath. The present law as now construed is positively dangerous, for it would debar most of the sincere Christians who have thought through the question of liberty of conscience in its relation to the State. Would it not mean naturalization was reserved for conscienceless, unthinking mental slaves, atheists, and believers in the Bolshevik theory of the autocratic state. Unless the Congress of the United States clarifies its position, America will have come perilously near serving notice on all the world that from this time forth citizenship is for non-Christians only. I can not believe that Congress will refuse to clarify its position in accordance with the views of the Chief Justice of the Supreme Court and so many of our religious denominations. [Applause.]

Mr. COOKE. May I ask the gentleman a question?

The CHAIRMAN. Yes; proceed.

Mr. COOKE. Professor Davis, how old are you?

Mr. DAVIS. Forty.

Mr. COOKE. You are forty?

Mr. DAVIS. Yes.

Mr. COOKE. Then, you were 25 when war was declared in 1917?

Mr. DAVIS. Yes.

Mr. COOKE. What participation did you have in the World War, Professor?

Mr. DAVIS. I am very happy to tell you that, sir.

I was serving with Sir Wilfred Grenfell in Labrador in 1915, carrying on his laboratory work with him; and I was so impressed by the tragic nature of the conflict, in which we had not entered, that voluntarily I offered my services to the Y. M. C. A. to service prisoners of war of the allied countries in Germany.

The Y. M. C. A. at that time, for every man sent to Germany to care for the allied prisoners, had agreed to send one man to Russia, and I was told they would rather have me go to Russia, and I said if that is desired I will go, and I went to Russia to serve the prisoners of war. When former Secretary of State Root came over there, heading the Belgian Commission, I was in charge of Y. M. C. A. work and Secretary of War Baker repeatedly sent me cablegrams asking me to remain in my position, which I did until the end of the conflict.

Mr. COOKE. You were in the noncombatant service during the whole of the war?

Mr. DAVIS. I was specifically requested by the Secretary of War to remain in noncombatant service, and I volunteered before the United States declared war.

Mr. COOKE. For Y. M. C. A. service?

Mr. DAVIS. Certainly; I could not do anything else.

Mr. COOKE. You could have volunteered for combat service.

Mr. DAVIS. I could not have volunteered for United States combat service, because we were not in the war.

Mr. COOKE. Why didn't you volunteer for the United States service?

Mr. DAVIS. War was not declared by the United States at that time.

Mr. COOKE. It was declared in 1917.

Mr. DAVIS. I did not then because the Secretary of War cabled me and asked me not to, and I followed the specific request of the Secretary of War.

Mr. COOKE. In that case, that coincided with your political ideas as far as the war was concerned?

Mr. DAVIS. No; I did not have any conscientious objections at that time.

Mr. JENKINS. Do you belong to the Civil Liberties Union?

Mr. DAVIS. Yes.

Mr. JENKINS. That is enough.

The CHAIRMAN. Thank you very much, Mr. Davis. We will stand adjourned until half past 1 and we will convene in room 379, the Judiciary Committee room.

(Thereupon, at 12.15 o'clock p. m., further hearing was continued until 1.30 p. m. of the same day.)

AFTER RECESS

The committee reconvened at 1.30 o'clock p. m. at the expiration of the recess.

The CHAIRMAN. The committee will be in order. Who is your next witness, Mr. Griffin?

Mr. GRIFFIN. Mr. Finerty is here, representing former Congresswoman Rankin.

Mr. FREE. Does he live here permanently? It seems to me, Mr. Chairman, it is only fair to the people who come from out of town to be heard first.

The CHAIRMAN. Well, Mr. Free, I have some ideas and things and will communicate them to you very shortly.

Mr. JOHNSON. We need to have some understanding to the time to be given to these people.

The CHAIRMAN. Will you put on your next witness, Mr. Griffin?

STATEMENT OF JOHN F. FINERTY

Mr. FINERTY. Mr. Chairman and gentlemen of the committee, it seems advisable at this time to state one's qualifications or disqualifications in appearing before the committee, and it also appears I have to go back a generation or two.

I might say that my father was a member of your House, and served in the Union Army in the Civil War. I have served in the National Guard. Unfortunately, I was unable to serve in the war in a combatant capacity. I tried to borrow money to support two dependent families and was refused, and I refused to claim the exemption in the draft, and the Government claimed it for me, and I was then in charge of the legal affairs of the Great Northern Railroad for the Government.

Subsequent to that, I was for five years assistant general counsel of the United States Railroad Administration, and in that period argued all of the cases before the Supreme Court for the Government, involving questions of rate litigation.

Mr. JOHNSON. Where do you live now?

Mr. FINERTY. I live in Washington.

Mr. JOHNSON. What is your address?

Mr. FINERTY. The Transportation Building. I just give you this background to make clear I have a patriotic background.

Mr. JOHNSON. Are you in the Federal service?

Mr. FINERTY. I am not. I resigned in 1925 and have since been engaged in private practice. I want very briefly to speak of the legal phases of this amendment.

I think sometimes opposition to a bill is influenced by the failure to understand the exact scope of it. Now, I am not suggesting that the committee does not understand the scope of this bill, but I am suggesting that some of its opponents do not, and I will, therefore, very briefly, give my views as to the scope of this bill and its inconsistency—and its consistency with the decision of the Supreme Court in the Schwimmer and MacIntosh cases.

In the first place, I think there has been discussed this morning, before this committee, how the oath required of an alien who made application for citizenship is to be interpreted. The Supreme Court

has interpreted that oath, and it interpreted it as an oath that requires that citizen to bear arms in defense of his country. Now, whether it is quite right to discuss whether or not that is a correct interpretation of the oath, as Congressman Rankin pointed out to you, there is at least some doubt as to the correctness of the interpretation, due to the fact that the Chief Justice of the United States Supreme Court and three other justices disagreed with the majority. I think there is some confusion in the discussion I have heard in this committee, I think there is some confusion as to the purpose of this amendment and as to the power of Congress. I think there has been confusion as to the absolute power of Congress and the constitutional obligation, as construed by the Supreme Court, to bear arms in defense of this country in time of war, and the fact that there is no constitutional obligation requiring you to promise in advance to bear arms in time of war.

Mr. JOHNSON. Are you speaking of a citizen or an alien?

Mr. FINERTY. There is no constitutional requirement requiring that either an alien or a citizen promise, in advance, to bear arms in time of war; and if you will read the decision of the majority of the Supreme Court in the Schwimmer and MacIntosh cases you will see they made that clear. What they did in those cases was to construe the regulations of the Bureau of Naturalization as consistent with the Constitution and the absolute constitutional obligation, as the majority held, upon the citizen, in time of war, to bear arms; and they said that Congress might or might not require them to promise in advance to bear arms. They construed the present naturalization law as requiring aliens who wished to become citizens, to promise, in advance, to bear arms. But it is entirely consistent with this decision for this committee to recommend to the House, and for the House and the Senate to amend the act and provide that it shall not be a prerequisite to citizenship to bear arms in advance.

But let me point out to you that it will not in any way exonerate an alien, so admitted, from bearing arms in time of war; and let me also point out to you that the province that you have exercised for generations, and in every war of the United States, has been invaded by the Supreme Court by the Schwimmer and MacIntosh decisions because, under those decisions, you can no longer permit conscientious objectors to refuse to bear arms, as this House and this Congress have done in every war.

Mr. JOHNSON. Why not?

Mr. FINERTY. Because you can not, constitutionally, relieve any citizen from performing a constitutional duty; that can only be done by a constitutional amendment. So these decisions appear to us as the last word on the law, and deprive this very Congress of the power to exonerate even a conscientious objector in time of war—something this Congress has done in every previous war.

So, I do not think that the last word has probably been said in either the Schwimmer or the MacIntosh cases, and will only be said when the next war comes on, if this Congress attempts to do what it has always done—that is, allow the conscientious objector, on the ground of religious belief, to refuse combatant service.

Mr. JOHNSON. You are undertaking to say now that Congress, in the future, could not make a provision for the exemption of certain of its citizens in time of war, if they asked to be exempted?

Mr. FINERTY. Yes; and I have tried to point out to you particularly that it does not only affect the right of the alien, but it affects the right of the citizen; and I do not know how thoroughly the Congress of the United States has appreciated the scope of the Schwimmer and MacIntosh decisions in that respect.

However that may be, you still do retain the power to say that an alien, entering this country, may not be required, in advance, to promise to bear arms in time of war, and that is the entire scope of this bill; namely, that you shall not ask people with conscientious objections to promise in advance, before they know whether the war is just or unjust, to say that they will, whether just or unjust, bear arms.

I do not know what respect any of you gentlemen would have for someone who promised, in advance, to fight in a war that they were convinced was unjust. I do not know if you have a recollection of the history of the governments of Europe and I therefore do not know whether you recollect that the present Premier of Great Britain, Ramsay MacDonald, was imprisoned by the British Government during the World War for refusing to fight; and I do not know whether you recollect that Lloyd George, a former Premier, was imprisoned by the British Government for the same reason during the Boer War. Not one of those men could have promised to bear arms in advance.

I am not a pacifist. I sympathize with the aspirations of the pacifist. I do not think the time has come when they are practicable. I consider them, however, a very healthy backing for the militarists.

Mr. JOHNSON. Do you mean a pacifist citizen of the United States?

Mr. FINERTY. Or an alien; and a few more pacifists would not hurt this country.

Mr. JOHNSON. Are you dealing with the pacifist in another country, other than the United States of America?

Mr. FINERTY. No; I am dealing with pacifists. Either citizens, or those who may be admitted as citizens.

Mr. JOHNSON. You want a few more such men in the United States, or in Europe somewhere?

Mr. FINERTY. They may come into the United States, if you adopt this bill.

Mr. JOHNSON. You are thoroughly familiar with the conscientious objectors who were given complete discharges from the Army, and who changed their names on their passports, and went to Russia and helped take part in that uprising?

Mr. FINERTY. I am thoroughly familiar with the commander at Fort Leavenworth, and the colonel in command told me he had no more admiration for any man in the World War than the conscientious objector.

Mr. JOHNSON. What do you think about the fellows that went about as conscientious objectors in this country, and went from here to Russia and took part in their revolution?

Mr. FINERTY. I do not think they were conscientious objectors.

Mr. JOHNSON. They had no conscience at all?

Mr. FINERTY. No; no more than any man who comes in this country and promised to fight in advance.

Mr. JOHNSON. That leads to the very danger of this bill. Let us see if we can not get right on one point: The proposal has in mind

the admission to citizenship of certain persons, who have been described this morning by the witnesses as of a very high type, with very firm convictions, that is to say, clear consciences—do you not think that, if this was adopted so that these could be naturalized with full respect to their consciences, we would then pave the way for having the other type described by the last witness whom he saw being naturalized, to take advantage of this situation and to go through a mock citizenship proposition?

Mr. FINERTY. May I just quote from Chief Justice Hughes, who said it was just as sensible to require anybody to swear in advance that he would bear arms, as to require him to swear in advance that that he would not violate the eighteenth amendment.

Mr. JOHNSON. Would you drop the oath of allegiance entirely?

Mr. FINERTY. No; I would keep the oath of allegiance, and I would prosecute anybody who would violate it; and my personal opinion is that, if any government has to force people to fight in its defense, when it can and when it can not, that means that the majority is against it and that government will fall.

Mr. JOHNSON. You have stated it exactly, and it is well always to remember that we deal first with the citizenry as we approach war. Would it make it any easier to invite these people and pave the way for them to become citizens, and thereafter to make mischief among the citizens we already have?

Mr. FINERTY. I do not think any mischief will be made by the conscientious objectors. It simply means that they do not subscribe in advance to any war that we may undertake. There are citizens of this country of this same opinion.

Mr. JOHNSON. Fix this thing the way you would like to have it, and then begin to gnaw and pare down the restricting provisions against immigration, let them all in to this country, and then what kind of foundation would be here for a sovereign Republic like this?

Mr. FINERTY. I seem to have more faith in this Government than you do, from that. Maybe you might find a few aliens who may come in undoubtedly of this type.

Mr. JOHNSON. I will tell you that the day you begin to let people come in bearing with them a great international program, that day you begin to weaken the sovereignty of this Nation.

The CHAIRMAN. I think we have gone far enough. Will you please proceed? And no one will interrupt you.

Mr. FINERTY. Yes.

The CHAIRMAN. And when you get through, we will ask you questions.

Mr. FINERTY. I have very little more to say, except to ask this committee to clearly keep this in mind: That, if they vote for this amendment, they do not vote to exonerate every alien admitted under the provisions of the amendment from his obligation to serve this country in time of war; and all that you vote for is to admit men like Professor MacIntosh, who actually served in the British army in time of war, and is anxious to serve in the Army of the United States, if it is a just war—I ask that you vote to permit men of that type to come in, and not bar them because they will not do what should be against the conscience of anybody—promise in advance to fight in a war, whether or not it is just, that this country might be in.

The CHAIRMAN. Would not the presumption arise, in case Congress declared war—that it was a just war?

Mr. FINERTY. I quite agree with you, Mr. Chairman, that if any citizen of the United States, or any alien coming into the United States—they would hesitate to set up their opinion against Congress; but in spite of that, we all know that Congress has from time to time gone wrong; even in the Mexican War, which nobody even pretends was a just war. You have an example—we have—abroad, as Professor Davis said this morning, of the very inconstancy of the European governments; that their citizens or their subjects must serve in their armies in any war they see fit to declare.

Mr. CABLE. What manner or means have we got to ever determine whether a war is just or unjust, except by our Government? Is not that the determining factor that we are bound to decide on?

Mr. FINERTY. I should say, Mr. Congressman, that one has to have considerable assurance to set his opinion up against the Government; but I also say that, if a man is really convinced that the Government is wrong, it is his duty to resist this Government; and I need only cite you to the author of the Declaration of Independence, who said the same thing.

Mr. CABLES. Is it his duty to resist, or acquiesce in the will of the majority and seek, by pacifist means, to change the view of the majority?

Mr. FINERTY. Certainly not, because if you acquiesce in the will of the majority, the minority becomes entirely ineffective as one of the individuals of this Government; and one of the things this Congress is concerned with is making more effective the will of the intelligent minority, in place of having the minority ruled by the majority. You know how the Government controls radio and can bar a speaker from the radio. I do not sympathize with the Government—

Mr. CABLE. But during the terms of the emergency, do you not think that the minority ought to acquiesce in the will of the majority during the existence of an emergency?

Mr. FINERTY. I will say this: That the majority ought to enforce their will on the minority as long as they can.

Mr. CABLE. Do you think the minority will be justified in resisting the will of the majority in time of emergency?

Mr. FINERTY. I do. So long as it remains a minority, the majority has nothing to fear; and when it becomes the minority, let it obey the will of the majority.

Mr. JOHNSON. Do you think an alien has a right to decide and argue and make speeches whether a war declared by Congress is just or unjust?

Mr. FINERTY. No; I do not. I think when any alien is in this country, he is in as the guest of the Government.

The CHAIRMAN. Are we dealing with a question that deals with this bill?

Mr. FINERTY. I do want to say this: I think it is just as vicious for this Government to import aliens to propagandize for war, as it is to permit aliens, who are against war, to come here and speak against the war. I would keep them all out.

Mr. CABLE. I agree with you on that, especially the last phrase.

The CHAIRMAN. We thank you very much, Mr. Finerty.

Mr. GRIFFIN. We next have Dr. Emma Wold, official expert of the conference upon international legislation at The Hague in 1930.

STATEMENT OF DR. EMMA WOLD

Doctor WOLD. Mr. Chairman and members of the committee, I speak as an individual. The committee will recognize that, on other occasions, I have appeared as a spokesman for certain organizations. To-day I come to speak for myself; to make a confession of faith in my belief in the traditional policies of the United States, as Chief Justice Hughes outlined them in his dissenting opinion in the MacIntosh case.

You will remember that Chief Justice Hughes said:

There is abundant room for enforcing the requisite authority of law as it is enacted and require obedience, and for maintaining the conception of the supremacy of law as essential to orderly government, without demanding that either citizens or applicants for citizenship shall assume by oath an obligation to regard allegiance to God as subordinate to allegiance to civil power. The attempt to extract such promise, and thus bind one's conscience by the taking of an oath or the submission to test, has been the cause of many deplorable conflicts. The Congress has sought to avoid such conflicts in this country by respecting our happy traditions.

And before that, Chief Justice Hughes had said a good deal about the traditions of the United States, with regard to our policy to incoming citizens, aliens coming in.

Mr. FREE. May I interrupt you just a moment? Can you give me the official citation of the other case—not the Swimmer case?

Doctor WOLD. The MacIntosh case?

Mr. FREE. Yes.

Doctor WOLD. Two hundred and eighty-three United States, 605, and I was quoting from page 634.

It is true that the contention of the Chief Justice on this occasion was overruled by a majority of one against him and his supporters in the Supreme Court; but notwithstanding the decision of the Supreme Court as to the construction of this particular provision in the naturalization act, which has been under consideration, the fact seems to be that the United States has always had a policy, such as Chief Justice Hughes said it had; and I hope, as an individual, as a citizen of the United States, that we may restore that policy; and that is why I come to speak in behalf of Mr. Griffin's bill, for the restoration of the policy which we, many of us, as citizens believe was the policy of the United States.

I have another reason for speaking in behalf of this bill (and those of you who know that my interest has, for many years, been concerned with the citizenship of the American women, will understand that this comes very near to my heart), and that is that, under the law as it has been interpreted, the American-born women, with American breeding, and educated in this country, who lost their citizenship before the Cable Act of September 22, 1922, and now make their application for restoration of that citizenship, are refused on the very ground upon which Professor MacIntosh, an alien born and bred, was refused—it is because I am interested in that phase of it and in the restoration of the traditional policy of the United States, which has a kind regard for these consciences, that I am here to-day.

I thank you.

The CHAIRMAN. We thank you very much.

Mr. GRIFFIN. The next witness is Dr. Henry M. Haviland, of the Religious Society of Friends, New York City.

STATEMENT OF HENRY M. HAVILAND, REPRESENTING THE RELIGIOUS SOCIETY OF FRIENDS, NEW YORK CITY

Mr. HAVILAND. I am not a doctor, I am an attorney by profession, practicing in New York City. I am not here as an attorney, but I happen to be one by profession.

Now, I represent and am sent here by the peace committee of the New York meeting of the religious Society of Friends and I appear here as representing the Society of Friends of that meeting.

The CHAIRMAN. What is your address?

Mr. HAVILAND. One hundred and twenty Front Street, Manhattan Borough, New York City.

The CHAIRMAN. You may proceed.

Mr. HAVILAND. I have here a copy of the brief of the decision in the MacIntosh case and of the dissenting opinion—copies of both opinions. Those opinions place the Society of Friends here in America in a rather peculiar position. Some of the Friends themselves, one especially, Margaret Dorland Webb, married, I believe, an American—I am not sure of that, whether she married an American citizen or not—but here name was Margaret Dorland. I have no acquaintance with her. She lives in Ohio, but I knew her brother fairly well; and Margaret Dorland Webb was refused admission because she was a loyal Friend; it was because of her loyalty as a Friend, and because she believed in peace, and in working for peace, and she could not answer that she would take up arms for the United States, even if women were called upon. She believed in peace.

Now, that is one of the tenets of our Society of Friends, commonly called Quakers—that is our historic belief.

The society got its origin in England and the Friends came and founded one of the States of this Union. A Quaker stands at the top pinnacle—you have all seen it—of the city hall in Philadelphia; and pictures of William Penn and George Fox, the founder of the organization of Friends, are in the capitol at Harrisburg.

It would seem as though Friends have the right and ought to have the privilege of becoming citizens of the United States; yet here this Friend, Margaret Dorland Webb, and others have come in from other countries and tried to become citizens, as well as member of our local society, and they are not allowed to do it, unless they will swear to take up arms which is forswearing their oaths. It would seem almost as though, if we Friends were not born here, if our ancestors, as mine did, came to help settle the country, had come here now, we could not become citizens. Can Quakers be the same as any undesirable aliens, not wanted as citizens? It seems to me utterly unfair. If I am not esteemed to be an unworthy citizen, but generally esteemed to be a worthy citizen, heretofore, why can not some members of our society from England, from Canada, and occasionally from France, and a few in Germany and a few in the Scandinavian countries—why can not we come in and become citizens, as they come here and join our societies? They are not worthy to

become citizens, however, because they refuse to swear they will take up arms at all events.

It seems to me there ought to be some change in the law which will allow Friends to become citizens. We who live here, born here, our forefathers born here, helping to establish the United States—we are not undesirable, surely.

Now, there is no question about it, that we are believers in peace.

Mr. FREE. May I interrupt you just a moment? Is it a tenet of the Society of Friends that they will not take up arms, even in defense of their country or their homes?

Mr. HAVILAND. I do not want to misrepresent in any way, and I would like to answer your question by stating what it says here in the discipline of the orthodox Friends, the Reform Discipline. I belong to the liberal branch of the Friends. I will read first what the established meeting, the New York meeting—it happens to be in the first book I picked up, and these two brief selections will help show that. It is under the heading of "War and peace" in the New York Discipline:

We have found it to be our duty to bear our faithful testimony against war, in accordance with the Gospel, which breathes peace on earth and good will toward men. God's law of love, as fully exemplified by the life of Jesus, is applicable to nations as well as individuals. Friends are earnestly advised on all occasions to act in a Christian and peaceable manner, and not only to refuse to bear arms, but to engage in no business tending to promote war, nor to unite with any in a way calculated to incite or encourage the spirit of war.

We greatly desire that the children of our country shall be imbued with the true conception of patriotism and service to the Nation and to humanity. We honestly advise the Friends to exert themselves at all times to make our country a prudent factor in the advancement of the world and to work to improve the civic, economic, and moral faith of our country—

You see, we have affection for this place so we call it our country.

The CHAIRMAN. At this point, without trying to interrupt your thought, assume that this country was at no fault and war was brought upon us by other countries, is it the policy of these Quakers, in spite of conditions through no fault of ours that we were brought into the war and we have to defend our homes and our lands and our country—that they would stand back and refuse to cooperate with the American people?

Mr. HAVILAND. I can not answer just yes or not, but I can answer perhaps by an incident: During the late war, there were many of our Friends who were loyal Friends, who thought that the United States was right, and although the war act of 1917 especially exempted them, perhaps not by name but by description which applied to them—some of our young men went to war; and so far as I know, not one of those young men was disciplined by that meeting, because we wanted to feel that every man should act as the Spirit of God taught him he should act. No one can force an opinion as to how one shall decide as to the Spirit of God; no one can decide, I suppose, absolutely, but each man has to decide right in his own conscience; it is in himself to decide whether it is right for him to do, or not to do; and our Quaker organizations did not discipline, did not decide for any young man that he should or should not go to war. One young man who felt inclined to go to war came to see me about it before he went, and I advised him to do as his conscience dictated, and he went and never came back, and his mother is a Gold Star mother.

That will be what will happen when the United States gets into any war. I believe that the young men who feel that our country is right, that their consciences will tell them to go to war, to join the United States Army; but we ask permission that he shall not be asked in advance, when we come over, that we will go into it, whether the conscience says yes or no. We want to be fair and full of love for this country. Why should not we be? Our ancestors helped to establish it—those who have been here as long as mine have; it belongs to us, as much as it does to anybody.

Mr. JOHNSON. Yet you want everybody else to come in?

Mr. HAVILAND. Not everybody.

Mr. JOHNSON. Where are you going to draw the line?

Mr. HAVILAND. I do not know, but there was a line drawn—

Mr. JOHNSON. That is a very serious question.

Mr. HAVILAND. Mr. Johnson, if I may so speak, there was a line drawn in the war act of 1917. That was a time of exigency; that was a time, as was said of another period, that tried men's souls. I am sure we all remember that it was. Yet, in the war act, that act called upon all of the young men of our Nation to come and defend the Republican thought, Democratic thought, and they accepted them in the broad philosophical sense. I have a copy of the war act here somewhere.

Mr. JOHNSON. You may insert it.

Mr. HAVILAND. But at any rate, they used the phrase in that act that those were exempt from taking arms, exempt from the draft, if they belonged to existing religious organizations which had tenets opposed to war, and these persons conscientiously objected to war.

Now, it seems to me if that could be done in time of war, there could be something like this bill submitted in time of peace. The exigency is not so great; this time now that tries men's souls; we are calmer, but our beloved Government was broad enough in that time of exigency to allow us to be exempt from the draft, notwithstanding some of our young men went in.

Another friend of mine went to our Brooklyn meeting, and he became a member of the Aviation Corps. He never got to the other side. He went to Florida and in due time he was retained in Florida as a teacher of aviation. On one of his flights over the ocean, showing somebody else, he fell into the water. He was not drowned, but he was badly damaged and was in the hospital for some months.

The CHAIRMAN. You have not got a list of the Friends in the last war?

Mr. HAVILAND. No; I think no list was ever made, so far as I know, but those are two instances.

Mr. DIES. I do not say this by way of disparagement, because I have lots of respect for them, but the real tenet is that they are opposed to any character of war; is not that correct?

Mr. HAVILAND. Yes; we feel it is contrary to the teachings of Christ. You are Mr. Crowe, are you not?

Mr. DIES. I am Mr. Dies.

Mr. HAVILAND. Are you not opposed to any war?

Mr. DIES. No; indeed.

Mr. HAVILAND. I think you are opposed to having any war anymore. You are opposed to having any war at all. You do not want any foreign country to attack this country, so there shall be war, do you? That is the kind of thing that I believe in, that I want no wars at all. I want no country to attack this country, so there shall be war; so I am against any war that anybody can imagine, and so are you.

Mr. DIES. Sure, against war, but not against defense—

Mr. HAVILAND. We are all against wars and I believe every member of this committee is against all wars. We want no more of that kind of thing. What we shall do when the emergency comes, is another study; that is a different thing. Now, some of our young men feel that, when war does come, that they have a duty to their country and their consciences, and we want to be left free—we want our young men to be allowed to come in; but I think there is no question about it, that any war is contrary to the teachings of the Prince of Peace.

Mr. JOHNSON. Including Manchuria?

Mr. HAVILAND. Yes; including all of the trouble in Manchuria.

Mr. JOHNSON. And the rest of the countries, where there are wars and rumors of war, that is wrong?

Mr. HAVILAND. Yes; all war is wrong. I think there can be no question that every member of this committee believes that war is wrong; but what you are when you are attacked is another question. I would like a minute more, Mr. Chairman, if I may. I would like to read you a very brief extract from this other Discipline, of the other body of Friends to which I belong. It is as follows:

We feel bound explicitly to avow our unshaken persuasion that all war is utterly incompatible with the plain precepts of our divine Lord and lawgiver, and the whole spirit of His gospel, and that no plea of necessity or policy, however urgent or peculiar, can avail to release either individuals or nations from the paramount allegiance which they owe to Him who hath said, "Love your enemies." In enjoining this love and the forgiveness of injuries, He who has brought us to Himself has not prescribed for man, precepts which are incapable of being carried into practice or of which the practice is to be postponed until all shall be persuaded to act upon them.

We can not doubt that they are incumbent now, and that we have in the prophetic Scriptures the distinct intimation of their direct application, not only to individuals, but to nations also. When nations conform their laws to this divine teaching, wars must necessarily cease.

We would, in humility, but in faithfulness to our Lord, express our firm persuasion that all the exigencies of civil government and social order may be met under the banner of the Prince of Peace, in strict conformity with His commands.

Now, I may have spoken, under the excitement of the moment, a little more strongly than I should, as to what some of them feel, in expressing rather my own thoughts. I know that some of our Friends would feel that, even defense by military means is not in accordance with the teaching of Christ.

Mr. DIES. That is what I am getting at.

Mr. HAVILAND. I do not want to deny that I was perhaps only speaking my own thoughts.

Mr. DIES. What was the original belief of the founders of that society?

Mr. HAVILAND. Doctor Fox was the founder of the organization. We think, ourselves, that greater than he was the founder of the society, but Doctor Fox was the founder of the organization, and

at one time he was asked, because he was of a somewhat leading nature, to become the captain of a troop, and he said "No," he wanted to live in that spirit which did away with the causes of all wars. I think that is the spirit of our Friends; they want to live and be in that spirit which shall do away with the causes of all wars.

When this last war came on, a group of us Friends in New York—I suppose the last hearing was too far back and this is not remembered—but I presented at that meeting a statement that was drawn up by the group of Friends, of whom I was one, in New York. It is addressed to Friends and others, and it was to express what we expected to do. You may recall that, notwithstanding somebody named the year wrong this morning, that the declaration of war was on about April 6, 1917. This morning it was said 1918. And we drafted this, and I would like to present it and leave it here, but I would also like to read a bit of it:

War and military power being ready instruments in the hands of oppressors, the militant and combative spirit being, as we hold, contrary to the spirit of God and the teachings of Jesus, Friends have endeavored to bring to the hearts of men the benign influence of peace and that spirit which shall do away with the causes of all wars, and which develop the highest manhood.

Friends point to the bloody course of the present war, with its examples of faithlessness and ruthlessness, as an exposition of what comes to the world when the ambitious, autocratic spirit of domination controls the minds of men.

In order to restrain the ruthless warfare waged, not only upon foes, but upon nations which have with unexampled patience shown their desire to remain friends, the President of the United States has deemed it wise to ask Congress to grant him the right and the means to use the power of this Nation to endeavor to restore the principles of peace, stating the object to be "To vindicate the principles of peace and justice in the world as against selfish and autocratic power, and to set up among the really free and self-governed peoples of the world such a concert of purpose and of action as will henceforth insure the observance of these principles."

With those objects we believe the members of the Society of Friends unqualifiedly agree and in the war will give this Government their hearty, unwavering support.

There will be work for Friends and other lovers of peace. We can serve in various capacities without hatred or animus, and we hope that the time is near when all peoples shall be free of autocratic ambitions and militarism, and will cooperate in maintaining peace in the world.

We believe that in the work before us we could follow the words of Lincoln: "With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us drive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle, and for his widow and his orphans, to do all that may achieve and cherish a just and lasting peace among ourselves and with all nations."

Now, when war came on, we established organizations in this country and in England, cooperating, and we went over there back of the lines to take care of the wounded, the troubled, those who were in distress because of this war. Some never came back. We worked afterwards in spending \$1,000,000, which was advanced to us for ameliorating the conditions there during the war and after the war. We have shown our patriotism in those ways.

Now, we think that some way should be found to allow our co-religionists to come in here, either by this bill or by some amendment of some bill; and on behalf of the Friends, I beg that you will find

some way to let our coreligionists, who come in and believe that we, who are here, loving our country, can do nothing more than decline to take life.

Mr. FREE. Do you know of any other religious organization having tenets similar to yours in regard to war?

Mr. HAVILAND. I understand the Mennonites do. I spoke a few moments ago in the corridor with Mr. Grubb, who said he was a Mennonite, and he said they have the same thought. And I understand the Dunkards do. I think probably Mr. Griffin knows the names of more such organizations than I do. I can only speak for the Friends; I was born one and one of my many ancestors came over at the time of William Penn and helped establish Philadelphia, one of my father's ancestors; and on the other side, they came over about the same time and established around New York.

Mr. CROWE. Did not the Friends help in the War of the Revolution?

Mr. HAVILAND. They gave some assistance. They did, to some extent. I am sorry to say that some of them were what we call Tories, in those days. My great-great-grandfather, somewhere back there, was the commander of a troop of horse that he raised in Philadelphia under George Washington, and fought with him.

Mr. CROWE. If everybody had that opinion—that is, not necessarily fighting, but opposed to every character of war—we never would have been able to have achieved our independence.

Mr. HAVILAND. No; we would have had it without war. Of course, we would have had our independence without war, when the time came.

Mr. CROWE. What is that? That is splitting hairs, is it not?

Mr. HAVILAND. No; no; you said that we never would have had it without a war; and I said, if there had never been a war, England would not have tried to stop us.

The CHAIRMAN. We do not want to go back that far.

Mr. HAVILAND. Those are very speculative things, and it is hard to tell. I beg your pardon, but I was asked to read a telegram that was handed to me by Mr. Griffin, as follows:

Vincent Nicholson, who was to represent Pennsylvania Committee for Total Disarmament, 1924 Chestnut Street, Philadelphia, at Griffin bill hearing, just notified committee he is unexpectedly detained by court case. Regret too late to send substitute representative. Assure full support of this committee of 500 members in effort to open American citizenship to aliens refusing war service.

SPHIA H. DULLES,
Executive Secretary.

Mr. FREE. What did he say, total disarmament?

Mr. HAVILAND. This was handed to me by Mr. Griffin to read.

Mr. FREE. Does that condemn all military service? He wants total disarmament; and incidental to that, he wants nobody to bear arms?

Mr. HAVILAND. Here is something else that has been handed to me to read:

At a meeting for business of Salem quarterly meeting of Friends, held in Boston, Mass., January 16, 1932, the matter of H. R. 207, to amend the naturalization laws of the United States by removing any religious or philosophical test as a condition to the admission of aliens to citizenship was considered, and the meeting fully united in approving the proposed amendment as safeguarding the religious freedom which this country has since early days afforded its existing and prospective citizens, and as upholding both the religious importance of ad-

herence to conscientious conviction and its value in the maintenance of our body politic and Christian civilization.

The clerk is directed to forward a copy of this minute to the Committee on Immigration and Naturalization, House of Representatives, signed on behalf of this meeting.

Taken from the records of Salem quarterly meeting of Friends.

Mr. JOHNSON. Let me ask you a question. Are you able to distinguish between anarchists and philosophical anarchists?

The CHAIRMAN. You are not supposed to answer that question, if you do not want to.

Mr. JOHNSON. That is a fair question.

Mr. HAVILAND. I am afraid you are asking me a pretty hard question, Mr. Johnson.

Mr. JOHNSON. I know I am. This bill has something to do with the fact that a person shall not be debarred because of any philosophical opinion. I ask you if you know the difference between an anarchist and a philosophical anarchist?

The CHAIRMAN. You might ask him about his philosophical opinion, so far as it relates to the particular bill.

Mr. JOHNSON. All right; that is right in this bill, philosophical opinion.

Mr. GRIFFIN. The witness has not qualified as an expert.

Mr. JOHNSON. As a matter of fact, that means any opinion, does it not?

Mr. HAVILAND. I do not know, Mr. Johnson.

Mr. JOHNSON. Religious view is in this bill, and philosophical opinion thereon is another phase of it. We would like to be fair, and do not like to disrupt anybody's religious views; and I agree with you that, as a general proposition, everybody wants peace with honor.

Mr. HAVILAND. Yes.

Mr. JOHNSON. But we have gone to another phase of the matter of philosophy, that of taking these people into citizenship of the United States with all of the philosophies they may have, from anarchy on down, and they bring the church people here——

Mr. HAVILAND. They did not bring me here with any such idea.

Mr. JOHNSON. You have not analyzed this bill; that is what I am trying to ask you.

Mr. HAVILAND. I am here, appearing——

The CHAIRMAN. Let us not get excited.

Mr. JOHNSON. I am not excited at all. I am asking you, as a church man what is meant by philosophical opinion.

Mr. HAVILAND. They would be citizens here.

Mr. JOHNSON. If we are to have any oath of allegiance at all, if you are going to let the bars down as to any view they can possibly have, what kind of citizenship will you have?

Mr. HAVILAND. I do not know; but suppose the Friends are allowed to come in, will they be giving any danger to the United States?

Mr. JOHNSON. Well, how are you to draw the line?

Mr. HAVILAND. I suppose you use the language that was used in the war draft bill in 1917——

Mr. JOHNSON. You know what that draft act had to say in regard to aliens; that it exempted citizens with conscientious objections, religious scruples, and failed to exempt aliens with——

Mr. HAVILAND. I was on the committee of our meeting during the war as to membership. We have applications for membership, and we allowed no one in who gave us any suggestion or suspicion that he was likely to try to make use of us to get rid of the draft. It was even proposed by one of our honor members not to take any members in at all of military age until the war was over. That was opposed, because we felt it better to keep our freedom to pass upon the people, but it worked out practically that way—that we were likely to have suspicions—and we had them to wait, and there were such people trying to come in and we made them wait and we paid no further attention to their applications.

Mr. GRIFFIN. Mr. Chairman, in view of the interrogation of the last witness, I would like it to appear on the record that anarchists are specifically excluded by the act.

The CHAIRMAN. The committee knows that.

Mr. JOHNSON. Nevertheless, here is an exemption clause—

Mr. GRIFFIN. Which has nothing whatever to do with anarchism.

Mr. CROWE. Why is the use of philosophical—

Mr. HAVILAND. The language of the bill is specific, "religious views or philosophical opinions with respect to war." The bill requires respect on the face of it.

Now, it will give me great pleasure if you will allow me to introduce this memorandum I have written here.

Mr. JENKINS. You know you have the right to come up here and edit your remarks.

Mr. HAVILAND. I live in New York, Mr. Jenkins, and I could hardly do that.

The CHAIRMAN. I think you have given pretty clearly your position, and I think that what the stenographer has will be all right.

Mr. FREE. Mr. Chairman, if there is no objection, I move that it be included.

Mr. HAVILAND. There is an extract from this Discipline, one of them, the one that I have quoted.

The CHAIRMAN. It will be so ordered. Hand it in.

(For the matter referred to, see p. 227.)

Mr. HAVILAND. I think you understand all I am after is to try to get my own people to be allowed to become citizens, as we are; and if this bill will let them come in, we favor the bill. If it lets anarchists in, we do not favor the bill.

Mr. GRIFFIN. I wish to introduce Rev. H. J. Hahn, pastor of the Salem Evangelical Church of Buffalo, N. Y.

STATEMENT OF REV. HERMAN J. HAHN, SALEM EVANGELICAL CHURCH, OF BUFFALO, N. Y.

Mr. HAHN. I would like to speak in favor of this bill, because I consider this bill as real offensive against war. I believe that the time has come when every sincere lover of his country, when every sincere lover of the race, the human race, has to take up this offensive against war and make an earnest effort to destroy war. I believe that is the function and the job of our twentieth century, because science has made war so terrifically destructive, that war to-day becomes more disastrous; and our brightest minds, our keenest minds, agree that we must, everybody, destroy war, or war will destroy us.

Mr. JOHNSON. How are you going to destroy war?

Mr. HAHN. By strengthening the organizations of peace and weakening the organizations that make for war.

Mr. JOHNSON. This committee has before it a bill to amend the law with respect to naturalization.

Mr. HAHN. Precisely.

Mr. JOHNSON. Do you think you end war around the world by admitting more people into citizenship by the naturalization process in the United States upon more liberal terms than we now have?

Mr. HAHN. Not at all. I believe in encouraging the men and women that are working for peace. I think our great Nation, professing to be a peace-loving Nation, should do everything possible in order to encourage those who are here thinking and talking and acting for peace.

Mr. JOHNSON. That is right; and then, if we admit people that have very clear consciences in regard to war, and let them become citizens, would not they serve as examples to be followed by those who are weak citizens, have less clear consciences, less sharp consciences, in regard to war; so that, in the course of time, those naturalized citizens would be exempt from the defense of the United States?

Mr. HAHN. It is not a matter of exempting them from the laws of the United States.

Mr. JOHNSON. You propose to lay a foundation by which every person naturalized—if this amendment shall become the law—may ask for his exemption from the defense proposition.

Mr. HAHN. Of course, that is a hypothetical question. However, all of us who believe in peace and want peace and do not want war, ought to deal with the prospect of the increasing millions who come to this country, and among them those that hate and detest war. There is less danger in them than there is in the militaristic crowd.

The CHAIRMAN. May I suggest that you give us your reason for favoring this bill?

Mr. HAHN. My reason for favoring the bill is this: I am pleading with you men, the Representatives of the great country in whom people place their trust, to whom the little children look to for security, for a secure and safe future, pleading with you to help strengthen the forces of peace, and not the forces of war and of the militarists; asking you to strengthen the arm of peace, the peace organizations, and these peace bodies that are now willing to enter into the field in a contest to wage war against our most serious, our most dreaded, our most formidable foe, which is war, militarism, and violence.

That is what I am for. And that is why I am for this bill. That is why I am here, urging you to report it favorably; and I feel that our great Government has recognized very clearly the danger of war, has recognized the duty of resisting war by the fashion that is in the Kellogg outlawry pact; to brand war as a crime, and encourage nations all over the earth to find some civilized, some rational way of settling their international disputes.

Mr. JOHNSON. Then do I understand you that it is your idea that this bill will promote peace by bringing into the country people who have the same ideas that you do, and making citizens of them?

Mr. HAHN. Yes; I do.

Mr. GRIFFIN. That is not my intention, I will say, Mr. Chairman.

The CHAIRMAN. Wait until the witness is through, please.

Mr. GRIFFIN. My idea of this bill—

Mr. JOHNSON. You have got a witness here; let us hear from him.

Mr. GRIFFIN. I want to make a correction.

Mr. JOHNSON. We are developing a line of thought from the witness as to advancing peace through admitting a few more pacifists in the United States as citizens.

Mr. GRIFFIN. And I am against it.

Mr. JOHNSON. You must not impugn your own witness. This witness thinks he can help us.

The CHAIRMAN. Let the witness go ahead and give you his reasons.

Mr. HAHN. I want to say that, if the other nations, for instance, are to have faith in our integrity, our honesty, as peace lovers, we cannot simply bar these people, whose only crime the crime of agreeing with our declaration that war is a crime, can we? It seems to me that if our outlawry pact is to be anything but a scrap of paper, anything but an empty gesture, then, men and women, like those who have been barred—those men and women are more consistent and more desirable citizens than the militaristic crowd, the saber rattler and jingler—if that gesture brings our Nation nearer and nearer—

Mr. JOHNSON. You would not have any defense at all.

Mr. HAHN. What is that?

Mr. JOHNSON. You would not have any arms at all, if you had your way; you would not have a single gun?

Mr. HAHN. If I would have my way, there would not be any arms; no.

Mr. JOHNSON. You would have the United States then with no Military Establishment whatever?

Mr. HAHN. No what?

Mr. JOHNSON. No Military Establishment?

Mr. HAHN. I believe the United States ought to place more emphasis upon the peace machinery of the world; not to disarm as an isolated unit in a world bearing arms; but the United States should spend some of these hundreds of millions of dollars that are being expended upon militarism to-day—in educating our youth and drilling our youth in militarism—to spend some of those millions for the purpose of building up the peace machinery of the world.

Mr. JENKINS. You will agree that our country has done more than any other country in the world?

Mr. HAHN. I do not think I could admit that; no.

Mr. JENKINS. What country do you think has done more in the last 20 years to bring about an outlawry of war?

Mr. HAHN. It is not so much a matter of what the nations have done; it is what the small groups have done in that direction.

Mr. JENKINS. I asked you a question. I asked if you knew it was not true that this country of ours had done more than any other nation in the world, and you said you could not agree with that.

Mr. HAHN. No.

Mr. JENKINS. What country has done more?

Mr. HAHN. Denmark, Holland, the Scandinavian countries, and England, I think, has done more in late years.

Mr. JENKINS. What, for instance, has England done?

Mr. HAHN. She has put forth and is in the League of Nations, for instance.

Mr. JENKINS. In other words, you think we ought to be in the League of Nations, do you?

Mr. HAHN. No; I am not in full agreement with the League of Nations, but a lot of people are. I am not asking any peace group to follow my particular fancy as to what should be done; I am merely asking them to work for peace.

Mr. CROWE. I would like to make one suggestion here: This country, the United States, has had a border with Canada several hundred miles long, for a great many years, and we have not been in any scrap with Canada. This country does not wage wars against other nations. Would not it be better to leave these people in Europe, where they do have all of these wars, and where they promote them? We are peace loving here; and if you have people of that kind in Europe, would it not be better to leave them there, where they could promote their ideas, where they are needed? We do not need them here.

Mr. HAHN. I am not asking that we send out an S. O. S. to all of the pacifists in the world to come here. I am merely talking about this proposition as a gesture on our part, the gesture of a peace-loving nation.

Mr. JENKINS. Let me ask you a question: Do you come here representing anybody? You said you were a minister of the church.

Mr. HAHN. Yes.

Mr. JENKINS. Whom do you represent here; anybody send you here?

Mr. HAHN. No; just as a religionist, intensely interested in the cause of peace.

Mr. JENKINS. Do you belong to any of these organizations?

Mr. HAHN. No.

Mr. JENKINS. Or any pink organizations of any kind?

Mr. HAHN. I do not know what you mean.

Mr. JENKINS. Well, you know what the common acceptation is—what they mean?

The CHAIRMAN. You mean any peace organization?

Mr. JENKINS. No; any pink organization.

Mr. HAHN. No; I do not think I belong to a single pink organization.

Mr. GRIFFIN. Parlor socialists!

Mr. HAHN. I try to be a consistent Christian.

Mr. CROWE. Did you pay your own way here or somebody else pay it?

Mr. HAHN. What is that?

Mr. CROWE. Did you pay your own way here?

Mr. HAHN. Absolutely.

The CHAIRMAN. Do you have anything further that you want to present to the committee?

Mr. HAHN. I just have this further to say: This is more or less a question of whether you want to admit citizens who believe in violence, or admit those whose love is peace; specially in view of the fact that our great population centers are more and more rapidly drifting into lawlessness, and under the dominion of gunmen and gangsters and racketeers, whose qualifications are belief in violence,

are quick on the trigger, who will not satisfy their differences in court, but settle them with sawed-off shotguns and machine guns. I say, in view of that fact, we, who love America, ought to thank God that, occasionally, some aliens come over here, knocking at our door for citizenship, who do not believe in violence, but who believe in the civilized method of law and order.

Mr. JENKINS. Reverend, do you not know and do you not believe that all of these gun organizations, all of these fellows who want to put the red flag above the American flag, all of that class of people are on your side in this matter?

Mr. HAHN. I beg to differ with you. That red flag crowd believe in violence. You are deporting and jailing those in this country who want to change our Government by violence. You are deporting them and jailing them; and then we turn around and say, likewise, to those who do not believe in violence, "We do not want you here."

Mr. CROWE. You do not mean to say that naturalized aliens believe in violence, do you?

Mr. HAHN. What?

Mr. CROWE. That naturalized aliens believe in violence?

Mr. HAHN. No; I do not say that, but if you refuse to pass this bill—

Mr. CROWE. What percentage of the naturalized aliens are in that class?

Mr. HAHN. I have not the slightest idea.

Mr. CROWE. You are classing them all in one class?

Mr. HAHN. I am not. I say, if you fail to report favorably on this bill, you are placing a premium on the kind that does believe in violence; they are the only ones that can get in.

Mr. JOHNSON. Now, right there, I want your best judgment—if what we have just heard is correct, is it not better for this committee to undertake to make a bill putting limitations and restrictions, on those who seek to become citizens of the United States, through the naturalization process that makes it hard—is not that a necessary deduction from your testimony?

Mr. HAHN. Not at all. By the first series of questions, you can not elicit from the man who bears violence toward the United States and comes in here to destroy it—you are not going to get him to confess it?

The CHAIRMAN. Who is your next witness?

Mr. GRIFFIN. Now, Mr. Chairman, in view of the statement of the preceding speaker, I want to emphasize the fact that this bill before you to-day for consideration is not a peace bill. It is true that it has the support of the peace organizations; but if it has the support of the peace organizations, it is because it stands for human justice and fair play. If there is anybody in this room here that is to talk in favor of this bill, that holds a contrary opinion. I want them to declare themselves and retire, before they voluntarily support the bill. I do not want anybody who is supporting this bill purely as a pacifist. I want them to support this bill because they believe it is to enlarge human freedom and liberty and to be in accordance with the Constitution of the United States.

Mr. JOHNSON. Now, Mr. Chairman, Representative Griffin has introduced these bills, H. R. 297 and 298, and behind him he has a rather long list of witnesses, and if we can ascertain from these wit-

nesses their various types of belief, with this or that motive, beyond Mr. Griffin's own thought as to the bill—if we can elicit anything like that, anything along that line, we are certainly entitled to do it; and it is not for the proponents of the bill to prescribe—

The CHAIRMAN. I will agree with you, but at the same time, Mr. Griffin has a right to explain his position, as he rightly has, with regard to what he stands for, pertaining to his legislation.

Mr. JOHNSON. Yes; but he can not call upon the witnesses to go out of the room.

Mr. GRIFFIN. I did not ask them to leave the room. I asked them to withdraw as voluntary witnesses. I would not want anybody to act as a witness who was hostile.

The CHAIRMAN. Just proceed with your hearing.

Mr. CROWE. Mr. Griffin, do you want any of the testimony of the last witness stricken out?

Mr. GRIFFIN. No; let it stand as it is.

The CHAIRMAN. Is there anything you want to say now, Mr. Griffin, about this bill, or do you want later to come in to sum up things for a few minutes?

Mr. GRIFFIN. Yes; I think that is better; but we have got to at least offer some resistance to this unexpected testimony.

Mr. JOHNSON. Does the Representative mean to say that he has found himself in a bad place? Does not it look a little that way?

Mr. GRIFFIN. No; I would not like to say that. I respect the opinion and views of everybody, but the thing is this: Mr. Chairman and gentlemen of the committee, I am fearful that the purposes of the bill will be misapprehended, by getting into this kind of discussion.

I am trying to emphasize and bring home to the committee, and everybody that is here to-day, the thought that this bill has nothing to do with anything else in the world except the enlargement of human liberty and the recognition of religious liberty and freedom of thought.

Mr. JOHNSON. Well spoken; but you ought to talk about the bomb the gentleman has dropped on your bill.

The CHAIRMAN. Proceed with your witness.

Mr. GRIFFIN. I will now introduce Mrs. Annie E. Gray, volunteer secretary of the Women's Peace Society of New York City.

The CHAIRMAN. Mrs. Gray.

STATEMENT OF ANNIE E. GRAY, VOLUNTEER SECRETARY OF THE WOMEN'S PEACE SOCIETY, NEW YORK CITY

Mrs. GRAY. Mr. Chairman and honorable members of this committee, may I say that this is the first committee hearing that I have ever had the satisfaction of attending. I would like to say that I am impressed particularly by the fair attitude of the chairman, to begin with. That is my first impression of my first committee hearing.

I hope that I may be allowed to make my few remarks uninterrupted, Mr. Chairman.

The CHAIRMAN. Yes. Go ahead.

Mrs. GRAY. I would like to say, before proceeding with my statement, that there is one point that was made this morning that I

should like to take up. I think it was Mr. Cable who said that the Supreme Court decision settled things. Those were his words.

Mr. CABLE. That was Mr. Jenkins.

The CHAIRMAN. Well, they look alike.

Mrs. GRAY. I am not sure. I accept the correction if I am wrong. But the word "settled" was the word that struck me as something very definite.

Now, there is one thing that I would like to remark about that, and it is this: That there is nothing settled in this world; that there is one thing that we can be sure about, and it is the inevitable law of change.

I think it was Abraham Lincoln who said that when there seemed to be anything in our Government that was in any way not in the best interests of the citizens, it was the solemn duty of the citizens to attempt to change that particular thing. I think I am right about that, that it was Abraham Lincoln who said that.

I believe in the Supreme Court. But I do not think that the Supreme Court is infallible. I think that the Supreme Court, even by 1 vote majority, can make mistakes. But I would rather take my chances of a mistaken verdict of the Supreme Court and trust to the future to right that mistaken verdict of the Supreme Court than I would consent or countenance a resort to force to change anything.

I want that point particularly borne in mind—that nothing is settled. The one thing we can be sure of is the inevitable law of change; that it is our duty as citizens, according to Mr. Lincoln, that when we see a thing that looks as if it requires change, we should appeal to the processes of the law to make that change.

As I understand the Griffin bill, that is what it proposes to do. It proposes to appeal to our Congress to make a legislative change that Chief Justice Hughes has pointed out must be done in order to remedy this discrimination against persons who are opposed to war for certain reasons specifically outlined by the Congressman in his bill.

There have been moments in this hearing to-day when the atmosphere seemed to be a little more heated than I thought was necessary; when persons who I supposed would naturally be very legalistic, very judicial, in their attitude seemed to me—men particularly—seemed to me to get highly emotional. I thought that was the privilege and the prerogative of the female, but I see to-day that it is not. I see to-day that even our Representatives in Congress can become excited and heated and emotional. That, I think, is at least something new in my idea of those gentlemen.

Mr. JENKINS. That is very common here.

Mrs. GRAY. Now, gentlemen, I believe that a little touch of human interest in a hearing of this kind perhaps goes a long way, or ought to. So, I am going to give you a little human interest touch. I don't pretend to be very legalistic or very judicial or anything of the kind. But I do think the human interest, therefore, of a thing may be of service to relieve the tension, if it does nothing else.

Mr. JOHNSON. You want the human interest phase to be heard without any emotion in it?

Mrs. GRAY. I should prefer to have it that way, Mr. Johnson, with due respect to you.

Mr. Chairman and honorable members of the Committee on Immigration and Naturalization: I come before you to-day as a supporter and proponent of H. R. 297 to amend the naturalization laws and known as the Griffin bill. Somewhere, recently, I read that the place to study cause and consequence is not in compilers' charts but in one's self; that the courage to look steadily into one's heart gives one the stamp of authority. I immediately recognized this truth. So I looked into my own heart and reread there the story I set forth here and pray God it may bear the stamp of authority and impress you gentlemen with the thought of the deprivation to this beloved land of ours and the gross injustice to deponent had question 24: "If necessary, are you willing to take up arms in defense of this country?" been asked of her.

Thirty-eight years ago, in my native land, England, I made an earnest study of the theoretical governments of the world. As a result of that study I then decided that I preferred to be a sovereign citizen of these United States rather than a subject of the British Empire.

Mr. JOHNSON. Are you quoting something there?

Mrs. GRAY. I am writing my own story, Mr. Johnson.

Acting upon that decision I turned my face westward in search of the sovereign citizenship guaranteed by the Constitution of the United States to all persons born or naturalized therein.

I remember, as though it were yesterday, every detail of my first journey to the U. S. A. On a Friday in May, 1894, I boarded the *Lydian Monarch* at Tilbury Docks and shortly afterwards waved adieu to London town. Slowly the good ship ploughed her way down the Thames, past Gravesend, into the North Sea, past the white cliffs of Perfidious Albion, as the French called them in those days, and out into the English Channel. She stopped for a brief while outside the grim gray fortress of Cherbourg to pick up a few European worshippers at the shrine of liberty. Then on again, past the Isle of Wight with its pretty little white villages daintily dipping their toes in the ocean, for all the world like little children paddling, with nether garments tucked up out of reach of the waves. On and on, past the Needles and Land's End. Natural enough was the lump that came into my throat as the beautiful green slopes of Cornwall faded from view. Almost unconsciously I repeated:

Breathes there a man with soul so dead,
Who never to himself hath said,
This is my own, my native land.

Through the mist that persisted between me and the shore, shadowy shapes arose, that looked like a mother's grave, a grey-haired father, bonnie boys and girls, brothers, sisters, and playmates; the house where I was born, and near by the old elm from under the shadows of which, Latimer the preacher gave his message to the world. With a sigh, I turned my back resolutely upon these visions, and set my face firmly toward the golden west.

Two weeks of intermittent misery followed and then in the gray dawn of a never-to-be-forgotten Sunday morning, unable to sleep, I left my cabin and went up on deck. "Ho! Ho!" was the cheery greeting from the officer on watch, "So, you've got dock fever, have you?" Instantly my heart was up in my mouth and I looked around. Ahead, blinking a weak defiance to the growing dawn, were the

lights of Fire Island. Behind, an expanse of water as smooth as a mill pond, touched here and there with a glint of gold and on the extreme horizon against a background of opaline tints, Aurora gracefully courtied to young Apollo. What a picture? It will remain with me as long as life shall last. Then right about face again, and fair Liberty, holding aloft her glowing torch, dawned upon my view and I knew that I had indeed arrived and was now of the blessed free.

I made my first obeisance to my adopted country and promised it as one promises a dying parent, that I would indeed be a true daughter, American from crown to sole, first, last, and all the time, true to the ideals of George Washington and his compatriots; and swore then and there, even before I had set foot on shore, to uphold the Constitution in word and deed forever; and to live for the promotion of liberty even as the Revolutionary Fathers had done, no matter what the price is that I must pay.

This public-spirited attitude, this devotion to American principles are the inheritance of my American-born children; 38 years of unblemished citizenship on our part stands to the record of my family. Thousands of similar histories through the years have passed before me as it were in review. I have seen thousands of immigrants crowding to the rails of steamers as they came up the bay, whispering, shouting, "America, land of the free." These people believe in the freedom of conscience guaranteed by the United States Constitution just as I did. If I had to make my choice now, gentlemen, with question 24 to be answered and knowing as I do that I could not be false to my own conscience which tells me that violence is wrong in principle and disastrous in practice, I ask you gentlemen, what would be my decision?

Question 24, invalidating constitutional guarantees to which I pinned my faith, would be the cause of adverse decision on my part, the consequence would be America deprived of unimpeachable citizens as are my family.

Gentlemen, I come before you as a symbol. I beg you to give grave consideration to this question of barring from citizenship splendid men and women, who because of their unshakable belief in the moral and ethical verities could be relied upon nobly to uphold the principles upon which this great Nation was founded. I beg you to report this bill out of committee. I have faith that our Congress still stands true to the traditional American freedom of conscience of our forefathers.

I think Congress can be trusted to do what is right in this matter. I believe that they would by legislative action remedy the situation that permits the extraneous Constitution-violating question 24 to bar from citizenship applicants otherwise nobly qualified to join the ranks of the brave and free citizens of our great country.

To-day, gentlemen, I thank God that one of the blessed privileges under our Constitution is that we may advocate reforms and educate for laws calculated to sustain traditional Americanism of the patriots of 1776. That Americanism of post World War hysterical period must be looked to if America is to be preserved from the unrest so prevalent in the world at this time. To bear my part in that program is what my citizenship means to me.

Mr. GRIFFIN. I will now introduce Mr. Richard R. Wood.

STATEMENT OF RICHARD E. WOOD, 304 ARCH STREET, PHILADELPHIA

Mr. CABLE. Whom do you represent?

Mr. WOOD. I have been sent here by the representative meeting of the Society of Friends of Philadelphia and Vicinity.

Mr. CABLE. Do you live in Philadelphia?

Mr. WOOD. I live in Morristown, N. J., a suburb of Philadelphia.

Besides representing the representative meeting of the Religious Society of Friends of Philadelphia and Vicinity, I also represent the Friends' joint committee on citizenship. I also am secretary of the peace committee of the Friends of Philadelphia and vicinity.

It seems to me that one point only is at issue in connection with these bills and other similar bills intended to make possible the naturalization of persons who, on conscientious grounds, refuse to take part in war. That one point is the question of policy: Is it to the advantage of the United States to admit such people to citizenship? It is my profound conviction that the answer should be in the affirmative.

It should be pointed out that in advocating the admission to citizenship of men and women who refuse, on conscientious grounds, to take part in war I am not advocating for them a privileged status as compared with other citizens. I fully recognize the right and duty of the Government to enforce its laws upon all citizens, and the corresponding duty of all citizens to obey the laws, except when those laws require of the citizens acts which violate their moral convictions.

But the historical fact can not be questioned that conflicts of judgment have arisen between the Government and more or less numerous groups of citizens as to the rightness of certain actions which the Government has required of its citizens. When such conflicts have arisen over matters of moral importance, citizens have conscientiously disobeyed the behests of the Government and broke its laws. In the light of history we find that such citizens have made valuable contributions to the development of the most treasured traditions of this country and of its free institutions of which we are so proud.

One of my ancestors spent some time in prison during the occupation of Philadelphia by the British troops in the Revolutionary War because he had been furnishing valuable information to troops engaged in armed revolt against the government to which they owed allegiance. That such resistance against their government is not deplored by their descendants is illustrated by the great preparations which have been made to celebrate the Bicentennial of George Washington, the leader of that movement of organized disobedience without which it is hard to see how this Nation could have come into existence.

William Penn, the founder of one of our great States, was repeatedly imprisoned for breaking, on conscientious grounds, the laws in force in his time regarding public worship. His insistence on his right and duty, as a morally responsible individual, to follow his own conscience when it came into conflict with the judgment of the Government is largely responsible for the religious and political liberty which our country now enjoys, and which is rightly recognized as the great heritage of the people of the United States.

These few illustrations show that conflicts between the consciences of citizens and the judgment of the Government have led in the past to developments, both of our Nation itself and of its most cherished traditions and institutions, which have amply justified those conscientiously objecting citizens for taking the positions they did. It is in this way that progress has come. It is because I regard the United States as a living and growing organism, and not as a mere dead shell that I believe it to be necessary for the continued welfare of our country that it continue to receive the help and stimulus to be obtained from conscientious men and women who may in the future find themselves in serious disagreement at some point with the Nation that they love.

I submit, therefore, that it is a bad and short-sighted policy, contrary to the permanent interest of the United States, to exact of applicants for citizenship a promise, in advance, of unqualified obedience. It deprives the Nation of precisely this stimulus to development that it has received from its rugged nonconformist patriots in the past. Moreover, such an exaction defeats its own ends. You can not make men patriotic by law any more than you can make them good by law. Insistence on such unqualified pledges of obedience tends to make the pledge of loyalty a mere perfunctory formula, to be gone through with thoughtlessly. Only men and women who are thoughtful and conscientious stop to consider what it means; these men and women, who are particularly desirable as citizens, may be debarred by the demand for such an unqualified pledge, while men and women less deeply concerned about their responsibilities as citizens find it no obstacle.

The extent to which the effective enforcement of laws depends on the conscious voluntary cooperation of responsible individual citizens is not always as fully appreciated as it should be. Without such conscious cooperation of the vast majority of the citizens, law enforcement becomes physically impossible. Take traffic lights as an example. Unless most of us cooperated, it would be impossible to enforce their directions; there would not be enough policemen. The traffic lights would be a menace, rather than a safeguard, unless very many citizens felt their individual responsibility for obeying them voluntarily.

The exaction of an unqualified pledge of obedience under all circumstances tends to bar from citizenship precisely the men and women who take most seriously the responsibility for their own conduct. It thus defeats the very aim of those who advocate it. It tends to undermine the self-responsibility of the citizens for their own conduct; to put the emphasis on enforcement by reducing the emphasis on responsibility for obedience. I think we have seen enough of the difficulty of enforcing laws for which considerable numbers of citizens feel no responsibility to agree that a formal loyalty to the Government gained at the sacrifice of the individual responsibility of the citizens is a weak thing to depend on.

Finally, the particular point raised in these bills, refusal on conscientious grounds to participate in war, is a point about which there is increasing concern among citizens of this country. I have mentioned William Penn and thus referred by inference to the Religious Society of Friends, whose members have since before the existence of the United States as a Nation generally refused to take

part in war. Their part in the founding and development of the Nation is known, and is regarded as important. Increasingly many men and women of many parts of our country's population are coming to regard participation in war as inconsistent with their deepest religious convictions. For example, the New York Times of January 22, 1932, reports a resolution adopted by the Ohio pastors' convention as follows:

We will never again sanction or participate in any war. We will not use our classrooms or pulpits as recruiting stations. We deplore the action of making military service, against conscience, a test of citizenship, and military training in college a requirement.

In any dilemma of loyalty to country or to Christ we will choose to follow Christ.

When valued native-born citizens feel this way, it is inconsistent, and, I believe, short-sighted, to refuse citizenship to properly qualified applicants who agree with them.

I therefore feel that the aims sought by these bills should be realized, in the best interests of the United States. I hope that this change in our national policy will be made because:

To demand an unqualified pledge of obedience to the Government defeats its own end, and undermines the sense of individual responsibility which is the foundation of the maintenance of laws.

It goes counter to the history of the country, founded in large part by nonconformists and dissenters and established by men who would not yield their consciences to the keeping of any earthly power.

It deprives the Nation of the stimulus and aid to further progress which it can obtain from men and women conscientious enough to follow their convictions when they find themselves in disagreement with the Government on some morally important point. Our present policy thus goes counter to the way in which our most cherished liberties were won. The independent, responsible consciences of our citizens and prospective citizens are our greatest national asset; to be cherished in the interest of the Nation and at the behest of patriotism.

Mr. CABLE. There is one question that I would like to ask. Do you believe that peace in the United States would be promoted by admitting into the United States an unlimited number of those from foreign countries who are opposed to war?

Mr. WOOD. I believe that an attitude of mind that is represented by a public support for the policy that I have advocated here would be helpful to the promotion of peace here and elsewhere.

Mr. CABLE. Would it promote that to bring to this country people of that type?

Mr. WOOD. I believe it is recognized that the rights of other people to disagree with me or I with them is an attitude of mind which is helpful to the maintenance of peace and also the national welfare; and I think that our history shows that.

Mr. JENKINS. I have only the greatest respect for your organization and your people. But I am just wondering whether you are taking part in this movement because you have been asked to or because in some respect it is in line with your belief, or whether you have ever been a real promoter in this movement.

Mr. Wood. Are you talking about me personally or my organization?

Mr. JENKINS. I am talking about your organization. Has your organization been a pioneer in this, or are you just falling in line because it is something that appeals to you?

Mr. Wood. I am afraid that we can hardly claim credit of being pioneers. But we have ever since this question has been up, had public discussion at least five or six times about it. We have been very much concerned about it, and have done what we could to promote such a policy as I am advocating here.

Mr. JOHNSON. Let me ask you one question. Do you believe that an alien about to be sworn in as a citizen of the United States should take an oath of any kind, some kind of an oath?

Mr. Wood. Well, in keeping with the historical position of the Society of Friends, I would say "affirmation" rather than "oath."

Mr. JOHNSON. What would you have him affirm? Let us say that a man is about to become a citizen by naturalization. What should he affirm? What should he believe in?

Mr. Wood. As I understand it, sir, the difficulty is not with a particular form, but about trying to prescribe too much in detail for situations which may come up in the hypothetical future. It is over that difficulty that it seems to me we have been locked to-day.

Mr. JOHNSON. In your statement, particularly the first part of it, I got the impression that you were not satisfied with the present oath.

Mr. Wood. There is nothing the matter with the present oath if it is not interpreted in too hypothetical a way.

Mr. JOHNSON. Where do you think we are going if you are going to begin to qualify it and begin to eliminate words from the oath?

Mr. Wood. I was not suggesting waiving the oath, sir. I was just simply suggesting that historical right that has been all-important, that loyal citizens have in the past disagreed with their Government and had to act on that disagreement; and that history shows that they have made contributions——

Mr. JOHNSON. Well, that applies to the citizens. Can't we get down to the man who is trying to be a citizen by naturalization? What should he say or do?

Mr. Wood. I see no objection whatever to the affirmation to defend and support the Constitution. That is essentially the present words. I can not quote them. I think that is entirely constitutional if it is properly interpreted.

The **CHAIRMAN.** Thank you very much.

Mr. GRIFFIN. I want to call now upon Mr. William Bailie, of Boston, Mass.

STATEMENT OF WILLIAM BAILIE, CAMBRIDGE, MASS.

Mr. BAILIE. Mr. Chairman and members of this committee, I come here——

Mr. CABLE. Will you tell us who you are and just whom you represent?

Mr. BAILIE. I was just beginning to do so, Mr. Congressman.

I come here because I am interested in this matter, and because I am a member of the Boston Committee in Support of the Griffin bill, what we know as the Griffin bill.

Perhaps it would be well for your information to take, as I have taken, a few names at random from this committee; and tell you who they are and who it is that I am attempting here to represent.

The first name on my list is William J. Batch, one of the most distinguished editors in the United States, who has been managing editor and editorial writer for the Christian Science Monitor, an internationally known newspaper. I am not a Christian Scientist by long shot.

Mr. CABLE. You haven't told us yet who you are and what your business is.

Mr. BAILIE. I am a furniture manufacturer of Boston.

Mr. CABLE. All right. That is what we wanted to find out.

Mr. BAILIE. The next name on my list is Bishop William F. Anderson, of the Methodist Church, a man who is known wherever methodism is known in this country.

Another name on my list is that of Alice Stone Blackwell. I believe that name is known to every woman's organization in the United States. It is a historical name. Her mother was a very historical person—Alice Stone.

The next on the list is Robert C. Dexter. He is a high official of the American Unitarian Association, a minister of that church, and is well known in New England.

Next on my list is Dr. Albert C. Duffenbach. Doctor Duffenbach is the well-known editor of the Christian Register, a Unitarian publication, and, as I understand it, the official newspaper of the Unitarian Church of America. He is also the pastor of one of the largest Unitarian congregations in Boston.

Next on my list is Dr. Rabbi Harry Levi. He is, without question, the best known and, I think, the most distinguished member of the Hebrew community in New England.

Furthermore, I have Dr. Harold Marshall. Dr. Harold Marshall has been minister of the Universalist Church as long as I have known him. For several years he has been president of the publication house of the Universalist Religion; that is, for the Nation.

There is another name here, that of Dr. E. Talmadge Root, who is a Congregationalist minister. He is the secretary of the Boston Federation of Churches, which embraces all Protestant denominations.

Mr. CABLE. Do you believe in our present form of government, Mr. Bailie?

Mr. BAILIE. Yes.

I have one more name that I want to mention. That is Mr. John F. Brewster, who is a banker in Boston, who has devoted practically the whole of his life to what is known as good work. He has been head of our welfare society, which used to be a charitable organization. He is on all kinds of committees where service is required for the general good of the community. He is a man that is very well known in Boston. But he is not in politics, and therefore he has not got the national reputation that a man in politics might have. But in New England he is well known.

Those are the kind of men that I represent.

Mr. JOHNSON. You represent those men?

Mr. BAILIE. Yes. I belong to the Boston committee, and I am here as a representative of the Boston committee.

Mr. JOHNSON. What is the title of that committee?

Mr. BAILIE. The Boston committee in support of the Griffin bill, that is, House bill No. 297.

Mr. JOHNSON. How long has the Boston committee been organized?

Mr. BAILIE. It was organized when this bill came up last year, before it was brought before your committee. I followed those hearings, and I am quite familiar with them.

Mr. JOHNSON. Before the bill was introduced?

Mr. BAILIE. I don't know. I have no statistics on the subject. But I will leave the answer to Mr. Griffin.

Mr. JOHNSON. It could not be. I will ask you if it was not organized in connection with the decision of the Supreme Court in the case of Rhoda Swimmer.

Mr. BAILIE. I don't think the Griffin bill was before this committee at that time.

Mr. JOHNSON. Was your committee organized before or after the Griffin bill was introduced?

Mr. BAILIE. I am not quite clear, but it was developed solely to support the bill that was brought in here last year by Mr. Griffin.

Mr. JOHNSON. There are many more in your organization than the list of names that you read, aren't there?

Mr. BAILIE. I just took a few at random. I didn't want to take up your time with that kind of thing.

Mr. JOHNSON. What is the membership of your committee in round numbers?

Mr. BAILIE. I could not give you that. I am not the secretary nor the organizer of the committee.

Mr. JOHNSON. You can say whether it is fifty or a hundred, can't you?

Mr. BAILIE. It would be more than a hundred. I know that.

Mr. GRIFFIN. I understand that it is 400.

Mr. JOHNSON. I am asking him. You say it is more than a hundred?

Mr. BAILIE. I don't know the exact number. I assume that it is more than 100.

Mr. JOHNSON. Were you born in the United States?

Mr. BAILIE. I was not; and for that reason I think I am privileged to come before this body. Forty years ago I came here from England.

In my earlier days I have been a close student of American affairs. I had read the history of the Presidents and of their careers. I had read the history of the Revolution. I had been fed on Thomas Brice's American Commonwealth; and I had relatives in this country; and my ambition from early boyhood was to get away from a land where a king or a queen ruled, and where we had lords and dukes. It was my idea to come here as a boy. And when I was quite young, a little over 20, I came here, and I have lived in Boston ever since.

Mr. JOHNSON. You became naturalized in your own right?

Mr. BAILIE. I was naturalized in my own right in the Federal court in Boston considerably more than 30 years ago.

Mr. CABLE. You are an author as well as a furniture manufacturer, aren't you?

Mr. BAILIE. I have been a furniture manufacturer all my life.

Mr. CABLE. Haven't you written any books?

Mr. BAILIE. I wouldn't say that. I have done some literary work.

Mr. CABLE. Didn't you write a book on the first American anarchist?

Mr. BAILIE. Yes. I wish you had that here. I think it would help you.

Mr. JOHNSON. I would like to read it.

The CHAIRMAN. Maybe he would send us a copy.

Mr. BAILIE. If you want to read it, it is in the Congressional Library. It has been in there for over 25 years.

Mr. JOHNSON. I will read it.

You have made a pretty good study of the subject, have you?

Mr. BAILIE. I made a study in that particular book of all these different communities that were founded in the middle part of the nineteenth century in this country by such men as Robert Owen, a Scotch manufacturer who came over here.

Mr. JOHNSON. Are you a communist?

Mr. BAILIE. I went through all the different communities. I was a student, as I have been all my life, a student of sociological conditions.

In those days I had more time. Since then I have had to devote practically all of my time to my business. Therefore I have not continued to write books.

Mr. DIES. Are you a communist?

Mr. BAILIE. I am not. That is why I wish I could show you gentlemen the book that has been mentioned, because that would prove that I am an anticommunist and an antisocialist.

Mr. JENKINS. What books have you written?

Mr. BAILIE. I haven't written any other books. I have written occasional articles in newspapers on current subjects. But I am not a member of any communist or social or other radical organization.

I am vice president of the Boston Ethical Society; and I have been connected with the Unitarian Church most of my life. I am a member of an organization that is international in scope, and one of the greatest, I think, organizations for peace in the world. You probably know what I refer to.

Mr. JENKINS. What is it?

Mr. BAILIE. The Masonic order.

So I don't think I can be accused with any degree of truthfulness of being a radical or red.

The CHAIRMAN. We are convinced of that. Just proceed with your statement in regard to the bill.

Mr. BAILIE. I am not going to present the political arguments in this case, nor the legal, nor the religious, nor, as it was mentioned here at another point, the philosophical. But I come here, besides representing these distinguished men in Boston, representing myself. And I think, as you have not had an alien or one who has been an alien, before you, it might be worth your while to get hold of the viewpoint of one who was an alien, and who came here, as I did, in all faith in the greatness of this country and in its institutions.

Mr. JOHNSON. We don't want to get the record wrong. We heard as a witness, just a few minutes ago, a brilliant young lady, who described in a most tearful way her departure from England.

Mr. BAILIE. She almost took the wind out of my sails.

Mr. JOHNSON. You must not overlook her.

Mr. BAILIE. I wouldn't think of doing that. It was very beautiful.

Mr. JOHNSON. The best speech we had this afternoon.

Mr. BAILIE. I admit it. But still it is well for you gentlemen in considering this particular bill now to have the viewpoint of the alien.

Mr. JOHNSON. Let us talk about an alien who is getting to our shores.

The CHAIRMAN. No. Let us talk about the alien who is in this country and desires to become a citizen.

Mr. JOHNSON. All right.

Mr. BAILIE. I have had a great deal of opposition, and I read the opposition in the last year's hearings; and it seems to me that it is all based on fear—fear that those aliens are going to be an enemy of this country.

Mr. JOHNSON. Not at all.

Mr. BAILIE. It seems to me to be fear.

I am one of those who have faith in the institutions of this country. I don't believe that any alien who has ever come in here can upset the institutions or the principles of this country. I also believe that nine-tenths of the aliens who come here and apply for citizenship are honest people who want to become good citizens.

Mr. CABLE. I am glad you put that in the record.

Mr. BAILIE. Furthermore, I believe that it is not fair to those aliens who come here with good intentions to make them take a position and swear to an oath and put a different obligation upon them than what is put upon the citizen of this country who is not an alien. I think that whatever are the duties and the obligations of citizenship to those who were born here and therefore are natives, who are citizens without having to be sworn in as such and naturalized, that the naturalized citizen should be asked to assume all those obligations and no more. I think that is only a matter of justice.

It is only since this red scare has come up within a few years that the belief has come up that we are in danger of all the troubles of Europe, revolution, and what is going on in Russia; the fear that the people who come in here will upset our institutions.

I have, as I say, entire faith in our institutions. I am not an alarmist, and I have no fear. I have met these aliens. I have been an employer of labor for 30 and more years; and I have been forced to employ men who have come from these various countries; and I have never yet found one who has not become a good citizen.

Now, that is my point of view; and I would like to disabuse your minds of this fear of the alien. There is nothing to fear about the alien.

I don't believe you gentlemen want to adopt the principles and practices of Mussolini and Stalin. They are the ones who are trying to force something onto their own people against their will.

I think that if you leave the situation open, and ask your alien if he wants to get the privilege of naturalization and of citizenship, and to assume all the obligations which the citizen already assumes.

I would like to go further than that, Mr. Johnson, if you will allow me to speak without interruption. I am not a public speaker. I do not make public speeches. If you will let me finish my statement, I will be glad to answer your question.

Mr. JOHNSON. I just want to say this. The United States does not want to force citizenship upon any person who comes to its shores.

Mr. BAILIE. It is in the interest of that person coming to these shores to want citizenship. It is in the interest of the whole community and the whole society to have good men become citizens.

Mr. CABLE. I think we ought to permit him to make a statement without any interruptions.

Mr. BAILIE. That is all I ask for. I didn't intend to take much time. But I think, coming as I do, with 49 years' residence in this country and a record of work behind me and citizenship, that the point of view of such a one is perhaps worth considering.

I feel that there is no danger at all in these aliens. I never saw any instance of danger from these so-called aliens who want to be citizens.

It has been expressed here to-day sometimes a fear that this bill would permit some one to slip in and be dangerous; that some of these people would slip in here if we didn't put this clause up against them, this question 24, I believe it is called. But I think that if you believe that is the right thing to do, you must also believe that that is a right question to put before every citizen of this country before you allow him the privileges of citizenship. I think that is only a matter of justice.

But I don't believe it is necessary, and I can not understand why intelligent men who know all about conditions in this country think that that is necessary—to ask every alien coming here, desiring citizenship, if he can bear arms.

I was too old in the war time to serve, but I had a boy 21 years of age. He enlisted three months before the act was passed, the compulsory enlistment act. He went across overseas and stayed until the end of the war and came back with a good record. That is my own family.

I am not in sympathy with these radical people just because I wrote a historical book which has no relation to these "red" things that you are talking about. My feeling is simply that we do not have to have any fear of the alien; and that, anyway, you are not going to help matters by putting in this little clause that seems to have been put in by the militarists for some reasons of their own.

Another thing, we have heard a lot about pacifists. I am not a pacifist in any sense that some people are here. I don't believe in war, and I hope that sometime the human race will outlive war. But we haven't got there yet.

But there is no danger, so far as I can see, in the world of any scarcity of cannon fodder no matter how many aliens you let in. We don't allow many of them now. We have nearly 120,000,000 people here. The proportion of aliens here is a very small one compared with the others. Every year the danger of any large body of aliens who might be inimical to our institutions getting in here grows less and less.

Mr. GREEN. In that connection I would like to ask—

The CHAIRMAN. We would like to let him finish his statement first.

Mr. BAILIE. I have finished my statement now. If there is any question, I would be glad to answer it. I can stop now.

Mr. GREEN. In that connection, I am willing and desirous to vote to stop all immigration to our country. I want to know if you—

The CHAIRMAN. That is beyond the question. We are dealing here with the Griffin bill, and I don't want any other question brought up. I want to confine this hearing strictly to the Griffin bill.

Mr. BAILIE. If you wish me to answer your question, Mr. Congressman, I will be glad to do so.

The CHAIRMAN. If any questions are asked pertaining to the Griffin bill, you may answer them.

Mr. GRIFFIN. I will now introduce Mr. Leif.

STATEMENT OF ALFRED LEIF, NEW YORK CITY

Mr. CABLE. Mr. Chairman, I would like to make one suggestion. I think that if these witnesses will tell us what their connection is with various societies and organizations before they begin to give their statement, it would be helpful.

Mr. LEIF. I am a writer. My list of connections is very brief. In fact, it consists of just one. It is my connection with the Griffin bill committee.

I became interested in that bill, if you care to know, when I was compiling Dissenting Opinions of Justice Holmes, a book published—

Mr. JOHNSON. What is your name, sir?

Mr. LEIF. Alfred Leif.

Mr. JOHNSON. And you live where?

Mr. LEIF. New York.

Mr. JOHNSON. What is your address?

Mr. LEIF. No. 135 West Seventy-ninth Street.

Mr. JOHNSON. What is your business?

Mr. LEIF. I am a writer.

Mr. JOHNSON. Are you an original writer or do you write at the dictation of others?

Mr. LEIF. Well, I am an original writer and compiler.

Mr. JOHNSON. Have you published some books?

Mr. LEIF. Three books.

Mr. JOHNSON. What are they?

Mr. LEIF. One is Dissenting Opinions of Mr. Justice Holmes. The second one is Social and Economic Views of Mr. Justice Brandeis. The third is Representative Opinions of Mr. Justice Holmes.

Let me say here that while I was working on the opinions of Mr. Justice Holmes—

Mr. JOHNSON. No. We must get you qualified first. You are a citizen of the United States?

Mr. LEIF. Yes.

Mr. JOHNSON. Were you born in the United States?

Mr. LEIF. Yes, sir.

Mr. JOHNSON. Now, go ahead.

Mr. LEIF. I became interested in the Griffin bill through the inclusion of the Rosika Schwimmer decision in the Dissenting Opinions of Justice Holmes.

Only yesterday I spoke to Justice Holmes about this matter of the naturalization of people opposed to war; and I told him that the people who are opposed to the Griffin bill are afraid that we will be letting in aliens who will undermine the foundation of the

Government; and he laughed; he chuckled. He said, "I never could take the objection seriously." That is from Justice Holmes.

I use him as a starting point because my testimony to-day is intended to indicate, or, rather, to alleviate any apprehension you may have as to the character of the people supporting the Griffin bill. To my mind they represent the finest types in America, the finest minds (I am not talking about myself), people who are contributing to the culture of this country, people who mean something to the furtherance of art and science and the law.

I have a letter here, for instance, from Dr. Mary E. Woolley, of the Geneva disarmament delegation and president of the Mount Holyoke College. She wrote me, "I am in favor of the amendment of the naturalization laws introduced by Congressman Griffin."

This morning the eloquent speaker, Prof. Jerome Davis, referred to Dean Charles E. Clark, dean of the law school at Yale College. He is supporting this bill. I would like to read his letter. [Reading:]

JANUARY 23, 1932.

HON. ANTHONY J. GRIFFIN.

MY DEAR SIR: I write to express support of H. R. 293, which, as I understand it, amends the naturalization act to make it possible to admit to citizenship applicants such as the Rev. Douglas C. Macintosh, professor in the Yale Divinity School, who was recently excluded from citizenship because of his conscientious scruples as to promising to support all wars. I represented Doctor Macintosh before the district court and also was on the brief prepared by the Hon. John W. Davis and his associates in the appeals to the circuit court of appeals and the United States Supreme Court.

It will be recalled that the district court refused citizenship to Doctor Macintosh; that its decision was unanimously reversed by the Circuit Court of Appeals for the Second Circuit, but was restored by a five-to-four decision of the United States Supreme Court. A majority of all the judges in all the courts who passed upon Doctor Macintosh's case, viz, seven as against six, believed he was entitled to citizenship.

I was impressed at the hearing by the purely academic nature of the issue which the Government forced upon Doctor Macintosh and which had the effect of compelling him either to save his conscience or to take a position which led to his rejection. Under hardly conceivable circumstances would Doctor Macintosh be called upon to bear arms, and yet he was pressed to make a commitment and required of the natural-born citizen.

Furthermore, I am convinced that whether we agree with Doctor Macintosh's position concerning war or not, there are fundamental issues affecting all of us who have any convictions at all as to which we should feel compelled to decline to agree to all governmental action. Such issues, for example, may concern the home and family relations, which have been the subject in other countries of regulations to which not all people can submit. Of course, our Government has not seen fit to regulate such matters and as a practical thing no such issue is likely to come before us. The matter is, however, no more academic than that of expecting a clergyman beyond the draft age to promise to engage in potential future wars. In other words, Doctor Macintosh did what all of us with spirit at all must do as to issues which affect us most vitally.

The only way to avoid such a dilemma is to have an easy-going conscience, or, in other words, to be less desirable as a man and as a citizen than the person who is to be excluded because of his sincerity. This seems to me a dilemma which no government ought to present to its prospective citizens and I feel that a change in the law, as finally declared by a bare majority of the Supreme Court against the powerful dissent of the Chief Justice and the unanimous opinion of one of the strongest courts of the country, the Circuit Court of Appeals of the Second Circuit, should be made.

Very truly yours,

CHARLES E. CLARK, *Dean.*

The CHAIRMAN. You have similar letters there, I see. We are getting rather short of time, so I think it would be better if you do not read all of them now. It is probably purely cumulative evidence. You may file those for the record and the committee will bear them in mind. You may file any documents that you want and we will read them later.

Mr. GRIFFIN. I was just going to suggest that. If Mr. Leif would care to mention their names now it might be illuminating. Then he can leave the letters to go in the record. (See p. —.)

Mr. LEIF. I hope you gentlemen will have the patience to read the record and see with what forceful language these arguments are made.

I will give a list of the writers of these letters:

Elmer Rice, famous playwright and author of *Street Scenes*.

Fannie Hurst, famous author.

Robert L. Hale, professor of law at Columbia University.

Oswald Garrison Villard, jr., editor of *The Nation*, one of the most influential organs looking for liberation of the spirit and enlargement of American life.

Felix Frankfurter, professor of law at Harvard University.

William Floyd, director of Peace Patriots.

Rabbi Stephen S. Wise, of New York.

Prof. James P. Gifford, assistant to the dean, school of law, Columbia University, a man who was in the Army.

Prof. Jesse H. Holmes, of the department of philosophy, Swarthmore College, Swarthmore, Pa.

Mrs. Jessie Woodrow Sayre, daughter of the late President, who uses very forceful language.

Prof. Milton Handler, of the law school of Columbia University.

Prof. Durant Drake, professor of ethics, Vassar College.

Elaine Goodale Eastman, chairman of the Northampton group, Griffin bill committee.

S. Ralph Harlow, professor in the department of religion and biblical literature, Smith College.

Prof. W. A. Neilson, president of Smith College.

Prof. Hornell Hart, of Bryn Mawr College.

And I have here a very imposing argument from Mr. Harold Fields, executive director of the National League for American Citizenship.

The originals of all of these are with the Griffin bill committee.

Then there is Prof. Edwin W. Patterson, of the school of law of Columbia University.

Zona Gale Breese, Portage, Wis.

Prof. Harold D. Lasswell, of the department of political science of the University of Chicago.

There is Doctor Dexter, whose name has already been mentioned.

Prof. John Hanns, school of law, Columbia University.

A reference by the Salem Quarterly Meeting of Friends in Boston.

One from Miss Dorothy Detzer, executive secretary of the Women's International League for Peace and Freedom.

There is one from Edward Thomas, New York lawyer.

There is one from Paul Jones, professor at Antioch College.

We have a number of letters from persons in Florida, Mr. Green. There is one from Mr. George H. Badger, First Unitarian Church of Orlando, Fla.

Mr. JOHNSON. Are they protesting against the bill?

Mr. GRIFFIN. That is an indorsement. These are for the bill.

Mr. LEIF. There is one from Prof. Will S. Munroe, of the State Normal School of Montclair, N. J.

Mr. FREE. Have you any there from California?

Mr. LEIF. Well, Doctor Einstein is in California. He couldn't send one because under our laws he could never be made a citizen if this question is left in. This may be only obiter dictu, but I am sure that you would consider Alfred Einstein a worthy citizen of the United States; I mean a man worthy of citizenship.

The CHAIRMAN. Have you very many of them? You had better file them and we will look at them later.

Mr. CABLE. The purpose of this bill is to promote pacifists coming into the United States, isn't it?

Mr. LEIF. No. It is not. It does not invite pacifists to come to the United States.

Mr. CABLE. In this circular that you sent to us, this letter, you use the language, "To amend the law so that pacifist applicants should be granted citizenship." What did you mean when you used the words "pacifists applicants"?

Mr. LEIF. Persons opposed to war.

If you were familiar with all the peace movements you would find that there are 99 kinds of pacifists. There was the American Peace Society, founded in 1815 by William H. Dodge, ancestor of the famous Cleveland William H. Dodge who founded the New York Peace Society, which was later incorporated in the American Peace Society. You would not call them 100 per cent pacifists.

Mr. CABLE. I was just asking as to the purpose of this bill. According to your construction it would permit pacifists to come in this country. I asked you what you meant in this circular by saying that this bill was to promote pacifist applicants being granted citizenship.

Mr. LEIF. People who are opposed to war.

Mr. CABLE. Then the purpose of this bill, as you construe it, is to promote pacifists coming here?

Mr. LEIF. Well, yes. Those who are opposed to bearing arms.

Mr. GRIFFIN. That is one of the purposes of the bill.

The CHAIRMAN. It is dealing with aliens in the United States who want to become citizens?

Mr. LEIF. Yes. Not with those who want to come in the country.

The CHAIRMAN. And who by reason of certain religious ideas are objecting to paragraph 24 of the present law. Is that it?

Mr. LEIF. Yes.

Mr. CABLE. Would you make any change in the oath that they are required to take?

Mr. LEIF. Absolutely not.

Mr. CABLE. Only to strike out question 24?

Mr. LEIF. Yes. Because, as I conceive it, and as Chief Justice Hughes conceives it, that is an interpretation of the oath made by the Naturalization Bureau without warrant. There is nothing in the naturalization law which permits such a question. There is

nothing in a true reading of the oath which provides for such a question.

Mr. CABLE. Let me ask you another question. What do you think of the statement of the minister from Buffalo who said that a very large proportion of aliens who become citizens have a mental reservation when they answer that question?

Mr. LEIF. I don't know if that mental reservation applies to all aliens. I do know that those who are scalawags and ragtags and the riffraff are not the ones who will forfeit the privileges of citizenship by saying "No" to Question 24. They will slip through by saying "Yes; sure."

Mr. CABLE. Then you would intimate that they say, "yes" when they mean "no"? Would that be true of the large body of aliens who have come and applied for citizenship?

Mr. LEIF. No. I would say that the people that you fear most might say "yes" when they mean "no."

Mr. CABLE. Then it is a fair proposition to exclude some of those by asking as many questions as necessary to keep out that class, isn't it?

Mr. LEIF. The law provides against believers in anarchism as a stipulated question, "Do you believe in organized government?" The law is opposed to polygamy, and it will not admit anyone who believes in polygamy.

The CHAIRMAN. That is law. That is not a rule.

Mr. LEIF. Exactly. But there is no law that says that people opposed to war shall be denied citizenship. That is the main point in Chief Justice Hughes's dissenting opinion—that the law is not specific on that point. In order to legalize question No. 24 there would have to be a point in our statutes.

Mr. CABLE. The oath is provided for by law, isn't it?

Mr. LEIF. Yes.

Mr. CABLE. And the oath provides that they shall defend and support the Constitution?

Mr. LEIF. Yes.

Mr. CABLE. What does that mean?

Mr. LEIF. On that point Chief Justice Hughes says—

Mr. CABLE. What is the opinion? What is the controlling opinion?

Mr. LEIF. In the absence of specific requirements that opinion was delivered.

Now, it is our privilege as a Republican country and citizens of it to attempt to improve the law and to improve the Constitution. That is why we are constantly amending it. Although there was an agreement by a 5 to 4 vote, it was a bare majority in the Schwimmer case. I hope that the next time that a case comes before the new complete Supreme Court the opinion will be 4 to 5—5 in favor of the applicant. And that is not beyond the realm of possibility.

Mr. CABLE. Then it is not necessary to change the law?

Mr. LEIF. It is necessary. We have a majority of the judges interpreting it one way.

Mr. CABLE. But if they interpret it the other way? It is a question of interpretation, then, as I understand you?

Mr. LEIF. If we were going to rely upon the panel of the Supreme Court in all these cases, there would be no function for the honorable Congressmen to perform.

The CHAIRMAN. That would put us out of a job?

Mr. LEIF. Certainly.

Mr. GREEN. Will you just permit me to ask a question? Do you know whether or not the communist organizations have indorsed this bill?

Mr. LEIF. They have not. They never have been asked. The communists are just as bitter about the pacifists. You must realize that there is no possibility at all of cohesion or similar color of the communists and the pacifists.

Mr. JOHNSON. Do you speak for the pacifists?

Mr. LEIF. No. I speak from a study of pacifism.

Mr. JOHNSON. Are you a pacifist?

Mr. LEIF. Yes. I am.

Mr. JOHNSON. You are a pretty good fighter, at that?

Mr. LEIF. Yes. I believe we have got to be militant in our pacifism by peaceful measures.

Mr. JOHNSON. You are a militant pacifist. They are all aggressive.

Mr. LEIF. I beg pardon?

Mr. JOHNSON. All the rest of the pacifists are inclined to be militant.

Mr. LEIF. No. But I was about to tell you about some societies which are namby pamby——

Mr. JOHNSON. You say you are militant in behalf of pacifism?

Mr. LEIF. Yes.

Mr. JOHNSON. Well, so am I.

Mr. LEIF. Good. I am glad. But we are not communists, Mr. Johnson. The communists are not pacifists, because they say you are attempting to disarm the working class.

Mr. GRIFFIN. I hope the committee will catch this.

Mr. LEIF. The communist says, "We are striving for revolution. We are not striving for revolution by mere words, by some mere amendment of the naturalization laws." I am paraphrasing the communist argument.

Mr. JOHNSON. What are the pacifist arguments?

Mr. LEIF. The pacifists say, "We will do it by peaceful means—— through constitutional measures, through conversations, through our literature, through any method, honorable method, of dissemination of information and ideas."

Mr. JOHNSON. Do what?

The CHAIRMAN. Educate Congress.

Mr. LEIF. Spread the idea that pacifist measures can be used for the solution of conflicts. And that is the only purpose of militant pacifism as I conceive it. There is no such wild idea as overturning the Government, which means violence. We are opposed to violence like that [gesturing].

Mr. FREE. You have been quoting from some compilation of these laws. What is that? Is that a Government publication that you have there?

Mr. LEIF. This is a quarterly collection of Supreme Court opinions.

Mr. FREE. Have you got them in one volume?

Mr. LEIF. No. For instance, this is volume 283 United States Reports, No. 4.

The CHAIRMAN. Are you through?

Mr. LEIF. Well, there is just one point that is dangling, and that is the question made by the honorable member before me whom I am facing. That is about the oath to support and defend the Constitution.

Chief Justice Hughes, who knows the law as well as any of us, said:

There are other and most important methods of defense even in time of war apart from the personal bearing of arms. We have but to consider the defense of our country in the late war, both in industry and in the field of the workers, and all sorts of engineers, doctors, chaplains, to realize that there is opportunity at such a time for technical services in the line of defense which do not require overriding such religious scruples. I think the requirements of the oath of office should be read in the light of our record from the beginning for freedom of conscience.

And he goes on to point out that the oath of office is in no sense any different than the oath of allegiance, except in the case of the President.

Mr. CABLE. Do you think that it was within the powers of Congress when it asked question 24?

Mr. LEIF. Maybe "powers" is not the exact word.

Mr. CABLE. You used the word. Then, we have authority to ask that question, haven't we?

Mr. LEIF. I should say not.

Mr. CABLE. If it is beyond our authority to ask that question, then why do you appeal to Congress? Why would not a court say that we had no authority and that, therefore, the man should be naturalized?

Mr. LEIF. The court said that there is no express stipulation against it.

Mr. CABLE. Then they had authority to ask it, didn't they, in view of that decision?

Mr. LEIF. There is no express—

Mr. CABLE. It has been upheld by the Supreme Court twice, hasn't it?

Mr. LEIF. Which does not mean that it will be upheld again.

Mr. JOHNSON. Mr. Chairman, I would suggest that it would be good to have in the record all the Supreme Court decisions together. In Professor Davis's presentation he had some of them. I wonder if Mr. Griffin could get them all together in one place?

Mr. GRIFFIN. It was my offer to the chairman to put them in the record in support of my remarks.

Mr. JOHNSON. Mr. Griffin, I was on the previous committee, and we got some decisions then, and an effort was made then, and I think that the pamphlet should be printed; not put in, but be made available for the use of the committee.

The CHAIRMAN. We can read them in connection with the hearing on this bill.

Mr. JOHNSON. As a separate pamphlet.

The CHAIRMAN. My impression would be that we ought to print the last decision by the Supreme Court, together with the argument made by Mr. Griffin. The other decisions could be compiled with your assistance and that of the clerk for the use of the committee in discussing this matter in executive session.

Mr. JOHNSON. They have them all set up in the printing office. It would only have to be added as an appendix to the hearing.

The CHAIRMAN. I understand that you want to call another witness. Can't you just take about 10 minutes longer?

Mr. GRIFFIN. I have Mr. Mercer G. Johnston, director of the People's Legislative Service, of Washington, D. C. But I noticed here that I had the names of Dr. S. M. Grubb, editor of the Mennonites, and Henry James Perry, of Dover, Mass.

The CHAIRMAN. We would like to adjourn pretty soon.

Mr. GRIFFIN. I will divide the time among these three gentlemen, because they have come a long distance here to be heard before the committee. I think they can say what they have to say in about five minutes.

The CHAIRMAN. All right.

STATEMENT OF MERCER G. JOHNSTON, DIRECTOR OF THE PEOPLE'S LEGISLATIVE SERVICE, WASHINGTON, D. C.

The CHAIRMAN. The committee will be in order. Give your residence and business.

Mr. JOHNSTON. The best easy description of myself is director of People's Legislative Service, 208 First Street SE., of which Senator Bronson Cutting, who is sponsor in the Senate of this bill, is the chairman.

Mr. JOHNSTON. Who else is in it?

Mr. JOHNSTON. The organization was started in 1920. Mr. Chairman, all this comes out of my five minutes I suppose?

Mr. JOHNSTON. You must qualify.

Mr. JOHNSTON. I can not possibly finish in five minutes unless time is taken out for questions.

The CHAIRMAN. You represent the People's League, do you?

Mr. JOHNSTON. He didn't say "league."

Mr. JOHNSTON. No. The People's Legislative Service.

The CHAIRMAN. Who are they? What kind of an organization are they composed of? We will be brief. We won't take up much of your time?

Mr. JOHNSTON. It was organized by the senior Senator La Follette in 1920 in cooperation with people who were beginning to renew their progressivism. The old Progressive spirit of 1912 having subsided somewhat, it was renewed in 1920; and in 1924 they nominated Senator La Follette, Republican, and Senator Wheeler, Democrat, as President and Vice President; and in that election secured about 5,000,000 votes.

The CHAIRMAN. That is the same organization that is still alive?

Mr. JOHNSTON. Yes.

The CHAIRMAN. And you represent this organization?

Mr. JOHNSTON. Well, I am here, not representing the organization, because it is a research organization which does not take votes on things, but the director of which attends hearings and expresses views such as I would like to express.

Mr. JOHNSTON. Does it have any paid officers?

Mr. JOHNSTON. The director and the associate director draw salaries.

Mr. JOHNSTON. And it keeps an office and headquarters?

Mr. JOHNSTON. Yes.

Mr. JOHNSTON. And has stationery?

Mr. JOHNSTON. Yes. It edits the People's Business, which every Member of Congress gets every time it come out, once a month. I am sorry that you don't know about it. Every Member sitting here quite regularly—

Mr. CABLE. Supported by contributions from the people?

Mr. JOHNSTON. Yes. The same people who paid for the Progressive campaign in 1924.

My representative capacity may perhaps be better understood if I say I was the chairman of the executive committee of national Progressive headquarters, which was the only national executive committee that the Progressives have had.

But I am not here primarily as spokesman of the People's Legislative Service, but as an American citizen; and in this connection I would like to mention that the thing perhaps that stands out most in my mind in connection with this bill is that I was with the American Expeditionary Forces for about 20 months, connected with the One hundred and second Machine Gun Battalion of the Twenty-sixth Division. During that time my wife was also in charge of the soldiers' canteen in Paris. So both of us, although beyond age, were very deeply in the World War.

To go back of that, I was the head of the West Texas Military Academy, which began the education of Maj. Gen. Douglas MacArthur. He was a student under me at that academy.

In Manila—I followed the flag out there in 1903 to 1908—I was very closely associated with Bishop Charles H. Brent, who was the chaplain general in the Expeditionary Forces. Among my very close friends at that time were Gen. Leonard Wood and his family.

Mr. JOHNSON. You are very proud of all those acquaintances in the war?

Mr. JOHNSTON. As I noticed a little tendency to have it appear that those who are in favor of the bill are people lacking a proper degree of pugnacity, I thought it well to bring out the fact that such a charge against me could not be made to stick.

Mr. JOHNSON. You don't come here advertising yourself as a pacifist?

Mr. JOHNSTON. No, sir.

Mr. JOHNSON. You see this letter here? It says that it will permit pacifist applicants to become citizens. I see that on that letter your name is in the list of sponsors.

Mr. JOHNSTON. I would be very glad to send you an extract from the hearings of the War Policies Commission—statement of Mercer G. Johnston, director of the People's Legislative Service—which would completely clarify the issue as to whether I am a pacifist or not.

Mr. JOHNSON. Seriously, now, I haven't any doubt at all about you. We will get all mixed up here if we don't straighten this out. This circular that was sent to the committee has your name on it as appealing to the pacifists.

Mr. JOHNSTON. As I understand his position, I am almost entirely in agreement with Congressman Griffin. As I had heard him speak, it seems to me that the idea he has is exactly the idea I have; that is, the necessity of protesting against the invasion of the rights of that spiritual thing within a man like myself which must be obeyed, let the worst come. Some of us call it God. Some of us call it the

freedom of the human spirit. But it is the holiest and highest thing in the world to those who recognize it, and in the defense of the rights of that inner voice there is nothing so sacred as to be compared with it.

I understand that the proponent of this bill is attempting to defend that most precious possession of the human race; and I am here because as a religious man I resent tremendously what I consider the invention of the rights of the domain of the spirit within a man. I say, you may call it God. Some people that I know, who do not take the name of God as seriously as I do, would call it by some other name. But however you describe it, it is the thing that has made man worth while down the ages.

I am here primarily to speak for that thing, and to go on record as being in favor of this bill, which seems to me to fend for the rights of that divinest part of man; and to say that first, as a man of religion, a man with deep religious convictions, I resent the thought that my country would ever set up a standard for admission to citizenship which would automatically exclude from America citizenship the character in all history whose presence in our country would do most to honor it and to glorify it. It seems to me that it is an almost intolerable indignity and affront to the spirit of the religious man for a standard to be set up which would automatically exclude that character from American citizenship.

But even apart from religion, if I were not a religious man, I would have the same feeling. I would call that spirit within me by some other name. But it would to all intents and purposes be the same. And that spirit is something against which Congress, the Supreme Court, all the power that organized government in the United States or in the world could bring to bear, could make no headway whatever. Organized government could crush me, but it could not crush the spirit in me that cries out against its assumption of tyrannical power.

Now, what is within me is deeply within a great majority of my fellow citizens. And I think when a bureau of our Government tilts against that spirit—as question 24 tilts against that spirit—in the long run the Government that upholds that bureau is riding for a fall.

I resent a question like that 24. I have no objection to the oath; none whatever. But I resent that question because it is a good long step toward the establishment of an inquisition in the United States.

If it is permissible to probe into the mind with regard to war, as the justice who wrote the opinion in the Macintosh case held, it is permissible to probe into the mind with regard to prohibition; it is permissible to probe into the mind with regard to the fifteenth amendment. And, if Congress dared, as Congress has never dared, to probe into the minds of men who come from my section of the country—I was born in Mississippi and spent many years of my life in San Antonio, which I call my home town.

Bishop James S. Johnston, known all up and down the Rio Grande for 40 years, is my father. Congress has never dared to put through a force bill with regard to the fifteenth amendment since the reconstruction days, because it would have raised up such powerful resentment as to more than overcome any good that could be done.

You can not probe into the minds of the South too deeply even to-day on the subject of the fifteenth amendment. And if you were to probe into the minds of Congressmen with regard to the eighteenth amendment, my God, what would you find? We know. We know perfectly well what we would find. I am not going to "squeal," but I know.

So why probe into the minds of prospective citizens so deeply? Take the oath and let it go at that. Do not attempt to put a person like Doctor Macintosh through an inquisition with the result of excluding a person of his type, and letting into the country people who are by no means up to his standard of citizenship.

I only wanted to get before you gentlemen the viewpoint of an American citizen like myself. I want you to see how deeply I feel about it. I tell you frankly that I feel so deeply about this thing that in my solemn opinion for the Government to uphold the Labor Department in re question No. 24, and to go down that line very far would be infinitely worse for the peace of the United States and the people of the United States than if all the aliens sought to be excluded were allowed to come in here and become American citizens.

I don't believe religious America will tolerate it. I don't believe they will. I would only tolerate it because the mountain happened to be a little bigger than the man. But the man would resent the mountain's tyranny. It is because of such human resentment recorded in human history that that history is infinitely more worth while than the history of mountains.

There is a tremendous volcano of feeling along that subject, and here I am, a person whose family has figured in every walk of life in this country for the past 200 years, and has never failed.

I want to tell you about the war. I beat our boys over there. Although I was 48 years of age, I could not be kept at home.

I went over there and took all the medicine the Roche could give, and it was plenty.

But here I am, just as deeply resenting this invasion of a thing that to me is higher and holier than the country for which I would die, and have risked to the very limit of dying for it, and yet this other thing, which the restriction now places on all, I am against, and tremendously so, so that I would be an irreconcilable foe of the tendency to establish that sort of thing in the United States.

Now, just by way of coming back, I happen to have in my hand, because I do want you to get me, that I have never been afraid of the rough side of what is called patriotism. I happen to hold in my hand a picture taken during the war, of my little hole up on the front, where I had carried the flag. We were not supposed to put the flag out for observation, but the commanding officer of that section thought that this little hole in the ground—cave in the ground—where I lived for a month, was so interesting that he sent the movie men over there to take the pictures, and when they got over there they said, the commander says, "Put your flag out too." So they took a movie of me and my hut, and that was shown all over the United States for the purpose of encouraging enlistment, getting men to join in the pleasant time we were having over in France.

I would there were more time to quote you from two books, one called *The Exaltation of the Flag*—one of the greatest demonstra-

tions in behalf of the American flag ever made out of America, in which I took a leading part, and which carries what I said on that occasion.

Mr. JOHNSON. Written by whom?

Mr. JOHNSTON. It is a compilation of the sentiments that took place in Manila in August, 1907, and it resulted in passing the flag laws in the Philippine Islands. I was, some people thought, a superheated patriot in Manila in those days, and was exceeding jealous for the flag, and practically all of the Americans in Manila met in the National Theater to insist upon the Government's taking the proper steps to protect the sanctity of the flag on that occasion.

If I had more time, I would read you a selection from what I said, and another book there, entitled Patriotism and Radicalism, which I published just before I left for France, and which contains an address made to the Sons of the American Revolution on October 18, 1917, called The American Spirit.

And if, after what I have said, anybody here doubts whether the juice of this thing we call patriotism is in this witness, I shall be very glad to send him a copy of my address on the American spirit, in this book.

The CHAIRMAN. Thank you very much.

Mr. JOHNSTON. Thank you, Mr. Chairman.

The CHAIRMAN. Who is your next witness?

Mr. GRIFFIN. The next witness I want to introduce is Dr. S. M. Grubb, the editor of the Mennonite.

STATEMENT OF S. M. GRUBB, PHILADELPHIA, PA.

Mr. GRUBB. Mr. Chairman and members of the committee: Under the present situation, Mennonites, seeking naturalization, have imposed upon them a process by which, according to the decision of the Supreme Court, they must do violence to their consciences. The fact that the court was divided and three of its members dissented would indicate that there are weighty reasons why there should be congressional relief from what amounts to persecution of those who take it that the teachings of Jesus Christ are to be taken seriously and sincerely.

Mennonites everywhere hold that conscience is above state in matters of belief and the whole past history of our Nation shows that we are but a small minority of the body of Christians everywhere who agree with us in this particular. Carried to its logical conclusion, if there is to continue a law of the land which conscripts conscience in the event of another war, the interpretation and execution of this law will be in the hands of the military authorities, from whom nothing is to be expected but a massacre of pacifist men and women in the interest of military expediency.

The CHAIRMAN. Pardon me, but is that a long statement?

Mr. GRUBB. No; five minutes.

The CHAIRMAN. Now, we have had that argument very much advanced to-day, and I thought that you might come down to the important part of your statement.

Mr. JOHNSON. Mr. Chairman, the witness just made a statement that they were going to kill all pacifists. Will you read that last sentence?

Mr. GRUBB. Mennonites everywhere hold that conscience is above state in matters of belief and the whole past history of our Nation shows that we are but a small minority of the body of Christians everywhere who agree with us in this particular. Carried to its logical conclusion, if there is to be a law of the land that conscripts conscience, in the event of another war, the interpretation and execution of this law will be in the hands of the military authorities from whom nothing is to be expected but a massacre of pacifist men and women in the interest of military expediency.

Mr. JOHNSON. Do you believe that?

Mr. GRUBB. I say, carried to its logical conclusion.

Mr. JOHNSON. Do you believe it?

Mr. GRUBB. I believe if this is carried to its logical conclusion, the military authorities, that is.

Mr. JOHNSON. Not as a hypothetical matter, but do you really believe what you have just said there, which you read from your paper? Do you believe that they are going to be killed off?

Mr. GRUBB. My people have furnished martyrs to this cause, and they are at this moment doing so in Russia.

Mr. JOHNSON. Go ahead.

Mr. GRUBB. Thousands of them. Knowing as we do, that discipline and not justice are the aims of military administration, we have little hope for consideration from that quarter. State-made conscience, in times of public excitement, will surely seek victims among those who can not be ruled by it, and not only the peace-sects, but some of the major denominations may be exposed to dangerous persecution because they dissent. Differences between Catholics and Protestants may even lead to terrible ends, should radical parties of either side come into control of a government that would assume to define conscience according to its own plans.

It is significant that two of the outstanding individuals whose cases came to notice in the naturalization courts with reference to their pacifist beliefs were women. It was demanded of them that they declare themselves ready to take up and use deadly arms and become a part of the active military establishment of the nation. The humiliation of it all! Even a rabid pacifist would cry coward to those who would place their women between themselves and the enemy.

Mennonites are law abiding. By their industry they have always created wealth in their communities away out of proportion to their numbers. None of them ever become public charges. They accept without protest a share in providing more than an equal part of relief for the needy outside of their own communion. They love their country and bring their children up to be useful and law-abiding citizens. They do not proselyte and do not engage in trying to force their peculiar beliefs upon others.

Mr. FREE. Pardon me there. Would you very briefly tell me what you believe?

Mr. GRUBB. Like the Quakers, we are not resistful; like the Quakers, we do not take the oath; like them, we believe in separation of church and State; like them, we believe that the authority of the church is in the individual congregation.

Mr. FREE. Pardon me, but will you tell me why you affirm instead of taking an oath?

Mr. GRUBB. That shows, Mr. Congressman, that you have not been reading the New Testament. Jesus says, swear not at all.

Mr. FEEZ. Said what?

The CHAIRMAN. He said, "Jesus says, swear not at all."

Mr. JOHNSON. Now, you do not resist?

Mr. GRUBB. No, sir.

Mr. JOHNSON. And yet, you are afraid you are going to be killed off by the military authorities, as I get what you are saying; is that it?

Mr. GRUBB. Would not that be the consistent thing to expect?

Mr. JOHNSON. No; and I will tell you why. You will have the help of some of the rest of us, and we will not let that take place at all. This country is full of people that would protect people like you, and I wish, when you get the record, that you would read very carefully the statement of Mr. Johnston, the preceding witness, and note the strength of that, and get the fear out of your mind.

Mr. GRUBB. Would you permit me to finish, Mr. Chairman?

The CHAIRMAN. Go right ahead.

Mr. GRUBB. May I proceed, Mr. Chairman?

The CHAIRMAN. Proceed.

Mr. GRUBB. They are scattered over many countries and three continents. Time and again they have had to become wanderers upon the face of the earth for conscience sake, locating wherever they could; without bitterness in their hearts they have proceeded to prove their appreciation of the refuges in which they were permitted to abide by making the deserts bloom as the rose. The dispersion of the Huguenots, with its consequent loss to France and blessings to other nations, was insignificant compared to the one now taking place because of the bloody persecution carried on against Mennonites by the Soviet Russia. I might say that the first relief missions sent into Russia during the famine was a Mennonite mission. The youthful Clayton Kratz, who lead it, with the purpose of feeding starving Russian citizens, was seized by soviets and done to death. We have consistently maintained our pacifist position by not calling upon the United States Government to demand satisfaction.

During the last 250 years many Mennonites came to this country because it was the land of the free conscience. They became citizens as soon as the law permitted them to do so, and they have never, and never will, abuse the privilege. The hot-water rebellion in John Adams's administration, for which John Fries was condemned to be hanged, took place in a strong Mennonite community, but not a single Mennonite took part in it, or even sympathized with it. Those in the Shenandoah Valley during the Civil War remained loyal to the North, even though northern troops burned their barns and their houses over them.

Like other pacifists, Mennonites during the World War took their country in good faith and claimed the exemptions provided for them by law. The rowdy elements in the camps were not very severely dealt with by their superiors when they resorted to abusing them in a way which, in several instances, resulted in death. Should we find another war on our hands, the least to be expected by those whose consciences will not permit them to participate in military activities will be mob violence, and I am not so sure but what most of it will be winked at by unsympathetic authorities.

We are not asking for any special consideration, except the historic consideration given to those who are conscientiously opposed to participation in war, which has been a part of our national procedure ever since we have been a nation.

Mr. FREE. How many Mennonites are there in the United States?

Mr. GRUBB. About 40,000. I can not say exactly, because some of our churches include members in the United States and Canada.

Mr. FREE. Let me ask you this question: You say, somewhere in your statement, that you put conscience above State.

Mr. GRUBB. Yes.

Mr. FREE. Now, suppose you felt that the State was unjustly dealing with people, taking their homes and property, and maybe taking life, would you resist at all?

Mr. GRUBB. Historically we have not. That has occurred many times in the history of the Mennonite Church in the past 400 years, and we did not.

Mr. JOHNSON. You believe in a police department?

Mr. GRUBB. Certainly.

Mr. JOHNSON. You believe in a fire department also?

Mr. GRUBB. Certainly.

Mr. JOHNSON. But you do not believe in resistance?

Mr. GRUBB. I do not believe in resistance by war.

Mr. JOHNSON. You do not even resist riot or disturbance, do you?

Mr. GRUBB. I never was in a riot, sir; I do not know what I would do.

Mr. JOHNSON. I hope you will never get in one.

Mr. CROWE. Did this ever occur to you—we have lived here all of these years, with this long boundary between the United States and Canada without a fort between the two countries. This is a peace-loving country. Suppose that everyone in the United States believed as you do, about how long do you think that it would be until some of those countries of Europe, which are not so peace loving, would come here and take possession of our country, body and soul? It would not be long, would it?

Mr. GRUBB. I do not know. I know about this long boundary between Canada and the United States. There is a large settlement of Mennonites in Ontario and Manitoba, and Saskatchewan, close to the border, so that they will not be dangerous from the Canadian side.

Mr. JOHNSON. Now, you know about the Dukhobors?

Mr. GRUBB. They are Slavonic origin. Mennonites originated principally in Holland. Most of us can claim the right to Netherlands citizenship.

Mr. CROWE. We are a peace-loving people. The United States does not wage war. We have not been given to starting wars with other countries. We take care of our own rights for Americans, we try to; but according to your idea, and according to the ideas of some we have heard here to-day, we would not have our armies for protection. I believe in protecting our Nation and our country, if you do not. That is the way I understand you.

Mr. GRUBB. Not by armies and navies; no, sir.

Mr. CROWE. I want to tell you that I think people of that kind should go to Europe, where these troubles start, and should educate and teach those people over there. You know, in your church, you

do not go to a man who is religious and good and try to persuade him, but you go and talk to somebody that is not.

Mr. GRUBB. Yes, sir.

Mr. CROWE. Then I think that you ought to do that in Europe.

Mr. GRUBB. For 400 years we have been doing it in Europe.

Mr. CROWE. I think that you should do that there instead of here.

Mr. CRUBB. That is, Mennonites who have been in Europe have been doing that for 400 years. They have been doing that in Europe, and they have lost their lives and their property, and at the present time there are a hundred thousand Mennonites in southern Russia, and they have either been robbed of their religion or the Russians proceeded against them.

Mr. CROWE. I do not mean to be disrespectful to you. I appreciate any good man.

Mr. GRUBB. I do not take it that way.

Mr. CROWE. I appreciate any good, religious man, but I think our country is doing the right thing, and the only thing, to preserve its right to take care of itself. I think everybody ought to do that.

Mr. GRUBB. Congressmen, we are here pleading for every man's right to think for himself, as his conscience dictates.

Mr. CROWE. We must have our Government first, or else you will have no place to do that.

Mr. RUTHERFORD. Do all of the people belonging to the Mennonite Church think that?

Mr. GRUBB. I do not know.

Mr. RUTHERFORD. I hope not.

The CHAIRMAN. That is your belief. You have a right to that.

Mr. GRUBB. Thank you.

The CHAIRMAN. Who is your next witness?

Mr. GRIFFIN. I have one more speaker, Mr. Henry Haines Perry.

STATEMENT OF HENRY HAINES PERRY, DOVER, MASS.

The CHAIRMAN. Please state your full name for the record.

Mr. PERRY. Henry Haines Perry, Dover, Mass.; business offices of Arthur Perry & Co., investment bonds, 3 Milk Street, Boston, Mass.; member of the Griffin committee.

The committee has already been mentioned, but not my name in connection with it.

I have already read these notes which I will read; I read on the train this morning inside of five minutes, so I think I will not take up much of your time.

Mr. Chairman and gentlemen, it seems to me that there is just one question that is really pertinent here to-day: Would those people, conscientiously opposed to taking part in war, be desirable citizens of the United States? If not, I do not think that they ought to be let in. We can limit the discussion to those thoroughly sincere in their conscientious convictions, because the insincere will obviously pass without passing the particular barrier now in question.

I wish to speak of one factor only, the value of adherence to conscience in the maintenance of our civilization and our body politic.

A nation is not primarily an extensive piece of territory, but rather an aggregation of people having common ideals.

Mr. JOHNSON. You do not want us to believe that it does not have metes and bounds?

Mr. PERRY. I say, a nation, as such, is not primarily a mere extensive piece of territory.

Mr. JOHNSON. What is a nation?

Mr. PERRY. What constitutes a nation is an aggregation of people having common ideals.

Mr. JOHNSON. Oh.

Mr. FREE. Is China a nation?

Mr. PERRY. That is a nice question.

Mr. JOHNSON. Yes.

Mr. FREE. Do you have a nation there?

Mr. PERRY. I would call China a very much disorganized nation.

Mr. JOHNSON. Would you have a nation to be a sort of a no-man's-land?

Mr. PERRY. Why, no. I would not have a disorganized nation. I thoroughly approve of authority.

Mr. JOHNSON. A sovereignty?

Mr. PERRY. Yes, sir.

Mr. JOHNSON. Prepared to defend itself?

Mr. PERRY. Yes, sir; by the best means of defense.

Mr. JOHNSON. And sustain the laws that it enacts?

Mr. PERRY. Yes, sir.

Mr. JOHNSON. Uphold treaties?

Mr. PERRY. Yes; I have not said by what means.

Mr. JOHNSON. Preserve its boundaries?

Mr. PERRY. Yes.

Mr. JOHNSON. In other words do everything that belongs to sovereignty, and protect the people therein, its citizens; that is, sustain sovereignty?

Mr. PERRY. I suppose one could write a book on what sovereignty of a nation is.

The CHAIRMAN. Let him proceed.

When you have finished with your statement, then the members may ask questions.

Mr. PERRY. The primary essence of a nation, the greatness of a nation, depends upon the character of its ideals and not its physical resources.

We need only to compare Holland or Great Britain with certain other nations of vastly greater physical resources.

We regarded our own Nation as a great nation long before it became great in economic importance, because of the great ideals in which it originated. This Nation would not be the nation we now know, had not conscientious convictions driven our forefathers into the wilderness. Other self-seekers came with them, or soon followed them, but the men of conscience ruled and set the standards of this country.

Sometimes, in these days, we talk of the fall of our civilization, or break-down of the political institutions which we hold dear. It has been intimated that this bill might tend toward that. Let us not be deceived as to how stability is maintained. Law and order are preserved, not primarily by force, but by common consent of the vast majority of the governed, who distinguish between right and wrong, and act accordingly.

Banditry is not born in sensitive consciousness, but out of lack of idealism.

Consider any community that we know well in this country, and the many people in it who are outstanding as faithful to their sense of right and wrong. You can not measure, it is true, their power for good, but you can not doubt their influence. Spirit works upon spirit, and as Eddington, the noted English author points out, there is something in our nature that physical science can not account for. We are spiritual beings as well as physical.

Can we not afford to take the chance that people, whose consciences we may regard (judged by the standards of to-day), as oversensitive, or even as misguided if you will, are more likely to become the makers than the breakers of a great nation.

The CHAIRMAN. Thank you.

The committee will stand adjourned until to-morrow morning at 10 o'clock, when the opposition will then be heard.

I suggest that you hand the names of those who are going to speak in opposition to the clerk of the committee, so that the chairman will have the names to call in their order. That will make it convenient for those who would like to get away.

Give us the names the way that you want them called, so that that will make it convenient for you.

(Thereupon, at 4.55 o'clock p. m., an adjournment was taken until 10 o'clock a. m., the following morning, Wednesday, January 27, 1932.)

TO RECONCILE NATURALIZATION PROCEDURE WITH THE BILL OF RIGHTS

WEDNESDAY, JANUARY 27, 1932

HOUSE OF REPRESENTATIVES,
COMMITTEE ON IMMIGRATION AND NATURALIZATION,
Washington, D. C.

The committee this day met, Hon. Samuel Dickstein, chairman, presiding.

Mr. DICKSTEIN. The committee will please come to order.

I tried to get a larger room, and I am still hoping that we can get a larger room in which to continue the hearing. I realize this is too small a place for so large a meeting, and if the hearing continues beyond 12 o'clock, I am going to put forth my best efforts to secure a larger room in which to continue the session this afternoon.

This hearing will continue consideration of H. R. 297 and H. R. 298, and I understand the testimony this morning will be in opposition to these bills.

I would like to give everybody a chance to be heard, so you will bear in mind that there are a good many witnesses. I do not wish to take away the time of anyone but simply want you to remember that others are to be heard.

Who will be your first witness?

Mr. LLOYD. I am appearing for the American Coalition of Patriotic Societies. The witness who was to appear first apparently has not come in, so I will open for them.

Mr. DICKSTEIN. Just give your full name and the organization for which you appear.

STATEMENT OF DEMAREST LLOYD, VICE CHAIRMAN OF THE BOARD, AMERICAN COALITION OF PATRIOTIC SOCIETIES

Mr. LLOYD. My name is Demarest Lloyd, vice chairman of the board, American Coalition of Patriotic Societies. The committee is perhaps somewhat familiar with our organization; it is composed of some 75 of the leading patriotic societies of this country. If the chairman desires, I will read that list.

The CHAIRMAN. You may, if you wish.

Mr. LLOYD. If the committee please, I have a copy of that, which I can leave with the stenographer.

The CHAIRMAN. Very well. You may read it and submit the copy to the stenographer.

Mr. LLOYD. Yes.

(The list above referred to is as follows:)

LIST OF ORGANIZATIONS IN THE AMERICAN COALITION OF PATRIOTIC SOCIETIES

Allied Patriotic Societies (Inc.).
 American Defense Society.
 Anglo-Saxon Federation of America.
 American Legion Auxillary.
 American Security League.
 American Vigilants Alliance.
 American Vigilant Intelligence Federation.
 American War Mothers.
 American Women's Legion.
 Bergen County (N. J.) Women's Republican Club.
 Better America Federation.
 Congress of States Societies.
 Dames of the Loyal Legion of the United States.
 Daughters of America, National Council.
 Daughters of the American Revolution, National Society.
 Daughters of the Defenders of the Republic.
 Daughters of the Revolution, National Society.
 Daughters of the Revolution, New Jersey State Society.
 Daughters of the Union, 1861-1865, National Society.
 Daughters of Union Veterans of the Civil War.
 Disabled American Veterans of the World War.
 Elizabeth Parcells DeVoe Chapter United States Daughters of the American Revolution.
 Englewood (N. J.) Women's Republican Club.
 The Government Club (Inc.).
 Immigration Restriction Association.
 Immigration Study Commission.
 Industrial Defense Society.
 Junior American Vigilant Intelligence Federation.
 Junior Order United American Mechanics, New Jersey.
 Ladies Auxillary, Order of Independent Americans.
 Ladies Auxillary, Veterans of Foreign Wars of United States.
 Ladies of the Grand Army of the Republic.
 Leonia (N. J.) Women's Republican Club.
 Mayflower Descendants-General Society.
 Military Order of the World War.
 Military Society War of 1812.
 Minute Men of America (Inc.).
 National Immigration Legislative Committee.
 National Patriotic Council.
 National Patriotic League.
 National Security League.
 National Society of New England Women.
 National Sojourners, National Society.
 National Sojourners, Manhattan Chapter No. 86.
 National Sojourners, New York Chapter No. 13.
 National Women's Relief Corps.
 Naval & Military Order of the Spanish American War.
 New York City Colony, Society of New England Women.
 Order of Independent Americans.
 Patriotic Builders of America (Inc.).
 Patriotic Order of Americans, National Camp.
 Patriotic Order Sons of America, National Camp.
 Patriotic Women of America, National Society.
 Protestant Women's Civil Federation.
 Reserve Officers' Training Corps Association of the United States.
 Ridgewood Unit of Republican Women (Inc.).
 Service Star League (Inc.).
 Society-of Native Born of United States of America (Henry Clay Council No. 170).
 Society of New York State Women.
 Society of Colonial Wars in the State of New York.
 Sons of the American Revolution, National Society.
 Sons and Daughters of Liberty, National Council.
 Sons and Daughters of the Pilgrims, National Society.
 Southern Vigilant Intelligence Association (Inc.).

Union of Republican Women, Sangamon County, Ill.
 United Daughters of the Confederacy, New York Chapter.
 United States Air Force Association (Inc.).
 United States Daughters of 1812, National Society.
 Veteran Corps of Artillery of the State of New York.
 Veterans of Foreign Wars of the United States (Americanization committee).
 Veterans of Foreign Wars of United States, National Society
 Westchester Security League.
 Women's Patriotic League of America.
 Women of Army and Navy Legion of Valor, United States of America.
 Women Descendants of the Ancient and Honorable Artillery Company, National
 Society.
 Women's Pioneer Aircraft Association of Chicago, Ill.

COOPERATING ORGANIZATIONS

American Legion.
 Junior Order of United American Mechanics, National Council.

Mr. LLOYD. In behalf of this organization, I would like to present the following resolution:

Resolved, That the advisory board of the American Coalition of Patriotic Societies is emphatically opposed to any modification of our laws, or Constitution, whereby an alien may secure citizenship with any qualification as to his loyalty and duty to serve in the armed forces of the United States in times of war; and be it further

Resolved, That the advisory board of the American Coalition of Patriotic Societies urge upon Congress the enactment of positive legislation that will make the granting of citizenship to any alien seeking naturalization, with any reservation whatsoever as to his or her obligation to serve in or with the armed forces of the United States in time of war, absolutely impossible.

Mr. DIES. How many organizations does this society represent?

Mr. LLOYD. We represent all of the organizations named. Seventy-five organizations comprise the American Coalition of Patriotic Societies. I was going to define exactly what the organization is.

The American Coalition of Patriotic Societies is a coordinated society composed of some 75 affiliated groups, patriotic organizations, and fraternal organizations. The advisory board of this organization is composed of the chief officer and one delegate from each of those societies. And this advisory board, holding a meeting, determines matters of general policy, as it did here, determines the policy of the organization and what action it wanted to take with reference to immigration restriction, with reference to what stand it will take upon any matter. So this represents the majority vote of all of the organizations, because the representatives, the advisory board of the coalition, determines the policy and that policy is carried out through the board.

Mr. SCHNEIDER. When was that resolution which you just read passed?

Mr. LLOYD. That was passed at a meeting held in Washington.

Mr. SCHNEIDER. When?

Mr. LLOYD. In October.

Mr. DIES. Is it or is it not a fact that several other organizations have passed some resolution, a similar resolution to the one you read?

Mr. LLOYD. Yes; I think there are three others. I think there would be some 78 all told. We represent 75. There are some of these organizations that have not yet had their annual meetings, but on this issue their platform or established policies indicate their attitude.

Now, Mr. Chairman, I hope we can save you some time. I have some hope that we can get through this morning. This is a subject that could be debated forever, but I have studied the subject for some time and intensively during the last 24 hours, and it seems to me that the issue is very clear.

Mr. CABLE. You stated in the resolution that you were opposed to any modification of the law or the Constitution.

Mr. LLOYD. Yes.

Mr. CABLE. Now, as I understand the contention of the proponents of the measure, it is their desire simply to eliminate question 24, used by the Bureau of Naturalization. You did not refer to that in your resolution. How do you stand on that question?

Mr. LLOYD. Well, of course, that is so much worse.

Mr. CABLE. But you did not express yourself in the resolution.

Mr. LLOYD. No.

Mr. DIES. The resolution, you mean, does not refer directly to question 24?

Mr. LLOYD. Well, in the light of the naturalization law, and its interpretation, as given by the Labor Department, and the Supreme Court of the United States, I take it as a matter of course that this covers it. The representatives are unequivocally in favor of maintaining the law so that an alien can not thus escape in regard to bearing arms.

Mr. CABLE. That is just my point.

Mr. LLOYD. The regulation was passed by the Labor Department. This was considered at the time the resolution was passed.

Mr. CABLE. You did not even say that in your resolution.

Mr. LLOYD. Well, it was simply to try to save space.

Mr. CABLE. I simply wanted to know what your position was.

Mr. LLOYD. There is not any doubt about how the societies feel, I can assure you.

Mr. Chairman, it seems to be very unfortunate at a time like this, when there are such serious troubles and so much to do that your time and that of the members of the committee should be occupied with this sort of a question. I do not see how anybody who has read the Constitution of the United States and the naturalization law and the Supreme Court decisions in the Schwimmer and Macintosh cases could have come here and put on the sort of a show that they had yesterday.

I am going to leave the legal aspects of this case to those who are better qualified to analyze the reading of the statute and the holding of the Supreme Court, but it seems to me that the case is very clear. As I say, I will leave that to them.

Before I say what I have to say, I would like to take up two or three points that came out yesterday which require an answer, as they might cause some confusion.

There was one speaker who said it was very dangerous to raise questions regarding the Constitution on account of serious differences of opinion regarding the fifteenth and eighteenth amendments. Now, in the first place, I think they are wrong in so far as the Constitution is concerned, as one of the legal members will show. But, from the point of view of the opponents, and from the point of view of those who are defending the Nation, there is a great distinction and a clear distinction between the fifteenth and the

eighteenth amendments, and this question of national defense. It is a fair statement—unfortunately it is so—that there are very serious differences of opinion between the citizens of this country on those two amendments to the Constitution. It may be that if that question were submitted, there would still be a serious disagreement between them, but on the question of national defense there is not. On this question of national defense I do not think there is anyone in the country who could truthfully say that sentiment is not overwhelming on one side. There is no serious difference of opinion whatsoever. There is a small minority and a very noisy minority, that would try to make you feel that there is considerable difference of opinion; but there is not any great difference of opinion on this question of national defense.

Another thing that was brought out was the statement that this is an interpretation of the naturalization law as it is now and this interpretation would not keep out the dishonest alien, but would only prevent the sincere one from entering. It is interesting in that connection to note that some of the people who were here yesterday represented the communists. They represented an extreme radical element, and in a way, that is justified; I think it is a fair statement to say that they represented a radical foreign element. There were a few statements that the radicals despise the modern idealist, and I think that is so, but if you will study the present day, and perhaps a little history, you will see that they line up finally in their operations; there is a working agreement between them and I think that can be proved in a very brief statement.

The French Revolution was not started by the reds. The French Revolution was started by a lot of moderate idealists, among whom were a great many of the aristocracy. The reds crashed in later and took charge, so the result was about the same.

The same thing is true in Russia. It was not the Bolsheviks who started that revolution, but a number of well-meaning but in many cases misguided people.

Liberals strive to break down the structure of a government and then they are swept aside by the militant radicals who then take charge.

The CHAIRMAN. Mr. Lloyd, your discussion is very interesting, I am sure, to all of us. If you will pardon me, just a moment, for interposing.

Mr. LLOYD. Of course.

The CHAIRMAN. The question here raised, and there seems to be but one question, and that is whether or not question 24 of the application shall be removed at the time of the application.

Mr. LLOYD. Yes, sir.

The CHAIRMAN. Personally, I have no objection to continuing the discussion. I am sort of neutral here. I am not on one side or the other. But, do you not think you should confine your discussion to that particular point? Do you not think we will get further? I am willing to sit here as many hours as you wish.

Mr. LLOYD. Thank you.

The CHAIRMAN. I am simply suggesting that it would facilitate the hearing if you can confine the discussion to question 24; whether it should be removed from the application.

The only question raised by the proposed legislation is in regard to question 24. I am willing to sit here as long as you want to, and if you want another day to discuss the question you can have it. But my suggestion is that you keep close to the main point in the case. Question 24 is the important question which we are dealing with.

Mr. JENKINS. Mr. Chairman.

The CHAIRMAN. Mr. Jenkins, I do not know what the other members of the committee desire.

Mr. JENKINS. This is the way I look at this thing: I do not think that anything that will be said here by these people, on one side or the other, is going to change very much any member's mind on it. I think the members have their minds pretty well made up, but it strikes me that this record, which is going to be made up, is going to be a very valuable record, and is going to be used in this country in the coming years. This is an important question, and there is no question about that. It strikes me also that there is a good deal of feeling about it because people appreciate that it is a very important matter, and it is one that we have got to decide. It is going to be decided, at least it must be decided to some extent, outside of this committee; and I think that the persons appearing here ought to be allowed full time for their discussion.

The CHAIRMAN. I am simply saying that I thought it would be better if they could stay close to the main issue. I am merely trying to explain the issue that is before them—so that the argument, so far as possible, will be limited to section 24.

Mr. JENKINS. Just allow me to finish.

Yesterday we heard the statement from this Doctor Davis from Yale University. That statement indicated the gentleman had given considerable thought to it. He had prepared himself extensively, and no doubt he was the spokesman for a great sentiment of thought in this country. Evidently he represents that school of thought, and he was speaking for it. The people of the country have a right to know what those ideas are, and what reasoning they are based upon, and I am of the opinion that we should give those on this side ample opportunity to be heard.

The CHAIRMAN. It is perfectly agreeable to me. Except that I do not agree with you quite that the committee has already made up its mind, Mr. Jenkins.

Mr. DICE. The trouble is that yesterday there was unlimited discussion, apparently.

The CHAIRMAN. Well, I am not trying to deprive anybody from making a complete statement; I simply wanted them to speak on the question, and I am merely trying to help the gentleman in getting to that point.

Mr. JENKINS. In discussing section 24.

The CHAIRMAN. Yes; that is the thought I had in mind.

Mr. JENKINS. That is what we want.

The CHAIRMAN. All right; let us go ahead.

Mr. LLOYD. Mr. Chairman, I am glad to have the suggestion, and the only reason I brought this matter up was because on yesterday there probably was allowed a rather wide range in the arguments, and I am in favor of letting them have full discussion. I am sure that all our people would feel the same. The proponents talked about a great many collateral matters and also they claimed that

they were entirely disassociated from communistic doctrines, or the alien element, and it was merely for that purpose that I brought out the point I mentioned a while ago. They made the point against section 24, saying that if it was allowed to stand that we would be in the same class as bolshevik Russia, or kaiserist Germany.

Now, as I see the case, these two types of radicals do not actually line up together, but there is a working arrangement, and you will find, if you take time to follow it through, that they both will be behind this movement; that is the radical organizations will be behind this movement. That is a point which they discussed, and which I wanted to bring out.

Now, then, in regard to the language contained in question 24: If these people have read the case decided by the Supreme Court; if they have read the naturalization law, if they have read the questions contained in the application for naturalization, I do not see how they have any excuse for standing before this committee and putting on the show they put on yesterday. But, I am not a lawyer, and I am going to leave to somebody else, who is a lawyer, to call that to your attention.

And furthermore, there is no rule ever made that does not require some exception. There is no principle that can not be carried to some point where it will not break; that is, it will break if it does not bend. In an address delivered by former Chief Justice Taft, before the Chamber of Commerce of the United States, in Washington, on May 8, 1920, he made a statement bearing out that same thought. He was not talking about bending the principles of self-government, but the principles applicable, generally, and said that unless you make exceptions in the application of those principles, you will find that in many cases absurd results will be the outcome.

Now, emphasis was laid on our traditions. This bill deals with question 24 in the application, a matter pertaining to the immigration and naturalization laws. I am happy to say, and I am proud to say that our Congress and this country has always shown a very practical and realistic attitude towards these issues.

The enactment of the restriction immigration system is, to my mind, one of the most interesting and inspiring examples of response to the urge for national self-preservation, to follow the teachings and the traditions of our country. We have talked about the melting pot, and the home of the oppressed, for a long while, but when the World War came along, it woke us up. We found that melting pot did not work. We found then the necessity of taking steps to limit the influx. In spite of our traditions we established an immigration restriction law.

The same reasons that brought about that restriction apply to the present problem. The tradition about this matter of bearing arms goes back to the very foundation of our country. We had the same question in regard to universal service that we have in this case.

It has been brought out that Congress has the right to stipulate what sort of people we take into our country. Congress can say that we are going to have a better class taken into our country or a worse class. The whole matter is up to Congress. It is not necessary to lengthen, or to extend this kind of argument. You know what the thought of Congress is, and of the country. The only

point I want to make about this question is this: With all the trouble that is now in the world, with our Nation not in a strong position to-day with all of these different groups that have been coming in, it is no time for us to become lax in our restrictions.

I am not going to take any more of your time, because I know that Congress will see the correct position in this matter, and I have no anxiety about the outcome whatever.

Now, I shall not take up more of your time, but simply introduce the next speaker.

STATEMENT OF H. RALPH BURTON, OF THE NATIONAL PATRIOTIC LEAGUE, OF WASHINGTON, D. C.

Mr. LLOYD. Mr. Chairman and members of the committee, I want to call as our next witness Mr. H. Ralph Burton, of the National Patriotic League.

Mr. BURTON. Mr. Chairman and gentlemen of the committee, it is of decided importance to determine and remember throughout the course of these proceedings what the issue is before us, and it is very easy to go off on tangents where a question of this kind is under discussion. Mr. Griffin has very distinctly stated that he is trying to amend a statute, that statute which has to do with nationalization of aliens; that he is trying to furnish the Bureau of Naturalization a guide so that it will not take unwarranted liberties when drawing up the forms issued in connection with naturalization, and what seems to disturb him most is question 24 in the application for certificate of arrival and preliminary form for citizenship, known as form A-2214, which particular question reads:

If necessary, are you willing to take up arms in defense of this country?

I was not here when Mr. Griffin spoke yesterday, at least not all of the time, but at the hearing on this same resolution about a year ago Mr. Griffin said with reference to this same question that it was a "gratuitous, unwarranted, and unauthorized interpretation." "It is not," he said, "an opinion as to what a person will not do, but what he thinks he will do in some future time in the country."

Mr. Griffin was asked, "Do you agree that such a question should be put to a man of military age?" And he answered, "Yes; for a young man, but not for a woman, because we are not going to call women into combatant service."

Therefore, at the very outset, Mr. Griffin admitted that the question is a proper one if put to the proper person; that is, one of certain sex and age; but Mr. Griffin evidently fails to recognize that the question is one involving a basic principle applicable not only to men of military age but to men and women alike of all ages. It is not a question which goes to the applicant's qualifications for military service and the defense of this country so much as it goes to the question of their willingness and belief that it should be defended with arms.

It would be utterly impossible to have one kind of question for one person and another kind for another person, and unless there is a desire to enjoy the benefits of this country without the liabilities that go with them, no one can have an honest objection to promising to defend this country with arms, if need be. Any question as to

qualifications or the like would be determined in the regular course of procedure when the proper time arrived.

I have two sons of military age, and most certainly, in the event of war, they could not and would not avoid the duties that would be before them, and I find it impossible to reconcile myself to permitting aliens to enter this country as citizens with the privilege of selecting noncombatant service in time of war while my sons and those of other American-born citizens do their fighting for them.

To those who are aliens and seek the country's benefits it is a privilege and not a right to be admitted to citizenship; but it is not for them to dictate the terms upon which they shall be admitted to the rights which natural-born citizens enjoy, and I only regret that those who advocate such admission to citizenship upon such a basis can not be required to go to other parts of the world and enjoy the society of those who contend that they are entitled to the benefits of our country with none of the liabilities.

Mr. Griffin says he wants to amend the statute so that it will not be possible for our officials to ask question 24. Why? Just what is the purpose which Mr. Griffin has in mind or those who so ardently back this resolution? I am unable to determine but apparently it is because they claim to owe allegiance to God above their country. I am at a loss to understand upon what theory and what basis this statement is made, for I have found no evidence so far that God is opposed to the citizens of the country who are willing to defend it with arms, or without. I am unwilling to admit that these gentlemen who have spoken before this committee have been chosen of God or are properly interpreting the principles advocated by God; I am not willing to admit that those who refuse to do so are more holy than I, and entitled to place themselves upon the right hand of God. Modern Pharisees, say I, and no less.

Again we hear from advocates of this resolution that it is their conscience which must be considered before their country which, in some way, they seem to interchange with allegiance to God, whichever happens to suit the moment; but whatever it is, allegiance to God, or allegiance to conscience, comes before the State and the common defense of the country. In other words, aliens from everywhere must be permitted to come into the country upon the condition precedent, if you please, that if war is declared by Congress they must be excused because their conscience does not permit them to take up arms in the defense of this country whose benefits they desire.

I listened to Mr. Davis yesterday in silence exhorting the principles which I have mentioned, speaking as God's direct representative on the question of war and on the question of bearing arms, but if his authority for that is no greater than his authority is for speaking for the Catholic University, then it is nil. When asked by what authority he spoke for Catholic University he hesitated and then said he did not recall, but it was some one he met on the campus, or in one of the departments, but he could not remember their name. Nevertheless, subsequently he said he had called up this person on the telephone to verify what he said and I now ask how he could call up such a person when he did not know their name. No such libel upon the patriotism of the Catholic Church should be permitted, for there were no more loyal citizens or as ardent advocates

for this country's defense during the war than the leaders of the Catholic Church; and I defy Mr. Davis or anyone associated with him to bring officials of the Catholic Church before this committee who will say that aliens should be admitted to citizenship when they refuse to bear arms in defense of their country.

Mr. Davis told us of his ancestors; they were ancestors of whom he might readily be proud. But, I am wondering what would have become of the boat that George Washington used in crossing the Delaware if his ancestor general in charge of it felt the same way that Mr. Davis apparently does.

I listened carefully to his descriptions of the activities of his ancestors, so far as patriotic efforts were concerned, and also to the exposition of his views as to the duties of a citizen, and I was reminded of some remarks made by our beloved Nicholas Longworth, who, at a dinner when describing a similar situation, said:

Mary had a little lamb, its fleece was white as snow;

It followed her to Pittsburgh one day, and now look at the damn thing.

I wonder just what Mr. Davis's ancestors would think if they could have heard what he said here yesterday.

Now, I think it well to consider, if this resolution is passed, just what sort of citizens would be admitted to the country. I am going to take as an example Madame Rosika Schwimmer, whom I doubt not is here to-day. Madame Schwimmer at a recent meeting of the Women's International League for Peace and Freedom at Geneva, advocated the women's slacker oath. Last year when I made this statement Madame Schwimmer at the time said that I was in error, because she said she was not present when the vote was taken and wished I would correct the statement. I asked her what the reason was and she said that she was not there. I then asked her what she would have done if she had been there, and she said she would have voted for it. It seems that Madame Schwimmer was in Budapest at that time, when the oath was taken, where the Bela Kun communist revolution was in progress.

Now on the question of this Women's International League for Peace and Freedom, I want to refer to some testimony that I gave here last year and at the same time I suggest that you make it as a part of these proceedings.

The CHAIRMAN. What page is that?

Mr. BURTON. That is on page 159. Well, my statement begins on page 152, and I filed certain correspondence that had been carried on relative to the Women's International League for Peace and Freedom.

Now, the claim throughout, in urging the passage of this law, is that people who object to bearing arms in defense of the country should be admitted and they should be admitted because they owe allegiance to their conscience and to God, above country. It is principally, I would say, to their conscience, for whatever that conscience may represent. But I now want to call your attention to one of their platforms, or one of the programs, of the Women's International League for Peace and Freedom. First, is the program urging the passage of this bill which will admit aliens to citizenship in such a way that they would not have to answer question 24, and will let in people who will not fight for the country?

This platform which was accepted by the League, contains the following items:

First, work based on findings of Women's International League, international congress in Dublin.

Second, introduction of bills in line with Women's International League policies in Congress and also in various State legislatures for the letter to memorialize Congress.

Third, work against national defense act, in cooperation with committee on militarism in education.

Fourth, work against citizens military training camps.

Fifth, work against military training in schools and colleges. Support Welch bill.

Sixth, work against conscription bills, and so on.

That is the policy of the Women's International League for Peace and Freedom.

Now the women's slacker oath which I mentioned a few minutes ago includes the following:

We have pledged ourselves not to give you our children; not to encourage or nurse your soldiers; not to knit a sock or roll a bandage or drive a truck or make a war pledge or buy a bond.

That is the oath which the Women's International League for Peace and Freedom advocates should be taken by every woman and Madame Schwimmer, who is with us, advocates that, and is the leading advocate of the women's slacker oath, she who has a cosmic sense of a universal existence. The league puts that in as one of their principles.

Now by reference to the testimony of last year, you will find that, and also the relationship of this league to communist activities, set forth in the testimony. There is no question where they stand on communism, and no question where they stand on pacifism, and those two things frequently go together.

The National Council for Prevention of War, which is in this city, stands side by side with the Women's International League for Peace and Freedom in these things. The recognition of Soviet Russia—which is becoming one of the greatest war machines to-day—and at the same time the destruction of national defense and the elimination of the Navy; all of those things go together in their program.

Now with reference to the Supreme Court decision: A statement was made yesterday by Mr. Davis that the decision of the Supreme Court and the announcement of the justice or the justices in rendering the opinion, was but the interpretation of the existing law. Without attempting to read that decision to you, as you gentlemen no doubt are quite familiar with it, I say that the justices who rendered that opinion in speaking of the requirement on the part of citizens to defend the country with arms, if necessary were announcing the basic principles upon which the decision was founded, and it can not be said that they were simply giving an interpretation of the law regarding naturalization. It is true that this case went up to the Supreme Court as a result of the application of Madame Schwimmer and that it did interpret the naturalization law, but when the justices made the statement that the defense of the country with arms, if necessary, was a fundamental obligation of citizenship, the court did not say that solely in connection with the interpretation

of the law, but announced it as a fundamental principle upon which such decisions should be based.

Now if the committee please, I want to bring to you something about the Kellogg peace pact. It seems to be the bible of the pacifists, of every person who advocates pacifist principles, for they claim that the Kellogg peace pact has eliminated war, that war has been renounced. That is a theory which has been propagandized to the people of this country; that the provisions of the Kellogg peace pact have brought about the renunciation of war, the elimination of war, as a means of settling international disputes. I doubt if any greater or more serious fraud has ever been practiced upon the public.

The Kellogg peace pact does not renounce war. When the Kellogg peace pact was first suggested France made an objection to the draft, which was in substantially the present form. The third paragraph was to have to do with the renunciation of war, the elimination of war as a means of settling international disputes. France objected to it and said: There is, however, a situation of fact to which my Government has requested me to draw your particular attention.

The American Government can not be unaware of the fact that a great majority of the powers of the world, and among them most of the principal powers, are making the organization and strengthening of peace the object of common efforts carried on within the framework of the League of Nations. They are already bound to one another by a covenant placing them under reciprocal obligations, as well by agreements such as those signed at Locarno in October, 1925, or by international conventions relative to guarantees of neutrality, all of which engagements impose upon them duties which they can not contravene.

It was suggested by France at that time that there be inserted in the Kellogg peace pact a provision which would make reservations possible, because, as they said, they were already bound to one another by the covenant placing them under reciprocal obligations. All of this had been taken into consideration and these matters had been discussed thoroughly before the Kellogg peace pact was ever suggested. But the United States was apparently unwilling to do that.

So, correspondence was entered into. Mr. Kellogg made the suggestion and the correspondence was entered into between different countries. Now, look at the volume which contains that correspondence. It takes a whole book, while the Kellogg peace pact is simply a pamphlet of two pages; that is all. When you go to the State Department and ask for the Kellogg peace pact they will give you a pamphlet of two pages; that is all. Those two pages right here [indicating] are the Kellogg peace pact, but here is the correspondence; it takes a book to cover the correspondence explaining the reservations to the Kellogg peace pact. Each nation wrote a letter setting forth their exceptions to the terms of the Kellogg peace pact; and you can find that by reference to this volume. They were unwilling to say they would renounce war. You can see that it does not apply to self-defense; it does not apply to any nations that break this treaty; it does not apply to the execution of obligations under the league covenant; it does not apply to the Locarno treaty; and it does not apply to the French alliances.

Now, if you can possibly find any war to which those reservations do not apply, I do not know about what it would be. To-day any

nation, except the United States, is necessary to the Kellogg peace pact, can find a way to go to war.

Now, I am taking a little time, if the committee please, for the reason that the Kellogg peace pact, as I said, is used as a basis of argument by pacifists and idealists, who ask, "Why do we need to have national defense, armies, or navies?" That is the question that we are getting on all occasions, and the Kellogg peace pact is the basis of their contention.

Now, let us refer just a moment to the League of Nations—

The CHAIRMAN. Before you get to that, I understand it is your position that the Kellogg peace pact is just a lot of ifs and ands.

Mr. BURTON. Whereas, ifs and ands, and so forth. It contains enough whereases to make quite a volume.

Mr. SCHNEIDER. Do you think that Japan violated that peace pact by its recent operations?

Mr. BURTON. Japan has not violated the Kellogg peace pact if her nationals were attacked; she can come in under the first exception, the exception relating to self-defense, or under the second section. Japan can protect their nationals, if China had attacked her nationals, and they were unprotected.

Now, coming to the League of Nations' covenant. Section 16 of the covenant of the League of Nations provides that in the event of war the council shall call upon the nations to refer the matter to the council, that is, if the nations have a quarrel, I should have said, they are required to refer that quarrel to the council of the league. And the council is required to attempt to settle the difficulties; but failing to do that, and one nation goes to war, that nation shall be deemed to have declared war against all other nations in the league, some 59 or more at this time.

Furthermore, the council of the league is authorized to designate what shall be contributed in the way of navy, air, and land forces, and so forth, by the various members of the league, to form an international army and navy to suppress that nation which has declared war against one of its members.

I know no better example of what can occur than the situation existing between Japan and Cuba. Under the Platt amendment Cuba is not permitted to enter into a treaty permitting colonization of a foreign nation, but Cuba entered into such a treaty with Japan. Now, if we have any controversy with Japan about that, under section 17 of the league covenant, even though we are not a member of the League of Nations, we will be invited to submit the dispute to the council of the League of Nations and if we should refuse to do what they say and attempt to assert our rights against Japan, we, under the league covenant, would be put in the position of having declared war against all the nations in the league. We would not only then have Japan as an enemy but the rest of the world, because that is what the league covenant provides.

That being the case, it is very easy, I think, for the members of the committee to see that war can happen under the league covenant and therefore the Kellogg peace pact fails utterly in what is claimed for it. In addition to that—

Mr. SCHNEIDER (interposing). In that event there has been a violation of the League of Nations covenant. Do you think Japan has violated those covenants?

Mr. BURTON. If she is the aggressor, provided the first exception does not apply; that is, that her nationals have been attacked and require the protection of their country.

Mr. SCHNEIDER. But that must be settled as between the parties, without resorting to arms.

Mr. BURTON. Quite so. Under the Kellogg peace pact and the League of Nations; of course, Japan and China have been invited to settle their disputes but Japan has declined to do so.

Mr. SCHNEIDER. She has?

Mr. BURTON. She has; yes. Now, section 16 should be applied according to the provisions of the covenant.

Now, pursuant to the provisions of article 16, if the league council had done what the league covenant required it to do, it would have done just that, but it did not do it. Instead it sent a commission to Manchuria.

Now, I want to read to the committee, article 17, as follows:

In the event of a dispute between a member of the league and a State which is not a member of the league, or between States not members of the league, the State or States not members of the league shall be invited to accept the obligations of membership in the league for the purpose of such disputes upon such conditions as the council may deem just.

If a State so invited shall refuse to accept the obligations of membership in the league for the purpose of such dispute, and shall resort to arms against a member of the league, the provisions of article 16 shall be applicable as against the State taking such action.

Now, as I have just read to you, the council may call upon the other nations to form an international army and navy to protect the covenants of the league, so that if the United States, although not a member of the league, should resort to armies to protect its rights, the council can form an international army and navy, made up from the various countries of the world, and attack the United States, and that is excepted from the Kellogg peace pact, if you please.

I have one more thing. Under the provisions of article 20 of the league covenant, it was impossible for members of the league, if they had any regard for their international obligations, to enter into the Kellogg peace pact without making the necessary reservations to enable them to wage war under the league covenant.

Mr. CABLE. Just one question, if you please. The Constitution provides that Congress is limited to establishing uniform rules on naturalization. Have you considered whether these two bills are Constitutional or not?

Mr. BURTON. As to that question, I would say that if this resolution is reported, it would be aiding a particular class, those who refuse to take up arms for either religious or, conscientious reasons. Then, I would say, it is violating the Constitution for the reason that it becomes class legislation.

The CHAIRMAN. Thank you.

Call your next witness.

Mr. LLOYD. I will call Colonel J. T. Taylor, of the American Legion.

STATEMENT OF COL. J. T. TAYLOR, OF THE AMERICAN LEGION

Colonel TAYLOR. Mr. Chairman, and members of the committee, is the committee at the same considering H. J. Res. 255 that was put in by Mr. Dies on this subject?

The CHAIRMAN. No; we are just considering the Griffin bill. What does that do?

Colonel TAYLOR. It is in conformance to a resolution adopted at the Detroit convention covering a point that was raised here yesterday, to wit, that, if there is any doubt in the minds of the people about the Supreme Court decision, that, instead of amending the law to permit these aliens to come into the country, the law should be amended so as to strengthen the Department of Labor and, in specific language, prevent them from coming into the country.

The CHAIRMAN. That has no bearing upon this.

Colonel TAYLOR. Yes; exactly. Our resolution, adopted at the Detroit convention, reads as follows:

Be it resolved by the American Legion in thirteenth national convention assembled, That we memorialize the United States Congress to amend the naturalization laws to specifically require that all applicants for citizenship be required to promise under oath that "they will bear arms in defense of this country" as a condition of the grant of naturalization; and be it further

Resolved, That the national legislative committee make this a major objective in its legislative program.

I think that Mr. Dies put that resolution in.

This is, of course, a question that has been up before the Legion for a very long time.

At the Boston convention, a year before, they adopted the following resolution:

Resolved, That we believe American citizenship is a privilege to be conferred only upon those who wholly accept the responsibility involved, and not upon those who demand or propose special terms; and consequently we believe that no person should be admitted to citizenship in our United States who is unwilling to take an unqualified oath of allegiance to our Government.

It will be seen, therefore, that the American Legion has given consideration to the responsibilities of American citizenship in its national convention held in Boston 18 months ago and its national convention held in Detroit last September. On both these occasions the more than 1,000 delegates to the convention went on record unanimously as opposing the naturalization of any alien who declined to wholly accept the responsibilities involved in American citizenship and to require that all applicants for citizenship promise under oath "they will bear arms in defense of this country," as a condition of the grant of naturalization.

The Legion does not believe that naturalization is the inherent right of an alien, to be consummated by the United States upon such terms as an alien may desire to dictate.

On the contrary, the Legion believes that the granting of American citizenship to an alien is a privilege which the conduct and attitude of the alien should merit. Furthermore, the Legion believes that the United States has a right to select the type of person it desires to become a member of our great national family, for once the status of citizenship is conferred upon an alien, that former alien has equal standing before the law with those citizens whose ancestors came to

our shores 300 years ago and carved out of the wilderness the greatest Nation which the world has ever known.

Should an alien be permitted to accept naturalization with the proviso that he would not be required to bear arms in the hour of his country's need, such a naturalized citizen would then occupy a status of privilege beyond that held by native-born citizens—for native-born citizens must heed their country's call to arms when the Congress determines that the free rights of American citizens have been violated.

Under such circumstances the patriotic native-born American citizens would, as usual, gladly bear arms in defense of his country's freedom—while the naturalized citizen, he who brings a foreign philosophy to our free shores, would be allowed to take his ease at home, to fatten upon war profits while the native-born son of America suffers the hardships of camp and trench, fighting back the invaders.

This question was brought up some years ago upon the refusal of the Supreme Court of the United States to grant citizenship to Rosika Schwimmer.

It was brought to a head last May when the Supreme Court denied citizenship to Prof. Douglas C. MacIntosh and Marie Averil Bland who were seeking to become citizens without taking an unqualified oath to bear arms if called upon to do so.

The word "finis" was written in this connection when the Supreme Court on October 12, 1931, declined to review its decision in the MacIntosh and Bland cases and upheld its decision denying them citizenship.

I would call to the attention of the committee that hundreds of thousands of aliens would come to our shores each year if our immigration laws and the interpretation placed upon them by our consuls abroad had not now reduced immigration to a negligible number.

We are now selecting our immigrants with greater care than ever before in the history of this Nation. Under these circumstances, would it not be folly to allow the great privilege of American citizenship to be bestowed upon persons with so little love for this Nation and its institutions that they would seek exemption from the ranks of its defenders in time of grave national peril?

I am confident that this patriotic committee of the Congress will answer "no" to this unpatriotic request. And I unhesitatingly assert that in declining to report this un-American measure that the committee will merit and receive the approval of the patriotic citizens of this country.

Mr. Chairman, and Members of the Congress, the American Legion respectfully requests that you decline to report the Griffin bill.

I do not feel that I should conclude my testimony without a word of comment upon some of the theories advanced to the committee yesterday by Professor Davis, of Yale.

One who listened to him would assume that the United States has been in the past engaged almost exclusively in unjust wars, and that in any wars in which we may participate in the future, that the United States is likely to be on the wrong side, and our enemies on the right side—from the viewpoint of justice, morality, and conscience.

I will submit to this committee that a review of our major wars of the past shows conclusively that such a preposterous assumption is unwarranted, although such a review undoubtedly discloses that there existed a division of opinion among our citizens as to the advisability of our participation in all the major wars in which this Nation has been engaged.

I will cite for the record our four major wars.

The Revolutionary War. While a majority of the Colonists favored the battle for independence, there is no gainsaying the fact that there were also many Colonists who opposed the war, whose sympathies were with Great Britain and some of these harbored this feeling so deeply that they turned against their fellow colonists and became what was known as Tories, casting in their fortunes with Great Britain in the war.

The War of 1812. A division of opinion as to the advisability of this war existed so strong that some of the statesmen in New England suggested that the New England States secede from the Union because of the injury to their trade which the war brought about. If the theories of Professor Davis were to prevail, this war for the freedom of Americans to sail the seven seas in safety might well have been lost.

The Civil War. I do not need to comment upon what effect the theories of Professor Davis might have had upon such a war as this, where the Nation was divided against itself.

The World War. Although the great majority of Americans stood stolidly behind this war for freedom, many in the Nation believed the war unjust—if possible, would have had America enter it on the side of the central powers rather than on the side which was chosen.

One side of this division must necessarily have been right, and the other side wrong. Should Professor Davis's theories prevail, only those in sympathy with the war would have been required to maintain the rights of America—the others would be allowed to escape military service.

Forty-five years was the maximum age during the World War at which a citizen, or an alien for that matter, could be called to the colors. This was not only because of the Constitutional provisions, but because a man above that age has not the physical stamina requisite to active participation in the hardships imposed by modern warfare. Professor Davis has emphasized the high moral and intelligent qualities of Professor MacIntosh, of Yale.

I would point out to you, therefore, the insidious character of such an argument. Because he has passed the age of 45 years, should America become involved in a major war, Professor MacIntosh could not be called to the colors. This fact is well understood by Professor MacIntosh, Professor Davis, and those others who are advocating the principle for which he stands.

It will be seen, therefore, that this fight on the part of Professor MacIntosh and those who are supporting his contentions, is not in its essence a fight to prevent Professor MacIntosh from any possible violation of the dictates of his conscience, but has been in fact a fight for a principle involving the ideas of other foreigners who may seek to become American citizens—that principle being that such foreigners be allowed to obtain the benefits of our civilization and the

protection of our strength without doing their part to protect native-born Americans in the event of a clash with a foreign power.

The American Legion is opposed to this principle which these foreigners would impose upon us as a national policy, and we ask this committee not only to disapprove the Griffin bill, but to approve the Dies resolution, H. J. Res. 255, now pending before this committee, which prohibits the naturalization of aliens under the circumstances advocated by Professor Davis.

I thank you.

The CHAIRMAN. Thank you very much, Colonel.

Please call your next witness.

Mr. LLOYD. I will call Mrs. L. F. Hobart, President General, Daughters of the American Revolution.

STATEMENT OF MRS. LOWELL F. HOBART, PRESIDENT GENERAL, DAUGHTERS OF THE AMERICAN REVOLUTION

Mrs. HOBART. Mr. Chairman and gentlemen. I am Mrs. Lowell Fletcher Hobart, President General of the National Society Daughters of the American Revolution.

In speaking against this bill, I am safe in saying that I voice the sentiment of the delegated body of Continental Congress of the past half-dozen years regarding restricted immigration and the oath of allegiance.

I found in going through the Northwestern and Northern States also the Western States, during the past summer and fall that the one question asked everywhere was "Will you be alert in case any bill is brought before Congress allowing conscientious objectors or those refusing to bear arms in the defense of our country to become naturalized citizens?"

Evidently, the supporters of such a sentiment have been spreading their propaganda over the entire country, as it was the consensus of opinion that this bill would be brought before Congress at this session.

We are utterly opposed to give the privileges of citizenship to anyone not willing to defend it when necessary.

I can see no reason, in case of invasion by a foreign foe, why part of our citizens should respond to the call to arms, risking their lives in defense of their country, while others, who are also citizens of this country, are hiding in safety. Why should the men of our families, who are loyal Americans regardless of their feelings in leaving young wives, children and mothers, go into every branch of service, either on our ships, or on foreign lands, to defend an ever-growing peace army, the members of which army are hiding under safety zones of so-called patriotic service. Why should I give up my only son because the supporters of this bill are using the plea that their conscience and their allegiance to God refuses to allow them to fight? The halo spoken of yesterday seems to me nothing but a smoke screen for so-called conscientious objectors.

Furthermore we let these conscientious objectors come here and enjoy all the advantages of our land; they can become rich and influential; their children are educated at our public expense; they can take an active part in the Government, even to holding office

themselves, or to elect voters to office, a privilege which is given to those who would defend their country.

We can not deport them, if they are citizens, but if aliens, we can.

Religion should have nothing to do with the oath of allegiance. When it comes to God and country—those duties are parallel. God gave us our country, and He expects us to defend and protect it. There should only be one class of citizenship—those willing to protect their country under all circumstances. While the old and crippled men may not be physically fit to bear arms, nor do we expect the women and children to do so, but they are honest in their desire to serve, and a way will be found, if this time should come, to make use of their services.

I do not believe that anyone can speak for the entire membership of an organization or of a church. I do not pretend to speak for my entire membership, but I am speaking for the State and chapter officers, and the delegates elected by their membership to speak for them in continental Congress, thus representing almost 100 per cent of our membership.

Some of the societies represented yesterday are spending huge sums of money for billboards over the country to advertise the posters you saw yesterday. Unfortunate, there will be no one to stand by the side of each billboard to explain to the unsuspecting public that these figures which they show mean nothing.

General Pershing said, not long ago, "The good women are asking us to give up our ships and our arms, but we have so little to give up."

While America has never desired war, how do we know that some other country, who does desire war, will not declare war upon us? And I say to you, never again must we allow the young manhood of America to go into war so totally unprepared as they did in 1917.

It is often said that when the emergency arises America will answer the call—but why wait and sacrifice millions of lives because our boys and young men have had no military training? I do not believe, as I have heard stated, that if we were totally disarmed the rest of the world would be ashamed to come over and fight us.

Are we sure, if we passed the Griffin bill or a similar bill, that we will not admit thousands of aliens, whose conscience will not allow them to promise to bear arms for the safety of America—but will not many of them be willing to bear arms against the United States in this communist movement?

And, gentlemen, my plea and the plea of the national society, Daughters of the American Revolution, is for the future safety of this country and its worthwhile citizenship.

The CHAIRMAN. I have a letter here, Mrs. Hobart, that I am sure you would be interested in reading and answering. I do not desire to put anything in this record of this nature without allowing an opportunity for it to be read and answered.

Mrs. HOBART. Shall I answer it to you?

The CHAIRMAN. This is from some lady who claims to be a granddaughter of a Daughter of the American Revolution, and I thought, in fairness to you and your organization, that you should read that and be given an opportunity to explain it, because I do not care to put anything in the record without giving everybody an opportunity to see it.

Mrs. HOBART. We probably have a few disgruntled members over the country.

The CHAIRMAN. I will not put anything into this record unless everybody has an opportunity to answer it.

Mr. JENKINS. I would like to state that I have, and would like to put in the record at the proper time, about 350 letters and telegrams that I have received, some of them from members of the distinguished organization this lady represents.

The CHAIRMAN. She represents the organization and I assume she speaks for all of them.

Mr. JOHNSON. You are aware, Mrs. Hobart, that some of the members of these organizations, who are favoring the Griffin bill, have been appearing within the last week before the sub-Committee on Appropriations for the Military Establishment, and objecting to appropriations of money for the carrying on of officers' training camps, citizens' training camps, and any and all military activities. The representatives of the so-called pacifist organizations are working everywhere trying to beat down any defense.

The CHAIRMAN. The position that the Chair takes, as I said before, is that I do not care to put anything in the record unless an opportunity be given to any lady here to make such explanations as she may care to.

Mr. JOHNSON. The Chairman is quite right, and everybody admits there are minority views in every organization or group.

Mrs. HOBART. I am happy to say that the minority is very small in our case.

The CHAIRMAN. Thank you very much for your statement.

Mr. GRIFFIN. May I be permitted to interpose a remark at this moment? It seems that all of the argument thus far in opposition to the bill seems to be predicated upon the theory that if the bill, which I introduced, became a law, that applicants for citizenship would thereby ipso facto be relieved from service in the Army. I want to emphasize the fact that there is nothing in the bill, either in substance or—

The CHAIRMAN (interposing). Do you not think, Mr. Griffin, in fairness to those people who are making the opposition, it would be better to permit them to proceed without interruption, and then both sides will be given an opportunity to sum it up?

Mr. GRIFFIN. I am in complete harmony with you, Mr. Chairman, on that point, but I wanted to emphasize the point that the bill itself would not, if it became a law, take from Congress the right which it has to—

The CHAIRMAN (interposing). I think, Mr. Griffin, the opponents should be entitled to the same opportunity as your side was given yesterday. I tried to have no interruptions when you were presenting your side.

Mr. DIES. The Chairman is right.

Mr. JOHNSON. Certainly; but the proponent of the bill persists in interjecting a statement, and we want to take time to show his premises are wrong.

The CHAIRMAN. When both sides are through, both sides will be given a chance, if they desire, to add anything to their statements, and they will be given that opportunity, and that will be the proper time.

Mr. GRIFFIN. I wanted to make a correction, that is all.

Mr. JOHNSON. We do not admit it is a correction.

Mr. FREE. The fallacy of that argument of the gentleman from New York is this. He says there is nothing in this bill that prevents the Congress from causing anyone who afterwards gets into citizenship to be forced to go to war, but under the well-known policy of our Government, we have always exempted conscientious objectors, and we will just add a horde of people who come under that category, and if we had enough of them, we would not have enough people to depend upon to defend our country if it came to an extreme.

The CHAIRMAN. Why interrupt them when they are making their record? Strike it out from the record.

Mr. JOHNSON. You can not strike it out. Leave it there.

The CHAIRMAN. Call your next witness, please.

Mr. LLOYD. I will call Judge J. H. Noyes, of the Junior Order of United American Mechanics.

STATEMENT OF JUDGE J. H. NOYES, JUNIOR ORDER UNITED AMERICAN MECHANICS

Judge NOYES. Mr. Chairman and gentlemen, I represent the Junior Order of the United American Mechanics of the National Council. We have over 400,000 members in nearly every State in the Union. Our organization is opposed to these two bills. Our order believes that citizenship is a great privilege. If any person comes to these shores and wants to become a citizen, he or she should come under the terms as laid down by the United States, and not under terms as made by them.

Mr. JENKINS. Do you represent the Daughters of America also?

Judge NOYES. Yes, sir.

Mr. JENKINS. Are they included in the 400,000?

Judge NOYES. No; we have 300,000 in the Daughters of America Auxiliary to the National Council.

Mr. JENKINS. Do they agree with your sentiments?

Judge NOYES. They do.

Mr. DIES. Has any resolution been passed by either order?

Judge NOYES. There was last year, but not on these two bills. The national boards, who consider these matters with the legislative committee, have taken these matters up, and gone on record.

Mr. DIES. As you indicate here?

Judge NOYES. Yes, sir.

The CHAIRMAN. Thank you. Call your next witness, please.

Mr. LLOYD. I will call Mrs. Rice Means of the American Legion Auxiliary, National Society.

STATEMENT OF MRS. RICE MEANS, AMERICAN LEGION AUXILIARY, NATIONAL SOCIETY

Mrs. MEANS. I am here, but I did not expect to speak. I just wish to agree with Colonel Taylor. The auxiliary always follows the Legion in all matters of legislation.

The CHAIRMAN. Thank you.

Mr. LLOYD. I will call Mr. Herman A. Miller, National Secretary of the Patriotic Order Sons of America.

**STATEMENT OF HERMAN A. MILLER, NATIONAL SECRETARY
PATRIOTIC ORDER SONS OF AMERICA**

Mr. MILLER. Herman A. Miller, National Secretary of the Patriotic Order Sons of America, 1157 Butler Street, Easton, Pa. Before making any statement I desire to qualify as speaking for this Patriotic organization, and wish to present this resolution.

(The resolution referred to by Mr. Miller follows:)

RESOLUTION ADOPTED BY THE NATIONAL CAMP PATRIOTIC ORDER SONS OF AMERICA

Whereas it is not possible to foresee the specific character and nature on legislation to be introduced in Congress during the course of the next two years which may closely affect the interests and basic principles for which the Patriotic Order Sons of America stands, the legislative committee recommends the passage of the following recommendation.

Resolved, That the executive committee is hereby authorized to take any steps which in its judgment may be deemed proper to support or oppose any legislation introduced in Congress prior to the next convention which relates to the basic principles of Americanism for which the Patriotic Order Sons of America stands.

Adopted by the National Camp Patriotic Order Sons of America, in national convention at Atlantic City, N. J., September 23, 1931.

Mr. MILLER. We are, by action of our national camp, affiliated with the American Coalition of Patriotic Societies and I am the representative of our order on the advisory board. I was present at the meeting of the advisory board held last October in this city, and voted in favor of the resolution as presented by Mr. Lloyd. This resolution was presented to the members of our executive committee and approved. I was directed by our national president, Orrin E. Boyle to appear before this honorable committee and voice our opposition to this Griffin bill or any other bill that would place any reservation in the oath of citizenship or make a loophole to weaken the intent of the law requiring aliens to bear arms in defense of any war our country might engage in. The Patriotic Order Sons of America was organized in Philadelphia, Pa., on December 10, 1847, for the purpose of inculcating an active interest of its membership in the welfare of our country and in her defense of foes from without and within. We have demonstrated that men can owe allegiance to God and country and defend this allegiance. Our motto for 84 years has been God, our country, and our order. In 1861, when the call came for 75,000 men to fight for the safety of our Union, the first five companies that responded came from Pennsylvania, and were composed mostly of the members of our order, and later on every camp had surrendered its charter with one exception, because the membership had enlisted in the war.

In 1898 5,000 of our membership enlisted, and in the World War about 25,000, and may I state that a regiment known as the Pennsylvania Reserves of the Patriotic Order of Sons of America mobilized in the city of Scranton, Pa., and those that were eligible entered the service of these United States. We were the only military organization that mobilized with the exception of the National Guards. We require every member (and they must be American born) to pledge himself that he will defend this country, her Constitution, and her colors with his life if necessary. We, therefore, believe that we are consistent in our opposition to this bill or any other reservation that

would weaken the same and are of the opinion that the question known as No. 24 is fair and strengthens the oath of citizenship. I could never see the justification in the exemption of anyone from military duties in time of war except those who, because of age or some infirmity, could not possibly fulfill such duties. Those who enjoy the privilege of the worship of God must realize that this privilege was secured by the shedding of blood and many of those who fought for this privilege and also believe in God, had no scruples with their conscience about offending their Maker. Joshua's arms were upheld while the Israelites smote their enemies and at the command of Jehovah, Jesus shed his blood because he loved humanity, and I believe it was the will of his Father. So, men shed their blood for the progress of mankind and here was established by war a new Nation where the right to worship God in his own way is accorded every citizen. This may have been the plan of God. Citizens should be willing to preserve this blessing with their life if necessary. You can serve your God with your soul, and your country with your body. Without our country with its heritage, its traditions, and the safeguard it guarantees to its citizens, there perhaps would not be an occasion for the present oath of citizenship. All that we enjoy as citizens is guaranteed because of our Constitution and the right of the Government to use force of arms to protect this privilege. This duty to defend these rights must be accepted by all loyal citizens, for the reason that all citizens enjoy the same constitutional rights. I like the statement made, it is said, by Decatur. "My country, may she always be right, but right or wrong, my country."

The CHAIRMAN. Thank you very much.

We will run along here until 12.30 and then take a recess until 1.30, and I was fortunate in procuring the same room we had yesterday, where you will have a seat and we will all be more comfortable. If, in the meantime, there is a roll call, then we will suspend for the time of the roll call and then come back and continue the hearings until through.

Mr. Rutherford, will you kindly take the chair.

(Mr. Rutherford presiding.)

Mr. RUTHERFORD. You may call your next witness, Mr. Lloyd.

Mr. LLOYD. I will call Mrs. S. L. Tucker, of the United States Daughters of 1812.

STATEMENT OF MRS. S. L. TUCKER, UNITED STATES DAUGHTERS OF 1812

Mrs. TUCKER. My name is Mrs. S. L. Tucker. I was born in Illinois. I was educated at the Visitation Convent in Georgetown, and I am a Methodist. I belong to the D. A. R., the Daughters of 1812, the Dames of the Loyal Legion, former national president Women's Relief Corps, Ladies of the Grand Army, and Daughters of Bethlehem.

In mentioning my religion, I wish to say I belong to the National Church of Methodism, built by the Methods of this country here in Washington, of which Rev. James S. Montgomery, the chaplain of the United States House of Representatives, is the pastor. A more loyal American and Christian citizen does not live than Doctor

Montgomery, who does not indorse any law which would exempt any prospective citizen of the United States from defending his country in time of need.

I appear as the designated representative of the United States Daughters of 1812, and also at the request of the national president in opposition to this amendment as not supporting a national defense.

I do not believe in special privileges for any able-bodied citizen or prospective citizen on any ground, religious or otherwise. An honest, desirable person applying for citizenship would not wish such an exception, and if so, I think would be under suspicion as to his future allegiance. We have had too many already in this country who have used the cloak of religion, or unreligion, or philosophical opinion, a phrase susceptible of wide interpretation, who later have proven their unworthiness as citizens; who, by their acts, have caused great expense to this Government. It is a wise precaution of the naturalization board to ask a prospective citizen if he would bear arms in defense of the country in time of war, and so consider it as our opinion—the opinion of the Daughters of 1812—who have indorsed all of the acts for national defense.

Mr. RUTHERFORD (presiding). Thank you.

Mr. LLOYD. Is Mrs Amos Fries here?

STATEMENT OF MRS. AMOS FRIES, OF THE DISTRICT OF COLUMBIA AMERICAN LEGION AUXILIARY

Mrs. FRIES. I am representing the District of Columbia American Legion Auxiliary.

Mr. JENKINS. Are you the wife of General Fries?

Mrs. FRIES. Yes, sir.

The American Legion Auxiliary opposes the principle of this bill on the broad principle that it would give legal status to the alien conscientious objector. This would prevent a universal draft law for which the American Legion and the American Legion Auxiliary are working. The law would make a contract with the pacifists in advance that they would not have to give service in war. This would make them a privileged class, which our native born would have to defend. Congress has passed laws during wars to exempt people whose religion forbade them to engage in war. But that is distinctly within the province of Congress. If Congress took that right away from itself in this case, it could only say, in place of a universal draft, all must be called to give duty in national defense except those naturalized aliens who were admitted with religious or philosophical views to the contrary.

We have no hard opinions against the Quakers or the Mennonites. They are industrious, hard working, and accumulated wealth which our fathers, husbands, and sons had to fight to protect during the World War. Why add to this burden by bringing more into the country who will not help in the defense?

Then this bill proposes to let those who hold philosophical opinions as to the lawfulness of war be added to that privileged class that our good men will have to fight and die for. I don't know how many could be added under that class. I don't know what it might mean.

There would be no question as to the lawfulness of war if our Representatives in the lawmaking body of the Government declare war. That's law.

What these philosophical opinions may be makes little difference. I suspect it might be a cloak to cover a good many things, all harmful to our Government, and for that reason we ask that those holding them be excluded unless their holders are willing to bear arms.

Much has been said by the proponents of this bill about the Constitution, guaranteeing religious liberty. That surely means that they are all equal before the law. It surely does not mean that the Baptists, the Catholics, the Presbyterians, and the Jews should be compelled to defend by their lives those of some other denomination.

What the Constitution did, most emphatically, was to provide for the common defense, to authorize Congress to declare war, and to raise and support armies.

By some favoring this bill it is claimed that those aliens who do agree to defend this country by force of arms, are insincere. It is curious how they arrive at the conclusion that all those whom this bill would exempt are truthful and all the rest are false and potential gangsters.

We know that there are those who favor this bill who stand for things which, if carried out, would destroy our Government. On the Griffin bill committee (according to their letterheads) are at least three members of the Women's International League for Peace and Freedom, one of whose aims it is to "support laws looking to the gradual abolition of property privileges." These names are Jane Addams, Emily Greene Balch, and Miss Mary Woolley.

Mr. William Bailie (who appeared in behalf of the bill, and is the author of Josiah Warren, the First American Anarchist, and was associated with William Morris in the Socialist League, and is also a contributor to reform and economic journals, according to the 1924-25 Who's Who in America), says he does not hold to their beliefs. But I think he is in bad company.

Others on the Griffin committee are known for their constant criticism of this Government. Why should they be interested in people coming to a place where the Government is so bad. Why should not they counsel these aliens to stay where they are.

We are told that these people, which this bill exempts, particularly the ones that have been objects of court procedure, will honor and glorify our country. They are here in this country now, free to spread their philosophical opinions, and we don't notice that we are particularly glorified. It seems to me that many see something in this bill beyond exempting Quakers.

We who are opposed see it giving a legal status to the pacifists and others seeking to evade military duty, we see it making military burdens unequal, and we see our own national defenders overworked.

The American Legion, representing more than 1,000,000 men who have fought, asks that all applicants for citizenship bear arms. The American Legion Auxiliary, representing their womenkind, demand that our present national defenders do not have to do double duty.

Mr. FREE. I take it, Mrs. Fries, that if you believe there is any doubt as to an alien becoming a good citizen, it better be resolved in favor of the Government instead of in favor of the alien.

Mrs. FRIES. I think so, and I think their friends ought to tell them to stay where they are. This is not the only Republic.

Mr. RUTHERFORD (presiding). Thank you.

Mr. LLOYD. I would like to call on Major Bettelheim.

STATEMENT OF MAJ. EDWIN BETTELHEIM, MILITARY ORDER OF THE WORLD WAR

Major BETTELHEIM. I am not going to burden you with any argument. You have had enough argument for the past two years on the pros and cons of this bill. I imagine that what you are mostly interested in is as to the attitude of the citizen. You know the arguments yourselves. You have had an opportunity yesterday to note the character of those who proposed the bill, and the organizations they represent, and to-day you are having an opportunity to hear from the patriot organization; who for centuries have defended this Government. I take the liberty of presenting the views of the Military Order of the World War, an organization with chapters all over the United States, even in France, and in our possessions, and I submit the resolution adopted at our National Convention held on October 9, 1931, which very adequately expresses our views. I think that is what you are interested in. Thank you.

(The resolution of the Military Order of the World War follows:)

This is to certify that the following is an extract from Resolution No. 7, adopted by the national convention of the Military Order of the World War, on October 9, 1931, under the title of "Americanism."

Be it further resolved, That the Military Order of the World War, in convention assembled, October, 1931, lend our full and undivided efforts toward "America and Americans" in all of its phases. To this end we urge—

1. Early naturalization of those who intend to make the United States their domicile for any appreciable length of time, and that those applying for naturalization be required to subscribe to the customary oath of allegiance and service to this country now in use and without reservation, verbal or mental.

2. The reservation of all aliens.

3. Deportation of all aliens, illegally in this country, and those who have been found guilty of seditious propaganda, or otherwise undesirable activities.

EDWIN S. BETTELHEIM, Jr.,
Adjutant General.

Mr. JENKINS. How much of a membership do you represent, Major?

Major BETTELHEIM. Four thousand. Our membership is limited to those officers who served during the World War.

Mr. RUTHERFORD (presiding). Go right ahead, Mr. Lloyd.

Mr. LLOYD. I will now call Mrs. Ethel Nock, of the American War Mothers.

STATEMENT OF MRS. ETHEL S. NOCK, AMERICAN WAR MOTHERS

Mrs. NOCK. My name is Ethel S. Nock. I represent the National Organization of American War Mothers, the only organization of mothers of men who served in the World War. We have a charter granted by Congress. I myself am the daughter of a man who was a Quaker. For seven generations preceding him in this country and England, they were also members of the Society of Friends. I am a Baptist. My pastor, John C. Ball, is the only man who has ever

opened Congress under five different Speakers. He claims to be a pacifist, but he pronounces it Paci-Fist, because he says that God has given him a fist for defense.

I speak from the standpoint of a woman whose only child lies under a white cross in France.

I want to tell just one incident concerning other women who have sons who fought and died for their country. There were 139 of these women in the group that went with me to France. We had 14 nationalities represented in that group. Only three of these women who were born in foreign countries had to travel with travel documents. All the others were citizens, and had citizens' passports. Among the 14 nationalities there were Hungarians.

I need tell you but one little incident concerning a Polish woman. She had given birth to three sons in this country. Not one of these three boys waited until the draft took them. All three volunteered. Two of them lie overseas in two different cemeteries. The third one is insane from a shrapnel wound. She said of this third one,

My baby, my Joe, knows nutting, but my country is good to him. They still give him doctors. Maybe some day he know me.

That woman had in her possession letters from those three boys written from the trenches. The tenor of those letters, I am sorry I am unable to give you their words, but the tenor of those letters was,

Mother, do not grieve if I do not come back. I am doing the right thing. If I go, my country will take care of you.

This little Polish woman, who is now an American, said:

Our country is taking care of me, and is taking care of this wounded boy.

There was not in this group of women, who have proven their patriotism, one single one, who would not gladly have borne arms for her country. Do you not think it would have been easier for any of us to have taken a gun and shot the enemy ourselves, than to have seen that son of ours shot?

It has been said here that there are letters from some members of these patriotic organizations who might approve of this Griffin bill. I would be willing to swear that there is not an American War Mother, these women who have had the experience of having a son in active service, not one American War Mother, who would favor this bill.

Our national organization, having met in California, in September, has opposed any law passed by Congress which would in any degree weaken the present immigration and naturalization laws.

I can not make it too strong that the women who have proven their patriotism are absolutely opposed to this Griffin bill.

Thank you.

(Applause.)

Mr. LLOYD. I would like to ask our friends here not to make a demonstration. I am sure the committee does not like it, and I do not think it is at all necessary.

I would like to call Mrs. N. N. Potts, of the National Patriotic Council.

Mr. RUTHERFORD (presiding). Please give your name and address to the reporter.

STATEMENT OF MRS. N. N. POTTS, NATIONAL PATRIOTIC COUNCIL

Mrs. POTTS. I have no speech. I did not expect to be called. My organization is included in the coalition. I was present at the October meeting. We have had no referendum for the reason that our organization stands for these things, coordinated patriotic effort, advocacy of adequate national defense, and opposition to communism and ultrapacifism. It is a condition precedent to membership that applicants should subscribe to these foundations, upon which our organization is builded.

We have not a large organization for the reason that nearly every member represents a group. When we say "coordinated patriotic effort," we are in the nature of a clearing house, just as you gentlemen who have exhibited such patience, generosity, and, I hope, wisdom, in these hearings. I feel sorry for you.

If we have a member, who, we will say, say the last speaker, a member of the American War Mothers, she is one unit in our organization, but with cooperation we can reach her whole organization. Usually, I think the most of our national board, are the presidents of the different patriotic organizations. As I say, these fundamental principles are conditions precedent to membership. Therefore, any referendum is unnecessary.

I am not sure whether I am a citizen of this country or not. I have never had a foreign-born ancestor for about seven generations, but I have never had the right of franchise, and therefore, if I am a citizen, I do not know it. That is not germane to the subject.

Mr. DIES. I would like to suggest to the witness, if you live in the District, you are a citizen. That is distinguished from suffrage, the right to vote.

Mrs. POTTS. I know what I am, and what I believe, and when I have to pay taxes, I feel—

Mr. FREE. (interposing). Please do not get off on another subject.

Mrs. POTTS. Do you not want to know whether I am a foreigner, or not?

Mr. JENKINS. We will agree that you are a citizen.

Mr. FREE. I think you did not give for the record your name, and your organization. I think that ought to be given for the record.

Mrs. POTTS. My name is Cornelia R. Potts. I am the president of the National Patriotic Council, organized at the Army and Navy Club eight years ago.

I will say one thing, when the question is, "would you bear arms in the defense of this country," I should construe it to mean more than using a gun. I should construe it to mean to give aid to our country in whatever way your strength and ability would be able to encompass. I doubt whether, if I bore arms, I could hit anybody with the right end of the gun, but I would do the best I could with the other end.

I want to tell you another thing. Let me say one word in defense of the Quakers. My name has always been Potts. My father was named Potts, and my husband also, because I have taken no risk in a strange family. My ancestors were imprisoned in England because of their Quaker leaning, and because they were Quakers, and they were the early settlers of Pennsylvania. I know this thing, that I had a Quaker ancestor who was, of course, an ardent Quaker, a

preacher in the Quaker Church, and in the time of the American Revolution, when the British were in Philadelphia, I know that my ancestor, walking along as a devout Quaker should, and thinking upon the precepts of peace, saw an American in combat, hand to hand, and fist to fist with a British officer, or soldier, and he stood there and looked at it, and then took off his coat, and threw it on the road, and said, "Lie there, Quaker," and jumped in and settled the fight.

Mr. RUTHERFORD (presiding). Thank you. Call the next witness.

Mr. LLOYD. I will call Mrs. J. J. Lightfoot of the Dames of the Loyal Legion.

STATEMENT OF MRS. J. J. LIGHTFOOT, DAMES OF THE LOYAL LEGION

Mrs. LIGHTFOOT. My name is Mary D. Lightfoot, representing the National Society of the Dames of the Loyal Legion. I appear before this committee as the duly authorized representative of the incorporated national society, the Dames of the Loyal Legion. It hardly seems necessary to explain my right to speak. The eligibility for membership in the Dames of the Loyal Legion is that each applicant must be a direct descendant of a commissioned officer who fought in the Civil War.

We have our traditions to maintain, when we speak in opposition to this amendment, and inasmuch as I heard several speakers yesterday inject statements relative to their religious affiliations, I wish to say that I also am a Unitarian, and I deplore the attempt of these speakers to besmirch my faith by attaching to it a political appendage.

The American Unitarian has played its full part in bearing arms in defense of America, and I believe that they are so considered to have done, notwithstanding the belief of some few in the national association.

This organization, the Dames of the Loyal Legion, and others to which I belong, are striving to maintain the standards of the United States of America, and sincerely believe that we are the best judge of what qualifications are necessary to the admission of aliens to full privileges.

I was born in New York City, N. Y. I am a voter in New York City. Across our beautiful river, the Hudson River, is a bridge, the largest suspension span in the world. This bridge was built and is dedicated to George Washington, who was a soldier who bore arms, who is Father of His Country. We follow in his footsteps, and my organization has gone on record opposing any change in our naturalization laws.

These, are my credentials.

Mr. DIES. May I ask a question? Did you say your organization has gone on record as opposing any change? You mean changes to liberalize it. You do not mean any change to make it more strict.

Mrs. LIGHTFOOT. Any change, such as the question we are fighting now.

Mr. RUTHERFORD (presiding). Thank you. Call your next witness.

Mr. LLOYD. I will now call Mr. Frank Steele, of the Sons of the American Revolution.

STATEMENT OF FRANK STEELE, SONS OF THE AMERICAN REVOLUTION

Mr. STEELE. I am secretary general of the Sons of the American Revolution, and a member of the American Coalition Advisory Board, living at 1227 Sixteenth Street, Washington.

I have just a word. It would seem to me when I saw the moisture in the eyes of everyone when Mrs. Nock spoke, that we do not need any more witnesses. I think we could stop right there. When a mother who has lost her own son on the field of France stated that she was against this bill, that should be sufficient.

I represent the society here to-day. We have 22,000 members. We have not had a meeting of our society. I am authorized to be here by the president general.

I would say this, in our next congress in May, if the matter came up, a resolution opposing this bill would be passed emphatically, and with a shout.

I also want to say, particularly to Mrs. Lightfoot, that I am a Unitarian. My wife always says I tell that, and we Unitarians, I do not believe, feel the way some others do.

My views are expressed in this, and I wish to put it in the record, an editorial in the Post of the day before yesterday, and I am only going to read a part of it. It recites the bill and says a few words on the question of philosophical opinions, and reads as follows:

(The editorial from the Post referred to follows:)

WASHINGTON POST, Jan. 25, 1932.

PRIVILEGES FOR ALIENS

In three different cases in recent years the Supreme Court has denied citizenship to aliens who do not believe in defending this country, if that becomes necessary. The decisions aroused widespread resentment among Communists, pacifists and the so-called liberals. This element is now sponsoring a bill to amend the naturalization laws so that any coward or slacker may obtain citizenship. Hearings on the measure are scheduled for Tuesday morning, January 26, before the House immigration committee.

An organization calling itself the Griffin bill committee has undertaken the task of befuddling the public mind in preparation for the measure. It petitions Congress to enact this bill so that "intelligent aliens opposed to war" may become citizens. This puts the duplicity of the committee's propaganda in its basest form. In reality the bill is intended to allow aliens who will not promise to defend the Constitution to become citizens. But these propagandists are trying to camouflage the measure as an innocent provision, welcoming to the land of liberty the friends of peace.

It is questionable whether the bill as introduced by Representative Griffin would accomplish what is intended. It provides:

That no person mentally, morally, and otherwise qualified shall be debarred from citizenship by reason of his or her religious views or philosophical opinions with respect to the lawfulness of war as a means of settling international disputes, but every alien admitted to citizenship shall be subject to the same obligations as the native-born citizen.

It is not a question of philosophical opinions as to the justification for war, it is a question of willingness to take up arms in defense of the country if called upon to do so. Millions of citizens believe that war is wrong, and yet are ready to fight to save their country. Should anything less be asked of aliens who come seeking the protection of this Government?

It would be an insult to American citizens to offer citizenship to aliens who wish to partake of its privileges and shirk its responsibilities. In the present state of the world the stability of the United States depends upon the strength of its arms. The duty of defending the Nation against foreign attack is one which all citizens share. Any movement to bring into the fold

a group holding honorary citizenship, a class of privileged aliens, is too disgusting to merit serious consideration in Congress.

Mr. STEELE. That is all I wish to say.

Mr. RUTHERFORD (presiding). Thank you. Call your next witness, Mr. Lloyd.

Mr. LLOYD. Is General Fries here?

MAJ. GEN. AMOS A. FRIES, OF THE NATIONAL SOJOURNERS

General FRIES. My name is Amos A. Fries, major general, United States Army, retired.

Mr. Chairman, and gentlemen, I am here to-day representing especially the National Sojourners, which is an organization of officers, and ex-officers of the Army, Navy and Marine Corps, Coast Guard, Public Health Service and Coast and Geodetic Survey, taking in officers who are Master Masons in good standing and who now hold or have held a commission at any time. Our convention has passed on this question very strongly. We are not only against this bill, but any bill that will create class legislation and give to alien-born citizens, rights which no native-born American citizen has.

We feel that the decision of the Supreme Court in the MacIntosh and Bland cases, was conclusive that such a bill would be unconstitutional, but I shall not go into that, because you have lawyers, and you have the Supreme Court ruling yourselves.

What I want to take up particularly, however, this morning, is to show by records that this whole movement to give to alien slackers rights of citizenship, is tainted with communism. It would have the effect that the communists want of weakening the power of the United States to defend itself in any internal war.

I do not believe that the proponents of this bill, many of them at least, have any idea that under the present decision of the Supreme Court, it would be constitutional, but if this bill were passed, they would at once begin a tremendous propaganda, as they are carrying on now, for the Supreme Court of the United States to change its decision, or for a constitutional amendment, or something else that would make this constitutional, and then you would find propaganda to get every possible organization and others lined up in this, to take an obligation and force it through that they would not defend the United States in any sort of war. In other words, they would absolutely destroy the power of the United States to protect the nation, and guarantee to every State a republican form of Government, in case civil war was started.

I feel that that idea is back of the whole thing, and that idea is the communistic theory.

William Z. Foster, testifying before the Fish committee, stated that their object is revolution. Roger N. Baldwin testified before the same committee, and stated that the American Civil Liberties Union—

Mr. FREE (interposing). Tell who these people are. Who is Baldwin, and what organization is he connected with?

General FRIES. William Z. Foster is the head of Communism in the United States, and openly states such, and that he owes his allegiance—

Mr. DIES (interposing). He was a candidate for President.

Mr. JENKINS. And states openly that he prefers the Red flag of Russia to our flag.

Mr. FREE. He ran for President while in jail for violation of the laws of the United States.

General FRIES. Roger N. Baldwin is a director of the American Civil Liberties Union, and is practically executive secretary.

At this time, I also want to introduce the name of Harry F. Ward. Now, Harry F. Ward is the chairman of the national council of the American Civil Liberties Union. Harry F. Ward, at present, has a sabbatical year's leave to go to the Far East, and is said to be in Russia at the present time. Of that I have no particular evidence. Now, Harry F. Ward was, as late as April 15, 1928, the editor of the Social Service Bulletin of the Methodist Federation for Social Service. That particular issue of the bulletin is signed Methodist Federation for Social Service, by Francis J. McConnell, President; Harry F. Ward, Secretary. Harry F. Ward to-day is chairman, as I said, of the American Civil Liberties Union and at the present time he is on a year's sabbatical leave, and the Reverend John Haynes Holmes, if you please, is the acting chairman of the American Civil Liberties Union.

Now, William Z. Foster was, for 10 years, an active member of the national committee of the American Civil Liberties Union under Harry F. Ward. I have not the evidence here to show that Harry F. Ward was chairman of the American Civil Liberties Union Committee, through all of the 11 years, but I have the evidence that he was the chairman way back in 1920 and 1923, and he is now chairman. He and Bishop McConnell, as shown by Methodist Social Service Bulletin of April 15, 1928, were buddies, one was president of this Methodist social service organization, and the other was executive secretary. They worked hand in glove. William Z. Foster, the communist who stands for the overthrow of our Government by violence, that is by assassination and murder in every hamlet and village, was a member of that committee under Harry F. Ward, and Harry F. Ward was working right alongside, and publishing this bulletin with Bishop Francis J. McConnell, who, a year after this bulletin was published in 1929, became president of the Federal Council of Churches in America.

Now, to show you that they were then working with the American Civil Liberties Union (with William Foster as a member of the national committee as well as other communists) we read at the top of page 2 of that particular bulletin, of "the New Red Hunt." I looked up that New Red Hunt pamphlet. It was interesting. I could not find it in the Congressional Library, but they sent me to the Library of the Labor Department, and I found it, and it is an attack on every patriotic and other organization fighting these un-American organizations that want to bring in aliens and give them rights that no native born citizen has.

In speaking of the New Red Hunt they put in parenthesis this statement "our close cooperation with the American Civil Liberties Union brings much first-hand material in this field, not otherwise easily available to our readers."

On the third page of that pamphlet, they say, in speaking of the work of their own organization, "The secretaries are regular members of the department of social service and research and education of

the Federal Council of Churches, with a voice in those programs; we constantly use the resources of the Council. The office prepared eight articles for a handbook on social service for the research department."

There are other interesting things in this pamphlet, under cooperation they state, "Our own organization has been kept small, not only by necessity, but by choice." In other words, when they want to put over some of the things like this alien bill they found it was much easier handled that way than if they had a large organization.

Now, it is very interesting to find that same sort of statement in a Civil Liberties Union letter addressed "To our friends in Washington." This came to me, and I may be included as a friend, I suppose in that way. They were asking for funds to carry on various activities of which the following are some. Requesting money to restrict the powers of the courts to issue labor injunctions, to carry on the campaign against censorship. "The Harlan County affair, the defense of a group of coal miners, carrying up in the California court the refusal of citizenship to an alien socialist," an appeal in western Pennsylvania from sentences of striking coal miners for a fight with company gunmen, in which one striker was killed and twenty wounded; a petition in the appellate court in Maryland for a change of venue for a negro about to be tried in a district where a lynching had taken place, working toward the appeal in Philadelphia of a conviction for sedition, a suit in Glendale, California against the police department for interfering with the meetings of William Busick, a socialist candidate, and other items. What I wanted to call particular attention to is their statement, "we are a small group in the country, but our aggressive tactics and uncompromising principles, give us an influence out of all proportion to our size."

Then add, speaking, to the people who contribute money, "it is only your loyal support by activity and contribution that makes it possible. Those who cannot contribute can at least indicate their special interest in one or another of these activities, and can help with letters and telegrams in campaigns."

In other words, they are a little group misrepresenting a very large group.

You have your Methodist Social Service Bulletin here showing the church crowd to be a small group.

I said these people are working with or at least along the same line as the communists. It is worth going into that subject a little more. Under date of November 27, 1931, 10 days before the first hunger march came to Congress, Roger N. Baldwin wrote this letter to "Our friends in Washington." I seem to get all those friendly letters.

He starts out and says: "As you have doubtless noticed by the newspapers, the communists are arranging a national hunger march." In other words, here is Roger N. Baldwin, "director," under the Reverend Harry F. Ward, "chairman," speaking of this hunger march as communist, and arranged by them. Then, he said, in the second paragraph:

Judging from similar incidents in various States during the past year, the communists in charge will demand hearings before Congress and at the White House, and they will not accept complacently any obstruction of that program.

They stand upon rights which should be conceded to all, but which both officials and police do not accord freely to communists.

For that reason, we are asking our Washington friends to get in touch with the District authorities at once in order to determine just what plans are being made to handle the demonstration. We see that the Legion and Mathew Woll of the American Federation of Labor are putting pressure on the authorities to break up the demonstration by force. We want to do everything we can to prevent that.

We are therefore asking Mr. Richard W. Hogue of People's Legislative Service, 208 First Street SE., Washington, to get together with a few of our Washington friends who are interested in the issue and go in a group to see superintendent of police to get from him some assurance that the demonstration will be protected in what are admittedly its rights of petition and of a hearing. Only by such means can disorder be avoided.

Now, bringing these facts down to date, Rev. Worth M. Tippy is a secretary of the Federal council and a member of several committees. He was a member of the committee that recently had a meeting in behalf of Mooney and Billings. I have here a clipping from the Associated Press, which is dated December 26, showing that Mooney is either a communist or else he is working with them. Now this came out in the Star or Post, I do not have that down, but it is A. P. of December 26. I quote:

The International Labor Defense, a communistic organization, announced yesterday that Thomas Mooney has accepted the honorary chairmanship of International Workers Olympiad to be held in Chicago in June of 1932. Mooney's acceptance came in the form of a telegram to the International Labor Defense here from himself in San Quentin.

Now, I have in the publication of the American Civil Liberties Union itself, statements which bear out the statement in there that the International Labor Defense is communistic. They state in a pamphlet called "The Fight for Civil Liberties in 1930-31" that because of difficulties they had gotten into because of the jumping of bail, those men that jumped bail (those communists who jumped bail), and went to Russia, they had to pay some \$27,500; that they then refused to work as freely as before with the International Labor Defense. In the case of communists, they make it clear that either the International Labor Defense has to take up entirely alone cases to defend communists, or they (The A. C. L. U.) will. But they do add this, that after the first trial perhaps, and if it be lost, then the American Civil Liberties Union will take it up no matter which organization conducted the primary trial.

Now, there is another phase showing the interlocking of the Federal Council of Churches with the American Civil Liberties Union, with its communistic taint. Those two organizations are the leaders in fighting for this bill, and they are the leaders in fighting against military training in schools and colleges.

In a letter sent out September 22, 1930, entitled "Dear Friend," asking for aid for this committee on militarism in education, signed by Rev. Harry Emerson Fosdick, Bishop Francis J. McConnell, Rabbi Stephen S. Wise, William Allen White, and Rabbi Philippon, there is given the names of the entire national committee. Then here is a letterhead of the American Civil Liberties Union of June 25, 1931. Comparing these two letterheads we find 11 of the national committee, as they call it, on militarism in

education, are 11 of the National Council of the American Civil Liberties Union. Until last fall William Z. Foster was a member of the American Civil Liberties Union committee, along with these 11 who are also on the committee on militarism in education, sponsored by the Federal Council of Churches. Now, I am using the word "sponsored" very carefully, because I took up with the executive secretary of the Federal Council of Churches, this question, and asked him certain questions in regard to a pamphlet called "Christ and the Class War," put out by the International Fellowship of Reconciliation, and issued by the American Secretariate, 383 Bible House, Astor Place, New York City. There is an American fellowship of reconciliation of whom Kirby Page, the editor of the World Tomorrow, is an officer. He told me that he was an officer. I think he said the vice president in this American organization. I asked the executive secretary of the Federal Council if he approved of the Christ and Class War pamphlet, and also if the Federal Council approved the report of a meeting of 87 or 88 church and similar organizations out in Evanston, Illinois, in February, 1930, of which meeting this Fellowship of Reconciliation was a member. The Federal Council of Churches was officially represented there, as they state, by one of these organizations, not this one but by another.

This Christ and the Class War pamphlet, is as communistic a document as this manifesto of Karl Marx itself, written in 1845 to 1848, and really printed in December of 1847, and put out in 1848.

I will just read you one thing that is in "The Christ and Class War." Under the report under part II starts out by saying, "We recommend fellowship members both as individuals and as groups wherever possible to engage in some social task, and while recognizing the variety of conditions obtaining in different countries, suggest the following lines of practical activity which the present situation seems to call for.

"(3) Joining political movements which aim at the replacement of private capitalism by a system of collective ownership which would not, like capitalism, create class divisions.

That is absolutely communism, and the destruction of private property.

You will find the whole report of that Evanston conference, by the way, in the Congressional Record, I think, of May, 1930.

When I wrote and asked if the Federal Council of Churches approved of the above named two reports, the reply was entirely evasive. The reply was to the effect that the Federal Council of Churches only approves in two ways. Now, they have three great committees, as I understand it, a great convention committee that meets once in four years, another group of one hundred, and then a group (that works more or less continuously, meeting once a month) of about twenty-eight. Rev. Cavert, Executive Secretary stated that unless one of the three Federal Council groups particularly passed on it, it was not a Federal Council approved matter, and that is all he would say. He neither denied that they believed in the reports, un-American and communistic, or that they supported the organization or indeed anything else about them. He simply evaded the question, and a little later, in order to get some more information, I got hold of a book called "Young People's Relationships" the vilest thing I have ever read. Indecent. It says, "Issued under the auspices of the

conference on preparation for marriage and homemaking, instituted by the Federal Council of Churches, Reverend Samuel McCrea Cavert, being given as at the head of the list of names, and I guess that is because his name begins with a C, and puts him there as a member of the committee that got out this pamphlet. Worth M. Tippy, of the Federal Council is another member, and by the way, he is given here as working for the freedom of Mooney, whom, as I have shown you, according to his own statements, is a communist, and Benjamin S. Winchester, another secretary of the Federal Council of Churches, who wrote the pamphlet.

Now, I do not blame Reverend Cavert for vehemently denying that it is a Federal Council publication, but when the executive secretary and two other secretaries, who are the editor and two other associate editors of the official Federal Council bulletin are on that committee, and one of the committee wrote it, well, somebody wrote a book called "Tainted Contacts," and if the Federal Council is not tainted with this pamphlet, I do not know what the word is.

I think I have covered the case, as far as I want to go into it. I have a lot more data here, but I think I have given you sufficient data to show that back of all these movements lies the communism that is described by William Foster in his testimony before the Fish committee, and by Roger N. Baldwin, who asserted their right to advocate assassination and murder. All this is to show you that this whole effort to destroy the right, the willingness, the power of the American Government to defend itself in a brutal civil war (all these people) are working to the end that communism hopes for, willy or nilly. I do not say that the honest ones are doing it consciously, but conscience or no conscience, that is where they are heading.

Mr. JENKINS. Your study would lead you to believe that some of these associations are being bored from within?

General FRIES. Yes; and furthermore that certain of these leaders in the Federal Council of Churches know what is going on and can not help knowing it. Bishop McConnell is too brainy a man not to know that. Harry F. Ward was on there for years with William Foster, the head of communism in this country, and must have known it.

Mr. JENKINS. You notice that when anything happens that scratches or offends one it brings them all up with a protest.

General FRIES. They are all against giving any little military training in colleges to boys that may help defend us against a communistic uprising. They are all for this alien slacker bill. I find them all for social equality, more or less complete, of the negro. You will find all that in here, and so on down the line, and you can take them parallel, group by group.

Mr. CABLE. You have made an intensive study of communism?

General FRIES. I do not know what you mean by that.

Mr. CABLE. You spend a good deal of your time on that subject.

General FRIES. I do give practically all of my time to a study of communism and the little friends of communism.

Mr. CABLE. Would you say that these two bills under consideration are a part or plan or program of the communists?

General FRIES. Surely. Anything that will weaken the power of the United States to defend itself in civil war is backed by the communists, of course.

Mr. DIES. But you do not indict such as the Society of Friends or these people who are conscientious and not in any way connected with the communists.

General FRIES. No.

You have this American Civil Liberties Union, and you have such little organizations as the Methodist Federation for Social Service, kept small so that they can control it and put out the stuff they want.

Mr. DIES. That Social Service is not recognized by the Methodist Church. It has no authority from the official heads of the Methodist Church, has it?

General FRIES. Well, if it has not, then if I were a Methodist, I would raise a roar.

Mr. FREE. McConnell is a bishop of the Methodist Church.

Mr. DIES. He does not speak for me.

General FRIES. I think you have said just what I believe (and that is why I am putting some of this in this record), that 95 per cent of the church people can not know what the leaders are backing in subjects like this alien bill.

Mr. CABLE. You think it is not the people in the church, but the leaders?

General FRIES. Surely it is.

Mr. FREE. You have neglected Sydney L. Gulick, whose aim in life is to get the Orientals into this country.

General FRIES. Well, when Sydney L. Gulick spent all his days from 1887 to 1914, 27 years continuously in Japan, when he wrote 15 or 20 books and articles on Japan, and a half-dozen of them in the Japanese language, what do you expect of him?

Mr. FREE. And in the pay of the Imperialistic University of Japan.

General FRIES. As you brought out in the meeting yourself, Mr. Free, in the pay of the Imperialistic University of Japan. Years after he became executive secretary of the Federal Council of Churches. I might add this, he did not come to the Federal Council of Churches until Andrew Carnegie, in February of 1913, had formed the Church Peace Union, and very prudently incorporated it so it would be a self-perpetuating body, giving it \$2,000,000 of 5 per cent bonds, and almost immediately, in 1914, Gulick came back from Japan and went in as executive secretary of the Federal Council of Churches and is still a secretary.

Mr. FREE. Is this not the way they work it? They have the general church organization throughout the country and elect delegates to a conference that meets once in four years, that is composed of 400 people. That 400 in turn select a smaller group, I think, composed of 100, and that 100 then selects a group of 25 or 28, and that is where these fellows get in who have their hoops to roll on all these things against the Government, and it is so far removed from the church organizations themselves that they get into this little group and then put over this stuff, and claim, like this man Davis did yesterday, that he is representing 49,000,000 church people, and that sort of thing, when, as a matter of fact, they do not represent

really anyone but themselves, but use the names of the great organizations.

General FRIES. They get out certain books, such as this Young People's Relationships that I have referred to, with the statement as it is there, that it is "Instituted by the Federal Council of Churches."

Mr. DIES. What does that book advocate? You can so frame your language as not to offend.

General FRIES. I would be very brief, because I would blush with shame to read much of it. It provides for discussions of all the intimate aspects of sexual intercourse by groups of girls or groups of boys, or if the leaders please, by mixed groups of boys and girls, and they give as a preferred pamphlet, to be gotten by the leaders, and if he chooses to give it out, to the boys and girls—Mary Ware Dennett's Sex Side of Life, and if anyone gets that and reads pages 10 and 11 he will believe anything else I say about the pamphlet.

Mr. JOHNSON. I am sorry we have not time to interrogate you on the interlocking groups.

General FRIES. Gentlemen, I have it all written up with about 20,000 words and a chart which I will print some day.

Mr. JOHNSON. I hope it will be made a part of this record.

Mr. RUTHERFORD (presiding). Thank you, General.

Mr. LLOYD. May I call just one more before we adjourn.

Mr. RUTHERFORD. Yes.

Mr. LLOYD. I will call Mrs. M. H. Worrell.

STATEMENT OF MRS. M. H. WORRELL, WASHINGTON, D. C.

Mr. JOHNSON. Where do you live, Mrs. Worrell?

Mrs. WORRELL. I live here in Washington.

Mr. JOHNSON. And your address?

Mrs. WORRELL. 515 East Clifton Terrace.

Mr. JOHNSON. And whom do you represent.

Mrs. WORRELL. I am the delegate and personal representative of Mrs. Helen Lehman, national president of the Ladies of the Grand Army of the Republic, an organization of some 60,000 members, all near relatives of those noble men who fought the battles of our Civil War.

We oppose these bills H. R. 297 and 298, because we feel that no alien should be admitted to citizenship, who, in time of stress and peril would not willingly take up arms against an enemy of our Government; we feel that it is the patriotic duty of all citizens to defend their country and that no matter what the purported conscientious scruples of some of our religious denominations may be that such scruples would be cast aside if necessity for so doing arose. This was demonstrated during the World War in more than one instance and we must remember that the war was not in our country but on foreign soil.

It has been contended here that those who refuse to bear arms can and will defend our country in other ways—it is our belief that in whatever work a citizen may be engaged during a war if he is not willing to fight, if need be, to defend his country he is likely to prove traitor to his trust.

There have been wars from time immemorial and will be wars until the coming of our Lord and Saviour, Jesus Christ; therefore, it

believe each and every citizen to protect his country and oppose the entry of aliens who refuse to take up arms in its defense.

Mr. Chairman and members, before taking my seat, I desire to state that it is the wish of the members of The Wheel of Progress, of which I am president, to go on record as opposed to this legislation which would override the decision of the Supreme Court and admit aliens who refuse to take up arms in defense of this country.

The Wheel of Progress is a patriotic educational organization nonpartisan and nonsectarian in its nature, dedicated to the progress of mankind and to insure the stability of our governmental institutions through an enlightened citizenship which will protect the rights, advance the interests and promote the welfare of the citizens of this Republic.

The proponent of this legislation stated yesterday that he was absolutely against war, but that he would fight for peace. Methinks that when all is said and done, Mr. Griffin is not such a pacifist as he would lead us to believe. In fact we believe he has gone far afield to defend those who would enter our country willy-nilly.

Mr. RUTHERFORD (presiding). Thank you. We will adjourn until 2 o'clock, at which time we will meet in the judiciary room.

(Whereupon at 12:30 o'clock p. m., the hearing recessed to 2 o'clock p. m., to-day, January 27, 1932.)

AFTER RECESS

(The committee convened at 3 o'clock at the expiration of the noon recess.)

The CHAIRMAN. The committee will be in order. Who is the first speaker?

Mr. LLOYD. I will call on Col. Robert Longstreet, a Spanish War military veteran.

STATEMENT OF COL. ROBERT LONGSTREET, REPRESENTING THE MILITARY AND NAVAL ORDER OF SPANISH WAR VETERANS

Colonel LONGSTREET. I have just been down to the national encampment of our organization at New Orleans. At the encampment we had numerous resolutions that were passed both by the veterans' body and the officers' body. I happen to represent the officers' body, but I was on the platform at the introduction of the resolutions by the veterans and their passage, condemning the methods of admitting foreigners or aliens into this country without a full requirement as to military service and conscientious convictions as to the constitutional provisions of this Nation.

The matter, of course, was all very thoroughly discussed by those organizations; and, like all other soldier organizations, we want to line up with the previous record that they have made on this line.

We have had a voice from each one of our wars, I believe, except our Spanish War; and I am very glad to be present as a free and complete component as opposed to this conscientious conviction requirement exception that is to be allowed in this bill. That will make the veterans' organizations all harmonious, I believe.

George L. Long is our present commander in chief of the veterans. I happen to be commander in chief of the naval and military party.

He is, of course, not here at present; but I am representing that organization to that extent, knowing what their official action was at the New Orleans encampment.

I would like to call attention to one particular feature in this bill which has not been, I think, elaborated on; and that is that it actually gives an alien a superior advantage and position over the native-born citizen. The native-born citizen by constitutional provision must serve his country in time of war. Under this bill a foreigner who is just arriving can choose whether he will serve his country or not. Such privilege is an invidious reflection upon the American boy, the future American citizen. And it is against that that all soldiers who have served in the various wars of this country wish to offer a protest—against an idea of this kind.

This bill casts a reflection upon the soldier who has rendered service to his country; and for that reason, if for no other, every soldier who knows the service requirements and knows the sacrifice to be made, is opposed to it.

One other tendency of this bill is that although this bill may apply only to a very small minority at the present time, minorities through organization pretty often creep into positions of power and occupy a strategic advantage in the legislative world and in the administrative world, by which they knock down first one obstacle and then another. By piecemeal they destroy that opposition which, if originally recognized, would combine against these various elements.

Creeping into these places of power, wherever they may be, as I say, being always prepared to go forward in advance of their purposes, financed by propaganda and by foreign governments such as probably are back of this bill, with the Russian propaganda, financed in this country, where organized efforts of our patriotic societies are not financed, their spontaneous outpourings not being financed, these people have a good chance of occupying positions of power.

This bill knocks down one of the citadels in our republic, and destroys our chance to defend ourselves.

Mr. LLOYD. Before calling on the next speaker, I want to mention in the record some three or four ladies who wanted to be heard.

Miss Helen Cummins, Cameron Club.

Mrs. J. L. Buel, Daughters of American Colonists.

Mrs. Clay Keene Miller, Ladies Auxiliary, Veterans of Foreign Wars.

Mrs. Edwin Bettelheim, president of the American Women's Legion.

Now I will call on Mr. Ray, vice chairman of the National Legislative Committee of the Veterans of Foreign Wars.

STATEMENT OF L. S. RAY, VICE CHAIRMAN NATIONAL LEGISLATIVE COMMITTEE, VETERANS OF FOREIGN WARS

Mr. RAY. Mr. Chairman and gentlemen of the committee, the Veterans of Foreign Wars of the United States is an organization of 200,000 men, all of whom served their country on foreign soil in time of war.

We have always condemned any movement to eliminate that clause in the oath of allegiance requiring naturalized citizens to bear arms in the defense of our Nation.

Our thirty-second national encampment, held at Kansas City, Mo., during September of last year, unanimously adopted the following resolution:

Resolved, by the thirty-second National Encampment, Veterans of Foreign Wars of the United States, That this organization does hereby condemn most bitterly the attitude of any and all organizations, religious or otherwise, throughout the United States in their advocacy of abolishing the pledge requiring naturalized citizens to bear arms in defense of our country.

Mr. Chairman, the Veterans of Foreign Wars hold that no person should be admitted to citizenship who is not willing to defend his country in time of war. And we sincerely hope this committee will not favorably report the bills now under consideration.

Mr. JOHNSON. In your military experience you must have met a good many citizens of the United States who were naturalized and who were serving as soldiers?

Mr. RAY. Yes, sir.

Mr. JOHNSON. Would it be your opinion that as to naturalized citizens nine out of ten of the naturalized citizens would like to take their places right along with the native-born citizens in their defense of the Government?

Mr. RAY. I think the World War proved that very conclusively.

Mr. JOHNSON. And that being so, isn't it a fair presumption that a provision like this having to do with proposed naturalized aliens is really an offense to those well-meaning naturalized citizens who want to be good American citizens?

Mr. RAY. I believe that there is no doubt on that. That is the reason we are opposing such a provision.

Mr. LLOYD. I will now call on Colonel Orvel Johnson.

STATEMENT OF COL. ORVEL JOHNSON, REPRESENTING THE RESERVE OFFICERS' TRAINING CORPS ASSOCIATION OF THE UNITED STATES

Colonel JOHNSON. Mr. Chairman and gentlemen of the committee, my name is Orvel Johnson, a lawyer by profession. I am, and for more than two years have been, the executive secretary and treasurer of the R. O. T. C. Association of the United States, a corporation devoted to the promotion of the interests and welfare of the Reserve Officers' Training Corps, and the republican form of government of the United States of America. The association is composed of many outstanding citizens of the Nation and has its headquarters in Washington, the District of Columbia. I am a veteran of the Spanish-American and World Wars.

The intent and purpose of the Griffin bill, now before you, is calculated to bring about a revolutionary principle in government. Should it be enacted into law, the will and pleasure of foreign-born persons, at least so far as those seeking citizenship in the United States is concerned would be substituted for the most vital, fundamental principle of our basic law, the Constitution.

The foundation stone upon which a republic is established is the duty of its citizens to support and defend it in peace and in war. To remove that obligation is to strike at the very foundation of the Government. The Supreme Court of the United States has time after time stated and restated, "That it is the duty of citizens by

force of arms to defend our Government against all enemies whenever necessity arises is a fundamental principle of the Constitution," therefore, no law Congress could adopt relieving any person of this obligation of citizenship would be constitutional.

In admitting foreign-born persons to citizenship without requiring the assumption of the obligation, "to defend with arms if necessary," the United States would not acquire that degree of absolute control of such citizens as it now has and exercises over native-born citizens. Since the Constitution gives the Congress absolute control over all citizens, the admission of foreign-born persons to a limited or qualified citizenship would defeat the very purpose of the Constitution. The fundamental obligations of citizenship must forever remain alike for all citizens. Any attempt to establish a class of citizenship upon a preferred basis would be to create a class of citizens "outside" of the Constitution and the control of Congress. Such a plan would be repugnant to the republican form of government, and, moreover, in violation of the Constitution, as it would constitute class legislation. Such a discrimination between citizens would throw the burden of national defense upon the native born, or, in other words, penalize Americans because of their America birth. By no stretch of the imagination can such a step be justified. It is unthinkable.

The obligations of citizenship, and the qualifications for citizenship, must be prescribed by the Congress in accord with the fundamental principle of the Constitution.

After the admission of foreign-born persons to citizenship on an equal basis with the native born, Congress may, of course, under statutes applicable to both foreign and native born citizens, relieve conscientious objectors of certain phases of military duties.

The control of the Congress is absolute over all citizens; the obligations of all citizens to defend their country with arms if necessary is equally absolute. The Congress may not bargain with foreigners to induce them to become citizens, no more than can the courts, but once such persons have assumed the full and complete obligations of citizenship they may, of course, enjoy all rights and privileges of other citizens.

Upon the absolute power over all citizens by the Congress, John Quincy Adams said:

This power is tremendous; it is strictly constitutional; but it breaks down every barrier so anxiously erected for the protection of liberty, property, and life.

To the end that war may not result in defeat, freedom of speech may, by act of Congress, be curtailed or denied so that the morale of the people and the spirit of the Army may not be broken by seditious utterances; freedom of the press curtailed to preserve our military plans and movements from the knowledge of the enemy; deserters and spies put to death without indictment or trial by jury; ships and supplies requisitioned; property of alien enemies, theretofore under protection of the Constitution, seized without process and converted to the public use without compensation and without due process of law in the ordinary sense of that term; prices of food and other necessities of life fixed or regulated; railways taken over and operated by the Government; and other drastic powers, wholly inadmissible in time of peace, exercised to meet the emergencies of war.

George Washington, in his Farewell Address, in speaking of the Union, said:

Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of political systems is the right of a people to make and to alter their constitutions of government. But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish Government, presupposes the duty of every individual to obey the established Government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.

There will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

Who that is a sincere friend of it can look with indifference upon attempts to shake the foundations of the fabric?

Gentlemen of the committee, we owe no obligation as a nation to our foreign-born neighbors; we do owe all to the loyal, patriotic citizens of this country, who are burdened as never before with the task of resisting sinister influences from abroad, some of which have taken root in American soil. It is not inconceivable that Congress may again need to call upon them to defend our Constitution and the American institutions. It is but reasonable, therefore, to ask you gentlemen and your colleagues to refrain from taking any step, whatever the urge may be, that will weaken the control of the Congress over our entire citizenship; to take any step that will operate as a discrimination against native-born Americans and in favor of foreigners. We stand for and believe in America first, and that man is unworthy to enjoy liberties he is unwilling to defend.

We urge you to consider as the country does, and in the future will, the true significance of the fact that practically every organization and leader advocating radical and international political programs, are supporting this measure, whereas, practically every patriotic group is vigorously opposing it.

In support of that statement, your attention is called to the action of the so-called radical and international groups. I propose to show you from their own records that it is a part of their program to support this measure. I have based my statement on a report of a meeting of radical organizations in conference in New York City, June 6, 1931.

The following allied groups of radicals met in joint conference on June 6, 1931, at the New School for Social Research, New York City. Only delegates with cards were admitted.

The Civil Liberties Union.
 American Jewish Congress.
 American League to Abolish Capital Punishment.
 Church League for Industrial Democracy.
 Committee on Militarism in Education.
 Conference for Progressive Labor Action.
 Cooperative League of the United States.
 Fellowship of Reconciliation.
 Labor Bureau (Inc.).
 League for Industrial Democracy.
 Methodist Federation for Social Service.
 National Association for Advancement of Colored People.
 Women's International League for Peace and Freedom.
 World Peace Commission.

This meeting was held, quoting from their own report, to complete plans for "joint agencies to work for legislation in behalf of thirty organizations."

Then they said:

Headquarters are to be set up in Washington, D. C., with similar offices in each State, to work for legislation on the following subjects discussed at the meeting and such other subjects as might later be agreed upon.

Their legislative program is:

- Joint action for the defense of civil liberties.
- Protection of aliens.
- Defending the rights of minority races.
- Cooperation with working class movements.
- Liberation of Mooney and Billings.
- Passage of Federal anti-injunction bills.
- Recognition of Russia.
- Freedom of the Philippines.
- Enactment of legislation to admit pacifists to citizenship.

There is the origin of the proposal before us:

Repeal of Federal laws forbidding free dissemination of birth-control information.

- Opposition to the use of armed forces in Latin America.
- Ways and means of preventing future wars.
- Combatting militarism in the United States.
- Opposition to censorship of stage, books, moving pictures, and the radio.
- Disapproval of police "brutality," prosecution of radical law breakers, etc.
- Protection for political and industrial prisoners.
- Opposition to alien registration.
- Contesting deportation.
- Obstacles to naturalization.
- Problems of Chinese, Japanese, Philippine, Mexican radicals, the loosening of tension of the Government on them.
- Aid to strikers.
- Unemployment insurance.
- Cooperatives.
- Workers' education.

At that conference the Rev. Harry F. Ward presided over a conference of five sections which discussed "methods that will work simultaneously."

Rev. John Nevin Sayre, presided over a sectional conference for the discussion of ways and means.

Roger N. Baldwin presided over another discussing defense of civil liberties, during which police activities against and the prosecution of radical law breakers were denounced. At the same time, political and industrial prisoners, Federal legislation, legislative relief from injunctions, and censorship of stage, books, motion pictures, and the radio, were taken up.

Reed Lewis led a symposium on the protection of aliens. This covered methods of deportation, alien registration, obstacles of naturalization, problems of the Chinese, Japanese, Filipinos, and Mexican radicals in the United States, and the need for new Federal laws and amendments to loosen government tension on them.

Robert Bagnell headed a group dealing with Negro and Jewish problems.

Louis Budens led a group on "Workers' Education," aid to strikers, unemployment insurance, and cooperatives.

Plans were made to continue the joint action of the conference through standing committees and with the understanding that con-

certed action is to be taken on Congress when it convenes and on all State legislatures.

At about the time the above information was received, it was learned the National Socialist Party, located in Chicago, Ill., had officially announced it would move its national headquarters to Washington, D. C., to the better direct its efforts toward socialistic legislation, including Government ownership of mines, doles, antimilitarism, and practically the whole program of the "thirty organizations." announced above.

During midsummer it was announced in Washington, that following the plan of the above-mentioned organizations, the committee on the cause and cure of war, Carrie Chapman Catt's group of nine organizations with an alleged membership of 5,000,000 women, would establish its headquarters in Washington for the purpose of working for legislation along its previously announced pacifistic lines.

This is the organization of radicals that are presenting this un-American program. They were headed by the American Civil Liberties Union. The Congress of the United States has had that organization under careful study and consideration.

In the report of Chairman Fish of the Committee to Investigate Communistic Activities in the United States we find in the language of Mr. Fish the following:

The American Civil Liberties Union is closely affiliated with the communist movement in the United States, and fully 90 per cent of its efforts are on behalf of communists who have come into conflict with the law. It claims to stand for free speech, free press, and free assembly; but it is quite apparent that the main function of the A. C. L. U. is to attempt to protect the communists in their advocacy of force and violence to overthrow the Government, replacing the American flag by a red flag and erecting a Soviet Government in place of the republican form of government guaranteed to each State by the Federal Constitution.

Roger N. Baldwin, its guiding spirit, makes no attempt to hide his friendship for the communists and their principles. He was formerly a member of the I. W. W. and served a term in prison as a draft dodger during the war. This is the same Roger N. Baldwin that has recently issued a statement "That in the next session of Congress our job is to organize the opposition to the recommendations of the congressional committee investigating communism." In his testimony before the committee he admitted having said at a dinner held in Chicago that "The Fish committee recommendations will be buried in the Senate."

Testifying on force and violence, murder, etc., the following is quoted:

"The CHAIRMAN. Does your organization uphold the right of a citizen or alien—it does not make any difference which—to advocate murder?"

"Mr. BALDWIN. Yes.

"The CHAIRMAN. Or assassination?"

"Mr. BALDWIN. Yes.

"The CHAIRMAN. Does your organization uphold the right of an American citizen to advocate force and violence for the overthrow of the Government?"

"Mr. BALDWIN. Certainly; in so far as mere advocacy is concerned.

"The CHAIRMAN. Does it uphold the right of an alien in this country to urge the overthrow and advocate the overthrow of the Government by force and violence?"

"Mr. BALDWIN. Precisely on the same basis as any citizen.

"The CHAIRMAN. You do uphold the right of an alien to advocate the overthrow of the Government by force and violence?"

"Mr. BALDWIN. Sure; certainly. It is the healthiest kind of thing for a country, of course, to have free speech—unlimited."

The American Civil Liberties Union has received large sume from the Garland fund, of which Roger N. Baldwin is one of the directors. During the trial of the communists at Gastonia, not for freedom of speech, of the press, or assembly, but for a conspiracy to kill the chief of police, of which seven defendants were convicted, the A. C. L. U. provided bail for five of the defendants,

amounting to \$28,500, which it secured from the Garland fund. All of the defendants convicted jumped their bail and are reported to be in Russia. The \$28,500 bail was forfeited, including \$8,000 more advanced by the International Labor Defense.

A committee of the New York State Legislature, back in 1928, known as the Lust committee, reached the following conclusion in regard to the American Civil Liberties Union:

The CHAIRMAN. That was not 1928. It was either 1918 or 1919. I was in the legislature at the time of the Lust committee.

Colonel JOHNSON. This reference to the Lust committee is quoted.

The CHAIRMAN. What year was that?

Colonel JOHNSON. It is stated here as 1928. That is probably an error. But it was the Lust committee.

The committee reached the following conclusion in regard to the American Civil Liberties Union:

The American Civil Liberties Union, in the last analysis, is a supporter of all subversive movements. Its propaganda is detrimental to the interests of the State. It attempts not only to protect crime but to encourage attacks upon our institutions in every form.

Your committee concurs with the above findings.

The principles of free speech, free press, and free assembly are worthy of an organization that stands for our republican form of government, guaranteed to the Constitution, and for the ideals of Washington, Jefferson, and Lincoln. Instead of an organization whose main work is to uphold the communists in spreading revolutionary propaganda and inciting revolutionary activities to undermine our American institutions and overthrow our Federal Government.

The CHAIRMAN. Don't you think we have had enough on that?

Colonel JOHNSON. Yes.

The CHAIRMAN. You have given us a clear demonstration.

Colonel JOHNSON. The Federal Council of Churches has been referred to. I would like to read one or two of its resolutions.

The CHAIRMAN. If you will be brief. There are other witnesses here that have to be heard.

Mr. FREE. I would like to hear that also.

Colonel JOHNSON. If there is no objection, I will read this. It will be very brief indeed.

The Federal Council of Churches have held three church conferences. One was in 1925 in Washington. One was in 1929 in Columbus, Ohio. The third one, in 1930, was at Evanston, Ill.

Among the resolutions adopted was the following, which was taken by myself from their official records:

War denies the Fatherhood of God, scorns the brotherhood of man, mocks the sacredness of human life, is merciless to helpless women and children, uses falsehood, ignores justice, releases the passions, and cultivates hate. War means everything that Jesus did not mean, and means nothing He did mean.

We therefore hold that the churches should condemn resort to the war system as sin, and should henceforth refuse, as institutions, to sanction it or to be used as agencies in its support.

The churches should teach patriotic support of the State, in conviction the State is bound by the obligations of the Kellogg peace pact never to resort to war, but to use only peaceful means for the solution of all controversies.

The Kellogg peace pact, as you know, does not make any such provision.

We further hold that the churches should regard war, when distinguished from the exercise of police power by authorized international agencies, as a crime.

We hold that the churches should support and sustain with moral approval individuals who, in the exercise of "right of conscience," refuse to take part in war or in military training.

The CHAIRMAN. I think we are drifting a little way from the subject when we come back to the Lust committee investigation. I was a member of the Lust committee. I was one of those that voted to oust the five Socialists who were elected from the city of New York. I have gone into that investigation very much. At the same time I think we ought to confine ourselves here more to the question; and I think you have made it very clear in your opening statement.

Colonel JOHNSON. My purpose in quoting from the Lust report was to show that the Civil Liberties Union years ago in its inception was what it is to-day, as found by the chairman here.

Mr. JOHNSON. I think the chairman is to be congratulated for his statement in regard to that Lust investigation. I also think that Colonel Johnson is to be congratulated for his efforts in bringing together in a concise and straightforward way proof of the linking up of all these activities to undermine and get at the foundations of this Government.

Colonel JOHNSON. I thank you, gentlemen.

Mr. FREE. Colonel Johnson has been reading from some pamphlet, a collection of some kind. Is that some kind of a Government document?

Colonel JOHNSON. That is a book that was issued by our association recently, entitled "Military Education in Our Schools and Colleges," containing many governmental and public records.

Mr. JOHNSON. There are two publications of this kind showing what these different organizations stand for. I think the members of the committee would like to have copies of that.

Colonel JOHNSON. I shall be very glad to supply each member with one.

Mr. LLOYD. Mr. Chairman, that completes the testimony for the American coalition. I assume that if the other side is to be given an opportunity to reply, we will be given the same opportunity?

The CHAIRMAN. Yes.

Mr. LLOYD. I will not undertake to present a brief on the subject or anything bearing on it. We did not go into it that far.

The CHAIRMAN. That closes the case?

Mr. LLOYD. That closes the case for the coalition. I understand that there are several distinguished witnesses here who are not members of our organization, who would like to be heard.

Mr. JOHNSON. I see that Colonel Grant is here.

The CHAIRMAN. Those who are not of the coalition organization, if they desire to be heard, may be heard now. I don't want to deprive them of the opportunity to be heard. But I wish they would be very brief.

I understand that Colonel Grant would like to speak in opposition to this Griffin bill.

STATEMENT OF LIEUT. COL. U. S. GRANT, 3D, GOVERNOR OF DISTRICT OF COLUMBIA SOCIETY OF FOUNDERS AND PATRIOTS; COMMANDER OF THE DISTRICT OF COLUMBIA COMMANDERY OF THE LOYAL LEGION

Colonel GRANT. I am appearing here as governor of the District of Columbia Society of Founders and Patriots, and as commander of the District of Columbia Commandery of the Loyal Legion,

merely to register the two societies as being opposed to legislation of the kind suggested in H. R. 297.

May I point out one additional fact. A great number, many millions, of foreigners have been admitted to this country because they wanted to live in a country having the institutions which we enjoy. In being admitted they have assumed certain obligations. I am only one of a great many native-born citizens who, when they swear allegiance to the Constitution and laws of the country, as do these aliens already admitted to citizenship, mean what they say and say what they mean, and expect to pay whatever price is necessary in order to continue the institutions as they are now and as they may be amended or changed by legal action only.

To open the door to a privileged class of aliens who would be excepted from the privileges and duties, and at the same time enjoy the rights by which they would elect members to the legislature who have the right to declare war, and yet have no obligation to meet their duty to such a declaration, seems very unfair, not only to the native-born citizen, but to the aliens who have already been admitted, and who might be expected to have a certain contractual obligation that others will not be admitted with special privileges.

I feel that this is much more than an administrative measure. It is really a blow, or would be if passed, a blow to the very basis of our institutions and Government.

The entire country this year, 1932, is very much interested, and has been quite stirred up, in the celebration of the 200th anniversary of the birth of George Washington, not so much in order to hold a celebration, but in order to get a greater appreciation of his example as a citizen and an official of the Government. I feel that hardly any greater blow could be dealt to the work he accomplished than would be done by the passing of such legislation as this, allowing persons to enter the country and become citizens and enjoy the privileges of citizenship without assuming an obligation to maintain the government which he founded.

Thank you very much.

STATEMENT OF FRANK L. PECKHAM, VICE PRESIDENT SENTINELS OF THE REPUBLIC, WASHINGTON, D. C.

Mr. PECKHAM. I am here to speak on behalf of my organization, the Sentinals of the Republic. The organization has five definite purposes. We feel that this proposed legislation is opposed to at least three of our purposes, which I will read for the record. Those purposes are these: To maintain the fundamental principles of the American Constitution; to stop the spread of communism; to help preserve a free republican form of government in the United States.

The following statement was adopted by the Sentinels of the Republic at their annual meeting January 9, 1932:

We oppose the passage of measures which would relieve naturalized citizens of any of the obligations which are incumbent upon natural-born citizens of the United States.

You will recall that the preamble of the Constitution of the United States written by people who had been tried in the fire of war, people

who had suffered and brought forth this Nation free of foreign domination, contains these lines:

To provide for the common defense and secure the blessings of liberty to ourselves and our posterity.

They did their part and Americans so far have done their part toward securing and preserving the blessings of liberty for their posterity. I think we should add our part toward preserving those blessings for those generations of Americans that are to follow us.

By Article I, section 8 of the Constitution, Congress is given the power to provide for the common defense, to declare war, to raise and support armies, to provide and maintain a Navy, to make regulations for the Government and regulations for the land and naval forces, and to provide for calling forth the Militia to execute the laws of the Union, suppress insurrection, and repel invasion.

This proposed bill says to foreigners, you can come in here and if you qualify you can become one of the Militia but we make a special bargain with you that Congress is forestalled from calling you out to suppress insurrection or repel invasion. Now, there may be a question of whether or not persons coming in and taking advantage of the reservation granted them under the terms of this bill would have a legal right to refuse to serve in time of war. I am not so much concerned as to whether or not they would have a legal right, certainly the Government of the United States would be morally obligated to carry out the bargain it made with them when they invited them to our shores, and I would be as much opposed to the Government of the United States violating its moral obligations to those people as I am opposed to allowing them to come in and in advance bargain to be relieved of the obligations, or some of the important obligations, of citizenship.

The Government would not only be morally obligated to exempt them from military duty, but from any kind of service in time of war. This reference to "bearing arms" is more or less a figure of speech. When we ask a person presenting himself or herself for naturalization, "would you bear arms," it does not mean exactly would you carry a rifle on your right shoulder or would you tote a pistol in time of war; it means would you support the armed defense of the United States against all enemies, foreign and domestic. There are lots of means of waging war besides just carrying a gun. There were many of our forces actually engaged in warfare that never had an opportunity to shoot a gun, but they were engaged in war and waging war and they were bearing arms in defense of the country. Naturalized citizens, under the privilege conferred by this bill, would not only be exempted from that service but morally they would be licensed even in time of war to preach their doctrines even to the extent of discouraging those, who have not bargained for exemption, to espouse their beliefs, their philosophic and so-called religious views, against the lawfulness of war. So it goes that much further. You not only would exempt a class from service, but you virtually would confer upon them the privilege of preaching doctrines that would tempt others to refuse to serve in time of need. It not only gives them a bargain price of entry into citizenship but it gives them a cloak under which they can carry on sabotage behind the lines. I believe it was Lincoln who said, "those who are not

with us are against us," and I think that is the only philosophy in time of war.

Mr. JOHNSON. You do not need to go back as far as Lincoln. You can see it right now.

Mr. PECKHAM. I think Lincoln was right and I would rather have his opinion than mine. But these aliens who are not with us in time of war want this cloak to prevent their being interned with other enemy aliens in time of war, so that they can be free to preach their noxious doctrines and tamper with the defenses of our country.

The subject has been so thoroughly covered I need not go into it very far except I might briefly inject my own personal views. I served in the World War as an enlisted man. My philosophy and religious views are opposed to war. I do not believe that the Ten Commandments are mere rhetorical statements; they mean what they say, and I do not believe we are engaging in mere oratory when in saying the Lord's Prayer we ask, "Thy will be done, on earth," and so forth.

That is not mere rhetoric. I would say that 95 per cent at least of the men that served in the World War were of religious convictions that were opposed to war. I should say that at least 90 per cent of them had philosophic convictions opposed to war. But it seems to me that unless and until the Almighty in his infinite wisdom sees fit to grant that supplication that we make in the Lord's Prayer, that we shall have to contend with the abominations of the devil, including war.

Mr. DIES. Did not Christ drive the money changers out of the Temple?

Mr. PECKHAM. He did, and I am afraid some of these religionists would have condemned Him for it.

Mr. FREE. I am afraid we are getting away from the bill. There are some other witnesses to be heard.

Mr. PECKHAM. This is a religious question proponents of the bill are injecting into this. They say if they can base their opposition to war on religious grounds they can come in and be citizens of your country and my country, thus advertising the United States as a refuge for the coward. It is inviting the cravens to come here and seek the protection of American citizenship under the cloak of religion.

Mr. RUTHERFORD. Have they not the right to encourage peace in every way possible?

Mr. PECKHAM. Absolutely, just the same as you and I have the right and duty to encourage peace, but I object to this country being advertised as a haven for cowards, and because in one or two instances it has been found necessary to bar from citizenship one or two persons who might have made excellent citizens, I say to you gentlemen that we do not need them badly enough to bargain with them to come here. We have many native-born citizens who are slackers and conscientious objectors of our own that are here and we can not get rid of, without inviting others to come in and join their forces.

**STATEMENT OF COL. J. F. REYNOLDS LANDIS, UNITED STATES
ARMY, RETIRED, WASHINGTON, D. C.**

Colonel LANDIS. I am vice president of the Aztec Club of 1847, military society of the Mexican War. I will address you very briefly and confine myself mostly to the matter of the national defense. I desire to present the protest of the Aztec Club of 1847, the military society of the Mexican War, against the enactment into law of H. R. 297. If this bill should be enacted it would practically grant to any alien applying for citizenship the right to determine for himself whether a declaration of war of the Congress of the United States was based upon just grounds, and certain conditions, to decide whether or not he answered the call to arms.

Would the applicant for a commission as an officer in the armed forces of the United States be considered a desirable officer if he demanded the right to question the propriety and desirability of an order before carrying it out? Would any corporation or company accept as an official anyone who made a similar demand? The alien who becomes a citizen enjoys the right to vote for representatives in the executive and legislative departments of the Government and must be bound by their action whether or not it accords with his personal views. The citizen who fails to understand this fails to understand representative government and is not the type of a good citizen. The alien applying for citizenship who fails to understand this, who is not willing to obey the laws enacted by the executive and legislative departments of the Government, is an undesirable to whom citizenship should be most uncompromisingly denied.

We have in this country individuals known as conscientious objectors. In time of war the Government has respected their views and has not required them to bear arms. However, the respect which the Government has shown for their views, has caused more or less dissatisfaction and discontent among the citizens usually at the time when it was most desirable that such feelings should not exist. The Nation at war has need of all its energies to carry it on and no part of those energies should be expended on conscientious objectors. This class was large enough in 1917. It will be larger in the next war and it will show great wisdom in Congress not to increase this class by adding to it those who would seek to be admitted to citizenship under the provisions of this bill.

The Aztec Club of 1847 hopes, therefore, that this committee will send this bill to the House of Representatives with the recommendation that it be not put into effect as law.

**STATEMENT OF REV. WILLIAM MATTHEW HOLDERBY, CHICAGO,
ILL.**

Mr. HOLDERBY. I represent a movement known as the National Christian Family Defense League. This movement has secured the enactments from the State Legislatures of South Dakota, Texas, and Illinois, of resolutions germane to the discussion of this bill which is being considered at this hearing before your committee. I come with the authority of these three State legislatures, and besides that an enrollment of something like 350,000 families whose spirit and attitude is that of patriotic religionists. In meeting the contention of the

proponents of this bill as presented yesterday, I am assured of this fact, that not one of them who rests in the security of the protection of conscience that they plead but depends upon the Constitution of the United States of American for this protection. I submit to you, gentlemen that it is an honorable purpose, a fair purpose, and consonant with Christian integrity that they should support the Constitution of the Government that gives them provisions and such protection.

As I contemplate the seriousness of the situation presented and precipitated in the presentation of this bill with this peculiarly intended evasion of citizenship responsibilities, I can not but point you to this fact, that out of these developing conditions within our Nation's life serious things are imminent. There are three steps that lead to that supreme tragedy of earth, which is the death of a nation. The first step is religious apostasy, second political deterioration, and third, social chaos.

I am convinced that out of the evidence presented before your committee, that the forces that are presenting this bill are indicative of those subversive influences that mean to destroy our nation's life, and the movement that I represent has in mind but one thing and that is by the integration anew of the conscience, of the family life of this Nation, to pour an antidote into the poison of communistic individualism present at this hour, and if I can trust myself for a judicial judgment in the matter, why do they lug in here the personalities of a few individuals under the pretense and pretext of asking us to dissolve for them the responsibilities that they as a type, and as a class, ought to owe this Government were they to become naturalized as citizens? Why do they bring in as a buffer to a request for such a privilege, when they must know what will be the rejoinder of every true American citizen, the religious aspect of the Quakers' peculiar belief and tenet? I want to say to you in the baldness and the boldness of my personal conviction, the type of man or woman, proponents for this sort of action on the part of the Congress of the United States of America, is of the type that has no place in court. There would be but three types of minds presenting themselves to your august group, that would pose as religionists, who would ask for this because of conscientious scruples concerning war. One would be the type of mind that puts his authority within an infallible church; the second would be the type of mind that puts his word, his trust in an infallible authority known as the Word of God; the third is that type of mind that arrogates to himself an infallibility of judgment, whose egocentric conscience makes him a law unto himself that he shall decide his measure of obligation toward men and even toward God.

There came to the shores of this land a group of men and women who out of the Plymouth Colony gave us the concept of Government that we have as a state and they established for the Nation's life the same definite conception of authority in the Constitution that rests in the Holy Word of God, which they believed and which they accepted. I went to say to you this afternoon that the type of man or woman who inveighs against the Constitution of the United States of America is the type of man who inveighs against the Word of God. I will say to you furthermore that the man whose conception of religion is the evacuation of that glorious contribution which is

revealed in the shed blood of Jesus Christ is the same kind of man who discredits your forbears and mine, who gave their blood that you might have the joy and privilege of citizenship that is ours. That is the type who present themselves in this livery of heaven as conscientious objectors to military duty to our Government.

I say this afternoon in these words to you: We are at a serious moment—a serious moment. Remember the opponents of this bill did not precipitate this issue I now bring to your attention. The onus of this issue that we now present rests upon those who lugged into this situation a religious aspect, and when one of the proponents of this proposed law said yesterday that he desired his fellow-religionists such as Friends, the Quakers, to come to our shores and be accepted as citizens of this country when they did not believe in war, I want to ask a very pointed question. If the Congress of these United States of America were to declare war, would the President of the United States declare himself as a man who had taken the oath to defend the Constitution of the United States of America, or would he rest in his attitude on the doctrine opposed to war as a member of the Society of Friends.

If the President of the United States of America is compelled to abide by the oath he has taken as President to defend the Constitution, then no one is exempted from the obligation because it might stultify their conscience. That is my proposition to you in your consideration of the serious aspects of this bill. May I say to you that it takes but one hole below the water line to sink any ship, just the one, and let me say that the rothole that they are putting into the plank of the ship of state by this sort of practice will send you to the bottom, and let me say to you further, it is my conviction that you might as well spell the word "rathole."

I heard the proponent of the bill yesterday morning Prof. Jerome Davis make the contrasting statement as to the position of Professor McIntosh and said that they were desired as a class to become citizens of this great Republic, and then with sarcasm he spoke of the Al Capones who were given citizenship. There is one thing to be said about that crowd of gangsters: They have a code and if you do not live up to it they put you on the spot. I want to say to you as an American citizen, there are types of proponents of this bill that ought to be put on the spot by every American citizen breathing the breath of life. I am convinced this afternoon in serious contemplation of this bill that you need to reckon with this bad effect. If the prevailing conditions as they obtain to-day in our national life are but pus pockets, they may be lanced and drained and they will heal, but if they are carbuncles, and the information has come to me recently that a carbuncle is an infection from the outside in, not the inside out, I am thinking that the great metropolitan areas of our Nation's life to-day have become infected as carbuncles, and they may be fatal. They, however, can be cured, but, gentlemen, if what we see represented in the men of this group who want the enactment of this kind of legislation, represents a cancer that has fastened upon the body politic, let me warn you there is a serious consequence. If you would not suffer a cancerous death as a nation, you must use the knife on that tissue, so you will have to use the knife to get this killing cause out of the Nation's life. It was a knife of war that gave us our Nation under Washington; it was a knife

of war that saved our Nation under Lincoln. It may take a knife of war to purify us for the very great purposes that God has for us.

Gentlemen, it is imminent, this need of the operation, except that there is a modern therapy that has proven that if you will throw light rays into the foul mass you will atrophy it and cause it to slough out. By the important hearing that your committee has given to this bill the light has been thrown in. Would to God that the exposure of the revelations that have been made here before this committee could be carried broadcast to the Nation's life. They need it—they need it. I beg of you in your consideration of this bill that you do what might be expected of you and which I am confident you will do in this great city of Washington, in which the Nation has paid its devotion to the two great characters of its history; there stands the Washington Monument—that man who in the snows of Valley Forge prayed his blessings upon this Nation in the incipency of its birth that God would save it, that it might live. I stood the other night in the New York Avenue Presbyterian Church and looked at the pew where Abraham Lincoln used to sit and listen to the beneficent ministry of the word of God and from which he got his deep convictions concerning his obligations and responsibilities for his love for both South and North in the prosecution of that war. That man used to go out of the White House and go across there and sit behind a partly opened door Wednesday nights in that church, hidden from view that others might not see him and know of his presence. These great, God-fearing ministers of God to a nation's life did not fail to meet their responsibilities. If you gentlemen feel this obligation of meteing justice to all citizens in consideration of the obligations concerning this bill, will you hear me read this word in closing? It is a question of God's authority and deals specifically with the obligations to a Christian people's government. Now, remember this is not the appeal to the Jew concerning his kingdom. This is the appeal to the Christians concerning the church. The Apostle Paul in the Book of Romans, chapter 13, beginning with the first verse said:

Let every soul be subject unto the higher powers. For there is no power but of God. The powers that be are ordained by God. Whosoever therefore resisteth the power, resisteth the ordinance of God; and they that resist shall receive to themselves damnation. For rulers are not a terror to good works but to the evil. Wilt thou then not be afraid of the power? Do that which is good, and thou shalt have praise of the same: For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subject, not only for wrath, but also for conscience' sake. For this cause pay ye tribute also; for they are God's ministers attending continually upon this very thing.

This is the tribute out of God's word paid to you as a representative group of lawmakers of this nation's life, and if that which vests in you has the authority and the force of God's own declaration, I beg of you as a committee to report to the House your nonconurrence concerning this bill.

The CHAIRMAN. May I say that the committee has been very patient and has given this bill a fair and impartial hearing on both sides, and I am sure that the committee will be very mindful of all the statements you have made when it goes into executive session.

Mr. CABLE. Can you furnish the committee with copy of the resolution referred to the various States?

Mr. HOLDERBY. I will furnish these citations as follows: South Dakota, 1923 session, senate journal, page 533; Illinois, 1927 session, senate journal, page 943; Texas, 1931 session, senate journal, page 712.

Mr. GREEN. Do you know of any of the old patriotic organizations like the Daughters of the American Revolution and others that have introduced this bill and favor it?

Mr. HOLDERBY. No, sir.

Mr. GREEN. You do not know of any of them?

Mr. HOLDERBY. None at all.

Mr. LLOYD. Miss Mary G. Kilbreth asks to be permitted to file a statement on this bill.

The CHAIRMAN. The committee will be glad to receive her statement. It may be filed with the clerk.

(CLERK'S NOTE.—Statement not submitted.)

Mr. JENKINS. I have a number of telegrams and letters. I wonder if there will be any objection if I just make a list of them, for the record.

Mr. JOHNSON. These are extensive hearings for the past few days. Every one of us has sheaves of letters and telegrams and there will be duplications galore. It is an unnecessary expense in my opinion. I doubt very much the advisability unless the chairman himself assembled these telegrams and letters and compiled the names and societies for and against.

The CHAIRMAN. Mr. Jenkins suggested that he just give the names of these persons and whether for or against.

Mr. JOHNSON. Not the telegrams themselves?

The CHAIRMAN. I do not suppose it will take up more than four or five pages.

Mr. GREEN. For that matter I am ready to vote against this bill now.

Mr. FREE. Why put in the record a lot of names. It is all right for the names of organizations. I take it from what Mr. Jenkins says that these are personal letters and telegrams. If we start on that sort of thing we will have them by the millions. If we put in the name of the society or organization or group that is sufficient.

Mr. JOHNSON. This is not a voting contest.

Mr. JENKINS. Suppose I make this general statement for the record, that it appears that all the members of the committee have received communications, letters and telegrams, that it is agreed among the members, that none of them will be made part of the record, but they are acknowledged as received in this informal manner. My reason for that is that these people have sent in their telegrams, a great number of people have sent telegrams here, and we ought to take cognizance of them. When a person hands us a petition with ten names on it, for instance, it is one of the fundamental principles of our Government, the right of petition. We do not dare to turn down people's petitions, and that is the reason I make the suggestion to acknowledge them in the hearing, these that I have as well as everybody else's.

Mr. COOKE. Are you going to close?

The CHAIRMAN. Except for a summing up by both sides, fifteen minutes each.

STATEMENT BY HON. EDMUND F. COOKE

Mr. COOKE. I have a very brief statement in regard to the general idea that has been conveyed during this entire hearing, that this was an application upon the part of the American aliens for this change in the naturalization laws and I think that is a wrong implication that can be drawn from the hearings. As a matter of fact, the number of aliens who are seeking naturalization and seeking to evade the duty and obligation to defend the country in time of war is insignificant in number. I have listened to the representatives of the Daughters of the American Revolution, the Mexican War, and so forth, but I do want to convey to the committee and have put into the record the idea that a great preponderance or a majority of all the aliens who have come into this country have gladly and willingly accepted the responsibility to bear arms in the defense of the country. That is proven by the record in the Civil War; it is proven by the record in the World War, and it is proven by the fact that scarcely any of them ask for the passage of this bill except a few aliens, and it is an unjust implication against the aliens of this country who do seek naturalization.

The CHAIRMAN. That is a very fair statement.

Mr. JOHNSON. I will add along the same line that in addition to my other basic objections to this bill, I am afraid that a movement of this kind is highly offensive and dangerous to that large well-meaning alien population that we intend and hope to assimilate into the body politic who want to be with us and of us.

The CHAIRMAN. Without objection, I will place in the record at this point a statement submitted by Mr. James H. Patton and a letter just received from the National Catholic Welfare Conference. (There was no objection.)

STATEMENT OF MR. JAMES H. PATTEN, OF WASHINGTON, D. C., REPRESENTING THE IMMIGRATION RESTRICTION LEAGUE OF NEW YORK; THE NEW YORK STATE COUNCIL, JUNIOR ORDER UNITED AMERICAN MECHANICS (INC.); THE FRATERNAL PATRIOTIC AMERICANS; AND THE COMMANDERY GENERAL, THE PATRIOTIC ORDER SONS OF AMERICA

Mr. PATTEN. I appear in opposition to H. R. 297 and H. R. 298. I represent the Immigration Restriction League, incorporated under the laws of the State of New York, as chairman of its national legislative committee; the State council, Junior Order United American Mechanics of the State of New York (Inc.), as national legislative representative; the executive council of the Fraternal Patriotic Americans, as national legislative agent; and the commandery general, Patriotic Order Sons of America, as chairman of its national legislative committee.

Although these two bills, H. R. 297 and 298, declare in their preambles their object to be: To provide that religious views or philosophical opinions against war shall not debar aliens from citizenship the text of the two bills contains the apparently contradictory provision that every alien admitted to citizenship shall be subject

to the same obligations as the native-born citizen. Every native-born citizen is absolutely and completely subject without any mental reservation or legislative exemption, such as that raised by these two bills, H. R. 297 and H. R. 298, to the full and complete discretion of Congress and the President to have them bear arms, wage war, and even shed their own or others' blood in defense of our country, its constitutions, its Christian civilization and for the protection of its citizens, whether they be the abled bodied, the aged and infirm, or the innocent citizen babes in arms, such manner and whenever a national emergency arises and Congress and the President direct. To admit aliens to citizenship on the express legislative enactment that they would not have to bear arms would create a privileged class, impliedly if not expressly, exempt from the supreme citizenship duty of defending our country in time of foreign invasion, and would amount to either special un-American class legislation or nothing at all. That it is regarded as striking at the very foundation of our splendid government is shown by the fact that Communists, radical pacifists and so-called Liberals of both the philosophical parlor pink hue and even the Nihilist religious red variety and every other breed of enemies of our representative government seem to want these two bills, H. R. 297 and H. R. 298, enacted into law, not for "religious" and "philosophical" freedom, but as a definite step in weakening and eventually destroying this government of ours and in erecting here on its ruins a tyrannical communistic form of autocratic government where there would be not only no "philosophical" freedom as to any use of force, but also no freedom of opinion as to economic industrial, financial, commercial, or other political state policies and where no doubt even "religiously" coercive efforts would be made, as they have been in Russia, even to banish from men's souls, hearts, and minds any hope of immortality, or belief in a hereafter.

The four patriotic American organizations I have the honor to represent believe that in this present old unregenerated world no nation is a nation that does not directly or indirectly have the full war sanction and backing of an army and navy, any more than any town, city or State can long function without any police force. We not only believe that in the present unregenerated state of this old world an army and navy are as necessary an attribute nationally as health, fire, and police departments are locally, but that it should be the first and supreme earthly duty of every citizen of the United States, without any prior allegiance, to be willing for Congress, representing the will of the majority and therefore of the people, to decide when war is necessary and proper, and who should do what in time of war—and even as a last resort decide the shedding of his or her blood, or the blood of some one else. We believe in organized society, that we here in the United States, as a result of the American Revolution, have the greatest and best written or unwritten charter of government and human liberties in all history and that to respond to a congressional call to arms is and should be and remain the first and supreme earthly duty of every native born and naturalized citizen and that every alien who would enjoy and share beneficent protection of our government, the marvelous freedom of body, mind, and soul it affords, should, without any mental reservation, "philosophical" evasion or "religious" equivocation, be willing 100 per cent to agree to play the full 100 per cent courageous man's part any

other citizen is called upon, or may be called upon by Congress and the President, speaking for and constitutionally representing the people of the United States, to play in either peace or war. To do any less will be to make us a haven and refuge for all the alien cowards and slackers of the whole wide world.

We have here, as a result of the war for independence, a real nation and the greatest written state paper of all the centuries, and in this the great government of the ages, our written Constitution in vox populi, and vox populi is vox Dei, and it declares: "We the people of the United States of America do 'empower Congress' to provide for the common defense," to organize "an army" and "discipline a militia," to build and maintain a navy, and to declare and wage wars. Everyone must hope for the day when men and women will be guided 100 per cent by the Golden Rule and will do as Christ, the Prince of Peace, would have us do, but until that millennial day of logical mind perfection and perfect conscience compulsion comes our free institutions, "the freedom of speech" and press, "the life, liberty, and pursuit of happiness" of the Constitution, as well as freedom of mind and of conscience, can no more be retained and maintained nationally than it could be locally without law and sanction, and without executives and policemen. We believe unequivocally that every loyal and desirable citizen should be "willing" unreservedly for Congress to have the discretion to call him or her to play a full and courageous part when it comes to saving our country, its institutions, and even our Christian civilization from peril or destruction, just as Charles Martel, "the Hammer of Christendom," and his brave men saved Christianity and our civilization for us on the battlefield of Tours ten centuries ago, and just as our precious free institutions and Christian civilization, to which our preeminence materially, mentally, and morally is due, has been repeatedly saved from destruction by a resort to force and even war. Is it not even related in the Book of Books that only by the waging of war was the devil driven out of Heaven?

The members of the organizations I have the honor to represent can not reconcile individual "philosophical" or "religious" supremacy in State affairs to the contrarily, constitutionally expressed and enacted will of the majority. If everyone or any one were to be a law unto himself, there can be no law. Aliens who do not believe in a full-fledged Nation like ours and are unwilling to abide by the will of the majority in what we declare to be State affairs, whether it be polygamy or defending our country with his life, should not be admitted to citizenship, and we enthusiastically commend the repeated decisions of the United States Supreme Court to that effect, in the various cases involving the constitutional point these two bills seek to remedy, and which we most respectfully submit really should and only really can be remedied by constitutional amendment abolishing our Army, Navy, and all other constitutional resort to force. If and when such a monstrous amendment were adopted, we would not have a Nation or anything worthy of that name, and in these days would become through inherent weakness the mere "poached preserves" of other powers and "partitioned out," precisely as the country and sovereignty and property of over 400,000,000 of people of the alleged oldest "civilization" are now "partitioned out," its customs duties being collected, its post-office revenues taken,

and even parts of its territory absolutely dominated by foreign powers, and where individual wealth in the form of "Mexican dollars" measures the size of the Army and power that any man, interest, or influence can and wills to have, and where life, liberty, property, pursuit of happiness, and freedom of opinion and even worship have no real guarantee whatever. Such a chaotic, nondescript land instead of our country ought to be the "philosophical" or "religious" goal and ideal of opponents of the use of force or bars, one of whom by the name of Margolis in answer to a question by Senator McKellar declared before a congressional investigating committee some years ago that if he came home late some night and found a fiend ravishing his wife or young daughter (and he has each) he would merely ask the fiend to "desist." Why alien opponents of all force will pass by China so much more the ideal of their dreams and come to the United States, seeking special exempting naturalization legislation is explained by the fact that we are a Nation and have more law and order, and more justice and liberty than any other country, wages and returns here for personal effort being as a result of our Government and institutions from four to forty times more than in any other land.

The "conscientious objector" is no new alien arrival. He prefers one strong representative Government. His own inherent, forceless weakness would soon lead to his extermination without the forceful protection of others. When he goes to a foreign land where Government is weak and does not afford adequate protection—and when he goes even on a "religious" or "philosophical" mission, he is the first to cry out the loudest and longest for Uncle Sam's Army and Navy, and then when it is a case of his rescue, Uncle Sam can not send too many soldiers or too many warships too fast. We have already in our midst, as I said, it seems to me, quite enough conscientious objectors, and it is most respectfully suggested that we do not need any increase in their number or the number of war cowards and war slackers this special class legislation would certainly tend to invite and create by the immigration and naturalization routes. There are also already in our midst all the foreign born and native born, antinational, international, and anti-American-minded persons we can comfortably get along with. The communist, radical, pacifist, and so-called "liberals," opposed to our organized Government and active in its overthrow, are backing these two bills to such an extent their introducer has felt called upon at this hearing to repudiate some of the testimony of some of his bill's own witnesses, and he has admitted it would permit the naturalization of and admit to our electorate an alien who has boldly and blatantly declared and heralded herself to be an "uncompromising antinationalist," and who has nebulously described herself as having some sort of "Cosmic conscience," and a mere "international interest in human beings as such." Regardless of his repudiation of such prospective beneficiaries of this proposed legislation, these two bills, if enacted into law, would permit the naturalization of and make voters in time of alien communists, war slackers, and cowards, as well as "100 per cent conscientious objectors," who are now debarred because they say they so abhor the use of force they are not willing for Congress to retain its war power discretion over them, but still want to become citizens of a country whose Constitution clothes its executive and

legislative branches with full 100 per cent waging powers. These two bills do appeal to the enemies of our Government, some of whom, although mere uninvited guests, plan and plot to pull down this house of ours upon our very heads, and would give more of them a chance to get in and to stay inside this house of ours that they want to destroy. Such bills should not only not pass, but it is most respectfully suggested should not be dignified with the hearing and consideration you have so generously accorded them, and that if any bill is reported it be House Joint Resolution 255, by Congressman Dies of this committee, barring from citizenship all aliens who do not "wholly accept the responsibility involved" or who are "unwilling to take an unqualified oath of allegiance" to our country and its Constitution.

I thank you.

NATIONAL CATHOLIC WELFARE CONFERENCE,
Washington, D. C., January 27, 1932.

The Hon. SAMUEL DICKSTEIN,
Chairman House Committee on Immigration,
United States House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: Because at the hearings of your committee it was stated by some one who spoke in favor of H. R. 298 that the Catholics of this country were also in favor of said bill, we have been asked to declare whether that statement is accurate or not.

So far as the administrative committee, National Catholic Welfare Conference, is concerned, it is inaccurate.

With regard to this bill the administrative committee wishes to put itself on record as follows:

In the judgment of the administrative committee every citizen owes full and loyal obedience to the State. The State is not an absolute power, but in its own proper field it is sovereign. The State is the servant of God. Our own Supreme Court has declared that, "the child is not the mere creature of the State."

It is no unjust limitation to the power of the State to say that such power is subject to God. That power is the safety of the individual's freedom and dignity, the sole guarantee of those unalienable rights of man of which our Declaration of Independence speaks. It is also the true safeguard of the State for it makes loyalty to the State a matter of conscience, giving to that loyalty the highest possible sanction.

Conscience, therefore—a consistent, informed judgment based on certain and definite principles founded on the divine and natural law and logically supported by the spiritual beliefs of the individual—is the sole reason a citizen may give for nonobedience to the laws of a State.

"Philosophical opinion" is to our mind a phrase too unstable and indefinite to bear such a great weight.

Thanking you for the opportunity of placing this statement before your committee, we remain

Respectfully yours,

JOHN J. BURKE, C. S. P.,
General Secretary.

Mr. CHAIRMAN. Now, you may proceed, Mr. Lloyd, to close for the opponents of the bill.

STATEMENT OF DEMAREST LLOYD, VICE CHAIRMAN OF THE BOARD, AMERICAN COALITION OF PATRIOTIC SOCIETIES

Mr. LLOYD. These bills, as we all know, provide that citizenship shall not be refused on account of religious beliefs or philosophic opinions regarding war. As a member of the committee pointed out, that last is a very important phrase.

Why is this legislation wanted and by whom? A large number of very well meaning, very innocent, generous people who do not realize what is at stake, Other people who say they believe in a certain principle and want to carry it to the infinite degree regardless

of complications. This legislation is wanted by international pacifists. They claim that under conscientious scruples and, as conscientious objectors, they should be relieved of the obligation of military service. It has been brought out that they are quite in error on that question. The Government, under the Constitution, has a right to command defense and support. The naturalization law carries the same idea merely a step further in the language wherein it stipulates support and defense against enemies within and without.

The Naturalization Bureau, merely applying that same principle, those same ideas, quite naturally asks the applicant for citizenship whether he will bear arms if necessary.

This question has twice been before the Supreme Court, and the Supreme Court has, in the two cases with which you are all familiar upheld the law as it stood.

I think that the proponents of this bill, in the argument that they have presented here, are poor sports; they swear allegiance to our ideals and institutions, they believe in a democratic government, they are supposed to believe in majority rule, yet, what do they do? They come here, and for long periods, quote the minority opinions in those Supreme Court decisions as if they were the law. What is the use of having a vote, if the majority is not to rule? This question is established by the Constitution, by legislation and by the Supreme Court.

The revolutionary radicals, as I have shown, also want this legislation. I want to recall the testimony of General Frees. I am sorry we did not have more of it. I have asked him to submit a brief and elaborate the information given, as far as it is possible. I am sure it will be very valuable to the committee and to the Congress.

Now, why do the patriotic societies object to this legislation? The patriotic societies object because they know—and with reason—that if this bill goes through, the cause of national defense will be weakened. Pacifist agitators and conscientious objectors, who, in the last war were a great problem, and will be a much more serious one in the next if this bill goes through.

This question of philosophical opinions would cover a multitude of reasons. One could get out of service on almost any plea whatsoever, under the head of philosophical opinions. The proponents lay great emphasis on the fact that this bill would keep out sincere pacifists. Now, if the overwhelming majority of the people of this country are correct, that this type of nonresistant, noncooperative pacifist in the country, while fighting for its life and death, is wrong, then I want to say that, the more sincere, the more respectable, the more highbrow your pacifists are, the worse they are. One of those people can do more harm than a thousand street agitators; they move in the high places; they are very courteous; they influence education; they influence hundreds of young people; and that is why it is very important that this bill should not be passed. It will strengthen the revolutionary radical movement, because, as those of us who study it know, they believe the next thing is to get the country disarmed; they want to demobilize the Army, they want to dismantle the Navy, they want to disarm the police forces, and not have any military force whatsoever to keep order.

The weaker a state is, the weaker it is as an agency for law and order, the better is their chance; and as one of the speakers brought out, if there should be an outbreak, a great many of these people, these conscientious objectors, who will not fight a foreign enemy would join the ranks of those fighting against the government and make it all the more difficult to restore order. The pacifists we have now, and the conscientious objectors, according to Congress, have rights. They, as has been ably pointed out by a great many of the witnesses, created a problem for the country in the time of war. The alien and native agitators of radicalism who are here likewise have rights. But why should we add to these problems? Congress, according to the Supreme Court, can draft the conscientious objector, and we may need to do so. Therefore, I earnestly submit that it is a very precarious thing to add aliens to this class at this time.

The country has to take a chance on the incoming immigrants; why can not the incoming immigrants and applicants for citizenship take a chance on the country? No; he does not want to do that. But nevertheless, the Constitution provides that the Government shall have the benefit of the doubt, and that the burden of proof is on the applicant.

Gentlemen, we submit that the question asked by the Bureau of Naturalization is quite necessary and is in accord with the established law of the land and the spirit of the Constitution, and it should not be changed. In closing, I just want to quote the words of that question 24, and they are very significant words. "If necessary, are you willing to take up arms in defense of this country?" "If necessary"—what does that mean? It means that if the country is in peril, if its citizens—men, women, and children—are in peril, and if force to protect them is decreed by the Government, then will you help? The proponents of this bill want to have in the country a lot more of the people who, in a case like that, would sit back and say:

No; my philosophical opinions do not sanction this effort either to repel a foreign invader or suppress one of these cutthroat, communist resolutions, and I am just going to let somebody else do the job.

Gentlemen, we urge upon you to leave that question 24 alone. We urge upon you to report unfavorably on this bill. I thank you.

The CHAIRMAN. Congressman Griffin would like to be heard in rebuttal?

STATEMENT BY REPRESENTATIVE ANTHONY J. GRIFFIN IN REBUTTAL

Mr. GRIFFIN. Mr. Chairman and gentlemen of the committee, I never realized until to-day how really wicked I am. I heard myself classified with Communists and Bolshevists and pacifists and all sorts of "ists." I assure you I am absolutely innocent of any such connection. I always considered myself a pretty good sort of an American—not that I boast about it. I could not boast any more about loving my country than I could about loving my mother. I think there are certain tender sympathies and chords of the human heart that are so sanctified, that it really vulgarizes them to emphasize them. I come from pretty good stock, I think—Revolutionary stock on my mother's side, with ancestors who fought in the Revolutionary War, and in every war since, and I revere the traditions and Consti-

tution of my country; so that it is rather mortifying to find oneself classified with Bolshevists and Communists and other cranks of various kinds; and to-day there was even brought in the sexualists. Someone quoted something rather broad on the relations of the sexes, which was chargeable to some organization, I believe, that supported this bill. Surely, gentlemen, I am not responsible for all the views of all the people that support this bill.

I offered this bill on my own responsibility. I drew it up at a moment's notice, the day after the decision was handed down in the case of Madame Schwimmer. I read the opinion of that venerable jurist, Justice Holmes, who himself is no mean patriot. He bears on his body the wounds of three battlefields of the Civil War. I admire him for the breadth, the tolerance, and the nobility of his character.

I thought it was a mighty harmless bill, because I have been brought up on the doctrine that toleration is one of the foundation stones of free government. The Bill of Rights in the Constitution of the United States contains the guaranties of religious liberty—freedom of worship, as well as freedom of speech. I felt that the majority opinion was in direct conflict with the people of this country's inalienable right to free speech, free thought, and religious liberty—that it was a blow at those rights. My attitude was that of a student of history, because I have observed that every nation, in every age, that tried to submerge, persecute, or destroy opinions that were in the minority, suffered in the long run. The minorities of yesterday are in the majority of to-morrow.

I felt the proper attitude of Americans should be one of tolerance. I think it was Voltaire who said:

I can not agree with your sentiments, but I will give up my life that you may have the liberty to express them.

That is my attitude—simply one of toleration and fair play.

Now, this bill, it has been charged, is intended to enable aliens to take the oath of allegiance with reservations—so it has been represented. It does nothing of the kind. There is not a word, a paragraph, not a single idea in the entire bill, that will convey the implication that they are to be given any rights other than those of citizens.

You will notice that I put this bill in two forms. First, I used the language in the old bill (H. R. 3547) which I introduced in 1929, now it is H. R. 298. Then I introduced it in another form by request. I added at the end of it the new language that you will notice in H. R. 297:

But every alien admitted to citizenship shall be subject to the same obligations as the native-born citizen.

Permit me to emphasize that I did not introduce that language because I had any doubt that phraseology of the other bill needed any qualification or any explanation. I yielded my own judgment simply because a great many people said: "you must make it clear to the committee that there is no intention to convey any exemption to or any exceptions in favor of naturalized citizens." Well, it seems to me, it stands to reason that, if an alien is admitted to citizenship, he is a citizen, and that is all there is about it. As to what he will do, or not do, in case of war, depends not upon him, not upon his will; he is given no discretion, but must do as the Congress directs.

Therefore it ought to be plain that my bill aims really to preserve the rights and the powers of Congress. I do not want to see Congress abdicate its right to control the conduct of citizens, whatever their status may be, whether by birth or by naturalization. If this bill became a law, what would happen?

Let us say, an alien is admitted to-day, and say 10 years from now a war takes place—which God forbid. Congress then enacts a law—another selective draft law, with the usual exemptions. If this citizen is taken up, and if he is healthy and qualified or not entitled to exemption, he will be compelled to do as he is told or take the penalty. This bill does not grant any indulgence for naturalized citizens.

My proposal is simply in line with the views of those able jurists of the Supreme Court of the United States who have condemned this Question 24 as an offensive, hypothetical question, dangerous in its implications and consequences.

If you permit the Bureau of Naturalization to interrogate a man or woman as to their attitude on war, or what they might do in the future, it may, upon the same ground, namely, as a test of his good citizenship, ask them what their attitude is on the eighteenth amendment, on the fifteenth amendment or any domestic policy of the Government. Once you open the door to inquiries of that kind, you open a Pandora's box of dangerous possibilities.

In short, my sole purpose was, and is, to keep the halo around citizenship, to put it in an exalted niche, where it belongs, and to allow no snooping into a man's religious views or inner convictions. That is all there is to it.

There was a great deal said about pacifism yesterday. It seems to be fashionable to look with contempt on pacifists. I have always maintained that the term "pacifist" was the wrong term. I think myself, that they ought to adopt a name something like this: "Association opposed to war." That would get them along a great deal further than the term "pacifism," which somehow conveys the idea of weakness, cowardice. No one should be ashamed of loving peace or hating war. Some of the very noblest men in our history hated it and furthermore had some very curious ideas on arbitration. It may surprise you, and I bring this up now as having some pertinency in view of the fact that young Colonel Grant, the grandson of General Grant, was humbugged into coming into this hall here to-day to protest against this bill, under an absolute misapprehension of its purposes. It is not generally realized that General Grant hated war and was the man who was really responsible for the idea of arbitration. He brought about the arbitration with Great Britain at Geneva, and his biographer, Louis A. Coolidge—no relative of President Coolidge—says:

Thus Grant must have the credit for establishing the principle of arbitration in international disputes; for this was brought about by reason of the firmness with which he held to the validity of American demands. If anywhere along the line his conduct had been marked by vacillation, the result could not have been achieved. To him must also go the credit of being among the earliest to encourage the principle of a world's congress, as afterwards embodied in The Hague tribunal, when to the arbitration union in Birmingham he said: "Nothing would afford me greater happiness than to know that, as I believe will be the case, at some future day, the nations of the earth will agree upon some sort of congress, which will take cognizance of international questions of difficulty, and whose decisions will be as binding as the

decisions of our Supreme Court are upon us. It is a dream of mine that some such solution may be."

That quotation is from page 811 of the Coolidge Biography of Grant.

In his message on the San Domingo treaty in 1871 he said:

Rather do I believe that our great Maker is preparing the world in His own good time to become one nation, speaking one language, and when armies and navies will be no longer required.

Now, that is General Grant, a simple, unostentatious, able soldier—never pretending to be a militarist, and never holding himself out to be a militarist. He did not want to go to West Point. His father sent him there against his will. He went through and came out near the foot of his class. He resigned from the army and two years before the Civil War, was found in St. Louis peddling wood, yet by some marvelous freak of fortune, inside of five years, he was Commander in Chief of the Union Armies. When the war was over, he said to Lee, "Let us have peace." He told his late enemies to take their horses and their sidearms and to go home and plow the ground. So you will find that throughout all history the bravest are always the tenderest.

One of the speakers to-day roused himself up into considerable indignation over my advocacy of this bill; but without intimating that I came within the pacifist category, expressed surprise that I had grit even to sponsor a bill of this kind. Well, in answer to that, the only thing that I can say is this: I find myself in good company, as there are five Justices of the Supreme Court who have already expressed views in concurrence with the terms and purposes of this bill. The bill is to prevent the asking of provoking, foolish questions of men, women and children. They said it was ridiculous. That is all my bill aims at. Those judges were Holmes, now retired; poor Justice Sanford, who is dead and Justices Brandeis, Hughes and Stone. Now, the real issue is how this matter will be considered by the American people and by posterity—how it will affect American patriotism, American toleration and the grandeur of American ideals.

To grasp the import of my bill we must keep in mind the proposition involved in this question 24 on the application blank, because that is all there is before you. Three justices of the Circuit Court of the Seventh Circuit reversed the decision of the lower court and agreed with Justice Holmes that the question is irrelevant and unnecessary. They were Justices Altschuler, Anderson, and Babson. Now, in the Macintosh and Bland cases, three justices of the Circuit Court of Appeals of the Second Circuit in New York City also agreed with the ultimate determination of Justices Hughes, Holmes, Brandeis, and Stone. Those three justices of the court of appeals were Martin, Hand, and Swan; all able, competent, patriotic men. Therefore, please do not put me in the category of being unpatriotic, or wanting to undermine the Constitution of our country.

TITLE FOR HEARINGS

In closing—I am going to close that right now—when you get together the hearings on this bill and think about a title, I hope you will give it a title that will convey what the bill does, and not permit language to be put at the head of the hearings to be circulated all over the country, which will deceive the casual reader and cause one

to think that this is a bill to permit the oath of allegiance, by a candidate for citizenship, to be taken with certain reservations. There is nothing in the bill, itself, about reservations.

Mr. JOHNSON. Wait a minute.

Mr. GRIFFIN. No reservation is asked for anybody.

Mr. JOHNSON. May I interrupt you there and ask you if the title that has been used in the Congressional Record calling attention to this hearing, is considered a fair title; that is to say, at the conclusion of the House proceedings each day is listed the other hearings of the next day, and the call for this particular hearing is put in the Congressional Record under these words: "Prerequisite for naturalization." Is that satisfactory?

Mr. GRIFFIN. I do not see—

Mr. JOHNSON. I am just asking you. I do not have that responsibility.

Mr. GRIFFIN. The Congressional Record is different.

Mr. JOHNSON. Just to clear the record, I would like to assure my colleague who offered this bill, that that title was written by a clerk in the office; it was not written by the chairman. That apparently was an effort to designate the gist of the hearing, and I have not weakened yet. I did not write that, but I will swear it gives a pretty good cue to what the hearings are about.

Mr. GRIFFIN. The human mind operates in certain bands of frequency, and there are some intellects that probably can not go beyond that band. I was convinced that the former chairman of this committee—

Mr. JOHNSON. But how about this title: Prerequisite for naturalization? Does that title cover it?

Mr. GRIFFIN. It does not concern me.

The CHAIRMAN. Congressman Griffin, the committee will bear in mind the point that you make for this bill, and you may fix your own title.

Mr. GRIFFIN. Yes; and I want to thank you, Mr. Chairman and gentlemen of the committee, for your indulgence.

The CHAIRMAN. I think you have been very fair yourself, and everybody else, and I think we have had a good discussion of it. The matter will be closed.

STATEMENT BY HON. ARTHUR M. FREE

Mr. FREE. May I have one word, before we adjourn? Much has been said about the dissenting opinion of Mr. Justice Holmes. I read that opinion. I think the justice missed the facts that were before him in the case. In his opinion, he says:

but thoroughly believes in organized government and prefers that of the United States to any in the world. Surely, it can not show a lack of attachment to the principles of the Constitution, that she thinks that it can be improved.

In other words, he bases his whole opinion on the fact that she believes in organized government. Now, as to the testimony before the court by witnesses, he says:

Having no sense of nationalism or cosmic consciousness of government to the human family.

In other words, Justice Holmes bases his opinion upon the fact that she believed in organized government; when, as a matter of fact, in her own testimony, she, herself, denied that very fact.

The CHAIRMAN. I think these matters ought to be in executive session.

Mr. FREE. I wanted that in the record.

Mr. GRIFFIN. That is not incompatible with loyalty. A person may have a love for his fellowman, as he is taught to love his neighbor as himself; but that does not prevent him from having esteem for his country. The first idea of government in the human family is love for one's fellow beings.

Mr. JOHNSON. What would you do with the phrase "having no sense of nationalism"?

Mr. GRIFFIN. That is in the same category; that does not imply that organized government is not a necessary thing.

Mr. JOHNSON. What is government? Government is for the nation, is it not? Where is the sovereignty?

Mr. GRIFFIN. It is the mechanism for carrying on the nation's business—the same as business is organized.

Mr. JOHNSON. I have been a member of this committee for 19 years and have given much thought to the question of naturalization. If you were to compile some questions to ask a candidate for citizenship, what line of questions would you ask to determine whether the candidate for citizenship is well disposed toward this government?

Mr. GRIFFIN. In the first place, I would never in the world ask him what he was going to do, or thought he might do, at some time in the future, in some future war; because I certainly know that every blackguard or rascal who had reasons for becoming a citizen of the United States, would instantly say: "Yes, I will promise to enlist now in a war that may never come." It seems that would be an absurdity; but if you want to obtain the attitude of the intended citizen toward the Government of the United States, there are 101 ways of getting at it.

The Labor Bureau, the Bureau of Naturalization, has its inspectors and its men who can be employed to hunt up the antecedents and conduct of the applicant; and if they have not force enough, I am sure Congress will be glad to strengthen their hands, in order to do so.

Mr. JOHNSON. Mr. Griffin, have you given any thought to annual examinations of candidates for citizenship, instead of having them at the end of five years?

Mr. GRIFFIN. I am sorry, I have not. I am not in favor of extending too much power to bureaus of Government, to enable them heckle and meddle with the daily life of people. If they get into trouble in the courts, the report is made, even now, to the Bureau of Naturalization, if they misbehave themselves within five years, they may be deported under the law. I would confine the inquiry simply to their conduct, what they had done, and their antecedents; I would not try to penetrate what they thought they intended to do, in a war that might never come.

The CHAIRMAN. I thank you very much. The committee stands adjourned until to-morrow morning. This closes the public hearings on H. R. 297 and H. R. 298, and the committee will further consider these bills in executive session at the call of the chairman.

(Whereupon, at 4.45 o'clock p. m., the committee adjourned until Thursday, January 28, 1932, at 10 o'clock a. m.)

APPENDIX

EXHIBITS INSERTED BY HON. ANTHONY J. GRIFFIN

(Pp. 152 to 227)

COURT OPINIONS, NEWSPAPER ARTICLES, AND LETTERS COVERING CASES OF APPLICANTS DENIED CITIZENSHIP

- I. Rosika Schwimmer:
 - (a) Opinion of Circuit Court. (P. 152.)
 - (b) Majority opinion of the Supreme Court of the United States. (P. 155.)
 - (c) Dissenting opinion of Chief Justice Oliver Wendell Holmes. (P. 158.)
- II. Prof. Douglas Clyde MacIntosh:
 - (a) Opinion of United States Circuit Court, Southern District of New York.
 - (b) Majority opinion, Supreme Court of the United States. (P. 159.)
 - (c) Dissenting opinion of Chief Justice Charles Evans Hughes. (P. 165.)
- III. Marie Averill Bland:
 - (a) Majority opinion of the Supreme Court of the United States. (P. 169.)
 - (b) Minority opinion. (P. 171.)
- IV. Martha Jane Graber: Record of Court of Common Pleas of Allen County, Ohio. (P. 172.)
- V. Mrs. Margaret Webb: Testimony before Judge Gustav H. Hoelscher, Richmond, Ind. (P. 175.)
- VI. Mrs. Jorgan Boe (nee Mary Mabel Harris): Newspaper article explaining case. (P. 183.)
- VII. Reverend T. F. King: Letter of Reverend T. F. King, who was denied citizenship. (P. 183.)
- VIII. Klemens A. Offermann. (P. 185.)
- IX. Showing change in naturalization forms to wit:
 - (a) Letter of Assistant Secretary of Labor, Hon. Robe White.
 - (b) Form 2214, Form 2214 A.
- X. State exemptions.
- XI. Federal exemptions.
- XII. Letter of Hon. John W. Davis.
- XIII. Organizations and prominent citizens indorsing H. R. 297, with copies of letters received.
- XIV. Newspapers indorsing H. R. 297, with copies of newspaper articles covering the bill.

EXHIBIT I

(a)

DECISION IN THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT

No. 8997. October term, 1927, April session, 1928.

Rosika Schwimmer, appellant, v. United States of America, appellee. Appeal from the District Court of the United States for the Northern District of Illinois, Eastern Division. June 29, 1928.

Before Alschuler and Anderson, circuit judges, and Baltzell, district judge. Anderson, circuit judge. This is an appeal from a decree denying a petition for admission to citizenship. Appellant is a woman 50 years of age. The case is here upon an agreed statement of facts, and the decree. Equity Rule 77.

The statement of facts consists of the questionnaire submitted to appellant by the district director of naturalization, and her answers thereto; certain correspondence between her and the director; a condensed statement of her testimony at the hearing; and concludes thus:

"Formal proof as to residence, moral character, and fitness for citizenship was given by the witnesses who verified the petition.

"It is agreed that the testimony at the hearing of the petition shows that the petitioner is qualified for citizenship except in so far as the views of the applicant set forth in the foregoing agreed statement of facts may show that the applicant is not attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same, and except in so far as the same may show that she can not take the oath of allegiance without a mental reservation."

At the close of the hearing the district court entered the following decree:

"And now again upon consideration of the petition of Rosika Schwimmer * * * it appearing that the said petitioner is not attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same, and further that she is unable to take the oath of allegiance prescribed by the naturalization law without a mental reservation, it is therefore ordered that the said petition be and is hereby denied."

The views of appellant relied upon to support the denial of her petition sufficiently appear in her answers to question 22 of the questionnaire, and her willingness to take the oath of allegiance, as shown in her answer to question 20. These questions and answers are as follows:

"20. Have you read the following oath of allegiance? Yes. 'I hereby declare on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, State or sovereignty, and particularly to Hungary, of whom I have heretofore been a subject; that I will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic; and that I will bear true faith and allegiance to the same.'

"Are you willing to take this oath in becoming a citizen? Yes.

"22. If necessary, are you willing to take up arms in defense of this country? I would not take up arms personally."

When asked, upon the hearing, about her answer to question 22, and her expressed willingness to take the oath of allegiance, she said:

"I am able to take the oath of allegiance without any reservations. I am willing to do everything that an American citizen has to do except fighting. If American women would be compelled to do that, I would not do that. I am an uncompromising pacifist. Asked how far does that go—if I disapprove of the Government fighting, I answer, it means I disapprove of the Government asking me to fight personally with my fists or carrying a gun. I do not care how many other women fight, because I consider it a question of conscience. I am not willing to bear arms. In every other single way I am ready to follow the law and do everything that the law compels American citizens to do. That is why I can take the oath of allegiance, because as far as I can find out, there is nothing that I could be compelled to do that I can not do. If it is a question of fighting, as much as I desire American citizenship, I would not seek the citizenship."

Appellant was examined at considerable length upon the hearing, but the above extracts furnish a fair expression of the views relied upon to support the decree. Her testimony, other than the expression of these views, shows an intelligent appreciation of the fundamental principles of the Constitution and her attachment to them, and that she is well disposed to the good order and happiness of the United States.

The fourth subdivision of the section of the naturalization law, prescribing what the applicant must show in order to be admitted, reads:

"Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record."

The Supreme Court in *Tutun v. United States* (270 U. S. 569, 578), said:

"The opportunity to become a citizen of the United States is said to be merely a privilege and not a right. It is true that the Constitution does not confer upon aliens the right to naturalization. But it authorizes Congress to

establish a uniform rule therefor. (Art I, sec. 8, clause 4.) The opportunity having been conferred by the naturalization act, there is a statutory right in the alien to submit his petition and evidence to a court, to have that tribunal pass upon them, and, if the requisite facts are established, to receive the certificate. See *United States v. Shanahan* (232 Fed. 169, 171). There is, of course, no 'right to naturalization unless all statutory requirements are complied with.' *United States v. Ginsberg* (248 U. S. 472, 475); *Luria v. United States* (231 U. S. 9, 22). The applicant for citizenship, like other suitors who institute proceedings in a court of justice to secure the determination of an asserted right, must allege in his petition the fulfillment of all conditions upon the existence of which the alleged right is made dependent; and he must establish these allegations by competent evidence to the satisfaction of the court. In *re Bodek* (63 Fed. 813, 814, 815); In *re an Alien* (7 Hill (N. Y.) 137). In passing upon the application the court exercises judicial judgment. It does not confer or withhold a favor."

Appellant had the right to submit her petition and evidence to the court, and to have it exercise its judicial judgment thereon. She had a right to have the evidence, and the effect of it, weighed and considered in accordance with the settled rules of law; to have the court consider only evidence relative and material to the issue; and to have that evidence given its probative force.

The question for judgment was, Did she make it appear that she had behaved, that is, conducted herself, as a person of good moral character, attached and disposed as the statute requires, during the time fixed by it? Assuming that the time to be covered by the inquiry ended with the hearing, her views, expressed then or before that time, might be important as disclosing whether her conduct was that required of applicants; but mere views are not, by the statute, made a ground for denying a petition.

The views expressed by the applicant at most reveal an unwillingness personally to bear arms, and it being agreed that she has shown herself in every other way qualified for citizenship, unless her expressed unwillingness to bear arms makes her conduct that of a person not attached to the principles of the Constitution of the United States, or not well disposed to the good order and happiness of the same, her petition should have been granted.

Vattel; in his *Law of Nations*, as quoted in appellee's brief, says:

"No person is naturally exempt from taking up arms in defense of the state—the obligation of every member of society being the same. Those alone are excepted who are incapable of handling arms or supporting the fatigues of war. This is the reason why old men, children, and women are exempt."

We do not have before us the case of a male applicant for admission who is able to bear arms and is within the usual conscription age, but the case of a woman 50 years of age.

Women are considered incapable of bearing arms. Male persons of the age of appellant have not been compelled to do so. Appellant, if admitted, can not by any present law of the United States be compelled to bear arms. Judging by all the conscription acts of which we have knowledge, she never will be required to do so; yet she is denied admission to citizenship because she says she will not fight with her fists or carry a gun.

In other words, there is put to her an hypothetical question—what would she do under circumstances that never have occurred and probably never will occur—and upon her answers to this supposed case her petition is denied. A petitioner's rights are not to be determined by putting conundrums to her.

The views of appellant relied upon to support the denial of her application have no substantial relation to the inquiry authorized by the statute. They were immaterial to that inquiry and do not furnish sufficient basis for the decree.

Reversed and remanded, with direction to grant appellant's petition.

[The United States Daily]

SUPREME COURT DENIES CITIZENSHIP RIGHT TO ALIEN EXPRESSING PACIFIST BELIEFS—APPLICANT STATED SHE WOULD NOT TAKE UP ARMS IN DEFENSE OF COUNTRY; TWO JUSTICES DISSENT

THE UNITED STATES OF AMERICA, PETITIONER, *v.* ROSIKA SCHWIMMER. NO. 484,
SUPREME COURT OF THE UNITED STATES

It was held herein that an alien, a woman of 50 years of age, was not entitled to citizenship where, in applying for naturalization, she stated that she would not take up arms personally in defense of the country, and, in her testimony,

indicated that she has opinions and beliefs opposing military service and that she is an uncompromising pacifist with no sense of nationalism. The applicant for citizenship had indicated her willingness to take the oath of allegiance.

It was the opinion of the majority of the court that such an alien is not entitled to citizenship since she did not meet the burden upon her to show that her pacifism and lack of nationalistic sense did not oppose the principles that it is a duty of citizenship by force of arms when necessary to defend the country against all enemies and that her opinions and beliefs would not prevent or impair the true faith and allegiance required by the naturalization act.

Mr. Justice Holmes and Mr. Justice Sanford dissented from the majority view on the grounds that it was not necessary to make such requirements as that made by the majority opinion of an alien in order to confer citizenship.

Certiorari to the Circuit Court of Appeals for the Seventh Circuit.

The full text of of the court's opinion, delivered by Mr. Justice Butler, and of the dissenting opinions of Mr. Justice Holmes and Mr. Justice Sanford, follows:

EXHIBIT I

(b)

Respondent filed a petition for naturalization in the District Court for the Northern District of Illinois. The court found her unable, without mental reservation, to take the prescribed oath of allegiance and not attached to the principles of the Constitution of the United States and not well disposed to the good order and happiness of the same; and it denied her application.

APPELLATE COURT REVERSED DECISION

The circuit court of appeals reversed the decree and directed the District Court to grant respondent's petition. (27 F. (2d) 742.)

The naturalization act of June 16, 1906 requires:

"He [the applicant for naturalization] shall, before he is admitted to citizenship, declare on oath in open court * * * that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same. (U. S. C., title 8, sec. 381.)

"It shall be made to appear to the satisfaction of the court * * * that during that time [at least five years preceding the application] he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. (Sec. 382.)"

Respondent was born in Hungary in 1877 and is a citizen of that country. She came to the United States in August, 1921, to visit and lecture, has resided in Illinois since the latter part of that month, declared her intention to become a citizen the following November, and filed petition for naturalization in September, 1926. On a preliminary form, she stated that she understood the principles of and fully believed in our form of government and that she had read, and in becoming a citizen was willing to take, the oath of allegiance. Question 22 was this: "If necessary are you willing to take up arms in defense of this country?" She answered: "I would not take up arms personally."

She testified that she did not want to remain subject to Hungary, found the United States nearest her ideals of a democratic republic, and that she could whole-heartedly take the oath of allegiance. She said: "I can not see that a woman's refusal to take up arms is a contradiction to the oath of allegiance." For the fulfillment of the duty to support and defend the Constitution and laws, she had in mind other ways and means. She referred to her interest in civic life, to her wide reading and attendance at lectures and meetings, mentioned her knowledge of foreign languages and that she occasionally glanced through Hungarian, French, German, Dutch, Scandinavian, and Italian publications and said that she could imagine finding in meetings and publications attacks on the American form of government and she would conceive it her duty to uphold it against such attacks.

She expressed steadfast opposition to any undemocratic form of government like proletariat, fascist, white terror, or military dictatorships. "All my past work proves that I have always served democratic ideals and fought—though not with arms—against undemocratic institutions." She stated that before coming to this country she had defended American ideals and had defended America in 1924 during an international pacifist congress in Washington.

DECLARES INABILITY TO TAKE UP ARMS

She also testified: "If * * * the United States can compel its women citizens to take up arms in the defense of the country—something that no other civilized government has ever attempted—I would not be able to comply with this requirement of American citizenship. In this case I would recognize the right of the Government to deal with me as it is dealing with its male citizens who for conscientious reasons refuse to take up arms."

The district director of naturalization by letter called her attention to a statement made by her in private correspondence: "I am an uncompromising pacifist * * * I have no sense of nationalism, only a cosmic consciousness of belonging to the human family." She answered that the statement in her petition demonstrated that she was an uncompromising pacifist. "High as I prize the privilege of American citizenship I could not compromise my way into it by giving an untrue answer to question 22, though for all practical purposes I might have done so, as even men of my age—I was 49 years old last September—are not called to take up arms * * *. That 'I have no nationalistic feeling' is evident from the fact that I wish to give up the nationality of my birth and adopt a country which is based on principles and institutions more in harmony with my ideals. My 'cosmic consciousness of belonging to the human family' is shared by all of those who believe that all human beings are the children of God."

And at the hearing she reiterated her ability and willingness to take the oath of allegiance without reservation and added: "I am willing to do everything that an American citizen has to do except fighting. If American women would be compelled to do that, I would not do that. I am an uncompromising pacifist * * * I do not care how many other women fight, because I consider it a question of conscience. I am not willing to bear arms."

"In every other single way I am ready to follow the law and do everything that the law compels American citizens to do. That is why I can take the oath of allegiance, because, as far as I can find out, there is nothing that I could be compelled to do that I can not do. * * * With reference to spreading propaganda among the women throughout the country about my being an uncompromising pacifist and not willing to fight, I am always ready to tell anyone who wants to hear it that I am an uncompromising pacifist and will not fight. In my writings and in my lectures I take up the question of war and pacifism if I am asked for them."

NATURALIZED PERSONS GIVEN PRIVILEGES OF NATIVE BORN

Except for eligibility to the Presidency, naturalized citizens stand on the same footing as do native born citizens. All alike owe allegiance to the Government, and the Government owes to them the duty of protection. These are reciprocal obligations and each is a consideration for the other. (*Luria v. United States*, 231 U. S. 9, 22.)

But aliens can acquire such equality only by naturalization according to the uniform rules prescribed by the Congress. They have no natural right to become citizens, but only that which is by statute conferred upon them. Because of the great value of the privileges conferred by naturalization, the statutes prescribing qualifications and governing procedure for admission are to be construed with definite purpose to favor and support the Government. And, in order to safeguard against admission of those who are unworthy or who for any reason fail to measure up to required standards, the law puts the burden upon every applicant to show by satisfactory evidence that he has the specified qualifications. (*Turun v. United States*, 270 U. S. 568, 578.) And see (*United States v. Ginsberg* 243 U. S. 472, 475.)

Every alien claiming citizenship is given the right to submit his petition and evidence in support of it. And, if the requisite facts are established, he is entitled as of right to admission. On applications for naturalization, the court's function is "to receive the testimony, to compare it with the law, and to judge on both law and fact." (*Spratt v. Spratt*, 4 Pet. 393, 408.)

We quite recently declared that: "Citizenship is a high privilege and when doubts exist concerning a grant of it, generally at least, they should be resolved in favor of the United States and against the claimant." (*United States v. Manzi*, 276 U. S. 463, 467.) And when, upon a fair consideration of the evidence adduced upon an application for citizenship, doubt remains in the mind of the court as to any essential matter of fact, the United States is entitled to the benefit of such doubt and the application should be denied.

DUTY TO DEFEND COUNTRY

That it is the duty of citizens by force of arms to defend our Government against all enemies whenever necessity arises is a fundamental principle of the Constitution.

The common defense was one of the purposes for which the people ordained and established the Constitution. It empowers Congress to provide for such defense, to declare war, to raise and support armies, to maintain a navy, to make rules for the Government, and regulation of the land and naval forces, to provide for organizing, arming, and disciplining the militia, and for calling it forth to execute the laws of the Union, suppress insurrections and repel invasions; it makes the President commander in chief of the Army and Navy and of the militia of the several States when called into the service of the United States; it declares that a well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

We need not refer to the numerous statutes that contemplate defense of the United States, its Constitution and laws by armed citizens. This court, in the Selective Draft Law cases (245 U. S. 860), speaking through Chief Justice White, said (p. 878) that "the very conception of a just government and its duty to the citizen includes the reciprocal obligation of the citizen to render military service in case of need * * *."

Whatever tends to lessen the willingness of citizens to discharge their duty to bear arms in the country's defense detracts from the strength and safety of the Government. And their opinions and beliefs, as well as their behavior, indicating a disposition to hinder in the performance of that duty are subjects of inquiry under the statutory provisions governing naturalization and are of vital importance, for if all or a large number of citizens oppose such defense the "good order and happiness" of the United States can not long endure.

INFLUENCE ON OTHERS

And it is evident that the views of applicants for naturalization in respect of such matters may not be disregarded. The influence of conscientious objectors against the use of military force in defense of the principles of our Government is apt to be more detrimental than their mere refusal to bear arms. The fact, that by reason of sex, age or other cause, they may be unfit to serve does not lessen their purpose or power to influence others. It is clear from her own statements that the declared opinions of respondent as to armed defense by citizens against enemies of the country were directly pertinent to the investigation of her application.

The record shows that respondent strongly desires to become a citizen. She is a linguist, lecturer and writer; she is well educated and accustomed to discuss governments and civic affairs. Her testimony should be considered having regard to her interest and disclosed ability correctly to express herself.

Her claim at the hearing that she possessed the required qualifications and was willing to take the oath was much impaired by other parts of her testimony. Taken as a whole it shows that her objection to military service rests on reasons other than mere inability because of her sex and age personally to bear arms.

MAY OPPOSE MILITARY ACTION

Her expressed willingness to be treated as the Government dealt with conscientious objectors who refused to take up arms in the recent war indicates that she deemed herself to belong to that class. The fact that she is an uncompromising pacifist with no sense of nationalism but only a cosmic sense of belonging to the human family justifies belief that she may be opposed to the use of military force as contemplated by our Constitution and laws. And her testimony clearly suggests that she is disposed to exert her power to influence others to such opposition.

A pacifist in the general sense of the word is one who seeks to maintain peace and to abolish war. Such purposes are in harmony with the Constitution and policy of our Government. But the word is also used and understood to mean one who refuses or is unwilling for any purposes to bear arms because of conscientious considerations and who is disposed to encourage others in such refusal. And one who is without any sense of nationalism is not well bound or held by the ties of affection to any nation or government. Such persons are

able to be incapable of the attachment for and devotion to the principles of our Constitution that is required of aliens seeking naturalization.

WAR RECORDS CITED

It is shown by official records and everywhere well known that during the recent war there were found among those who described themselves as pacifists and conscientious objectors many citizens—though happily a minute part of all—who were unwilling to bear arms in that crisis and who refused to obey the laws of the United States and the lawful commands of its officers and encouraged such disobedience in others. Local boards found it necessary to issue a great number of noncombatant certificates, and several thousand who were called to camp made claim because of conscience for exemption from any form of military service.

Several hundred were convicted and sentenced to imprisonment for offenses involving disobedience, desertion, propoganda and sedition. It is obvious that the acts of such offenders evidence a want of that attachment to the principles of the Constitution of which the applicant is required to give affirmative evidence by the naturalization act.

The language used by respondent to describe her attitude in respect of the principles of the Constitution was vague and ambiguous; the burden was upon her to show what she meant and that her pacifism and lack of nationalistic sense did not oppose the principle that it is a duty of citizenship by force of arms when necessary to defend the country against all enemies, and that her opinions and beliefs would not prevent or impair the true faith and allegiance required by the act. She failed to do so. The district court was bound by the law to deny her application.

The decree of the circuit court of appeals is reversed.

The decree of the district court is affirmed.

EXHIBIT I

(c)

TWO JUSTICES DISSENT

Mr. Justice HOLMES. The applicant seems to be a woman of superior character and intelligence, obviously more than ordinarily desirable as a citizen of the United States. It is agreed that she is qualified for citizenship except so far as the views set forth in a statement of facts "may show that the applicant is not attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same, and except in so far as the same may show that she can not take the oath of allegiance without a mental reservation."

The views referred to are an extreme opinion in favor of pacifism and a statement that she would not bear arms to defend the Constitution. So far as the adequacy of her oath is concerned I hardly can see how it is affected by the statement, inasmuch as she is a woman over 50 years of age, and would not be allowed to bear arms if she wanted to. And as to the opinion the whole examination of the applicant shows that she holds none of the now-dreaded creeds but thoroughly believes in organized government and prefers that of the United States to any other in the world:

Surely it can not show lack of attachment to the principles of the Constitution that she thinks that it can be improved. I suppose that most intelligent people think that it might be. Her particular improvement looking to the abolition of war seems to me not materially different in its bearing on this case from a wish to establish cabinet government as in England, or a single house, or one term of seven years for the President to touch a more burning question, only a judge mad with partisanship would exclude because the applicant thought that the eighteenth amendment should be repealed.

PREVIOUS CASE DIFFERENTIATED

Of course the fear is that if a war came the applicant would exert activities such as were dealt with in *Schenck v. United States* (249 U. S. 47). But that seems to me unfounded. Her position and motives are wholly different from those of *Schenck*. She is an optimist and states in strong and, I do not doubt, sincere words her belief that war will disappear and that the impending destiny of mankind is to unite in peaceful leagues.

I do not share that optimism nor do I think that a philosophic view of the world would regard war as absurd. But most people who have known it regard it with horror, as a last resort, and even if not yet ready for cosmopolitan efforts, would welcome any practicable combinations that would increase the power on the side of peace.

The notion that the applicant's optimistic anticipations would make her a worse citizen is sufficiently answered by her examination which seems to me a better argument for her admission than any that I can offer. Some of her answers might excite popular prejudice, but if there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought—not free thought for those who agree with us but freedom for the thought that we hate. I think that we should adhere to that principle with regard to admission into, as well as to life within this country.

And recurring to the opinion that bars this applicant's way, I would suggest that the Quakers have done their share to make the country what it is, that many citizens agree with the applicant's belief and that I had not supposed hitherto that we regretted our inability to expel them because they believe more than some of us do in the teachings of the Sermon on the Mount.

Mr. Justice SANFORD (dissenting). I agree, in substance, with the views expressed by the circuit court of appeals, and think its decree should be affirmed.

EXHIBIT II

(b)

[The United States Daily, Tuesday, May 26, 1931]

ALIENS QUALIFYING OATHS OF ALLEGIANCE DENIED CITIZENSHIP BY SUPREME COURT—LAW HELD NOT TO PERMIT EXERCISE OF INDIVIDUAL DISCRETION IN MATTER OF BEARING ARMS IN DEFENSE OF NATION IN TIME OF WAR

United States of America v. Douglas Clyde MacIntosh. Supreme Court of the United States. No. 504. On writ of certiorari to the Circuit Court of Appeals for the Second Circuit. Thomas D. Thacher, Solicitor General (Nugent Dodds, Assistant Attorney General, Whitney North Seymour and Harry S. Ridgley with him on the brief), for petitioner; John W. Dav's (Charles E. Clark, Allen Wardwell and W. Charles Poletti with him on the brief), for respondent.

OPINION OF THE COURT

Mr. Justice Sutherland delivered the opinion of the court May 25, 1931.

The respondent was born in the Dominion of Canada. He came to the United States in 1916, and in 1925 declared his intention to become a citizen. His petition for naturalization was presented to the Federal district court for Connecticut, and that court, after hearing and consideration, denied the application upon the ground that, since petitioner would not promise in advance to bear arms in defense of the United States unless he believed the war to be morally justified, he was not attached to the principles of the Constitution. The circuit court of appeals reversed the decree and directed the district court to admit respondent to citizenship. (42 F. (2d) 845.)

PROVISION FOR ADMISSION IN NATURALIZATION ACT

The naturalization act, section 4, chapter 3592 (34 Stat. 590, U. S. C., title 8, sec. 372 et seq.), provides that an alien may be admitted to citizenship in the manner therein provided and not otherwise. By section 3 of the same act, jurisdiction to naturalize aliens is conferred upon the district courts of the United States and other enumerated courts of record. (U. S. C., title 8, sec. 357.)

The applicant is required to make and file a preliminary declaration in writing setting forth, among other things, his intention to become a citizen of the United States and to renounce all allegiance to any foreign prince, etc. Section 4 of the act (U. S. C., title 8, secs. 381, 382) provides:

"Third. He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to

any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.

"Fourth, It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution shall be required. * * *"

Section 9 of the act (34 Stat. 599, U. S. C., title 8, sec. 398), requires that every final hearing upon a petition for naturalization shall be had in open court; that every final order upon the petition shall be under the hand of the court; and that "upon such final hearing of such petition the applicant and witnesses shall be examined under oath before the court and in the presence of the court."

By section 11 (34 Stat. 599, U. S. C., title 8, sec. 399), it is provided that the United States shall have the right to appear in the proceeding for the purpose of cross-examining the petitioner and witnesses produced in support of the petition concerning any matter touching or in any way affecting his right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the grant of any petition in naturalization proceedings.

By the petition for naturalization a case is presented for the exercise of the judicial power under the Constitution, to which the United States is a proper, and always a possible, adverse party. (*Tutun v. United States*, 270 U. S. 568, 576-577.)

Naturalization is a privilege, to be given, qualified or withheld as Congress may determine, and which the alien may claim as of right only upon compliance with the terms which Congress imposes. That Congress regarded the admission to citizenship as a serious matter is apparent from the conditions and precautions with which it carefully surrounded the subject.

Thus, among other provisions, it is required that the applicant not only shall reside continuously within the United States for a period of at least five years immediately preceding his application, but shall make a preliminary declaration of his intention to become a citizen at least two years prior to his admission. He must produce the testimony of witnesses as to the facts of residence, moral character and attachment to the principles of the Constitution, and in open court take an oath renouncing his former allegiance and pledging further allegiance to the United States.

At the final hearing in open court he and his witnesses must be examined under oath, and the Government may appear for the purpose of cross-examining in respect of "any matter touching or in anyway affecting his right to admission," introduce countervailing evidence, and be heard in opposition.

In specifically requiring that the court shall be satisfied that the applicant, during his residence in the United States, has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, etc., it is obvious that Congress regarded the fact of good character and the fact of attachment to the principles of the Constitution as matters of the first importance. The applicant's behavior is significant to the extent that it tends to establish or negative these facts.

PROOF OF GOOD BEHAVIOR HELD NOT TO CLOSE INQUIRY

But proof of good behavior does not close the inquiry. Why does the statute require examination of the applicant and witnesses in open court and under oath, and for what purpose is the Government authorized to cross-examine concerning any matter touching or in any way affecting the right of naturalization? Clearly, it would seem, in order that the court and the Government, whose power and duty in that respect these provisions take for granted, may discover whether the applicant is fitted for citizenship—and to that end, by actual inquiry, ascertain, among other things, whether he has intelligence and

good character; whether his oath to support and defend the Constitution and laws of the United States, and to bear true faith and allegiance to the same, will be taken without mental reservation or purpose inconsistent therewith; whether his views are compatible with the obligations and duties of American citizenship; whether he will upon his own part observe the laws of the land; whether he is willing to support the Government in time of war, as well as in time of peace, and to assist in the defense of the country, not to the extent or in the manner that he may choose, but to such extent and in such manner as he lawfully may be required to do.

These, at least, are matters which are of the essence of the statutory requirements, and in respect of which the mind and conscience of the applicant may be probed by pertinent inquiries, as fully as the court, in the exercise of a sound discretion, may conclude is necessary.

The settled practice of the courts having jurisdiction in naturalization proceedings has, from the beginning, been in accordance with this view. (In re Bodek, 63 Fed. 818; in re Menkins, 164 Fed. 334; in re Madurri, 176 Fed. 465, 466; in re Ross, 188 Fed. 685; United States v. Bressi, 208 Fed. 369, 372; Schurmann v. United States, 264 Fed. 917, 920; in re Sigelman, 268 Fed. 217.) And it finds support in the decisions of this court. As early as, 1830, in *Spratt v. Spratt* (4 Pet. 393, 407), Chief Justice Marshall, speaking for the court, said:

"The various acts upon the subject submit the decision on the right of aliens to admission as citizens to courts of record. They are to receive testimony, to compare it with the law, and to judge on both law and fact." (United States v. Schwimmer, 279 U. S. 644, 649.)

PERSONAL CHARACTER AND CONDUCT GOOD

With the foregoing statutory provisions and the scope of the powers and duties of the courts of first instance in respect thereof in mind, we come to a consideration of the case now before us. The applicant had complied with all the formal requirements of the law, and his personal character and conduct were shown to be good in all respects. His right to naturalization turns altogether upon the effect to be given to certain answers and qualifying statements made in response to interrogatories propounded to him.

Upon the preliminary form of petition for naturalization, the following questions, among others, appear: "20. Have you read the following oath of allegiance (which is then quoted)? Are you willing to take this oath in becoming a citizen?" "22. If necessary, are you willing to take up arms in defense of this country?" In response to the questions designated 20, he answered "Yes." In response to the question designated 22, he answered, "Yes; but I should want to be free to judge of the necessity." By a written memorandum subsequently filed, he amplified these answers as follows:

"20 and 22. I am willing to do what I judge to be in the best interests of my country, but only in so far as I can believe that this is not going to be against the best interests of humanity in the long run. I do not undertake to support 'my country, right or wrong' in any dispute which may arise, and I am not willing to promise beforehand, and without knowing the cause for which my country may go to war, either that I will or that I will not 'take up arms in defense of this country,' however 'necessary' the war may seem to be to the Government of the day.

"It is only in a sense consistent with these statements that I am willing to promise to 'support and defend' the Government of the United States 'against all enemies, foreign and domestic.' But, just because I am not certain that the language of questions 20 and 22 will bear the construction I should have to put upon it in order to be able to answer them in the affirmative, I have to say that I do not know that I can say 'Yes' in answer to these two questions."

PETITIONER EXPLAINS POSITION MORE FULLY

Upon the hearing before the district court on the petition, he explained his position more in detail. He said that he was not a pacifist; that if allowed to interpret the oath for himself he would interpret it as not inconsistent with his position and would take it. He then proceeded to say that he would answer question 22 in the affirmative only on the understanding that he would have to believe that the war was morally justified before he would take up arms in it or give it his moral support.

He was ready to give to the United States all the allegiance he ever had given or ever could give to any country, but he could not put allegiance to the

government of any country before allegiance to the will of God. He did not anticipate engaging in any propaganda against the prosecution of a war which the Government had already declared and which it considered to be justified; but he preferred not to make any absolute promise at the time of the hearing, because of his ignorance of all the circumstances which might affect his judgment with reference to such a war.

He did not question that the Government under certain conditions could regulate and restrain the conduct of the individual citizen, even to the extent of imprisonment. He recognized the principle of the submission of the individual citizen to the opinion of the majority in a democratic country; but he did not believe in having his own moral problems solved for him by the majority. The position thus taken was the only one he could take consistently with his moral principles and with what he understood to be the moral principles of Christianity.

He recognized in short, the right of the Government to restrain the freedom of the individual for the good of the social whole; but was convinced, on the other hand, that the individual citizen should have the right respectfully to withhold from the Government military services (involving, as they probably would, the taking of human life), when his best moral judgment would compel him to do so. He was willing to support his country, even to the extent of bearing arms, if asked to do so by the Government, in any war which he could regard as morally justified.

There is more to the same effect, but the foregoing is sufficient to make plain his position.

These statements of the applicant fairly disclose that he is unwilling to take the oath of allegiance, except with these important qualifications: That he will do what he judges to be in the best interests of the country only in so far as he believes it will not be against the best interests of humanity in the long run; that he will not assist in the defense of the country by force of arms or give any war his moral support unless he believes it to be morally justified, however, necessary the war might seem to the Government of the day; that he will hold himself free to judge of the morality and necessity of the war, and, while he does not anticipate engaging in propaganda against the prosecution of a war declared and considered justified by the Government, he prefers to make no promise even as to that; and that he is convinced that the individual citizen should have the right to withhold his military services when his best moral judgment impels him to do so.

CASE RULED BY PRINCIPLE OF SCHWIMMER DECISION

Thus stated, the case is ruled in principle by *United States v. Schwimmer*, supra. In that case the applicant, a woman, testified that she would not take up arms in defense of the country. She was willing to be treated on the basis of a conscientious objector who refused to take up arms in the recent war, and seemed to regard herself as belonging in that class. She was an uncompromising pacifist, with no sense of nationalism, and only a cosmic sense of belonging to the human family.

Her objection to military service, we concluded, rested upon reasons other than her inability to bear arms because of sex or age; and we held that her application for naturalization should be denied upon the ground, primarily, that she failed to sustain the burden of showing that she did not oppose the principle making it a duty of citizens, by force or arms when necessary, to defend their country against its enemies. At page 650 we said:

"That it is the duty of citizens by force of arms to defend our Government against all enemies whenever necessity arises is a fundamental principle of the Constitution.

"The common defense was one of the purposes for which the people ordained and established the Constitution. * * * We need not refer to the numerous statutes that contemplate the defense of the United States, its Constitution and laws, by armed citizens. This court, in the selective draft law cases (245 U. S. 366), speaking through Chief Justice White, said (p. 378) that 'the very conception of a just Government and its duty to the citizen includes the reciprocal obligation of the citizen to render military service in case of need. * * *'

"Whatever tends to lessen the willingness of citizens to discharge their duty to bear arms in the country's defense detracts from the strength and safety of the Government. And their opinions and beliefs as well as their

behavior indicating a disposition to hinder in the performance of that duty are subjects of inquiry under the statutory provisions governing naturalization and are of vital importance, for if all or a large number of citizens oppose such defense the 'good order and happiness' of the United States can not long endure.

"And it is evident that the views of applicants for naturalization in respect of such matters may not be disregarded. The influence of conscientious objectors against the use of military force in defense of the principles of our Government is apt to be more detrimental than their mere refusal to bear arms. The fact that, by reason of sex, age, or other cause, they may be unfit to serve does not lessen their purpose or power to influence others. It is clear from her own statements that the declared opinions of respondent as to armed defense by citizens against enemies of the country were directly pertinent to the investigation of her application."

And see in re Roesper (274 Fed. 490); Clarke's Case (301 Pa. 321.)

There are few finer or more exalted sentiments than that which finds expression in opposition to war. Peace is a sweet and holy thing, and war is a hateful and an obominable thing to be avoided by any sacrifice or concession that a free people can make. But thus far mankind has been unable to devise any method of indefinitely prolonging the one or of entirely abolishing the other; and, unfortunately, there is nothing which seems to afford positive ground for thinking that the near future will witness the beginning of the reign of perpetual peace for which good men and women everywhere never cease to pray.

The Constitution, therefore, wisely contemplating the ever present possibility of war, declares that one of its purposes is to "provide for the common defense." In express terms Congress is empowered "to declare war," which necessarily connotes the plenary power to wage war with all the force necessary to make it effective; and "to raise * * * armies," which necessarily connotes the like power to say who shall serve in them and in what way.

From its very nature the war power, when necessity calls for its exercise, tolerates no qualifications or limitations, unless found in the Constitution or in applicable principles of international law. In the words of John Quincy Adams—"This power is tremendous; it is strictly constitutional; but it breaks down every barrier so anxiously erected for the protection of liberty, property and of life."

To the end that war may not result in defeat, freedom of speech may, by act of Congress, be curtailed or denied so that the morale of the people and the spirit of the Army may not be broken by seditious utterances; freedom of the press curtailed to preserve our military plans and movements from the knowledge of the enemy; deserters and spies put to death without indictment or trial by jury; ships and supplies requisitioned; property of alien enemies, theretofore under the protection of the Constitution, seized without process and converted to the public use without compensation and without due process of law in the ordinary sense of that term; prices of food and other necessities of life fixed or regulated; railways taken over and operated by the Government; and other drastic powers, wholly inadmissible in time of peace, exercised to meet the emergencies of war.

EXEMPTIONS DEPENDENT ON WILL OF CONGRESS

These are but illustrations of the breadth of the power; and it necessarily results from their consideration that whether any citizen shall be exempt from serving in the armed forces of the Nation in time of war is dependent upon the will of Congress and not upon the scruples of the individual, except as Congress provides.

That body, thus far, has seen fit, by express enactment, to relieve from the obligation of armed service those persons who belong to the class known as conscientious objectors; and this policy is of such long standing that it is thought by some to be beyond the possibility of alteration. Indeed, it seems to be assumed in this case that the privilege is one that Congress itself is powerless to take away. Thus it is said in the carefully prepared brief of respondent:

"To demand from an alien who desires to be naturalized an unqualified promise to bear arms in every war that may be declared, despite the fact that he may have conscientious religious scruples against doing so in some hypothetical future war, would mean that such an alien would come into our citizenry on an unequal footing with the native born, and that he would be forced, as the

price of citizenship to forego a privilege enjoyed by others. That is the manifest result of the fixed principle of our Constitution, zealously guarded by our laws, that a citizen can not be forced and need not bear arms in a war if he has conscientious religious scruples against doing so."

This, if it means what it seems to say, is an astonishing statement. Of course, there is no such principle of the Constitution, fixed or otherwise. The conscientious objector is relieved from the obligation to bear arms in obedience to no constitutional provision, express or implied; but because, and only because, it has accorded with the policy of Congress thus to relieve him.

The alien, when he becomes a naturalized citizen, acquires, with one exception, every right possessed under the Constitution by those citizens who are native born (*Luria v. United States*, 231 U. S. 9, 22); but he acquires no more. The privilege of the native-born conscientious objector to avoid bearing arms comes not from the Constitution, but from the acts of Congress. That body may grant or withhold the exemption as in its wisdom it sees fit; and if it be withheld, the native-born conscientious objector can not successfully assert the privilege.

No other conclusion is compatible with the well-nigh limitless extent of the war powers as above illustrated, which include, by necessary implication, the power, in the last extremity, to compel the armed service of any citizen in the land, without regard to his objections or his views in respect of the justice or morality of the particular war or of war in general. In *Jacobson v. Massachusetts* (197 U. S. 11, 29), this court, speaking of the liberties guaranteed to the individual by the fourteenth amendment, said:

"* * * and yet he may be compelled, by force if need be, against his will and without regard to his personal wishes or his pecuniary interests, or even his religious or political convictions, to take his place in the ranks of the army of his country and risk the chance of being shot down in its defense."

UNWILLING TO BE CITIZEN WITH THIS UNDERSTANDING

The applicant for naturalization here is unwilling to become a citizen with this understanding. He is unwilling to leave the question of his future military service to the wisdom of Congress where it belongs, and where every native-born or admitted citizen is obliged to leave it. In effect, he offers to take the oath of allegiance only with the qualification that the question whether the war is necessary or morally justified must, so far as his support is concerned, be conclusively determined by reference to his opinion.

When he speaks of putting his allegiance to the will of God above his allegiance to the Government, it is evident, in the light of his entire statement, that he means to make his own interpretation of the will of God be decisive test which shall conclude the Government and stay its hand. We are a Christian people (*Holy Trinity Church v. United States*, 148 U. S. 467, 470-471), according to one another the equal right of religious freedom, and acknowledging with reverence the duty of obedience to the will of God.

But, also, we are a Nation with the duty to survive; a Nation whose Constitution contemplates war as well as peace; whose government must go forward upon the assumption, and safely can proceed upon no other, that unqualified allegiance to the Nation and submission and obedience to the laws of the land, as well those made for war as those made for peace, are not inconsistent with the will of God.

The applicant here rejects that view. He is unwilling to rely, as every native-born citizen is obliged to do, upon the probable continuance by Congress of the long-established and approved practice of exempting the honestly conscientious objector, while at the same time asserting his willingness to conform to whatever the future law constitutionally shall require of him; but discloses a present and fixed purpose to refuse to give his moral or armed support to any future war in which the country may be actually engaged if, in his opinion, the war is not morally justified, the opinion of the Nation as expressed by Congress to the contrary notwithstanding.

If the attitude of this claimant, as shown by his statements and the inferences properly to be deduced from them, be held immaterial to the question of his fitness for admission to citizenship, where shall the line be drawn?

Upon what ground of distinction may we hereafter reject another applicant who shall express his willingness to respect any particular principle of the Constitution or obey any future statute only upon the condition that he shall entertain the opinion that it is morally justified? The applicant's attitude, in effect, is a refusal to take the oath of allegiance except in an altered form.

The qualifications upon which he insists, it is true, are made by parole and not by way of written amendment to the oath; but the substance is the same.

NOT PROVINCE OF COURTS TO MAKE BARGAINS

It is not within the province of the courts to make bargains with those who seek naturalization. They must accept the grant and take the oath in accordance with the terms fixed by the law, or forego the privilege of citizenship. There is no middle choice. If one qualification of the oath be allowed, the door is opened for others, with utter confusion as the probable final result. As this court said in *United States v. Manzi*, 276 U. S. 463, 467:

"Citizenship is a high privilege, and when doubts exist concerning a grant of it, generally, at least, they should be resolved in favor of the United States and against the claimant."

The naturalization act is to be construed "with definite purpose to favor and support the Government," and the United States is entitled to the benefit of any doubt which remains in the mind of the court as to any essential matter of fact. The burden was upon the applicant to show that his views were not opposed to "the principle that it is a duty of citizenship, by force of arms, when necessary, to defend the country against all enemies and that (his) opinions and beliefs would not prevent or impair the true faith and allegiance required by the act." *United States v. Schwimmer*, supra, 649, 650, 653.

We are of opinion that he did not meet this requirement. The examiner and the court of first instance who heard and weighed the evidence and saw the applicant and witnesses so concluded. That conclusion, if we were in doubt, would not be rejected except for good and persuasive reasons, which we are unable to find.

The decree of the court of appeals is reversed and that of the district court is affirmed.

EXHIBIT II

(c)

[The United States Daily, Wednesday, May 27, 1931]

**RULING DENYING CITIZENSHIP OPPOSED BY FOUR JUSTICES OF SUPREME COURT—
BEARING OF ARMS IN DEFENSE OF NATION NOT CONSIDERED MANDATORY PART OF
OATH OF ALLEGIANCE REQUIRED OF ALIENS BEFORE NATURALIZATION**

In a dissenting opinion, concurred in by Justices Holmes, Brandeis, and Stone, Chief Justice Hughes declares that the Supreme Court of the United States should have held aliens entitled to citizenship despite their refusal to unqualifiedly take oath to bear arms in defense of the United States. The majority decision of the court refused citizenship on this ground.

The court's ruling was given in two cases. The principal majority and dissenting opinions were handed down in the case of *United States v. Douglas Clyde Macintosh*, No. 504. The other case, *Marie Averill Bland*, No. 505, was decided on the basis of the opinion in the *Macintosh* case.

The dissenting opinion in the *Macintosh* case follows in full text:

Mr. Chief Justice Hughes, dissenting:

I am unable to agree with the judgment in this case. It is important to note the precise question to be determined. It is solely one of law, as there is no controversy as to the facts. The question is not whether naturalization is a privilege to be granted or withheld. That it is such a privilege is undisputed. Nor, whether the Congress has the power to fix the conditions upon which the privilege is granted. That power is assumed. Nor, whether the Congress may in its discretion compel service in the Army in time of war or punish the refusal to serve. That power is not here in dispute. Nor is the question one of the authority of Congress to exact a promise to bear arms as a condition of its grant of naturalization. That authority, for the present purpose, may also be assumed.

BEARING OF ARMS HELD NOT SPECIFIC REQUIREMENT

The question before the court is the narrower one whether the Congress has exacted such a promise. That the Congress has not made such an express requirement is apparent. The question is whether that exaction is to be implied

from certain general words which do not, as it seems to me, either literally or historically, demand the implication. I think that the requirement should not be implied, because such a construction is directly opposed to the spirit of our institutions and to the historic practice of the Congress.

It must be conceded that departmental zeal may not be permitted to outrun the authority conferred by statute. If such a promise is to be demanded, contrary to principles which have been respected as fundamental, the Congress should exact it in unequivocal terms, and we should not, by judicial decision, attempt to perform what, as I see it, is a legislative function.

In examining the requirements for naturalization, we find that the Congress has expressly laid down certain rules which concern the opinions and conduct of the applicant. Thus it is provided that no person shall be naturalized "who disbelieves in or who is opposed to organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specified individuals or of officers generally, of the Government of the United States, or of any other organized government, because of his or their official character, or who is a polygamist." (Act of June 29, 1906, ch. 3502, sec. 7; 34 Stat. 596, 598; U. S. C. title 8, sec. 364.)

APPLICANT CONSIDERED AS DESIRABLE CITIZEN

The respondent, Douglas Clyde Macintosh, entertained none of these disqualifying opinions and had none of the associations or relations disapproved. Among the specific requirements as to beliefs, we find none to the effect that one shall not be naturalized if by reason of his religious convictions he is opposed to war or is unwilling to promise to bear arms. In view of the questions which have repeatedly been brought to the attention of the Congress in relation to such beliefs, and having regard to the action of the Congress when its decision was of immediate importance in the raising of armies, the omission of such an express requirement from the naturalization statute is highly significant.

Putting aside these specific requirements as fully satisfied, we come to the general conditions imposed by the statute. We find one as to good behavior during the specified period of residence preceding application. No applicant could appear to be more exemplary than Macintosh. A Canadian by birth, he first came to the United States as a graduate student at the University of Chicago, and in 1907 he was ordained as a Baptist minister. In 1909 he began to teach in Yale University and is now a member of the faculty of the Divinity School, chaplain of the Yale Graduate School, and Dwight professor of theology.

After the outbreak of the Great War he voluntarily sought appointment as a chaplain with the Canadian Army, and as such saw service at the front. Returning to this country, he made public addresses in 1917 in support of the Allies. In 1918 he went again to France, where he had charge of an American Y. M. C. A. hut at the front until the Armistice, when he resumed his duties at Yale University. It seems to me that the applicant has shown himself in his behavior and character to be highly desirable as a citizen, and if such a man is to be excluded from naturalization I think the disqualification should be found in unambiguous terms and not in an implication which shuts him out and gives admission to a host far less worthy.

The principal ground for exclusion appears to relate to the terms of the oath which the applicant must take. It should be observed that the respondent was willing to take the oath, and he so stated in his petition. But, in response to further inquiries, he explained that he was not willing "to promise beforehand" to take up arms, "without knowing the cause for which my country may go to war" and that "he would have to believe that the war was morally justified." He declared that "his first allegiance was to the will of God;" that he was ready to give to the United States "all the allegiance he ever had given or ever could give to any country, but that he could not put allegiance to the government of any country before allegiance to the will of God."

The question then is whether the terms of the oath are to be taken as necessarily implying an assurance of willingness to bear arms, so that one whose conscientious convictions or belief of supreme allegiance to the will of God will not permit him to make such an absolute promise, can not take the oath and hence is disqualified for admission to citizenship.

INTERPRETATIONS OF TERMS IN STATUTE

The statutory provision as to the oath which is said to require this promise is this: "That he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same." (Act of June 29, 1900, c. 3502, sec. 4, 34 Stat. 596, 598; U. S. C. tit. 8, sec. 881.) That these general words have not been regarded as implying a promise to bear arms notwithstanding religious or conscientious scruples, or as requiring one to promise to put allegiance or temporal power above what is sincerely believed to be one's duty of obedience to God, is apparent, I think, from a consideration of their history.

This oath does not stand alone. It is the same oath in substance that is required by act of Congress of civil officers generally (except the President, whose oath is prescribed by the Constitution.) The Congress, in prescribing such an oath for civil officers, acts under Article VI, section 3, of the Constitution, which provides: "The Senators and Representatives before mentioned, and the Members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States."

The general oath of office, in the form which has been prescribed by the Congress for over 60 years, contains the provision "that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion." (R. S., section 1757, U. S. C., tit. 5, section 10.)

It goes without saying that it was not the intention of the Congress in framing the oath to impose any religious test. When we consider the history of the struggle for religious liberty, the large number of citizens of our country from the very beginning, who have been unwilling to sacrifice their religious convictions, and in particular, those who have been conscientiously opposed to war and who would not yield what they sincerely believed to be their allegiance to the will of God, I find it impossible to conclude that such persons are to be deemed disqualified for public office in this country because of the requirement of the oath which must be taken before they enter upon their duties.

EXISTENCE OF DIFFERENT METHODS OF DEFENSE NOTED

The terms of the promise "to support and defend the Constitution of the United States against all enemies, foreign and domestic," are not, I think, to be read as demanding any such result. There are other and most important methods of defense, even in time of war, apart from the personal bearing of arms. We have but to consider the defense given to our country in the late war, both in industry and in the field by workers of all sorts, by engineers, nurses, doctors and chaplains, to realize that there is opportunity even at such a time for essential service in the activities of defense which do not require the overriding of such religious scruples. I think that the requirement of the oath of office should be read in the light of our regard from the beginning for freedom of conscience.

While it has always been recognized that the supreme power of government may be exerted and disobedience to its commands may be punished, we know that with many of our worthy citizens it would be a most heart-searching question if they were asked whether they would promise to obey a law believed to be in conflict with religious duty. Many of their most honored exemplars in the past have been willing to suffer imprisonment or even death rather than to make such a promise. And we also know, in particular, that a promise to engage in war by bearing arms, or thus to engage in a war believed to be unjust, would be contrary to the tenets of religious groups among our citizens who are of patriotic purpose and exemplary conduct.

To conclude that the general oath of office is to be interpreted as disregarding the religious scruples of these citizens and as disqualifying them for office because they could not take the oath with such an interpretation would, I believe, be generally regarded as contrary not only to the specific intent of the Congress but as repugnant to the fundamental principle of representative government.

But the naturalization oath is in substantially the same terms as the oath of office to which I have referred. I find no ground for saying that these words are to be interpreted differently in the two cases. On the contrary, when the

Congress reproduced the historic words of the oath of office in the naturalization oath, I should suppose that, according to familiar rules of interpretation, they should be deemed to carry the same significance.

EXEMPTIONS DUE TO RELIGIOUS SCRUPLES PERMITTED

The question of the proper interpretation of the oath is, as I have said, distinct from that of legislative policy in exacting military service. The latter is not dependent upon the former. But the long-established practice of excusing from military service those whose religious convictions oppose it *confirms the view that the Congress in the terms of the oath did not intend to require a promise to give such service.*

The policy of granting exemptions in such cases has been followed from Colonial times and is abundantly shown by the provisions of Colonial and State statutes, of State constitutions, and of acts of Congress. (See citations in the opinion of the circuit court of appeals in the present case. 42 Fed. (2d) 845, 847, 848.) The first constitution of New York, adopted in 1777, in providing for the State militia, while strongly emphasizing the duty of defense, added "That all such of the inhabitants of this State (being of the people called Quakers), as, from scruples of conscience may be averse to the bearing of arms, be therefrom excused by the legislature, and do pay to the State such sums of money, in lieu of their personal service, as the same may, in the judgment of the legislature, be worth." (Art. XL.) A large number of similar provisions are found in other States. The importance of giving immunity to those having conscientious scruples against bearing arms has been emphasized in debates in Congress repeatedly from the very beginning of our Government, and religious scruples have been recognized in draft acts. (Annals of Congress (Gales) First Congress, Vol. I, pp. 434, 436, 729, 731; Vol. II, pp. 1818-1827; Acts of Feb. 24, 1864, 18 Stat. 6, 9; Jan. 21, 1903, 32 Stat. 775; June 3, 1916, 39 Stat. 100, 107; May 18, 1917, 40 Stat. 76, 78.)

I agree with the statement in the opinion of circuit court of appeals in the present case that "This Federal legislation is indicative of the actual operation of the principles of the Constitution, that a person with conscientious or religious scruples need not bear arms, although as a member of society he may be obliged to render services of a noncombatant nature."

OBLIGATIONS TO GOVERNMENT NOT CONSIDERED PARAMOUNT

Much has been said of the paramount duty to the State, a duty to be recognized, it is urged, even though it conflicts with convictions of duty to God. Undoubtedly that duty to the State exists within the domain of power, for government may enforce obedience to laws regardless of scruples. When one's belief collides with the power of the State, the latter is supreme within its sphere and submission or punishment follows. But, in the forum of conscience, duty to a moral power higher than the State has always been maintained. The reservation of that supreme obligation, as a matter of principle, would unquestionably be made by many of our conscientious and law-abiding citizens.

The essence of religion is belief in a relation to God involving duties superior to those arising from any human relation. As was stated by Mr. Justice Field, in *Davis v. Beason*, 133 U. S. 333, 342: "The term 'religion' has reference to one's views of his relations to his Creator, and to the obligations they impose of reverence for his being and character, and of obedience to His will." One can not speak of religious liberty, with proper appreciation of its essential and historic significance, without assuming the existence of a belief in supreme allegiance to the will of God.

Professor MacIntosh, when pressed by the inquiries put to him, stated what is axiomatic in religious doctrine. And, putting aside dogmas with their particular conceptions of duty, freedom of conscience itself implies respect for an innate conviction of paramount duty. The battle for religious liberty has been fought and won with respect to religious beliefs and practices, which are not in conflict with good order, upon the very ground of the supremacy of conscience within its proper field. What that field is, under our system of Government, presents in part a question of constitutional law and also, in part, one of legislative policy in avoiding unnecessary clashes with the dictates of conscience.

CONSTRUCTION OF GENERAL REQUIREMENTS DISAPPROVED

There is abundant room for enforcing the requisite authority of law as it is enacted and requires obedience, and for maintaining the conception of the supremacy of law as essential to orderly government, without demanding that either citizens or applicants for citizenship shall assume by oath an obligation to regard allegiance to God as subordinate to allegiance to civil power. The attempt to exact such a promise, and thus to bind one's conscience by the taking of oaths or the submission to tests, has been the cause of many deplorable conflicts.

The Congress has sought to avoid such conflicts in this country by respecting our happy tradition. In no sphere of legislation has the intention to prevent such clashes been more conspicuous than in relation to the bearing of arms. It would require strong evidence that the Congress intended a reversal of its policy in prescribing the general terms of the naturalization oath. I find no such evidence.

Nor is there ground, in my opinion, for the exclusion of Professor Macintosh because his conscientious scruples have particular reference to wars believed to be unjust. There is nothing new in such an attitude. Among the most eminent statesmen here and abroad have been those who condemned the action of their country in entering into wars they thought to be unjustified. Agreements for the renunciation of war presuppose a preponderant public sentiment against wars of aggression. If, while recognizing the power of Congress, the mere holding of religious or conscientious scruples against all wars should not disqualify a citizen from holding office in this country, or an applicant otherwise qualified from being admitted to citizenship there would seem to be no reason why a reservation of religious or conscientious objection to participation in wars believed to be unjust should constitute such a disqualification.

Apart from the terms of the oath, it is said that the respondent has failed to meet the requirement of "attachment to the principles of the Constitution." Here, again, is a general phrase which should be construed, not in opposition to, but in accord with, the theory and practice of our Government in relation to freedom of conscience. What I have said as to the provisions of the oath I think applies equally to this phase of the case.

The judgment in *United States v. Schwimmer*, 279 U. S. 644, stands upon the special facts of that case, but I do not regard it as requiring a reversal of the judgment here. I think that the judgment below should be affirmed.

Mr. Justice Holmes, Mr. Justice Brandeis and Mr. Justice Stone concur in this opinion.

EXHIBIT III

(a)

[United States Daily, Friday, July 18, 1930]

NATURALIZATION OATH CONSTRUED NOT TO REQUIRE BEARING OF ARMS—GOVERNMENT POLICY OF EXEMPTION FROM COMBATANT MILITARY SERVICE IN CASES OF RELIGIOUS OBJECTIONS IS HELD TO SUPPORT DECISION OF CASE

NEW YORK, N. Y.

Marie Averil Bland v. United States of America; Circuit Court of Appeals for the Second Circuit. Appeal from the District Court for the Southern District of New York.

Before Manton, L. Hand, and Swan, Circuit Judges.

Emily Marz for appellant; Charles H. Tuttle, United States Attorney (Frank W. Ford, Assistant United States Attorney, of counsel), for appellee.

The court's opinion follows in full text:

Manton, Circuit Judge: Appellant, on Feb. 2, 1906, filed a declaration of her intention to become a citizen. May 21, 1929, she filed a petition for naturalization. After a hearing, on April 14, 1930, when the oath was being administered, in the customary phrase, "I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty, and particularly to * * * of whom I have heretofore been a subject (or citizen); that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that

I will take this obligation freely, without any mental reservation or purpose of evasion. So help me God. In acknowledgment whereof I have hereunto affixed my signature."

She demurred to the form, saying her religious convictions forbade her personally bearing arms. She was willing to take the oath in the form which she suggested, as follows:

"I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty, and particularly to * * * of whom I have heretofore been subject or citizen, that I do solemnly affirm I will support the Constitution of the United States and will as far as my conscience as a Christian allow defend it against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same and that I take this obligation freely, without any mental reservation or purpose of evasion, so help me God."

After extensive examinations as to her religious convictions and full freedom of expression as to them, she refused to unqualifiedly swear to defend to Constitution. The district judge denied her application upon the authority of *United States v. Schwimmer* (279 U. S. 644).

OATH HELD NOT TO INCLUDE PROMISE TO BEAR ARMS

The appellant is the daughter of an Episcopalian minister. She is a nurse by profession and served during the World War as such, nursing the sick and wounded in France. She thus exemplified her purpose to nurse the wounded in the event of war.

Counsel for the appellant says the question on this appeal is whether one applying for citizenship whose religious convictions forbid her to bear arms, must nevertheless promise to bear arms in defense of the country. The oath she declined to take does not require her to make such a promise. The naturalization act of 1906 (U. S. C., title 8, sec. 381) requires that an alien before being admitted to citizenship shall "declare on oath in open court that he will support the Constitution of the United States * * *; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same." The Naturalization Bureau requires an alien to "support and defend the Constitution of the United States against all enemies, foreign and domestic," and requires him to swear that he takes the obligation thus imposed "freely, without any mental reservation or purpose of evasion."

Neither the Constitution nor the laws of the United States prescribe any particular words or text of the oath of allegiance. (Act of June 29, 1906, U. S. C., title 8, sec. 409.) The text of the oath typical in the petition and application is supplied by rule 8, subdivision c of the Naturalization Rules and Regulations promulgated by the Commissioner of Naturalization (see regulations of July 1, 1929, p. 81). This appellant says she would promise to defend the Constitution as far as her conscience as a Christian would allow. The Government, by its Constitution or the act of Congress, never exacted more from any applicant. (*United States v. Macintosh*, decided this day. [*United States Daily*, July 17.] Authoritative decisions have given full protection to the religious freedom granted by the First Amendment to the Constitution. (*Reynolds v. United States*, 98 U. S. 145; *Davis v. Beacon*, 133 U. S. 333.)

CONGRESS RECOGNIZES RELIGIOUS CONVICTIONS

Congress has the power to exact enforced military duty, at home and abroad, by citizens of the United States under the Constitution (art. 1, sec. 8). *Arver v. United States* (Selective Draft Cases), 245 U. S. 306. It is especially imposed by statute upon male citizens and male aliens who have expressed their intention to become citizens. (Act of 1898, U. S. C., title 10, sec. 1.) We have, as the necessities of wars required, drafted our male citizens to perform active military services. (See act of May 8, 1792, 1 St. L. 271; act of April 18, 1814, 3 St. L. 134; act of July 17, 1862, 12 St. L. 597; act of March 3, 1863, 12 St. L. 731; act of May 18, 1917, 40 St. L. 76; U. S. C., title 50, sec. 226.) But at no time was this duty to bear arms permitted to interfere with the principles of religious freedom or conviction.

The Government has consistently regarded the citizens' religious convictions in its laws. In each of the draft acts specified, provision exempting persons whose religious convictions forbade bearing arms was made. Persons of particular religious sects who have objected on such ground, have been excused.

Typical of this is the Federal draft act of May 18, 1917, which exempted them from combatant military service. The Government's attitude in this respect was freely stated in the selective draft cases (245 U. S. 300) where the court assumed the Government's position of recognizing the right of every citizen to choose his religious affiliation, restrictions and the free exercise of such religious convictions which would forbid participation in war. Thus, Congress has had due regard for the citizen, or the alien who becomes a citizen, whose religious convictions forbid, and who can conscientiously say, he can not bear arms. Usually, noncombatant obligations, or duties, were provided for such citizens.

This appellant testified to her willingness to serve in such a capacity. In her brief, counsel states, in explanation of her position, that appellant subscribed her name to the oath of allegiance formulated by the Naturalization Bureau six days before the decision by the Supreme Court in *Schwimmer v. United States*, and states that she understood the oath imposed upon her the duty to "obey the laws, even the prohibition law, and to do your utmost to improve conditions, industrially and socially and morally, to take an interest in civic affairs and to put the whole weight of your ideals into making the country even better than it is."

She then states that because of editorial writings throughout the country as an interpretation placed upon the *Schwimmer* decision, she concluded that an alien who did not promise to personally bear arms could not become a citizen of the United States. She felt it incumbent upon her to "draw the attention of the Judge who administered the oath of allegiance to the fact that my religious convictions would prevent my taking the usual oath to 'defend' the Constitution, without a mental reservation."

But the appellant persists that she is able and willing to take an oath of allegiance which fulfills the requirements of the naturalization act. The oath she declined to take she erroneously interpreted. She pleads to substitute her own form. From this record, the views she expresses indicate a willingness to assume all the obligations and duties of citizenship as required by the Constitution and the laws of the country.

APPLICANT TO BE FULLY PROTECTED IN OBJECTIONS

To take the oath as phrased by the Naturalization Bureau would leave appellant free to be relieved of bearing arms in the event of war. It would not enforce arms bearing upon her or any other citizen in the event of future wars and Congress unquestionably will, as it has in the past, make provision for citizens who conscientiously, irrespective of sect, want to be relieved because of religious convictions against combatant military service. And if this appellant was thus informed, she, perhaps, would have been relieved of her fear of assuming an obligation which her oath did not impose upon her.

The *Schwimmer* case, *supra*, is distinguishable from the one under consideration. The question of whether religious conviction would be an acceptable excuse from aliens refusing to agree to bear arms in defense of the United States did not arise. Counsel for the Government stated expressly that "refusal to perform military service on account of religious scruples was not involved in this case. The respondent has no religion." In that case, the applicant had a conscientious objection, possessed of pacifistic ideas with propagandist proclivities and of cosmic antinationalistic desires and purposes. The appellant may take the oath and she will be fully protected if she will then make known her conscientious objections.

The order is reversed and the cause remanded with directions to proceed in accordance with this opinion.

EXHIBIT III

(b)

TEXT OF THE DISSENTING OPINION IN BLAND CASE

In the Bland case, Chief Justice Hughes supports his dissent on his interpretation of the oath required of applicants for citizenship as expressed in his dissenting opinion in the Macintosh case. The dissenting opinion in the Bland case follows in full text:

Mr. Chief Justice Hughes, dissenting.

What I have said in the case of *United States v. Macintosh*, with respect to the interpretation of the provisions of the naturalization act and of the prescribed oath, I think applies also to this case. The petitioner is a nurse who spent nine months in the service of our Government in France, nursing United States soldiers and aiding in psychiatric work. She has religious scruples against bearing arms. I think that it sufficiently appears that her unwillingness to take the oath was merely because of the interpretation that had been placed upon it as amounting to a promise that she would bear arms despite her religious convictions. It was the opinion of the Circuit Court of Appeals that the appellant may properly take the oath according to its true significance and should be permitted to take it. (42 F. (2d) 842, 844, 845.) I think that the judgment below should be affirmed.

Mr. Justice Holmes, Mr. Justice Brandeis, and Mr. Justice Stone concur in this opinion.

EXHIBIT IV

In the Court of Common Pleas of Allen County, Ohio. In the matter of the petition of Martha Jane Graber to be admitted a citizen of the United States of America. Citizenship petition No. 320. Hearing July 9, 1920.

Appearances: Hon. Edward J. Kennedy, for the Government; Messrs. L. E. Ludwig and R. S. Steiner, for the petitioner.

Before Hon. Fred C. Becker, judge.

Thereupon the witnesses, Messrs. S. M. Musselman and Paul E. Whitmer, and the petitioner, Martha Jane Graber, were duly sworn.

Thereupon the witnesses, S. M. Musselman and Paul E. Whitmer, were examined by Mr. Kennedy as follows:

Q. Where were you born, Mr. Musselman?—A. Eastern part of Pennsylvania.

Q. How long have you known Miss Martha Jane Graber?—A. Ever since she was in the country; I don't know how many years.

Q. How long have you known her here in Ohio?—A. Ever since she was here.

Q. When was that?—A. About 1925.

Q. September of 1925?—A. I think it was something like that.

Q. How about you, Mr. Whitmer? How long have you known her?—A. Since September, 1925.

Q. You were born here, too?—A. Yes, sir.

Q. Have you been in any trouble at any time?—A. No, sir.

Q. Answer, Reverend Musselman. A. No, sir.

Q. Is Miss Graber a member of, affiliated with, or associated with any organization opposed to government?—A. No, sir.

Q. Both of you recommend her to citizenship?

(Both answer in the affirmative.)

Martha Jane Graber.

Examination by Mr. KENNEDY:

Q. Miss Graber, have you been in any trouble at any time in any way?—A. No, sir.

Q. Are you a member of, associated or affiliated with any organization opposed to government?—A. No, sir.

Q. You have not been away from the United States at all since 1910?—A. No, sir.

Q. And you have been living here since 1925?—A. Yes, sir.

Q. You filed a previous petition in this court?—A. Yes, sir.

Q. And that petition was dismissed some time ago because at the time it developed that you had conscientious objections to serving in the Army in time of war, if need be; will you explain to the court your position at this time in regard to that matter?—A. What do you mean?

Q. Are you willing to serve in the Army, if need be, in time of war?—A. I am willing to serve in my profession.

Q. What do you mean by willing to serve in your profession?—A. I am a registered nurse.

Q. What do you understand, Miss Graber, to be meant by taking an oath to support and defend the Constitution of the United States?—A. Free speech and free press and free religion, and I understand that if I become a citizen I will support the Constitution.

Q. That does not answer my question.—A. Beg your pardon! What was that question again?

Q. My question was: What do you understand to be meant by taking an oath to support and defend the Constitution of the United States?—A. Defend the Constitution the best. I can in my profession. It seems to me it would mean to defend the Constitution in the way which it would seem that you could do it the best; that you would mean most to your country.

Q. Suppose your country saw fit to demand your services in the Army in time of war as a combatant, to take part in the war; explain what you would do under such circumstances?—A. I would go to the front in my profession.

Q. That doesn't answer my question. My question was: Suppose you were called upon to act as a combatant in time of war for the United States, would you fight?—A. That would not be professional as a nurse.

Q. That doesn't answer the question: Are you willing to fight for the United States if need be? You understand what is meant by fighting, Miss Graber; I mean to take up arms in defense of the United States if necessary?—A. I can not kill, but I would be willing to give my life.

Q. Do I understand that you mean that you are willing to fight for the United States?—A. Do you mean by "fighting," killing?

Q. I do if necessary. Such is war, Miss Graber.

(Witness hesitates.)

Q. Your answer?—A. Do you want an answer or what?

Q. The question is as to whether or not in time of war, if need be, you are willing to shed blood in defense of the United States.—A. I said I would be willing to shed my own blood to protect this Government.

Q. I am not asking you as to your willingness to shed your own blood, I am asking you as to your willingness to shed the blood of others if need be?—A. I conscientiously could not do that.

Q. If there is anything else you would like to get into the record, Miss Graber, I want you to have free opportunity to do it because at this time, if the court please, I am going to ask the petition be denied for the reason that the petitioner can not unreservedly take an oath to support and defend the Constitution of the United States.

Mr. STEINER. I would like to ask a question. Supposing you were in the front rank serving as a nurse for this country and you were waiting on an American soldier and an enemy was pointing his gun toward the soldier that you were treating and nursing, would you protect that soldier?

A. I would.

Q. Can you give any reasons why you would prefer to be a citizen of this country over any other country in the world?—A. First of all I like this form of government; I like the freedom that this country gives to its citizens; and I like the schools of this country and the training I have received from this country.

Q. Did you attend the public schools of this country?—A. Yes, sir.

Q. Where?—A. In Iowa.

Q. The State of Iowa?—A. Yes, sir.

Q. How long did you attend public schools in Iowa?—A. Until I was 16.

Q. How old were you when you commenced to attend those public schools?—A. I wasn't quite 10.

Q. Did you attend any other schools elsewhere here in this country?—A. Yes, sir; I did.

Q. Where?—A. In Newton, Kans.

Q. What kind of a school was that?—A. An academy.

Q. Any other place?—A. I attended a school in Ohio for three years in the summer.

Q. I believe you stated that you were a registered nurse; of what State are you a registered nurse?—A. I am a registered nurse of three States.

Q. What States are those?—A. Ohio, Kansas, and Iowa.

Q. If this country should become involved in war you would willingly give your services in your profession as a nurse?—A. I would, gladly.

Q. Would you go to the battle front if the Army should ask you to go?—A. I would; yes.

Q. Would you do the things the Army would request you to do?—A. Yes, in my profession.

Mr. LUDWIG. Do you love the United States?—A. I do.

Q. Would you give your life for the United States?—A. I would.

Q. Where were you born?—A. In Alsace-Lorraine.

Q. When did you come to this country?—A. In 1910.

Q. Have you any relatives in America?—Yes, sir; my folks are all here.

Q. Who are your folks?—A. I have a mother alive and my brothers and sisters.

Q. Have you any brothers or sisters who have been naturalized as citizens of the United States?—A. Yes, sir.

Q. Have you or any of your brothers and sisters or your mother ever had any difficulty of any kind with the United States?—A. No, sir; never.

Q. Or had any trouble that caused the United States Government or your State government any trouble?—A. No, sir.

Mr. STEINER. You understand the Constitution and laws and the history of this Nation, do you not?

A. Yes, sir; I think I do.

Q. Well, have you been back to Germany any time since you have been in this country?—A. No, sir.

Q. Have you any connections with Germany at this time, property rights or anything of that kind?—A. No, sir.

Q. Is your mother still living in Iowa?—A. Yes, sir.

Q. Would you be willing to affirm your allegiance to the United States?—A. I would.

The Court. When you have been asked if you would bear arms or fight in defense of this country you have made answer each time that you would volunteer or give your services as a nurse, even to the shedding of your own blood; has that been your answer?

A. Yes, sir.

Q. What are you reserving? What are you holding back? What is your objection to saying that you will fight or bear arms in defense of your country? Why do you answer by saying that you would be a nurse instead of answering that you will fight or bear arms in defense of your country? What are you holding back?—A. How does the first amendment read?

Q. I am not on the witness stand; I am asking you the question.—A. Well, it seems to me—

Q. I want to know what your objection is, what reservation you have from answering that you will bear arms or fight in defense of your country?—A. First of all, it wouldn't be ethical in my profession after I took the oath that I will be true to my profession.

Q. Are you to determine that or is the Government to determine what you shall do?—A. If I have a form of religion it seems to me it is my—

Q. What is your reservation? That is the question I put to you. What are you holding back when you say you will not bear arms for your country?

Mr. KENNEDY. The question of the form of religion is no part of this inquiry in this proceeding. This lady has stated that she loves the freedom to be found here and she must realize that the freedom we have here has been bought and maintained by blood; it has been that since the foundation of the Republic. No matter what her individual opinions are as to the necessity of war or as to whether or not society shall at some time find a method whereby war shall be avoided, when one seeks citizenship in this or any other country it seems as though that person ought to be willing absolutely, unqualifiedly, and unreservedly to take an oath to support the government in which that one seeks citizenship in time of war and not to assert that that one shall have the right to dictate the method that he or she will follow, but rather to assume in full the obligations that that government might impose, be it to serve at battle, if necessary, to shed blood in time of war, or such other method as the government might ask. There must be no reservation. I ask that this petition be denied.

The Court. I want to be fair with you, Miss Graber. Have you any near relatives in this country?

Answer. Yes, sir; my mother and brothers and sisters are in this country.

Q. Let us suppose a case; for instance, that you were standing next to your mother and she should be attacked and assaulted; what would be your duty then?—A. To try and protect her.

Q. How? By becoming her nurse after she was assaulted or by aiding in her defense?—A. By aiding in her defense.

Q. Now, are you willing now to take an oath that you would defend your country in the same manner that you would protect your mother.—A. I would.

Q. And that means that you would fight in defense of your country the same as you would in defense of your mother. That is what the oath means and are you willing to take the oath that you would fight to defend your country the same as you would fight to defend your mother if she was attacked, even to bearing arms? That is what the oath requires.—A. I would be willing to defend my country as I would be willing to defend any of my folks.

Q. Even to the point of bearing arms and shedding of blood?—A. I don't say what I would be willing to do at a time like that.

Q. Supposing such a case, then what would you be willing to do?—A. I don't know; none of us know just what we would be willing to do in a time like that.

Q. Have you any hesitancy in saying now what you would do to protect your mother in event it became necessary? Would you have to stop and think about that?—A. No; I would be willing to do all I could.

Q. Even to the bearing of arms or taking the life of her assailant, wouldn't you, if it was necessary to preserve her life and defend her?—A. I would be willing to give my life for her.

Q. But you would not be willing to bear arms to protect your mother?—A. (No response.)

Q. (Question repeated.)—A. No; I could not.

Q. What?—A. I could not kill.

Q. Even though it became necessary to protect your own mother?—A. No, sir; I could not kill.

Q. Even if it became necessary for the Government to call upon you for your services, other than as a nurse, to protect it to the point of bearing arms, and if that resulted in the taking of life, you could not take an oath to do that? In other words, what the oath means is that you give all, without any reservations; that is all we are asking you; we are not asking you to go out and kill somebody, but we are asking you to take an oath that if such a thing becomes necessary you would not hesitate to do it; that is, that you think that much of your country that you would fight to defend it to the last ditch; that is all we are asking you to do; and we are not asking you to do it, it's a privilege the Government has conferred upon you. We are not asking you to become a citizen, but we require all who wish to become citizens to take that oath. It is a privilege you are asking for, not one you are entitled to as a matter of right, but simply the law gives you that right; and you want to become a citizen, as I understand it, in order that you may go to Africa to act as a missionary and if you do that and your rights were in any way put in jeopardy over there and you were attacked, you would want to call upon this Government to come forth and defend you; that would mean the taking of life if necessary to defend your rights a citizen of the United States and if you want that right you certainly ought to be willing to give it for someone else if you are asking for it yourself. I am going to give you a little while to think it over; I don't want you to make any mistake. It is not because of you, Miss Graber, it is because of the principle involved that this court will act; not with any feeling toward you at all, but only of upholding the principle as the court sees it. I will give you a little time to think it over. Now, I will ask you this question: If the Government should deem it necessary for you to bear arms in defense of this country, would you do so?—A. As I said before I could not bear arms; I could not kill; but I am willing to be sacrificed for this country.

The Court. The petition of the applicant will be dismissed.

To which ruling of the court the petitioner, by her counsel, then and there and at the time excepted.

EXHIBIT V

TESTIMONY IN THE APPLICATION FOR CITIZENSHIP BY MARGARET WEBB OF RICHMOND, IND.

Testimony given before Hon. Gustave H. Hoelscher on Thursday, March 28, 1929, in the application for citizenship by naturalization by Margaret Webb.

Edward J. Kennedy appeared in behalf of the Government of the United States.

Walter C. Woodward and Arthur Charles gave proof of residence of the petitioner and recommended that she be admitted to citizenship.

One Catherine Aach and Margaret Webb were examined at the same time by the examiner for the Government, questions being addressed first to one and then to the other. Where a break appears in this transcript of the testimony of Mrs. Webb, it indicates that at that point questions were addressed to Mrs. Aach.

MARGARET WEBB, having first duly affirmed, under the pains and penalties of perjury, that she would testify the truth, the whole truth, and nothing but the truth in her examination, testified as follows:

Questions by Mr. KENNEDY:

Q. Have you been away from the United States, outside of a visit, Mrs. Webb?—A. No; only just for a visit.

Q. You have never been in any trouble of any kind, have you?—A. No.

Q. You are not a member of any group opposed to government?—A. No.

Q. Do you own property?—A. No.

Q. How is a law made, in the State of Indiana, Mrs. Webb?—A. Under the State laws, the governor is the chief executive.

Q. Which is the law-making body in Indiana?—A. The legislature.

Q. Where does it meet?—A. Indianapolis.

Q. What is the Constitution of the United States, Mrs. Webb?—A. The Constitution is the fundamental law.

Q. What do you mean by fundamental law?—A. The essential.

Q. What are the three branches of government, Mrs. Webb?—A. Legislative, executive, and judicial.

Q. Do you know some of them (Cabinet offices), Mrs. Webb?—A. Attorney General, Postmaster General, Secretaries of War, State, Navy, Agriculture, Interior, Commerce.

Q. How do we get our judges, Mrs. Webb, in State courts—the judge of this court, for instance?—A. Appointed by the President.

Q. The judge of this court appointed by the President?—A. In the State.

Q. What do you understand by the Declaration of Independence, Mrs. Webb? Have you been preparing yourself any as to a knowledge of government, Mrs. Webb? You were born in Canada. You are English speaking. Have you been preparing yourself any?—A. Yes.

Q. You ought to know what the Declaration of Independence is?—A. It was made by—

The COURT. What has it got to do with the Fourth of July?

The WITNESS. It was made originally by the Thirteen Original States, in 1776.

Q. What does it mean? What do we mean by a Declaration of Independence?—A. It means that we no longer are under the rule of Great Britain, but an independent Commonwealth.

Q. What is the name of the Governor of Indiana, Mrs. Webb?—A. Governor Leslie.

Q. Mrs. Webb, is there any reason why you can not take an oath to support and defend the Constitution of the United States?—A. I affirm. I am a Friend.

Q. An affirmation; does that mean that you can not make an affirmation to support and defend the Constitution of the United States? Are you a conscientious objector?—A. I could not kill anyone, if that is what you mean.

Q. When it comes to the proposition of defending, if the question of bloodshed would be involved, you could not defend in that respect?—A. No.

The COURT. I guess she won't have to go to war, though.

The EXAMINER. She may not have to go to war, but I don't think—

The COURT. You would be willing to do service in the Red Cross work, wouldn't you, and nurse, and all that sort of thing?

The WITNESS. Certainly.

The COURT. In the event this country got into war with another country, would you be loyal to this country?

The WITNESS. Certainly, I would be loyal to this country, but I could not approve of war on account of my faith.

The COURT. There are many people who do not approve of war; but after you got into war, what would you do?

The WITNESS. I would be faithful to this country, if I conscientiously could.

Q. You could not sustain, though, a government, Mrs. Webb, which saw fit to engage in war. Have you a boy?—A. I have a son.

Q. Would you let your boy go to war?—A. I would not want him to.

The COURT. They would take him, anyway, and he would go then, wouldn't he?

The WITNESS. He would do, perhaps, some other service for his country, but he would not go to war.

The EXAMINER. It is the only way we have of solving, if the court please, international questions at this time. There is no one advocates war, but until we have a better method of solution, it seems to me that anyone who wants to be a citizen must be able to take an oath or affirmation, as they see fit, but there must be no reservation as to what sort of service they are going to render their country in time of war, and if it becomes necessary to shed blood, it is the only thing we can do. We can not reserve to ourselves the right of determining just what method of support we are going to render.

The COURT. Could you take this oath: "I hereby declare on oath of affirmation that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to George V, King of Great Britain and Ireland, of whom I have heretofore been a subject; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same." Could you take that oath?

The WITNESS. I do.

The COURT. I say, can you do that?

The WITNESS. Yes.

The COURT. You feel able to do that?

The WITNESS. Yes.

Q. Without mental reservation, Mrs. Webb, as to "defend," the word "defend." What is your interpretation of defending?—A. We hope the world is becoming civilized enough soon so that they will get other ways besides killing one another.

Q. That is a hope that we all have. We have just finished with a war, and it became necessary for the sons of America to render services, to give their lives on the battlefield. Is your idea of defense only to serve in a capacity which would mean separation from war? Suppose you were called upon to render service in time of war; suppose the situation reached such a point?—A. Isn't that rather far removed, because I would not be called upon to kill anyone. I would try to serve my country.

The COURT. You could kill in self-defense, wouldn't you, if you were attacked?

The WITNESS. No.

Q. You would not kill in self-defense?—A. No. I don't believe I would.

The COURT. You would just let them kill you?

The WITNESS. I would try to evade it, because I think that is wrong, you see.

The COURT. Suppose you were attacked, however, and you thought your life was in danger, you would defend yourself, wouldn't you?

The WITNESS. Not to the point of killing anyone.

The EXAMINER. I can not see how she can take the affirmation to support the Constitution. It is only with reservation. We do have citizens here who are conscientious objectors. We have no control over those; but one who seeks to be a citizen must come into citizenship, as I see it, without any reservation. They must take the obligations upon themselves as we see it and not as they see it.

The COURT. They don't put women in the Army.

The EXAMINER. We don't know. They have not been called on yet.

The COURT. I could see the force of the argument, perhaps, in the case of a man, to refuse citizenship, that he might be called to serve in the Army.

The COURT. How old are you, Mrs. Webb?

The WITNESS. Forty-six.

The COURT. Is there any likelihood of her being called into the Army, to make it necessary for her to kill, in defense of our country?

The EXAMINER. I don't think it is so much a question of that, but the fact there is a requirement.

The COURT. I know this woman. She is a woman who will make a good citizen.

The EXAMINER. I know there is not any question about that feature, but there is a reservation as to the taking of that oath or affirmation of allegiance.

The COURT. I suppose if you want to put it technically, I expect you are right, but practically, I don't think there will be any injury done to the country if this woman is admitted to citizenship.

The EXAMINER. The best I can suggest to the court is to continue the case until the next term. There is a case in the Supreme Court of the United States right now on that very question, and will probably be decided soon.

I can see the court's view. I know this; I know that in the case of men who have that thought in mind, absolutely I have not had a single case admitted to citizenship in all my years service with the Government. There is a slight question in regard to women. I feel as though they come under the same general rule as the men. But, if the court feels inclined to admit her, I would rather have the court to hold it until we have some decision of the Supreme Court of the United States.

The COURT. Of course, if the Supreme Court of the United States would decide on that squarely against me, I would follow that decision, under the oath I have taken.

The EXAMINER. I would rather have you to hold it up until the next hearing, to see if we have a decision in what is called the Schwimmer case. Mrs. Webb falls under that same class as Mrs. Schwimmer. Mrs. Schwimmer is known as a national pacifist—militant pacifist—and I think the ruling that applies will apply to her case as well as to Mrs. Schwimmer's.

The COURT. Do you want to wait until next September and come back here to see me again?

The WITNESS. I suppose I will have to.

The EXAMINER. If the court saw fit to admit her, I could only ask that an objection be noted of record, because, as the situation now stands, the Government would go up on it.

The COURT. Of course, if I would admit her, you say you want to object. I can not prevent you from objecting and taking it up. You don't want to take up any lawsuit, do you, Mrs. Webb?

The WITNESS. No.

The COURT. You had better wait until next September, then?

The WITNESS. Very well.

The COURT. I will continue it until next September.

Edward J. Kennedy appeared in behalf of the Government of the United States of America.

Wilfred Jessup, of Richmond, Ind., appeared as attorney for Margaret Webb.

At a hearing in this matter held on Thursday, March 28, 1920, the witnesses as to residence were heard, and after examination of the petitioner, the cause was continued for further hearing.

MARGARET WEBB, having first duly affirmed, under the pains and penalties of perjury, that she would testify the truth, the whole truth, and nothing but the truth in her examination, testified as follows:

Questions by Mr. KENNEDY:

Q. Mrs. Webb, you appeared here on March 28, 1920.—A. I did.

Q. At that time you were asked whether or not you could take an oath to support and defend the Constitution of the United States?—A. I was.

Q. Including as your answer, as to whether or not you would be willing to render service in time of war?—A. I was.

Q. I ask that question again.—A. I expect to be loyal to the Constitution. Is that what you mean?

Q. No; I want to know whether or not you are prepared to say that you will render service to the United States, and if necessary, fight for the United States.

The COURT. If we should get in a war with another country, and it is necessary for you to take up arms and fight against the soldiers of the other country, would you be willing to do that? You might have to take a gun or any weapon and go out and kill some soldier in the opposing army. Would you be willing to do that?

The WITNESS. That seems a strange question to say.

The EXAMINER. Well, it has been asked, regardless of whether or not you regard it as a strange question. I have submitted the question and expect you to answer.

The COURT. Just give whatever answer you want to make.

The WITNESS. I love the United States, and would be willing to do anything. I would, of course, if I became a citizen, that my life and property would be the property of the State, and I would gladly lay down my life for the State, but I could not take life.

The Court. You would not be willing to take up arms in defense of your country, but you would recognize that this country has absolute power and control over your life and your property.

The Witness. Certainly.

The Court. If we had the draft system, and suppose you were drafted and they would put a gun in your hand, and order that you should go in the ranks and go to the front. Assuming the law of the United States were such that it would compel you to do that, as far as the law is concerned. Of course it is not the law now to make women fight. Suppose they change the law.

The Witness. It is hard to tell what you would do in a case that you just suppose.

The Court. Would you mind just making an answer to that question: If necessary, are you willing to take up arms in defense of this country, the United States?

The Witness. I would gladly give my life for this country, but I could not take up arms.

The Court. Are you willing to take this oath: "I hereby declare on oath that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly to George V, King of Great Britain and Ireland, of whom I have heretofore been a subject; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic, and that I will bear truth, faith, and allegiance to the same?"

The Witness. I do.

The Court. You are willing to take that oath?

The Witness. I do.

The Examiner. May I ask, you say you are willing to take that oath, Mrs. Webb, what do you understand by supporting and defending the Constitution and laws of the United States?

A. By lending my influence, and thinking loyally of the Government, and doing everything in my power to support it.

Q. Sometimes the support and defense of the United States might mean that it became necessary for you to serve your country in war. Have you that in mind?—**A.** I belong to a sect which, for generations has been exempted from that phase of defense.

Q. You mean has been exempted from military service because of conscientious objections.

The Court. You would be willing to render noncombatant service?

The Witness. Certainly. I would do anything I could.

The Court. But not combatant service?

The Witness. Yes.

Examination resumed by the **EXAMINER**:

Q. Your taking the oath would then mean a reservation on your part to this extent, that you could not serve the country in time of war by personal service as against an army enemy, your bearing arms yourself. Is that true, Mr. Webb?—**A.** I could not bear arms.

The Examiner. The only thing I can do is to recommend denial of the petition. She can not without reservation, take the oath to defend and support the Constitution of the United States.

Mr. JESSUP. If the court please, I do not wish to prolong the inquiry and, frankly, I am not very familiar with the practice, but may I be permitted to ask this applicant a question?

The Court. Yes; you may ask her.

Examination of the applicant by **Mr. JESSUP**:

Q. You recognize, do you not, that citizenship in its extension to the alien is purely a privilege extended by the Government?—**A.** Yes.

Q. You understand, do you not, that you have no right of demanding it in the sense of the assertion of a privilege or personal right, do you not?—**A.** Yes.

Q. You understand, do you not, that you have no right of demanding it in the sense of the assertion of a privilege or personal right, do you not?—**A.** Yes.

Q. You understand that your becoming a citizen of the United States is purely a courtesy or privilege which is granted to you by legislative enactment, do you not?—**A.** Yes.

Q. I notice you stated a moment ago that, if needs be, you being granted the rights of citizenship, that your government in its emergency should be per-

mitted to take all of your property. Do I so understand it?—A. I should consider it would have that right.

Q. And even, if needs be, in the governmental emergency, would you, if you became a citizen, permit the Government to take your life?—A. Certainly.

Q. Do you recognize the laws enacted within the provisions of the Constitution to be absolutely supreme, and to which you as a citizen, if you are admitted, are at all times responsive?—A. I would not want to evade anything.

Q. If you can imagine an emergency existing by which women are required to engage in combatant service, and there being no provision of the law by which you could ask for exemption, would you as a citizen, and do you now as an applicant, admit that you, notwithstanding any personal opposition to war, that you might be required to go into service?—A. You mean it would be the right of the Government?

Q. No. I didn't ask you that. Just read the question, please.

(The last preceding question was read by the official reporter.)

A. I don't know how to answer that.

Q. Very well. I will put it another way. You stated a moment ago that you recognized the responsibility of the citizen to be absolutely amenable to the provisions of the law, irrespective as to what the condition, didn't you?—A. Yes.

Q. And that a citizen must obey the law?—A. Yes.

Q. We have a provision in the statutes at present providing for the Military Establishment and the National Guard, of providing that when persons are permitted to claim exemption from active duty, who are required to engage in noncombatant service, under the order of the President. Would you, if you were granted citizenship, recognizing the law, and that the law, for the sake of the question, is not changed, avail yourself of the privilege of asking an exemption from military service; is that what you mean?—A. Yes.

Q. And if you were within the exempted class by reason of the conscientious scruples approved, or by reason of your being a member of a sect for generations opposed to armed conflict, would you hesitate to engage in any wise in the noncombatant service provided by the order of the President?—A. E. O. I could engage in noncombatant service.

Q. Exactly. Do I understand, then, that what you mean is that, if you are granted citizenship and the emergency does come, that you propose to avail yourself of the rights provided by the law of claiming an exemption from combatant service, but are perfectly willing to join in all forms of noncombatant service, under the order of the President and of the Government?—A. Yes.

Q. Then you simply draw the line, as I understand, that, in your present state of mind, as things now are, you feel that you could not engage in mortal combat; is that what you mean?—A. Yes.

Q. Does it go even to the extent that, if I should be attacking you, that you would not protect yourself?—A. I should try to protect myself.

Q. Granted. And I were attacking you, wouldn't you take resources to yourself of all means to avoid my attack?—A. Yes.

Q. You would not hesitate, with whatever instrument might be in your hand, to repel my attack, would you, if I were attacking you?—A. I should try to repel the attack.

Q. Do you not recognize the right of the Government to repel an attack in the same way that you have the right to repel a personal attack that I was making upon you?—A. I don't know that I can answer that question fully.

Q. Do you not recognize, under our Constitution, not only the right but the duty of the Government to defend itself?—A. Yes.

Q. The Government being a collection of individuals or of States, hasn't it the same inherent right to protect itself as the individual has if its own rights and privileges are invaded?—A. Yes. It has a right to protect itself.

Q. So then, that the only line you draw, Mrs. Webb, is, in the present understanding, not in stating that your Government shall not have every resource possible at its command, but that, as it effects you individually, you state to the court that, by reason of your opinion, you would take recourse, the law not changing, in the provisions for exemption of combatant service. Is that what you mean?—A. Yes.

Q. But that you would freely, if the law continue as it is, respond to the order in all forms of noncombatant service, even though it took all of your property, all your time, and even your life, if necessary?—A. Yes.

The Court. Are you able to take this oath of allegiance I read to you a moment ago without any reservation? Can you answer that "Yes" or "No"?

Or are you willing to do everything that a woman citizen has to do, except fighting?

The WITNESS. Yes.

The COURT. You would do everything else but fight; is that right?

The WITNESS. Yes.

The COURT. But you could not fight, and would not fight?

The WITNESS. No.

The COURT. If American women would be compelled to fight, then you would not do that. Is that right? Suppose the law should be changed. It is not that way now, and the law would be such that American women would be compelled to go to war to fight and bear arms. Would you be willing to do that with the other women of this country?

(The witness did not answer.)

The COURT. You do not care how many other women fight, but you consider it a question of conscience with you. That is it, isn't it?

The WITNESS. Yes.

The COURT. And on that ground you would not be willing to go to war and fight; isn't that right?

The WITNESS. Yes.

The COURT. In every other way you are ready and willing to follow the law of the United States and do whatever it compels a citizen to do?

The WITNESS. Yes, Judge Hoelscher.

The COURT. That is why you think you can take this oath of allegiance; isn't that right?

The WITNESS. I can take that oath of allegiance with my interpretation of it.

The COURT. Because you think, as far as you can see, there is nothing that would compel you to do that which you can not do.

The WITNESS. No; there is nothing now.

The COURT. Would you please state your age.

The WITNESS. Forty-six.

The COURT. State whether you are single or married.

The WITNESS. Married.

The COURT. Do you have any children?

The WITNESS. Four.

The COURT. It all comes down to the question. What are you going to do with the Schwimmer case?

The EXAMINER. If the court please, you can not take an oath to support and defend the Constitution, in accordance with your own interpretation. She says she will take the oath according to her own interpretation. The next person who will come into the court room says, "I will take the oath according to my interpretation." There is only one way to take the oath of allegiance, and that is absolutely and unqualifiedly, without reservation, mental or otherwise.

The COURT. I have asked this lady the very questions that were asked in the Schwimmer case.

The WITNESS. But you are asking me a supposed case. Now, women are not required to fight.

The COURT. I meant that I asked the very questions that were asked in the Schwimmer case. That case went up from the District Court to the United States Circuit Court of Appeals, and that court, Judges Alschuler, Baltzell, and Anderson sitting, and Anderson wrote the opinion—and I like Anderson's opinion very much—but they took an appeal from that decision, and took it to the Supreme Court of the United States, and got another opinion, reversing it.

(Questions by Mr. Jessup.)

Q. Mrs. Webb, are you willing, the necessities of the situation requiring it, for the Government of the United States to be defended by force of arms, and for the Government to avail itself of that means of defense, if the emergency does require it?

The COURT. That is not a fair question. You have got to put it to her, by her.

Q. Mrs. Webb—eliminating this other question, and as a preliminary question—are you willing, the necessity requiring it, for this Government to be defended by force of arms; which you will please answer yes or no?—A. No.

Q. What is that?—A. No.

Q. Do you understand my question?—A. I think I do.

Q. Let me put it to you again: Are you, and would you, be willing, if you are a citizen of the United States, and the necessity required it, for this Gov-

ornment to be defended or to defend itself by force of arms?—A. I think I can say no.

Q. I will put it another way: Under our form of government, do you believe it ever right and proper that, in its defense, this Government should engage in war?—A. Perhaps in times past it has been, but now and in the future there are so many better ways—

Q. Let us not confuse our hopes with our own opinions. I trust you are right, but let us not confuse our hopes. We are speaking now of the opinion that you hold as to the matter of a qualification for citizenship. I will ask you again, if citizenship is granted to you and the necessities of the situation require it, are you willing that your Government be defended by force of arms?—A. If such a contingency arose, I should be loyal to the Government, but I should greatly deplore the fact that it would resort to force of arms.

Q. We all agree on that, but that is not the question. This is a question as to your qualification for citizenship. In the light of what is indicated to us to-day, as to the extension of the privilege, and irrespective as to what you hope may be the future course of the settlement of international difficulties—that millennium to which you look may be years in coming—but, say that you should be admitted at this time to citizenship, and almost immediately following, your Government would become engaged in war, would you be willing, the necessity requiring it, for the Government to defend itself by force of arms, and, in keeping with your own thought, after it has exhausted the possibilities and all other possibilities of settlement of the difficulty?

(The witness did not answer.)

The Court. Here is the evidence in the Schwimmer case, given by Mrs. Schwimmer, that she testified: "If the United States can compel its women citizens to take up arms in the defense of the country, something that no other civilized government has ever attempted, I would not be able to comply with this requirement for American citizenship." That is what she said, and that is the question I put to her a while ago.

By Mr. JESSUP. My whole purpose is with an idea of trying to get what is the real fundamental state of her mind.

The Court. It just seems to me that they require that one must be willing to bear arms actively, if necessary. You can not make anything else out of this case, can you?

Mr. JESSUP. Of course, I probably am giving undue emphasis to the other phase, which is evidently in the case, of the absence of the nationalistic feeling.

The Court. That is a little different. They don't decide it on that. They just say that in addition.

By Mr. JESSUP. Can't you answer the question that I put to you, Mrs. Webb?

The Court. Here is another question: "A pacifist, in the general sense of the word, is one who seeks to maintain peace and to abolish war. Such purposes are in harmony with the Constitution and policy of our Government. But the word is also used and understood to mean one who refuses or is unwilling for any purpose to bear arms because of conscientious considerations." There it is. I am in this position. I am under oath to support the Constitution and laws of the United States. This opinion in the Schwimmer case is part of the laws of the United States. Therefore, I have no liberty. I am not permitted to override, disagree with, nor to criticize the opinion of the Supreme Court of the United States. Now, what am I going to do?

By Mr. JESSUP. I appreciate the position the court is in, but I believe that if this applicant given proper answer to the question I have already just put, it lays the foundation of her getting around the Schwimmer case.

The Court. All right. If you can get around it, it is all right with me.

Mr. JESSUP. Now, that you have had an opportunity of thinking over it for a few moments, Mrs. Webb, I will ask the reporter to read to you my former question, and I shall thank you to answer it either in the affirmative or the negative.

(The question was read to the witness by the official reporter as follows:

"This is a question as to your qualifications for citizenship. In the light of what is indicated to us to-day, as to the extension of the privilege, and irrespective as to what you hope may be the future course of the settlement of international difficulties—that millennium to which you look may be years in coming—but, say that you should be admitted at this time to citizenship, and almost immediately following, your Government would become engaged in war, would you be willing, the necessity requiring it, for the Government to defend itself by force of arms, and, in keeping with your own thought,

after it has exhausted the possibilities and all other possibilities of settlement of the difficulty?)—A. I don't think I could.

By Mr. JESSUP. If the court please, I must admit, then, as much as I hate to do it, that I do not think the petitioner is entitled to the extension of the citizenship.

The Court. I hate it just as much as you do.

Mr. JESSUP. I can not state to the court that she is entitled to it, that being her final attitude. I am very sorry to have to say that, and, although I admire her tenacity of position, and the high-mindedness of her own state of mind, I can not, under the law, advise but in the negative to a question that she would be entitled to it.

The Court. That is all, Mrs. Webb.

And this was all the evidence given in the matter.

EXHIBIT VI

AMERICAN-BORN WOMAN ALIEN IN ARMS OATH CASE

WASHINGTON, May 2 (I. N. S.).—The novel story of how an American woman became an alien without going out of her native town in North Dakota and is now barred from American citizenship, because she will not take an oath to bear arms, will be told the House Immigration Committee on May 8.

Her case will be used as an argument for the bill of Congressman Griffin, Democrat, of New York, to permit naturalization of aliens without requiring an oath to bear arms for the United States.

Mrs. Mary Harris Bee, victim of the strange transition, in Iowa, married a Norwegian pastor of the Church of the Brethren, in Kenmare, N. Dak., and lived in that town for 25 years.

When she married a Norwegian, before the Cable act was passed, she became a Norwegian.

About three years ago her preacher-husband was naturalized as an American citizen.

When it was discovered last year that she was still a Norwegian, although born in America of native parents, she sought naturalization under the Cable act.

When Judge Lowe at Minot, N. Dak., was about to grant her citizenship an examiner asked her if she would bear arms in defense of the constitution.

She said she would not, because it was against her religion.

LIABLE TO DEPORTATION

The United States Supreme Court having decided in the Rosika Schwimmer case that such a refusal was a bar to naturalization, she was denied citizenship. Thus she is still a Norwegian, although American-born, while her Norwegian-born husband of the same church belief is now an American.

She is declared liable to deportation to Norway.

Congressman Sinclair, Republican, of North Dakota, will propose a special bill to give Mrs. Bee citizenship if the Griffin bill is defeated.

EXHIBIT VII

LAKE ARTHUR, LA., March 19, 1930.

Editor CHRISTIAN CENTURY,
Chicago.

DEAR SIR: Knowing your interest in all matters concerning the problems of a Christian applying for citizenship in this country, I have decided to send you the following facts, which you may or may not be able to use.

Last November I received notice advising me to appear in court for a final hearing of my application for citizenship. The examination proceeded smoothly until the judge came to the question of war, and here I will set down the gist of the conversation between the judge and myself:

The Judge. What did you do during the World War?

The WITNESS. I served for 3 years in the British Army, and spent about 15 months overseas in Salonika. [I showed the judge the discharge papers verifying this.]

The JUDGE. Supposing the United States engaged in a war that you considered was wrong, what would be your attitude?

The WITNESS. I would consider it my duty to protect and defend democracy.

The JUDGE. But supposing, to take a concrete case, California wanted more territory, and decided to seize some in Mexico, and everyone was drafted for some form of service, would you object, or be loyal?

The WITNESS. I do not believe the United States would engage in such a war.

The JUDGE. I do not want any conditions. Under such circumstances, a war of aggression, would you object?

The WITNESS. In all probability, I would. I would first have to consider my duty to God, and to humanity.

The JUDGE. In other words, you can not subscribe under any and every condition to the doctrine, my country, right or wrong, my country?

The WITNESS. No.

The JUDGE. Then you can not be admitted. What we want are citizens who are prepared to say, my country, right or wrong, but my country.

And so I was rejected. What it means the Christian Century readers already realize; but for me it meant a bitter disappointment in democracy. Even now I can feel the shame of it. Yet what else could I do? There was no evading the questions, though I admit I did try to evade. It was only too plain, that, in order to be a citizen, I had to deny the Fatherhood of God and the brotherhood of man. The tragedy of the situation was that a Christian minister should be called upon to place God second and wrong first, if necessary. On a separate sheet I am giving further particulars, which need not be published.

Yours truly,

T. F. KING.

The CHRISTIAN CENTURY.

DEAR SIR: The clerk of the court is Mr. C. Pitre, Jefferson Davis Parish, Jennings, La. I appeared before the Fourteenth Judicial District court, which met in Jennings on Monday, November 4, 1920. The judge was Thomas F. Porter, of Lake Charles, La.

T. F. KING.

[New York Telegram, April 28, 1930]

WHY A JUDGE DENIED HIM CITIZENSHIP

By Harry Elmer Barnes

Do we want citizens who will reason, or robots who will mechanically obey? This question is brought out sharply by the citizenship case of the Rev. T. F. King, of Lake Arthur, La.

Mr. King was born a British citizen. During the World War he served 3 years with the British Army. He went through 15 months of hell with the ill-fated Salonika expedition.

After the war he came to America as a Methodist preacher. He is now settled with a parish in Lake Arthur, La. He decided that he would like to become an American citizen. So he went before the Federal district judge with his application. The following dialogue took place:

* * * * *

Judge: Supposing the United States engaged in a war that you considered wrong. What would be your attitude?

Answer: I would consider it my duty to defend democracy.

Judge: But supposing, to take a concrete case, California wanted more territory and desired to seize some in Mexico, and every man was drafted for some form of service, would you object or be loyal?

Answer: I do not believe the United States would engage in such a war.

Judge: I do not want any conditions. Under such circumstances, a war of aggression, would you object?

Answer: In all probability I would. I would first have to consider my duty to God and humanity.

* * * * *

Judge: In other words, you can not subscribe under any and every condition to the doctrine, "My country, right or wrong"?

Answer: No.

Judge: Then you can not be admitted. What we want are citizens who are prepared to say: "My country, right or wrong, but my country."

There is no beating about the bush here. The judge carries the case against pacifists one step farther than the Mackintosh case. Mr. King was willing to swear to protect the Constitution and laws of our country by force if necessary. He refused to agree in advance to supporting an admitted war of aggression. He was openly asked completely to suppress the dictates of his conscience.

Those who want a Nation of wooden soldiers will want to leave the naturalization laws as they are. Those who want to make some place for reason, intelligence, and convictions will do well to support the Griffin bill. This will make such conduct on the part of Federal Judges impossible in the future and will allow us to add citizens able and willing to think for themselves.

EXHIBIT VIII

BROOKFIELD, ILL., May 31, 1929.

Hon. ANTHONY J. GRIFFIN, M. C.,
Washington, D. C.

DEAR SIR: In the Chicago Tribune I read about your bill concerning naturalization of aliens who are opposed to war by reasons of religion or other opinions.

It may be you are interested in the fact that in this country of liberty there are a number of aliens who want to become citizens of the United States but are debarred from citizenship because they are conscientious Christians and do not like to take part in war and kill other human individuals.

I am one of them to whom citizenship was denied. I am not a radical but only a noncombatant. The chief naturalization examiner asked me about the position I would take in time of war. I said I would serve the country in any capacity I could.

"Would you take up arms?"

"Yes."

"Would you shoot?"

"Yes."

"Would you shoot to kill?"

"Whom?"

"Your enemy."

"I, as a Christian, have no enemies to kill."

These were the questions and answers of my examination.

After counseling with other men, the chief examiner said to me, "You can not become a citizen of the United States when you do not answer this question with 'Yes.'"

That was in the year 1924. Because of my loyalty to the teachings of Jesus Christ, citizenship is denied to me.

Hoping your bill will pass so that law-abiding, conscientious Christians may be granted citizenship, I remain

Yours very truly,

K. A. OFFERMANN.

EXHIBIT IX

Showing change in naturalization forms, to wit:

- a. Letter of Assistant Secretary of Labor Robt Carl White.
- b. Form 2214.
- c. Form A 2214.

EXHIBIT IX

(a)

JULY 11, 1931.

Hon. ANTHONY J. GRIFFIN, M. C.,
House of Representatives, Washington, D. C.

MY DEAR MR. GRIFFIN: Please permit me to acknowledge the receipt of your letter of the 7th instant to the Commissioner of Naturalization, requesting information for one of your constituents as to when the question relating to willingness to bear arms in defense of this country was introduced into the form of application for certificate of arrival and preliminary form for petition for citizenship.

I have taken the matter up with the commissioner, who advises that this question was added to the form about eight years ago, as a result of the growing tendency on the part of many courts, after the World War, to ask this question of applicants for citizenship, in view of the requirement of law that the court shall be satisfied of the applicant's attachment to the principles of the Constitution of the United States, and proper disposition to the good order and happiness of the same, during the five years immediately preceding the application.

Cordially yours,

ROBE CARL WHITE,
The Assistant Secretary.

EXHIBIT IX

(b)

Form 2214. (This form superseded by Form A-2214)

PRELIMINARY FORM FOR PETITION FOR NATURALIZATION, U. S. DEPARTMENT OF LABOR, NATURALIZATION SERVICE

This form is not a petition, but is used to obtain essential information, which must be furnished by the applicant before a petition may be filed.

NOTE FOR CLERK.—Hand this form to the alien so he may fill it in at his leisure.

NOT TO BE FILLED IN BY ALIEN

(For use of officials searching immigration records)

RECORDS EXAMINED

Card index.....	Clerk.....
Index books.....	Clerk.....
Manifests.....	Clerk.....
Able to verify.....	Name.....
Date.....	SS.....
Line.....	Clerk.....

To the alien: Fill in all the blanks in this form. Be sure the information is correct. When completed, take or mail it to the Naturalization Examiner and he will furnish you instructions. Send your Declaration of Intention with this form.

THE UNITED STATES NATURALIZATION EXAMINER:

I desire to petition for naturalization in the _____ Court, at _____ (City) _____ (County) _____ (State). The following information is furnished that you may arrange for my preliminary examination and that the necessary papers may be sent to the clerk of court:

My full, true, and correct name is { Mr. } _____
 { Mrs. } _____
 { Miss } _____

I have _____ used another name _____
 (If you have ever used any other name write that name here)

(State why you used it)

The name of my steamship ticket was _____
 (Give name in full)

1. My present residence is -----
 My post-office address is -----
 (Number and street) (City or town) (State)
 2. My present occupation is -----
 3. I was born on ----- at -----
 (Month) (Day) (Year) (City or town) (Country)
 4. (a) The place where I took the ship or train which landed me in the
 United States was ----- on -----
 (Month) (Day) (Year)
 - (b) I landed in the United States at -----
 on -----
 (Month) (Day) (Year)
 - (c) The name of the ship or railroad on which I came was -----
 - (d) If by ship: Name of steamship line was -----
 I came by { 1st cabin }
 { 2d cabin }
 { 3d cabin }
 - (e) I arrived as (passenger, stowaway, deserting seaman, or otherwise) -----
 - (f) The person in the United States I was coming to was -----

 (Give name in full)
 - (g) The place in the United States I was going to was -----
 - (h) The names of some of the persons or passengers I traveled with
 were -----
 - (i) I purchased the ticket on which I came to this country at -----

 It was purchased by -----
 If you came from or through Canada or Mexico, also fill in lines (A)
 to (F), inclusive:
 - (A) The place in Canada where I landed was -----
 on -----
 (Month) (Day) (Year)
 - (B) The place in {Canada} from which I entered the United States
 {Mexico} was -----
 - (C) On -----
 (Month) (Day) (Year)
 - (D) The place where I was examined for admission into the
 United States was -----
 - (E) If not examined, state why, and give the circumstances of
 your entry -----
 - (F) The place in {Canada} where I bought my railroad ticket to
 {Mexico} come to the United States was -----
- (If you came to the United States on visit, not to stay, please so state, and give facts)
5. (a) The date of my Declaration (first paper) is -----
 (Month) (Day) (Year)
 - (b) It was made in the ----- Court, located at -----

 (City or town) (County) (State)
6. (a) I am ----- married. My {wife's } name is -----
 {husband's }
 - (b) {She } was born ----- at -----
 {He } (Month) (Day) (Year) (City or town) (Country)
 - (c) And now resides at -----
 (Number and street) (City or town) (State)
 - (d) The date of our marriage was ----- My
 wife arrived in the United States at -----
 on ----- and the name on her steam-
 ship ticket was -----
 (Month) (Day) (Year)

(NOTE.—A certificate of arrival will be furnished for both husband and wife, so that separate requests are unnecessary.)

TO RECONCILE NATURALIZATION PROCEDURE

(e) I have _____ children. (In the following blanks write name, date and place of birth, and residence of each child.)

_____ born _____ day of _____, 19____,
 at _____, resides at _____,
 _____ born _____ day of _____, 19____,
 at _____, resides at _____,
 _____ born _____ day of _____, 19____,
 at _____, resides at _____,
 _____ born _____ day of _____, 19____,
 at _____, resides at _____,
 _____ born _____ day of _____, 19____,
 at _____, resides at _____.

(f) If not now, have you ever been married? _____ Are you divorced? _____

7. The foreign country of which I am now a subject or citizen is _____

8. I can _____ speak English.

9. (a) I have resided continuously in the United States since _____ (Month) _____ (Day) _____ (Year)

(b) I have resided continuously in the State where I now live since _____ (Month) _____ (Day) _____ (Year)

10. I have _____ previously made petition for naturalization (second paper). If so, it was made in the _____ Court of _____ (City or town) _____ (State) on _____ (Month) _____ (Day) _____ (Year) and was not granted because _____

11. If you wish to have your name changed, give full name you desire _____

12. Give names, occupations, and addresses of the two citizens you expect to use as witnesses. (If either witnesses is foreign-born, he must bring proof of citizenship.) These witnesses must have personal knowledge of your residence in the State at least, and of your good character, and must appear with you for examination.

(1st) _____ (Name) _____ (Occupation) _____ (Residence address)

(2d) _____ (Name) _____ (Occupation) _____ (Residence address)

If applicant is a married woman, answer the following:

My husband was _____ naturalized on _____ (Month) _____ (Day) _____ (Year) at _____ (City or town) _____ (State)

13. Sign your full and correct name in your own handwriting _____ Sign name you are now using _____

14. (a) In what place in the United States did you meet for the first time the first witness named? _____ (City or town) _____ (County) _____ (State)

On what date? _____ (Month) _____ (Day) _____ (Year)

(b) How often did you see this witness each month during the five years just before the date of this statement? _____ At what places? _____

15. (a) In what place in the United States did you meet for the first time the second witness named? _____ (City or town) _____ (County) _____ (State)

On what date? _____ (Month) _____ (Day) _____ (Year)

(b) How often did you see this witness each month during the five years just before the date of this statement? _____ At what places? _____

16. (a) Have you been absent from the United States since the day you have before stated for your arrival? _____ If so, state month and year you left _____ Month and year you returned _____ To what country did you go? _____ What was your reason for going? _____

(b) In what places in the United States have you resided since your last arrival? (Also give dates showing beginning and ending of residence.)

Places		Dates	
(City or town)	(State)	From	to
(City or town)	(State)	(Month and year)	(Month and year)
(City or town)	(State)	(Month and year)	(Month and year)
(City or town)	(State)	(Month and year)	(Month and year)
(City or town)	(State)	(Month and year)	(Month and year)
(City or town)	(State)	(Month and year)	(Month and year)

17. What were the names and addresses of your employers during the five years prior to the date of this statement?

(Employer's name)	(Date)	(No. and street)	(City)	(State)
(Employer's name)	(Date)	(No. and street)	(City)	(State)
(Employer's name)	(Date)	(No. and street)	(City)	(State)
(Employer's name)	(Date)	(No. and street)	(City)	(State)

18. Do you understand the principles of government of the United States?

19. Do you fully believe in the form of government of the United States?

20. Have you read the following oath of allegiance?

"I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly to _____ of whom I have heretofore been a subject; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; and that I will bear true faith and allegiance to the same."

Are you willing to take this oath in becoming a citizen?

21. Are you a believer in the practice of polygamy?

Are you a believer in anarchy?

Do you belong to any organization which teaches or advocates anarchy or the overthrow of existing civil government in this country?

22. If necessary, are you willing to take up arms in defense of this country?

23. Did you file a questionnaire with a draft board during the war? If so, answer the following Date filled in _____

Address at that time _____

Address of draft board _____ Board division No. _____

Your order No. _____ Your serial No. _____ Class in which you were placed _____

Division _____ Date of classification _____

Did you claim exemption because you were an alien? _____

For any other reason? _____ Why? _____

24. Have you ever been arrested? _____ Have you ever been charged with a violation of the prohibition law or any other law of the United States, or State, or of any city ordinance? _____ If so, give particulars _____

25. Have you ever been an inmate of an insane asylum? _____ Have you ever been dependent upon public charity? _____

26. Did you yourself fill out this form? _____ If not, who filled out this form for you? _____

I, the undersigned, having carefully read the questions herein, certify on honor that my answers thereto are true.

(Sign name in full) _____

(Applicant)

Date _____, 192__.

(Post-office address) (City) (State)

EXHIBIT IX

(c)

Form A-2214, Boston.

No. 1.

APPLICATION FOR A CERTIFICATE OF ARRIVAL AND PRELIMINARY FORM FOR PETITION FOR CITIZENSHIP, UNITED STATES DEPARTMENT OF LABOR, NATURALIZATION SERVICE

Report on Standard Form 1046, 11st No. --

(For use in searching records of arrival)

RECORDS EXAMINED

RECORD FOUND

Card index.....	Place.....
Index books.....	Name.....
Manifests.....	Date.....
.....	Manner.....

(Signature of person making search)

Use Form 160 in issuing certificate of arrival on this application.

To the applicant: Do not write above this line. Read carefully and follow the instructions on last page hereof.

Take or mail this to District Director of Naturalization, Young's Hotel, Boston, Mass.

Date....., 19....

I hereby apply for a certificate of arrival showing my lawful entry for permanent residence in the United States of America for filing with my petition for citizenship to the.....court at.....

(Name of court) (City or town) (State)

and herein submit a statement of facts to be used as a basis for such petition.

There are inclosed with this application, as required by law and the instructions herein, my declaration of intention (first paper), my original immigrant identification card No. (see statement No. 10), two photographs of me each of which I have signed, and postal money order No. in the sum of \$5, made payable to the order of the "Commissioner of Naturalization, Washington, D. C.," in payment for the certificate of my arrival.

I arrived in the United States at.....

(City or town) (State)

under the name of....., on.....

(Month) (Day) (Year)

on the vessel.....

(If otherwise than by vessel, show manner of arrival)

ADDITIONAL FACTS TO AID IN LOCATING A RECORD OF MY ARRIVAL

1. I have used another name in this country than that given above. (If so) It was..... I used that name because.....
2. The full name of the person shown on my steamship ticket was.....
3. I was born in..... on..... (City or town) (Country) (Month) (Day) (Year).
4. My mother's maiden name was.....
5. (If a married woman) My maiden name was.....
6. My last foreign residence was..... (City or town) (Country)

The place where I took the ship or train which landed me in the United States was.....

(City or town) (Country)

7. The ticket on which I came to this country was bought at..... (City) (Country)

8. (If arrival by ship) name of steamship line was..... first, second, or third cabin..... I arrived as a passenger, stowaway, seaman, member of crew, or otherwise..... (State which, giving particulars)

9. I traveled on (an immigration visa, a passport, or permit to reenter)..... (State which)
10. My original immigrant identification card No. is not attached because.....

11. I paid \$----- head tax at -----
 ----- (City or town) ----- (State or county)
 on -----
 ----- (Month) ----- (Day) ----- (Year)

12. I was ----- examined by United States Immigration officers at -----
 ----- (City or town) ----- (State or county)

13. (If not examined, state why, and give the circumstances of your entry) -----

14. The person in the United States to whom I was coming was -----

15. The place in the United States to which I was going was -----

16. The names of some of the passengers or other persons I traveled with are -----

I have set forth below my answers to the following questions asked of me:

17. Have you been absent from the United States since the date of your arrival as stated on page 1 of this form? -----

If so, state month and year you left -----; month and year you returned -----

To what country did you go? ----- For what reason? -----

Is this the only time you have been out of the United States? -----

If not, give particulars as to other absences -----

18. In what places in the United States have you resided?

----- From ----- to -----
 ----- (City or town) ----- (State) ----- (Month) ----- (Year) ----- (Month) ----- (Year)

----- From ----- to -----
 ----- (City or town) ----- (State) ----- (Month) ----- (Year) ----- (Month) ----- (Year)

----- From ----- to -----
 ----- (City or town) ----- (State) ----- (Month) ----- (Year) ----- (Month) ----- (Year)

19. What were the names and addresses of your employers during the five years immediately prior to the date of this statement?

----- (Employer's name) ----- (Date) ----- (Number and street) ----- (City) ----- (State)

----- (Employer's name) ----- (Date) ----- (Number and street) ----- (City) ----- (State)

----- (Employer's name) ----- (Date) ----- (Number and street) ----- (City) ----- (State)

20. Do you understand the principles of government of the United States? -----

21. Do you fully believe in the form of government of the United States? -----

22. Are you ready to answer questions as to the principles and form of government of the United States? -----

What have you done to prepare yourself for an examination on the Government of the United States? -----

23. Have you read the following oath of allegiance? -----

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to -----, of whom (which) I have heretofore been a subject (or citizen); that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely without any mental reservation or purpose of evasion: So HELP ME GOD.

Are you willing to take this oath in becoming a citizen? -----

24. If necessary, are you willing to take up arms in defense of this country? -----

Did you claim exemption from the draft during the World War because you were an alien? -----

Did you surrender your declaration (first paper) at that time? -----

25. If not now married, have you ever been married? ----- Are you divorced? -----

Are you a believer in the practice of polygamy? -----

26. Are you a believer in anarchy? ----- Do you belong to or are you associated with any organization which teaches or advocates anarchy or the overthrow of existing government in this country? -----

27. Have you ever been an inmate of an insane asylum? -----

28. Have you ever been dependent upon public charity? -----

29. Have you ever been arrested or charged with violation of any law of the United States or State or any city ordinance or traffic regulation? ----- If so, give full particulars -----

30. (a) In what place in the United States did you meet for the first time your first witness named on the opposite page -----

----- (City or town) ----- (State)

How often did you see this witness each month during the five years just before the date of this statement? -----

At what places?-----

(b) In what place in the United States did you meet for the first time your second witness named on the opposite page-----
(City or town) (State)

How often did you see this witness each month during the five years just before the date of this statement?-----

At what places?-----

I certify that all the statements made by me in this application and form are true to the best of my knowledge and belief

(Signature of applicant)

(Address at which applicant receives mail)

No.-----

STATEMENT OF FACTS TO BE USED IN FILING MY PETITION FOR CITIZENSHIP

My name is { Mr. }
 { Mrs. }
 { Miss }-----
(Full true name, without abbreviation, and any other name which has been used, must appear here)

1. My present residence is-----
(Number and street) (City or town) (County) (State)

2. My occupation is-----

3. I was born in-----on-----
(City or town) (County) (Month) (Day) (Year)

My race is-----
(See page 4)

4. I declared my intention to become a citizen (first paper) on-----
(Month)
----- in the----- Court of-----
(Day) (Year)
at-----
(City or town) (State)

5. I am-----married. The name of my wife or husband is-----
----- We were married on-----
(Month) (Day) (Year)
at-----
(City or town) (State or country)

She or he was born at-----on-----
(City or town) (State or country) (Month)
----- arrived in the United States-----
(Day) (Month) (City or town)
on----- for permanent residence, and now
(Month) (Day) (Year)
resides at-----; was-----
(City or town) (State or country)
naturalized on----- at-----
(Month) (Day) (Year) (City or town) (County) (State)
and certificate No.----- issued.

I have-----children, whose names, dates and places of birth, and places of residence are as follows:

Name	Date and place of birth	Now residing at--
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----

6. My last foreign residence was-----
(City or town) (Country)

The place where I took the ship or train which landed me in the United States was-----
(City or town) (Country)

7. The foreign country of which I am now a subject or citizen is-----

8. I can-----speak English.

9. I have resided continuously in the United States since-----
(Month)

(Day) (Year)

I have resided continuously in the county where I now live since-----

(Month) (Day) (Year)
 10. I have-----previously made petition for citizenship (second paper), If
 so, it was No-----, made in the-----
 (Name of court)
 Court at-----on-----
 (City or town) (State) (Month) (Day) (Year)
 and was not granted because-----

(If you wish to have your name changed, give full name you desire-----)

(Give names, occupations, and addresses of two citizens you expect to bring
 with you as witnesses when you appear for examination to file your
 petition. These witnesses must have personal knowledge of your resi-
 dence in the county at least, and of your character and other qualifica-
 tions. A foreign-born witness must bring proof of his citizenship.)

(1st)-----
 (Name) (Occupation)

residing at-----
 I first met this witness on-----
 (Month) (Day) (Year)

(2d)-----
 (Name) (Occupation)

Residing at-----
 I first met this witness on-----
 (Month) (Day) (Year)

I certify that the above statement of facts has been read by me and that
 the statement is true to the best of my knowledge and belief.

 (Signature of applicant)

 (Address at which applicant receives mail)

INSTRUCTIONS TO THE APPLICANT

(Pages 1, 2, and 3 of this form must be completely filled out, preferably on a typewriter)

Immigrant identification card.—Every alien who entered the United States
 for permanent residence on the basis of an immigration visa on or after July
 1, 1928, should be in possession of an immigrant identification card bearing
 a number in red ink. If you arrived on or after the above date, you must
 attach such card to this application, inserting the number thereof in the
 appropriate blank space on the first page of this form. Your identification card
 will be returned to you, after it has served its purpose. If you arrived on or
 after July 1, 1928, and you do not have an immigrant identification card, either
 because it is lost or destroyed, or you did not receive such card, you should
 state the facts in Statement No. 10 on the first page.

Photographs.—You are required to send with this application two photo-
 graphs of yourself taken within thirty days of the date of this application.
 These photographs must be 2½ by 2½ inches in size, must not be pasted on
 a card or mounted in any other way, must be on thin paper, have a light back-
 ground, and clearly show a front view of your face without hat. Snapshots,
 group or full-length portraits will not be accepted. Both of these photographs
 must be signed by you on the margin and not on the face or the clothing.

Money order.—Unless specifically excepted herein, you must secure a United
 States postal money order in the sum of \$5, payable to the order of the "Com-
 missioner of Naturalization, Washington, D. C." This money order, which is
 in payment for the issuance of a certificate of your arrival in the United States
 must be attached to this application when you send or take it to the naturaliza-
 tion officer named on the first page of this form. You are not required to
 send a money order with this application if your declaration of intention (first
 paper) is dated on or after July 1, 1929, or if you are petitioning for citizen-
 ship under a provision of the naturalization law which exempts you from the
 requirement for a declaration of intention and you arrived in the United
 States for permanent residence prior to June 29, 1906.

Date of your arrival.—If you do not know the exact date of your arrival
 in the United States, or the name of the vessel or port, and you can not
 secure this information by consulting your family or friends who came over
 with you, give the facts of your arrival as you remember them in the appro-
 priate blank spaces on the first page of this form. If you have a passport,
 ship's card, or baggage labels, they may help you to answer these questions.

Race and nationality.—In furnishing information as to your race in Statement No. 3, page 3, "race" is to be determined from the original stock or blood of your ancestors and the language you speak, as distinguished from "nationality," which means the country of which you are a citizen or subject. For instance, a person may be of French blood or stock but owe allegiance to Great Britain. In that case "race" would be French and "nationality" British. For your information there follows a partial list of races or peoples:

African (black):	Greek.	Ruthenian (Rusniak).
Albanian.	Hebrew.	Scandinavian (Norwegians, Danes, and Swedes).
Armenian.	Herzegovinian.	Scotch.
Belgian.	Irish.	Servian.
Bohemian.	Italian (North).	Slovak.
Bosnian.	Italian (South).	Slovenian.
Bulgarian.	Japanese.	Spanish.
Chinese.	Korean.	Spanish American.
Croatian.	Latvian.	Swiss.
Cuban.	Lithuanian.	Syrian.
Dalmatian.	Hungary.	Turkish.
Dutch.	Mexican.	Ukrainian.
East Indian.	Montenegrin.	Welsh.
English.	Moravian.	West Indian (other than Cuban.)
Filipino.	Pacific Islander.	
Finnish.	Polish.	
Flemish.	Portuguese.	
French.	Rumanian.	
German.	Russian.	

The term "Cuban" refers to the Cuban people (not Negroes); "West Indian" refers to the people of the West Indies other than either Cubans or Negroes; "African (black)" refers to the African Negro, whether coming from Cuba or other islands of the West Indies, North or South America, Europe, or Africa. Any alien with admixture of blood of the African Negro will be classified under this heading. "Italian (North)" refers to people who are native to the basin of the River Po in northern Italy (i. e., Departments of Piedmont, Lombardy, Venetia, and Emella) and their descendants, regardless of place of last foreign residence. "Italian (South)" refers to people who are native to that portion of Italy south of the basin of the River Po (i. e., Departments of Liguria, Tuscany, the Marches, Umbria, Rome, the Abruzzi and Molise, Campania, Apulia, Basilicata, Calabria, Sicily, and Sardinia) and their descendants, regardless of place of last foreign residence.

RESULT OF EXAMINATION

(To the applicant: Do not write on these lines)

 Examiner-----

EXHIBIT X

State constitutions with provisions exempting from military duty persons whose conscientious scruples forbid them to bear arms

Alabama-----	1810	Maine-----	1819
Arkansas-----	1868	Maryland-----	1864
Colorado-----	1876	Michigan-----	1850
Florida-----	1868	Mississippi-----	1817
Idaho-----	1889	Missouri-----	{ 1820
Illinois-----	{ 1818	New Hampshire-----	{ 1865
Indiana-----	1870	New York-----	1792
Iowa-----	1816	North Carolina-----	{ 1821
Kansas-----	1846	Pennsylvania-----	{ 1846
Kentucky-----	1857	South Carolina-----	1868
Louisiana-----	1855	Vermont-----	1876
	1857		1790
	1792		1888
	1799		1895
	1879		1793
	1898		

EXHIBIT XI

BILL TO PERMIT OATH OF ALLEGIANCE

Mr. GRIFFIN. Mr. Chairman, I would like to supplement my remarks by putting in at this point an extract from the selective act of May 18, 1917, under which the Vice President of the United States, the officers, legislative, executive, and judicial, of the United States and of the several States, Territories, and the District of Columbia, regular or duly ordained ministers of religion, students who at the time of the approval of this act are preparing for the ministry in recognized theological or divinity schools, and all persons in the military and naval service of the United States shall be exempt from the selective draft herein prescribed; and nothing in this act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well-organized religious sect or organization at present organized and existing and whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organizations, but no person so exempted shall be exempted from service in any capacity that the President shall declare to be noncombatant; and the President is hereby authorized to exclude or discharge from said selective draft and from the draft under the second paragraph of section 1 hereof or to draft for partial military service only from those liable to draft, as in this act provided, persons of the following classes:

" COUNTY AND MUNICIPAL OFFICIALS

" CUSTOMHOUSE CLERKS

" Persons employed by the United States in the transmission of mails.

" Artificers and workmen employed in the armories, arsenals, and navy yards of the United States, and such other persons employed in the service of the United States as the President may designate.

" PILOTS

" Mariners actually employed in the sea service of any citizen or merchant within the United States.

" Persons engaged in industries, including agriculture, found to be necessary to the maintenance of the Military Establishment, or for the effective operation of the military forces or the maintenance of national interest during the emergency.

" Those in a status with respect to persons dependent upon them for support which renders their exclusion or discharge advisable. Those found to be physically or morally deficient."

The CHAIRMAN. That is a law or regulations laid down in the preparation of an army for an emergency and it deals primarily with the citizens of the United States. This other matter is dealing with people who seek to become citizens. You can not apply one to the other.

Mr. GRIFFIN. This shows how the Government in time of war confronts this problem as to the kind and character or nature of the services which are expected.

The CHAIRMAN. Certainly; that is perfectly proper. That is a matter of regulation at the time that the war occurs, and is not to be considered at the time that a person presents himself or herself for naturalization.

EXHIBIT XII

DAVIS, POLK, WARDWELL, GARDINER & REED,
New York, January 25, 1932.

Hon. ANTHONY J. GRIFFIN,
House of Representatives, Washington D. C.

MY DEAR Mr. GRIFFIN: I have been informed by the secretary of the Griffin bill committee that a hearing on your bill amending the naturalization act will be held before the Committee on Immigration and Naturalization on Tuesday of the coming week. I regret not to be able to be present.

The opinion of the Supreme Court in *United States v. Schwimmer* in May, 1929, particularly Mr. Justice Holmes's dissent, invited my interest. It seemed to me that the Department of Labor, in asking an applicant for citizenship minute and hypothetical questions concerning what he would or would not do in a war, had exceeded the authority given it by Congress in the naturalization act. To ask an applicant, be the applicant a crippled man or an old woman, whether he or she would be willing to bear arms exemplified the dangers of bureaucracy.

In June, 1929, Douglas Clyde Macintosh, a professor of theology at Yale University, of the age of 52 years, was denied citizenship by the District Court of Connecticut because of his unwillingness to promise to bear arms in each and every war that this country might engage in. The decision impressed me as an unfortunate extension of the decision in the case of *United States v. Schwimmer*. The principle at stake I considered particularly vital and, accordingly, together with my partner, Allen Wardwell, volunteered to appeal the case.

As you know, the Court of Appeals of the Second Circuit (Judges Manton, Learned, Hand, and Swan sitting) unanimously reversed the district court. But the Supreme Court in turn reversed the court of appeals by a five to four decision in which Mr. Chief Justice Hughes and Justices Brandeis, Holmes, and Stone dissented.

In our brief and argument before the Supreme Court we urged that Congress had not in terms demanded of every applicant an unconditional promise in advance to bear arms in any and every war even against the applicant's conscientious scruples. We pointed out that though Congress had at various times specifically legislated on the admissibility of certain aliens, it had never provided that aliens with conscientious scruples could not become American citizens. We argued that Congress in enacting the provision that an alien must take an oath of allegiance, which in substance is similar to that administered to all public officials of the United States, except the President, did not intend to preclude a person with conscientious scruples against bearing arms from honestly and legally swearing thereto.

And we substantiated our contention that Congress could not have meant to exclude from citizenship persons with conscientious scruples who otherwise met the qualifications, by showing that Congress throughout the history of our country has zealously sought to protect such persons. In every militia, conscription, and draft act hitherto passed, Congress has explicitly granted such protection. In addition, we brought to the court's attention that the colonial legislation, many of the State constitutions and militia acts have and do defend conscientious scruples.

Accordingly we urged that Congress, cognizant of this legislative tradition, did not intend by the general provisions of the act to render inadmissible aliens with conscientious scruples. It was not our direct contention that Congress could not legislate to force people with conscientious scruples to bear arms, but that Congress had not thus far so legislated. Without such legislation the Bureau of Naturalization was not justified in recommending the exclusion of an intelligent alien, desirous of American citizenship, on account of his answers to a series of questions, fantastic and irrelevant.

True, the majority of the court decided otherwise. Our contentions, however, were fully grasped and forcefully and lucidly presented by Mr. Chief Justice Hughes. In his opinion he states:

"I am unable to agree with the judgment in this case. It is important to note the precise question to be determined. It is solely one of law, as there is no controversy as to the facts. The question is not whether naturalization is a privilege to be granted or withheld. That it is such a privilege is undisputed. Nor whether the Congress has the power to fix the conditions upon which the privilege is granted. That power is assumed. Nor whether the Congress may in its discretion compel service in the Army in time of war or punish the refusal to serve. That power is not here in dispute. Nor is the question one of the authority of Congress to exact a promise to bear arms as a condition of its grant of naturalization. That authority, for the present purpose, may also be assumed.

"The question before the court is the narrower one, whether the Congress has exacted such a promise. That the Congress has not made such an express requirement is apparent. The question is whether that exaction is to be implied from certain general words which do not, as it seems to me, either literally or historically, demand the implication. I think that the requirement should not be implied, because such a construction is directly opposed to the spirit of

our institutions and to the historic practice of the Congress. It must be conceded that departmental zeal may not be permitted to outrun the authority conferred by statute. If such a promise is to be demanded, contrary to principles which have been respected as fundamental, the Congress should exact it in unequivocal terms; and we should not, by judicial decision, attempt to perform what, as I see it, is a legislative function."

With this statement I heartily agree. And since the law as interpreted by the majority of the Supreme Court seems to me to run counter to the history and ideals of America, I lend my hearty good wishes and support to your efforts.

Judicial channels exhausted, it now becomes the function of Congress to legislate definitely on the question if it is not in fact its will to exclude from citizenship persons of high and unusual caliber merely because of their conscientious scruples.

Yours very truly,

JOHN W. DAVIS.

EXHIBIT XIII

CHURCH ORGANIZATIONS FAVORING H. R. 297 AND A FEW LETTERS OF THE MANY RECEIVED

CHURCH ASSOCIATIONS

Grace Community, Aaron Allen Helst, pastor, 210 West Thirteenth Avenue, Denver, Colo.

Federal Council of Churches, Dr. Sam Cavert, 105 East Twenty-second Street, New York City.

Church of the Brethren Publishing House (Dunkards), Dr. Paul Bowman, Elgin, Ill.

Salem Evangelical, Rev. H. J. Hahn, Buffalo, N. Y.

Riverside Church, Dr. Harry Emerson Fosdick, Riverside Drive and One hundred and twenty-second Street, New York City.

Union Theological Seminary, Henry S. Coffin, Broadway and One hundred and twentieth Street, New York City.

FRIENDS

American Friends Service Committee, Ray Newton, peace section, 20 South Twelfth Street, Philadelphia, Pa.

Peace Committee, Pasadena monthly meeting of Friends, Lydia C. Vail, 411 Kensington Place, Pasadena, Calif.

Committee on Peace and Service, Philadelphia yearly meeting of Friends, Fifteenth and Race Streets, Philadelphia, Pa.

Grace D. Watson, chairman; Arabella Carter, 1515 Cherry Street, Philadelphia, Pa.

Religious Society of Friends, William B. Harvey, secretary, 304 Arch Street, Philadelphia, Pa.

Friends Church, western yearly meeting, Richard R. Newby, superintendent, Plainfield, Ind.

Religious Society of Friends, Eleanor Taber, clerk, 144 East Twentieth Street, New York City.

West Grove quarterly meeting of western yearly meeting of Friends, Sheridan, Ind.

Western yearly meeting of Friends Church, Indianapolis, Ind.

Sand Creek quarterly meeting of Friends Church, Elizabethtown, Ind.

Western yearly meeting of Friends Church, Plainfield, Ind.

West Milton monthly meeting of friends, West Milton, Ohio.

Cherokee quarterly meeting of the Society of Friends, Cherokee, Okla.

Monclair monthly meeting of the Religious Society of Friends, Monclair, N. J.

North New Jersey Friends Branch of the Women's International League, Plainfield, N. J.

Woodbury monthly meeting of Friends, Woodbury, N. J.

Rahway monthly meeting of Religious Society of Friends, Rahway, N. J.

New York yearly meeting of Religious Society of Friends, New York, N. Y.

Western quarterly meeting of Society of Friends of London Grove, Pa., London Grove, Pa.

COMMISSION ON INTERNATIONAL JUSTICE AND GOODWILL,
New York, N. Y., May 26, 1930.

HON. ANTHONY J. GRIFFIN,
House Office Building, Washington, D. C.

MY DEAR MR. GRIFFIN: I have the honor to convey for your information the following action taken on Friday, May 23, 1930, by the administrative committee of the Federal Council of the Churches of Christ in America.

Respectfully yours,

SIDNEY L. GULICK, *Secretary.*

"In view of certain recent judicial decisions which raise fundamental questions as to the justice of our present naturalization laws, we desire to put on record the following convictions:

"We hold that our country is benefitted by having as citizens those who unswervingly follow the dictates of their consciences and who put allegiance to God above every other consideration, and that a policy of denial of naturalization to aliens of such character is contrary to the ideals of a nation into whose very structure the principle of political and religious liberty has been built.

"If the present naturalization law does, under fair interpretation, require the exclusion from citizenship of applicants who put allegiance to God above every other consideration, we believe that the law should be amended."

NATIONAL COMMITTEE ON THE CHURCHES AND WORLD PEACE,
New York, N. Y., March 8, 1930.

Mme. ROSIKA SCHWIMMER,
New York, N. Y.

MY DEAR MADemoisELLE SCHWIMMER: The Third National Study Conference on the Churches and World Peace, made up of the representatives of 37 communions and allied religious organizations, was held in Evanston, Ill., February 25 to 27.

The message adopted by the conference contained a paragraph bearing on the question of the right of conscientious objectors to become citizens. I am inclosing a copy of that part of the message, and I am sending it to you at the specific request of the conference itself.

The language of this resolution is in substance that of the statement adopted by the Federal Council of the Churches at its executive committee meeting in Chicago last December.

Many of us feel that no more significant problem faces America at this time than that involved in this issue.

Sincerely yours,

WALTER W. VAN KIRK, *Secretary.*

FROM THE MESSAGE ADOPTED AT THE THIRD NATIONAL STUDY CONFERENCE ON THE CHURCHES AND WORLD PEACE

We believe the United States should welcome as citizens all applicants for citizenship otherwise qualified who conscientiously seek to follow the highest ideals, including those who have, in their own hearts, renounced war as an instrument of dealing with others. We urge that the statutes relating to the naturalization of aliens be amended to this end and be brought into harmony with the spirit and intent of the pact by which the nations have renounced war as an instrument of national policy.

HON. ALBERT JOHNSON,
Chairman House Committee on Immigration and Naturalization,
Washington, D. C.

DEAR SIR: West Grove quarterly meeting of Western Yearly Meeting of Friends, in session April 26, 1930, is united in expressing its unqualified approval of the Griffin bill and urgently requests your favorable action on it.

Signed, by direction of West Grove quarterly meeting, Sheridan, Ind.,

MARVIN H. FOULKE, *Clerk.*

SHERIDAN, IND., April 29, 1930.

HON. ANTHONY J. GRIFFIN:

Inclosed is a copy of a communication addressed to the House Committee on Immigration and Naturalization and sent to the Griffin bill committee for its presentation.

If you can make any use of this expression the quarterly meeting will be very glad.

Your bill and your effort in behalf of improved naturalization laws is keenly appreciated.

In behalf of West Grove Quarterly Meeting.

Sincerely yours,

MARVIN H. FOULKE, Clerk.

WESTERN YEARLY MEETING OF FRIENDS CHURCH,
Indianapolis, Ind., March 11, 1930.

Representative ANTHONY J. GRIFFIN,
House of Representatives, Washington, D. C.

DEAR SIR: I understand that you have introduced a bill to amend by statute the recent judge made law that persons conscientiously opposed to bearing arms are ineligible to citizenship in the United States. All with whom I have spoken are of opinion that the recent decision of the Supreme Court in the Schwimmer case is most unfortunate at this time when the Kellogg pact has become the supreme law of the land.

Inclosed is a copy of a resolution passed at the 1929 session of the Western Yearly Meeting of Friends Church. This puts the Friends of western Indiana, eastern Illinois, and Michigan on record as to the inequity of the exclusion of persons from citizenship on the sole grounds that they are Christian pacifists and conscientious enough to state their belief.

The principle at stake is that of liberty of religion and of conscience. In spirit, if not in words, the Constitution of the United States was framed to protect such liberty. The group of decisions of which that in the Schwimmer case leads, is not based on express terms of the Constitution, but on the traditional right of a State to require military service. Justice Holmes dissenting opinion is more in harmony with the spirit of the Constitution than is the majority of the court.

Friends of this vicinity, therefore, heartily appreciate your action in introducing this bill, and hope you will be able to secure a favorable report and eventual passage.

Sincerely,

FRANK H. STREIGHTOFF,
Secretary Committee on Peace.

Be it resolved that Western Yearly Meeting of Friends Church express the following concern:

Western Yearly Meeting of Friends notes with deep concern the decisions of the United States Supreme Court and various other courts rejecting applicants for citizenship who refuse to bear arms in defense of, and offense for, the United States. We are concerned at the absurdity of an oath, to defend by means of arms, taken on the Bible which explicitly teaches, "Thou shall not kill." We hold that this is a vital infringement on the Christian freedom of conscience and on the United States Constitution which grants freedom of religious belief. This same spirit is often in evidence when passports to other countries are requested by our people.

This attitude has never been necessary in the past, and we feel it is an outgrowth of a military policy which seeks the removal of civil liberty in our country.

As Christian citizens who are interested in the welfare of our country, we urge the cooperation of our Representatives, Senators, and judges in counteracting this subtle policy. We will do all in our power to bring about this more Christian attitude, and to appoint as our public representatives those who are so minded: Be it further

Resolved, That copies of this concern be sent to Senators and Representatives of Indiana and Illinois.

ELIZABETHTOWN, IND., April 26, 1930.

ANTHONY J. GRIFFIN,
House Office Bldg., Washington, D. C.

HON. ANTHONY J. GRIFFIN: As clerk of Sand Creek Quarterly Meeting of the Friends' Church, I have been directed by the meeting in session April 19, 1930, to write you indorsing the actions taken by you, concerning the naturalization and immigration bill you are sponsoring.

I have been directed also to write to the House Committee concerning it; this I have done, assuring them of our hearty approval of such a bill.

Wishing you the greatest success in your proceedings, I am,

Sincerely,

LIZZIE M. COX, Clerk.

WESTERN YEARLY MEETING OF FRIENDS CHURCH,
May 1, 1930.

HON. ANTHONY J. GRIFFIN:
House of Representatives, Washington, D. C.

MY DEAR MR. GRIFFIN: This is to again express to you my appreciation for the Griffn bill to amend the naturalization laws. Also to inform you that I am again addressing the House Committee on Immigration and Naturalization in care of the Griffn bill committee, New York City, and that church groups are doing likewise.

Your effort in behalf of your bill as well as the bill itself is very much appreciated by Friends.

With best wishes.

Very sincerely yours,

R. R. NEWBY,
General Superintendent.

WEST MILTON OHIO, March 18, 1930.

HON. ANTHONY J. GRIFFIN:
House of Representatives, Washington, D. C.

DEAR SIR: Believing in the ideals of civil and religious liberty upon which our nation was founded, we support the principle that the refusal of the promise to bear arms because of a supreme loyalty to God shall not be a bar to citizenship in the United States.

We therefore desire the passage of the bill introduced by you in the House of Representatives.

Signed in behalf of West Milton Monthly Meeting of Friends held March 12, 1930.

E. J. PEARSON, *Presiding Clerk.*
MRS. MINNIE SCHATZLEY, *Recording Clerk.*

CHRISTIAN ENDEAVOR UNION,
Oherokee, Okla., March 14, 1930.

ANTHONY J. GRIFFIN,
Congressman, Washington, D. C.

HONORED SIR: The Christian Endeavorers of the Cherokee quarterly meeting of the Society of Friends, assembled in meeting at Alva, Okla., Sunday, March 2, draft the following resolution:

We take this opportunity to express to you our most hearty indorsement of the House bill introduced by you before the House of Representatives, the purpose of which is to allow a man or a woman to become a citizen regardless of his or her religious views or opinions with respect to the lawfulness of war. May you be assured that in the presentation of this bill you are supported by this group unanimously.

Trusting for the passage of this highly important measure, we are,

Respectfully yours,

L. HERBERT REYNOLDS,
Superintendent Department of Peace.

BOARD OF RELIGIOUS EDUCATION, CHURCH OF THE BROTHERS,

*Elgin, Ill., April 17, 1930.*GRIFFIN BILL COMMITTEE,
New York City, N. Y.

DEAR SIR: The peace department of the Church of the Brethren, representing the peace sentiments of over 183,000 peace-loving people, heartily endorses the Griffin bill to amend our naturalization laws. We believe that no person who is mentally and morally qualified for citizenship should be denied it on account of religious convictions. You may use my name, and we assure you of our whole-hearted support.

Sincerely yours,

RUFUS D. BOWMAN,
General Secretary.

BOARD OF RELIGIOUS EDUCATION, CHURCH OF THE BROTHERS,

*Elgin, Ill., May 1, 1930.*GRIFFIN BILL COMMITTEE,
New York City, N. Y.

GENTLEMEN: The Board of Religious Education of the Church of the Brethren, which includes the peace department of said church and represents the sentiments of 183,000 peace-loving people, heartily indorses the Griffin bill which purposes to admit to citizenship those who are morally and spiritually qualified regardless of conscientious objections to war.

This bill is right and has the indorsement of our people. We urge the House Committee on Immigration and Naturalization to give it a favorable recommendation. Its passage by Congress will be in the interests of the highest welfare of our country.

Yours very truly,

RUFUS D. BOWMAN,
General Secretary.

ASSOCIATIONS INDORSING H. R. 297 AND H. R. 298

RELIGIOUS

The Covenant Club of the First Unitarian Church, Woburn, Mass.
American Unitarian Association, 25 Beacon Street, Boston, Mass. (Passed resolution October 22, 1931.)

HUMANITARIAN

The Centenarian Club, Judge Henry Nell, founder, East Aurora, N. Y.
Fellowship of Reconciliation, J. Nevin Sayre, Bible House, Astor Place, New York City.
Immigrants Protective League, Mrs. Keneth F. Rich, 824 South Halsted Street, Chicago, Ill.
American Civil Liberties Union, Roger N. Baldwin, director, 100 Fifth Avenue, New York City.
League for American Citizenship, Harold Field, executive director, 122 East Forty-second Street, New York City.

PEACE

National Council for Prevention of War, Frederick J. Libby, executive secretary, 532 Seventeenth Street NW., Washington, D. C.

WOMEN'S

International League for Peace and Freedom, Mrs. Mildred Scott Olmsted, executive secretary, 1525 Locust Street, Philadelphia, Pa.
Women's Peace Society, Annie E. Gray, executive secretary, 20 Vesey Street, New York City.
International League for Peace and Freedom, Laura King, executive secretary, 150 Fifth Avenue, New York City.
Women's International League for Peace and Freedom, Emily G. Balch, superintendent, 130 Prince Street, Jamaica Plain, Mass.

Women's International League for Peace and Freedom, Dorothy Detzer, executive secretary, 8 Jackson Place NW., Washington, D. C.

League of Women Voters, Sally Peters, 60 West Sixty-seventh Street, New York City.

Griffin Bill Committee, 1122 Nineteenth Street, New York City.

Women's Peace Union, Caroline Lexow Babcock (for the working committee), 89 Pearl Street, New York City.

Young Women's Christian Association, New York City.

Young Women's Christian Association, Washington, D. C.

NEWSPAPERS FAVORING H. R. 207

The Day, Marlon Weinstein, editor English section (national Jewish daily), 183 Broadway, New York City; New Republic, Bruce Bliven, 422 West Twenty-second Street, New York City; the Survey, Paul U. Kellogg, 112 East Nineteenth Street, New York City; Labor, Washington, D. C.; Christian Science Monitor, Boston, Mass.; Washington Star, Washington, D. C.; Christian Century, Chicago, Ill.; Washington News, Washington, D. C.; Nation, Oswald Garrison Villard, New York City; Baltimore Sun, Baltimore, Md. (two editorials); New York American, New York City; Hearst chain of papers; New York World, New York City; New York Telegram, New York City; Brooklyn Times, Brooklyn, N. Y.; Milwaukee Leader, Milwaukee, Wis.; Milwaukee Journal, Milwaukee, Wis.; Philadelphia Record, Philadelphia, Pa.; Portland News, Portland, Me.; Worcester Gazette, Worcester, Mass.; Waterbury Republican, Waterbury, Conn.; the Arbitrator, 114 East Thirty-first Street, New York City.

TELEGRAMS, LETTERS, AND STATEMENTS INDORSING H. R. 207

The CHAIRMAN. When you get them just submit them. I think there will be no trouble at all.

Telegrams and letters submitted indorsing H. R. 207 to be included in hearings selected out of many hundreds.

TELEGRAMS

1. William Walker Rockwell, chairman of Commission on International Relations. Appointed by National Council of Congregational Churches at meeting held in Detroit, June, 1929, to record indorsement of H. R. 207 by said meeting.

LETTERS

1. James T. Shotwell, director Endowment for International Peace, 405 West One hundred and seventeenth Street, New York City.

2 and 3. Henry S. Coffin, president Union Theological Seminary, Broadway and One hundred and twentieth Street, New York City.

4. Dr. Harry Emerson Fosdick, Riverside Church, Riverside Drive, One hundred and twenty-second Street, New York City.

5. Guy Franklin Hershberger, professor of history, Goshen College, representing the Mennonites.

6. Right Rev. G. Ashton Oldham, chairman the Churches and World Peace, 105 East Twenty-second Street, New York City.

7. H. O. Miles, Earlham College, Richmond, Ind.

8. William Dennis, president Earlham College, Richmond, Ind.; also copy of letter to Chairman Johnson.

9. Rev. Charles S. Macfarland, general secretary Federal Council, Churches of Christ in America, 105 East Twenty-second Street, New York City.

10. Ferdinanda W. Reed, 520 West One hundred and fourteenth Street, New York City.

11. G. W. Knoblauch, 27 West Forty-fourth Street, New York City.

12. Anna E. Gray, executive secretary Women's Peace Society, 20 Vesey Street, New York City.

13. Frank H. Stierghtoff, Plainfield Quarterly Meeting Friends, 738 East Thirty-third Street, Indianapolis, Ind.; also copy let to committee.

14. Mr. Harold Fields, League for American Citizenship (Inc.), One hundred and twenty-second East Forty-second Street, New York City.

15. Mr. Harry F. Ward, chairman American Civil Liberties Union, 100 Fifth Avenue, New York City.

[Telegram]

NEW YORK, N. Y., May 8, 1930.

Hon. ANTHONY J. GRIFFIN, M. C.,
House of Representatives, Washington, D. C.

As chairman of the commission on international relations appointed by the national council of the Congregational Churches at its biennial meeting held in Detroit last June, please record me at to-day's hearing as heartily in favor of the passage of the bill, H. R. 8547, to amend the naturalization law. In view of the Kellogg pact which outlaws war, and as a treaty is part of the supreme law of this land, it is illogical to deny naturalization to persons otherwise qualified who deny the lawfulness of war as a means of settling international disputes.

The case of Prof. Douglas Slyde Macintosh, of Yale, particularly interests members of our commission. I take pleasure in quoting the following sentence from a letter concerning the Macintosh case written to me by Rev. William D. Gilroy, D. D., editor of our denominational organ, the Congregationalist:

"To refuse citizenship to such a man seems to many citizens to put a premium upon brute force and a compliant compromising spirit rather than upon the moral and spiritual qualities that ultimately determine the only allegiance that is vital and worth while. If the bearing of arms is to be the only or chief ultimate qualification for citizenship, it would seem to be that the country adopting that principle would be a militarist state rather than a democracy."

In a very prominent place in its issue of September 28 the Congregationalist took an unambiguous position in this matter by printing a long article by Edwin D. Mead, entitled "Is Fighting the Test of Patriotism," which I respectfully suggest you will read by title into the proceedings of to-day's hearing. A copy of the text will follow by letter.

WILLIAM WALKER ROCKWELL.

COLUMBIA UNIVERSITY,
New York, January 21, 1932.

Mr. ALFRED LIEF,
New York, N. Y.

DEAR MR. LIEF: I have your letter of January 20 requesting me to express my opinion regarding H. R. 297 introduced by Hon. Anthony J. Griffin, Member of the House of Representatives from New York.

Chief Justice Hughes in his dissenting opinion in *United States v. Macintosh* (51 Sup. Ct. 570, 577) pointed out that there are other and most important methods of defense, even in time of war, apart from the personal bearing of arms. We have but to consider the defense given to our country in the late war, both in industry and in the field, by workers of all sorts, by engineers, nurses, doctors, and chaplains, to realize that there is opportunity even at such a time for essential service in the activities of defense which do not require the overriding of religious scruples. Many of our most honored citizens in the past have been willing to suffer imprisonment or even death rather than make a promise to obey a law believed to be in conflict with religious duty. We know in particular that a promise to engage in war by bearing arms, or thus to engage in a war believed to be unjust, would be contrary to the tenets of religious groups among our citizens who are of patriotic purpose and exemplary conduct. It has never been concluded that the general oath of office which is in substantially the same terms as the naturalization oath, is to be interpreted as disregarding the religious scruples of these citizens. Such an interpretation is repugnant to the fundamental principle of representative government.

Agreements for the renunciation of war presuppose a preponderant public sentiment against wars of aggression. The mere holding of religious or conscientious scruples against all wars should not disqualify a citizen from holding office in this country, or an applicant otherwise qualified from being admitted to citizenship. There would seem to be no reason why a reservation of religious or conscientious objection to participation in wars believed to be unjust should constitute such a disqualification.

It seems sufficient to me to express my approval of the purposes of the Griffin bill by the foregoing paraphrase written by Chief Justice Hughes.

Very truly yours,

JOHN HANNA.

COLUMBIA UNIVERSITY SCHOOL OF LAW,
New York, January 24, 1932.

GRIFFIN BILL COMMITTEE.

GENTLEMEN: I am happy to indorse the Griffin bill (H. R. 297), amending the naturalization laws so as to permit citizenship to be conferred on persons who are opposed, for religious or philosophical reasons, to the resort to war for the settlement of international disputes. I have never been able to understand why a Nation which has renounced war as an instrument of national policy should deny applicants to citizenship the privilege of holding similar views. It is no more unpatriotic for an applicant for citizenship to be opposed to the institution of war than for the Nation to enter a solemn pact renouncing war as a method of solving international disputes. As your memorandum points out, this bill does not remit or exempt the applicant after his admission to citizenship of any of the duties of a native-born citizen; it merely recognizes the liberty of conscience and freedom of thought of those living in this country, whether or not born here. Not only is there nothing in the Constitution which is opposed to this legislation but, on the contrary, the Griffin bill is in entire accord with the spirit of our institutions and the basic precepts of our constitutional system. Even those who are opposing this bill for misguided notions of patriotism will concede that liberty of conscience and freedom of thought are bulwark of our Federal Constitution. And as Justice Holmes has pointed out, "If there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought—not free thought for those who agree with us but freedom for the thoughts we hate." One will search the Constitution in vain for any provision justifying the denial in times of peace to applicants to citizenship the liberty of conscience and the freedom of thought which is guaranteed native-born citizens. Real patriotism calls for tolerance and understanding, not repression or compulsion. I do not believe that the foundations of the Republic would have been at all shaken if citizenship had been granted Madame Schwimmer, Doctor Macintosh, and Miss Bland, people whom Justice Holmes called "obviously more than ordinarily desirable."

In the interest of justice and fair play, the Griffin bill should be enacted to remove the present discrimination between applicants for citizenship and native-born citizens.

Sincerely yours,

MILTON HANDLER,
Assistant Professor of Law.

FREE SYNAGOGUE,
New York, January 23, 1932.

HON. ANTHONY J. GRIFFIN,
Washington, D. C.

MY DEAR MR. GRIFFIN: I should have been very glad to have accepted your invitation to appear at the hearing on Tuesday, January 26, but I could not. I favor the bill and I would just as strongly as possible have urged the committee to give its approval to it. But the date you name makes it impossible for me to appear before the committee.

It is the privilege of the Committee on Immigration and Naturalization to mend the anomalous situation in which our country finds itself at present. We aspire to be the peace leaders of the world, while we exclude such high-minded, distinguished applicants for citizenship as Madame Rosika Schwimmer and Prof. Douglas Clyde Macintosh. I hope the committee will give a favorable report on the bill to the House.

With the repeated expression of regret that I can not personally testify at your hearing how strongly I believe in the necessity of passing your bill,

Sincerely yours,

STEPHEN S. WISE.

CAMBRIDGE, MASS., January 23, 1932.

HON. SAMUEL DICKINSTEIN,
House of Representatives Office Building,
Washington, D. C.

DEAR SIR: We ask you and your Committee on Immigration and Naturalization to consider the Griffin bills H. R. 297, 298, for just what they are. Your

fellow legislator, Mr. Griffin, himself no pacifist, but moved by a sense of justice, states clearly that his aim is to preclude the heckling that characterizes naturalization offices since the Bureau of Immigration (without legal authority or moral right undertook to test intending citizens by an examination of their views about war.

Mr. Griffin and we, his backers, stand behind a policy of adequate national defense. War as a national policy has been renounced by our Nation. Therefore there is no issue on that score between us and our opponents. What we as patriots protest against is the disposition of extreme militarists to mire our bill in terms of war.

Whatever the motives behind our opponents, their activities are destructive of liberty of conscience and freedom of speech, of the very spirit which brought our Nation to birth. If your committee is swayed by their arguments, and use their responsible office as the vehicle of interest and blind fear, they are inevitably helping to Bolshevize this country, putting a premium on the Bolshevistic methods for which our opponents are notorious; appeal to partisan interest; propaganda through rigidly-controlled channels (as are many of the so-called patriotic societies); and espionage through surreptitious "reports" and blacklists.

Receive us, not as our opponents would persuade you, but as sincere patriots, defenders of the high traditions of our country, to the preservation of which we devote ourselves.

Very respectfully,

THE NATIONAL GRIFFIN BILL COMMITTEE,
By HELEN TUFTER BAILIE,
Chairman Boston Griffin Bill Committee.

THE NATION,
New York, January 20, 1932.

Congressman ANTHONY J. GRIFFIN, *Washington, D. C.*

MY DEAR SIR: I heartily support your bill to amend the naturalization laws making impossible the barring of any citizen by reason of his or her opinions as to the lawfulness of war. I have been a publicist dealing with events on the American political scene for more than 34 years, and I do not think there is anything more vital than freedom of thought and freedom of conscience. Those are the rocks upon which the founders of this country built our Government. If those are taken out, whether by a decision of the Supreme Court or by legislation in any way, it will be the beginning of the undermining of the entire structure and will open the way of Fascism or a dictatorship, or to any other form of the development of the move toward autocratic government which seems everywhere to be the result of the war to safeguard democracy.

The idea that people in taking the oath of citizenship should be asked to bind their consciences and pledge their honor to an unhonorable course of action is to me as wicked as it is preposterous. Freedom of conscience and belief were the cause of the Pilgrims coming to America. If we are to continue in laying down the principle that it shall be my country right or wrong, then the Pilgrim Fathers and the founders of this country were all wrong, their philosophy false, and their sacrifices in vain.

Sincerely yours,

ISADOR GARRISON VILLARD, *Editor.*

LEVERETT HOUSE, F-41,
Cambridge, Mass., January 18, 1932.

DEAR MR. GRIFFIN: I was very glad to learn that a bill is being advocated that aims to correct the disgraceful condition whereby aliens are, at present, in order to become citizens, forced to violate the spirit of the Kellogg pact, which, of course, has taken its high place in the supreme law of our land.

Doesn't it seem a little contradictory that the jingoists should not only trample under foot the constitutional freedom of conscience provisions, but also refuse citizenship to any alien who agrees to guide his conduct entirely in harmony with the Briand-Kellogg treaty?

In order to avoid disgraces like the Macintosh case, I hope, with all my heart, that the Griffin bill will pass.

Yours sincerely,

CHARLES H. WELLMAN.

STATEMENT RE GRIFFIN BILL

PARIS, January 15, 1932.

It is time for our Congress to take back into its own hands the regulation of all the requirements for granting American citizenship. The Naturalization Bureau of the Department of Labor went far beyond the good tradition of our honorable past when it invented the series of questions designed to probe the opinions and beliefs of would-be citizens and debar all who are not militarists. War-time hysteria ought to have ended by this time and pacifist belief become honorable again.

Let us end the power of the Labor Department's bureau of inquisition.

LOLA MAVERICK LLOYD.

STATEMENT OF EMILY MARK

I appear before this committee, not as a woman, but as an attorney who is vitally interested in the preservation of one of the fundamental principles of our Government—freedom of thought and freedom of religious belief. I represent no organizations and have no personal ax to grind. The passage of this bill concerns me only as I believe it should concern every citizen who feels a personal pride in his or her American citizenship. I am particularly anxious that my appearance here should not label this matter as a "female" problem. Men as well as women have suffered from the conditions which this bill seeks to remedy.

For more than 150 years we have demonstrated to the rest of the world that it is not only possible, but also highly practicable, for persons of different religious beliefs and diverse philosophical opinions to live together under a common flag and to work together for the good of the whole Nation. We have prided ourselves upon our tolerance. We have put only one limitation on freedom of thought, namely, that that thought must not be directed toward a destruction of the doctrines of our Constitution and the principles upon which our Government is founded. We have always welcomed honest criticism where that criticism was prompted by a desire to aid the Nation as a whole and to further the principles of our Constitution and our Government. I need only refer to the present hearings on the eighteenth amendment.

We have always realized that our national progress and improvement would be barred and that our Constitution would in time become a useless document, if it were not for the fact that our Government is so organized that the general principles of the Constitution may be readily applied and adapted to new conditions as they arise. The bill which is before this committee deals with such a new condition.

Our naturalization laws require the alien who desires to become a citizen to declare under oath that "he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same" (act of June 29, 1906, sec. 4, U. S. C., title 8, sec. 381) and to show to the satisfaction of the court that "he has behaved as a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States" (act of Jan. 16, 1906, sec. 4 as amended Mar. 2, 1909, U. S. C., title 8, sec. 382). Unfortunately, the naturalization laws do not define the meaning of "defend the Constitution and laws of the United States against all enemies," nor "attached to the principles of the Constitution of the United States." The United States Supreme Court has recently construed these provisions to exclude from citizenship an applicant who was averse to bearing arms and going into the battlefield. (*United States v. Schwimmer* (1929) 279 U. S., 644.)

To many of the ablest minds of this country, that construction seems an unfortunate one. Mr. Justice Holmes said in his dissenting opinion in the *Schwimmer* case:

"If there is any principle of the Constitution which more imperatively calls for attachment than any other, it is the principle of free thought—not free thought for those who agree with us, but freedom for the thought that we hate. I think that we should adhere to that principle with regard to admission into, as well as to life within this country. And recurring to the opinion that bars this applicant's way, I would suggest that the Quakers have done their share to make the country what it is, that many citizens agree with the appli-

can's belief and that I had not supposed hitherto that we regretted our inability to expel them because they believe more than some of us do in the teachings of the Sermon on the Mount."

Mr. Justice Brandeis concurred in this opinion.

An editorial in the New York Times on the morning of May 29, 1929 (the day after the decision in the Schwimmer case), said of Mr. Justice Holmes's dissenting opinion:

"Rosika Schwimmer disappears if you like. The whole question of American intolerance comes before the mind. Here is a brave thinker who follows his thought and would allow the largest liberty of opinion. There have been few judges as learned. His learning is the least of his gifts. His generous spirit strives always for freedom in all directions. He interprets the Constitution as a living document equal to the conditions and exigencies of every generation called to live under it."

An editorial in the New York American on June 4, 1929, said of the decision in the Schwimmer case:

"It is another instance of the abuse of the powers of government to trample on the principles of freedom and tolerance on which this country was founded. Our principles are gradually being taken from us. * * * Now freedom is pursued and hunted down in the sacred hiding place of personal conscience in this outrageous un-American decision to bar Mrs. Schwimmer."

An editorial in the New York World of May 31, 1929, said:

"If we read Mr. Justice Butler's opinion in the Schwimmer case correctly, he holds that under the Constitution no conscientious objector, whether he belongs to a religious sect or is merely an individual conscientious objector, can qualify for citizenship. It will be a little difficult for many persons to understand how, if this be the meaning of the Constitution, so considerable a number of conscientious objectors have, in the course of a century and a half, been lawfully admitted to the United States."

Our State Department seems to agree with Mr. Justice Holmes and with these editorial opinions. An oath of allegiance is required of every applicant for a passport. (Act of June 19, 1902, sec. 2; U. S. C. title 22, sec. 212.) The oath usually administered requires the applicant to swear that he will support and defend the Constitution of the United States against all enemies, foreign and domestic," and that he will "bear true faith and allegiance to the same." But those who entertain religious or conscientious scruples against bearing arms are permitted to prove their allegiance by taking the oath:

"I do solemnly affirm that I will support the Constitution of the United States, and will as far as my conscience as a Christian will allow, defend it against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion: So help me God."

And this, despite the fact that the issuance of a passport puts the Government under a greater obligation to the individual concerned, than does the issuance of citizenship papers.

Thus we have assumed the rather incongruous position of offering to protect the conscientious objector when he travels in foreign countries, and refusing that protection when he stays at home and does not really need it.

Congress protected the conscientious objector during the recent World War. Despite the fact that we might have been less solicitous of "freedom of thought" and "personal liberty" during a period of war, we find that the selective draft law (act of May 18, 1917) specifically exempted from the battlefield persons entertaining conscientious scruples against bearing arms. Section 4 of the draft law (U. S. C. title 50, sec. 226), provided:

"* * * nothing in this act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well-recognized religious sect or organization at present organized and existing and whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organizations, but no person so exempted shall be exempted from service in any capacity that the President shall declare to be noncombatant; * * *"

The Bureau of Naturalization appears to be alone in its determination not to amend the required oath so as to admit to citizenship persons whose religious beliefs and philosophical opinions forbid the bearing of arms. Yet, we have appeared before the world as supporters of the theory that "a renunciation of

war as an instrument of national policy should be made." We have obtained the signatures of 15 nations to the Kellogg-Briand Treaty, proclaimed to be in effect on July 24, 1929, in which these nations have expressed themselves as:

" * * * Persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made to the end that the peaceful and friendly relations now existing between their peoples may be perpetuated;

"Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process; and that any signatory power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this treaty;

"Hopeful that, encouraged by their example, all the other nations of the world will join in this humane endeavor and by adhering to the present treaty as soon as it comes into force bring their peoples within the scope of its beneficent provisions, thus uniting the civilized nations of the world in a common renunciation of war as an instrument of their national policy; * * *."

And now, this committee has before it a bill which merely seeks to prevent a denial of citizenship to those whose only present disqualification is their belief in the doctrines which our Government has obligated itself to foster and uphold, to those who entertain "religious views or philosophical opinions with respect to the lawfulness of war as a means of settling international disputes." (H. R. 3547, 71st Cong., 1st sess.) Under our Constitution, the Kellogg treaty is part of the "supreme law of the land." (Constitution of the United States, Art. VI, clause 2.) Those who advocate the principles announced therein, are clearly not to be charged with aiming to destroy the doctrines of our Constitution and the foundations of our Government. Their thought is not a "dangerous" one.

The present condition of our naturalization laws puts a premium on dishonesty. The alien who is honest with himself and our Government, is automatically barred from citizenship if he happens to believe in the unlawfulness of war. The alien who does not bother to delve into his innermost thoughts on the matter, is welcomed as a citizen and permitted to examine his innermost thoughts more minutely when the occasion for bearing arms actually arises. Then, he may claim exemption from the battlefield, while his more honest fellow applicant for citizenship is imprisoned in an alien prison camp.

It is for these reasons that I urge the passage of this bill. It is necessary to prevent further violence to our treasured "freedom of thought;" it accords with the public opinion of the country; it embodies the attitude which we as a Nation, have adopted toward the outside world; or are we going to be hypocrites?

EMILY MARK.

ARGUMENT IN SUPPORT OF CONSTITUTIONALITY OF GRIFFIN BILL.

By Olive H. Rabe, Attorney at Law, Chicago, Ill.

Mr. Chairman and members of the committee, Senator Walsh has been reported in the press as being of the opinion that the Griffin bill is unconstitutional. I was also of this opinion before I examined the question carefully. Off hand, I felt that it would take a constitutional amendment to offset the effect of the decision of the Supreme Court in the Schwimmer case. However, on the basis of a thorough examination of the Constitution, the naturalization act, and the decision in the Schwimmer case, I am now convinced that the Griffin bill is constitutional.

In the Schwimmer case (279 U. S. 644) the Supreme Court had before it the question whether an applicant who was unwilling to bear arms in defense of the United States could take the oath of allegiance prescribed by the naturalization act without a mental reservation; also whether such an applicant was attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same, as required by the naturalization act. In other words, the Schwimmer case interpreted the naturalization law as it reads to-day. And it interpreted the language in the naturalization act "defend the Constitution and laws of the United States against all enemies" to mean defend by force of arms. The court did not decide that Congress was obliged by the Constitution to require applicants to

defend by force of arms; because that was not the question before the court and the Constitution makes no such requirement.

The Constitution, in Article I, section 8, paragraph 4, provides "The Congress shall have power * * * to establish a uniform rule of naturalization."

The Constitution does not require Congress to exact an oath of allegiance of any form or description in naturalization cases. The framers of the Constitution could have required Congress to exact such an oath just as they did in the case of the President and other designated officers. But the important fact in connection with the constitutionality of the Griffin bill is that they did not.

The exact language of the oath or affirmation to be taken by the President is set forth in the Constitution. It reads: "That I will faithfully execute the office of President of the United States and will to the best of my ability, preserve, protect, and defend the Constitution; of the United States." (Art. II, sec. 1, par. 8.)

Without setting forth the exact language to be used, the Constitution also provides that Senators and Representatives, members of the State legislatures, and all executive and judicial officers, both State and national, shall be bound by oath or affirmation to support the Constitution. (Art. VI, sec. 1, par. 3.)

These are the only oaths required by the Constitution of the United States.

The framers of the Constitution evidently did not consider it essential to require Congress to exact from applicants for naturalization an oath of any kind, or they would have so provided.

From this, it follows that Congress could have omitted entirely from the naturalization act all mention of the oath of allegiance, and the act would have been constitutional. To-day Congress could repeal the naturalization law and refuse to permit any and all aliens to be naturalized, or Congress could omit all mention of the oath of allegiance and require only certain very simple conditions such as a prescribed period of residence and proof that the applicant had not been convicted of crime.

There is no question that Congress has this power in naturalization matters. No less an authority than John Marshall, when Chief Justice of the Supreme Court of the United States, in speaking of the power of Congress in this connection, said:

"That the power of naturalization is exclusively in Congress does not seem to be, and certainly ought not to be, controverted." (*Chirac v. Chirac*, 2 Wheat. 259.)

The oath of allegiance prescribed in the present naturalization law has not always contained the provision to defend the Constitution and laws of the United States against all enemies. This provision was not added by Congress until 1906.

The naturalization act passed by the first Congress in 1790 required an applicant for naturalization to take "the oath or affirmation prescribed by law to support the Constitution of the United States." (U. S. Stat. L. vol. 1, p. 103.)

The naturalization act of 1795 repealed the 1790 act and set forth at greater length in the following language the oath required of an applicant:

"He shall at the time of his application to be admitted declare on oath or affirmation * * * that he will support the Constitution of the United States and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatever, and particularly by name, the prince, potentate, state, or sovereignty, whereof he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court." (U. S. Stat. L., vol. 1, p. 414, sec. 1, par. 2, of act of January 29, 1795.)

The "oath of allegiance" section of the naturalization law retained this exact language from 1795 to 1906. In 1906, the then existing naturalization acts were repealed and the present naturalization law was passed. The 1906 act, in section 8, specifies the oath of allegiance to be required of applicants. It is interesting to note that it retains all of the oath as specified in the acts in force from 1795 to 1906, and adds the additional requirement "to support and defend the Constitution and laws of the United States against all enemies foreign and domestic and bear true faith and allegiance to the same."

The oath of allegiance specified by the naturalization act of 1906 (the existing law) is as follows:

"He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States and that he

absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same." (U. S. C., title 8, sec. 381.)

This provision of the naturalization law has not been changed since 1906. So we find that from the naturalization act of 1795 to the act of 1906, there was no requirement that the applicant take an oath to defend the Constitution and laws of the United States against all enemies. Only since 1906 has there been such a provision. And from 1906 to 1918, no attempt was made by the courts to interpret the word defend to mean physical defense. No case involving this point reached the Supreme Court of the United States until 1929, when that court passed on the Schwimmer case. Since the court in that case decided that "defend the Constitution and laws against all enemies" meant defend by force of arms if necessary, a large number of organizations and individuals who are pacifists on religious or philosophical grounds are looking to Congress to amend the naturalization act by making it clear that it is not the intention of Congress to bar from citizenship aliens who share the nonresistance ideas of Jesus Christ, William Penn, and Leo Tolstol.

Since the Constitution of the United States does not require Congress to exact any oath whatsoever from an applicant for citizenship, and since the word defend has been in the oath of allegiance only since 1906, it ought to be clear that the Griffin bill, if enacted by Congress, would be constitutional.

That some such legislation is necessary should be apparent from a review of the naturalization cases decided since the Schwimmer case in which highly desirable applicants have been debarred from citizenship. The flagrant case of Reverend King, who was denied citizenship by a Louisiana State court, will be referred to by other speakers.

This committee can lend its weight to preserving the old-fashioned ideal of liberty of conscience by recommending the passage of the Griffin bill with full confidence that the bill is constitutional.

PROMINENT CITIZENS INDORSING THE GRIFFIN BILL

- Jane Addams.
- Prof. Harry Elmer Barnes, professor at Smith College.
- Rev. Bernard Iddings Bell, warden of St. Stephen's College.
- Miss Katherine Devereaux Blake, officer of Women's International League for Peace and Freedom.
- Mrs. Harriot Stanton Blatch, suffrage.
- Mrs. William Thayer Brown, recently resigned from Daughters of the American Revolution.
- Rev. S. Parkes Cadman, Central Congregational Church, Brooklyn.
- Prof. Zechariah Chaffee, jr., Harvard Law School.
- Rev. Henry Sloane Coffin, president Union Theological Seminary.
- Mary Ware Dennett, birth control.
- Dorothy Canfield Fisher, novelist.
- Arthur Garfield Hays, attorney.
- Rev. John Haynes Holmes, Community Church, New York.
- Fannie Hurst, novelist.
- Mrs. Marietta Johnson, educator.
- Dr. George W. Kirchwey, former warden of Sing Sing.
- Julia C. Lathrop, former head of Government's Children's Bureau.
- Anne Martin, suffragist.
- Helen R. Martin, novelist.
- Willy Pogany, artist.
- Don Seltz, former editor of the New York World.
- Prof. James T. Shotwell, Carnegie Endowment for World Peace.
- Prof. F. W. Taussig, Harvard University.
- Ridgely Torrence, author.
- Miss Lillian D. Wald, Henry Street settlement.
- Dr. Harry F. Ward, Union Theological Seminary.
- Mary E. Woolley, president of Mount Holyoke College.
- Elinor Byrne, counsellor at law, 21 East Forty-second Street, New York City.

- Tom Okawara, attorney, 638 East Street, Fresno, Calif.
 Edward Thomas, patent attorney, Woolworth Building, New York City.
 Benjamin Doane, appellate division, supreme court, 25 Madison Avenue, New York City.
- Abraham Underhill, Ossining, N. Y.
 Clemens Gerhard, Detroit United Lines, 616 East Bethune, Detroit, Mich.
 Henry Ware Allen, 603 Brown Building, Wichita, Kans.
 H. J. Hahn, 23 Calumet Street, Buffalo, N. Y.
 W. C. Ennis, president Earlham College, Richmond, Ind.
 Dr. O. O. Miller, Akron, Pa.
 Rev. Francis McConnell, 150 Fifth Avenue, New York City.
 Salmon O. Levinson, author of the Kellogg peace pact, 134 South La Salle Street, Chicago, Ill.
- C. Billings, Long Beach, Calif.
 Miss Grace A. Woods, 1301 Henry Street, Berkeley, Calif.
 Charlotte Hilmor, 1034 West Vernon Avenue, Los Angeles, Calif.
 William Pector, 335 East Valerio Street, Santa Barbara, Calif.
 Erwin T. Mohne, department of German, University of Southern California, Los Angeles, Calif.
- B. L. Wick, Esq., attorney at law, Cedar Rapids, Iowa.
 Clemens Gerhard, 616 East Bethune Street, Detroit, Mich.
 George R. Taylor, department of economics, Amherst College, Amherst, Mass.
 Mr. and Mrs. Edwin D. Mead, 19 Euston Street, Brookline, Mass.
 C. L. Babcock, 298 Piermont Avenue, Nyack, N. Y.
 C. Boasi, 89 Pearl Street, New York City.
 J. P. J. Williams, 223 Second Avenue, New York City.
 Morris C. Cohen, City College, New York City.
 Helen G. Sahhe, 1088 Park Avenue, New York City.
 Rev. S. Parkes Cadman, Brooklyn, N. Y.
 Hermann E. Cohen, Charlotte, N. C.
 Everett T. Whitford, principal Public School No. 6, Paterson, N. J.
 Della B. Stokes, 1033 New York Avenue, Cape May, N. J.
 E. L. Malone, 10 Brookside Road, Maplewood, N. J.
 M. T. Horne, 944 Stiles Street, Warren, Ohio.
 Caroline C. Warren, 432 West Stafford Street, Germantown, Pa.
 L. J. Eddy, Honesdale, Pa.
 Mrs. F. B. Igle, 4007 Baltimore Avenue, Philadelphia, Pa.
 Anna G. J. Grimshaw, 121 Woodland Avenue, Malvern, Pa.
 Mrs. J. Barnard Walton, 115 Ogden Avenue, Swarthmore, Pa.
 Laura E. Johnson, 120 North Union Street, Kenneth Square, Pa.
 Emily C. P. Longstreet, 5420 Pulaski Avenue, Germantown, Pa.
 Beulah E. Cope, 1532 Gratz Street, Philadelphia, Pa.
 Lucy S. Holland, 338 South Twenty-first Street, Philadelphia, Pa.
 Mrs. Walter F. Price, Moylan, Pa.
 Miss Bertha L. Stover, 31 Westview Street, Mount Airy, Pa.
 Katherine E. Kirk, Pennsdale, Pa.
- I am in sympathy with the Griffin bill for amending the naturalization laws, which reads: " * * * except that no person mentally, morally, and otherwise qualified shall be debarred from citizenship by reason of his or her religious beliefs or philosophical opinions with respect to the lawfulness of war as a means of settling international disputes."
- I therefore urge that the House Committee on Naturalization and Immigration grant the Griffin bill an immediate hearing.
- Lola M. Lloyd, 455 Birch Street, Winnetka, Ill.
 Mrs. H. B. Thomas, 6530 University Avenue, Chicago.
 Mrs. M. E. Simpson, 1516 North State Parkway, Chicago.
 Mrs. Ellen Williston, 5423 Kimbark, Chicago.
 Valley Nelson, 5423 Kimbark, Chicago.
 Ella D. Weage, 5504 Greenwood Avenue, Chicago.
 Louis L. Wilson, 5757 University Avenue, Chicago.
 Victor Siverts, 5757 University Avenue, Chicago.
 N. G. Baxter, 6140 Greenwood Avenue, Chicago.
 J. O. Mayne, 5757 University Avenue, Chicago.
 Hans E. Regler, 5757 University Avenue, Chicago.
 Peter J. Jansen, 5757 University Avenue, Chicago.
 Reginald H. Huffer, 5757 University Avenue, Chicago.

- Jacob M. Workenton, 5757 University Avenue, Chicago.
 Edwin R. Howard, 5757 University Avenue, Chicago.
 William M. McGuire, 6121 Greenwood Avenue, Chicago.
 Fred Hyslop, 315 South East Street, Janesville, Wis.
 Harry Nicholson, 5757 University Avenue, Chicago.
 W. H. Upton, 5757 University Avenue, Chicago.
 G. D. Wigfield, 5757 University Avenue, Chicago.
 Emmerson W. Harris, 5757 University Avenue, Chicago.
 Millard H. Marshall, 5757 University Avenue, Chicago.
 Vernon W. Rise, 5757 University Avenue, Chicago.
 Robert Rasche, 5757 University Avenue, Chicago.
 A. D. Weage.
 W. C. Giersbuch.
 Joseph F. King.
 C. Franklin Parker.
 Eve Watson Schulze, 1830 East Fifty-six Street, Chicago, Ill.
 Alice Boynton, 211 East Ontario Street, Chicago.
 Florence Tye Jennison, 800 South Halsted Street, Chicago.
 Emma M. James, 1036 North Dearborn Street, Chicago.
 Elisabeth Thorton, 1400 Lake Shore Drive, Chicago.
 Grace M. Pebbles, 403 Forest Avenue, Oak Park, Ill.
 Mary Akers, 1836 North Clark Street, Chicago, Ill.
 May Estelle Cook, 715 North Kenilworth Avenue, Oak Park.
 Jane H. Smeeth, 424 North Kenilworth Avenue, Oak Park.
 Elisabeth Tolle, 10561 Longwood Drive, Chicago.
 Alice H. Scott, 4549 Clifton Avenue, Chicago.
 Martha Trimble, 203 North Wabash Road, Chicago.
 Rose D. Mann, 4907 North Sawyer Avenue, Chicago.
 Sadie M. Brown, 3039 Argyle Street, Chicago.
 Jennie Gollus, 4057 B, Sawyer Avenue, Chicago.
 Florence L. Grant, 908 Chicago Avenue, Oak Park, Ill.
 L. Danielson, 2711 Wesley Avenue, Berwyn, Ill.
 Dagny A. Mittler, 2711 Wesley Avenue, Berwyn, Ill.
 Florence Healy, 228 North Elmwood Avenue, Oak Park.
 Ruth Seymour, 228 North Elmwood Avenue, Oak Park.
 Luella W. Flitcraft, 633 Maple Avenue, Oak Park.
 Helen Rosenfels, 333 Linden Avenue, Oak Park.
 Rosa K. Elchelberger, 1036 North Dearborn Street, Chicago.
 Florence Holbrook, 6136 Dorchester Avenue, Chicago.
 Agnes Jacques, 5480 Cornell Avenue, Chicago.
 Charlotte Weinreb, 5420 East View Park, Chicago.
 Sophie S. Gebling, Hotel Georgian, Evanston, Ill.
 Aida Leeto, 1706 East Fifty-sixth Street, Chicago.
 Doris E. Steen, 934 East Fifty-sixth Street, Chicago.
 Ida Wallbracht, 656 Wrightwood Avenue, Chicago.
 Marie Berezniak, 491 Roslyn Place, Chicago.
 Amella Jonas, 7110 East Fifty-second Street, Chicago.
 A. Esther Camfield, 535 Lakewood Avenue, Chicago.
 Minnie B. Levy, 2052 East Seventy-second Place, Chicago.
 Blanche Goodman Elsendrath, 2322 Commonwealth Avenue, Chicago.
 Jean A. Blake, 1014 East Sixty-eighth Street, Chicago.
 Eda S. Beck, 525 Arlington Place, Chicago.
 Mary G. Vega, 4505 North Troy Street, Chicago.
 Marie V. Goodrich, 2749 Windsor Avenue, Chicago.
 Margaret Bainbrick, 18 North Lotus Avenue, Chicago.
 Julia I. Felsenthal, 5327 Cornell Avenue, Chicago.
 Tecla Reinhold Rosenbaum, 5330 Hyde Park Boulevard, Chicago.
 Rose I. Sussnac, 1623 Hyde Park Avenue, Chicago.
 Selma Binder, 2747 Hampden Court, Chicago.
 Mary G. Schroeder, 6723 North Ashland Avenue, Chicago.
 Lillian Vent, 6200 Kenwood Avenue, Chicago, Ill.
 Hope W. Graham, 824 Lawrence Avenue, Chicago, Ill.
 Mrs. G. L. Robinson, 2312 North Halsted Street, Chicago, Ill.
 Mrs. J. O. Rydstrome, 3 Park Lane, Glenview, Ill.
 Harriet C. Goeberde, 624 South Michigan Boulevard, Chicago, Ill.
 Beatrice Howes, 852 Chalmers Place, Chicago, Ill.
 Mrs. O. R. Sellers, 846 Chalmers Place, Chicago, Ill.

- Mrs. W. M. Dawes, 5348 Wayne Avenue, Chicago, Ill.
 Mary H. Damerer, 5415 Ellis Avenue, Chicago, Ill.
 Ann E. Kidd, 1511 East Sixty-fifth Place, Chicago, Ill.
 Martha C. Damires, 5415 Ellis Avenue, Chicago, Ill.
 Alice Prince Miller, 179 East Chestnut Street, Chicago, Ill.
 Reigh A. Utley, 1130 East Sixty-fifth Street, Chicago, Ill.
 Hazel E. Foster, 815 Belden Avenue, Chicago, Ill.
 Rosalie E. Levin, 7850 South Shore Drive, Chicago, Ill.
 Henrietta Palmer, 425 Oakdale Avenue, Chicago, Ill.
 Mrs. J. Rahek, 3609 Monticello Avenue, Chicago, Ill.
 Mrs. H. Johnson, 4907 North Karlan Avenue, Chicago, Ill.
 Mrs. N. H. Webster, 6101 Kimbark Avenue, Chicago, Ill.
 Jean Manson, 6200 Kenwood Avenue, Chicago, Ill.
 Edith S. Hibbard, 6200 Kenwood Avenue, Chicago, Ill.
 Caroline Schaff, 2842 Aberdeen Road, Chicago, Ill.
 Anna K. Hulburd, Ravinia, Ill.
 Mrs. Harry Meyerling, 3750 Sheridan Road, Chicago, Ill.
 Mrs. T. V. Smith, 1321 East Fifty-sixth Street, Chicago, Ill.
 Mrs. Ida S. Runkall, 38 East Schiller Street, Chicago, Ill.
 Flora Kaplan, 5320 Dorchester Avenue, Chicago, Ill.
 Mariel L. Balch, 7030 Stewart Avenue, Chicago, Ill.
 Anna E. Gilbert, 7110 Eggleston Avenue, Chicago, Ill.
 Mary McW. Marsh, 5620 Woodlawn Avenue, Chicago, Ill.
 Marla Bacon (Mrs. C. G.), 2333 Cleveland Avenue, Chicago, Ill.
 Hanna Pichler, 2333 Cleveland Avenue, Chicago, Ill.
 Henry C. Allen, Olin Hotel, Denver, Colo.
 Clara B. Adolf, Winter Park, Fla.
 Rev. George B. Badger, First Unitarian Church, Orlando, Fla.
 Mrs. Helen Tufts Baille, Boston division, Griffin bill committee.
 Zona Gale Breese, Hotel Raul, Portage, Wis.
 Edwin L. Clark, professor of sociology, Rollins College, Florida.
 Charles E. Clare, dean, Law School, Yale University.
 Durant Drake, professor of ethics, Vassar College, New York.
 Elmer Davis, 90 Morningside Drive, New York City.
 William Floyd, Peace Patriots, 114 East Thirty-first Street, New York City.
 Elaine Goodale Eastman, 23 Kensington Avenue, Northampton, Mass.
 James Gifford, assistant to the dean, Columbia University, New York City.
 Carolyn Heine, Rollins College, Winter Park, Fla.
 Milton Handler, assistant professor law, Columbia University, New York City.
 S. Ralph Harlow, Smith College, Northampton, Mass.
 John Hanna, professor, law school, Columbia University, New York City.
 Hornell Hart, professor, Bryn Mawr College, Pennsylvania.
 Fannie Hurst (telegram), New York City.
 Robert L. Hale, Law School, Columbia University.
 Bishop Paul Jones, college pastor, Antloch College, Ohio.
 Dudley Field Malone, New York City.
 John Martin, Winter Park, Fla.
 Harold Marshall, The Christian Leader, Boston, Mass.
 Prof. Will S. Monroe, Crouching Lion Farm, Waterbury, Vt.
 W. A. Neilson, president, Smith College, Massachusetts.
 Elmer Rice, Hotel Ansonia, New York City.
 Benjamin Rockwell, 100 William Street, New York City.
 Jessie Woodrow Sayre, Massachusetts.
 Eugene R. Shippen, Winter Park, Fla.
 Edward Thomas, Esq., Woolworth Building, New York City.
 Oswald Garrison Villard, editor The Nation, New York City.
 Dr. Mary E. Wooley, dean Mount Holyoke College, Massachusetts.
 Mrs. Lola Maverick Lloyd, Winnetka, Ill. (At present Paris, France.)
 (Statement sent from Paris).
 Miss Emily Marx, 225 Broadway, New York City.
 Mrs. Helen Tufts Baille, Cambridge, Mass.

EXHIBIT XIV

EDITORIALS AND PRESS NOTICES

[Brooklyn Times, May 31, 1929]

DISFRANCHISING PACIFISTS

Because of larger problems before Congress there is little likelihood of the enactment of a bill introduced by Congressman Griffin of this city which seeks to amend the law governing naturalization so as to permit the conferring of suffrage on pacifists whose consciences revolt at the notion of war. The issue, grave and important a dozen years ago, had grown more or less out of popular recollection until it was revived by the decision of the United States Supreme Court in the case of Mrs. Rosika Schwimmer. She had been an alien resident of Illinois for eight years and sought citizenship. In answer to a question from the court she declared she would not take up arms in defense of the country in the event of war. The United States Supreme Court, by a 6 to 3 vote, declared her ineligible to citizenship. Mr. Griffin's bill would amend the naturalization law to the effect that no person otherwise eligible "shall be debarred from citizenship by reason of his or her religious beliefs or philosophical opinions with respect to the lawfulness of war."

As pointed out by Justice Holmes, of the United States Supreme Court, one of the dissentients, the case against Mrs. Schwimmer lies equally against Quakers, but no one has had the hardihood to propose that these estimable citizens be disfranchised because of their views on war.

Justice Holmes was a gallant soldier in the Civil War. Congressman Griffin headed a company that saw good service in the Spanish-American conflict. On the ancient principle of being more royalist than the king, our fiercest militarists never set a squadron in the field, and, indeed, conduct all their operations on the typewriter in the cloistered seclusion of an office.

[The Washington Daily News, March 11, 1930]

HOOVER'S GRAVE RESPONSIBILITY

No greater responsibility is given a President of the United States in peacetime than the appointment of justices of the United States Supreme Court. In the case of President Hoover the responsibility is all the greater because of the probability that his appointees will constitute a majority of the court. Coolidge appointed only one; Hoover may appoint five.

In the sudden naming of Charles Evans Hughes to succeed William Howard Taft as Chief Justice, the President stirred up an unexpected opposition in the country. That opposition was reflected immediately in the Senate, which conducted an historic though unsuccessful fight against Hughes as a lawyer more concerned with corporate interests than with the public interest.

Now Hoover must name a successor to Justice Sanford, who died Saturday.

It is clear that the next nomination will be examined with unusual care both by the country and by the Senate. The Senate debate last month, and the wide publicity given that discussion, assures another similar debate on the powers of the court as well as on the fitness of the nominee. That is as it should be.

For two reasons. First, because the court has become the most powerful of our Federal institutions. Second, because it has become a policy-making agency in which members vote their opinions on economic issues.

Through its assumed power to declare laws of Congress unconstitutional and through its occasional abuse of that power, the court can and does defeat the purposes of popular representative government. The court by a 5 to 4 majority can and does set aside the very Constitution itself—or what has always been interpreted as the constitutional guarantees of civil liberties—as when the court majority violated the Bill of Rights in the decisions in the Schwimmer citizenship case and the Seattle wire-tapping case.

In cases involving economic issues the court can and does go far beyond either the Constitution or the laws of Congress to create a new law of its own from which there is no appeal—as in the recent Baltimore street-car fare decision, supporting the company and its inflated valuations in violation of public rights.

Such decisions are not arrived at by technical considerations of the law and the books, but spring directly from the personal opinions of the men on the bench.

In discussing the question of how a man will act and vote on the Supreme Bench, Charles Evans Hughes in his book *The Supreme Court of the United States*, admits that personal views on social and economic issues are determining factors:

"If you could get further down to the bedrock of conviction as to what are conceived to be fundamental principles of government and social relations, you might be able to get closer to accurate prophecy. But you can not expect to have judges worthy of the office who are without convictions and the question from that point of view is not as to the qualifications of judges but whether you will have a court of this character and function."

A few weeks ago the court majority reversed a Supreme Court ruling which had stood for 80 years and which held that States have a constitutional right to impose certain taxes. The reversal was not made on the basis of the Constitution, but on the basis of the personal opinion of the judges that the old decision was not good policy. As Justice McReynolds, in the majority opinion, said:

"The practical effect of it has been bad."

Therefore, the personal convictions, as well as the legal qualifications, of the members of the Supreme Court determine whether the laws of Congress shall be thrown in the waste basket and whether court-made laws are to be fastened upon the country for the benefit of special interests.

To what kind of man is President Hoover going to give such inordinate power? What kind of court will Hoover create?

Will he add again, as with Hughes's appointment, to the majority. Or will he strengthen that small but brilliant minority of Holmes, Brandeis, and sometimes Stone, whose liberalism and fidelity to the Constitution are the people's hope of justice?

Hoover was elected as a liberal.

[Washington Star, June 6, 1929]

JUDGMENT OF NATION DIVIDED ON SCHWIMMER CASE DECISION

Denial of citizenship to Rosika Schwimmer by decision of the United States Supreme Court, with three justices dissenting, raises again the question of the status of the professional pacifist. Supporters of the majority opinion emphasize the point that an alien seeking citizenship is not demanding a right but seeking a privilege, and that nationalism requires a willingness to indorse the principle of taking up arms in the national defense. Those who accept the minority opinion of Justice Holmes, concurred in by Justices Brandeis and Sanford, insist that tolerance and the American principle of free thought and speech are endangered by the majority attitude.

"We take young men and send them to war without asking their leave. We send men to prison who refuse. That is on the principle of national self-preservation," says the Milwaukee Journal, with the query, "If we require this of young men born citizens, can we welcome to citizenship any one whose influence would be in favor of their refusing?" The Savannah News observes as to Mrs. Schwimmer: "She would not without effort permit a person to take from her her personal belongings. Why should she not be in favor of fighting for her country, when country means the protection of the life and liberties of its people? The most prominent thing about pacifists is their inconsistency."

"Those who would accept citizenship with reservations should be barred," declares the Indianapolis Star, while the St. Louis Globe-Democrat calls the decision "sound and just and thoroughly American," and the Syracuse Herald contends that "the principles of sound and loyal citizenship apply to all alike."

The New York Evening Post comments: "As the majority points out, Mme. Schwimmer is asking not a natural right but a privilege. She presumes to impose a condition upon her acceptance of the privilege that she asks—the privilege to disregard the Nation's first law, that of national self-preservation."

"Every true American," in the opinion of the Long Beach Press-Telegram, "cherishes a sincere hope for peace, but it is coupled with a willingness to defend the Union against all foes. That this is a better brand of pacifism than that which is militant for ingrafting of alien theories on the body politic of the republic is a safe conclusion, in which all good citizens will join." The

Texarkana Gazette offers the further conclusion that "there are enough conscientious objectors already holding American citizenship without formally bestowing citizenship on aliens who are avowedly opposed to taking up arms in defense of the Nation, should occasion arise."

Similar views are held by the Savannah Press, Fort Wayne News-Sentinel, and Columbus Evening Dispatch, and numerous others. The Charleston Daily Mail feels that "the Nation has no place and small use, if any, for the citizen who is willing to enjoy all the benefits of the country without, when the Nation is in peril, serving it to the best of his ability in such ways as he can." The Lansing State Journal argues that "to have admitted Mme. Schwimmer to citizenship, after she had declared, as she has declared, of record, that she had no sense of nationalism and only a cosmic consciousness of belonging to the human race, would have been to absolve practically every citizen of allegiance to the Government."

In the dissenting opinion of Justice Holmes is a plea for free thought and the statement: "I would suggest that the Quakers have done their share to make the country what it is; that many citizens agree with the applicant's beliefs and that I had not supposed hitherto that we regretted our inability to expel them because they believe more than some of us do in the teachings of the Sermon on the Mount." On this point the Asheville Times States: "Justice Holmes has lived to see some of his dissenting opinions of past years virtually wholly adopted by the majority of his colleagues. He may not live to see his philosophy of freedom to think incorporated into the law of the land. Surely, however, that reasonably liberal doctrine will some day prevail."

"While the patriotic duty of citizenship is to support the country in times of peril, going to the very last sacrifice," the Philadelphia Evening Bulletin says, "there is no interest of national safety nor any tradition of American patriotism to be endangered by the admission to the Nation of men and women whose obedience to the prince of peace is so exact and liberal that they will not fight." The Columbus, Ohio, State Journal thinks that "it really requires more courage to be an honest and intelligent conscientious objector than it does to follow the crowd and go out and fight, and we need all the moral courage we can get in this country and all the various points of view that thoughtful people take."

"A Benjamin Franklin who could be proved to have said 'There is no such thing as a good war or a bad peace' would have to remain an alien," says the Brooklyn Daily Eagle, and the Birmingham News asks, "If the Government in time of war lets off thousands of Quakers who are men, why should the Supreme Court of the United States prescribe this lone opponent of arms bearing, who in this case is a woman?" The Cleveland Plain Dealer comments: "Millions, we believe, hate the thought of the 'uncompromising pacifist,' but will regret to see the great Supreme Court make that thought a bar to American citizenship. That branch of Government, even if no other, should be a defender of tolerance."

"Readers of the minority opinion of the court, which defends the case of conscientious objectors," suggests the New York Sun, "may be struck by the ironical thought that it was written by the sole war veteran on the Supreme Court bench, one who bears the scars of wounds received at Balls Bluff, Antietam, and Maryes Heights." The Springfield Republican also points out that "it is with that background of gallantry under fire that Justice Holmes declares in the case of Mme. Schwimmer: 'If there is any principle of the Constitution that more imperatively calls for attachment than any other, it is the principle of free thought. Not free thought for those who agree with us, but freedom for the thought that we hate.'"

"The dissenting opinion of Justice Holmes," asserts the Little Rock Arkansas Democrat, "not only is a 'golden text of liberalism,' but it is a whole system of morals in government. Written with that clarity which marks all opinions by the grand old liberal, it further typifies the man in that it contains common sense, free from petty prejudices and artificial patriotism."

[New York World on Macintosh and Schwimmer cases, June 26, 1929]

A JUDGE-MADE THEORY OF CITIZENSHIP

In the case of Mme. Schwimmer the Supreme Court, by a vote of 6 to 3, denied citizenship to a woman, 49 years of age, admittedly qualified in all other respects, because she had declared that she would never take up arms. In the case of Dr. Douglas Macintosh, a Canadian, who served at the front as chaplain

during the war, for 20 years professor of theology at the Yale Divinity School, the district court has refused citizenship because Doctor Macintosh has declared that his willingness to bear arms would be determined by his conscientious opinion as to the righteousness of the particular war. Both case are purely theoretical, since both Mme. Schwimmer and Doctor Macintosh are too old to be drafted into military service. The theoretical question raised in the Schwimmer case is whether an alien may become a citizen if he holds the same view of war as a native Quaker. The theoretical question in the Macintosh case is whether an alien may become a citizen if he puts loyalty to the dictates of his conscience ahead of loyalty to the declared will of the President and a majority in Congress.

The full text of Judge Burrows's opinion in the Macintosh case is not available to us at the moment, but from the extracts available it appears that the courts are by way of inventing a theory of citizenship which has strange implications. According to Judge Burrows, a citizen, be he native-born or naturalized, loses all right of individual judgment and action the moment Congress declares that a state of war exists. From that moment on, every citizen is at the absolute disposition of the President as absolutely as if he were a private soldier at the front.

The absoluteness of this doctrine is as naive as it is intolerable. The majority of wars in which any great power engages are not life and death struggles in which its existence is at stake but little wars of policy, interest, or accident. It is absurd to lay down a rule which makes it the absolute obligation of the citizen to give unquestioning support to every war. Such a rule would condemn Calhoun and Lincoln, who opposed the Mexican War.

The rule is contrary to the fundamental policy of the United States. It tacitly assumes that a declaration of war puts universal conscription into effect. We do not have, and there is no prospect that we shall have, a permanent conscription law. Our fundamental military policy is and always has been voluntary—that is to say, based on just such right or private judgment as Doctor Macintosh asserts. Conscription has been invoked twice in our history—during the Civil War and during the World War—and immediately abandoned at the end of these wars. The clear deduction from these precedents is that in the American scheme of things conscription does not automatically follow a declaration of war, as Judge Burrows seems to imagine, but that conscription can be put into effect only when by a separate decision Congress has declared that the emergency of war is great enough to justify it. When an extraordinary emergency of this kind arises, men of such manifest good faith as Doctor Macintosh will present no serious problem. He presented none to Canada during the World War.

In view of the fact that conscription is not our permanent policy, it would seem to be going pretty far for judges to deal with applicants for citizenship as if conscription was our permanent policy.

[Labor, June 8, 1920]

JUSTICE HOLMES, DEFENDER OF LIBERTY

Rosika Schwimmer is a pacifist; also she is a woman of culture and a writer and lecturer of marked ability. She does not believe in war under any circumstances, and says she would refuse to bear arms if war came.

For this reason, the Supreme Court last week refused to let Mrs. Schwimmer become a citizen of this country—which has just renounced war by solemn treaty.

"She is a woman over 50 years of age, and would not be allowed to bear arms if she wanted to," remarks Justice Oliver Wendell Holmes in one of those brief dissenting opinions which often are as fine essays as any his famous father ever wrote.

"If there is any principle of the Constitution that more imperatively calls for attachment than any other, it is the principle of free thought—not free thought for those who agree with us, but freedom for the thought that we hate.

"The Quakers have done their share to make the country what it is. I had not supposed hitherto that we regretted our inability to expel them because they believe more than some of us do in the teachings of the Sermon on the Mount."

Labor suspects that the Schwimmer decision will be known in history only by this dissent to it—in which Justice Brandeis concurs.

Justice Holmes is not a pacifist. He is a soldier, three times grievously wounded in defense of his country during the Civil War. He was 88 years old last March.

But age can not wither nor custom dull the razor edge of his intellect; and, perhaps because he has remained a real soldier in spirit, he is not afraid to take a chance in so good a cause as that of free speech.

[New York City American, April 26, 1930]

WHAT'S THE ANSWER?—A LIBRARY IN MINIATURE

WOMEN'S CITIZENSHIP

(Continued from Thursday)

1. What was the Rosika Schwimmer case?
2. What was the Mrs. Gordon Mackenzie case?
3. What are the provisions of the so-called Griffin bill?
4. What is the Steck bill?
5. What was the Law of 1907?

ANSWERS

1. Mme. Schwimmer was born in Austria in 1877. In 1921 she entered the United States and declared her intention to become a citizen. In 1926 she filed her petition for naturalization. She refused to say that she would take up arms in defense of the United States, and was denied naturalization by the court. Her appeal was won in the Circuit Court of Appeals, but when it reached the United States Supreme Court it was reversed and her petition denied.

2. Mrs. Gordon Mackenzie, born in California, married a British subject in 1909 and continued to live in California. By the terms of the Act of 1907 "any woman who marries a foreigner shall take the nationality of her husband." Mackenzie did not become a citizen of the United States, but in 1913 Mrs. Mackenzie tried to vote and was refused registration in California. She appealed and the case reached the Supreme Court, which ruled against her. However, the case did attract attention to the discrimination against American-born women, so that in 1922 Congress passed a law giving American women the right to nationality independent of that of a husband. Marriage to an alien no longer deprived her of American citizenship.

3. That no person otherwise qualified shall be debarred from naturalization by reason of religious views or opinions concerning the lawfulness of war. This bill is pending.

4. It would require every alien to declare that when called he will bear arms in defense of the United States. This bill also is pending.

5. Any woman who lost her citizenship by marriage to an alien might, if the marital status be terminated by death or divorce, resume her American citizenship by registering as an American citizen at a consulate or by returning to this country and continuing to reside here.

[New York Telegram, April 29, 1930]

EDUCATORS TO WORK ON THE YOUNG

(By Harry Elmer Barnes)

It is well to keep hammering away at the savagery of our criminal courts and the barbarism of our prison methods. The most elementary considerations of humanity would dictate this.

But he who would prevent crime will center his attention upon the children who feed the ranks of adult delinquents. Few persons turn to crime in the midst of a law-abiding career. Moreover, few adult criminals are ever fully reformed. The prevention of crime is essentially a child problem.

Dr. Walter N. Thayer, the newly appointed superintendent of prisons in Maryland, went to the core of the matter. He advocated that the Department

of Education assign to the various schools psychiatrists and sociologists who would make a careful study of the problems of each child to prevent the formation of antisocial habits.

* * * * *

Such a scheme would be an advance over sole reliance upon juvenile courts and child guidance clinics to straighten out criminally inclined children. It is easier to deal with a juvenile delinquent than with an adult criminal. But it is much simpler to take the kinks out of a problem child before he elbows his way into the ranks of delinquents.

Parents may object to such procedure at first. But they can quickly be taught that it is better to have an erratic child scientifically treated in youth than to look at him through bars 15 years later.

The repression of crime is, after all, more directly a problem for the department of education than for the department of correction. The latter only gets the junk heap. Educators have the raw material to work on.

GIVE THE SERMON ON THE MOUNT A CHANCE

Shall individual convictions or the dictates of the General Staff rule the minds of Americans? Should one be more loyal to the spirit of the Prussian "goose step" than to the Sermon on the Mount? This is the core of the issue raised by the action of the courts in denying citizenship to those who refuse to give an unqualified promise to bear arms against potential enemies of this country.

Beginning with the case of the estimable Rosika Schwimmer, citizenship has been denied to other sincere pacifists, such as Prof. Douglas C. MacIntosh, of Yale University; Mrs. Margaret Dorland Webb, member of the Society of Friends; Miss Martha Graber, a Mennonite nurse; Herman Euns, another Mennonite; the Rev. T. F. King, a Methodist minister; M. Tapolscanyi, a communist, and Jacob Becker, a Chicago citizen who declared that he would kill human beings.

* * * * *

Commenting on the Schwimmer case, Justice Oliver Wendell Holmes said in his dissenting opinion:

"I would suggest that the Quakers have done their share to make the country what it is, that many citizens agree with the applicant's belief and that I had not supposed that we regretted our inability to expel them because they believe more than some of us do in the teachings of the Sermon on the Mount."

A bill has been introduced in the House of Representatives by Congressman Anthony J. Griffin, of New York, which will end this disgraceful situation. This would amend the present naturalization law by the proviso—

"That no person mentally, morally, and otherwise qualified shall be debarred from citizenship by reason of his or her religious views or philosophical opinions with respect to the lawfulness of war as a means of settling international disputes."

Will Congress still permit an American to have a conscience? Will it allow a private citizen to "renounce war as an instrument of national policy" in accordance with the words of the Kellogg pact?

[New York World, April 6, 1930]

WOMEN MUST FIGHT—RULING IS UNDER FIRE

HOUSE COMMITTEE BURIES GRIFFIN BILL EXEMPTING PACIFISTS FROM NATURALIZATION BAR

(By Elisabeth May Craig)

WASHINGTON, April 5.—"American men never have asked their women to fight for them; I don't see why we should begin now," says Representative James H. Sinclair of North Dakota, who is greatly disturbed over the repeated refusal of the Labor Department to grant American citizenship to women who refuse to promise to fight for the United States if necessary.

"Time was when the Labor Department did not interpret too literally the word 'defend' in the oath of allegiance which every alien must take when

he becomes naturalized as an American citizen. He must promise to 'support and defend the Constitution of the United States against all enemies.'

THE SCHWIMMER CASE

But last year Mme. Rosalka Schwimmer, a Hungarian pacifist, was denied naturalization because she said she would not fight. She was over 50 years of age at the time, so she would not have been compelled to fight, even if she had been a man and been drafted.

But the Supreme Court of the United States declared in her case that "defend" meant to bear arms and that willingness to bear arms in defense of the United States was a fundamental principle of the Constitution.

Consequently, the Labor Department has had no choice but to deny citizenship to all who would not promise to fight. It appears that this rule is bearing hardly on women, for women seem to be natural pacifists. Efforts to change what seems to be the crucial test for citizenship—willingness to fight—are being made by those in Congress who feel that with the United States pledged under the Kellogg pact to "renounce war as an instrument of national policy" the United States should not at the same time refuse citizenship to those who are unwilling to wage war.

VOICES ALARM

"The bearing of arms does not make a nation strong and successful," says Mr. Sinclair. "It alarms me that this question of willingness to fight is getting to be the crux of our naturalization policy."

Representative Griffin of New York, himself a veteran, looks at it from a different angle, but arrives at the same conclusion. He thinks naturalization should have nothing to do with fighting. Let in worthy applicants for citizenship, and then if war comes let the new citizen share whatever duties and responsibilities arise, says Mr. Griffin. He isn't a "pacifist" in the accepted meaning of the word, but he has introduced in the House a bill providing that naturalization shall not be denied to otherwise desirable applicants "because of their religious or philosophical views on war."

Despite the antagonism of the Immigration and Naturalization Committee leaders of the House, he made them set a date for a hearing on the bill, and numerous organizations and individuals came to Washington to testify in its favor. Mr. Taft died just then and the hearing was postponed. Mr. Griffin has vainly asked for another date. The chairman of the committee, Representative Johnson of Washington, wrote Mr. Griffin an evasive letter, saying that he couldn't set a date because he wanted to get other business of the committee cleaned up. Nor is it possible to find out who is against the bill. The committee clerk says there have been numerous applications from those wishing to appear in opposition, but is unable to name any.

It is supposed that the "patriotic" organizations will be the backbone of the opposition. Meantime Mr. Griffin has a daily lengthening list of proponents of his bill, including the Federal Council of Churches, numerous pacifist sects, like the Quakers and Dunkards, the Civil Liberties Union, the Socialist Party of America, the League for Independent Political Action, the League for American Citizenship, several pacifist organizations, such as the Council for the Prevention of War and the International League for Peace and Freedom, the Y. W. C. A. of New York and the District of Columbia, the League of Women Voters of New York, and such publications as the Day, the New Republic, the Christian Science Monitor, and the Nation.

Representative Sinclair is to be one of the witnesses. He has one prize exhibit, a constituent of his, Mrs. Zoe Harris Boe of his home town of Kenmare, N. Dak. She is a born and bred American, as are her people before her. She is a Dunkard, a sect which does not believe in war.

THE CASE OF MRS. BOE

Before the passage of the Cable Act, which set up the principle of the separate nationality of women, Zoe Harris married Jorgen Boe, also a Dunkard, and not an American, though he lived in Kenmare. As soon as he could, Boe was naturalized, no particular questions about fighting being asked, for the furore over fighting had not then been stirred up. But this naturalization took place

after the passage of the Cable Act, and the Cable Act declares that a woman does not take the nationality of her husband, but must set up separate naturalization status.

Therefore, Mrs. Boe, who had lost her citizenship, willy-nilly, when she married an alien husband, was left outside the pale when that alien husband became an American. And remember that all this took place while she was staying right here in her home town. She never left this country.

Finally she decided to become a "naturalized" citizen of her native country. But by this time—it was last September—the decision of the Supreme Court in the Schwimmer case had tightened up the Labor Department to watch for women pacifists, and so Mrs. Boe was asked if she would fight. When she said no, that her religion forbade it, she was denied naturalization. She remains an alien to-day, back in Kenmare, and Representative Sinclair is going to tell Congress what he thinks of such a situation.

He hopes that the Griffin bill will be passed, so that all such cases may be taken care of; but if it does not, or is unduly delayed, then he is going to bring in a separate bill, providing for the naturalization of Mrs. Boe. If he can ever get such a bill up for consideration it would probably be a test case, for if an exception were made for her, then it would lead to a host of others, and finally to a general reversal of policy. So the Boe case may become as famous as the Schwimmer case, or that of Martha Jane Graber, the Ohio nurse, who, having come to this country as a child of German parents, was refused naturalization when she came of age because she said she would not fight.

"I can not kill, but I would be willing to give my life for the United States," she said. She would go to the front as a nurse and try to save life, and she would shed her blood if necessary, she replied to the questioning Judge, but she would not kill a human being. So she was denied citizenship.

DENIED ON RELIGIOUS GROUNDS

There was also Margaret Dorland Webb of Indiana, who was denied citizenship because she is a Quaker and would not promise to fight. These cases have all been gathered by Representative Cable, who is a member of the Committee on Immigration and Naturalization, and regarded as an authority on the troublesome question of the nationality of women. Being a member of the committee which will deal with the Griffin bill, he does not take any stand in regard to that bill as yet, but is gathering all possible information as to the effect that the present rule is having on women.

If the Griffin bill or a similar bill does not pass Mme. Schwimmer will not stay in the United States.

"I am tired of being a woman without a country," she says. "I renounced my Hungarian citizenship when I made my application for citizenship in the United States. I have been denied this citizenship for years, and unless the Griffin bill passes I see no chance of achieving it. I do not want to stay in a country where I am not wanted. I do not know where I will go. I wanted to be naturalized here because I admire and love the form of government of the United States.

"I am taking no active part in the fight for the Griffin bill, for I do not think it becoming in an alien to interfere in these matters, but I am naturally vitally anxious for its passage and will do all I can for it from the sidelines."

There is strong sentiment against the principle of the Griffin bill. Senator Steck of Iowa introduced a bill, right after the Griffin bill, providing for a change of the oath of allegiance, so that a willingness to bear arms would be stated in so many words.

Senator Walsh of Montana, the constitutional authority of the Senate, says the Griffin bill is unconstitutional, inasmuch as it seeks to contravene the Supreme Court's decision that to bear arms is a constitutional requirement in a citizen. So even if the Griffin bill passes, it may be thrown out of court. The only finality would be a change in the constituency of the Supreme Court itself, which would decide that "defend" did not necessarily mean fight.

The attitude of the majority of the present Supreme Court on questions such as this is the reason for some of the opposition to the appointment of additional reactionaries, and it may be that the feeling aroused by the cases of

these women pacifists may revise the personnel of the Supreme bench itself. "We've never asked our women to fight yet, and I'm not willing to begin now, Supreme Court or no Supreme Court," says Representative Sinclair.

[The New York Times, Sunday, April 13, 1930]

THE DEMAND OF WOMEN FOR EQUAL CITIZENSHIP--REMOVAL OF DISCRIMINATIONS AGAINST THEM IS TO COME UP AGAIN AT WASHINGTON WHERE A NATURALIZATION LAW AMENDMENT IS PENDING

Women the world over are demanding equality in citizenship with men. Such equality has been under discussion at The Hague, where delegates from 50 nations are endeavoring to codify international law, at the same time the House of Representatives is considering a bill which aims to restore by a simple process the nationality of American women who have lost their citizenship right by marriage to aliens prior to 1922. In the following article Representative Cable, member of the House Committee on Immigration and Naturalization, sets forth the effect of our naturalization and citizenship laws with respect to women.

[By John L. Cable]

Recently the United States Supreme Court denied Rosika Schwimmer the right to take the oath of allegiance and become a naturalized citizen. Madame Schwimmer was born in Austria in 1877. In August, 1921, she entered the United States. The following November she declared her intention to become a citizen, and in 1926 filed her petition for naturalization.

As amended by the naturalization act of 1906, the oath of allegiance requires the petitioner to promise to "support and defend the Constitution and laws of the United States against all enemies, foreign and domestic." Of course, between 1906 and September 22, 1922, very few women were required to take the oath in order to become citizens, inasmuch as the marriage of an alien woman to a citizen of the United States, or the naturalization of her alien husband, automatically made her a citizen also. Since 1922, however, because of the law granting independent citizenship to women, alien men and women both have had to take the oath of allegiance before being naturalized.

As a part of every petition for naturalization there is a list of printed questions to be answered by the declarant. The answers to these questions show whether or not the petitioner is attached to the principles of the Constitution, as is required by the naturalization law.

THE CASE OF MADAME SCHWIMMER

Question 24 asks, "If necessary, are you willing to take up arms in defense of this country?" To this question Madame Schwimmer replied, "I would not take up arms personally."

The court refused to permit her to take the oath to complete her naturalization, holding that it could not confer citizenship upon her because of the mental reservations indicated by her reply to question 24. However, the case was appealed to a higher court, where the decision was reversed.

Later, the case was carried to the Supreme Court of the United States, and a majority of that court held that the lower court had correctly denied Rosika Schwimmer the privilege of becoming a citizen. The court held, first, that she had failed to prove that her avowed pacifism and lack of nationalistic sense did not conflict with the principle that it is the duty of every citizen, when necessary by force of arms, to defend the country against its enemies. In the second place, the court found that her objection to military service was for reasons other than mere inability personally to bear arms because of her age and sex.

Similar cases are those of Martha Jane Graber and Margaret Webb, both of whom are Quakers.

As has frequently happened, the decisions in these cases shifted the forum from the courts to the legislative chambers of the Nation. Only two days after the decision in the Schwimmer case was handed down, Congressman Anthony J. Griffin, of New York, introduced in the House a bill to amend the naturalization laws by providing that no person otherwise qualified should be

debarred from citizenship because of his or her religious views or philosophical opinions concerning the lawfulness of war as a means of settling international disputes. This bill was referred to the Committee on Immigration and Naturalization, of which Representative Albert Johnson, of Washington, is chairman.

BILL FAVORED AND OPPOSED

Chairman Johnson received hundreds of telegrams and letters from all over the country. Churches, the International League for Peace and Freedom, the Society of Friends, the Socialist Party of America, and many other organizations strongly urged the passage of this bill. But with equal force opposition to its passage came from the American Coalition Committee, the American Legion and its auxiliary, the Daughters of the American Revolution, the Veterans of Foreign Wars, and many other patriotic organizations.

One of the strongest expressions of opposition was made by the Chamber of Commerce of the State of New York. Its resolution stated that since "it is most repugnant to the Constitution and our form of government that aliens seeking advantage of United States citizenship should be accorded exemptions, benefits, or privileges of any kind not also possessed by our native born or descendants of early settlers," the Griffin bill or any other similar measure should not be enacted.

Senator Daniel F. Steck, of Iowa, also has introduced a bill on this subject. His is the antithesis of the Griffin bill. He would require every alien to declare as part of the oath "that when called upon he will bear arms in defense of the United States, its Constitution, and its laws; and that he will, without reservation, aid and encourage the United States against all enemies, foreign and domestic."

These two bills, along with the Schwimmer, Graber, and Webber cases, have focused public attention on the alleged inapplicability of our oath of allegiance to women petitioning for naturalization. The question of modifying our naturalization law is raised. Proponents of the change argue that, since we have exempted native-born conscientious objectors from military service, we should not require aliens of like belief to do something which we do not require of our own citizens. Opponents of modification point out that citizenship is of a dual character; it confers rights and imposes obligations. A citizen possesses the right of protection by his country, and he in turn owes that country a duty to aid and defend it in time of stress.

An alien has no right to become a citizen, although the privilege may be extended to him. The Government, and not the alien, shall dictate the terms of that privilege.

For the most part, our naturalization laws regarding the citizenship rights of women are the result of court decisions. It is yet to be seen if the decisions in the Schwimmer, Graber, and Webber cases will influence legislation concerning the oath of allegiance.

One of the earliest cases to influence legislation of naturalization was that of Nellie Grant, daughter of the President and Mrs. Grant. In 1874, Miss Grant married Algernon C. F. Sartoris, a subject of the Queen of Great Britain. Under the law of Great Britain, Miss Grant became a British subject by that marriage.

NO WAY TO REPATRIATION

Upon the death of her husband, Mrs. Sartoris wished again to become an American citizen. But the statute books contained no provision for the repatriation of an American woman who had been expatriated by her marriage to a foreigner. To take care of Mrs. Sartoris, Congress, in May of 1898, passed the following joint resolution:

"Therefore, be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Nellie Grant Sartoris, daughter of Gen. U. S. Grant, be, and she is hereby, on her own application unconditionally readmitted to the character and privileges of a citizen of the United States in accordance with the provisions of Article III of the convention relative to naturalization between the United States and Great Britain concluded May 13, 1870."

The defect in the law, exposed by this case, was corrected by the act of 1907, wherein it is provided that any woman who lost her citizenship by marriage to an alien might, if the marital status be terminated by death or

divorce, resume her American citizenship by registering as an American citizen at a United States consulate, or by returning to this country and continuing to reside here.

An all-important case is that of Mrs. Gordon Mackenzie, a native-born Californian who married a British subject in 1909 and continued to reside in California. By the terms of the act of 1907, "any woman who marries a foreigner shall take the nationality of her husband."

RULING IN MACKENZIE CASE

Gordon Mackenzie did not become a naturalized citizen of the United States. Nevertheless, on January 22, 1913, Mrs. Mackenzie made application to the board of election in San Francisco for registration as a voter. She was over 21 years of age and had resided in San Francisco more than the required 90 days. But the board of election refused to permit her to be registered, stating that Mrs. Mackenzie had by her marriage to a foreigner, under the 1907 act, ceased to be a citizen of the United States.

Forthwith she carried her case to court, contending that because of her birth in the United States, American citizenship, by the terms of the fourteenth amendment, was a constitutional right that could not be taken from her by a mere act of Congress. The case finally reached the Supreme Court of the United States. There it was held that although the Constitution did confer citizenship upon all persons born in the United States and subject to the jurisdiction thereof, and although citizenship was an incident to her birth, yet it was not such a right, privilege, or immunity that it could not be taken away by act of Congress.

Mrs. Mackenzie further contended that expatriation was a 2-party process, that no one could lose his citizenship except by the consent of his government, and that, on the other hand, no person could be deprived of his citizenship by statute unless he gave his consent. She had not renounced her allegiance to the United States, nor had she sought naturalization in some other country. Therefore, she argued, she remained a citizen of the United States. But in Justice McKenna's opinion the court pointed out that while hers was the proper interpretation of the old common law rule, that law had been changed by statute. The newer developments in the law permitted the citizen to renounce his allegiance at will, and it also permitted the Government to provide by statute for the expatriation of its citizens.

DISCRIMINATION SEEN

Thus, in *Mackenzie v. Hare*, Mrs. Mackenzie lost her case. But that decision did much to direct public attention to the unfair discrimination against American women in the act of 1907. A native-born woman who married an alien lost her nationality automatically and without regard to her own wishes.

This meant that she was deprived of protection by the United States Government while outside of this country. She lost all right of suffrage, of holding office, either by election or appointment, the right to participate in governmental affairs, and, in many States, she lost the right to hold or inherit property, to teach in the public schools, practice law or medicine, or to carry on many of the other vocations of life.

Mackenzie v. Hare marked the beginning of an earnest battle for equal rights of citizenship. Bills were introduced in Congress to eliminate discriminations between the sexes in our nationality law. In 1920 both major parties pledged themselves to enact legislation granting independent citizenship rights to women. At last, by the act of September 22, 1922, the American woman won the right of nationality independent of that of her husband. Marriage to an alien no longer deprived her of American citizenship.

That law was a great victory. But subsequent contests in the courts have shown a need of perfecting amendments. For instance, if a native-born woman lost her American citizenship by marriage to an alien prior to 1922, she is required, under the present law, to prove that she has resided in the United States one full year and that her residence is of a permanent character, before she can be repatriated. She is subjected to a hardship that is not suffered by the American woman who may have married an alien after September 22, 1922.

By the terms of the 1924 restrictive immigration act a married woman who lost her American nationality by marriage to an alien prior to the act of 1922,

and who wishes to return here to reside permanently, must come to the United States under the quota of her husband's nationality. If there is a great demand for that quota, which is highly probable, she may have to wait many years to return to this country. Then, too, she may never be able to come back to stay long enough to be repatriated.

Again, a native-born woman in this situation must go through practically the same naturalization proceedings as an alien. A prominent case of this kind is that of Representative Ruth Bryan Owen, who married a British subject in 1910 and thereby was expatriated without regard to her own wishes in the matter. Following the close of the World War she returned with her husband to reside in the United States. When she petitioned for naturalization she was required to go through the same naturalization proceedings as an alien.

These defects in the act of 1922 have been brought to light in the courts, and the decisions of the courts in regard to them have resulted in the initiation of amendatory legislation. The committee on immigration and naturalization has approved and reported out to the House H. R. 10960.

This bill, if enacted into law, would permit a woman who lost her American nationality by marriage to an alien prior to 1922 to return to the United States as a nonquota immigrant. It would permit her to be repatriated merely by appearing before a naturalization examiner and then going into court and taking the oath of allegiance. The length and character of her residence would not matter. She would be repatriated even if she were here for only a day.

A law such as is proposed in H. R. 10960 would give practically equal rights of citizenship to American men and women. Yet there can never be full equality until the many different nationality laws of the world are made much more uniform. And it is for this reason that the battle for equality of nationality has been carried to The Hague, where representatives of more than 50 countries are in conference, endeavoring to draft a treaty to codify the international laws on nationality, territorial waters, and responsibility of states.

Out of some 80 countries there are only 5 whose laws grant both men and women equal rights of nationality.

[From the Herald Tribune, May 30, 1929]

AMENDMENT IS OFFERED TO AID MRS. SCHWIMMER

REPRESENTATIVE GRIFFIN WOULD CHANGE NATURALIZATION LAW TO MAKE PACIFIST CITIZEN—CITES CASE OF QUAKERS—VOTE AT EXTRA SESSION OF CONGRESS HELD UNLIKELY

WASHINGTON, May 29.—An amendment to the naturalization law which would make it possible for Rosika Schwimmer, lecturer and author, to become an American citizen in spite of her pacifist views, was introduced to-day in the House by Representative J. Griffin, Democrat, of New York. Though he promised to press it for action, a vote is unlikely during the extra session of Congress.

Mr. Griffin's amendment is designed to overcome the decision Monday of the Supreme Court of the United States which held that Mrs. Schwimmer is not entitled to citizenship because she objected to the oath requiring all aliens to declare that, if necessary, they would take up arms in defense of the Constitution.

"Under the law, as it stands," the New Yorker pointed out, "there is nothing to prevent a court from denying citizenship to a Quaker. That this has never been done is not due to any protection in the law but to the beneficent indulgence of the judge." "Mrs. Schwimmer," he said, "seems to be the only one made to suffer."

Mr. Griffin, in a statement supporting his amendment, said:

"I have introduced to-day an amendment to the naturalization law to meet the case of Rosika Schwimmer, who was denied citizenship by the recent Supreme Court decision, to add the following sentence to the existing law: 'Except that no person mentally, morally, and otherwise qualified, shall be debarred from citizenship by reason of his or her religious views or philosophical opinions with respect to the lawfulness of war as a means of settling international disputes.'

"Agreeing with the dissenting opinion of Justice Holmes, concurred in by Justice Sanford, I feel that the qualifications for citizenship should not be left to judicial discretion.

"The only ones who have so far suffered by this hiatus in the law, which I am endeavoring to cure, are a few harmless doctrinaires of the type of Mrs. Schwimmer. Personally I do not see why aliens holding the views of Senator Borah and many other eminent Americans on the unlawfulness of war should be debarred from citizenship.

"I do not think that war is likely to be abolished, but we should not penalize the optimism of those who believe that it will, and I might add that I served 12 years in the military forces of my State and Nation and organized and commanded a company in the famous Sixty-ninth Regiment in the Spanish-American War. I, therefore, can not be charged with being a pacifist; but I do feel proud of my allegiance to the fundamental principles of free thought and free speech which were so finely expressed in the splendid opinion of Justice Holmes."

QUAKERS ARE BARRED, AND LIKEWISE ALL OTHER IDEALISTS, BY SUPREME COURT'S 5-TO-4 DECISION IN CITIZENSHIP CASES

(By Representative Anthony J. Griffin)

By its recent decision in the Macintosh and Bland naturalization cases the traditional rights of man—religious liberty and freedom of thought—so far as the United States Supreme Court is concerned, are practically abolished.

To put it to the test, let the Quakers, who participated so materially in building up one of the States of our Union, now attempt to secure American citizenship. You will find that this decision of the Supreme Court will be promptly cited against them.

It may be argued that in practice the denial of those "inalienable rights of man" will only affect aliens seeking the aegis of our flag. That is precisely the menace of it. For, if a belief in war is held to be an essential of citizenship in the case of aliens, the principle may be expected sooner or latter to be invoked in the case of actual citizens, to furnish a ground for their expatriation. This is no idle dream. Certain war-minded fanatics are already playing that tune.

To grasp the full import of the Macintosh and Bland decisions it is necessary to keep in mind that up to 1929, applicants for citizenship were not interrogated as to their religious or conscientious scruples, nor asked the question, now become crucial; that is, if they would take up arms if necessary. Therefore, the questionnaire submitted to intending citizens required them to say whether or not they "will support and defend the Constitution and laws of the United States." This was in exact compliance with the terms of the oath of allegiance which Congress required should be taken, and was deemed sufficient for over 100 years. Suddenly, the Bureau of Naturalization, without any additional legislation or direction of Congress, added question 24 to the questionnaire:

"24. If necessary, are you willing to take up arms in defense of this country?"

It is obvious that this question is purely hypothetical and calls for an answer as to what the applicant, at that moment, may think he may be willing to do in a certain contingency which may never happen in his lifetime. To ask such a question of old men and women, as is now being done, is simply ridiculous and provocative of hypocrisy. The thoughtless will answer it flippantly, and cowards, under the fear of a denial of citizenship, are virtually clubbed into making an outrageously deceitful statement.

In effect, the Supreme Court decision permits the Bureau of Naturalization to make a new law establishing a new qualification for citizenship, utterly without the authority of Congress. I make bold to say that the minority opinion, expressed by Chief Justice Hughes and Justices Holmes, Brandeis, and Stone, is decidedly more in harmony with American traditions. The majority justices seem to have predicated their decision upon the false assumption that the admission of Macintosh and Bland would authorize aliens to bargain at the time of naturalization for exemption from military service in time of war.

Bargain with whom?

A naturalization clerk who puts a question not authorized by Congress? That assumption is entirely untenable. Even the Supreme Court itself could not authorize such a bargain. Such a bargain could only be authorized by Congress and the possibility of that is unthinkable. In short, the whole effect, and the only effect, of a favorable decision in the Macintosh and Bland cases would

simply be to confirm existing law; that a naturalized citizen is a citizen, no matter what his creed and no matter what he thinks he is likely to do in some future war. It would leave the whole question of duty in wartime in abeyance, reserving—as it has been reserved for over 100 years—the right in Congress to provide for exemptions when the occasion requires.

Inch by inch, and step by step, bureaucracy is invading the domain of Congress. Now the Supreme Court decides by a 5 to 4 decision that the Naturalization Bureau has the right to ask the applicant for citizenship if he or she will fight (take up arms) and debar an intending citizen, if the question is not answered satisfactorily—in other words, an additional qualification for citizenship is demanded and practically construes words into the oath of allegiance which were never justified by any act of Congress.

To offset this unauthorized injection into the law of this new qualification for citizenship, I introduced in 1920, H. R. 3547. The bill provides: "That no person mentally, morally, and otherwise qualified shall be debarred from citizenship by reason of his or her religious views or philosophical opinions with respect to the lawfulness of war as a means of settling international disputes." That simply means that religious or philosophical opinions on war have nothing to do with the case. If enacted into law, the Bureau of Naturalization will necessarily eliminate the question from the questionnaire and will no longer heckle old men and women with silly questions as to what they think they will do in some future war.

With the younger folks the question is equally ridiculous. Women are always exempt from taking up arms, and to insist upon them saying they will do so is worse than a legal fiction. As for young men, within the draft age, the fear of denial of citizenship will coerce them into making a self-serving statement. The question ought to be dropped. It has provoked an utterly futile controversy, only half decided by a divided court, and denies admission to citizenship of Quakers, Dunkards, Mennonites, and idealists generally, while leaving the door wide open for the unscrupulous, who are willing to enlist now in a war that may never come.

MEMORANDUM ON BEHALF OF NEW YORK FRIENDS (QUAKERS) IN SUPPORT OF
GRIFFIN BILLS, H. R. 207 AND 208

To friends and others:

The undersigned are members of the Society of Friends, commonly called Quakers.

In the solemn crisis in which our country now finds itself, upon the threshold of a great war, we desire to present to our fellow members and to our fellow citizens certain principles which we believe are fundamental as to our conduct.

The Society of Friends has from its beginning advocated freedom of speech and liberty of conscience. It has upheld the personal accountability of each person to his Maker. It has supported democracy as that form of government which best maintains the liberty of the individual, earnestly seeking the right to follow the dictates of his own conscience. It has consistently opposed oppression and wrong and the endeavor to impose beliefs and laws adverse to men's conscience. We believe these principles are likewise fundamental in our American democracy.

War and military power being ready instruments in the hands of oppressors, and the militant and combative spirit being, as we hold, contrary to the spirit of God and the teachings of Jesus, Friends have endeavored to bring to the hearts of men the benign influence of peace and that spirit which shall do away with the causes of all wars, and which develops the highest manhood.

Friends point to the bloody course of the present war, with its examples of faithlessness and ruthlessness, as an exposition of what comes to the world when the ambitious, autocratic spirit of domination controls the minds of men.

In order to restrain the ruthless warfare waged, not only upon foes but upon nations which have with unexampled patience shown their desire to remain friends, the President of the United States has deemed it wise to ask Congress to grant to him the right and the means to use the power of this Nation to endeavor to restore the principles of peace, stating the objects to

be "to vindicate the principles of peace and justice in the world as against selfish and autocratic power, and to set up among the really free and self-governed peoples of the world such a concert of purpose and of action as will henceforth ensure the observance of those principles."

With those objects we believe the members of the Society of Friends unqualifiedly agree and in the war will give this Government their hearty, unwavering support.

There will be work for Friends and other lovers of peace. We can serve in various capacities without hatred or animus and we hope that the time is near when all peoples shall be free of autocratic ambitions and militarism and will cooperate in maintaining peace in the world.

We believe that in the work before us we could follow the words of Lincoln: "With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle, and for his widow and his orphans, to do all that may achieve and cherish a just and lasting peace among ourselves and with all nations."

Dated, New York, April 6, 1917.

WILSON M. POWELL.
HENRY M. HAVILAND.
THOMAS T. SMITH.
EDWARD CORNELL.
CHARLES McDOWELL.
JOHN P. BROOMELL.
JOHN L. CREEVER.
ALBERT R. LAWTON.
WILLIAM T. SMITH.
WILLIAM P. SMITH.
HENRY C. TURNER.
A. WRIGHT CHAPMAN.

WILL WALTER JACKSON.
DANIEL T. MERRITT.
JOHN C. PERCY.
STEPHEN VALENTINE.
J. JAY WATSON.
WALTER MENDELSON.
CLARENCE A. CLOUGH.
CHARLES F. UNDERHILL.
BENJAMIN I. CARHART.
J. HIBBERD TAYLOR.
ANDREW MAYER, JR.

GENTLEMEN: This is a bill which would permit Friends (Quakers) from Canada and England and other countries to be naturalized as citizens, and no longer be classed by our beloved Government with anarchists and destroyers of governments. It would also admit Mennonites and other suitable persons. It would not change the law excluding from citizenship those who are opposed to organized governments. I am speaking for the Friends.

Friends have always been supporters of law and order, tranquillity and peace, in the community, and have supported means and methods to insure such peace. They were among the founders of the Republic. They are now considered worthy to hold the highest offices in the Republic. William Penn was one of the first to propose an association of nations to establish international law and order, and to maintain peace among the nations. He was strong for peace, but would probably not be allowed, under recent rulings, to become a citizen.

Friends have been hearty supporters of the Kellogg peace pact, and my New York yearly meeting at its session in May, 1927, before the Government had gone very much into the matter, addressed memorials to the administration and to New York Senators and Congressmen, urging the taking up of the proposition of M. Briand, which had just been made, in April, 1927, and enacting it into an international agreement.

When the League of Nations was proposed, our yearly meeting addressed memorials to the Senate in its support.

Even in the last war, a group of New York Friends, active in their meetings, drafted and signed a statement of sympathy and "unqualified agreement," with the ultimate objects and aims of the President, and although reasserting their love of peace, yet promising in the words of Lincoln, to strive to bind up the Nation's wounds, to care for those who have borne the battle and for their widows and orphans and to do all that may achieve and cherish a just and lasting peace among the nations. This document was not only signed by those whose names are printed here but also by a great number of other Friends, and was reprinted in our organ *The Friends Intelligencer*.

To us, of course, the main point was the achieving and cherishing lasting peace, and the binding up of the Nation's wounds. In pursuance of this an organization of Friends was formed in the United States and another in England which cooperated in sending many of our young men and women abroad,

who during and after the war established themselves in the devastated areas in France and elsewhere to set up hospitals and feeding stations for women and children particularly, in order to care for those who had borne the brunt of the battle and for their widows and orphans, and to assist in the restoration of good will, a necessary preliminary to a lasting peace. Some went even further than this, and being such lovers of peace that they were even willing to fight for it, entered into the military forces of the United States, although exempted by law. Such young men were not disciplined by any meeting, Friends feeling that they should not question the conscience of any member in that respect, that each member should do as he felt God called him. One of our well-beloved Friends at Flushing became a gold star mother, and I have no doubt there were others.

The war act of 1917, enabling the President to increase the Military Establishment for the war, expressly exempted from the draft the members of such organizations as the Friends. If that could be done in time of war, why should there not be equal consideration for Friends in time of peace?

I do not know whether this is a proper time to propose any amendment of the proposed bill, but, with all deference to Congressman Griffin, I would suggest an amendment, which I now hand you. It makes use of the language of the war act of 1917, admitting to citizenship those persons otherwise qualified who are members of existing sects opposed to war, as that act, passed in time of war, exempted them for the draft.

The fathers of our beloved Republic in establishing the Constitution had in mind freedom of religious belief and conscience. They provided in that Constitution that no religious test shall be required as a qualifications to any office or public trust under the United States. (Article VI.) They further provided that Congress shall make no law respecting an establishment of religion or prohibiting the free practice thereof. (First amendment.)

We submit that the release asked for in this bill is in the spirit of those provisions. As was said by Mr. Chief Justice Hughes in his dissenting opinion in the MacIntosh case: "The essence of religion is belief in relation to God involving duties superior to those arising from any human relation." It is submatted than conscientious persons are the best qualified for citizenship.

The Society of Friends arose in England, about the middle of the seventeenth century. That is the home country of the Friends. Many English and Canadian Friends come here to reside. They become members of our American meetings. They want to become loyal American citizens as we are. Under recent decisions loyal and convinced Friends, true to our testimonies, following the right as God gives them to see the right, have not in these latter days the right to become American citizens, if they will not agree in advance to bear arms. We feel that debarring of our Friends is a very serious thing.

This bill restores to them that right.

We ask of this committee favorable action so that the bill may be enacted into law.

The discipline of the New York yearly meeting of the Religious Society of Friends contains the following:

"We have found it to be our duty to bear our faithful testimony against war, in accordance with the gospel, which breathes peace on earth and good will toward men. God's law of love, as fully exemplified by the life of Jesus, is applicable to nations as well as individuals. Friends are earnestly advised on all occasions to act in a Christian and peaceable manner, and not only to refuse to bear arms, but to engage in no business tending to promote war, nor to unite with any in a way calculated to incite or encourage the spirit of war. * * *

We greatly desire that the children of our country shall be imbued with the true conception of patriotism and service to the Nation and to humanity. We earnestly advise Friends to exert themselves at all times to make our country a potent factor in the advancement of the world and to work to improve the civic, economic, social, and moral condition of our country, rather than to exalt it at the expense of others or to support and justify its action irrespective of right or justice."

Would not people of such aims make good citizens?

Should they not be admitted to citizenship?

Dated first month 26th, 1932.

Respectfully submitted,

HENRY M. HAVILAND,
*Delegate from the New York Yearly Meeting
of the Religious Society of Friends.*

PROPOSED AMENDMENT TO H. R. 297

Except that no person mentally, morally, and otherwise qualified shall be debarred from citizenship by reason of his or her religious views or philosophical opinions with respect to war as a means of settling international disputes; and no such person so qualified who is also a member of any well recognized religious sect, denomination, or organization at present organized and existing and whose existing creed or principles impose a duty or obligation upon its members not to participate in war in any form and whose convictions are against war, shall be debarred from citizenship because of such convictions, and he shall be exempt from any requirement to make any statement as to his or her willingness to take up arms in case of war.

STATEMENT SUBMITTED BY HON. THOMAS R. AMLIE, REPRESENTATIVE FROM STATE OF WISCONSIN

Mr. Chairman and Members of the Committee:

It is my desire to appear before your honorable body in behalf of the Griffin-Cutting bill and to state briefly my reasons for so doing. I feel prompted to do this in view of the alleged proceeding that took place before your committee yesterday, as set forth in the Washington Daily News. This is as follows:

"Several witnesses were heckled and some were not permitted to complete their statements.

"With American Legionnaires and Daughters of the American Revolution, unfriendly to the bill, as applauding spectators, several members of the committee seized opportunities to state their opposition in emphatic terms.

"Representative Free, questioning the Rev. Jerome Davis, of the Yale Divinity School, said: 'You don't mean to tell us that all the church members of this country are in favor of the damnable thing you are trying to put over.'

"As Davis concluded Free asked, 'Are you a member of the Civil Liberties Union?' and members of the committee wagged their heads knowingly."

This news item further contains the statement that the Rev. Herman J. Hahn, of Buffalo, was cut short in his testimony when, in response to a question, he said he was a member of the Industrial League for Democracy.

I have also gone through a transcript of some of the testimony as presented before your body and feel from that fact that the newspaper account undoubtedly states correctly what transpired.

I have noted particularly the effort of certain members of the committee to make it appear that various witnesses who appeared in behalf of the bill were prompted to do so because they were paid by subversive organizations for so doing.

It seems to me that if the members of this committee have been made victims of racketeering at all, that it is rather through the activities of those who have opposed the measure. At this point I feel it my duty to call the attention of the members of the committee to the organization known as the American Coalition of Patriotic Societies. This organization has on its board of directors one representative from each of 72 separate organizations. The chairman of the board is Captain Trevor, of New York, while the executive secretary is one Fred Marvin, known as "Orphan Annie," by virtue of his constant refrain that the "Communists will get you if you don't watch out." Through this organization the members of the various component bodies are notified of hearings and an audience thus provided to whom members may address ad hominem remarks.

Before discussing the Griffin-Cutting bill I wish to refer briefly to a line of United States Supreme Court decisions that have made it desirable from the standpoint of our traditional freedom of conscience that legislation of this kind should be enacted.

THE MACINTOSH CASE

In the case of Douglas Clyde MacIntosh, member of the Divinity School of Yale University, it should be noted that he was born in Canada, that he was a chaplain with the Canadian Army, and that after he returned to America late in 1916 he went over with the United States forces as a Y. M. C. A. worker. At his preliminary hearing for citizenship he stated that he was not willing to promise beforehand and without knowing the cause for which his country might go to war that he would be willing to take up arms in her defense, however necessary such war might seem to be to the particular government of that day.

I can well understand the attitude of Mr. MacIntosh after listening to a number of Members of Congress say on the floor of the House that they voted for the war upon a misrepresentation of the facts by the administration, and that if they had it to do over again they would never have voted to put the United States into the World War.

The Reverend MacIntosh is merely stating that he proposes to be guided in the matter of taking up arms by his own conscience rather than by the conscience of the National Government. It seems to me that this is the position that every true liberal must take. It was the position that Abraham Lincoln took as a Member of this House when he denounced the Mexican War as purely a measure to get possession of Texas and extend the institution of chattel slavery. While the position he took cost him his seat in Congress as a result of the war hysteria of that day, nevertheless, I doubt if many people at this time would question the fact that Lincoln's stand against an unjust war has been vindicated by history. The position that Doctor MacIntosh has taken is merely the position that many of our greatest American statesmen and patriots have taken since the founding of this country.

Chief Justice Hughes, dissenting in the MacIntosh case, said:

"I think that the requirement (the promise to bear arms) should not be implied, because such a construction is directly opposed to the spirit of our institutions and to the historic practice of the Congress. * * * It goes without saying that it was not the intention of the Congress in framing the oath to impose any religious test. * * * In the forum of conscience, duty to a moral power higher than the State has always been maintained."

MARIE AVERILL BLAND CASE

In the case of Marie Averill Bland, a war nurse, and the daughter of an Episcopal minister, the denial of citizenship was based upon her statement that she would not take up arms but that she would be willing to render such service as helping and comforting the wounded. She also declared that she would not proselyte or try to induce others to accept her beliefs.

MARTHA JANE GRABER CASE

The case of Martha Jane Graber is very similar to that of Miss Bland. The testimony of Miss Graber upon which she was denied citizenship is as follows:

The court asked Miss Graber:

"Q. Are you willing to serve in the Army, if need be, in time of war?—A. I am willing to serve in my profession—a registered nurse.

"Q. Suppose your country saw fit to demand your service in time of war as a combatant, to take part in the war; explain what you would do under such circumstances.—A. I would go to the front in my profession.

"Q. That doesn't answer my question. My question was: Suppose you were called upon to act as a combatant in time of war for the United States, would you fight?—A. That would not be professional as a nurse.

"Q. That doesn't answer the question: Are you willing to fight for the United States if need be? You understand what is meant by fighting, Miss Graber; I mean to take up arms in defense of the United States if necessary.—A. I can not kill, but I would be willing to give my life.

"Q. Do I understand that you mean that you are unwilling to fight for the United States?—A. Do you mean by 'fighting' killing?

"Q. I do if necessary. Such is war, Miss Graber. * * * The question is as to whether or not in time of war, if need be, you are willing to shed blood in defense of the United States.—A. I said I would be willing to shed my own blood to protect this Government.

"Q. I am not asking you as to your willingness to shed your own blood; I am asking you as to your willingness to shed the blood of others if need be.—A. I conscientiously could not do that. * * * As I said before, I could not bear arms; I could not kill; but I am willing to be sacrificed for this country.

"The Court. The petition of the applicant will be dismissed."

THE SCHWIMMER CASE

The case of Rosika Schwimmer has perhaps attracted the greatest national publicity because of the fact that Miss Schwimmer was a woman who has long been associated with the cause of women's suffrage and other liberal causes.

The issue could not have been more clearly or ably put than it was by Justice Holmes in his dissenting opinion. It is as follows:

"The applicant seems to be a woman of superior character and intelligence, obviously more than ordinarily desirable as a citizen of the United States. It is agreed that she is qualified for citizenship except so far as the views set forth in a statement of facts 'may show that the applicant is not attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same, and except in so far as the same may show that she can not take the oath of allegiance without a mental reservation.' The views referred to are an extreme opinion in favor of pacifism and a statement that she would not bear arms to defend the Constitution. So far as the adequacy of her oath is concerned, I hardly can see how that is affected by the statements, inasmuch as she is a woman over 50 years of age and would not be allowed to bear arms if she wanted to. And as to the opinion, the whole examination of the applicant shows that she holds none of the now-dreaded creeds but thoroughly believes in organized government and prefers that of the United States to any other in the world. Surely it can not show lack of attachment to the principles of the Constitution that she thinks that it can be improved. I suppose that most intelligent people think that it might be. Her particular improvement looking to the abolition of war seems to me not materially different in its bearing on this case from a wish to establish cabinet government as in England, or a single house, or one term of seven years for the President. To touch a more burning question, only a judge mad with partisanship would exclude because the applicant thought that the eighteenth amendment should be repealed.

"Of course, the fear is that if a war came the applicant would exert activities such as were dealt with in *Schenck v. United States* (249 U. S. 47). But that seems to me unfounded. Her position and motives are wholly different from those of Schenck. She is an optimist and states in strong, and, I do not doubt, sincere words her belief that war will disappear and that the impending destiny of mankind is to unite in peaceful leagues. I do not share that optimism, nor do I think that a philosophic view of the world would regard war as absurd. But most people who have known it regard it with horror, as a last resort, and even if not yet ready for cosmopolitan efforts, would welcome any practicable combinations that would increase the power on the side of peace. The notion that the applicant's optimistic anticipations would make her a worse citizen is sufficiently answered by her examination, which seems to me a better argument for her admission than any that I can offer. Some of her answers might excite popular prejudice, but if there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought—not free thought for those who agree with us, but freedom for the thought that we hate. I think that we should adhere to that principle with regard to admission into, as well as to life within, this country. And recurring to the opinion that bars this applicant's way, I would suggest that the Quakers have done their share to make the country what it is, that many citizens agree with the applicant's belief and that I had not supposed hitherto that we regretted our inability to expel them because they believe more than some of us do in the teachings of the Sermon on the Mount.

"Mr. Justice Brandeis concurs in this opinion.

"Mr. Justice Sanford, dissenting.

"I agree, in substance, with the views expressed by the Circuit Court of Appeals, and think its decree should be affirmed."

It should be noted that the objection of Mme. Schwimmer rested upon philosophical grounds, while the objections of Mr. MacIntosh, Miss Bland, and Miss Graber rest upon religious scruples. The decision of the Supreme Court in the MacIntosh case, however, holds that religious scruples have no more weight than philosophical objections.

For this reason the only manner in which this vital question of the right to freedom of conscience can be guaranteed to the alien asking citizenship in the same measure that it is assured to the native born, is by legislation. This is precisely what the Griffin-Cutting bill would accomplish and nothing more. The contention of the opponents of this bill that its passage would open our doors to all manner of dangerous aliens is, of course, ridiculous. Their arguments would virtually class Justices Brandeis, Holmes, Sanford, and Chief Justice Hughes with that class of men who would destroy the fabric of this Government by violence. The mere statement of the proposition is its own answer. At the most it would merely admit to citizenship people who entertain

the religious beliefs of the Quakers, or on the other hand individuals who share with Jane Addams, commonly known as America's leading woman, her philosophical views on world peace.

In so far as the Justices of our Supreme Court are concerned, who are in the majority and decided the aforementioned cases over the dissenting opinions of some of the greatest justices that this country has ever produced, it should be said that they are, in a sense, bound by precedent. There is for them, viewed from the standpoint of liberalism, a measure of defense which does not obtain in so far as the members of this committee are concerned, who are called upon to pass upon this bill as a legislative remedy. The members are not bound by precedent. They are presented clearly with the alternative as to whether they are going to choose in favor of the position stated by Justice Holmes, and in times past followed by Lincoln and other American statesmen and patriots, or whether they will follow the narrow and pernicious nationalism best voiced by Stephen Decatur, "My country, right or wrong."

I am well aware of the fact that this last proposition is the guiding philosophy of the members of the Coalition of Patriotic Societies. It is, however, a denial to the individual of the right of free conscience. It is a requirement upon the individual that his conscience must always give way to the conscience of the administration. It is the same proposition that the American people were confronted with during the early war years. They were called upon prior to April, 1917, to maintain a position of absolute intellectual neutrality. After the declaration of war, they were required to change their opinions overnight and become ardent partisans of the Allies. I submit, gentlemen, that no man, who has any intellectual integrity worthy of the name, can hold his conscience and judgment in absolute abeyance subject to the dictates of the administration.

There is, however, another and a more important aspect which I desire to discuss before the members of your honorable body. It relates to a factor which is generally overlooked by all ardent nationalists during this period of rampant nationalism. I feel that this is important, in view of the developments that have taken place since the World War ended. It was the hope of the men who injected the United States into the World War that this would be a war to end war; that it would be a war to make the world safe for democracy. In other words, that, when the World War should have been successfully terminated by the Allies, the bitter nationalism, which had led the European countries into the World War, might be obliterated. But we have seen, since the World War ended 18 years or more ago, that nationalism and national hatreds are much keener now than at any time in modern history.

Before the World War ended, practically all of the great nations accorded a certain sanction to the views of internationally minded minorities.

I think that you will all agree with me as a general proposition that the world would be a much better place in which to live if more people thought of the residents of other lands in terms of love rather than of hatred.

The pacifists believe that world peace can only come as a result of such an attitude on the part of peoples toward each other generally. Certainly this is a fundamental tenet of the teachings of Christ. I believe on the whole that there is a great deal more force in the position of the pacifists in this respect than is generally conceded.

I am thinking particularly of the disturbance between Norway and Sweden in 1905 when the Government of Norway declared its independence of the Government of Sweden. The stage was set for a bloody war between those two countries. The fact that a war did not occur was due primarily to the position taken by the working people of Sweden. They announced it as their position that they would not take arms to kill their Norwegian brethren and that if Norway wished to separate, then let them go their way in peace. This in my humble opinion is the most significant incident in modern history from the standpoint of world peace.

When the World War came along there were strong minorities in all of the European countries opposed to war. These minorities were ruthlessly exterminated particularly in France, and to a lesser degree in Italy, Russia, Germany, and England. It seems to me that the nationalists of those European countries overlooked one fundamental fact. It was this—that while there were minorities within their particular Nation opposed to war either because of religious conviction or because of social concepts based upon the brotherhood of man, that there were also similar groups in all of the other warring coun-

tries. It seems to me that had there been any degree of enlightenment in any of the warring countries, they would have extended to these conscientious objectors the consideration which I humbly submit the conscience of a man is entitled to in this supposedly enlightened and Christian era.

Where for instance we have one socialist, there are proportionately no less than 10 socialists in Japan. Very frankly I can not understand why enlightened and Christian nations should seek to eliminate those men who take their social or religious philosophy seriously as regards the injunction against killing their fellow men, particularly in view of the fact that in all civilized countries the number of men who are actuated by religious or social idealism runs proportionately the same.

The decision of your honorable body upon the bill before you which provides as follows: "That religious views or philosophical opinions against war shall not debar aliens, otherwise qualified from citizenship" is going to be perhaps more far-reaching than any of you realize. As I have said, this is a day of rampant nationalism throughout the world. It is a day in which social idealists are accorded but slight courtesy. If the United States goes on record at this time in holding that no man or woman regardless of age or social outlook may be granted citizenship unless he or she be willing to bear arms, it is going to furnish the justification, to other nations much less secure, for the denial to socially minded minorities the right to freedom of conscience.

I hope that in arriving at your decision you will give earnest heed to the traditional right of freedom of conscience which has always been inseparably associated with the Government and institutions of this country, and that you will not, because of the organized representation which has been in this committee room during the past two days, be led to overlook the kindly tolerance of the mass of the American people of the religious scruples which many of them entertain upon this question. It could only serve to weaken their present rights as citizens if these rights were denied to aliens as a condition of obtaining citizenship.

THOMAS R. AMLIE.

GRIFFIN BILL COMMITTEE

HON. SAMUEL DIKSTEIN,

House of Representatives Office Building, Washington, D. C.

DEAR SIR: We ask you and your Committee on Immigration and Naturalization to consider the Griffin bills (H. R. 297, 298) for just what they are. Your fellow legislator, Mr. Griffin—himself no pacifist, but moved by a sense of justice—states clearly that his aim is to preclude the heckling that characterizes naturalization offices since the Bureau of Immigration (without legal authority or moral right) undertook to test intending citizens by an examination of their views about war.

Mr. Griffin and we, his backers, stand behind a policy of adequate national defense. War as a national policy has been renounced by our Nation. Therefore there is no issue on that score between us and our opponents. What we as patriots protest against is the disposition of extreme militarists to mire our bill in terms of war.

Whatever the motives behind our opponents, their activities are destructive of liberty of conscience and freedom of speech—of the very spirit which brought our Nation to birth. If your committee are swayed by their arguments, and use their responsible office as the vehicle of interest and blind fear, they are inevitably helping to bolshevize this country—putting a premium on the bolshevistic methods for which our opponents are notorious—appeal to partisan interest; propaganda through rigidly controlled channels (as are many of the so-called patriotic societies); and espionage through surreptitious "reports" and blacklists.

Receive us, not as our opponents would persuade you, but as sincere patriots, defenders of the high traditions of our country, to the preservation of which we devote ourselves.

Very respectfully,

THE NATIONAL GRIFFIN BILL COMMITTEE,
By HELEN TUFTS BAILIE,
Chairman Boston Griffin Bill Committee.

AMERICAN UNITARIAN ASSOCIATION

RESOLUTIONS OF GENERAL PUBLIC INTEREST ADOPTED BY THE FOURTH BIENNIAL CONFERENCE, PHILADELPHIA, PA., OCTOBER 19-22, 1931, AND THE FINDINGS OF THE ROUND-TABLE DISCUSSION GROUPS ADOPTED BY THE CONFERENCE

THE DENIAL OF CITIZENSHIP TO DOUGLAS OLYDE MACINTOSH

Whereas we Unitarians, here assembled, have been pledged by our traditions to uphold freedom of conscience, and have been devoting this present conference to the theme of the supreme worth of personality in all its relationships; and

Whereas it has been declared by the Supreme Court of the United States that Douglas Clyde Macintosh, professor in the divinity school in Yale University, is not eligible for citizenship in the United States, for the reason that he could not promise in advance to bear arms in any war in which the United States may be engaged, "unless he believed the war to be morally justified"; and

Whereas the decision of the court was by a majority of 5 to 4, the majority opinion declaring that the promise to bear arms is implied in the words of the oath of the naturalization act, "to support and defend the Constitution of the United States against all enemies, foreign and domestic"; and

Whereas the minority opinion, Chief Justice Hughes speaking, declared that there was no such implication, either literally or historically, in the general words of the naturalization oath, and that such a requirement to bear arms "should not be implied because such a construction is directly opposed to the spirit of our institutions and to the historical practice of Congress"; and

Whereas the majority opinion went beyond its interpretation of the naturalization act and declared that "the conscientious objector is relieved from the obligation to bear arms in obedience to no constitutional provision, expressed or implied; but because, and only because, it has accorded with the policy of Congress thus to relieve him";

Be it resolved, That we Unitarians who are here assembled, while respecting the judicial procedure in this case and with no purpose to call in question the legality of the decision, nevertheless declare that we feel profoundly moved to protest against it; that the majority opinion looks backward upon precedents in the past, while the minority opinion looks forward with the growing sentiments of the American people against the war system, thus interpreting the naturalization oath in harmony with the moral conscience increasingly felt by American citizens as to whether they can or can not approve and support a declaration of war;

Be it further resolved, That we feel a deepening dismay at the decision of the Supreme Court to the effect, first, that liberty of conscience, even in the bearing of arms in any or all wars, has no guarantee whatsoever in the Constitution of the United States but only in the judgment of Congress, a decision which appears to subject all citizens, and especially all officeholders taking the oath of office in substantially the same terms of the naturalization oath, to the implied promise in advance to bear arms in any and all wars of the Nation, no matter what religious scruples may be felt; and, second, that the decision puts a construction upon the Constitution contrary to our American practice in all its history, because it definitely assures to Congress the right of universal conscription of conscience without regard to religious scruples in the bearing of arms;

Be it further resolved, That we who approve these resolutions, pledge ourselves to all possible efforts to move Congress to find some relief, if necessary, in a constitutional amendment, from the intolerable results of the Supreme Court decision, as it affects both the native-born citizen and the applicant for citizenship who have or feel that they may have religious scruples in the bearing of arms in war, though subject, it may be, to noncombatant duties;

Be it further resolved, That we extend our sympathy to Professor Macintosh in his dilemma and to all others in the same plight.

EXCERPT FROM RESOLUTIONS ADOPTED BY THE MASSACHUSETTS BAPTIST CONVENTION AT THE ANNUAL MEETING IN WORCESTER, MASS., OCTOBER 28-29, 1931

Whereas the Supreme Court of the United States has, by a vote of 5 to 4, denied the right of citizenship to any alien who refuses to participate in any

war that might be waged by the country, even though he believe that war is morally unjustified and contrary to the will of God, as revealed by the teachings of Christ; and

Whereas such a policy is, in our opinion, contrary to the highest interests and noblest ideals of Christian citizenship: Be it

Resolved, That every effort be made to secure the enactment of adequate legislation to bring about the abolishment of such unjust and un-Christian requirements.

THE FELLOWSHIP OF RECONCILIATION,
New York City, January 26, 1932.

HON. SAMUEL DICKSTEIN,
House of Representatives, Washington, D. C.

MY DEAR MR. DICKSTEIN: As I am not able to be personally present at the hearing on the Griffin bill, H. R. 297, I beg to assure you that in my opinion the membership of the Fellowship of Reconciliation are practically 100 per cent in favor of the general principle of not excluding aliens from citizenship in the United States solely because they may have philosophical convictions which would prevent their taking part in war or because they would refuse to bear arms in war.

In so far as the Griffin bill covers these points, we are for it. We agree emphatically with the dissenting opinion of Chief Justice Hughes in the MacIntosh case that—

"In the forum of conscience, duty to a moral power higher than the state has always been maintained. The reservation of that supreme obligation, as a matter of principle, would unquestionably be made by many of our conscientious and law-abiding citizens."

The Fellowship of Reconciliation believes that the method of war violates the essential teachings of Jesus and the supreme value of personality and that Christians, and others, should refuse to take part in it and should appeal to the conscience of mankind for its abolition.

I will be grateful if you can have this letter inserted in the record of the hearings on the Griffin bill.

Yours sincerely,

JOHN NEVIN SAYRE,
Executive Secretary.

[Telegram]

PHILADELPHIA, PA., January 26, 1932.

D. STEWART PATTERSON, Washington, D. C.

Reply to letter Roy E. Burt, Chicago Office, sending to you short notice, please direct properly, "Meeting Monday, January 25, District Cabinet representative of 5,000 young people, Epworth League, North District, Philadelphia Conference. We go on record as being in favor of Griffin bill to amend naturalization law."

CAROLINE B. ROILE,
North District Third Vice President,
Philadelphia Conference Epworth League.

WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM, MARYLAND BRANCH

HON. SAMUEL DICKSTEIN,
House of Representatives, Washington, D. C.

February 2, 1932.

DEAR MR. DICKSTEIN: At a meeting of the Maryland Branch of the Women's International League for Peace and Freedom held January 28, the following resolution was passed:

Be it resolved, That the Maryland Branch of the Women's International League for Peace and Freedom hereby indorses the principles of the Griffin naturalization bill, and urges that the bill be favorably reported to the House as soon as possible.

Very truly yours,

(MRS. ARTHUR K.) REBECCA R. TAYLOR,
Corresponding Secretary.

EUGENE, OREG., *January 19, 1932.*

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
House of Representatives, Washington, D. C.

DEAR SIR: At their annual meeting last night the Eugene Council for Prevention of War voted unanimously to urge the passage of the Griffin bill amending our naturalization laws so that individuals having conscientious scruples against war may become United States citizens. This country is at this time, we believe, the only country withholding citizenship upon this basis. We greatly hope this bill may pass.

Sincerely,

EMILY EDWIN ADAMS, *Secretary.*

[The Christian Century, January 20, 1932]

A CALL TO PATRIOTS

Something quite without precedent in American Protestantism is reflected in this issue of the Christian Century. Twenty-seven of the most influential religious papers in the United States, representing all the leading denominations, are simultaneously making a protest against the Supreme Court's decision in the Macintosh citizenship case, and on behalf of religious liberty and the rights of conscience. Our readers are, therefore, asked to peruse these pages with an awareness of the fact that it is not merely the Christian Century which they are reading, but that, allowing for variation in individual emphasis, they are listening to the almost unanimous voice of the Christian press of the Nation.

And not only of the Protestant press, but of the Roman Catholic as well. For the leading minds of that communion see eye to eye with us as to the gravity of the issue which the Supreme Court's decision has precipitated. It is only fair to say that our Catholic colleagues were more prompt in sensing the sinister implications of this decision than were the Protestant editors. We are advised that all but a small fraction of the Catholic organs have already taken a strong position of protest. This fact deserves to be emphasized, and its significance should not be discounted by any difference which obtains between Catholic and Protestant on the question of the authority of the church in the realm of conscience. It is sufficient for the present issue that the Christian press of the Nation, Protestant and Catholic, sees clearly that the doctrine promulgated by the Supreme Court, imputing to every American citizen the pledge that he will hold an act of Congress supreme over his conscience, spells doom both for religious liberty and a spiritual church.

The only way in which a spiritual faith can be kept alive in the United States under this decision is to protest against it, to repudiate it, and to work for its correction either through reversal or by appropriate legislation. To tolerate the decision, to be squeamish about raising one's voice against it, to imagine that any principle of sound patriotism is violated by incontinently repudiating it and dissociating oneself from all obligation under it, is simply to confess how fully one's mind has been brought under the yoke of subjection to a thoroughly pagan conception of the state.

We regard the united expression of the religious press of the Nation on this subject as one of the most heartening tokens of the post-war period. Besides exhibiting a unity which has never been so finely dramatized before, it demonstrates that there is yet the spark of vitality in the religious press which its critics have been led to believe had gone out.

What is the religious press aiming at by this concerted effort? It is undertaking to inform church people that something serious and unprecedented has happened to their status as citizens, to arouse them to a repudiation of the restriction which the Supreme Court's decision puts upon their long-established guarantee of freedom of conscience, and to enlist them in a Nation-wide petition to Congress for relief.

It is unnecessary to argue the issue editorially at this time. Readers of the Christian Century have been made familiar in past months with the implications of the court's decision. Besides, articles appear in these pages this week which sufficiently refresh the reader's understanding of the issue. On a special page will be found a "Declaration" intended to be signed by every person who reads it and approves it. This declaration reflects the conclusions reached by the editors of the 27 cooperating religious periodicals. It is appear-

ing in their papers as it appears here, and is being reinforced by an independent editorial in each of these papers as it is in the Christian Century. The papers participating are the following:

The Congregationalist.
 The Christian Leader.
 The Churchman.
 The Methodist Protestant-Recorder.
 The Christian Courier.
 Zion's Herald.
 The Epworth Herald.
 The Arkansas Methodist.
 The Northwestern Christian Advocate.
 The Gospel Messenger.
 The Richmond Christian Advocate.
 Unity.
 Christian Herald.
 The Friends Intelligencer.
 The Living Church.
 The Presbyterian Advance.
 The Baptist.
 The Central Christian Advocate.
 The World Tomorrow.
 The Pacific Christian Advocate.
 The Reformed Church Messenger.
 The Witness.
 The Christian Standard.
 The Christian Register.
 The Cincinnati Christian Advocate.
 The Pittsburgh Christian Advocate.
 The Christian Century.

Each editor leads off by signing the declaration himself, and publishes the text of the declaration with a line for the signature of his readers. He will ask his readers to sign the declaration, tear out the page and send it to the office of the paper from which it was taken. But this is not all. It is designed that the movement shall spread far and wide beyond the reading constituency of the religious press. For this purpose, arrangements have been made for printing the declaration on separate sheets for distribution, in any quantity, in congregations, public meetings, community groups, and by individuals who are prompted to secure signatures. These signed declarations should be returned to the editor of your paper, who, in cooperation with the other editors, will see that they are delivered to Congress and the President of the United States.

Fortunately, this concerted effort is able to come to a head in a specific and practical way by the introduction in the United States Senate of a proposed amendment to the naturalization law designed not only to admit such alien applicants for citizenship as Professor Macintosh, but to relieve the native-born American citizen of the tyrannous restraint which the court's decision imposes upon him. By the time these words are in print, no doubt, Senator Cutting, of New Mexico, will have introduced his bill. It has been drawn with the aid of the legal firm of Davis, Polk, Wardwell, Gardiner & Reed, who represented Professor Macintosh before the Supreme Court. The Hon. John W. Davis, of this firm, was democratic candidate for President in 1924. The text of the proposed statutory amendment is as follows:

"No alien otherwise qualified under this act shall be denied citizenship by reason of his refusal on conscientious grounds to promise to bear arms or otherwise participate in war; but every alien admitted to citizenship shall be subject to the same obligation in all respects as a native-born citizen."

The passage of this amendment, while it does not cover the entire theoretical case, will fully meet the practical issue and reinstate our traditional national policy of receiving as citizens those who are otherwise qualified without requiring them to abdicate their consciences in order to become citizens. At the same time it practically unbinds the consciences of those who are now citizens by identifying the status of such naturalized citizens with the status of those native born.

Speaking for himself personally, the editor of the Christian Century has signed the declaration. Moreover, the editor has had occasion to act upon it

and has acted. In an application for a passport he attached to the oath of allegiance or repudiation of the Supreme Court's interpretation in these words:

"I also add a word of explanation on the question of conscience, in the light of the decision of the Supreme Court in the Macintosh case. I have taken the oath of allegiance many times in past years. In doing so it has never occurred to me that I was thereby giving a pledge to surrender my conscience to Congress as the final and absolute interpreter of the will of God. It is my understanding that to require such a pledge is the essence of tyranny. I am willing to pledge everything I have for the well-being of the Nation, including my life. But as a Christian I can not give my conscience, which belongs to God. In taking the oath of allegiance I do not assent to any contrary interpretation of its meaning."

The time is ripe for a vigorous uprising against those postwar influences which are operating to set up a nationalistic state as absolute as that which we once imputed to Prussianized Germany and as pagan as that of the Roman Caesars. The most precious treasures of our American heritage are at stake. If those who believe in a spiritual religion; in a free church within a free state; in a democracy which jealously guards its most precious asset, namely, the free consent of the governed; in a living God who holds in His hands the destinies of nations—if such citizens as these hesitate to voice their convictions but bend their wills supinely to a pagan deity, the future of both religion and democracy will be dark indeed.

It is unthinkable that the spirit of our fathers has abandoned their sons and daughters of this generation. That spirit is still alive. It needs only to be evoked. In the great argument of Chief Justice Hughes there lies a new charter of that spiritual freedom which the fathers thought they were establishing forever, but which their children will lose if they are blind or cowardly or inert.

FEDERAL COUNCIL OF THE CHURCHES OF CHRIST IN AMERICA (INC.),

January 22, 1932.

Hon. SAMUEL DICKSTEIN,

House Office Building, Washington, D. C.

DEAR SIR: Inclosed you will find, for the information of the House Committee on Naturalization, in connection with its hearing on January 26—

1. Copies of three recent actions of the executive committee of the Federal Council of the Churches of Christ in America.
2. Copies of actions taken by several denominations in their national gatherings.

In the light of these documents it may be suitable by way of summary to state briefly and clearly—

1. The demand by the churches, as expressed in their official resolutions, for legislation removing the intolerable situation created for vast numbers of loyal and patriotic Christian citizens by the judgment of the United States Supreme Court on the case of Douglas Clyde Macintosh (No. 504, October Term, 1930) is practically unanimous and urgently insistent. Seldom has there been among the churches of the United States a matter on which they have been so united and so urgent. I inclose for your further information an editorial in the Christian Century for January 20, 1932, listing 27 religious journals which have joined in a concerted movement to secure a change in the present situation.

2. The legislation needed would seem to us to be a simple amendment of the law of naturalization, providing that no alien otherwise qualified under this act shall be denied citizenship by reason of his refusal on conscientious grounds to promise to bear arms, but every alien admitted to citizenship shall be subject to the same obligations in all respects as a native-born citizen.

May we request that this letter and the accompanying resolutions be read at your hearings and inserted in the record?

Respectfully and sincerely yours,

(Bishop) FRANCIS J. McCONNELL, *Chairman.*

(Rev.) SAMUEL McCREA CAVERT, *General Secretary.*

ACTIONS BY THE EXECUTIVE COMMITTEE OF THE FEDERAL COUNCIL OF THE CHURCHES OF CHRIST IN AMERICA

December 5, 1929:

"We believe the United States should welcome as citizens all applicants for citizenship otherwise qualified who conscientiously seek to follow the highest ideals, including those who have, in their own hearts, renounced war as an instrument of dealing with others. We urge that the statutes relating to the naturalization of aliens be amended to this end and be brought into harmony with the spirit of aliens be amended to this end and be brought into harmony war as an instrument of national policy."

December 8, 1930:

"In view of certain recent judicial decisions which raise fundamental questions as to the justice of our present naturalization laws, we desire to put on record the following convictions:

"We hold that our country is benefited by having as citizens those who unswervingly follow the dictates of their consciences, and who put allegiance to God above every other consideration, and that a policy of denial of naturalization to aliens of such character is contrary to the ideals of a Nation into whose very structure the principle of political and religious liberty has been built.

"If the present naturalization law does, under fair interpretation, require the exclusion from citizenship of applicants who put allegiance to God above every other consideration, we believe that the law should be amended."

December 8, 1931:

"The recent authoritative interpretation of the law of naturalization, denying citizenship to persons who have conscientious scruples against military service, creates an intolerable dilemma for the great body of Christians in the United States who, recognizing God as "the Lord of conscience," place loyalty to God above every other loyalty. We urge such an amendment of the naturalization law and such other needed measures as shall conserve the moral and religious principle at stake."

PRONOUNCEMENTS BY NATIONAL CHURCH BODIES ON CONSCIENCE AND CITIZENSHIP

NORTHERN BAPTIST CONVENTION, 1930

"We regard with grave concern the recent ruling of a district Federal court which refused citizenship in the United States to Prof. Douglas Macintosh, a Baptist minister and professor of theology in Yale Divinity School, on the ground that he considered 'his allegiance to be first to the will of God' and therefore 'would not promise in advance to bear arms in defense of the United States under all circumstances but only if he believed the war to be morally justified.'

"We believe that such a policy is not only unjust to the individual but contrary to public welfare and in conflict with the ideals of a nation into whose very structure the principle of political and religious liberty has been built. More than anything else our country needs citizens who unswervingly follow the dictates of their conscience, making allegiance to God the supreme guide to life and conduct.

"We believe, moreover, that, at this time when the United States and 57 other nations have renounced war and have pledged themselves to use only the methods of peace in the settlement of their controversies, it is quite unsuitable that our courts and our laws should require applicants for citizenship to make pledges that conflict with the spirit and intent of the peace pact.

"We appeal to our fellow citizens to help secure the needed amendment of our naturalization law and thus establish the principle that refusal to promise in advance to bear arms because of supreme allegiance to God shall not be a bar to citizenship in the United States."

DISCIPLES OF CHRIST, INTERNATIONAL CONVENTION, 1930

"We reaffirm the well-founded principle of the sanctity of the individual conscience in the matter of participation in war, and declare the invasion of this right by the government, either in the refusal of naturalization to foreign-born persons of good character seeking citizenship or in the coercion of native-born citizens to be an unjustified invasion of conscience. We hold it to be the duty of all good citizens to support the State up to the point where obedience to man becomes disobedience to God. In the firm conviction that the state has bound itself by the terms of the Kellogg pact never to resort to war for the settlement of any dispute, whatever its origin or however it may arise."

PRESBYTERIAN IN THE UNITED STATES OF AMERICA, GENERAL ASSEMBLY, 1980

"What the general assembly reply to the overture of the Presbytery of Los Angeles:

"Whereas the general assembly has repeatedly declared the aversion of the church to the settlement of international difference by war, or by the appeal to arms, and its belief in the substitution therefor of peaceful processes of conference and adjudication; and

"Whereas the standards of the church declare 'that God alone is Lord of the conscience'; and

"Whereas the church has always taught that it is the duty of men to obey their conscience in the fear of God and in fidelity to His word; and

"Whereas men and women should stand on the same basis of principle, enjoying equal rights and having equal duties in the church and in the State: Therefore,

"Resolved, That the assembly declares its belief that the right and duty of citizenship should not be conditioned upon the test of ability or willingness, contrary to conscience, to bear arms or to take part as a combatant in war.

"That a copy of the above answer be sent to the President of the United States and to the Congress of the United States."

CONGREGATIONAL AND CHRISTIAN CHURCHES, NATIONAL COUNCIL, 1981

"(1) Resolved, That it is the sense of this council that Christian ministers and church members should once more be reminded that a supreme obligation rests upon them to share in the conduct of their governments—city, State, and National—and to participate not only at election but all the time in public affairs. It is essential that good officers be thoughtfully and publicly supported and applauded as well as bad officers denounced.

"(2) Whereas in the United States v. Macintosh, the Federal Supreme Court decided 5 to 4 that Douglas Clyde Macintosh, a Christian minister and professor in the divinity school at Yale University, is ineligible for citizenship for the sole reason that he would not promise in advance to bear arms in any war in which the United States may become engaged, if such war was to his conscience contrary to the will of God; and

"Whereas in the dissenting opinion in this case of the Chief Justice, Hon. Charles Evans Hughes, concurred in by Justices Holmes, Brandeis, and Stone, the historic American constitutional doctrine and practice of freedom of conscience, and the superior obligation of the religious man to the will of God, was maintained and vindicated * * *

"Whereas this minority opinion of the Supreme Court in our judgment maintains the tradition and practice of the American people, the guarantees of the Constitution as expressed therein, and the supreme law of this land as set forth in the peace pact (the Briand-Kellogg treaty of Paris) * * *

"Whereas Professor Macintosh has applied to the Supreme Court for a rehearing of this case: Now, therefore, be it

"Resolved by the General Council of Congregational and Christian Churches in convention assembled in the city of Seattle, this 2d day of July, 1951, That we respectfully plead with the Supreme Court to grant this petition for a rehearing of this case."

PROTESTANT EPISCOPAL CHURCH, GENERAL CONVENTION, 1931

"Whereas under the present laws of the United States an applicant for citizenship will be refused if he states that he would be unwilling to bear arms in a war to which he might conscientiously object: and

"Whereas the present laws of the United States relieve citizens who are conscientious objectors from the duty of bearing arms;

"Resolved, That this convention expresses its earnest hope that the naturalization laws and the oath of allegiance of the United States may be so modified that such conscientious objectors may be admitted to citizenship, provided they are willing to serve their country in the event of war by noncombatant service; and further

"Resolved, That we earnestly petition Congress to modify existing laws, particularly the naturalization act of 1906, so as to avoid placing multitudes of loyal citizens in the unhappy position of being forced to choose between their country and their God."

SEVENTH DAY BAPTIST CHURCH, GENERAL CONFERENCE, 1931

"The general conference of Seventh Day Baptists in session at Alfred, N. Y., August 18-23, 1931, in considering the recent Supreme Court decision refusing citizenship to Prof. D. C. Macintosh and Miss Bland, which involves principles of liberty of conscience that we hold dear, makes the following declarations:

"1. While a nation 'has a duty to survive,' yet its first duty is to 'seek justice, love, mercy, and walk humbly before God.'

"2. Our Nation has by the Constitution and by legislative enactment even in times of war safeguarded religious liberty, thus recognizing that a citizen's first duty is to God.

"3. The Kellogg-Briand treaty anticipates the formation of a body of conscience-led citizens in every nation who shall assure the peaceable settlement of international disputes.

"4. Our Nation must not put itself in the position of demanding that incoming citizens give up the right to be conscience-led when by the Constitution, by legislative enactment, and by the Kellogg-Briand treaty, this very thing is safeguarded and encouraged for native-born citizens.

"5. We express ourselves in agreement with the minority opinion written by Chief Justice Hughes.

"6. We hope that the petition for a rehearing of the case by the Supreme Court will be granted.

"7. We recommend that copies of these resolutions be sent to the Supreme Court, to Professor Macintosh, and to Miss Bland."

HON. ANTHONY J. GRIFFIN,
House Offices, Washington, D. C.

PEACE PATRIOTS,
New York City, January 19, 1932.

DEAR SIR: In vigorously petitioning the Committee on Immigration and Naturalization to make a favorable report to the House on the Griffin bill (H. R. 207), I wish first to identify myself.

Among my ancestors were William Bradford, of the *Mayflower*, and William Floyd, a signer of the Declaration of Independence, and a member of the first Congress.

My background, you see, is thoroughly American. I was brought up in reverence of early American traditions and of the sacrifices made to establish our liberties. In the mellowing years of my business life I have witnessed the deterioration of these ideals, and I must regretfully say that the people most responsible for the violation of these traditions have been the self-styled patriots. Pretending to safeguard Americanism, they have merely protected their selfish interests in denying to others the freedom to think, speak, and act, even when such thought, speech, and action were well within the guarantees of the Constitution. They have engendered a cynical disbelief in peaceful, orderly processes.

Freedom of conscience, with a willingness to take the penalties which the majority may impose, is as dear a right to the individual as any in the first 10 amendments. I am confident that the founders of our Republic would approve the measure which you are now sponsoring.

Yours very truly,

WILLIAM FLOYD.

NATIONAL LEAGUE FOR AMERICAN CITIZENSHIP (INC.),
New York City, January 19, 1932.

MY DEAR CONGRESSMAN GRIFFIN: I have read through my statement to you of March 7, 1930, which statement I sent in to you at the time when it was our hope that your bill would receive a hearing, and later, favorable consideration. I find very little in that statement that I can change because the sentiments I expressed there I still hold.

I still believe that if we could carry out the beliefs set down by the makers of the Constitution of the United States and by the authors of the Declaration of Independence we must be consistent in allowing those who differ from us, and whose views are not in conflict with the safety of the community, to adhere to those beliefs. There is an inexplicable inconsistency between prating over freedom of thought and denial of the right to carry out the beliefs of Christ. There is inconsistency in talking of freedom of speech and in denying to others the right to express themselves, particularly when such freedom of speech can not be interpreted as in any sense different from that spoken by such pacifists as former Secretary of State Kellogg and innumerable members of Congress.

As executive director of the National League for American Citizenship for more than a decade, I have worked with the foreign born in helping them to become citizens of the United States. It was my privilege to come in contact with the applicants in thousands of cases and to note from personal observation the motives that prompted them to seek American citizenship. I found them always to be sincere and genuine in their desire to become affiliated with us as American citizens and therefore feel keenly the need for an amendment such as you offer to the present naturalization law.

It would seem that the expression given voice to by Secretary of State Seward as far back as 1808 is still applicable to the theory of citizenship. In a letter that he wrote to Doctor Chernbuck, a native of Rumania, he mentioned the fact that "Government should not be deprived of the services and industry of its citizens," and I feel that in these two words he has given expression to our major fundamentals in requiring aliens to become citizens. If they are equipped mentally and morally to live among us, to appreciate the form of government under which we are ruled, and the standards of living that are a distinct component part of our national make-up and national culture, they should be considered as fully qualified for citizenship in the United States.

"Service and industry" are important factors in citizenship. We seek no idlers and we wish to have no nonproducers. So long as any man or woman brings to the naturalization court proof of the fact that they are truly interested and believers in our form of government, anxious to carry on their economic welfare in consonance with our laws and are at the same time in full possession of their reasoning powers, they should be fit subjects for American citizenship. Of course I do not include in this category of qualifications, reasoning powers that tend to subvert government or that point to anarchistic or polygamous form of life. The opinions of any one person should be sacred to them so long as these opinions do not injure or harm the community in which they live.

After all we boast, and boast rightfully, that this is a country where free speech is not alone permitted, but also encouraged. In the cases that I understand have been responsible for the introduction of your bill, the opinions of pacifists have been regarded as disqualifying them for American citizenship. Your bill, if enacted into law, would make such a qualification impossible. In upholding pacifism, I can not be accused of being a pacifist not only because my opinions do not lean that way but also because as a veteran of the World War, I find myself very often in conflict with their precepts. Nevertheless, I recognize the fact that we are a peaceful nation whose major religious roots lie in a belief in God which is associated with the concept of peace, and, therefore, those who believe in peace should not be considered at serious variance or odds with our own principles.

Citizenship should be looked upon from the standpoint of the general welfare and history of the United States and not from the sporadic pages that are devoted to war. Throughout our history the years devoted to war have been comparatively few; it is the service and industry of our people that has carried us through years of peace—which for us are our normal years—and have brought us to the high state of civilization that we now enjoy. The qualifications for citizenship should be the aptitude on the part of the individual applicant to serve this Nation and to be industrious, and if his religious views or philosophical opinions do not conflict with his being of use to the community, it would seem that the insertion of such a condition must necessarily be interpreted as unwise and in a large sense un-American.

Nor should service consist solely in the narrow limitations of the term as applied to war. We serve our country daily by contributing to its economic, social, and political progress. The sum total of the individual standards make for our national standards and any applicant for citizenship should be permitted the freedom of religious opinion which formed the basis of the Constitution.

Until Congress amended our naturalization laws in 1906, corresponding to section 381, title 8 of the present United State Code, no questions as to the non-naturalizability of pacifists had, or could, reasonably come up. Quakers and other conscientious objectors were freely naturalized, and the oath exacted of all our new citizens was simply that prescribed by section 2105 of the United States Revised Statutes, to the effect that the applicant swears "that he will support the Constitution of the United States." We need a reversion to that frame of mind. We must understand that freedom of opinion and freedom of religion admit the atheist and pacifist to the halls of theological observation and national policy.

I can not refrain from thinking that some of those who have been denied citizenship within the last year or more, because of a strict interpretation of

the existing statutes by the courts, seem to represent creeds that have long been respected in the communities in which they exist and the members of which have made excellent citizens of the United States. We must not overlook the fact that the President of the United States is a member of a church whose theories would come—and have come—within the pale of this narrow definition. We learned in the last war that there was something that could be contributed to the success of the Nation in war times as well as in peace times by those whose conscientious scruples did not permit them to carry on one task, but did allow them to carry on another function.

If freedom of thought and freedom of religion are to remain with us, we must eliminate for all time the thought of restricting potential citizens to creeds and policies of thought approved of by administrative and legislative bodies. In the last analysis, as I conceive it, your bill seeks to do nothing more than to make possible the admission to citizenship in the United States of a group of men and women whose strong belief in ethical conduct and in national responsibility is so overwhelming, as to make them be willing to fight for these principles rather than to subordinate them in a cowardly fashion. For the belief in their principles—with which I repeat I am not in entire accord—and for the courage to uphold these principles, I believe them worthy of citizenship in the United States, since we seek that same pioneer spirit that was so evident in our people of less than a century ago. It would be a forward step in the re-enunciation of the belief of Congress in the basic principles upon which our Constitution was founded and of the spirit in which the Declaration of Independence was conceived.

I earnestly indorse its favorable recommendation by the House Committee on Immigration and congratulate you upon having been the introducer of so necessary a bill.

Very cordially,

HAROLD FIELDS, *Executive Director.*

[From the Christian Leader]

THE DECLARATION OF AN AMERICAN CITIZEN

We have signed the declaration on the Macintosh case. We have invited our people to sign it. We have done so because acceptance of the decision of the United States Supreme Court, in our opinion, means the end of religion. Either conscience is supreme or it is nothing.

Here is the question: Are we willing to give over into the hands of the Government the right to decide for us plain questions of right and wrong?

Chief Justice Hughes in his minority opinion wrote: "In the forum of conscience, duty to a moral power higher than the State has always been maintained. The reservation of that supreme obligation as a matter of principle would unquestionably be made by many of our conscientious and law abiding citizens."

Has there ever been a time in our free churches when we have not made that reservation? What brought the Pilgrim Fathers to these shores?

Admit that every crank can take refuge in this position, admit that cowards and law-breakers might make improper use of it, admit that the collective wisdom sometimes is better than individual wisdom, still the proposition holds, "In so far as citizens assent to the doctrine advanced by the court's decision, they consent to the nullification of the most basic principle of ethical religion, and surrender their own and the church's freedom to preach and practise that truth which is the vital breath of any spiritual faith, namely, that God alone is Lord of the conscience, and that we must obey God rather than men."

We who sign this petition are not signing a declaration that we will not take part in any future war. We are declaring that nobody in Washington—President, major general, or bureau chief—can decide for us what is right and what is wrong. We are saying to our representatives, "Your acts must square with the enlightened consciences of the American people if you want support."

Do we love our country? Far better, we dare affirm, than those who echo the shallow toast of a century ago, "My country, right or wrong."

Had we framed the declaration of an American citizen, we should have put in the opening paragraph a statement that it is the clear duty of the legislative branch of our Government to change the law. What the majority of the Supreme Court did was to interpret the law as they saw it. It was a close shave for their opinion. The vote was five to four and the weight of brain power and man power was with the four. That decision makes law. Congress can unmake it. Not a day should be lost in starting.

Since the declaration was drawn up Senator Cutting, of New Mexico, has prepared an amendment to the naturalization law something like this:

"No alien otherwise qualified under this act shall be denied citizenship by reason of his refusal on conscientious grounds to promise to bear arms or otherwise participate in war; but every alien admitted to citizenship shall be subject to the same obligation in all respects as a native-born citizen."

Let us all get behind this amendment.

EPWORTH LEAGUES

The Hon. SAMUEL DICKSTEIN,
Chairman, and Committee on Immigration and Naturalization.

GENTLEMEN: I deeply regret my inability to appear in person before this committee and speak in favor of Mr. Griffin's bill. I desire, however, to submit the following statement:

This statement is presented on behalf of the young people of the Methodist Episcopal Church. Through the department of Epworth League and Young People's Work of the Board of Education of the Methodist Episcopal Church I am charged with responsibility for a program of education and activity in Christian citizenship for young people. This includes approximately one and a half million young people in our church schools and Epworth Leagues.

There is a deep and genuine interest of these young people in all the matters related to this bill. For several months the situations and incidents back of this proposed bill have been the subject of their study and discussion. The convictions and desires which I seek to convey to your committee from these young people therefore represent the serious thinking of earnest young people.

Young people are convinced that the most secure basis for a lasting citizenship is a moral conviction. There can be no higher requirement for citizenship than loyalty to conscience. The present practice bars from citizenship those actuated by some of life's highest values.

Young people are willing to take seriously their obligations of citizenship. They believe, however, that this country needs more rather than less men and women who are actuated by high moral ideals and broad humanitarian principles.

Such actions as the present practice in the matter of citizenship thus violates the deepest principles of conscience and religious liberty. It also is contrary to those principles of liberty of thought which young people believe are the heritage of America.

On behalf of young people who now are trying to find their way through the confusion and turmoil of the aftermath of the Great War and who are genuinely committed to a world of goodwill and friendly understanding, I respectfully urge this committee to report this bill favorably. Young people's groups from every part of the United States and from every sort of church, representing rural communities, city churches, working groups, college students, join me in this plea.

I submit herewith a sample of some of those groups in whose behalf this request is made:

Epworth Leagues of Kansas City, Mo., in district meeting; Epworth Leagues of Ann Arbor, Mich., district; 20 Epworth Leagues of Grand Rapids, Mich., district; 12 Epworth Leagues of Newark, Ohio, district; Olean District Epworth Leagues, Olean, N. Y.; 200 young people representing Epworth Leagues of Western Idaho; Epworth League of Lake Crystal, Minn.; College Epworth League of Lewisburg, Pa.; Epworth League of Berrien Springs, Mich.; Epworth League of Kalamazoo, Mich.; Purdue University Epworth League of West Lafayette, Ind.; Echo Park Epworth League of Los Angeles, Calif.; Epworth League of Portland, Oreg.; Epworth League of Saugerties, N. Y.; Williamston League of Williamston, Mich.; Asbury Methodist Epworth League of Los Angeles, Calif.; Epworth League of Duluth, Minn.; Epworth League of Akron Ohio; Epworth League of Plover, Iowa; Epworth League of Beaver Falls, Pa.; Epworth League of Ringgold, Pa.; Epworth League of Cornwallville, N. Y.; Epworth League of Proctor, Minn.; Epworth League of Brainerd, Minn.

These, with many others, join me in unqualified indorsement of the proposed bill and respectfully urge your favorable action.

Sincerely yours,

ROY D. BURT,

Director of Citizenship and Social Service Activities.

WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM,
January 25, 1932.

The Women's International League for Peace and Freedom urges and supports any adequate legislation which will amend the naturalization law so as to admit to citizenship those who otherwise qualified are now debarred because of their refusal to bear arms or support war.

The Women's International League holds that such legislation is necessary and urgent in order to bring our naturalization into harmony with the Kellogg-Briand Treaty. We believe that barring persons from citizenship because they have renounced war for themselves in the same spirit that the United States Government has renounced war for this country as a method of national policy, is both inconsistent and out of harmony with the highest law of our land. We do not feel that the question of willingness to defend the United States by force of arms is pertinent. War is a method of State action and as such has been definitely renounced by our Government.

Moreover, it is our conviction that war is an inadequate method of defense in this modern and interdependent world and that with the present international machinery now in existence pacific methods for dealing with international disputes can be employed.

We therefore favor such legislation which will not debar citizens because of their refusal to promise to take part in a method already outlawed by the United States Government.

DOROTHY DETZER,
Executive Secretary.

CENTRAL CONFERENCE OF AMERICAN RABBIS

BALTIMORE, MD., January 25, 1932.

Mr. ALFRED LIEF,
National Secretary Griffin Bill Committee,
135 West Seventy-ninth Street, New York City.

DEAR MR. LIEF: I regret that the necessity of officiating at a funeral prevents my attendance, but I want to record the unanimous indorsement of the Central Conference of American Rabbis of the Griffin bill.

Sincerely yours,

EDWARD L. ISRAEL.

PHILADELPHIA, January 29, 1932.

CHAIRMAN HOUSE IMMIGRATION COMMITTEE,
Washington, D. C.

DEAR SIR: I heartily approve the editorial which is herewith attached, and sincerely hope your committee will indefinitely pigeonhole "sieve-like" method of citizenship.

Yours truly,

ZED H. COPP.

[The Philadelphia Evening Bulletin, Friday, January 29, 1932]

THE MEASURE OF NATIONAL DUTY

The House Immigration Committee is conducting hearings on a measure seeking to permit the naturalization of persons refusing to bear arms in defense of this country. In the Schwimmer, MacIntosh, and Bland cases the Supreme Court upheld the refusal of naturalization to persons unwilling to reply affirmatively to this question, which appears on every petition for naturalization:

"If necessary, are you willing to take up arms in defense of this country?"

This question, the Supreme Court held, properly carries out the purpose of the naturalization act requiring loyalty to this country and support of its Constitution from aliens seeking naturalization and is, therefore, legally put.

The bill under consideration amends the naturalization act by providing that persons otherwise qualified for citizenship shall not be debarred by reason of religious or philosophical opinion regarding the lawlessness of war as a means of settling international disputes. The amendment is framed on the assumption that it would invalidate the test question as to bearing arms now put to applicants for citizenship.

The United States holds it generally to be the duty of all its citizens, whether native born or naturalized, to take up arms in its defense if summoned. But the selective-service act of 1917, requiring universal military service in the war with Germany, contained this provision:

"Nothing in this act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well-recognized religious sect or organization at present organized and existing and whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organizations, but no person so exempted shall be exempted from service in any capacity that the President shall declare to be noncombatant."

This law gave no privilege of exemption to an individual conscientious objector not affiliated with a religious denomination whose creed bars war, nor to any so-called "philosophical" objector; nor did it exempt any person from war service. Individualist or philosophical objectors, and those who refused to do noncombatant war service, were punished.

The measure under consideration attempts to give to aliens seeking naturalization a general exemption from military service on the mere plea of objection to war that no law or policy of this country has ever extended to its own citizens. That alone brands the measure as inequitable and against national policy.

DETROIT, MICH., January 26, 1932.

SAMUEL DICKSTEIN,

*Chairman Committee on Immigration and Naturalization,
House of Representatives.*

May we record our earnest protests at the hearing to-day before your committee against the Griffin bill, H. R. 297, by which it is proposed to grant citizenship to aliens who refuse to bear arms in time of war in defense of our country. This form of a slacker's oath of allegiance has been propagandized by the Federal Council of the Churches of Christ in America, the American Civil Liberties Union, the League for Industrial Democracy, the Detroit Council of Churches, and other cooperating organizations of similar tendencies. As members of the Presbyterian Church, we resent the falsely claimed authority of the Federal Council of Churches to represent the views of church members of such and all other secular political questions.

Mr. and Mrs. HENRY B. JOY.

UPPER DARBY, PA., January 26, 1932.

CHAIRMAN COMMITTEE ON IMMIGRATION AND NATURALIZATION,

House of Representatives, Washington, D. C.

DEAR SIR: An item in a Philadelphia paper this morning states that a Philadelphia attorney will represent the Pennsylvania committee for total disarmament at a hearing to-morrow on the Griffin bill, which would permit the naturalization of pacifist aliens. The item further states: "Leading peace organizations of the country will be represented."

I do not know the attorney referred to (Mr. Vincent D. Nicholson), but I do know much about the Pennsylvania committee for total disarmament, and your committee should be informed of the character of that organization which is doing all in its power against the safety and best interests of the country.

The leading spirit of that committee is Dr. William I. Hull, of Swarthmore College, a man who is obsessed with the fallacy that the way to world peace is to make the United States defenseless. Ignoring the history and experience of our country with disarmament for 150 years, in which no one has followed our example and during which period we have had several major wars, brought upon us largely by our supposed inability to meet them in time to be effective; Doctor Hull is a persistent lobbyist before Congress in efforts to cut down our national defense. His committee was active in propaganda to secure our adherence to the London treaty of 1930 in regard to naval limitation; then, having urged that measure, they have ever since done everything in their power to misrepresent the facts and to prevent our making provision to observe the terms of our solemn agreement by building a treaty navy.

The letterhead of the committee on total disarmament shows that some dozen or more of its leaders are also active leaders in the American Civil Liberties

Union, a seditious organization which flies to the defense of such offenders as Mooney, of California, and Sacco and Vanzetti, taking up the cudgels to prevent the punishment of serious offenders provided they are "red" enough. It was largely through the propaganda of the latter organization that the Sacco-Vanzetti case has been industriously misrepresented, not only in this country but abroad, leading to the bombarding of American consulates in foreign countries and to a general misconception of the merits of that case; the same organization is working assiduously to befog the issue in the Mooney case.

Another so-called peace organization closely allied with the two foregoing is the Women's International League for Peace and Freedom, one of whose objectives is "the abolition of the private-property privilege" (communism), and if they run true to form they will be conspicuously represented in support of the admission to this country as citizens aliens who say in advance that they will not meet the full constitutional and legal requirements of American citizenship by defending this country in case of war.

This league has long been interested in the case of Madam Rosika Schwimmer, one of its founders, who has denied American citizenship because she would not take the required oath to support and defend the United States against all its enemies, on the ground that she could not conscientiously bear arms. Of course, no one expected a woman to bear arms, but we naturally expect any applicant for naturalization to take the same oath of allegiance and obligations which apply to native-born citizens. Madam Schwimmer could not take the oath of loyalty to this country in any case, for she is a pronounced internationalist, and with her views could not be loyal to any one country; she was rightly denied naturalization.

It is the aim of these pacifist organizations to have the bars let down on naturalization so that they can flood the country with pacifistic persons from all over the world; persons who are quite willing to accept citizenship and all its privileges, but with their own reservations as to meeting the essential obligations of citizenship as to the defense of the country and its Constitution. Such people are the enemies of our institutions and are doing all in their power to undermine its most solid foundations.

Is it too much to hope that your committee will absolutely and unmistakably refuse to countenance any measure designed to create in this country a class of naturalized aliens who would have all the privileges of enjoying our fair land but occupying a plane of immunity from obligation superior to that enjoyed by our native-born citizens?

Regretting the length of this paper, and with good wishes, I am

Very truly yours,

LEWIS S. SORLEY.

NATIONAL AMERICANIZATION COMMITTEE, VETERANS OF FOREIGN WARS, ENCAMPMENT OF NEW YORK

BUFFALO, N. Y., January 22, 1932.

THE HOUSE COMMITTEE ON IMMIGRATION AND NATURALIZATION,
House of Representatives, Washington, D. C.

GENTLEMEN: An item in the Buffalo Evening News of January 20 informed me that the Rev. Herman J. Hahn, of Buffalo, has accepted an invitation to address you in behalf of the Griffen bill, which would allow pacifists and non-resistants to become citizens.

A clipping bureau report from local newspapers on Mr. Hahn's activities in Buffalo and vicinity for a period of a year would make interesting reading for your committee. About a year ago the writer attended a meeting held in a hall on Genessee Street, Buffalo, under the auspices of the young Communist Party. Mr. Hahn was billed as one of the speakers but for some reason or other failed to appear. A certain young local man, who is a disgrace to a learned profession, filled in very acceptably it seemed, judging from the applause of the wild-eyed radicals comprising the audience.

According to local newspapers, Mr. Hahn was recently barred from broadcasting over station WGR in Buffalo. The officials of this station are to be commended for rendering a distinct patriotic and public service.

Having listened to several of Mr. Hahn's so-called sermons, which were obviously intended to create discontent in the minds of a people already bowed down with sorrow and want, it was apparent to me that Mr. Hahn has been using religion as a smoke screen to disguise his real purpose and that

he is in reality, for want of a better name—a camouflaged communist. Any evidence that Mr. Hahn should offer in support of a measure to grant citizenship to those unwilling to assume the full obligations of an American citizen should be discounted. Thousands sleeping the long sleep in France and elsewhere did Mr. Hahn's and other pacifists' fighting as well as their own.

A famous French philosopher and mathematician named Condorcet once said regarding human rights, "Either no individual members of the human family has any real rights or else all have the same."

My buddies "over there" did not exercise the privilege of staying at home and letting "George do it," claimed by the pacifists. No pacifist, be he preacher, politician, or what have you, has any right to shift the obligation of his citizenship to the shoulders of another.

As a totally disabled veteran of the World War and as a citizen, I appeal to you, gentlemen, to deny citizenship in the best country on earth to those unwilling to assume its obligations.

Very respectfully yours,

J. FRANCIS OLAVEN.

Regional patriotto instructor, department of New York, Veterans of Foreign Wars of the United States.

PROVISIONS OF LAW AFFECTED BY THE BILL

The fourth subdivision of section 4, of the act of June 29, 1906 (34 Stat. 598), reads as follows:

"Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record." (See U. S. C., title 8, sec. 382, p. 160.)

The above is amended by the first paragraph of subsection (b) of section 6 of the act of March 2, 1929 (45 Stat. 1513), so as to read as follows:

"(b) The fourth subdivision of section 4 of such act of June 29, 1906, as amended, is amended to read as follows:

"Fourth. No alien shall be admitted to citizenship unless (1) immediately preceding the date of his petition the alien has resided continuously within the United States for at least five years and within the county where the petitioner resided at the time of filing his petition for at least six months, (2) he has resided continuously within the United States from the date of his petition up to the time of his admission to citizenship, and (3) during all the periods referred to in this subdivision he has behaved as a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States. At the hearing of the petition, residence in the county where the petitioner resides at the time of filing his petition, and the other qualifications required by this subdivision during such residence, shall be proved by the oral testimony of at least two credible witnesses, citizens of the United States, in addition to the affidavits required by this act to be included in the petition. If the petitioner has resided in two or more places in such county and for this reason two witnesses can not be procured to testify as to all such residence, it may be proved by the oral testimony of two such witnesses for each such place of residence, in addition to the affidavits required by this act to be included in the petition. At the hearing, residence within the United States but outside the county, and the other qualifications required by this subdivision during such residence shall be proved either by depositions made before a naturalization examiner or by the oral testimony of at least two such witnesses for each place of residence.*

"If an individual returns to the country of his allegiance and remains therein for a continuous period of more than six months and less than one year during the period immediately preceding the date of filing the petition

for citizenship for which continuous residence is required as a condition precedent to admission to citizenship, the continuity of such residence shall be presumed to be broken, but such presumption may be overcome by the presentation of satisfactory evidence that such individual had a reasonable cause for not returning to the United States prior to the expiration of such six months. Absence from the United States for a continuous period of one year or more during the period immediately preceding the date of filing the petition for citizenship for which continuous residence is required as a condition precedent to admission to citizenship shall break the continuity of such residence." (See U. S. C., Sup. V, title 8, sec. 392, p. 74.)

The present bill, H. R. 297, Seventieth Congress, first session, proposes to amend the first paragraph of above cited amendment (in the act of March 2, 1929), at the place indicated on page 249 by the star (*), by adding the following new sentence, to wit:

"Except that no person mentally, morally, and otherwise qualified shall be debarred from citizenship by reason of his or her religious views, or philosophical opinions, with respect to the lawfulness of war as a means of settling international disputes, but every alien admitted to citizenship shall be subject to the same obligations as the native-born citizen."