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RECORDED

COPY OF CHARGES FILED AGAINST ADMISSION  
OF ALBERT EINSTEIN TO THE UNITED STATES

Honorable A. Dana Hodgdon, Chief  
Visa Division, Department of State,  
Washington, D.C. DEC 2 - 1932

61-7099-1	
BUREAU OF INVESTIGATION	
DEC 1 1932 P.M.	
November 19, 1932	
DEPARTMENT OF JUSTICE	
NATHAN	FILE
Dir. Four	

Dear Sir:

It is respectfully requested, in view of the mandatory Alien Exclusion Laws of the United States, and the laws making it a felony for any person knowingly to assist or permit certain classes of inadmissible aliens to enter the United States, that the American Consul General at Berlin, or Geneva, or any other American consular office at which application by Professor Albert Einstein for a passport visa may be made, be instructed to refuse and withhold such passport visa to Professor Einstein; or, if such passport visa has been issued, to suspend or revoke the same, in accordance with the laws and facts hereafter set forth and charged, under the requirement of Federal law making it a duty of citizens under penalty of the law, to make known to proper authorities certain facts within the knowledge of such citizens.

1. MANDATORY PROVISIONS OF LAW IN THIS CASE

The mandatory provisions of law to which attention is invited, and the duty of the Department of State to enforce them, were clearly set forth in the reply of the State Department, through Honorable William R. Castle (then Chief of Western European Affairs, now Undersecretary of State) to lawyers for Countess Michael Karolyi. The material parts of that State Department ruling, dated November 14, 1925, follow:

"...The case...is governed by the laws relating to the admission of aliens to this country. Your attention is directed particularly to the following laws on the subjects: ....The Act of October 16, 1918...as amended by the Act of June 5, 1920..."

"The Department's action was taken pursuant to the duties imposed and the authority conferred by these laws; and it is, therefore, unable to comply with your request that a visa be granted to Countess Karolyi."

It is submitted that as the law has not been changed in this respect since the refusal of a passport visa to Countess Karolyi; and since the mandatory Alien Exclusion Laws are deemed more applicable to Professor Albert Einstein than they were to Countess Karolyi (whose visa was refused, not, rather under the discretionary Passport Control Act, May 22, 1918 as amended by the Act of March 2, 1921, as amended by the then Secretary of State, now Chief Justice Charles Hughes, in the Karolyi case) the "duties

"believe that the immigrant is inadmissible to the United States under the immigration laws."

Sec.13(8): "No alien ineligible to citizenship shall be admitted...unless such alien is admissible as a non-quota immigrant...or is not an immigrant."

Sec.23: "BURDEN OF PROOF. Whenever any alien attempts to enter the United States the burden of proof shall be upon such alien to establish that he is not subject to exclusion under any provision of the immigration laws."

The Act of February 5, 1917, provides:

Sec.16: "Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry."

Procedure under the section last quoted is under the immigration inspectors of the Labor Department. But it is clear from this section, as well as from Sec.2(f) and Sec. 23 of the Immigration Act of 1924, that Congress determined that "the burden of proof shall be upon such alien" and that neither consular officers nor immigration inspectors have authority to waive or neglect to enforce this mandate of the law.

This legal requirement is also emphatically stated by the Supreme Court of the United States:

"...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...and when doubts exist...they should be resolved in favor of the United States and against the claimant...And when, upon a fair consideration of the evidence adduced...doubt remains... the United States is entitled to the benefit of such doubt and the application should be denied." (United States v. Rosika Schwimmer, 279 U.S.650).

That Supreme Court decision related to requirements of the naturalization laws. But the similar, if not more severe requirements of the immigration laws regarding the "burden of proof" make this principle clearly mandatory in considering application of "any alien" to enter the United States.

#### CERTAIN CLASSES OF ALIENS "SHALL BE EXCLUDED"

The Immigration Act of February 5, 1917, and the Alien Exclusion and Deportation Act of October 16, 1918, as amended by the Act of June 5, 1920, require:

"That the following classes of aliens shall be excluded from admission into the United States:

"Anarchists or persons who believe in or advocate the overthrow by force and violence of the Government of the United States...or who disbelieve in or are opposed to organized government...or who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government," etc. (Sec.3, Act of Feb.5, 1917).

"(a) Aliens who are anarchists;

(b) Aliens who advise, advocate or teach, or who are members of or affiliated with any organization, association, society, or group, that advises, teaches, or advocates opposition to all organized

"(d) Aliens who write, publish, or cause to be written or published, or who knowingly circulate, distribute, print or display, or knowingly cause to be circulated, distributed, printed, published or displayed, or who knowingly have in their possession for the purpose of circulation, distribution, publication or display, any written or printed matter, advising, advocating or teaching.....[the doctrines enumerated in subdivision (c)]

(c) Aliens who are members of or affiliated with any organization, association, society or group that writes, circulates, distributes, prints, publishes or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in subdivision (d).

"For the purpose of this section: (1) the giving, loaning or promising of money or anything of value to be used for the advising, advocacy, or teaching of any doctrine above enumerated shall constitute the advising, advocacy, or teaching of such doctrine; and (2) the giving, loaning or promising of money or anything of value to any organization, association, society, or group of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching or affiliation."

#### THE FORMAL CHARGES AGAINST ALBERT EINSTEIN

We are informed and believe and charge that Professor Albert Einstein is inadmissible to the United States on the following grounds:

- (a) Albert Einstein believes in, advises, advocates or teaches a doctrine which, in a legal sense, as held by the courts in other cases, "would allow anarchy to stalk in unmolested" and result in "government only in name."
- (b) Albert Einstein advises, advocates or teaches, and is a member of and affiliated with groups that are in "militant" and admittedly "illegal" opposition to the most fundamental principle of organized government.
- (c) Albert Einstein believes in or is affiliated with Communist groups that advocate the overthrow by force or violence of the Government of the United States; he advocates "acts of rebellion" against the basic principle of all organized government that it may defend its existence and compel obedience to its laws by force of arms; he advocates "conflict with public authority;" admits that his "attitude is revolutionary;" that his purpose is "illegal" and that he intends to organize and lead, and collect money for and contribute money to a "militant opposition" and to "combat" the basic principle of our Constitution that our Supreme Court has always upheld as essential to the existence of our Government; he teaches and leads and organizes a movement for unlawful "individual resistance" and "acts of rebellion" against officers of the United States in time of war, which is almost impossible without the assaulting or killing of such officers as a necessary consequence of such "acts of rebellion," and which, on the part of participants in such unlawful and "revolutionary" "combat," "conflict" or "rebellion" (as Albert Einstein himself names his objectives) must promote treason, desertion or other "crimes against the existence of the Government;" he believes in or advocates a system of organized sabotage against all preparations of the United States to defend its existence, and

Albert Einstein gives, loans or promises money or something of value (including his own prestige, leadership and labor) and collects money for and promises money to be used for advising, advocacy or teaching of the doctrines above enumerated, which, according to law "shall constitute the advising, advocacy or teaching of such doctrine" and "shall constitute affiliation" with such organization, society or group.

If the above charges are true, Albert Einstein must be held inadmissible to the United States under each and all of the subdivisions of the mandatory laws excluding certain classes of aliens from this country, above set forth.

While the "burden of proof" by law is clearly upon Albert Einstein to establish beyond reasonable doubt that not one of the mandatory restrictions of the law applies in his case, the prima facie proof of all the above charges may be established by an investigation by the Visa Division of the State Department, and by careful examination of Professor Einstein by the consular officers, and will be submitted hereafter, by the undersigned, when compilation of documentary evidence on these points now being made is completed.

It is to be noted that admissions of an alien concerning himself, or his beliefs, are on an equal footing with actual convictions in foreign courts for the purpose of determining his right to enter the United States. (See Sec. 3, Immigration Act of 1924). He is required by the same law (Sec. 7) to state whether he is or is not a member of "each class of individuals excluded from admission...under the immigration laws"; and is subject to a \$10,000 fine or five years imprisonment for knowingly making any false statement in his application under oath.

The admissions of Albert Einstein concerning his "illegal" and "revolutionary" objectives and affiliations are matters of public record, but appear hitherto to have been unnoticed by consular officers or immigration inspectors who have granted visas and entry to Einstein for several former transitory visits to the United States.

But now he is seeking to become a permanent or semi-permanent resident of the United States, and in any case, Sec. 2 of the Alien Exclusion and Deportation Act of October 16, 1918, as amended, is applicable to the classes of aliens excluded by that act, "irrespective of the time of their entry into the United States" and such aliens may even be deported "at any time after entering the United States" if found to have been at the time of entry, or to have become thereafter, a member of "any one of the classes enumerated." (Ibid.)

Previous transitory admissions to the United States, therefore, give no alien any exemption from the mandatory provisions of the Alien Exclusion and Deportation Laws, if and when they are found applicable to such alien---and the "burden of proof" rests upon such alien in any application for passport visa or admission, regardless of previous visas or admissions to the United States as a temporary visitor.

Respectfully submitted

*Harriet A. Frothingham*

(Mrs. Randolph Frothingham)  
President, The Woman Patriot Corporation.

Honorable A. Dana Hodgdon, Chief,  
Visa Division, Department of State

November 22, 1932

Dear Sir: The attached memorandum of evidence in proof of charges filed with you yesterday that Albert Einstein is inadmissible to the United States...is herewith respectfully submitted.

Very truly yours,  
(Signed) Harriet A. FROTHINGHAM  
(Mrs. Randolph Frothingham)  
President, The Woman Patriot Corporation.

First, to prevent confusion (such as has often manifested itself in regard to alien exclusion cases, even among lawyers) it is to be recalled that an alien seeking admission to the United States is asking a favor and seeking a high privilege, that may be granted only upon such terms, conditions and restrictions as the United States may deem desirable.

No alien is compelled to enter the United States. If he does not like American terms of admission, he can stay out. And if he does not meet American terms of admission, our Government can keep him out, without any injury to his person or property, or denial of his liberty, and altogether without any trial by court or jury under the strict rules of evidence that safeguard the person or property of one charged with an offense, from unjust punishment or loss. Many governments, notably Great Britain, simply tell an alien that they don't want him, and that ends the matter, without even a right of the alien to ask them why!

The alien seeking admission is not on trial before a court of law; he is not in jeopardy of his life, liberty or property; he is under no compulsion at all to appear at our gates. And likewise, the two acts of American officers, in two different departments of Government, that Congress has directed to guard the gates, need not open them until and unless each is satisfied, "beyond reasonable doubt" that the alien is worthy of a high privilege---which millions of aliens throughout the world are denied.

The "burden of proof" is upon the alien; not upon the Government. The United States, not the alien, is legally entitled to the benefit of all doubts. The "final determination of facts" is entrusted to administrative officers, not to a jury. Administrative officers are "not obliged to believe" the testimony of an alien in his own behalf, and "more over, even if it consists in finding an essential fact without adequate supporting evidence, is not a denial of due process of law" in those alien exclusion cases. (See decision by Mr. Justice Brandeis in *Tisi v. Tod*, 264 U.S. 134; also *Nishimura Ekiu v. U.S.*, 142 U.S. 651, 660).

It is not necessary to prove the alien guilty of any criminal or other offense, or of any overt act. It is enough if his beliefs, opinions or affiliations show him to be among any one of the several classes of aliens that "shall be excluded from admission into the United States."

An executive officer, moreover, "is not bound to observe the strict rules of evidence enforced by judicial tribunals" in excluding or deporting aliens. (See *Kjar v. Doak*, 7th U.S. Circuit Court of Appeals, decided Oct. 18, 1932, No. 4834).

"In every case where an alien is excluded" the decision of administrative officers "if adverse to the admission of such alien, shall be final...." (See 37 Stat. 737-738).

Congress has been diligent in establishing barriers against the entry of undesirable aliens. It has entrusted the keys of our gates to two separate sets of officials, either of which may decline to open them---the consular officers of the State Department, who may refuse visas, and the immigration inspectors of the Labor Department, who may refuse admission notwithstanding the alien's possession of a visa. Finally, Congress has made it a felony for any person knowingly to assist or permit the classes of aliens excluded by the statutes here cited, to enter the United States. (Sec. 163, Title 8, U.S. Code).

Having thus established the legal fact that ALBERT EINSTEIN is seeking a high privilege; that the UNITED STATES, not Albert Einstein, is entitled to the benefit of all doubts (particularly of all loyal officials in the employ of the Government of the United States) the following memorandum of evidence is submitted as sufficient, when confirmed by reference to the published documents cited, to sustain the charges heretofore filed, and to require that any passport visa to Albert Einstein be refused or revoked.

three organizations... and publish anarchist and communist doctrines, namely:

(1) The World Congress Against Imperialist War---characterized even by European Socialist leaders as "a Communist plot"---in which 800 Communist delegates took part, and in which:

"Marcel Cachin, Communist member of the French Chamber of Deputies and Willi Munzenberg, Communist deputy to the German Reichstag, put forth most effectively and dramatically the Communist program of action against war." (See The New Masses, November, 1932, p.10, col.2).

ALBERT EINSTEIN is on the "World Committee" of the above Communist Congress, his name heading the list of German members, followed by that of CLARA ZETKIN, Willi Munzenberg and other notorious Communist leaders. (See the Daily Worker, official American Communist organ, Oct.11, 1932, p.4, col.5).

The "Manifesto" of the above Congress declares that "each of us" and "all together" they have pledged and sworn themselves:

"...to fight with all our force and with all the means at our command against imperialist capitalism....

"against armaments, against war preparations, and in consequence against the governments ruling us." (New Masses, November, 1932).

"They stressed the fact that war as a colossal mass movement cannot be prevented by the sacrifices of individual conscientious objectors no matter how courageous and well motivated these persons might be. They advocated mass anti-war activities in the armies and navies, in munition plants and among transport workers who could triplo [cripple?] the production and delivery of munitions." (Ibid, p.10).

In short, both Communism and sabotage were openly urged at this so-called "World Congress Against Imperialist War."

ALBERT EINSTEIN's membership on the "World Committee" of this Communist organization is in itself sufficient to exclude him from admission to the United States. Nor is it necessary to prove that he "had knowledge of the contents of the programs...or any one of them. It is sufficient if the evidence showed that he was a member of, or affiliated with, such an organization as contemplated by the statute." (See Kjar v. Doak, supra, p.6).

ALBERT EINSTEIN was also one of the leaders of the World Congress of the Anti-Imperialist League---a subsidized affiliate of the Communist International---that met at Frankfurt, Germany, July 20, 1929, and his picture was featured among the leaders of that Communist Congress, by the Berlin Communist organ, "Illustrierte Arbeiter Zeitung".

(2) The Workers International Relief. This organization is a well-known affiliate and creature of the Communist International. The contribution of money, "or anything of value to any organization" of this class, constitutes affiliation, under the statute, with the Workers International Relief, and therefore with its affiliate, the Communist International. (See Kjar v. Doak, p.6).

ALBERT EINSTEIN, March 1, 1931, wrote to the Workers International Relief, American Section:

"The work of your organization has the highest importance in a country in which the individual is so insufficiently protected."

That Einstein's indorsement had commercial value is not only self-evident (as even Bernard Shaw and Leon Tretzky regularly collect money for mere press interviews) but as a matter of fact, Einstein's indorsement was deemed of such great "value to the organization" that it was the first and principal thing mentioned in an appeal for funds, issued March 14, 1931, by the Workers International Relief, American Section.

(3) The War Resisters' International. This organization or group, with which ALBERT EINSTEIN is enthusiastically affiliated, openly admits and proclaims affiliation with...

as well as Communist groups---and under the and the  
decision in the War case cited EINSTEIN'S affiliation  
with the War Resisters' International constitutes  
affiliation with its affiliates.

In the list of "affiliated sections" of the War Resisters  
International at least three "anarcho-socialist" and "anarcho-  
communist" affiliations are admitted. (See War Resistance,  
a Practical Policy, pp.5-6).

Its beliefs and objectives are officially admitted in  
part as follows:

"Out of the present chaos the War Resisters International  
believes that a new Social Order can and will be estab-  
lished. It looks to an order of society where all shall  
have the opportunity to co-operate for the good of all  
mankind. It believes that these changes may be accompanied  
by revolutionary uprisings which will, in all probability  
lead for a time to war, reaction and great oppression.  
Every war resister desires to take part in the struggle,  
confident in the ultimate triumph of the forces which  
make for a new social order....." (Ibid.p.7).

"The way to stop war is to refuse to take part in it,  
to refuse to train as a soldier, to refuse to make munitions,  
and then to organize mass resistance....The sentiment  
against war was there right enough, but the International  
called for open resistance."

"The largest Section of the War Resisters International  
is the Fellowship in the United States, which numbers 7,500  
members." (Ibid.)

"We have made representations to the various Governments  
...These representations were not sent direct from the Inter-  
national, but in this we have always had the willing help  
of men of eminence such as Professor Einstein...." (Ibid.  
p.22, Emphasis ours throughout).

In other words, with the aid of Professor Einstein's  
"willing help" as an "eminent man" these revolutionary  
radicals are able to promote their objectives more effect-  
ively than they can through the organization they established  
for the purpose.

Anarchist affiliations are not only listed, as previously  
noted, but featured in the official report of the War  
Resisters International 1, in part as follows:

"An Anarchist comrade...referred to you, Mr.Chairman,  
as that 'extraordinary Socialist.' You were using your  
position in Parliament as a Socialist leader, as a plat-  
form to express to the world the doctrines which he, as  
an Anarchist, held. Such a strategy is alien to Socialism  
In our movement and Socialist thought. In this Inter-  
national gained the respect of Anarchists." (Official  
Report of the Secretary, Ibid.p.26).

Could there be clearer proof of the affiliation of the  
War Resisters International with Anarchists? And ALBERT  
EINSTEIN created to aid this anarcho-communist War Resisters  
International, the "Einstein War Resisters International  
Fund." (Ibid.p.29).

The official report of the secretary of the War Resisters  
International shows also that it has no interest in the mere  
maintenance of peace, but is frankly an anarcho-communist  
organization---in which "every war resister" desires to take  
"his part in the struggle" and "revolutionary uprisings"  
contemplated by the War Resisters International, as already  
shown.

The report declares:

"We insist upon the responsibility of the individual  
himself to commence to build the new world without  
waiting for his fellows to agree to do the same." (War  
Resistance,p.14).

"We have attained the power to stop war breaking out. I  
---deliberately with a full consciousness of the



"apparent preposterousness of the assertion. I do not claim that power is within the grasp of the War Resisters International alone. We have our allies in the great proletarian movements of the world." (Ibid. p.15).

"Before the International was founded, the war resister was called a Conscientious Objector... Today we acclaim the individual responsibility to organize mass resistance to war and to unite the determination to build the New World." (Ibid.)

"One of the methods of co-operation has been by the formation of the Joint Peace Council. In this Council all the radical pacifist and anti-militarist Internationals are affiliated." (Ibid. p.17).

"I want to make it very clear that when the aim is merely peace and the establishment of the status quo, we, as an International, have no interest in it. (Ibid. p.17).

ALBERT EINSTEIN'S affiliation with this anarcho-communist War Resisters International that admits that it has "no interest" in peace alone, but contemplates "revolutionary uprisings" and "mass resistance" as well as anarchistic individual "resistance" to Government, rather than mere conscientious objection to war, is attested in the same official document of the War Resisters International, entitled "War Resistance," at pages 28-29:

#### "ADDRESS OF PROF. ALBERT EINSTEIN TO THE CONFERENCE"

"I address myself to you, the delegates of the War Resisters International, meeting in Conference at Lyon, because you represent the movement most certain to end war....

"All the nations of the world are talking about Disarmament. You must lead them to more than talk. The people must take this matter out of the hands of statesmen and diplomats. They must grip it in their own hands.

.....  
"We have to face today a militarism far more powerful than the militarism which brought the disaster of the Great War. This is the achievement of Governments. But among the peoples the idea of war resistance spreads. You must challengingly and fearlessly extend this idea. You must lead the people to take disarmament into their own hands. ....

"This is no time for temporising. You are either for War or against War. If you are for War, you must encourage science, finance, industry, religion and labour to exert their power to make your national armaments as efficient and deadly as they can be made. If you are against War, you must encourage ~~the people~~ resist it to the uttermost. I ask every nation to use words to make this great and definite decision. ....

"I appeal to all men and women, whether they be eminent or humble, to declare before the World Disarmament Conference meets at Geneva in February, that they will refuse to give any further assistance to war or the preparation for war. I ask them to tell their Governments this in writing, and to register their decision by informing me that they have done so.

"I shall expect to have thousands of responses to this appeal. They should be addressed to me at the Headquarters of the War Resisters International, 11 Abbey Road, Enfield, Middlesex, England. To enable this great effort to be carried through effectively, I have authorized the establishment of the 'Einstein War Resisters International Fund.' Contributions to this fund should be sent to the Treasurer of the W.R.I., 11 Abbey Road, Enfield, Middlesex, England.

"(Signed) ALBERT EINSTEIN"

ALBERT EINSTEIN'S affiliation with this anarcho-communist group known as The War Resisters International is thus proved by his own words and actions under every possible definition of what shall constitute "affiliation" in the Alien Exclusion and Deportation Law, which, after enumerating certain definitions of "affiliation," declares:



"but nothing in ( ) paragraph shall be taken as an exclusive definition of advising, advocacy, coaching or affiliation." (Sec.2, Sec.137, Title 8, U.S.C.)

#### EINSTEIN'S OWN DOCTRINES ANARCHISTIC

Not only is Albert Einstein affiliated with, or a member of the revolutionary anarcho-communist groups previously named--- and thereby affiliated with their affiliates, (including the Communist International and various Anarchist groups), as decided in the Kjar case, but his own personal activities, in which he, as an "eminent man" is always "willing to help" those revolutionary radicals more than they can help themselves through their own organizations (as previously shown) would justify and require his exclusion, even if he were not in affiliation with any group of inadmissible aliens.

What is the legal definition of "anarchists" in subdivision (a) of the Alien Exclusion and Deportation Law? Congress has not said. It has left the definition of "anarchists" open to every reasonable and fair definition of that term, but positively prohibited the entry into the United States of any alien who is an "anarchist."

In the Act of February 5, 1917, (Sec.3) Congress also first names "anarchists" and then in the alternative, not conjunctive, "or persons who believe in or advocate the overthrow by force and violence of the Government...or who disbelieve in or are opposed to organized government...or who are members of or affiliated with any organization entertaining and teaching disaffection in or opposition to organized government."

The dictionaries define "anarchy" as "a absence or utter disregard of government; lawless confusion and disorder; opposition to the rule of a supreme power," etc.

The fundamental principle of all organized government---the Supreme Court held it "to be an incontrovertible principle"--- without which it cannot exist, is the power "to compel obedience to its laws"---"by means of physical force" exercised through its official agents. (See Re Debs, 158 U.S.579,582).

What the anarchist opposes and attempts to abolish, therefore, is not merely the name, "government," but the thing which is government, the authority and power to compel obedience to law which is the first essential of all organized government--- the power to govern. Whether he strikes at "the rule of a supreme power" by assassination of a single sovereign, or whether he merely believes in depriving every sovereign of the power to govern, he is equally an anarchist---and equally, if an alien, subject to exclusion from the United States.

Nothing is more certain than that ALBERT EINSTEIN is at the head and front of a personal movement (the Einstein War Resisters International Fund) as well as affiliated with an anarcho-communist group (The War Resisters International) living for his direct object the promotion of legal changes in law by political organizations seeking constitutional authority and parliamentary power to govern, but instead, anarchistic individual "resistance" to all organized governments that exist today, that, to preserve their existence, require means of national defense.

Nothing is more certain in law than the principle that a sane person "is presumed to intend the necessary consequences of his own acts."

The courts have frequently noted that the necessary consequence of permitting successful "individual resistance" to law is to promote anarchy and "utter confusion."

Thus, three-quarters of a century ago, the United States Supreme Court held that "government could exist only in name" if the professed doctrines of an individual, contrary to "a law of the organization of society" were held "superior to the laws of the land" and would "in effect permit every citizen to become a law unto himself." (See Reynolds v. United States, 98 U.S.145). That, of course, would be anarchy.

Yet what is the substance of Einstein's appeal to "war resisters" but an appeal to individuals to resist and disobey the law of governments, for each "to become a law unto himself"

ments?  
Likewise, in the language of the Supreme Court of Pennsylvania in the Robert Clark case, 301 Pa.321:

"anarchy will stalk in uncollected" if individuals, "because of superior education, age, or mental reservation" are to be permitted to resist or to modify the laws of Congress according to their own individual beliefs, etc. (That was a naturalization case, in which the principle that ALBERT EINSTEIN and his affiliates most seek to overthrow by "individual resistance," namely the power of government to defend its existence and enforce its laws by force of arms, was at issue as a "fundamental principle" of the United States Constitution.).

Again, this Einstein theory of individual opposition to the most fundamental principle of all organized government, was at issue in the last naturalization case decided by the United States Supreme Court.

The Court said:

"If the attitude of this claimant...be held immaterial... where shall the line be drawn? Upon what ground of distinction may we hereafter reject another applicant? ...There is no middle ground. If one qualification of the oath be allowed, the door is open for others, with utter confusion as the probable final result." (United States v. Douglas Clyde Macintosh).

One of the dictionary definitions of anarchy is "utter disregard of government."

What anarchist or communist has shown more "utter disregard of government" than ALBERT EINSTEIN in his appeals to individuals to enlist with him in illegal resistance to their governments?

Another dictionary definition of anarchy is "lawless confusion and disorder."

What anarchist or communist has promoted "lawless confusion and disorder" in as many different fields as ALBERT EINSTEIN?

#### COMMUNIST PROGRAM FOR "SHATTERING" THE STATE

The negation of organized religion, the abolition of the Church as well as the State, are fundamental objectives of both anarchists and communists. (See The State and Revolution, By Nicolai Lenin, Chap.3,4 and 5).

Contrary to popular opinion, there is no difference of viewpoint between anarchists and communists on their ultimate common goal, the abolition of the State. They differ only in the "methods" and methods they propose to achieve that common goal. (Ibid.)

What the Communists object to among the anarchists is that they are not revolutionary enough, in the opinion of Marx, Engels and Lenin, to organize armed rebellion to "shatter" and destroy present forms of government, and to establish, for a "transition period" a ruthless "dictatorship of the proletariat" which, eventually, shall also "wither away." (Ibid.).

LENIN says: "We do not at all disagree with the Anarchists on the question of the abolition of the State as a final aim." (Ibid.p.62).

"The Anarchist idea of the abolition of the State is muddled and non-revolutionary...It is precisely the Revolution, in its rise and development, with its specific problems in relation to violence, authority, power and the State, that the Anarchists do not wish to see." (Ibid.p.65).

Likewise the official "Strategy of the Communists" declares:

"The Communist International has never undervalued the strength and the revolutionary will of the anarchists and syndicalists, who are honestly fighting for the freedom

of all class struggles and especially the Russian Revolution has demonstrated that the oppressed workers and peasants can overthrow the mastery of the Bourgeoisie only as a consciously organized class.....

"The Communist Party knows that only the dictatorship of the proletariat can finally shatter the power of the capitalist social order." (Strategy of the Communists, official Letter of the Communist International, Aug. 21, 1923, issued by Communist Workers Party of U.S.A.).

The destruction and "shattering" of the "bourgeois" State (to be succeeded by the "dictatorship of the proletariat" which also will finally "with away") is to be accomplished, according to Marx, Engels and Lenin, by first "shattering" the "bureaucratic and military machine."

"No merely to hand over, from one set of hands to another, the bureaucratic and military machine...but to shatter it; and it is this that is the preliminary condition of any real people's Revolution." (KARL MARX, as quoted by Lenin).

Immediately after quoting this statement from Karl Marx, Nicolai Lenin himself writes:

"In these words, 'to shatter the bureaucratic and military machinery of the State,' is to be found, tersely expressed, the principal teaching of Marxism on the subject of the problems concerning the State, facing the proletariat in a revolution." (The State and Revolution, By Lenin, p.38).

#### EINSTEIN ARCH-PROMOTER OF "SHATTERING" PROGRAM

And who is the acknowledged world leader, who, by direct affiliation with Communist and anarcho-communist organizations and groups, and by his own utmost personal efforts, is doing most to "shatter" the "military machinery" for the defense of the existence of governments, which "shattering," is the "preliminary condition of any people's Revolution," according to Marx, and "the principal teaching of Marxism" on the subject, according to Lenin?

ALBERT EINSTEIN is that leader. Not even Stalin himself is affiliated with so many anarcho-communist international groups to promote this "preliminary condition" of world revolution and ultimate anarchy, as ALBERT EINSTEIN.

Thus whether Albert Einstein's activities and affiliations be judged from the very nature of government, or from the fundamental principles of our Constitution and the decisions of our courts, or from the official programs and strategy of the Communists themselves, ALBERT EINSTEIN must be regarded as the arch-promoter of the "shattering" of the State that is the earnest Anarchist and Communist goal.

Now ALBERT EINSTEIN has not only exceeded Stalin himself in the number and variety of individual and collective efforts he leads to "shatter" the "military machinery" of the State.

ALBERT EINSTEIN has promoted "lawless confusion" to "shatter" the Church as well as the State---and to leave, if possible, even the laws of nature and the principles of science in "confusion and disorder" and subject to revision with every new proclamation of an "Einstein theory!"

Albert Einstein is not subject to exclusion from the United States by reason of his "cosmic religion" in which he brushes aside all organized religion in the name of "science" and declares that "the only deeply religious people of our largely materialistic age are the earnest men of research"---like himself. (See Einstein's signed article, N.Y. Times, Nov. 9, 1930).

Neither is Albert Einstein subject to exclusion by reason of his frequently revised theory of "relativity" which, even if true, is of no more practical importance than the answer to the old academic riddle, "how many angels can stand on the point of a needle if angels do not occupy space."

Even if true, Einstein's "relativity" theory would be strictly

ignorant public... he feeling that all sort of accepted scientific truths... human beliefs were to be lost." (See The Case Against Einstein, By Col. Arthur Lane, (Philip Allen).

But while Einstein religious and "relativity" theories have no more bearing upon his admissibility to the United States than they have upon any practical science, it should not be overlooked that this alien, more extensively and more potently than any other revolutionist on earth, promotes "confusion and disorder," doubt and disbelief, and advises, advocates or teaches individual "resistance" to all accepted authorities except Einstein, whether it be a question of peace or war, government or religion, mathematics or anthropology!

Therefore, the "relativity" of this arch-anarch's "shattering" influence and activities that tend to promote confusion and disregard of all authorities except Einstein in matters of "science" and "religion" is well worth noting in connection with his affiliations with Anarchist and Communist groups, and his admittedly illegal efforts to arouse individual "resistance" on the part of all "peoples" against the most essential laws and principles of all organized government.

#### EINSTEIN'S ADMITTEDLY ILLEGAL PURPOSES

In a letter to Heywood Brown (an officer of the War Resisters International) ALBERT EINSTEIN WROTE:

"I consider Madam Schwimmer's stand of great value and deserving the support of all true humanitarians. World peace, a crying necessity, is not to be achieved unless spiritually progressive forces refuse to yield to public authorities, controlled by factions, which should be defeated. Those convinced of this necessity should consider it their duty publicly to uphold this conviction; thereby they bring upon themselves a conflict with public authority. A result can be obtained only if a large number of influential personalities have the moral courage of such an attitude. Such an attitude is revolutionary. But only through acts of rebellion can the fettered individual break chains which, though founded in laws, have grown into unendurable bondage. In this situation, too, such a recourse is unavoidable. Credit is due Madam Schwimmer for having realized this and having acted courageously in accordance with her convictions." (Heywood Brown's column, Scripps-Howard newspapers, December 12, 1930).

On December 14, 1930, Albert Einstein made an address in New York on "Militant Pacifism" which appears in The World Tomorrow, January, 1931, "translated by Madam Rosika Schwimmer." In that address, Albert Einstein said:

"Our next step is to act---to do something... For this I have two suggestions. One of them has already been tried and found practical. It is refusal to engage in war of any kind, under any circumstances... what they say should adopt this position in time of peace even in countries where there is compulsory military service. In other countries, where there is no such service, pacifists should declare openly that they will never bear arms or take part in any military service whatsoever. I advise the recruiting of people for this idea all over the world. And for the timid ones, who say, 'What is the use of trying, we are so few in number,' my answer is: 'If you can get only 2 per cent of the population of the world to assert in times of peace that they will not fight, you will have the solution of all international troubles. Even so small a proportion as 2 per cent will accomplish the desired result, for they could not be put in jail. There are not enough jails in the world to accommodate them.'

"The second suggestion I offer appears less illegal. International legislation should be attuned to the idea that those who declare themselves against war should be allowed to take up some kind of difficult or even dangerous work either for their country or for the international benefit of mankind... I feel confident that whoever adopts this program will eventually succeed in establishing international legislation either by legal or other methods. I advise all war resisters to organize and to internationalize.

"includes the reciprocal obligation of the citizen to render military service in case of need."...

"Whatever tends to lessen the willingness of citizens 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...for if all or a large number of citizens oppose such defense, the 'good order and happiness' of the United States cannot long endure."

It cannot be denied that ALBERT EINSTEIN is opposed to this "very conception of a just government" as defined by the Supreme Court; that his influence would tend to detract from "the strength and safety of the Government," and that he is himself, and urges others, in "militant" opposition to "such defense" as the Supreme Court declares a fundamental principle of our Constitution, and without which, good order in the United States "cannot long endure."

Frau Schwimmer, however, went to no such lengths as Albert Einstein in urging "acts of rebellion" and "conflict" with public authorities, although the Revolutionary Radicalism Report of the New York Legislature, 1920, vol. 1, page 971, declares that the first peace movement favorable to Germany, in 1914, was led in the United States by Frau Schwimmer, "in reality a German agent."

ALBERT EINSTEIN---who apparently cannot talk English---referred to Frau Schwimmer as his "saving angel" when she translated his speech on "Militant Pacifism." (See New York Times, Dec. 15, 1930).

But Albert Einstein far outstrips the example and affiliations of his "saving angel" in his own "militant pacifism."

#### ANOTHER GERMAN CHALLENGE OF AMERICAN CREDULITY

Albert Einstein, as a "militant pacifist" propagandist, from the Land of the Goose-step, Pocket-Battleships and Rearmament, and in the pay of the German Government (his salary with the University of Berlin is to continue during his engagement here) is a challenge to American official credulity.

Why is he planting his "war resistance" doctrine in England and the United States, instead of operating at home in Berlin, the German capital, where Government and people alike are clamoring for rearmament?

Why now tolerate the "science" camouflage of Albert Einstein, any more than our Government tolerated the "diplomacy" camouflage of Von Papen, who boasted in a captured letter to his wife of his skill in outwitting "those idiotic Yankoes" while operating a sabotage system here in 1915? (See New York Times, Sept. 22, 1915, 1:6).

In Senate Document No. 62, 66th Congress, vol. 2, page 1494, former Ambassador Von Bornstorff's cable to his Government, is quoted in part as follows:

"Since the Lusitania case we have strictly confined ourselves to such propaganda as cannot hurt us if it becomes known. The sole exception is perhaps the peace propaganda, which has cost the largest amount but which also has been the most successful."

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That cable showed the importance of "peace propaganda" in the United States to a foreign Government, in 1916. Is it any less important today? ALBERT EINSTEIN is the world leader of the new "militant pacifism."

If alien revolutionists, or foreign Governments, were overpowering us, something might be said in favor of the submission of American officials to their schemes or demands. But when it is only a matter of their outwitting us to further foreign schemes at the expense of our people and to the injury of our Government, why should any American, and above all, any American official, let aliens succeed in "making suckers of Americans"? (as President-elect Roosevelt once described it in another connection).

March, 1931, contains the following report of ALBERT EINSTEIN'S address to 400 "peace advocates" at Chicago:

"No one mentioned relativity... Militant opposition to militarism was his keynote..."

"It is my conviction that the only way is actual refusal of military service," he said.... "What I propose is illegal, but whenever a Government demands criminal actions from its citizens, they have a very real right to oppose it and we must uphold them!"

The New York Times, November 22, 1931, carried a signed article by ALBERT EINSTEIN, entitled, "The Road to Peace" to the same effect as the Einstein letter to Heywood Broun, the Einstein speech translated by Frau Rosika Schwimmer, and the Einstein speech at Chicago.

In that signed article, Albert Einstein says:

"He who would foster the international outlook and counteract national chauvinism must combat universal military service."

His entire article is along the lines already set forth in the letter and speeches quoted, and in this signed article, Albert Einstein also advises and recommends a book, entitled War Again Tomorrow, by Ludwig Bauer (another Teuton propagandist for the disarmament of everybody but the Germans and the Communists) which book, quoted in the same issue of the New York Times, declares:

"Peace can only be attained through compulsion, and only thus can the economic crisis be overcome. There is a cure for our malady. It is: To overcome the State..."

What does Albert Einstein mean by his militant terms, advising individuals and groups to "refuse to yield to public authorities," to "bring upon themselves a conflict with public authority;" that this "attitude is revolutionary," but that "only through acts of rebellion"---which he says are "unavoidable"---can the "fettered individual" break "chains" that are "founded in laws"?

What does he mean by advising "2 per cent"---a hopeless minority for any legitimate changes in government through constitutional methods and political organization---to resist and defy the laws of their governments?

What does he mean by declaring boldly, "what I propose is illegal" and that to "counteract" national chauvinism, they must "combat" universal military service?

Is it not obvious that Einstein, in his careful choice of words, means what he says in plain and unmistakable terms, that are not figures of speech at all, but the well known jargon of the Anarchist and Communist groups that hope to accomplish the "shattering" of the State by "revolutionary uprisings" (as the War Resisters International contemplates) and first of all, the "shattering of the military machine" that Marx and Lenin both held the "preliminary condition" for a communist revolution?

#### FRAU ROSIKA SCHWIMMER---EINSTEIN'S "SAVING ANGEL"

Frau Rosika Schwimmer, whose stand Albert Einstein commends in his letter to Heywood Broun, and who translated his speech on "Militant Pacifism," was the principal in the case of United States v. Rosika Schwimmer (279 U.S. 649) in which the United States Supreme Court held her ineligible to American citizenship.

In that decision, the Supreme Court ruled:

"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.... This Court, in the Selective Draft Law Cases... speaking through Chief Justice White, said that 'the very conception of a just government and its duty to the citizen' 0001797

York Times significantly described the event in the following headlines:

"EINSTEIN DEPARTS 'ENRICHED' BY VISIT"

(N.Y. Times, Dec. 16, 1930).

He will be far more "enriched" if allowed to make the United States his semi-permanent home and his headquarters for the dissemination of his "shattering" propaganda against the Church, the State, and even against the known laws of nature.

MORE REVOLUTIONARY AFFILIATIONS THAN STALIN OR TROTZKY

ALBERT EINSTEIN, as previously shown, is affiliated with more anarchist and communist groups than Joseph Stalin himself---as Einstein is affiliated with the Communist International and the Soviet Union through its affiliated subsidiary organizations, and in addition, is affiliated with certain anarchist and communist groups in the War Resisters International that are not directly open to Stalin himself.

Also, LEON TROTZKY, an expelled former leader of the Soviet Union---who is also reported in the press to plan a visit to the United States as a "teacher"---has at present, so far as known, no direct affiliations with the Communist International and the Soviet Union, while ALBERT EINSTEIN is a member of several Communist organizations under Moscow management, notably the "World Committee Against Imperialist War" (not against civil war, or all war) and the "Anti-Imperialist League," as well as affiliated with the "Workers International Relief," as already shown.

Therefore, if in the face of these facts and this record, ALBERT EINSTEIN is given a passport visa, upon what interpretation of the law or the facts, thereafter, can LEON TROTZKY be excluded from admission to the United States?

If the most recent decisions of our Federal courts, in the Yokinen and Kjar cases, mean anything; and if the American principle of "equality before the law" means anything, the most eminent and dangerous alien revolutionary agitators, such as ALBERT EINSTEIN and LEON TROTZKY, can be kept out of this country under the same law that enabled the Government to deport these obscure, insignificant and unknown radicals, Augustus Yokinen, and Niels Kjar---one of them had been expelled from the Communist Party, and the other a member of "The Trade Union Unity League".

In the YOKINEN case, decided by the United States Circuit Court of Appeals for the Second Circuit, which case the United States Supreme Court refused to review only a few weeks ago, the Court said:

"We are urged to ameliorate the supposed harshness of the statute by reading into it words that Congress saw fit to leave out....

"If the words used in the statute were equivocal or the intention of Congress for any reason uncertain there might be room for such a construction as that for which the appellant now contends. Perhaps the sufficient answer is that had Congress intended membership at the time of arrest to be the criterion it would have said so. It has power to determine what acts of an alien shall terminate his right to remain here. What it did do, was to make the act of becoming a member a deportable offense without regard to continuation of membership and it did that in language so plain that any attempt to read any other meaning is no less than an attempt to circumvent the law itself." (United States v. Yokinen, p.3).

The statute to which the Court referred is the Alien Exclusion and Deportation Act (Sec. 157, Title 8, U.S. Code) the same statute, that applies the same tests, in the same terms, for the exclusion as for the deportation of certain classes of aliens.

We ask just and equal enforcement of this mandatory law. We ask routine law enforcement "irrespective of persons"---the oldest principle of justice that from the codes of Hammurabi and Moses, to the codes of Napoleon and Frederick the Great has been insisted upon by all great law makers and

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The statute itself is "in language so plain that any attempt to read in any other meaning is no less than an attempt to circumvent the law itself."

The application of the statute to ALBERT EINSTEIN is so plain that any attempt to exempt this "eminent"---and therefore powerful and dangerous---alien from the provisions of law so recently enforced in the obscure Yokinen and Kjar cases, must be construed as an arbitrary special favor granted "in respect of persons" or in fear of "influential personalities" (as Einstein calls himself) and this is the worst and most unjust form of nullification of law.

If Congress had intended "eminent" aliens who are members of or affiliated with Anarchist and Communist groups to be admitted to the United States, it would have said so. It made no such exemption in the mandatory law, and there can be no such exemption in its just enforcement.

In conclusion, in this crisis, where Communists are organizing hunger marches among the "rank and file" radicals, and affiliated subsidized Communist organizations under dozens of different alias titles, "to deceive, if possible, even the elect" (by the same device that criminals employ to evade the police by "frequently changing names" as Lenin once advised\*) to enlist the "eminent" in revolutionary work, and to escape the scrutiny of Government officials by calling Communist organizations something else---what shall it profit America to get rid of the obscure Yokinen and Kjar, by orders of Federal courts, if ALBERT EINSTEIN---and later Leon TROTSKY---are to be admitted in their stead to broadcast and teach here, the "shattering" of our Government, and desertion and treason to the United States in time of war, and "individual resistance" and "mass resistance" to the basic duties of American citizenship in time of peace.

*George*

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\*At the 2d Congress of the Communist International at Moscow, July 19, 1920, Nicolai announced his program for "the replacement of the old leaders by Communists in all forms of organizations, not only political, but also industrial, cooperative and educational, and, where necessary, frequently changing names."

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PRESS NOTED EINSTEIN'S ANARCHISTIC DOCTRINES. It is significant that a number of American newspaper editors, in commenting upon Einstein's "militant pacifism" observed its common sense meaning as an anarchist doctrine, without taking up, or apparently consulting, the terms of the statute and the decisions of the courts here cited to show anarchistic doctrines and affiliations in a legal sense, as contemplated by the Alien Exclusion and Deportation Act. Thus the Houston Chronicle commented that it "seems to us a direct bid for anarchy, a way to more violence and destruction than war could bring;" the Lynchburg Advance-Leader said "it brings chaos and disorder" (See Washington Star, Dec. 30, 1930) Also the Indiana Catholic and Record, Dec. 19, 1930, entitled an editorial dealing with Einstein's "militant pacifism"---not his religious views---thus: "IS EINSTEIN JUST AN ANARCHIST?"

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