Post Office Department

OFFICE OF THE SOLICITOR

Washington

Oriental University

VOL I

286

I N D E X

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POST OFFICE DEPARTMENT
OFFICE OF THE SOLICITOR
WASHINGTON

In the Matter of Charges that the)
)
ORIENTAL UNIVERSITY,)
H. P. HOLLER, PRESIDENT,)
at)
)
1706 Oregon Avenue, N.W.,) TRANSCRIPT OF HEARING HELD
Washington, D. C.)
) September 25, 26, 27, & 28, 1923.
is engaged in conducting a scheme)
for obtaining money through the)
mails by means of false and fraud-)
ulent pretenses, representations)
and promises, in violation of Sec-)
tions 3929 and 4041 of the Revised)
Statutes, as amended.)

BEFORE

H. J. Donnelly, Esq.,
Acting Solicitor.

APPEARANCES

For the Government: C. W. Hassell, Esq.
W. L. Rhoads, Es.

For the Respondent: W. E. Leahey, Esq.

(Hearing called to order at 10:30 a.m. Sept. 25th)

MR. HASSELL. If the Court please this is the case of the Government against the Oriental University, H. P. Holler, President, at 1702 Oregon Avenue, N. W., Washington, D. C. The citation, omitting the caption, dated August 20, 1923, reads as follows: (reads citation).

As Govt. Ex. No. 2 I offer the return of the postmaster at Washington, dated August 22, 1923, addressed to the Solicitor for the Post Office Department: (reads)

As Govt. Ex. 3 I offer the return of the postmaster at North Beach, Maryland, dated August 24, 1923, addressed to this office: (reads).

Now at this point you can put in your answer, Mr. Leahey.

MR. LEAHEY. I would like to ask of the Solicitor what is the purpose of the introduction of exhibits 2 and 3, directing his attention more particularly to the recitation therein of the receipt -exhibit 2 - of from ten to fifteen pieces of mail daily, and in 3 (exhibit) of from twelve to fifteen pieces daily and one to ten registered letters, and the postcript "He mails out quite a little also; the

purpose of the question being that if that is offered to show anything in support of the charges or the use of the mails by Dr. Holler that it is absolutely irrelevant and immaterial, for the reason that the kind of mail is not set forth. No statement is made as to whether the mail is received by Dr. Holler as President of the University. The same is true with reference to the mail received under Exhibit 3. Mere proof of the receipt of mail by a man is no proof that he is using the mails under the name set forth in the rule to show cause in the above entitled case. I understand that the rules of evidence do not strictly apply in this hearing, but the rule to show cause must require proof in its averments, and proof of this sort is not proof at all. At most it is only suspicion, and it would be positively unjust to draw any such conclusion therefrom-

MR. HASSELL. If the Court please, with reference to the submission of Govt. Ex. 2 and 3, the purpose of 2 and 3 was primarily for the purpose of showing the deliverance of the citation. Do I understand from counsel for the respondent that he will take the position that the citation was not delivered?

MR. LEAHEY. I'm not taking any position-

MR . HASSELL. And also as to the amount of mail being received daily?

MR. LEAHEY. As to the first, no objection is made as to 2 and 3. In fact the respondent is willing to admit the receipt of the citation and rule to show cause. As to the second point made as to the proof of the mail received, it is objected to upon the ground heretofore stated and for the reason that the mail is not identified. The statement was made simply that so much mail comes to the address of both of these places. The mail is not identified as mail to the Oriental University and it is merely showing the fact set forth by the postmaster, both at Washington and North Beach, that letters come to that address. That's no proof, no affirmative proof of the rule to show cause. As stated, there is no objection to the limitation of the exhibits to proof of the fact of the receipt of the rule to show cause, which we are only too glad to admit.

MR. HASSELL. Will counsel for the respondent maintain that his client, Mr. Holler, and Oriental University are receiving no mail.

MR. LEAHEY. We make no contention at all at this time. However, if that's the case it must be established by proof.

MR. HASSELL. The statements of postmasters have always been accepted by this

by this Department as statements of fact of the receipt of mail.

MR. LEAHEY. True. But in this connection it is the Oriental University, H. P. Holler, President. It is not a charge against H. P. Holler in his individual capacity and he has a right to the use of the United States mails without question in his individual capacity, and therefore the mere statement of the postmaster that ten to fifteen pieces of mail are received without identification as to what capacity Dr. Holler is receiving that mail in is absolutely irrelevant and immaterial, and has no probitive value.

THE COURT. Perhaps a reading of the letter of instructions to the postmaster ould clear it up to the satisfaction of counsel.

MR. HASSELL. I will offer as Govt. Ex. 4 a carbon copy of the form letter, Form 282 of this office, addressed to the postmaster at Washington, D. C., under date of August 20, 1923, which reads as follows: (reads). The same letter was sent to the postmaster at North Beach, Maryland, Form 282, filled out in the same manner. I will mark this 4A.

THE COURT. The letters from those two postmasters is in response to this letter sent out by this Department.

MR. LEAHEY. May I see that Form 282, please? (examines paper)

Now the objection to Exhibits 2 and 3 in connection with Exhibits 4 and 4A is this, that by Ex. 2 it appears from the letter of the postmaster at Washington that the first class mail is being forwarded to North Beach in accordance with an order filed June 15, 1923. Other mail is delivered at 1702 Oregon Avenue. In other words it appears from the letter of the postmaster that the mail requested to be counted under Form 282 is forwarded to North Beach. Now the letter from the postmaster at North Beach sets forth simply the fact that the letter of August 22nd was delivered to H. P. Holler, President of the Oriental University, summer residence in North Beach, today, August 24th. Some days he gets 12 or 15 pieces of ordinary mail, whatever is meant by that, and anywhere from 1 to 10 Registered letters, etc. & again nothing." Now I submit that when you take this in connection with 282 the matter has not been clarified in the least and the mere statement with regard to Form 282 that it requests of the postmaster to return a statement of the average amount of mail that is arriving at his office at above , -there is no average there, - the matter isn't clarified at all. Now when a person, as I have stated, is before

the Post Office Department on a rule to show cause as to why he should not be denied the use of the mails on a charge of promoting a fraudulent scheme and he is using the mails in a dual capacity, one as a private citizen and the other as President of the University, I submit there is no fair and honest conclusion can be drawn that the [redacted] mail set forth in Exhibits 2 and 3 are addressed to him as Mr. Holler, President of the Oriental University is necessarily business mail and not personal mail. And that is my point, that the proof doesn't measure up to proof. It's suspicion at most, and the only way in this particular case to justify the deduction from that letter of the postmaster or postmistress at North Beach Maryland that the mail received by Dr. Holler is official mail, Oriental University mail and no other would be, you would have to base it on the conclusion that he didn't receive one postal card in a personal capacity, because that's all the answer sets forth here. Furthermore, the reply doesn't give the average amount of mail received. There is no average amount given there at all. "Some days he receives ten to fifteen" letters, some days he receives nothing. How many days does he receive the ten to fifteen and how many nothing, where is the average.

MR. HASSELL. Entirely immaterial, if the Court please. The purpose of the inquiry upon the postmaster is to determine whether the Department has jurisdiction, whether the respondent, or the names mentioned in the letter are receiving any mail. I take it that counsel for the respondent does not undertake to contend that the Oriental University and H. P. Holler, President, are not receiving any mail.

MR. LEAHEY. I make no contention whatever. I don't have to. You have made the contention here in the rule to show cause that H. P. Holler as President of the Oriental University is using the mails to defraud, and you haven't offered any proof that any mail is going to H. P. Holler as President of the Oriental University. There is absolutely no definiteness in that reply-

MR. HASSELL. If the Court please the proof as to the use of the mails will be submitted later. The Government does not rest its entire case upon the statement of the postmaster.

MR. LEAHEY. Well, I want the record clear as far as we have gone, and that's the second point I offer as to exhibits 2 and 3.

THE COURT. Objection overruled

MR. LEAHEY. Exception.

Mr. HASSELL. If the Court please I offer asEx. No. 5 --at this point you might put in your answer, Mr. Leahey.

MR. LEAHEY. Now comes the respondent in the above entitled matter of charges, and for answer to the rule to show cause issued against him as H. P. Holler, President of the Oriental University, says:

That as to the charge in said rule to show cause that he is conducting a scheme for obtaining money through the mails by means of false and fraudulent pretenses, representations and promises, in violation of Sections 3929 and 4041 of the Revised Statutes as amended; he denies the same and asserts that at no time, either in the past or in the present has he ever conducted a scheme for obtaining money through the mails , or in any wise; that he has never at any time been guilty of any false and fraudulent pretenses, representations and promises, in violation of Sections 3929 and 4041 as aforesaid, or of any other Section of the Revised Statutes of the United States.

As to the second paragraph set forth in said rule to show cause, more particularly describing in detail the representations, pretenses and promises which the said respondent is supposed to hold out, he denies the same and each and every averment thereof, and says that each and every averment thereof is not true in point of fact. As to the

As to the third paragraph of said rule to show cause, he denies that he well knew that the foregoing pretenses, representations, and promises set forth in paragraph as made by him were false and fraudulent, made with knowledge of their falsity and for the purposes in said paragraph set out, and avers the fact to be that he has never made any false representations pretenses and promises either knowingly or otherwise, or for the purpose of obtaining any remittances without making or intending to make any adequate return therefor, and avers the fact to be that he has [redacted] been conducting a university along the lines of that which he himself has laid down, that he has done so honestly and uprightly and has given the system of education which is in vogue in other places, as will be established. And further answering the respondent wishes to say that he has at no time, either intentionally or otherwise, ever used the mails of the

the United States to defraud anybody; that he has done so in an honest and bona-fide attempt to conduct a legitimate business, to wit, an educational establishment along the lines in which he has been interested for the past 25 years and to which he has devoted his entire life; and that at no time had he conceived any scheme thereby for the purpose of obtaining money or defrauding anybody, the fact being that he has not made any money and has no money today, and that he has conducted the university simply along the lines which he thought were proper for educational purposes. And further answering respondent sayeth not.

MR. HASSELL. As Govt. Ex. No. 5 I offer a letter and enclosures attached thereto from the State Department to the Chief Post Office Inspector, dated June 28, 1922. (5a and 5b also introduced).

As Govt. Ex. No. 6 I offer an advertisement appearing in the Washington Post of Wednesday, December 14, 1921, Want Ad Section, under the heading "Help Wanted - Male."

I would like to put Mis McCall on the stand. Miss McCall will you please state your name.

MR. LEAHEY. Just a moment. Is there going to be any supplementary proof offered of Ex. 5b, as to the advertisement?

MR. HASSELL. No. -What do you mean by supplementary proof? I don't exactly get that. We are offering the consuls statement, copy of the consul's report to the State Department, showing that it was transmitted to this Department in the course of official transactions and that the consul transmitted this copy of an advertisement which he states was clipped from the European press of such and such a date.

MR. LEAHEY. There isn't going to be any proof as to who was responsible for the advertisement, -not going to be connected in any way with the Oriental University.

MR. HASSELL. Why I think it states Oriental University.

MR. LEAHEY. I know, but is there going to be any proof Tom Brown or John Jones didn't put it in the paper.

MR. HASSELL. That's entirely immaterial, I think, if the Oriental University is getting business by means of this advertisement.

MR. LEAHEY. If it can be established that the Oriental University is get-

ting business by reason of this I would make no objection; that's the reason I made that statement concerning supplementary proof; I am sure my friend on the other side would not want to be charged with some advertisement over in Europe which might have been put in the paper by some one entirely uninterested in this business.

MR. HASSELL. You will admit it would be a very unusual proceeding for a person entirely uninterested in Mr. Holler's business or the Oriental University to advertise his business in the public press, wouldn't it?

THE COURT. What's the address?

MR. HASSELL. 1702 Oregon Avenue, N.W., Washington, D. C.

THE COURT. Well, accept it for its face value.

MR. LEAHEY. My point is that there is absolutely no proof Dr. Holler authorized the advertisement to be put there, and the mere identity of names is no proof.

THE COURT. Well, accept it for what it is worth.

MR. LEAHEY. We will produce testimony in this case to show that there was no knowledge on the part of the Oriental University of what that man is doing over there. It would be unfair to charge the Oriental University in this jurisdiction with responsibility for those things.

MR. HASSELL. If the Court please, proof will be offered showing that Mr. Holler has agents in Europe. In fact his official list of representatives will be presented and correspondence between him and some of his agents in Europe.

MR. LEAHEY. Well, now, can you establish which one of his agents put in the advertisement.

MR. HASSELL. Well, as I stated before, I don't think that's necessary. The advertisement on its face solicits business for the Oriental University at 1702 Oregon Avenue, N.W., Washington, D. C.

MR. LEAHEY. It isn't a question of what it on its face solicits, its who put the advertisement in the paper.

MR. HASSELL. Well, if this respondent is benefitting by this sort of an advertisement-

MR. LEAHEY. As I said before, if you can establish the fact that by reason of that ad Dr. Holler received business which he accepted there would be a rati-

fication of an unauthorized act of an agent, but up to this time there is no proof he inserted the advertisement or knew anything about it. As far as that goes it would be a fine way for a man to ruin another man by inserting an advertisement in the paper.

MR. HASSELL. I believe the Court has ruled on the acceptance of the advertisement.

MR. LEAHEY. I want to note an exception, then.

THE COURT. I understand that the Government expects to connect up Mr. Holler with some European transactions.

MR. HASSELL. That's a fact.

As 6A I offer the telephone directory of Washington, showing that the telephone of H. P. Holler, 1702 Oregon Avenue, N.W., is North 2543, -identical phone number set forth in the advertisement offered.

MR. LEAHEY. Only objection I have to that, if your Honor please, is that it is immaterial, if a man can't advertise for teachers. It's done every day. Everybody does it. Same as Georgetown or George Washington will advertise for professors, or anyone else-

MR. HASSELL. I might suggest to counsel that he reserve his argument until the Government presents its case.

MR. LEAHEY. I'm not arguing, I'm offering an objection to letting that go in there.

MR. HASSELL. It's just a question of saving time.

MR. LEAHEY. It's not a question of saving time. You are putting in evidence and seem to think I have no right to offer objections.

MR. HASSELL. I don't object to your objecting, but you seem to intersperse a great deal of argument in connection with it.

MR. LEAHEY. Counsel on the other side evidently seems not to have taken many cases to the Court of Appeals, because there they make you give the ground on which each objection is based.

MR. HASSELL. Did the Court rule on the acceptance of this advertisement?

THE COURT. I don't understand that the advertisement was objected to.

MR. LEAHEY. Objected to as immaterial and of no probative value at all.

THE COURT. What's the purpose of the advertisement, to connect it up with the scheme?

MR. HASSELL. Yes. The purpose is to show one of the ways in which the Rev. Holler secures his faculty.

THE COURT. It's admissible.

MR. HASSELL. If the Court please I would like to put Mrs. Ward on the stand.

DIRECT EXAMINATION

Q. State your name please.

A. Mrs. Ward.

Q. Were you ever employed by Rev. Holler of the Oriental University?

A. Yes.

Q When was that when you were so employed?

A. I think it was in October, 1920 to June of the same year, and then again, --no, to June 1921, and then again in the fall of 1921 up until December.

Q. I hand you a file of papers I have marked Govt. Ex. No. 7, and ask you to state whether this file was handed by you to Miss McCall, Assistant U. S. Attorney, at the time you were employed by Rev. Holler?

A. With the exception of this one top pamphlet I did, -or a similar, - the rest of them I did.

Q. We will take that one out, -the top one.

A. I never saw that before, but the rest of them I did.

Q Now, Miss Ward what was your name at the time you were employed by Rev. Holler?

A. Valerie French.

Q. And your address?

A. 2389 18th Street, N.W.

Q. In what capacity were you employed by him?

A. Secretary.

Q. Did you prepare for mailing and mail in envelopes such as that you I have just identified literature to various persons in this country?

A. And in other countries too.

Q. And were those envelopes, or that literature we have referred to in this envelope similar literature to that mailed at the direction of Rev. Holler?

A. Yes.

Q. I hand you a file of papers which I have marked Govt. Ex. No. 8, and

sk you to state whether this is a file of carbon copies of letters written by you for Rev. Holler at his dictation which you presented to Miss McCall, Assistant U. S. Attorney, or to the Department of Justice?

A. I wrote those letters. I know that I gave some of them to the Department of Justice, but I don't remember about the others, but I know I wrote them.

Q. You can identify these as carbon copies of letters you wrote at the dictation of Rev. Holler?

A. Yes.

MR. LEAHEY. I beg the record to show that she said she wrote some of them.

THE WITNESS. I wrote all of them. I gave some of them to the Department of Justice, that I remember, but I wrote all of them, I know I wrote all of them at Dr. Holler's direction.

MR. LEAHEY. May I ask that the ones she handed to the Department of Justice be identified?

THE WITNESS. Those are the ones that are not, -carbons. Those are original copies, that I gave to the Department of Justice, and the carbons I am not sure of, but perhaps I did that too, but I can't swear to it.

MR. HASSELL

Q. However, you are quite sure that all of these arecopies of letters that you wrote at Rev. Holler's dictation?

A. Yes.

Q. And that were sent through the mails?

A. Yes.

Q. This file of literature which I had Mrs. Ward identify as No. 7, I will mark each of the exhibits in the envelope as a sub exhibit No. First the catalogue entitled "Complete Register of Oriental University, January 1, 1920," is 7A. This register is a paper bound pamphlet of 66 pages and has on the front Complete Register of Oriental University, January 1, 1920 of Officers, Professors, Graduates and Students And Complete List of Dissertations, Price 45 Cents.

Mrs. Ward, with respect to the price, could you state whether 45 cents was usually charged for this publication?

A. Not that I know of.

Q. What was the purpose of it?

A. It was usually sent for advertising-

Q. It was sent out to prospective students, was it?

A. Yes.

Q. And has a list of the contents on the front page, and on the inside front cover "Notes. Students may apply through official Representatives of our University in many lands, and also through members of the International Academic Union. (Reads). The faculty, resident faculty in Washington, D. C., run from the bottom of page 3 down to the bottom of page 4. Bottom of page 4, No. 2., "Non-Resident Examining Professors in Various Countries," a list covering the bottom of page 4, page 5, and the top of page 6. "Total: Resident Professors, 44; Non-Resident Professors, 63; Grand Total, 107.

If the Court please, we will come back to this list of patrons and faculty and the list of students carried in this catalogue.

On page 6 "Arrangement of Faculties. Meetings: Joint meeting of Faculties with Trustees on Third Monday of March. Meetings of Deans on First Monday of each month, excepting July and August. Meetings of Deans with their own Heads of Departments on special calls. (Reads names of professors)

THE COURT. Are the initials of any of those professors given.

MR. HASSELL. Not given in the lists, but given in the general list, if the Court please, under "Resident Professors in Washington and Non-Resident Examining Professors in Various Countries. (Continues reading of classified list of professors, page 8) Page 12 is a list "Students and Graduates. High School. Former Students, Exmatriculated," with a numeral against each name. (Reads). Page 49. (Reads).

Q. Mrs. Ward, at the time you were employed by Dr. Holler and the Oriental University can you state whether any classes were conducted at the Oriental University or the building used by that institution?

A. There was only one, and I don't remember whether it was psychic membership, but it was in the psychic line, that was the only one I know of. That was once a week.

Q. That was once a week?

A. Yes.

Q. And you could state that so far as you know no other classes were conducted during the time you were connected with the institution?

A. No, Sir.

Q. Did you assist Rev. Holler in the preparation of this complete register?

A. No.

Q. Do you know anything about how it was compiled?

A. No, I do not.

Q. No information on that.

Mrs. Ward, could you state whether you have any information as to the meeting, of any meetings of the faculty for the purpose of passing upon diplomas?

A. They used to meet once a month to sign them. As far as I know that's about all they did. Sometimes a few of them saw the papers that qualified the students. Sometimes some of them I think saw one or two of the papers that qualified the students, not always.

Q. Do you know how extensive an examination was made by the faculty at these meetings of the theses of these candidates?

A. It was practically inactive.

Q. Were any theses received in foreign languages that you know of, or could you state?

A. Yes.

Q. Were these theses always translated before they were submitted?

A. I don't know. I know that some of them were not, but I know that Dr. Holler knew several languages and could read them.

CROSS EXAMINATION

MR. LEAHEY

Q. Mrs. Ward, I understood you to say that your name before marriage was Valerie French?

A. Yes.

Q. And were you unmarried in October, 1920 when you went to work for Dr. Holler?

A. Yes.

Q. In what capacity did you work there?

A. Secretary.

Q. And your duties as secretary were what?

A. Stenographer; filing; -general office duties; mailing out material; sometimes opening the mail, but I did not read it.

Q. Did you have anything to do at all with the school itself, or the university, other than acting as secretary to Dr. Holler?

A. Only toward the end nominally I accepted the name as professor for a few weeks.

Q. Professor of what?

A. Of art; but I never did anything at all with it, though I did-

Q. What did you do?

A. I wrote the outline of one course.

Q. Have you ever studied art?

A. Yes.

Q. Where?

A. I was at the Corcoran Art School and under one of its instructors for ten or twelve years.

Q. How long were you at the Corcoran Art School?

A. Two years.

Q. How long did you say under a professor?

A. I studied /In high school and under Miss Perry, now dead, from the time I was 9 years old.

Q. Was she an artist?

A. Yes.

Q. Known as such?

A. Yes.

Q. Have a reputation as such?

A. Yes.

Q. Qualified teacher of art?

A. Yes.

Q. When you accepted the position as teacher of art did you consider yourself qualified to teach art?

A. I know I am now.

Q. Do you do it?

A. I could.

Q. There is no question then that you and Dr. Holler agreed mutually to employ you as a teacher and to teach art and that you were qualified?

A. Why I was qualified, but I didn't really expect to have to do anything.

Q. You didn't expect you would have any pupils?

A. I did not.

Q. But had any come to you you would in good faith have taught them?

A. I would have in good faith taught them, yes.

Q. How long were you acting as instructor of art, or do you hold the position w?

A. Just a few weeks, I don't know.

Q. And during that period no pupils were enrolled.

A. Yes.

Q. However, do I understand you to say that had any been enrolled you have ught them in good faith?

A. Yes.

Q. Did you sign a contract to act as professor?

A. No.

Q. You had been working for Dr. Holler before that time?

A. Yes.

Q. Is that the purpose of your employment in the fall of 1921?

A. Yes, sir; as secretary.

Q. That was the purpose of it?

A. Yes.

Q. Now from October, 1920, to June, 1921, as I understand it, your duties ere purely secretarial?

A. Yes.

Q. And did you attend the faculty meetings?

A. I don't think I did that year.

Q. Then you can't tell us what was discussed in the faculty meetings from tober, 1920 to June, 1921?

A. Not that I recall. I did go to a few of them, but I don't remember whe- her they were that year or just the next. But I did, -let's see, - I think I must ve.

Q. You think you did attend them in 1920 and the early part of 1921?

A. Yes, I think I did.

Q. And when you attended them in what capacity did you attend? Why would ou enter, if you were not a member of the faculty, into a faculty meeting?

A. It was toward the latter part of the year when I was a so-called pro- ssor.

Q. And when you attended a meeting you were a professor, an instructor of

rt, and had a professor's right to be there?

A. Yes.

Q. I think you stated the faculty meetings took place each month?

A. Yes.

Q. Those were the meetings of the resident professors?

A. Yes.

Q. Do you recall how well they were attended?

A. Well, there were never more than eight.

Q. Eight professors?

A. At the outside four or five.

Q. Do you recall what professors and in what courses there was an attendance?

A. Let's see, -Professor Skinner

Q. What did he teach?

A. I think his was psychic therapy.

Q. Do you know Professor Skinner personally?

A. I never knew any of them before that.

Q. Did you get to know him during your attendance at the university?

A. I would say "Good Evening," and he usually bowed-

Q. And you saw him there?

A. Yes, and Professor-

Q. But Dr. Skinner, do you know whether he had any pupils?

A. No, I don't know whether any of them--

Q. Now, then, another?

A. Dr. Craybill, in the medical school.

Q. Know whether he had any pupils?

A. No, I do not.

Q. You don't know ~~XXXXXXX~~ anything as to his qualifications?

A. No, I do not.

Q. You know as secretary each professor usually signed a contract, do you

t?

A. I saw some contracts, but I don't know whether each one did or did not.

Q. You saw the regular form of contract used by the university?

A. I saw it but never read it.

Q. Never saw it during the time you were there?

A. No.

Q. You don't know what it contains?

A. No, it was long, and I never had time to read it.

Q. How long was it?

A. Two sides of legal size paper.

Q. Was it a thing such as the contract I now show you?

A. No, it didn't look like that paper. It was a page, had two sides to it, s I remember.

Q. You said Prof. Skinner was there during your incumbency in office.

A. No, he wasn't there at every meeting. I think I went to three, not ore than three.

Q. Do you know Holland A. Skinner?

A. No.

Q. What was Prof. Skinner's name?

A. Melville, I think, Melville G., I think it was.

Q. You did mention a second professor, what was his name?

A. Dr. Craybill.

Q. Name some others that you saw there.

A. I think Dr. Behrendt. Let's see, I am mixed up. There was a trustees' eeting, the annual meeting, and there were more there than any other one and I dn't want to mix that up.

Q. Do you know how many resident professors at that time had pupils in he courses for which they were resident?

A. I don't know that any of them had or not.

Q. All you know, then, is that each month there was a meeting of the faculty?

A. Yes, and they signed the diplomas for non-resident and resident students.

Q. Now, can you recall what diplomas were signed?

A. You mean whose?

Q. Yes.

A. No. Not without a list in front of me . I could pick out those I re-all.

Q. Were you present at any time there was an entire meeting of the faculty?

A. I think so.

Q. What would they talk about?

A. Mostly they just came and signed the diplomas, and talked a lot-

Q. About what?

A. Oh, immaterial things.

Q. What immaterial things?

A. About the weather and what they were going to do, -and a few other things; that's all I heard.

Q. Do you know whether these professors were supposed to sign the diplomas?

A. Yes, they did sign them.

Q. Now in what courses, if you can recall, were these diplomas given?

A. Almost every one.

Q. Name them.

A. He signed the medical diploma.

Q. Who signed the medical diploma?

A. Dr. Skinner and Dr. Crabill. Dr. Lee would sign them but he was was too old and didn't care to come down to the meetings, he was too far up-

Q. Recall whether they were trustees?

A. Some of them were, I don't know whether-

Q. Do you know whether they signed as professors of the faculty or as trustees?

A. As members of the faculty.

Q. Now, you were there in November; -the courses were given by correspondence in many instances?

A. Yes.

Q. And the course was adopted and examinations were given by professors who examined the correspondence work, isn't that true?

A. I don't know that it is. I know that was supposed to be done, but I [illegible]

Q. You know that's the system, don't you?

A. I know they were supposed to do it but I don't know that they really were.

Q. You don't say for a moment, Mrs. Ward you were willing to work from October 1920 to June 1921 and get your pay from the work of fraud, do you?

MR. HASSELL. If the Court please, I object to that.

MR. LEAHEY. I think that's perfectly admissible on this issue.

MR. HASSELL. I don't think it has any material bearing.

MR. LEAHEY. It has materiality because I don't think this lady would work for a fraudulent business.

MR. RHOADS. That calls for an opinion.

MR. LEAHEY. That throws light on her willingness to enter into a fraudulent scheme.

MR. HASSELL. It's a question of law. That's the question we are trying to develop now.

THE COURT. That's the very question we are trying to develop in this proceeding.

MR. LEAHEY. She says she attended meetings with these members of the faculty and they would come in and talk about the weather and immaterial things and sign diplomas, never saw papers examined, and that except in one or two instances the theses were not carefully read over, and that sort of thing, and attempts to give the Court the impression at this time that this was nothing more than a scheme by which somebody paid money for a diploma. Now if she was perfectly willing to take pay for her work in connection with that sort of a scheme it throws a certain amount of credibility to be given her testimony. If not it also throws upon her credibility.

THE COURT. It's a question of opinion.

MR. LEAHEY. No, her willingness to do it isn't a question of opinion. It's a question of fact. I asked her if she was willing.

THE COURT. She would first have to determine whether the scheme was a fraud.

MR. LEAHEY. I am not asking her whether she was engaged in a fraudulent scheme. I am asking her whether she was willing to at that time engage in a fraudulent scheme. That's a fact.

THE COURT. What was the question.

MR. LEAHEY. I will revamp the question. I will ask you if from -during the period from October, 1920, to June, 1921, you were willing to engage yourself in a fraudulent scheme?

THE WITNESS. Certainly not.

Q. Did you at any time while you were employed as secretary during that period see anything which put you on your guard that there was anything wrong?

A. Yes, I had suspicions that, sometimes, -I knwe that it was intended perhaps basically to be an honest thing, but I also know that there was a good deal of carelessness.

Q. Where did you observe carelessness?

A. Well, in accepting certain students, in giving grades for students or which I wouldn't have given them personally. Now this is personal opinion f course.

Q. That's what caused you to think they were careless?

A. Yes.

Q. Basically you thought it was honest?

A. I did think it was or I wouldn't have worked for him.

Q. Or you would not have returned to work in the fall of 1921?

A. No.

Q. And you certainly would not have engaged yourself as a professor in the all of 1921?

A. In the fall of 1921?

Q. In the fall of 1921, yes; you certainly would not have engaged yourelf as a professor in any institution you thought was scheme, would you, Mrs. ard?

A. I don't think I ever thought much about it?

Q. Why?

A. If I had thought definitely about it, no, I would not, but I don't hink I did think much about it.

Q. Now, then, [redacted] so in the spring of 1921, after you had been working rom October 1920 as Secretary to the President nothing had come to your attention hich caused you to think you could not honestly engage yourself as a professor f art in that school?

A. I don't think it would any particular personal credit to me if I did it. f you should ask me I honestly don't know why I did it.

Q. You had no reason not to do it, did you?

A. I wasn't such an important person that it would make much difference.

Q. Be that as it may you had no reason not to do it, had you?

A. No, sir.

Q. Then you had no reason not to come back in the fall of 1921, either, did ou?

A. No, not especially.

Q. You were perfectly willing to engage yourself in and renew the occupa-

tion in the fall of 1921?

A. For a while I did.

Q. And when was it you resigned?

A. I am not exactly sure on the date, it was in the first week in December, I think.

Q. Now, returning once more to the system and the course of training at the school, you have said that it was mostly by correspondence?

A. Entirely, as far as I know.

Q. Can you of your own personal knowledge state to us when, a sigle instance, in which you knew a professor was engaged who was not qualified in the courses in which he was engaged?

A. Thomas Post.

Q. What was Post?

A. He was a Greek, and he was in the dental department, he couldn't speak good English.

Q. What was he retained to teach?

A. I don't know, he was in the dental department.

Q. What particular branch?

A. I don't remember.

Q. Did you say that he was unqualified to teach because being a native Greek he could not speak good English?

A. No, but I saw some of his papers and they did not sound intelligent to me. I don't know much about dentistry, but they did not sound like commen sense to me.

Q. Do you know anything about dental work?

A. I have had a good deal of complicated work done on my teeth, I don't know anything about the technical side of the work.

Q. Will you tell us what there was in that particular thing that did not sound like common sense?

A. I can not remember.

Q. Don't you remember that, Mrs. Ward, did not it fasten itself in your memory, - Do you recall which file?

A. No, sir.

Q. And you can not tell us which department he worked in?

A. Dental.

Q. I mean what branch of the dental?

A. I think he had a degree of dental surgery from the Oriental University.

Q. You don't remember anything of his qualifications? Do you?

A. No, I do not. I know that his personal appearance was against him. Of course, that does not mean anything.

Q. When was Mr. Post there?

A. Lets see, during - some time during the year 1920-21, I don't know exactly.

Q. Did you have access to the professors' contracts under which they were employed?

A. I could have come across them, yes.

Q. When you saw Mr. Post and his personal appearance and also saw this particular paper which you say you don't think contained common sense, did you go to the files and ascertain his qualifications?

A. No, it was not any of my business.

Q. It did not arouse your curiousity to that extent?

A. I did not have time, -- too busy.

Q. You were busy?

A. Yes.

Q. Doing what?

A. Mailing things out, writing letters.

Q. That kept you busy?

A. Yes, you see I did not work only in the afternoon.

Q. You did not work in the morning?

A. No, only from 2:00 to 5:30.

Q. Now, can you recall any other professors?

A. No, not right now.

Q. During your period of employment there did you come in such personal contact with any of the professors that you learned to know them?

A. No.

Q. Did you have occasion to look over the theses of any of the students?

A. Sometimes I glanced through a few pages, but never very thoroughly.

Q. Now, returning to Mr. Post, I show you his application form for a professorship at the University, did you ever see that?

A. No.

Q. Never did?

A. No.

Q. Did you know that he was engaged in some professorial work in the dental department?

A. I know that he was there as a dental professor and that's all.

Q. Did you know that he was at that time a senior student in the Georgetown Dental School?

A. No, but I know that he did not graduate.

Q. Did you know that he was in the senior class?

A. No.

Q. Did you know that Georgetown Dental School is one of the highest class dental schools?

A. I don't know enough about those schools -

Q. Did you know that he taught modern and classical Greek at the Oriental University?

A. He was listed as - - - - - - - -

Q. Do you know that he studied French, Latin, Armenian and Greek for several years, and has attended two years in the Theological School at Chalkis, Greece.

A. No.

Q. Did you know that he had a diploma from the Superior National Oecumenical Greek School and High Greek School and the Normal Greek School?

A. No, sir.

Q. Do you know whether it was the custom when the professors were retained at the University for them to make out an application?

A. No, I never saw them.

Q. Do you recognize Mr. Post's signature when you see it?

A. I don't know, I would not be sure.

Q. You have read his hand writing, have not you?

A. Yes, just before he left I know his hand writing was very wobbly.

Q. Know his writing?

A. I have seen it, but I could not identify it at all.

Q. So you did not take the trouble to look up the files on that point?

A. I did not have time; I was not interested.

Q. Did you, when you later associated yourself as a professor in the faculty have the curiousity to look up and see what fellow members on the faculty there were?

A. I only knew one of them.

Q. Who was that?

A. Dr. Kenner.

Q. What did he teach?

A. He told me "I never taught anything". He was in pharmacy.

Q. Did he ever have any pupils in pharmacy?

A. No.

Q. Was he a druggist?

A. Yes.

Q. He was a druggist?

A. Yes.

Q. Had he had any pupils in pharmacy, was he qualified to teach it?

A. Yes.

Q. What do you know of him?

A. I heard he was in France several years.

Q. Anything bad?

A. No.

Q. Honorable man?

A. Yes.

Q. In every way?

A. Yes.

Q. Would you say that the Oriental University could have a man, honorably, like Dr. Kenner on its faculty?

A. Yes.

Q. Lets get back once more to the course and diploma signing, etc. Now, you are not certain, are you, whether these professors signed as trustees or

A. Yes.

Q. So stating on their face.

A. Yes.

Q. Now, anything else about any of those diplomas, that you remember?

A. I have some names here sent December 6th, one was I did not get the initials; one was sent to Dr. Pulaa, in France, but I don't remember what degree it was.

Q. That was an honorary degree?

A. I don't remember. I remember that name.

Q. You said December 6th, you mean 1921?

A. Must have been.

Q. You think that'syour best recollection?

A. Yes, I sent a bunch of them then, but I remember now most of these are in the name of the representatives. They were sent in bulk to the representatives, and they distributed them to the students.

Q. And you don't remember whether they were honorary or otherwise?

A. No, I don't remember about that.

Q. Now, in the case of a diploma, we will say, obtained in that particular case, the applicant for the diploma would conduct the course through correspondence with some professor, resident or non-resident, is not that true?

A. He would either do that or send in a dissertation.

Q. And by a dissertation you mean a thesis?

A. A lengthy thesis, yes.

Q. Would you know, or would you be in a position to know what amount of work, generally, would be done by correspondence with the particular professor?

A. There was not much that came into Washington that I know of.

Q. I mean would you be in a position to know what amount of work was done between the student and the professor before the degree was signed?

A. I did file the papers that came in --

Q. Those were dissertations?

A. And I filed some of the examination papers and subsequent papers but a very small percentage ever sent papers in.

Q. You did not for instance file or have occasion to know about

correspondence between the teachers and pupils?

A. No.

Q. So what passed between them you would not be in a position to know.

A. No, sir.

Q. The papers were returned to the Oriental University and placed on file?

A. Yes, sir.

Q. Are they on file there now?

A. I don't know.

Q. Were they when you left?

A. They were, yes.

Q. Was there any effort made by you, or at your own personal instance, or at the request of anybody to hide or conceal any of those papers?

A. No.

Q. Or to destroy them?

A. No.

Q. Now, you said you filed examination papers, how many examinations would you file for each student, can you recall?

A. I don't know; sometimes, of course, there was no examination, really, just a dissertation, there would not be any, just a thesis.

Q. There would be this thesis?

A. Yes.

Q. Do you recall what the rules of the institution were, between professor and pupil, as to the number of examinations?

A. I don't know anything about it.

Q. Were not you ever asked for advice by applicants -- pupils, as to the courses, Mrs. Ward, while you were there?

A. No.

Q. Don't you know that each professor agreed in his contract to earnestly and correctly instruct, supervise and test the knowledge of each pupil -- said tests to comprise not less than three examinations?

A. I never heard that.

Q. You don't recall that?

A. No.

Q. Would you say you ever filed three examinations for pupils?

A. No, I could not say that.

Q. Will you say that you did not?

A. Yes.

Q. What pupils?

A. In any one set I don't recall ever filing more than one examination for any pupil.

Q. Would that be followed by a thesis?

A. I don't recall definitely, perhaps it would and perhaps it would not, I don't know.

Q. While you were there do you recall having received complaints from pupils that they were not receiving attention?

A. Yes.

Q. Now, give us the names of those.

A. Morris Spiegels was a noted one of those, - in Philadelphia.

Q. Know what course he was in?

A. He was trying to get a bachelor of arts degree, I think, - no, it was bachelor of science; he was trying to get one of the bachelor degrees.

Q. And what was his particular complaint, if you remember?

A. He did not feel he was getting enough information to go on, he did not grasp, - did not get what was sent him sufficiently to go ahead.

Q. And what was done with his case.

A. He was told to read, just told to study harder, as I remember.

Q. He said he could not grasp the matter that was sent to him?

A. I don't remember that he said it, but his letters showed it.

Q. What did he say which showed that he was not grasping it?

A. It showed he was not qualified to study what he was studying.

Q. He was not complaining?

A. He showed that he absolutely was not qualified, he was not a college student.

Q. Well, what I want to get at is --

A. He was complaining because he could not seem to get anywhere because the University did not seem to give him the opening to the position he desired.

I don't know what nationality he was, but he was a foreigner.

Q. And you don't know what position he was seeking?

A. He wanted to become a professor.

Q. In what?

A. I don't know.

Q. You don't recall?

A. No, sir.

Q. And he said he could not get it from the instruction given him?

A. No, sir.

Q. Did he get a degree?

A. I don't remember.

Q. You can't recall that?

A. No, sir.

Q. Don't you know whatever happened with Morris?

A. I don't remember, it was not finished when I left.

Q. That was still in process of adjustment?

A. So far as I remember.

Q. And Morris was still writing?

A. So far as I remember, yes, sir.

Q. His letters came under your supervision, did not they?

A. No, I merely answered them.

Q. What did you answer?

A. He was told to study harder, just that --

Q. What courses were outlined to him?

A. The regular courses were given to him, the same as everyone else.

Q. And he was told to study them?

A. He was given no special attenion at all.

Q. Did you think not enough attention was given Morris?

A. I thought there was no use his trying to go any further with his equipment.

Q. You thought if he were in a college he would have flunked out?

A. I don't think he would have been in there.

Q. He could not get in?

A. No.

Q. And in this connection he was trying to learn through the Oriental University?

A. He could have learned in a regular school where there would have been classes and discussion to sort of punch nim up. I feel that he did have some brains, and he certainly did have ambition, but he did not know how to go about it, and the Oriental University courses did not show him how to go ahead. He was given lists of undoubtedly good books, and he was given questions, but he did not know how to get hold of it.

Q. There is not any question but what the Oriental University in accordance with its system provided good books and proper questions, but he did not have mentality sufficient, development of his mentality sufficient to pursue that line of study?

A. That was absolutely evident in his letters, and I think it was wrong to take his money for any course.

Q. How much money was taken?

A. I don't know.

Q. You don't know?

A. I don't know, but pbobably the regular price.

Q. You don't know?

A. No.

Q. Did not you receive it?

A. No, I did not, I had no duties as treasurer.

Q. What was his name?

A. Morris Spiegel.

Q. When did he matriculate, do you know?

A. I don't know.

Q. Can you tell whether it was 21 or 20?

A. I don't remember.

Q. Now, give me another name.

A. He is about the only case I remember absolutely definitely.

Q. What do you remember indefinitely?

A. Well, there were some East Indiana.

Q. Now, I believe you stated that you did not recall when Spiegel matriculated?

A. I do not.

Q. Would it refresh your recollection at all to hear the date, November 14, 1921?

A. In regard to him?

Q. Yes.

A. No, it doesn't mean anything to me.

Q. When did you leave the institution?

A. It was the first part of December, it was before December 7th, I know that.

Q. Before December 7th?

A. Yes, because I entered the Government service then.

Q. Do you remember how long or how many letters you had received from Spiegel before you left?

A. O, there were four or five anyhow.

Q. Four or five stetching over a period of how long?

A. I don't remember.

Q. Were you working at the institution in November, 1921?

A. Yes.

Q. Did you have anything to do with the receipt of any checks or money that came through the mails?

A. No.

Q. Did not you open the letters?

A. No, they would come in the morning usually, and I was not there.

Q. Now, do you know how much the tuition was at the school?

A. It was $55 for six courses, $15 a month.

Q. And those six courses extended over what period of time?

A. It not matter much.

Q. What?

A. There was a regular rule about it, but it did not seem to make much difference.

Q. What was the regular rule?

A. I don't know, I think it was a year.

Q. Six courses in a year for $55?

A. Yes, I think so.

Q. You say it did not amount to much, what do you mean by that?

A. It was often varied.

Q. You mean they allowed it to go over a year, or under, if they did the work in less than a year?

A. Yes.

Q. So it depended often upon the capability of the student to complete the courses?

A. It depended upon the completion of the course. Whether that depended upon his ability or not I don't know.

Q. Well, if the course was three weeks if the man was able to complete it in three weeks he would graduate, whereas if another one took ten weeks it would take him ten weeks to graduate.

A. Yes, the same amount of ground was supposed to be covered. They would have to read certain books and you can't read a certain number of books in less than so much time.

Q. Each course comprised the reading of a certain number of books, and if a pupil took three weeks to read that number of books he had completed the course?

A. He was not required to read any given number of books, -- no. Different books were required, and to get a grasp of it a certain amount of time is required, of course.

Q. Then, that would be followed by an examination of a thesis, is that true?

A. Yes.

Q. And that examination of the thesis would be covered by one of the professors, is that true?

A. I don't know.

Q. You don't know whether that is the system or not?

A. I don't know what happened to the examinations of the theses. I know that some of them were marked.

Q. Can you say any of them were not marked?

A. No.

Q. Can you say that any thesis mailed in was not read or looked at?

A. I do remember some came in in Swedish, and I know there was not at

that time anyone in the University who could read it.

Q. Do you know whether anybody was obtained to read and translate it?

A. No, I do not.

Q. Can you state a single diploma, from your personal recollection, in the period of time you were there that was given for no work?

A. Only the honorary degrees.

Q. Can you state to the court that at any time the Oriental University gave out a diploma where there was not a student who had read over the courses prescribed in the classes?

A. I don't know anything about that.

Q. Now, the catalogue which you stated that you had sent in Exhibit 7, will you show me that folder, please, Mr. Hassell.

MR. HASSELL. Government Exhibit 7-A.

MR. LEAHEY.

Q. This is a complete register of the Oriental University of January 1, 1920, and I believe you stated the price marked 45 cents, was not taken for it. Now, you have seen this before, of course, have you not?

A. Yes.

Q. You have read it over before?

A. I never read it all the way through.

Q. You were familiar with it though, while you were there?

A. Fairly, yes.

Q. Anything about it that is untrue?

A. I know that some of the professors, - that was compiled at a time when some of the professors were not on the lists and were not when it was published.

Q. Which ones were those?

A. Flury was one.

Q. Can you show me where he is?

A. In the first part.

Q. Henry B. Flury?

A. I think Ethel Nugent is another one. Daemen, Ferdinand, I don't think so, but I would not be sure, I think he was the secretary before I was, so I know he was not there.

Q. He was secretary before you?

A. Yes.

Q. You mean you went in there right after him in 1920?

A. I don't know how long after, but I know I succeeded him.

Q. Could you go over the list and tell us how many you saw there on the faculty? Mr. Baudrexler?

A. Baudrexler.

Q. Did you see Barton?

A. No.

Q. Don't know whether he was there or not?

A. No.

Q. Behrendt?

A. I saw him at the trustees' meeting.

Q. Behrendt?

A. He was not in, I think, when I was there.

Q. You don't know whether he was on the faculty?

A. Nominally he was.

Q. Well, why do you say nominally?

A. Well, I don't know that he did any active work.

Q. Well, do you know that he did not?

A. No.

Q. Seems to be up that way?

A. He was not in residence anyway.

Q. Did not give residence, but you don't know whether he did any non-residence?

A. No.

Q. Brown?

A. I saw him once, I think it was in meeting.

Q. You saw him there?

A. Yes.

Q. He is not an imaginary person?

A. No.

Q. Any of these imaginary people?

A. No.

Q. Any of these that did not sign a contract?

A. I don't know who signed contracts and who did not.

Q. Colburn, did you see him?

A. Never saw him.

Q. Copeland?

A. Never saw him.

Q. Crabill?

A. Never saw him.

Q. Daemen you say was there before you and he was not a member of faculty, how do you know that?

A. I don't know it absolutely, but I received that impression from a letter Dr. Holler wrote.

Q. So you don't know in 1920 when this was published whether Daemen was there or not?

A. He was not actively.

Q. He was not actually on the place while you were there?

A. He was in Canada.

Q. How long was he in Canada, and what part of 1920?

A. I don't know, I just forwarded the mail to him there.

Q. Know what it was?

A. No.

Q. Business of the University?

A. No.

Q. Personal letters?

A. Personal letters.

Q. Forwarded to you and resent by you to him?

A. No, written to him and forwarded to the University for him.

Q. De Salaj?

A. Yes, I saw him.

Q. Downey, did you see him?

A. He took some diplomas up to his house to be engrossed one time.

Q. Was he a good engrosser?

A. Yes

Q. That's the one who was professor of penmanship?

A. Yes.

Q. Flury?

A. I don't know whether he was there or not. I know I took his name off the list soon after I got there.

Q. After you took it off do you know whether they made any representations he was on the faculty?

A. No, but these books went out.

Q. When was it they went out, if you remember?

A. All the time I was there.

Q. You had a great many printed up?

A. Yes.

Q. And when anybody would call for a register you would take one of these out of the box?

A. They would frequently call for the general literature.

Q. Did you ever send any out in 1921?

A. Yes.

Q. And theywere out of this same pile that had been printed?

A. Yes.

Q. And it simply means there was no other reprint of this particular book made?

A. Yes.

Q. Getsinger?

A. I never saw him.

Q. Greene?

A. No.

Q. Heltman?

A. No.

Q. Hoffman?

A. No.

Q. Holler?

A. Of course Dr. Holler, Mrs. Holler and Miss Holler I knew.

Q. Jones?

A. No.

Q. Keeley?

A. No.

Q. Kenner?

A. No.

Q. Lee?

A. Yes,

Q. Lewis?

A. Yes.

Q. Liferock?

A. Yes.

Q. Llompart?

A. No.

Q. McLean?

A. No.

Q. Nugent?

A. No.

Q. O'Brien?

A. No.

Q. Perkins?

A. No.

Q. Phillips?

A. No.

Q. Post?

A. Yes.

Q. Riley?

A. No.

Q. Rodriguez?

A. No.

Q. Shefferman?

A. No.

Q. Siff?

A. No.

Q. Skinner?

A. Yes.

Q. Smith, Middleton?

A. No.

Q. Smith, Rexford?

A. No.

Q. Stone?

A. No.

Q. Wiernik?

A. No.

Q. Willis?

A. Yes.

Q. Young?

A. No, as a professor, no, he was taken off.

Q. Now, is there a list of the trustees here?

A. I think so, on the first page. I don't know O'Brien, that was the meeting before I was there.

Q. I see. So that you don't know about that.

A. No.

Q. Now, you said something about one class was conducted there on some psychic subject?

A. I think it was psychic mediumship.

Q. Who was the professor in that?

A. Dr. Holler.

Q. And that's advertised here in the catalogue?

A. Yes.

Q. Now, that's not what you would call a resident university, is it?

A. No.

Q. He did not hold classes there?

A. No.

Q. That was not the scheme of it?

A. It was at first as that.

Q. As a resident university?

A. Resident Correspondence University.

Q. Ever hear of anything like that before?

A. No, not that I know of.

Q. Gives real courses by correspondence as well as in residence for all regular university degrees?

Now, did you ever see any resident pupils, were there any resident pupils?

A. I think for about ten days there was one that I know of.

Q. One, while he was there did he attend the courses?

A. There was not any way of attending, no one held any classes.

Q. What was his name?

A. It was a woman, I don't remember her name, she studied stenography and got disgusted and stopped.

Q. Who was the professor in stenography?

A. I corrected one paper, I don't remember that there was one.

Q. Are you a stenographer?

A. Yes.

Q. How long have you been one?

A. Two years before that.

Q. Where did you study?

A. Elmira College

Q. Regular course?

A. Yes.

Q. How long?

A. Two years.

Q. Consider yourself qualified to correct stenography?

A. I did not study that particular brand of stenography until Dr. Holler asked me. It was very similar to mine.

Q. What did you study?

A. Isaac Pittman.

Q. What was this?

A. Ben or Graham.

Q. They are closely related?

A. Yes.

Q. One can read the other?

A. Not unless you know the tricks.

Q. Do you know the tricks?

A. Some of them, my roommate told me some of them.

Q. Were you able to correct them?

A. I only corrected one paper, and it was very simple.

Q. What was the system?

A. I don't remember, either Ben Pittman or Graham.

Q. Who was teaching her?

A. I don't know.

Q. How did she write what you corrected?

A. She was given a pamphlet, as I remember it, and told to write off certain words and that was to be sent in for an examination.

Q. Then it was a correspondence proposition, was not it?

A. Yes, I guess it was.

Q. That was not any pretense of some stenography teacher there?

A. No, she was not dictated to or anything, I guess it was correspondence.

Q. Can you give us any pupil who applied there for resident study, whether any pretense is made by the University of holding classes?

A. Not that I could see.

Q. During the afternoons when you would get there you say you would be pretty busy with the mail?

A. Yes.

Q. What would most of the mail be?

A. Oh, there was not any one thing there was more of than anything else.

Q. Usually mixed up personal matters?

A. No, it was principally, almost entirely University.

Q. Over how long a period of time would you say that you attended every afternoon to the mail all the time that you were there employed?

A. Yes, I would take dictation sometimes all afternoon, sometimes an hour, sometimes a half hour.

Q. Now, from whom did you take the dictation?

A. Dr. Holler.

Q. Did you at any time observe Dr. Holler attempting to do anything which in your opinion was wrong in the dictation, to misrepresent or mislead?

MR. HASSELL. If the court please I object to that question.

MR. LEAHEY. You ought not to object to that question.

MR. HASSELL. Asking the witness for a conclusion.

THE COURT. What are you trying to prove.

MR. LEAHEY. Trying to prove the work being done by the University. Why are you afraid of the question?

ME. HASSELL. We are not afraid of the question.

THE COURT. Let her state her observation.

THE WITNESS. I took some letters to the Department of Justice.

MR. LEAHEY.
Q. You took them to --

A. I took some letters to the Department of Justice.

Q. Have they been introduced?

MR. HASSELL. They have been identified by the witness.

MR. LEAHEY. Are they in for the purposes of this examination now?

MR. HASSELL. I can offer them.

MR. LEAHEY. It might expedite matters a little bit.

TESTIMONY OF ROBERT W. DUTTON, RECORDER OF DEEDS.

DIRECT EXAMINATION BY MR. HASSELL

Q. Mr. Dutton, will you state your name please.

A. Robert W. Dutton.

Q. And what is your official position, Mr. Dutton?

A. Deputy recorder of deeds of the District of Columbia.

Q. How long have you held that position, Mr. Dutton, about?

A. July 1, 1903.

Q. Mr. Dutton, at the time Mr. Holler, some years ago Mr. Holler called at the Office of the Recorder of Deeds for the purpose of filing some papers with reference to the transfer of the Eastern University Charter to the Oriental University, do you recall that incident and about when it was?

A. Yes.

Q. Can you state about when it was?

A. January 5th.

Q. What year was that?

A. 1914.

Q. Will you state what transpired at that time?

A. He brought in this paper. This is one of the original papers, Mr. Hassell, I would not want to leave it. It is a certificate of change of name of the Eastern University to the Oriental University. Well, when I looked at it I called his attention to the fact that the consent of two-thirds of the governing body of the Board of Trustees of the University, the Eastern University, was not made a part of and attached to this, and I am under the impression that he said that he would remedy that, and to let that go for what it was worth. I said, all right, put it in for what it is worth, and then you can file another one, and it appears that a day or two after that, two days after that he brought in a second one, now I can not swear that Dr. Holler brought in the second one, but I am almost positive he brought in one or the other, and his written consent does not appear to be made a part of that.

Q. And the consent you refer to is under Section 602 of the District of Columbia Code?

A. 602 of the Code, yes.

Q. And you say that when Mr. Holler first appeared there and you called his attention to this he said, just let it go for what it is worth?

A. Now, I won't be positive whether he said it or whether I said it, but whether I said I will put it in and let it go for what it is worth and he said all right and then I called his attention to the fact that it was necessary to have the written consent of over two-thirds of the governing body of the Board of Trustees, I don't know.

Q. Did you tell him that the paper as filed would not be worth the paper it is written on?

A. Yes, I told him it was not worth the paper it was written on unless it had that consent.

CROSS EXAMINATION

MR. LEAHEY

Q. Did you say that was January 5, 1914, Mr. Dutton?

A. No, January 5, 1915.

Q. Well, lets see, this reads (Reads from body of Government Exhibit 8-D). Your objection was there should be another name on there?

A. Yes, at least a majority.

Q. There ought to be one more name on there?

A. Yes.

Q. And it is subscribed by Thomas G. Lewis. Now, if Lewis' name had been up there it would be subscribed to by a majority?

A. My impression is that in the second paper, filed January 2, 1915, he attempted to correct the deficiency I called his attention to in the first place.

Q. You know there was such a university as the Eastern University, don't you?

A. Only from our records.

Q. Your records would show it?

A. Yes.

Q. They show it to be duly incorporated?

A. Yes.

Q. And your objection to this instrument is that in the attempt to change the name of the Eastern University, a going concern --

A. Not a going concern.

Q. Yes it was, it was a corporation and recorded as such, - that was changed to the Oriental University?

A. Yes.

Q. Now, has he filed any papers with you since?

A. Yes.

Q. Has he filed every year one?

A. I could not say.

Q. And you looked up his records?

A. Yes. My impression is, he has.

Q. Filed one last year?

A. Yes.

Q. He has recorded under the law a concern incorporated as Oriental University?

A. Yes, sir.

MR. HASSELL. What does the record show?

MR. LEAHEY. The last one says (Reads Government Exhibit 8-A). That's all.

REDIRECT EXAMINATION

MR. HASSELL
Q. Mr. Dutton, this is the paper sworn to before Thomas G. Lewis, notary public, on the 23d day of December, 1914, is signed, is it not, by H. P. Holler, President, and A. W. Belmont, Secretary?

A. Yes.

Q. And the other names are names written in typewriting appearing in the body of the instrument?

A. Yes.

Q. The only signatures are the president and secretary and the notary public, in each instance?

A. Yes.

Q. Mark these papers 8-A, 8-B, and 8-C.

WHEREUPON A RECESS WAS TAKEN AT 12:30 p.m.

(Pursuant to recess the hearing came to order at 2:00 p.m. Sept. 25, 1923)

MR. HASSELL. If the court please we can continue with some of the documentary matter until the witness returns if that is your pleasure.

THE COURT. All right.

MR. HASSELL. (Government Exhibit 8-D, 8-E, 8-F and 8-G introduced)

As Government Exhibit No. 9, I offer a certified copy of the charter or articles of incorporation, certificate of incorporation of the Eastern University. It has been duly certified to by the Recorder of Deeds of the District of Columbia and seal attached the 24th day of September 1923. Pending the return of the other witness, I would like to place Miss McCall on the stand.

DIRECT EXAMINATION

MR. HASSELL
Q. Miss McCall, will you state your name please.

A. M. Pearl McCall.

Q. And your official position?

A. Special Assistant U. S. Attorney.

MR. LEAHEY. The court will take judicial notice of that, of course.

Q. Miss McCall, I hand you a carbon copy of a paper that I have marked Government Exhibit No. 10 and ask you to state what this is.

A. This is the result of interviewing witnesses called to the Office of the U. S. Attorney in the case of Helmuth P. Holler, President of the Oriental

University.

Q. And have you indicated in some manner on this paper what you personally learned from each witness mentioned therein?

A. I have.

Q. I offer this in evidence as Government Exhibit No. 10, and the names of the members of the faculty appearing in the complete register of the Oriental University of January 1, 1920, are referred to in this paper. The first person referred to is Michael C. O'Brien.

MR. LEAHEY. Do you go so far down here as to attempt to put in things of this kind where the witness is not subject to cross examination?

MR. HASSELL. If the court please, we have no authority, no power to subpoena, pay or swear witnesses, and we might be able to get some of these witnesses here.

MR. LEAHEY. I might as well throw up my hands. I have no power to cross examine. Does it purport to be the statement of the witnesses, the result of talks had with various witnesses at the District Attorney's office --

THE COURT. The result of interviews had with the witnesses by the U. S. Attorney.

MR. HASSELL. Yes.

ME. LEAHEY. Does not purport to give question and answer or anything, just the witness's redraft of the interview, and whereas I understand you have not any power to summon witnesses that is just a piece of hearsay testimony. I am absolutely helpless.

THE COURT. We accept the statements of Government representatives based on interviews had with witnesses. We find it necessary to do that. For instance post office inspectors who take an oath to carry out all the duties of their office, we accept their statements.

MR. LEAHEY. If that statement goes in then there is absolutely no cross examination on it, can not be.

THE COURT. That's true of letters written by witnesses, we have not any power to bring witnesses here and we just have to get the facts the best way we can.

MR. HASSELL. We have no objection to bringing them here, in fact I would rather bring them here, but we have no way of paying them.

MR. LEAHEY. You see my objection.

THE COURT. Are any of these witnesses available?

THE WITNESS. I think we can get practically all of them.

MR. HASSELL. If the court wants this exhibit verified, or the statements in the exhibit Miss McCall has identified, we will endeavor to do it.

THE COURT. If the witnesses can appear here, we would like to have them here. Perhaps you can get their affidavits.

THE WITNESS. If that is not put into evidence, I would prefer you did not see it (Mr. Leahey). It is perfectly all right though, I can bring any and all of those witnesses here, they have all signified their willingness to come.

MR. LEAHEY. I wish your honor would examine that statement, I think it contains conclusions, as it necessarily would.

MR. HASSELL. The purpose of offering this is to show what each one of these witnesses stated to Miss McCall at the time of the interview.

MR. LEAHEY. Well, if that appeared I would not object to it, but it does not do that, it is what Miss McCall has cast, recast in her own words.

MR. HASSELL.

Q. Now, Miss McCall, will you state whether at the time you interviewed each one of these witnesses you made any notes as to what they said?

A. Well, this covers a period of almost two years of examination of these witnesses. These witnesses were called to my office. As I talked to them I took this down on the typewriter myself on one sheet of paper. After exactly that thing was written that I have on this paper, I passed it over to them. They read it, as stated that was carefully read, every witness whose name is given there has read what I have put opposite his name. I will state that this was not prepared for this hearing today. This was prepared for my own information.

MR. LEAHEY. I know that's true, but I say some of the witnesses for instance are so flagrantly erroneous in their memory, I think we ought to have them here, some of them for instance never knew anything about the school yet have signed contracts here.

THE WITNESS. If you have any name that you wish to have appear I will have them here.

MR. LEAHEY. Here are some say they never heard of the school yet they signed contracts.

THE WITNESS. I would like to call attention to the fact that several of the [illegible] that they have a contract with the school.

MR. LEAHEY. Is there not one there, Kelley, says he doesn't know anything about the school?

THE WITNESS. No, that he didn't know that his name was listed until called to my office. He knew about the school.

MR. LEAHEY. And another one to be excused from the meeting of the faculty for the reason that he had to be out of town, and things like that.

MR. HASSELL. That is Charles F. Kelley.

MR. LEAHEY. Oh.

MR. HASSELL. I might state that one of the witnesses here, J. H. Graves, Joel H. Graves, is a clerk in the Post Office Department, I will have him here.

MR. LEAHEY. I don't mind having those professors go in there because that's something I can either show or not show. Kenner is there.

THE WITNESS. Kenner admits that he had a contract with the school, admits that he was engaged to teach a certain thing, but that he did not teach it but signed diplomas brought to his store and if there was any kind of a school, any kind of a course of education he did not know it. They did no teaching.

MR. LEAHEY. He meant they had no students in that particular class, but if he was here for me to examine you would find out a lot more.

THE WITNESS. We had him at the office.

MR. HASSELL. If there are any particular ones in this list you want we will have them here.

MR. LEAHEY. I would like to have all of them that are available. Somebody is grossly mistaken. For instance, I would be glad to take Keeley, I can't run through all this list -- is that his name?

THE WITNESS. James Hugh Keeley.

MR. LEAHEY. There's Kenner, for instance his application over a resignation and his contract. Here's one, two, three communications from Keeley and his contract dated the 7th day of May, 1912. Here's one May 21, 1913, one May 22d, the following day, another one previous to that. So that it seems to me there must be a mistake somewhere.

THE WITNESS. Have you a contract for Miss Ethel M. Nugent?

MR. LEAHEY. No, he says that he has no contract for Miss Ethel M. Nugent.

MR. HASSELL. You would not want Miss Nugent here?

MR. LEAHEY. He says that was before he had these written contracts and Dr. Holler personally employed her.

THE WITNESS. Have you a contract with Middleton Smith?

MR. HASSELL. Is it the desire of the court that in lieu of the submission of Government Exhibit No. 10, containing the statements of the witnesses interviewed by Miss McCall, as testified by her, the matters herein set down having been written at the time and the witness having read it at the time of the interview, is it the desire of the court that in lieu of the submission of this exhibit, Government No. 10, the Government endeavor to get as many of these witnesses as possible to come here and personally testify?

THE COURT. What would be the objection to supplementing that paper with as many witnesses as are available?

MR. LEAHEY. If your honor is going to admit that paper at all I would just as soon have the thing go just the way it is. If your honor is going to call some witnesses I would rather have the opportunity to cross examine the witnesses.

THE COURT. By that I mean to give counsel an opportunity to cross examine the witnesses on those facts contained in that statement. It may be a way of expediting the matter.

MR. HASSELL. That amended procedure is satisfactory to council for the Government.

MR. LEAHEY. What do you mean, let it go in?

MR. HASSELL. Let it go in and afterwards offer these witnesses.

MR. LEAHEY. If you are going to let it go in, let it go in, what's the use of taking up the time putting in the witnesses.

MR. HASSELL. Council for the Government would much prefer to have the witnesses here, but under the circumstances we have no authority to compel them to come, we have no way in which to pay them for attendance, and when they come here we have no authority to put them on oath, but we will try to get as many as we can and produce them personally in order that council for the respondent may cross examine them on the statements contained in this document and in other matters he wants to examine them on.

MR. LEAHEY. I am in the hands of my friends.

MR. HASSELL. I offer this as Government Exhibit No. 10.

THE COURT. And this witness, of course, may be cross examined on her statements.

CONTINUATION OF CROSS EXAMINATION OF MRS. WARD

MR. LEAHEY.

Q. I believe you said this morning, Mrs. Ward, that you took some letters to the Department of Justice.

A. Yes.

Q. Do you recall the date that you took those there?

A. No.

Q. Approximately, I mean?

A. I don't recall at all.

Q. During the time you were employed there?

A. Yes, it was.

Q. The last time or the first time?

A. I think it was the first time.

Q. Sometime between October, 1920, and June, 1921?

A. Yes.

Q. Do you recall whether it was in the spring of the year or the fall?

A. I do not.

Q. How did you come to take those to the Department of Justice?

A. Well, the first one that I took seemed to be directed to our -- it was utterly against the Government of United States.

Q. And do you remember which letter that was, I am handing you 8-A.

A. I think I can pick it out. I am not sure that the first one is here. Do you know whether all of them that I took to the Department of Justice are here?

MR. HASSELL. No, I don't, I could not say. These were papers that were turned over to me by Miss McCall.

MR. LEAHEY

Q. After looking at the various papers contained in the file marked 8-A, are you able to refresh your recollection so that you can state whether or not the ones you took to the Department of Justice because you thought they contained statements against the United States are contained in that folder?

A. It might be this one, but I am not sure of it.

Q. Will you just glance over those once more and see if you can't refresh

ur recollection?

A. I am not sure of it at all. I don't think it is here. I think it was letter to a man in India.

Q. Did you take that at your own volition or at somebody's suggestion?

A. I took it just because I wanted to.

Q. Did you tell Dr. Holler you were taking it?

A. No.

Q. Did you ever ask him why he wrote it?

A. No, I did not, because I thought he knew why he wanted to write it.

Q. Did he dictate it to you?

A. Yes.

Q. Sometime during the year 1920 or 21?

A. Yes.

Q. Was that before or after you became a professor of art?

A. I don't know.

Q. But you know it was sometime while you were working, from October, 1920, to June, 1921?

A. Yes.

Q. Now, do you know whether you took the only carbon copy, or did you take a copy?

A. I made a copy.

Q. Is the other copy now in the files?

A. I expect it is.

Q. Can you give us the name, or anyway to identify it?

A. I don't remember it at all, seems it was a long letter, two or three pages, may be more.

Q. Is there any way you could guide me where I could find it in the files?

A. No possible way, unless these are all -- it might be this long letter, but it was a very long letter -- there was an Indian letter -- and unless Miss McCall has some others I took over there that other one is the first I took.

Q. Did you take these over there also?

A. Yes.

Q. Now,directing your attention to the letters that have been marked in the Exhibit 8-A.

A. Yes.

Q. Why did you take those over there?

A. Because I did not like the tone of them and their references to different Government employees.

Q. At your own suggestion or somebody else's?

A. My own.

Q. Did you tell Dr. Holler about it?

A. No.

Q. Did you ever object to it when he was dictating to you?

A. No.

Q. Did you tell him that you didn't think the tone of the letter was just right, criticising an official?

A. No, because a stenographer can not do that.

Q. You thought it was better for the stenographer surreptitiously to take a copy of that and take it to the Department of Justice?

A. I did not like that either.

Q. Did not you know for instance, that there might be some explanation for that if you asked him?

A. What do you mean?

Q. Had you taken that to the Department of Justice with the explanation Dr. Holler would have made, don't you think you would be in a better position to tell the Department of Justice about the matter?

MR. HASSELL. If the court please, I don't see the purpose of the last question.

MR. LEAHEY.

Q. Will you kindly indicate in that first letter, for instance, what caused you to take that to the Department of Justice?

A. As a citizen of the United States he writes this "The American Consul at Geneva is trying again to slander us because I have made him the butt of my attack the Government Bureaus here on account of his lying to the State Department."

Q. Did you know about the truth or falsity of it?

"When writing to Pritzel you would also do well to warn him not to do anything with any so-called University. This is said for his own good, for I know there is no other University that is doing this work that we are doing, and getting away with it."

Q. Now, what is there to be objected to in that? What was there in that that the Department of Justice would be interested in?

A. That is part of that first letter I read about the Consul.

Q. Would you object to that part you just read?

A. As a graduate of a college here in this Country I do, yes.

Q. What is the objection to that part of it?

A. "There is no University doing what we are doing and getting away with it."

Q. What did you infer from that?

A. That the writer of the letter was getting away with something he should not be.

Q. Now, read the next paragraph.

A. "They are trying to do the work we are doing, but the fact is that not a single one has either the organization necessary, the knowledge of foreign countries, the business ability, or the proper academic standing."

Q. Do you think that explains anything at all, that sentence, in the sentence you find objectionable?

A. No, it just goes on further along the same line.

Q. You would take the two sentences together and you think the other was objectionable and you would have to report them to the Department of Justice?

A. That's a part of that paragraph I read.

Q. Do you know whether he has any organization through Europe, or any knowledge of European conditions?

A. Now, I don't know enough about Universities --

Q. Do you know of any other university conducting a correspondence course in European countries?

A. No, I don't know anything about them.

Q. All right. Now, what was the next letter?

A. That letter was written to the President of Guatemala, asking for clemency for a former president who was in prison, asking for clemancy on behalf of the University.

Q. What's the objection about that?

A. Nothing particularly, except that it happened to be dabbling, you ght say, in the foreign affairs of the Country. That's all. It really don't ean much one way or the other.

Q. Then why did you bring it?

A. Just because.

Q. What?

A. I brought that letter because it was a matter of interest, perhaps, to he State Department, perhaps not. You see I didn't know that any of those as of any value at all, I merely assumed that it might be.

Q. Do you recall the date that you wrote it?

A. No, I do not.

Q. Recall the date you brought it there?

A. No.

Q. Recall the letter to which this was an answer?

A. It was not an answer to a letter if I recall.

Q. Know what it means when it says "My dear President: I thank you very much for your kind favor of the 6th"?

A. Oh, he wrote a first letter requesting that something be done in this man's favor and I don't recall the answer to it except that it was negative.

Q. What do you mean by negative?

A. He said he could not do anything for him.

Q. Then do you understand what is meant when it says: "I realize you are perfectly willing that justice be done to our honorary vice-president"?

A. He said he was willing that justice be done but he could not do anything.

Q. "I am sure that your High Court, as well as your Legislature will agree that it is absolutely necessary that the written agreement made at the American Legation be carried out to the letter, if you wish to have the good will of the American people. It seems to me that this is a very serious matter that almost immediately after such document was signed, your own government, or whoever is responsible for this act, in your government, did just the opposite to what had been agreed upon.

"I cannot help but think that such action will cause not a little trouble in the future.

"I hope that you will understand that my whole interest in De. Cabrera is that of a fellow officer in our University, and trust that you will forgive me for urging once more upon you to do all you can that this matter be satisfactorily adjusted now."

What was the trouble down there?

A. I don't know.

Q. Who is Dr. Cabrera?

A. He was --

Q. Know who he is or was?

A. All I know is that he was given an honorary degree so that his name could be used as Honorary Vice-President of the University.

Q. When was he given a degree?

A, I don't know.

Q. How do you know it was given?

A. Because there was a record of it.

Q. Were you there when it was given?

A. I don't know.

Q. Try to refresh your recollection on that point. You just made a statement to the court that he was elected an honorary vice-president.

A. There was a card there showing he had been given it and I don't remember whether it was given while I was there or not.

Q. Show the purpose for which it was given?

A. Showed merely it was an honorary degree.

Q. All you know is that you saw a card upon which were written words to that effect, and the rest is your opinion?

A. Yes, my opinion, but the fact remains that his name was used.

Q. Where?

A. In advertising -- as vice-president.

Q. Do you know whether he was vice-president?

A. He was an honorary vice-president.

Q. And have you seen how he was appointed honorary vice-president?

A. No.

Q. Do you know whether he accepted it?

A. He was listed as that.

Q. The only thing you know was that he was listed as vice-president and now you say that was used for advertising purposes?

A. No doubt about it a man with his prestige is worth something as an advertisement.

Q. You think names are used for that purpose by the University, you

think that is the practice.

A. When they have honorary degrees, sometimes it is.

MR. HASSELL. If the Court please I think this should be confined to the issues.

MR. LEAHEY. That's just why I want to know that.

MR. HASSELL. The question of whether or not Manuel Estrada Cabrera's name was used for advertising purposes is answered by Government Exhibit 7-A which this witness says was sent out to prospective students.

MR. LEAHEY. Does it say it was used for advertising purposes?

MR. HASSELL. The mere fact of the use of it is sufficient.

MR. LEAHEY. Why don't you indict Harvard for doing that?

MR. HASSELL. 7-A, complete register of the Oriental University, sent out for securing students, bears the name of his Excellency Manuel Estrada Cabrera, President of Guatemala.

MR. LEAHEY. That is no proof of anything.

MR. HASSELL. Shows that his name was used for the purpose of getting students.

MR. LEAHEY. Not at all, not at all. That is just the point in this case, there is too much inference without proof.

MR. HASSELL. I submit that matter is a question for argument and not for the witness to answer.

MR. LEAHEY. I know, but I am endeavoring now to get the witness's viewpoint and find out how much is actual knowledge and how much is inference made for the purpose of this hearing.

Q. Now, in that letter of January 14, 1921, what would you say was in that letter that prompted you to surreptitiously take it to the Department of Justice?

A. This last paragraph. It is addressed to the Committee on Resolutions in the Maryland Building.

Q. What Committee on Resolutions?

A. I don't know.

Q. Did you know that it was a committee of Irishmen?

A. I did at the time, yes.

Q. What particular interest did the U. S. Department of Justice have in a communication from Dr. Holler to a Committee on Resolutions?

A. Dr. Holler wrote as Chairman of the Legislative Committee of the Concord Club Incorporated of all German American Societies of Washington, D. C.

Q. What has that got to do with it?

A. And he said "I wish the people in German all had as clear an insight into the whole system of British spying and corruption as your people have in Ireland, but I need not say any more. You know more than I do, only let me say again that I am heart and soul with you, and my prayers will be sent up, and have been sent up for your cause, that you may be completely successful, so that the great bluff of Wilson, and the British Allies concerning the freedom of the nations may be called."

Q. What is there particularly objectionable in that?

MR. HASSELL. Now, if the Court please, I don't think it serves any useful purpose to give the reasons why this witness took these letters to the Department of Justice. I think it is quite manifest she / thought it was her patriotic duty, and whether she had any reason or not, the fact remains she took them there, and these are letters dictated by this respondent to her and sent out through the mails.

MR. LEAHEY. What proof is that in this case?

MR. HASSELL. I stated that was not offered in evidence, it was in the file .

MR. LEAHEY. You did not say it was in the files. Then I move it be stricken out.

THE COURT. I don't remember the reading of the last two letters.

MR. LEAHEY. I know. They were not read but he commented on the contents of it, I have it in my notes here, that letter about British spying and corruption.

THE COURT. It apparently has no relevancy in this hearing.

MR. HASSELL. No objection to its going out or staying in.

MR. LEAHEY.

Q. Did you bring any other letters to the Department of Justice, Mrs. Ward?

A. I don't know.

Q. Try to refresh you recollection.

A. I don't know, that was two years ago, Mr. Leahey.

Q. You have no recollection?

A. No, I don't know how many I took.

Q. Did you take any letters to the Department of Justice with reference to the conduct of the school?

MR. HASSELL. Now, if the Court please, I think the letters offered speak for themselves, and they certainly refer, some of them, to Mr. Holler's agents in Europe, - refer to the business of the School.

MR. LEAHEY. Well, I will supplement by -- other letters with reference to the conduct of the school.

A. I don't know how many letters I took there.

Q. Do you recall of ever having taken any other letters relating to the conduct of the school than those shown you in the folder 8-A?

A. I don't recall now.

Q. Did you ever bring any letters to the Post Office Department?

A. No.

Q. Did you ever bring any letters to the Bureau of Education?

A. No.

Q. Did you ever go to the banks as secretary for Dr. Holler?

A. No.

Q. Ever have occasion to use his bank book?

A. I saw his check book occasionally.

Q. You saw his check book? Did you keep it?

A. No.

Q. I believe you stated on your direct examination also that there was some papers in foreign languages which you knew were not examined? How did you know that?

A. Well, the one that I did state that I knew was not examined was in Swedish.

Q. How do you know that it was not examined?

A. I know it was not examined before the diploma was sent out.

Q. Do you whether it was examined before it was sent into the school?

A. It was not.

Q. How do you know?

A. Because it came direct from the student.

Q. From what student was that, can you give us his name?

A. No.

Q. How do you know he was a student?

A. He was listed as one.

Q. Listed as a student. Can you recall the date of that?

A. I don't remember it.

Q. Can you give me something to identify it by so that I can find it somewhere?

A. He was Swedish, that's all I know. I know there were very few of them.

Q. What happened to it after it came into the School.

A. It was filed.

Q. When was the diploma signed?

A. That was signed after it came in.

Q. You recall it was this particular diploma?

A. Yes.

Q. Now, do you know whether or not the document had been sent to the professor and returned to the student to be corrected, forwarded to the student?

A. There was not any professor of Swedish.

Q. Did you know Professor Kaerger?

A. No.

Q. Never heard about him?

A. No.

A. No.

Q. And you want to say, Mrs. Ward, that you knew there was no professor in that school who knew Swedish?

A. Dr. Holler said so

Q. Either resident or non-resident?

A. At the time there was no resident professor, and the diploma was sent out. I heard him ask someone if he could read Swedish because he was looking for someone who could.

Q. Now, he told you there was no resident professor?

A. He said they did not have one at the time in the city.

Q. In the city?

A. There may have been a dozen in Europe, but the diploma was sent out before there was any time for it --

Q. You recall that transaction so clearly, can't you give us anything to identify that transaction by?

A. I think his name was Otto, I would not be sure about it.

Q. You can not tell what time that diploma was signed?

A. No.

Q. Can you give us the subject?

Q. Do you know who signed the diploma?

A. No.

Q. Did all the professors sign it?

A. Six professors signed it.

Q. Did Professor Kenner sign it?

A. That I don't know, I don't remember what branch that was in.

Q. Were you there when it was signed?

A. No, but I mailed it out.

Q. You mailed it out?

A. Yes.

Q. And you saw the signature?

A. Yes.

Q. And you can not tell whether Kenner was on it?

A. No, because there were some sixty every month.

Q. Sixty what?

A. Sometimes more, sometimes less.

Q. Sixty what?

A. Diplomas.

Q. Sixty every month, and how many months were you there? You were there October, November, December, January, February, March -- until June, that is nine months --

A. That might be an exaggeration.

Q. Don't you think that's an exaggeration?

A. I may be.

Q. How many students did the University in its lists say it had, in fifteen years of its existence?

A. About 1500, but the year I was there, there were nearly 500.

Q. And what year was that?

A. The year ending in December, 1920. I remember it was the biggest year it had ever had.

Q. The year ending December, 1920?

A. Yes.

Q. You went there in October, 1920?

Q. Did you say there were sixty diplomas a month went out there in 1920?

A. That was a bad guess.

Q. What is your better guess?

A. I can not say how many there were. There were too many to remember. All the professors' names and all the students' names.

Q. Were the diplomas signed by any particular members of the faculty?

A. They were all signed by Dr. Holler and signed as Dean by the different members of the different professions who were there, then the other professors signed and they were more or less appropriately divided.

Q. When was your attention first attracted to the fact of the Oriental University being under investigation?

A. When Miss McCall sent for me, I think.

Q. How many talks did you have with Miss McCall?

A. Two, I think.

Q. Did you tell her about these letters in file 8-A?

A. She knew about them before I knew her.

Q. And did you tell her there were sixty diplomas a month went out?

A. No, I don't think I did. That was more recently after I had left there.

Q. What was more recently after you left there?

A. When I saw her.

Q. How long after you left there was it?

A. I believe she first called me while I was still working.

Q. Do you recall when?

A. No, I do not, it was in November, I think, 1921.

Q. Did she tell you then that you were liable to be indicted?

A. No.

Q. Did she tell you you are liable to be connected in any conspiracy with Dr. Holler, inasmuch as you were engaged with Dr. Holler?

A. No.

Q. What did she say along this line?

MR. HASSELL. If the Court please, I object.

THE WITNESS. I don't remember.

THE COURT. What is the purpose of this line of questioning?

MR. LEAHEY. I thought it was evident, if your honor please, I think your honor will see it on second thought.

THE COURT. If it is to clear up some point of controversy --

MR. LEAHEY. You can always trace the purpose of testimony, it is made either through fear or for the purpose of gaining favor or otherwise. That't the point I make here. This lady worked right along up until the time she was called to Miss McCall's office. Is that the reason you resigned?

A. Partially.

Q. Isn't that the reason?

A. I needed more money and I decided to get into the Government. I took a civil service examination in October. I think Dr. Holler knew of it and knew I was going to resign as soon as I could get another position.

Q. Was it in October, 1921?

A. I took an examination on October 11th.

Q. When did you hear about it?

A. I don't remember.

Q. You took the examination October 11th?

A. Yes.

Q. When was the position offered you under the civil service?

A. I don't remember the date.

Q. Was it before you were called to Miss McCall's office or after?

A. I don't remember.

Q. One question and then I will be through, Mrs. Ward. I think you stated something about that your criticism, while you were there, of some of the work in the office was that it was careless, did I understand you correctly?

A. What I meant when I said that it was careless was that it did not -- manifestly did not come up to the professed standards of a University.

Q. Now, give us an example, so that we will understand.

A. The acceptance of Morris Spiegel as a student was one of them, his handwriting, his letters, the whole tone of his letters showed he was not a competent student. And there were others, he was not the only one.

Q. Name some of the others.

A. I don't remember the others, but a glance through the files may show

you that the mental capacity of the writers is very low.

Q. The handwriting or the words or what?

A. The handwriting and everything else. One statement in all those things sticks in my mind. One statement from a student said "Tonsils are better for most children when removed".

Q. That's what you objected to?

A. That stuck in my mind.

Q. Was that written by an Irishman?

A. I don't know.

Q. It was things like that now, that caused you to think that that man ought not to be accepted as a medical student?

A. I thought his paper had no place in any college whatever.

Q. I see. Now, what was there in Spiegel's paper that caught your eye?

A. His total lack of grasp of subject.

Q. What subject?

A. Any subject that he attempted.

Q. Had he just started?

A. I don't know.

Q. You don't know?

A. I know that he did not get anywhere. All his papers were the same sort.

Q. Would there be any way, for instance, of the University knowing that a student could not grasp the subject?

A. It was evident from the way it was written.

Q. From the way what was written?

A. The papers, answers, answers to the questions.

Q. He submitted quite a number of papers, did he?

A. He wrote a number of papers showing he was in an absolute mess of ideas that somebody had given him and did not know where he was.

Q. I believe you said you do not know when he matriculated?

A. I don't know.

Q. You don't that he matriculated in the middle of November and was there for about two weeks?

A. I don't know when it was but I know that he did not get any additional help while I was there.

Q. But did not you say they wrote out a course of books for him?

A. He had the usual printed course, but he had them sent to him twice, I am sure, and he complained that he did not get anywhere with them, did not know where to begin.

Q. Did you draw that fact to Dr. Holler's attention.

A. Dr. Holler knew it, he read the letters.

Q. And did you present your views to him, as you are now?

A. No, it was not my place to.

Q. Why not, were not you secretary?

A. I was there doing principally stenographic work and I did not think it was my place to advise him about those subjects.

Q. Can you recollect any other instances where you thought they were careless?

A. There was one man in East India, I don't remember his name, may be it was Ceylon, he was sent courses, or some printed outline, the same courses in English, I don't mean the same necessarily but the same that was sent to everyone in that line, and, he was sent that four or five times and told to begin to study and he wrote back that he didn't know where to begin.

Q. What reply was sent out to t hat?

A. He was sent a new copy of the outlines and told to begin to study, that he would get his diploma as soon as he began to study.

Q. He did not get the diploma without studying, did he, they did not sell the diploma for a smile or anything?

A. No, not that I know of.

Q. Did you ever while you were there see anyone sold a diploma?

A. Yes, but I can not remember definitely about it.

Q. Well, you must remember something connected with it.

A. All that I rembmer is that I felt --

Q. I don't want your feelings, Mrs. Ward, I want what you know.

A. That's all I remember.

Q. What do you remember about any single diploma having been sold by this University without a course, leaving out of consideration whether you think the course is good, bad or indifferent. Do you mean to say they gave them out for

money when no previous work had been done?

A. I say I don't remember one definite diploma, but there were diplomas issued for dissertations with no courses, and the dissertations varied in value extremely.

Q. How do you know?

A. I have a B.S. degree.

Q. You with a B.S. degree will gauge dissertations on other subjects?

A. I could gauge some of them as being inadequate, yes. Some of them were exceedingly scholarly.

Q. Some of them were exceedingly scholarly?

A. Yes, they were.

Q. Others you thought below standard?

A. Others I thought below University standards.

Q. What ones were those?

A. I don't remember definitely any of them.

Q. Can not you remember one so that I can get some line on it, so that we can get it out of the files and bring it down here and let the Court read it?

A. Some of them were refused because they were not long enough.

Q. You have known of dissertations that were sent back with no diplomas awarded?

A. Yes.

Q. But in other cases they were accepted when they were below the average?

A. Yes.

Q. And you say you have a B.S. degree?

A. Yes.

Q. From what college?

A. Elmira College.

Q. How many years is required there for the B.S.?

A. I did the four years work in three.

Q. And you can not tell what subjects the dissertations were on?

A. I don't remember.

Q. Were they subjects on which you had had courses?

A. Some of them were. Perhaps they were business subjects, commercial science or political science, perhaps.

Q. Can you recollect by whom they were?

A. I don't remember.

Q. Now, did you ever take that up with Dr. Holler?

A. No.

REDIRECT EXAMINATION

BY MR. MARSHALL:

Q. Do you know, Mrs. Ward, whether Morris Spiegel's fee was returned to him while you were there?

A. I left before that was settled.

Q. What was your title in the Art School?

A. I never really had any.

Q. You were an instructor in the Art School, is that it?

A. Perhaps it was that, I don't know.

Q. What was your compensation in that position?

A. None.

Q. Did you get any -- sign any diplomas?

A. Yes, perhaps as many as five.

Q. Get any fees for signing diplomas?

A. I think a quarter.

Q. A quarter -- that's twenty-five cents a piece.

A. Yes.

Q. What compensation did the professors usually get?

A. I don't know, it ranged according to the work they did, so much for reading, so much for marking papers, so much for reading dissertations, I think, that's the way I understand it.

Q. Did they get any fee for signing diplomas?

A. The same.

Q. Twenty-five cents?

A. Yes.

Q. How do you know that, did you ever take any diplomas to any of the professors to be signed?

A. They used to meet and sign them, then Dr. Holler would make out checks for them.

Q. Now, in the cross examination you referred to correspondence courses, could you state of what the correspondence courses consisted, take any one subject and state what was done and what was sent to the student, etc.

A. Of course I know best the one I made out myself, and that was on the same printed outline. It was known as "An Introduction to the Fine Arts", and of course the fine arts, there are seven of them, and they included, I suppose you all know what, and the beginning of the outline was a general review of the subject, a general statement of what the subject was about. I can remember one on sociology pretty well. It states what the subject covers, what the place in the general scheme of study is, then it goes on and gives I think the work required, that is usually two or three short theses, and lists a number of books, text books on the general subjects, general reference books, and books on special branches.

Q. What proof of the student having read those books was required, do you know, if any?

A. I never saw any.

And then there is a list of some 20 or 25 questions listed in the course which comprise the examination questions which were sent at the same time with the whole outline. The student was at liberty, so far as I could see to answer them out of a book, though of course he was supposed not to do so. A university graduate with two or three degrees could take one of those courses and get something out of them but although the prospectus said that he had a graduate school and not an under-graduate school, the fact is that under-graduates were accepted.

Q. Did you have any information as to what was required in the Medical School, what was sent to the student?

A. I think there was one year hospital training required. They had to have a certificate and I think that was one year laboratory training too, and then the usual outlines, I mean the outlines along the same lines in the different studies.

Q. And the statement of the students was accepted as to hospital experience?

A. There had to be some sort of an affidavit from somebody, I don't know, I don't remember just who, some certificate or other proof than his word.

Q. And do you know anything about the course that was outlined by the University, who prepared it for the medical students?

A. I don't remember who prepared it. There is a bulletin of the Medical School among those papers.

Q. Yes, I have it here. You stated on your cross examination that some of the dissertations or theses were returned because they were not long enough, was there any required length, or did you understand --

A. Yes, there was a certain number of words required, but I don't remember what it was.

Q. And did you get the impression that that was the principal requirement, was that your understanding?

A. That was the principal objection.

Q. (Introduces Government Exhibits 7-B and 7-C) Mrs. Ward, did you have any information as to whether there were laboratories, medical laboratories and medical libraries and other facilities for carrying on a duly constituted medical school at the University?

A. I know there was no laboratory there, but Dr. Holler may have had books, I don't know.

Q. Was there any class room?

A. No.

Q. Do you know whether any medical students were taught at the school while you were there?

A. None that I ever knew of.

MR. HASSELL. (Government Exhibits 7-D, 7-E, 7-F, 7-G, 7-H, 7-I, 7-J, 7-K and 7-L introduced in evidence). The balance of this matter I will offer in bulk as matter which the witness testified is sent out under that envelope.

MR. LEAHEY. What was that letter you asked her about, Mr. Hassell, somewhere there, "Letters similar to other people in this and other countries mailed at the direction of Dr. Holler," Government Exhibit 7.

MR. HASSELL. I asked her respecting a medical course, -- I don't know what you are referring to.

MR. LEAHEY. When you identified No. 7 this morning I noticed she said she had prepared letters similarly for other countries, I think you asked her if she had prepared that package?

MR. HASSELL, Oh, that was the entire file which I have marked 7. That includes

all of these papers that I have here.

MR. LEAHEY. I have a few more questions, I think. That completes File 7.

RECROSS EXAMINATION

MR. LEAHEY

Q. I just want to ask a few questions of Mrs. Ward.

Now, when you answered to that question this morning as to whether you had sent similar letters to other people, Mrs. Ward, did you mean you had sent out that complete file containing all of these documents?

A. I understood the question to be that I sent out similar packages.

Q. You sent out a package made up of all those documents?

A. Yes.

Q. For instance a person interested in modern language you would send out the stuff about medical jurisprudence?

A. They were made up and mailed out --

Q. All in the same package?

A. Yes.

Q. Now, did you say there was not any medical school?

A. Absolutely.

Q. Positive?

A. While I was there there was none.

Q. Never hear of a Medical School at the southeast corner of 10th and H?

A. They were projecting that when I left.

Q. Was not it there?

A. I don't know.

Q. The Medical School had not been in existence while you were there?

A. That literature was sent out.

Q. I am asking you if the Medical School was not being organized toward the latter part of your employment by Dr. Holler.

A. The diplomas were signed before that.

Q. Give me some of them.

A. I don't remember the names.

Q. Can you say, Mrs. Ward, that any medical degrees were issued before you left?

A. Yes.

You can not remember the names?

A. No.

Q. Do you remember the degrees?

A. I know there was a degree in dentistry.

Q. Was there a dental faculty?

A. Yes, I guess so.

Q. Was there a medical faculty while you were there?

A. Yes.

Q. But no medical school room?

A. No medical school room.

Q. And toward the end of it you remember that a medical school room was established on the southeast corner of 10th and H, being the entire second floor of that building?

A. I don't know how much of it there was, all I know is that there was something of that kind going on.

Q. And you knew since this investigation went on that that had to be given up?

A. No.

Q. You don't recall of ever seeing that?

A. No, I never did.

Q. Now, have you ever studied for a graduate degree such as an M.A.

A. No.

Q. Are you familiar, as a college graduate, with the methods employed?

A. Yes.

Q. That is usually given upon a thesis, isn't it?

A. Sometimes it is and sometimes it is given by study at the University.

Q. And you have heard of a method by which a person studies himself and writes a thesis to obtain an M.A.?

A. Yes, they usually study at the University, though.

Q. Now, you have stated that the courses show the books which were to be used, but that there was no proof that the student had read the books. Would not the examination cover the subject matter in the books which were prescribed for reading?

A. Pretty generally it did.

Q. For instance your course was built up along other courses, was not it, only you yourself personally made it?

A. No, it was practically independent.

Q. Totally independent?

A. Yes.

Q. Was it similar at all?

A. Just in form.

Q. You mean in form?

A. Yes.

Q. They had the same form?

A. Yes.

Q. And the form was to outline the course of study?

A. Yes.

Q. They prescribed certain books in that course of study?

A. Yes.

Q. Now, of course whether the pupil studied the books or not was left to him, was it not?

A. Absolutely.

Q. But the examination would test any student's knowledge, and also show whether he had read the books, is not that true?

A. More his general knowledge on the subject than whether he had read the books.

Q. So that, for instance, in your course if I knew something about medicine I could pass your course in art? Is that it?

A. You don't mean that.

Q. You said if he knew enough generally he could pass the examination.

A. Certainly, on that subject.

Q. In other words, the courses outlined did not teach him anything?

A. Not a great deal, no.

MR. HASSELL. If the Court please, I may state that the witness has not been qualified as an expert on higher education.

MR. LEAHEY. We are examining her on her own course. She has studied enough to take a professorship in the Oriental University and prepare courses there.

Was not there any pamphlet which outlines the course of teaching in the Oriental University?

A I don't think so.

Q Was not there any pamphlet ever printed which shows the course of teaching in the Oriental University.

A Yes.

Q Where is it?

A I don't know, Dr. Holler has some of them.

Q Was not that pamphlet sent out to the students?

A Yes.

Q You don't mean to say that the pupil was left absolutely in the dark with no course of instruction?

A He was given a list of books and the outline of instruction. He could begin that hind end foremost if he wanted, but he did not know how to begin to study. There's a -- its a very different thing between not studying and not knowing how to study.

MR. KRAMER. All right.

MR. HASKELL. Anything further from this witness.

MR. KRAMER. I don't think so.

(WHEREUPON AN ADJOURNMENT WAS TAKEN AT 4:30 p.m.)

(PURSUANT TO ADJOURNMENT, THE HEARING CAME TO ORDER AT 10:30 a.m. SEPTEMBER 26, 1923)

- - - - -

MR. HASSELL. If the Court please, we would like to put Mr. John D. Bradley on the stand.

DIRECT EXAMINATION

MR. HASSELL

Q. Will you state your name, please?

A. John D. Bradley.

Q. And your address?

A. 417 Quincy Street, N.W.

Q. Mr. Bradley, you are listed in the Register of the Oriental University date of January 1, 1920, on page 13, as being former student exmatriculated the Classical College of the Oriental University. Will you state whether that's a fact?

MR. LEAHEY. I object to the question because it assumes something that is in the register. There is a John D. Bradley, M.D., but there is no identification that it is this man, either by address or otherwise. An assumption upon the part of the Government counsel.

Q. Mr. Bradley, will you state whether you ever attended the Oriental University as a student?

A. No, I never did.

Q. Did you ever go to to the Oriental University to any lectures given by persons not connected with the University?

A. Yes, I think I was there on two or three occasions.

Q. You say you never registered as a student at the University?

A. No.

Q. Do you know Dr. - Professor Holler?

A. Yes, I have met Dr. Holler one or two times.

Q. Did you meet him at the time you attended some lecture at the Oriental University building?

A. Yes.

Q. Did you ever authorize Dr. Holler to list your name as a student?

MR. LEAHEY. I object because that assumes that Dr. Holler listed him as a

...ent, and as I said before there is no identification that he is the John D. ...ly listed there.

...R. RASSELL. If the Court please, -

...E COURT. I don't see where that assumes necessarily that he was listed.

...R. LEAHEY. Well, then it is immaterial.

...R. RASSELL. I asked him if he ever gave his consent to be listed?

...R. LEAHEY. Then that question first assumes that he was asked to be listed, ...secondly assumes that he was listed? If it does not assume that, it is ...material. You might just as well ask if I/ever was listed, or you.

...R. RASSELL. If the Court please, the objection of counsel would apply to ...ery student listed in this catalogue and every professor, and if the name is not ...to be taken as prima facie identification why practically all of the witnesses would ...subject to the same objection counsel has now raised.

...R. LEAHEY. That's just the point I am raising, and I am raising it for that ...eason. They have taken this catalogue and taken ten or twenty names and said there-...by/ whom they call the man on is the man listed in the catalogue, and when he says he ...was a student that is proof that there was a misrepresentation as to the facts.

...E COURT. Let's see what connection this witness has with the University.

...R. LEAHEY. He has just answered he never attended the University as a student, ...further questioning on the matter becomes entirely immaterial. We can not guess ...this thing, we have to have some proof.

...R. RASSELL. It is submitted, if the Court please, that the name of the party, ...given name, with the middle initial and the last being identical or similar to ...that appearing here is sufficient for a prima facie identification.

...R. LEAHEY. There is not any such thing as sufficient prima facie identification ...known by names because name are so often the common property of several different ...people. We have had that personal experience and we know it as a fact. I don't ...like to be personal in the matter, but one day when I was in court a man from ...Tennessee stepped up and shook hands with me and said I am glad to see you. I said ...I don't believe I have had the pleasure of meeting you. He said "Why there is a ...man in Tennessee with the same name as yours and he looks exactly like you. I thought ...it was you." I said, "No, I never heard of that man in my life".

...R. RASSELL

Q. Mr. Bradley, do you recall the year that you attended any lecture in

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riental University at all?

A. I can't remember absolutely, though my impression is that it was about

R. HASSELL. That's further identification, if the Court please, the numerals ith an apostrophe appearing before it are after Mr. Bradley's name, preceded by

Q. Mr. Bradley, are you an M.D.?

A. No.

EAHEY. The identification is not the same. I submit it ought to go out. I to strike this testimony out as irrelevant and immaterial, no part in the whatsoever. There is a Dr. Bradley who was an ex-student in 1914 - now if s the intention.

THE COURT. We will be glad to have you produce Dr. Bradley.

MR. HASSELL. Or furnish his address.

MR. LEAHEY. Oh no, that burden is not on us to prove, if the Court please, we ot be driven to proof.

THE COURT. True, it is not, but if you wish to throw the proper light on this eeding you have the privilege of producing him.

MR. LEAHEY, No, if the Court please, I do not take that attitude. The Govern- in this case can not go to that. I can not be driven to proof on suspicion. is a positive statement in the record that Dr. Bradley, John D.- why should assume that a man named John D. Bradley who might be one of a thousand John D. dleys in different parts of the U. S. or the world is this man here. I submit ll fairness that is not any proof at all, none whatsoever.

MR. HASSELL. Does counsel desire to ask the witness any questions?

CROSS EXAMINATION

MR. LEAHEY

Q. You say you attended some lectures, Mr. Bradley?

A. Yes, sir.

Q. How many did you attend?

A. Why I think, I don't recall over two, I believe.

Q. What was the subject you heard lectured upon?

A. I can't remember for sure now.

Q. Try to think.

A. I don't recall.

who was speaking?

A. Well, I can not recall the name just at present, - the gentleman has since.

Q. How did you happen to go?

A. Well, I knew the gentleman who spoke, I knew he was to deliver this and I had heard him speak elsewhere -

Q. Where had you heard him speak?

A. I heard him speak before the Secular League where I was associated and I first met Dr. Holler.

Q. What was the man, did he hold any office or position?

A. He was at one time editor of the Knights of Labor, a publication, I recall, at that time, a portion of that time during which I knew him.

Q. He was a more or less prominent man here in town?

A. No, I would not say that. He edited this journal for a time.

Q. How old a man was he?

A. Quite elderly.

Q. How old would you think?

A. I would say about sixty.

Q. And how did you hear about the lecture?

A. I don't recall definitely now. I may have received a circular or ertisement announcing it at the Secular League.

Q. What was this league that you talk about?

A. It is a free thought rationalist organization existing in the city here ce 1880, founded by the late Professor Ward.

Q. A very large league was it?

A. No, its views are not very popular, they are becoming more so, however.

Q. Was this man a member?

A. He was at that time.

Q. Hold any office in the League?

A. No.

Q. And you can not recall what subject he was speaking about?

A. No, he spoke on peculiar topics, and I can not recall now what the address was. He was more or less of a humorist in his public addresses, and it did

...ave an impression I can remember.

Was it a lecture or just a general talk?

A general talk, I think.

But it illustrate the height of the Secular League?

A. It had nothing special to do with the Secular League.

But it on some question in which you were interested?

I was not, to the best of my recollection.

Are many of those lectures did you attend?

Well, I recall indefinitely only that particular lecture, but I think probably there on another occasion.

Where was the lecture held?

Held in a room in a building which is located on 14th Street just...the Harriman Courts apartment house, I forget the street.

Q. Eugin Street?

A. Eugin Street, I think it was.

Q. Was the lecture well attended?

A. Yes, the room was fairly well filled, as I recall. I can not say...ctly but I have a faint impression it was or had some relation to the ...Revolution.

Q. Do you think you could recall the man's name if you heard it?

A. Yes indeed.

Q. Was it Coleman?

A. No.

Q. Was it by any member of the faculty of the Oriental University?

A. Well, I don't know that he was a member, if he was a member I did not. What I recall about it is that this gentlemen was author of a book of... I think he called himself Dr. Arsian Saiti was the title that he gave, ...was his name.

Q. Was that his first or last name?

A. Last name.

Q. Do you know his first name?

A. No I do not, I think it was A. H., if I recall, A. H. Turner.

Q. Do you know whether any list was taken of those in attendance that night?

A. No.

Did you sign any card or anything of that kind as you cam in?

No.

Did you give your name to anybody?

No, I don't think so.

Did you ever sign yourself as a doctor?

No.

Did you ever have the words after your name?

No, sir.

Did you ever write your name in such a manner that your own signature appear to a person reading it casually as though there was an M.D. after it?

No, sir.

Where were you living in 1914?

I was living a few doors down the street on the same block in the, I it was 1334 Quincy Street N.W.

Are you definite that it was 1914 you were there?

Oh no, I am not absolutely sure.

Might have been '15?

I was shortly before the outbreak of the European War.

You mean by that before the war broke out in Europe or our war?

In Europe.

You say shortly before -- do you mean a month or weeks before?

No, I am speaking in terms of years, it was a year or two before

Then it would be a year or two before the war broke out in Europe?

Yes.

Now, when did that war break out?

The latter part of July, 1914.

Then it would be at least 1913 you were there?

Well, it might have been in the spring of 1914.

Did not you say in terms of years?

I said shortly before it, in the early portion of that year it might been so far as my recollection goes. My impression now is it was in the ng of the year and hardly as far back as the fall of 1913.

CROSS EXAMINATION

Do you recall, Mrs. Brez, when you attended the lecture.

Well, I should say about 12 or 14 years ago. It has been so long ago
t just remember.

Have you any way of refreshing your recollection?

No, I have not.

You say it would be about 12 years ago?

Yes.

How many lectures did you attend?

One.

And in what was it?

On psychology.

On psychology -- in what one of its phases?

Well, at that particular time I was quite young and it was quite over
d and for that reason we decided not to attend any more of them.

You don't recall what it was about?

No, I do not.

Were you interested in psychology at the time?

I thought I wanted to be, that is why I went.

Were you doing any private reading?

A little.

Were you attending school at the time?

Yes.

What school were you attending?

I think I was going to a business college then.

And do you recall how it was you happened to go to the lecture?

Well, a group of girls, I think we had seen the school advertised and
d that we might learn something so we thought we would go up there and see
t was all about.

When you went there you went with the intention of joining the school,
t you?

No, not with the intention of joining the school, just to see what it
bout, just fun.

And do you recall the card that you signed when you entered?

I don't know what was on it, no, I think I wrote my name and address

Was there any printing on the card of any kind?

I can not remember, it has been ages ago.

And you thought the lecture was over your head and did not go any

r?

Yes.

Do you remember the man's name who delivered the lecture?

No.

Did you go in the evening?

Yes.

I mean by that was it after 6:00 o'clock?

Yes.

How many were at the lecture, do you recall?

I should say about 15 people.

Where was it held?

14th and Chapin Streets.

(WITNESS EXCUSED)

(MICHAEL C. O'BRIEN)

DIRECT EXAMINATION

R. HASSELL

State your name, Mr. O'Brien?

Michael C. O'Brien.

And your profession?

Attorney at law.

Did you ever have any connection with the Oriental University such as a member of its faculty?

I had a contract with them signed about 1915 to act as a law professor.

Did you ever deliver any lectures or take any part?

No, sir.

Did you ever sign any diplomas?

Yes, sir.

Q. What was your compensation, could you state?

A. After the first two years, if I can recall correctly in about 1915 I had a contract to be a teacher there but I would say about three years later I attended a meeting there,- that was shortly after they moved up to Oregon Avenue, in fact that was in the same year in which I was elected Secretary to succeed the man who was then acting as secretary, and during that time why I signed diplomas, as secretary, for I suppose about one year. Afterwards I was allowed 25¢ each for additional diplomas.

Q. Did you ever correct any papers?

A. Never.

Q. Were the diplomas signed by you brought to your office?

A. Yes, sir.

Q. Did you ever act as recording secretary?

A. No, sir.

Q. Did you ever attend any faculty meetings?

A. No, sir.

Q. Are you connected with the University now in any way?

A. No, sir.

Q. Why did you sever your connections, Mr. O'Brien?

A. I was notified approximately three or four years ago that unless I was an active member they would discontinue my services.

MR. LEAHEY. Unless what, Mr. O'Brien?

THE WITNESS. Unless I was an active member of the faculty.

MR. HASSELL

Q. Was that prior to 1920, January 1, 1920?

A. I am quite sure it was, yes.

Q. You are quite sure it was?

A. I am quite sure.

CROSS EXAMINATION

MR. LEAHEY

Q. Mr. O'Brien, you are a member of the Bar of the District of Columbia Court of Appeals and Supreme Court of the United States, are you not?

A. Yes, sir.

Q. How many years have you been a member?

About 14 years.

And where did you graduate from, Mr. O'Brien?

Georgetown University.

And you have been in the active practice of law for 14 years, have

Yes, sir.

With your office in the Washington Loan and Trust Building?

Yes.

When did you first meet Dr. Holler?

About 1915, was introduced to him by Mr. Keise.

That's the Mr. Keise --

Mr. Keise, yes.

That died three or four years ago.

Yes, 1914.

Was he connected with the school at that time?

I don't know. I believe at that time he represented Mr. Holler in some litigations, that's how I happened to meet him.

And along in that period you signed a contract as professor of law?

In 1915.

And you did not have any students?

No, sir.

And when you say you did not correct papers you mean that you didn't local papers or any others?

None of any sort, no papers whatever.

But you never contracted to correct any local papers?

No papers were ever corrected by me in any way.

Did you know any other members of the faculty besides Dr. Holler at the

I know Mr. Lewis, George T. Lewis.

Any others?

I don't recall any personally, I know I have known Mr. Skinner, who I

e is Dean of the Medical School or something of that sort.

I will show you a contract, Mr. O'Brien, and ask you if that is your

ure (indicating).

A. That is mine.

Q. Tenth of November, 1915?

A. That's right.

Q. LEAHEY. I would like to read the contract into the records.

(READS CONTRACT OF MR. O'BRIEN)

Q. LEAHEY Now, Mr. O'Brien, when you signed that contract, you in good faith

d it, did you not?

A. Yes, sir.

Q. And intended it to be carried out in good faith?

A. Yes, sir.

Q. And intended to live up to the form and letter of the contract?

A. Yes, sir.

Q. You did not enter it with any intention, did you, of awarding diplomas

ple not qualified to practice law, in your opinion?

A. No, sir.

Q. You did not intend to join with Dr. Holler, did you, in selling diplomas

there had been no instructions?

A. No, sir.

Q. Did you ever at any time at all during the years when you were with

oller ever join with him in any way in attempting to sell a diploma where there

s instruction given?

A. No, sir.

Q. And your fees were secured by the tuition paid by the pupil -- as

ssor?

A. Yes, sir.

Q. And one-third to go to Dr. Holler?

A. That was my understanding./ Q. In other words, if the fee was $55 for a

e of instruction, two-thirds of the $55 would go to you?

A. Yes, sir.

Q. And when the contract called for you to give a diploma in law to a

only after you had tested his knowledge by three examinations consisting of

...questions each, you in good faith intended to live up to it?

...that is according to the contract?

A. Yes.

Q. Yes.

In other words at the time that you entered into this contract, did it cross your mind any idea of attempting to give diplomas to pupils who were not properly qualified?

A. No, sir.

Q. And did you bona fide attempt to engage in the work of teaching law honestly and diligently?

A. Yes, sir.

Q. Now, you did not have any law pupils, did you?

A. No, sir.

Q. And I believe you said you never attempted to pass on any papers on any subjects?

A. That is correct.

Q. Do you know Mr. Coombe, William A. Coombe?

A. I know him, yes, sir.

Q. Did you also know he was a member of the faculty at that time?

A. No, sir.

Q. Do you know his signature when you see it?

A. I have seen it quite often, but I don't think I could qualify.

MR. RASSELL. If the Court please, I don't think it is necessary to go into [not] brought out [on] direct. We want to save as much time as we can with these ...ses, we have quite a number of them here --

MR. HEANEY. We can not help --

MR. RASSELL. Now, if the Court please, I object to this testimony.

THE COURT. What is the purpose of identifying Mr. Coombe's signature?

MR. HEANEY. The purpose is this, I can not conceive the purpose of Mr. O'Brien's ...brought here, whether/ it is to show that he never corrected a paper or what. I can ...nceive, but if it is to show that there was a fraudulent scheme, if it is to ...that there was no school, and no faculty and he is brought here to prove that ...s a change to disprove it, and I am disproving it in the only manner I can.

nt to show there was a real law faculty in this school, and this business of
ging here witnesses who testified to questions that --

MR. HASSELL. Mr. O'Brien was not asked any questions on direct as to whether
e was a law faculty. The only question was with respect to his connection with
institution now. I think the cross examination should be confined to that.

MR. LEAHEY. Well I am just asking him questions with reference to his
section, and if it is going to be made the foundation or basis, as I know it
be made of a contention that this talk that there was a law school is all
f, I want to show that there was, I want to show that we had a law faculty
members of the bar in good standing on it. Coombe I know is teaching here
aw schools now and just because he is a professor in the Oriental University they
argue there was not any faculty.

MR. HASSELL. If the Court please, we did not go into the question of Mr.
e's signature.

THE COURT. I think we have to stop somewhere. If you want to produce Mr.
e, it is perfectly agreeable to do so.

MR. LEAHEY. I can't prove any more by Coombe than by identifying that
ture and putting this contract in evidence.

THE COURT. What has this witness got to do with Mr. Coombe?

MR. LEAHEY. Nothing, but they brought him here to show that there was not any
l, they brought him here to show there was not any faculty. They take two
ree names out of forty or fifty and say "Were you a member of the faculty"
e says "No", and therefore there was no faculty.

MR. LEAHEY. Mr. O'Brien has testified his name was taken off the catalogue.

Q. Are you certain now when you severed your connection with the School,
'Brien?

A. I would say over three years ago, and how I conclude that is when they
pay me a quarter for the diplomas I would record it in my income, and I do
ind that income recorded for three years.

Q. You have the knowledge that you did not for instance sign any diplomas
1920?

A. That's the best of my recollection.

Q. Now, as recording secretary, you were elected for a particular term,

not you?

A. My impression is one year.

Q. Now, do you recall whether or not in the year 1919 you were not
ted for the year 1919 and your term expired in 1920?

A. I don't recall, I only attended one meeting.

Q. Now, I show you a complete register of officers and professors under
of January 1, 1920, and I am going to ask you if it does not say there that
term expires in 1920.

A. Yes, it expires in 1920 according to the register.

Q. Can you state whether that is a misrepresentation or not?

A. I don't know anything about it.

Q. You are quite sure you were connected with the Institution up to 1920?

A. That is my best recollection.

Q. And you were connected with it in the capacity of recording secretary?

A. No, I never did any recording work except sign diplomas.

Q. Do you know whether there were any duties as recording secretary at
time?

A. I don't know, I never heard of any.

Q. Did you sign diplomas as recording secretary?

A. No, I simply signed diplomas, I don't know what they termed me, whether
ding secretary or not.

Q. You don't whether that was under your name on the diploma?

A. No.

THE COURT
Q. What diplomas were they?

THE WITNESS
A. They were diplomas for graduates.

Q. What kind of diplomas?

A. Well, law diplomas, medical diplomas, brought to my office.

Q. All subjects, different subjects?

A. Yes, different subjects.

MR. LEAHEY.
Q. You signed the diplomas as a member of the faculty?

A. No, sir, as the secretary.

Q. But you were secretary?

A. Oh yes, I was secretary.

Q. And you signed the diploma as secretary of the Institution?

A. Yes, sir.

Q. Now, of course you had noting to do for instance in passing upon qualifications of students in medicine or anything of that sort?

A. No, sir.

Q. And when you told the Court that you signed as secretary, you signed secretary for the Institution, of the Oriental University which was awarding degree?

A. That is correct.

THE COURT

Q. Sign any law diplomas?

A. I am quite sure there were some law diplomas among them during the years that I acted as secretary.

Q. You signed as professor?

A. No, as secretary. The diplomas were brought to my office, as I say, the professors, sometimes by Mrs. Holler, sometimes by her daughter. Mine is last signature on the diploma.

MR. LEAHEY

Q. They were brought to your office as a convenience to you?

A. I suppose so.

Q. And there was nothing suspicious or wrong about bringing them to your ice?

A. No, not as far as I know.

Q. And I believe you said for your trouble they gave you 25¢?

A. Yes, sir, that was after being secretary for may be a year or two.

Q. Did you get any other salary?

A. No, sir.

REDIRECT EXAMINATION

MR. HASSELL

Q. Mr. O'Brien, what constituted the Law Department of the Oriental versity when you were there?

A. I don't know, sir.

Q. You know nothing concerning the Law Department other than the contract had signed with the Oriental University?

A. Absolutely it is my only knowledge.

RECROSS EXAMINATION

MR. LEAHEY

Q. Now, that has opened up the field, he has asked him what the Law

Q. and I am going to ask him about it.

Do you know Mr. Coombe?

A. Yes, sir.

Q. Do you know what schools he graduated from?

A. No, sir.

Q. Do you know whether he is an active teacher now in other law schools

the District of Columbia?

A. I believe he is a member of some faculty, I believe I read about it

some ago, but I don't recall.

Q. Do you know what his reputation and standing in the District of

mbia is?

A. Yes, sir.

Q. What is it?

A. Very high.

Q. I will show you a contract and ask you if you recognize his signature.

A. That looks like his signature, simply by seeing some of the legal

rs which he has signed.

Q. Having seen his signature before, would you say that was his signature?

A. That is my impression, yes sir.

MR. LEAHEY. I offer the contract in evidence dated the 10th day of May A.D.

1.

MR. HASSELL. If the Court please, might we dispense with the reading of

s?

THE COURT. Is it the same form?

MR. LEAHEY. Yes, same form of contract signed by Mr. O'Brien.

Q. Do you know anything further about Mr. Coombe, can you tell us whether

taught any subjects, or corrected any papers?

A. No, sir, the first impression I had that Mr. Coombe was a member of

faculty was from what Mr. Leahey just asked me, in fact I never saw him there.

Q. Is there any authorization for that item in the catalogue there that

ur term as recording secretary expired in 1920, any authorization from you? have received. The substance of it is unless you attend the meetings and come an active member we will have to dispense with your services.

Q. Could you tell us why you were not active at the time you were there professor?

A. Because I went there with the intention of becoming a teacher. The ct is there were never any law students for me to teach and I simply lost terest.

Q. Was there any work there to be done by you as teacher?

A. There was supposed to be students there, but there were no actual udents there so I could not teach them.

MR. LEAHEY. I would like to introduce this notice to members of the faculty evidence.

MR. HASSELL. No objection.

MR. LEAHEY. (Reads into record the notice to members of the faculty duced by Mr. O'Brien) That is the notice which he said he received and as a ult of which I think you said you severed your connections?

A. No, I never paid any attention, they never came around to see me any e.

MR. LEAHEY. (Reads notice above referred to) (Remainder)

THE COURT. What is the date of that?

MR. LEAHEY. He said he thought that was some time --

MR. HASSELL. That's a mimeograph copy, isn't it?

MR. LEAHEY. I don't know whether it is mimeographed or paragraphed.

MR. HASSELL. It appears from the face of the paper that it is a mimeographed multi graphed notice.

MR. LEAHEY. It is entitled "To Members of the Faculty".

(WITNESS EXCUSED)

(ETHEL L. NUGENT)

DIRECT EXAMINATION

HASSELL

Q. Miss Nugent, the name Ethel L. Nugent is carried in the of resident professors in Washington, D. C. of the Oriental University

gister dated January 1, 1920. The name Miss Ethel L. Nugent, Music, Nurse aining, appears; - were you ever on the faculty of the Oriental University?

A. Well, not to my knowledge. The reason for my occasional visits at e Holler home was because Evangeline Holler was a friend of mine, but I have ver done any active work in their school, I have never given any instruction any kind and I am not a graduate nurse, though for four months I was in lumbia Hospital.

Q. Did you know your name was listed as a member of the faculty of e Oriental University?

A. Well, I did not know that they had a catalogue or anything of that nd until I was called the last time to testify, that was the first time I knew ey had a catalogue.

Q. What is your address?

A. 14 S. St. N.W.

CROSS EXAMINATION

BY MR. LEAHEY

Q. Mr. Hassell asked you a question, if you were a member of the faculty, I think you answered you did not know they had a catalogue.

A. Just what was required to be a member of the faculty, I signed no ntract or papers or anything of that kind.

Q. Let me ask you if you can recall the conversation, - you were a friend Miss Holler's?

A. Yes.

Q. Frequently attended at the home, visiting, one thing or another?

A. Occasionally I visited at the home, but I did not attend any kind of tings at the home.

Q. Well, I am asking you if you visited frequently at the home?

A. Yes.

Q. You knew Mrs. Holler and Dr. Holler?

A. Very well.

Q. And did you not have some musical training?

A. Yes.

Q. How much?

Sacred Heart --

Q. You were a graduate in music?

A. No, I am not a graduate in music. I have no diplomas to that effect.

Q. Have you any voice culture at all?

A. I have.

Q. How many years?

A. About four years, but I have never given any kind of vocal lessons.

Q. Well, I am not asking you that now, Miss Nugent, please, did you at y time have any diploma or as having taken a course in voice culture?

A. No.

Q. Oh, you did.

A. Yes.

Q. Did you ever have any conversation at all with Dr. and Mrs. Holler th reference to making use of that training which you had in music?

A. Dr. Holler asked me if I would teach.

Q. What did you say?

A. I said "Yes" I would, but I never did.

Q. There were no pupils in music, but you did not object when he asked you you would teach music in his school.

A. No, I did not.

Q. You said "Yes".

A. I said "Yes".

Q. And did you later attend any faculty meetings?

A. No.

Q. Do you recall any held at the Washington Loan and Trust Company?

A. I remember one.

Q. Did you attend it?

A. Yes, I was with Miss Holler.

Q. And was that a faculty meeting?

A. Well, I don't know.

Q. Who was there?

A. I don't remember except Professor Holler and Mrs. Holler and vangeline.

Q. You can not recall any others?

A. No, because I was not -- yes, there was a Mr. Lewis, who lives a lf block from me.

Q. Any others.

A. No, I don't remember the others.

Q. Whose office was it held in?

A. I don't remember that.

Q. Would you recall the name if you heard it again?

A. No, I don't think I could.

Q. Was it in Mr. O'Brien's office?

A. I don't remember.

Q. You won't say it was not?

A. Well, I might just as well say it was not, because I don't remember.

Q. You don't have any recollection on the subject at all?

A. I don't have any recollection at all except I was there as a friend of s Holler's.

Q. Had there been any pupils for you to teach, would you have objected to ching them?

A. No, but there was none. I don't know whether there were any pupils or , but I was never asked to come and give any lessons.

(WITNESS EXCUSED)

DR. J. S. RILEY

DIRECT EXAMINATION

MR. HASSELL

Q. Dr. Riley, will you state your name, please.

A. J. S. Riley.

Q. And your address?

A. 1467 Rhode Island Avenue, present address.

Q. What is your profession, Dr. Riley?

A. Physician, general physician, druggist, general with chiropractic and opathy.

Q. Doctor, were you ever connected with the Oriental University as a member its faculty?

A. No, sir. My name appears on that, but that was without any consent

as I remember, only a Dr. G. P. Brown used to be with me, one day he gave my ne in without any discussion, and I just let it rest. I never lectured, that s the way that came about.

Q. Did you sign a contract as a member of the faculty?

A. No, sir.

Q. Did you ever attend any faculty meetings?

A. No, sir.

Q. Did you ever correct any papers or instruct any students for the ental University?

A. No, sir.

Q. Did you ever sign any diplomas for the Oriental University.

A. No, sir.

CROSS EXAMINATION

MR. LEAHEY

Q. How long have you been practicing, Doctor?

A. About 35 years. I have been here about 7 years and in this particular k about 15 years.

Q. Seven years in Washington?

A. Yes, between 7 and 8.

Q. And from what school did you graduate, doctor?

A. Palmer Graduate School, Eclectic School of Medicine, Chicago School of opathy.

Q. Ever attend the University of Texas?

A. Yes, sir.

Q. Western Academy of Science?

A. Yes, sir.

Q. International College of Osteopathy?

A. Yes,sir.

Q. American Academy of Science, Columbian College?

A. Yes. That one is defunct now.

Q. You attended it while it was still active?

A. Yes, sir.

Q. They were all recognized schools, were they not?

A. Well, I don't know about that.

Q. Have you always practiced medicine?

A. I have more or less most of my life.

Q. You have the degree of Doctor of Medicine?

A. Yes, sir.

Q. Have you also a Ph. D.?

A. I have a Ph. D.

Q. You have?

A. Yes, sir.

Q. And a D.P., what does that stand for?

A. Doctor of psychology.

Q. M.D.?

A. Doctor of Medicine.

Q. D.O.?

A. Doctor of Osteopathy.

Q. D.C.?

A. Doctor of Chiropractic.

Q. D.M.T.?

A. Doctor of Mecano Therapy.

Q. F.A.S.

A. Fellow of Academy of Science.

Q. Ph.C.?

A. Philosophy of Chiropractic.

Q. D . H.

A. Yes.

Q. You carry all those degrees. Now, who is Dr. Brown?

A. Dr. Brown is a man who was in my employ for the second and third year hat I was in Washington, who had been through my school in Boston when I was here.

Q. And did you teach a school in Boston?

A. I had a school of chiropractic in Boston.

Q. You operated the school yourself?

A. Yes, sir.

Q. How many years did you operate that school?

A. Four years.

Q. And then you came to Washington from Boston?

A. I came to Washington from Boston, yes.

Q. And Dr. Brown assisted you in Boston?

A. No, he was just a student in Boston.

Q. Now, you say he gave your name to Dr. Holler?

A. Yes.

Q. You knew, of course, he was giving it to him?

A. Not until after he did it, and I just let it go, he was just up there a meeting and he met Dr. Holler and went ahead and made that out at his request, d I let it go; I never attended meetings, did not hear anything, did not know ether I was doing violence to a good thing or not.

Q. He did if you knew about it?

A. Yes, I knew it after he did it.

Q. Did you ever execute any application forms?

A. I don't think I did. If you have got anything of the kind I may have s so.

Q. I will show you a paper writing, and ask if it is in your handwriting?

A. Yes, that is my handwriting, my signature.

Q. That signature was sworn to before a notary public?

A. Yes, I don't have any remembrance of doing so but that is my handwriting a certainty, no question about that.

Q. And those things that I read to you a while ago about the degrees, are I set forth therein?

A. Yes, I have those degrees, either earned or honorary.

Q. So far as you can see from the face of the paper, is there any other writing other than the notary public's that is not in your handwriting?

A. Why, that is Dr. Brown's writing along there, that filling in.

Q. And whose is this here?

A. That is my signature and I wrote those terms.

Q. You wrote those degrees.

A. Yes.

Q. And this is in Dr. Brown's handwriting?

A. Yes.

Q. And when I say "this" I mean so much as follows the space after Applicant has made the following studies"?

A. He speaks of these institutions, he wrote those in.

Q. I wish you would look them over and see if they are correct.

A. Yes, that is right, the Western Academy of Science is in Minneapolis nd the American Academy of Science is in Indianapolis, the College of Osteopathy as in Chicago before it became defunct. Most medical schools ve gone out of business and the universities have taken over the work now.

Q. Do you recall, have any recollection at the time Dr. Brown handed your me to Dr. Holler that you also executed this?

A. No, to tell the truth, I presume it is genuine, but I don't remember king affidavit to that, but those statements are correct there.

Q. That is your handwriting and that is your signature?

A. Absolutely, but I don't remember making the oath.

Q. I offer it in evidence.

A. I don't remember that part. It was all -- it just passed on, I never lped or did anything in the Institution.

REDIRECT EXAMINATION

MR. HASSELL

Q. This is an application for matriculation in theology, is it not?

A. Dr. Brown wanted Dr. Holler to put out a divinity degree and that was e occasion, since you mention it, and arranged it with him to do it.

MR. LEAHEY

Q. Does that refresh your recollection at all, Doctor, as to the time?

A. Why, I remember now that that is the degree that Dr. Brown secured r. Holler to offer me, an honorary degree.

MR. HASSELL

Q. Doctor of Divinity?

A. Yes, I was a minister and had held credentials in the Church.

MR. LEAHEY

Q. And do you remember now at that time of Dr. Brown also stating that r. Holler wanted you to teach on the faculty?

A. No, I don't remember anything about that. I can not recall any consent til after he had done it.

Q. I mean, but you ratified it after he had done so?

A. Oh yes, after he had given it to me and asked me to let it stand, and I just passed it along.

THE COURT. Is that paper in evidence?

MR. HASSELL. I have no objection.

MR. LEAHEY. Yes. O'Brien's contract will be one, Coombe's contract two, Notice to the Faculty three, and this paper four. (Reads Riley's application in part)

There are some words here appears in your handwriting, -- or Dr. Brown's?

THE WITNESS. No, that might be Dr. Brown's, or probably it is a notation from the University, Oriental University, it does not look altogether unlike this (Indicating).

MR. LEAHEY. (Continues reading of Dr. Riley's application form)

That is all.

(WITNESS EXCUSED)

WALTER C. SHERWOOD

DIRECT EXAMINATION

MR. HASSELL

Q. Will you state your name, please.

A. Walter C. Sherwood.

Q. And your address?

A. Washington Grove, Maryland.

Q. Mr. Sherwood, did you ever attend the Oriental University as a student?

A. No, sir.

Q. Never matriculated as a student?

A. No, sir.

Q. The name Walter C. Sherwood with the numeral 15 following appears on page 22 of the Complete Register of the Oriental University of January 1, 1920. Did you know that your name appears thereon or that that name appears there?

A. I did not know until my attention was called to the fact by Miss McCall.

Q. Did you ever write to the Oriental University or ever call there at any time?

A. No, sir.

Q. Did you ever attend any spiritualistic meetings given or held by Mr. Holler?

A. Yes, sir.

Q. And did you give your name at any of those meetings?

A. I don't recollect that I ever gave my name or not, I may have.

Q. Do you recall signing any card that was passed around?

A. No, I never signed any card.

CROSS EXAMINATION

MR. LEAHEY

Q. Do you know Dr. Holler to speak to him?

A. I knew him slightly several years ago. I think that is the gentleman at the end of the table.

Q. Don't you know it is?

A. Sir?

Q. Don't you know that is Dr. Holler?

A. I have not seen him for several years, but I say that looks like the gentleman.

Q. Have you any doubt in your mind that that is Dr. Holler?

A. Well, it might be someone else but it looks just like him.

Q. It would have or else be Dr. Holler?

A. It certainly would.

Q. Were you interested in spiritualism?

A. I was at the time I attended the meeting.

Q. How many meetings did you attend?

A. About 6 or 8.

Q. Six or eight meetings?

A. Yes.

Q. Where were you living at that time?

A. 1323 Eighth Street, N.W.

Q. In 1915?

A. 1915, winter of 1915.

Q. Your recollection is pretty definite about it?

A. Yes, sir, winter of 1915.

Q. And were there other friends of yours interested in it, or were you alone?

A. No, sir, I was alone.

Q. And how did you know Dr. Holler and come to meet him?

A. Just by attending the meetings.

Q. Where did you attend them at the time?

A. 14th and Chapin I think the address was.

Q. And you recall attending 6 or 8?

A. Yes, at least that many.

Q. And at 14th and Chapin always?

A. Same place, 14th and Chapin.

Q. Was it a school room you were in?

A. Yes, sir.

Q. And was Dr. Holler occupying the chair?

A. Yes, sir.

Q. And what was the nature of the lecture that you attended?

A. On spiritualism.

Q. Was it developing spiritualism?

A. Just lecturing on the subject.

Q. What subject,-spiritualism?

A. Yes.

Q. Over what period of time did those lectures extend?

A. How long did they last, each one?

Q. No, I mean were they weekly or what?

A. Every Sunday he had a meeting, every Sunday, and my recollection is once during the week.

Q. Perhaps two a week?

A. Yes.

Q. Counting Sundays and other days in the week, there were perhaps two a week?

A. I did not attend regularly, I just went out when I desired to.

Q. But you recall that that desire came on you for at least 6 or 8 weeks?

A. Six or eight times, yes.

Q. Now, do you recall whether you signed any card?

A. I do not.

Q. Were there others there at the meetings?

A. Oh, yes.

Q. Might you not have signed some kind of card?

A. No, sir, if I had, I would have remembered it.

Q. Did you give your name to anybody?

A. I might have told Mr. Holler my name, although I do not recollect now whether I did or not.

Q. Have you no recollection of giving your name to anybody?

A. No, sir.

Q. Do you recall of ever having formally met Dr. Holler.

A. No, I never met him at any other time except at the meetings.

Q. Can you tell us how Dr. Holler knew your name?

A. Well, it is likely that I mentioned my name, but I don't recollect ving given it.

Q. Now, do you remember when you mentioned your name to him?

A. Well, if I mentioned it at all it was at one of the meetings.

Q. But you can not tell when?

A. What do you mean by when?

Q. When you entered, I mean the first meeting, or when?

A. When I entered -- I did not enter, I simply attended.

Q. Well, when you attended, do you think it was when you first attended?

A. No, I think it was probably afterward, after I attended several

etings.

REDIRECT EXAMINATION

MR. HASSELL

Q. Did you understand, Mr. Sherwood, that you were attending a school

en you went there?

A. No, sir, no school connected with it.

Q. Did you pay any fee?

A. No, sir.

Q. Was it open to the public?

A. Yes, sir.

RECROSS EXAMINATION

MR. LEAHEY

Q. - You knew it was being held in the Oriental University, didn't you?

Post Office Department

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Washington

File No. 36

ORIENTAL UNIVERSITY
Washington, D. C.

Hearing: September 25, 26, 27, 28, 1923.

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ORIENTAL UNIVERSITY
Washington, D. C.

Hearing had:
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& 28, 1923.

File No. 36

Post Office Department

OFFICE OF THE SOLICITOR

Washington

Oriental University

VOL II

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A. I did not know that the Oriental University had any absolute connection with the meetings, I simply attended as one interested in spiritualism.

Q. I know, but didn't you see "Oriental University" on the building?

A. I did not notice any sign of the Oriental University, no, sir.

Q. You mean to say that you did not know you were attending those lectures at the Oriental University building?

A. I did not attend them as being a student, or having any connection with the University at all, I was simply attending a spiritualistic meeting held from the stage.

Q. Do you mean to tell us now that you did not know at the time you were attending these meetings that you were attending them at the Oriental University?

A. In the building?

Q. Yes.

A. At the first two or three meetings I did not; later I picked up a couple of pamphlets or something, and I saw the name "Oriental University" printed on them, and then I concluded this was the Oriental University building.

Q. So when you entered the building you did not know whether you were entering a private residence or a school room?

A. No, sir, I simply knew I was attending a spiritualistic meeting.

Q. How old were you then?

A. At that time?

Q. Yes.

A. Lets see, -- 31.

Q. You are now?

A. Thirty-nine.

Q. I believe you told us it was in a school room, that you attended?

A. Well, you said a class room, -- it looked like a class room.

Q. You know what a class room looks like, you have been to school?

A. Oh, yes.

Q. Did it look like a class room?

A. It looked like a class room, yes.

Q. Now, how was your attention directed to that, how did you know they were

giving lectures at this place?

A. I think I saw an advertisement in the paper.

Q. And what was the advertisement you saw?

A. Well, I can not recollect the exact wording of the advertisement, but it spoke of spiritualistic meetings and it had not anything to do with any lecture or school matter, you might say simply a seance like they give at different places in the city.

Q. Can you give us the name of the paper in which you saw the advertisement?

A. Probably the Star, because that is the only paper I read.

Q. And now can you give us the year?

A. 1915.

Q. And the time in 1915?

A. The winter of 1915.

Q. Do you mean by that, November or February, late or early winter?

A. No, I think in November.

Q. I was the last part of 1915?

A. Yes, sir, I think it was November, I won't be sure.

Q. And you think it was the Washington Star?

A. I think so, I am not positive.

Q. All right.

(WITNESS EXCUSED)

LOUIS SACKS

DIRECT EXAMINATION

MR. HASSELL
Q. Will you state your name, please, name and address.

A. Louis Sacks, 1130 Maryland Avenue, N.E.

Q. What is your business, Mr. Sacks?

A. Druggist.

Q. Mr. Sacks, did you ever attend the Oriental University as a student?

A. No, sir.

Q. Were you ever solicited to become a student and if so, by whom?

A. Why, about 1908, about 16 years ago, or 15, I met Mr. Holler down in

South Washington, over in Southwest, and he led me to believe that he was representing some Oriental University like they have some at Constantinople, and he was a missionary, or something to that effect, It is so long ago that I have nearly forgotten the exact words, but that was my impression.

Q. Did he solicit you to attend or become a student?

A. Well, he was speaking about it.

Q. Did Mr. Holler solicit you to become one of the instructors?

A. Yes, sir, in pharmacy.

Q. Did you accept that offer and become one of the instructors in pharmacy?

A. Well, at first I did, but then when I found out there was nothing to it, that was in about a month or so, and then I gave it all up and did not bother with it.

Q. You say you at first did, did you sign a contract?

A. Not to my knowledge, no.

Q. Did you tell Mr. Holler that you would accept a position as instructor n pharmacy at the Oriental University?

A. Well, I knew the difference between a real university and that, so I ooked into the thing and finally made up my mind there was nothing to it.

Q. So you never definitely accepted any appointment as instructor?

A. No, sir, not definitely.

Q. You say you never attended the Oriental University as a student?

A. I don't know where it is located.

Q. The name Louis Sacks , Pharm.D., with the numerals 10 after it is listed der "Pharmacy Department", a sub-heading under "Medical School" on page 42 of the iental University complete register of January 1, 1920. Did you authorize the sting of your name there?

A. No, sir, I have not seen anyone since the year of 1908 or '09 representing e Oriental University.

Q. And you did not authorize the insertion of your name in this book as one the former students of the Oriental University?

A. Excuse me, what is the meaning of that 10?

Q. I take it that it is the year.

A. Pharmacy, -- I graduated in 1907 at George Washington.

Q. And where did you graduate from, Mr. Sacks?

A. George Washington.

CROSS EXAMINATION

MR. LEAHEY

Q. Mr. Sacks, how did you meet Dr. Holler?

A. Well, I was running a store down in Southwest and he came in to see me and he commenced speaking about business in general, and of course I don't know exactly how it started off about the University --

Q. Did he tell you he had a university?

A. Why no, he was talking about getting one up.

Q. That was in nineteen what?

A. That was in 1908 or '09, I am not positive of the exact year.

Q. He was talking of organizing a university in 1908?

A. Yes, sir.

Q. Did he explain what kind of a university it was?

A. Well, all branches. He claimed they had them in Asia, and if I am not istaken he claimed he was a missionary at that time, and he came to me --

Q. Do you know anything about the University in the East?

A. Of this particular one?

Q. No, about any.

A. What do you mean, any of his?

Q. No, no, no, do you know anything about the universities in Asia, Asiatic iversities?

A. No, I do not.

Q. About the Universities at Constantinople and so forth?

A. No, sir.

Q. You know nothing about them?

A. No, sir.

Q. The only schools you attended were in this country?

A. Yes, sir.

Q. You were then a graduate in pharmacy?

A. Yes, sir.

Q. And now what else did he say to you?

A. Well, you know it is 16 years ago, -- I don't remember. I have never seen him since to speak about.

Q. Did he speak to you with reference to becoming a member of the faculty?

A. He did.

Q. What did you say about it?

A. Well, I said I thought I would consider the matter.

Q. Did you consider it?

A. Well, I don't remember exactly what it was but anyhow we separated. That's all I can tell you. He never showed up.

Q. You only met him once?

A. Oh, two or three times.

Q. Well, tell us about some of these other things that happened.

A. It is so far back.

Q. Well, after he asked you on the first occasion if you would become a member of the faculty and helping the organization he came back the second time?

A. Oh, two or three times.

Q. What was his purpose in coming back?

A. Well he used to stop in at the store.

Q. And what did he talk about?

A. The great things they were doing all over the world that's all I can tell you.

Q. About what?

A. The great things they were doing all over the world.

Q. Did not he talk to you about becoming a member of the faculty?

A. He did, yes, sir.

Q. Did you say you would?

A. I told him I would consider it.

Q. Did you definitely say you would or would not?

A. I did not definitely say either way.

Q. Either way?

A. No.

Q. And then you left him?

A. He left me.

Q. All right, he left you after the third time with your statement that you would consider becoming a member of the faculty?

A. Yes, sir.

Q. And you can not recall now whether you definitely refused or definitely agreed to become a member of the faculty?

A. Well, I did not agree, and I don't remember definitely refusing, either way.

Q. Can you recall where he was located at that time?

A. No, sir.

Q. You don't know anything about that?

A. No sir.

Q. Did he give you the name of the University?

A. Oriental.

Q. That was in 1907?

A. 1908, I think it was eight.

Q. Did he tell you anything about where the universitywas located?

A. He was organizing it then.

Q. Did he say he had any building or anything of that kind?

A. No.

Q. Did you inquire?

A. I did not worry about it.

Q. I am not asking you if you worried.

A. Well, I did not inquire because I did not have much time.

Q. So while you were considering this over two or three visits you never le any inquiries?

A. Well, it was not any loss to me, I did not care whether he had any or not.

Q. Did you ask him whether he had any other members of the faculty?

A. I did not ask anything, I didn't go after him.

Q. You were not interested.

A. No.

Q. But you never told him you were not interested?

A. I told him I would consider it.

Q. Did he tell you what your recompense would be if you became a member of

the faculty?

A. No.

Q. You did not ask him about that?

A. No, sir, I would want to see first --

Q. Did he not tell you what you would have to do as a teacher?

A. Well, in order to teach pharmacy you would have to have laboratories, but he never mentioned that.

Q. And you never inquired?

A. No, I was in business, I did not have any time.

Q. I am asking you whether you inquired.

A. No, sir.

Q. So you had these two or three discussions and never asked him about ll this?

A. No, I know enough about colleges and I did not care to ask any more bout it.

Q. So you knew enough about the University?

A. Not this particular one, but different ones, the requirements, and I ought there wasn't any necessity of me starting up with one that is not on the map.

Q. I thought you said he was going to establish a university similar to stern universities?

A. No, Eastern countries, Asia and Constantinople.

Q. Do you know anything about the universities in Eastern Countries?

A. No.

Q. Or did you say you knew enough about it?

A. Around this Country I said I do, yes, sir.

Q. Did not he tell you he was going to establish one similar to those in s country?

A. He said he was, yes.

Q. When was the first you ever heard of this hearing of the Oriental versity?

A. When I was summoned.

Q. By whom?

A. One of the marshals.

MR. HASSELL. If the Court please, I don't see the necessity of this.

MR. LEAHEY

Q. With whom did you talk?

A. Miss McCall.

Q. Is that the first time you had your recollection refreshed?

A. First time, I had really forgotten the matter.

Q. Did you ever receive any notifications from the University?

A. I don't remember signing any.

Q. Will you say you did not?

A. I won't say positively, I don't remember.

Q. And up until the time you were summoned to the District Attorney's Office in this particular matter you never had any further recollection about it?

A. No, sir, the last time I seen Mr. Holler, I think that it is the gentleman (indicating) was in 1909, I was working at 14th and U. in a drug store, and I saw him in the store and he passed me, and I would not bother to make myself acquainted.

Q. Have you a drug store of your own now?

A. Yes, sir.

Q. Were you informed in any way at all that you were liable to be prosecuted in this case?

A. Well, no, I don't see where I would be prosecuted.

Q. Anything at all about that, anything said on that subject?

A. Not at all.

MISS McCALL. Your Honor, I object, the United States Attorney's Office does not blackmail people.

MR. LEAHEY. I have been a United States Attorney myself, I think I know what they do.

THE WITNESS. Well, I have never been threatened in any manner, shape or form.

THE COURT. Depends a lot on the United States Attorney, I guess.

MR. LEAHEY. Oh yes, that is why I am asking the question.

Q. Did you ever hear of the Oriental University after 1909?

A. I read in the paper, but it was so far apart that I thought the thing was a new one gotten up.

Q. You thought it was a new one?

A. It was so far apart, in 1907 and '08 and then in 1923, or '22, I read something from the paper to that effect but I could not connect the two together until I was summoned.

Q. And you never between 1908 and '22, whenever you were summoned heard of the University?

A. Oh, I heard, -- I saw in the paper about it, but I could not make connections between the one that I was supposed -- that I knew in 1908 and the one I read in the papers about, it was so far apart. I thought the other one was gone out of existence. Then I was summoned and I found they were all one.

Q. So when you read it in the paper you did recall you read about the Oriental University some years before?

A. I did, but I could not connect the two together.

Q. You did not wonder if it was the same institution?

A. I did wonder.

MR. LEAHEY. Now, of course -- is there any contention that he is listed as a member of the faculty?

MR. HASSELL. No,sir, as a student.

(WITNESS EXCUSED)

JOSE A. LLOMPART

DIRECT EXAMINATION

MR. HASSELL.

Q. Mr. Llompart, will you state your name, please.

A. Jose A. Llompart, 119 Rittenhouse Street, N.W.

Q. Mr. Llompart, have you ever been connected with the Oriental University a member of its faculty?

A. Well, one time in 1920, I think it was February 22d, I saw an article the paper, Oriental University wants some teachers, so I went around to see if could do some teaching in Spanish. I was engaged as a teacher of Spanish. Whether needed my services or not I did not do any spcial teaching except preparing a rt course for him one time in Spanish.

Q. You say you were actually engaged by Mr. Holler?

A. That's what I supposed to do.

Q. Did you sign a contract?

A. Whether I did or not I don't remember. I did not pay much attention so I can not prove it that I did or did not.

Q. What compensation did you get, do you recall, for the work that you did perform?

A. After that I used to take care of the Spanish correspondence for him and he used to pay me a dollar an hour, I think.

Q. What was that correspondence, what did it consist of?

A. Some of it was correspondence relative to, information in connection with a subject that Mr. Holler was connected with.

Q. Did you correct any papers of Spanish students?

A. I did not correct any papers, no sir.

Q. Were you ever assistant secretary of the Oriental University?

A. Well, as far as taking care of Spanish correspondence only.

Q. Did you understand at the time you were connected with Mr. Holler and the Oriental University that you held the position of assistant secretary?

A. At that time?

Q. Yes.

A. Well, I did not see -- You know I just went to the Oriental University February and I left I think it was about May or June, I don't know; and after that did not hear anything about it and did not come around any more, so I did not see any catalogues or anything until afterwards when Miss McCall showed me a catalogue her office.

Q. You say you became connected with the University in February, 1920?

A. February 22, 1920, was when I cam around.

Q. And that you severed your connection when?

A. I think it was about May or June.

Q. 1920?

A. 1920, yes sir.

Q. And during that time you never corrected any papers?

A. Except as I said before I prepared a short course.

Q. And did you receive any pay for that?

A. Just the regular pay, a dollar an hour I received for doing this work here.

THE COURT. What was that work?

A. A short paper on Spanish, Spanish lessons.

MR. HASSELL

Q. Was it an outline for a correspondence course?

A. I don't know whether he intended to use it for a correspondence course or any particular course; I don't know, because I would just simply prepare it and that is all. The purpose of it I don't know. I was given the work to do and I did it.

Q. Would you consider that the outline of the course prepared by you was sufficient to enable a student to learn Spanish by correspondence?

A. Well, in a way the course was not complete, only a few lessons was ll I had the time to do because there was correspondence I had to take care of, here were two or three lessons, I don't know just what it was, I think three or our pages I did that particular night. I think it was along the same lines you ould find in any other Spanish course.

Q. Your duties in connection with the Oriental University were largely lerical, were they not?

A. Well, to a certain extent clerical, except in that particular connection sferred to.

CROSS EXAMINATION

MR. LEAHEY

Q. Mr. Llompart, will you tell us, please, what schools you graduated from?

A. I graduated from the University of Porto Rico and I am a student in orge Washington now.

Q. Did you have any course in George Washington?

A. I am taking a course there and expect to get through this year.

Q. What course?

A. Chemical engineering.

Q. How long have you been studying?

A. I have been going after office hours since 1917.

Q. You have been studying three years in George Washington University, udying chemical engineering?

Q. Did you ever teach school before coming to Washington?

A. I did, in Porto Rico.

Q. For how many years?

A. Four or five years, I think.

Q. Did you ever have charge of a school?

A. I was principal of the high school in Adjuntas, Porto Rico, and then of the high and grammar in Guayama, Porto Rico.

Q. And I take it at Porto Rico while you were studying you spoke the Spanish language almost entirely?

A. Well, you know the system in Porto Rico is exactly like the States, except that all our courses are in English except that we have Spanish as a regular course, so that in school you conduct everything in English and in the street everything is Spanish, and at home.

Q. Are you Spanish by birth?

A. Yes, sir.

Q. And you use Spanish at home?

A. I do.

Q. Use it everywhere in Porto Rico except in the schools?

A. Yes, sir; they speak English and they have a Spanish course.

Q. That is taught by a special system they have there, is not it?

A. Yes, that is the system they have implanted there.

Q. So that you should qualify in every way as knowing the Spanish language?

A. I took Spanish in the high school, and Spanish being my own language and I taught it in the high schools in Porto Rico --

Q. So that you are well qualified to teach Spanish?

A. Well, I think I ought to be.

Q. Now, when was this, on February 22d, that you went there?

A. Yes, February 22d, that was Washington's Birthday.

Q. You went there to teach Spanish for Dr. Holler, did not you?

A. Yes, sir.

Q. And you went there expecting to teach Spanish if there were any Spanish students to be taught?

A. Yes, sir.

Q. And you went there in February, did not you?

A. Yes, sir.

Q. And the negotiations were conducted in good faith?

A. Yes, sir, I was engaged and he gave me a paper that stated I was to be a Spanish teacher. Of course, I did not see the use of that paper.

Q. But you did sign it?

A. I signed something, I never paid any attention.

Q. Is this paper in your handwriting?

A. That is my handwriting, yes.

Q. And those set forth your faculties?

A. That is just a true statement of what my qualifications were.

REDIRECT EXAMINATION

MR. HASSELL

Q. Mr. Llompart, did you strike out in this application blank the words "Matriculation Fee" and write in "Spanish Instructor"?

A. I was engaged as a Spanish instructor so I struck that out.

Q. Whose writing is that "Spanish Instructor", is that yours?

A. No, that is not mine -- Yes, it is mine.

Q. This writing as to your qualifications and previous education, is this ours?

A. Yes, sir.

Q. And your name, address, and nationalty and "Spanish Instructor" isn't someone elses handwriting?

A. Yes, you can see that that is different.

Q. And when you went there you went there to teach as a Spanish instructor?

A. That was my intention.

MR. LEAHEY. I would like to read into the record the application form, which is similar to the application form of Dr. Riley.

MR. HASSELL. Might we dispense with the reading of that?

MR. LEAHEY. (Introduces application as respondent No. 5)

Q. Now, do you recall at that time what was to be your fee, or your compensation?

A. I don't know exactly that we talked about that at that particular time afterwards when I started work.

Q. What was that?

A. He paid me a dollar an hour, I think it was.

Q. And this Spanish course, you said you prepared a Spanish course.

A. That was so short you can not really call it a course. There was a few lessons which eventually would have been a course, but that was late in coming you see, and a month after that I left and of course the thing was not finished.

Q. You said something also, didn't you, about your doing some secretarial work?

A. Well, yes, I just attended to some of this Spanish correspondence that he received.

Q. And when was it you left, you say?

A. I think it was in May or June, I think it was pretty near the summer.

Q. Did you tender any written resignation, or anything of that kind?

A. Well, he told me there was no more work in the next few months and there was no need for me to come around. I said, all right. So after that I did not come any more, although I think, I am not positive about it but I have a recollection of having received some cards of meetings of the faculty or something.

Q. Did you attend them?

A. I never did, no sir, I was too busy in school and in the office to attend to it.

Q. I think you said this Spanish course you got up was similar to the Spanish courses in the books?

A. Well, the few lessons I prepared were along the same lines as the courses that you usually find in Spanish text books, I mean in the American schools.

Q. Was it similar to the course you had taught in Porto Rico?

A. No, because in Porto Rico we teach a high grade of Spanish literature to the natives.

Q. And this course was prepared for people just learning Spanish?

A. Just learning Spanish, especially for foreigners.

THE COURT. How much was there of the course?

A. Just a few lessons, I can not say how many lessons.

THE COURT. How many lessons generally?

A. I did all this work at one time, and this work was I think three or four lessons.

THE COURT. How many lessons are usually in a course of this kind?

A. Depends on the authors. One may be longer than others.

MR. LEAHEY. In a standard course.

THE COURT. Is three or four lessons a standard course?

A. Oh no, three or four lessons would be just the beginning of it in any language.

MR. LEAHEY

Q. How far did you get in it, do you know?

A. If I am not mistaken I went through only as far as the pronounciation of the alphabet and the different combinations, and the diphthongs and trithongs, and there I stopped.

Q. If there had been any pupils of course you would have taught them, would not you?

A. If there would have been any pupils and he would have let me teach them as I was engaged for, I would have taught them.

Q. And done your best?

A. Yes, if I had been given the opportunity.

Q. And do you know whether there were any pupils up to the time you left?

A. Well, I could not tell you that because I did not have any basis to see whether there were or were not.

THE COURT

Q. Were you asked to teach any?

A. No, sir, I was not.

Q. How much time did you put in there getting up these few lessons?

A. I think I did that in three or four hours. You know Spanish being my own language and knowing Spanish grammar thoroughly, English grammar too, I did not have any trouble doing it.

MR. HASSELL

Q. Why did you sever your connection with the Oriental University, did you have any particular reason?

A. Well, no, he told me at that time there was no work, no further work, these three or four months, summer months, during the summer he said "There will be no work" and he said the remuneration was not much and I had enough work to do school and office, and I did not need that very much anyhow, so I forgot all about it.

Q. And did you gain the impression at the time you were with the University

that it was an institution of any standing?

MR. LEAHEY. I object to that.

MR. HASSELL. -- An institution of standing.

MR. LEAHEY. I want a ruling on the question.

THE COURT. He has not qualified.

MR. HASSELL. This witness has qualified as having been connected with the faculty of the University and I want to find out something about its standing. He is in a position to testify something about its size, etc.

MR. LEAHEY. Well, no objection to that question.

THE WITNESS. Well, when I went in I saw the ad in the paper, and I was not acquainted with the University or anything, so I thought it was a university along the line of any standard university, so that was my opinion of the University and in the time I was in there I did not do anything along university lines to throw any judgment on the case.

Q. Did you observe the buildings or the class rooms?

A. Well, all my work was by night, and when you go there by night and start right to work right away you don't have much time to look around.

THE COURT. You made no investigation, is that the idea?

A. I did not, because I was not intending to study or anything, I was just engaged as a teacher of Spanish.

(WITNESS EXCUSED)

JOHN W. PERKINS

DIRECT EXAMINATION

MR. HASSELL
Q. State your name please.

A. John W. Perkins, 1309 P. St. N.W.

Q. Were you ever connected with the Oriental University as a member of t faculty, and if so how did you become connected with it?

A. I saw an advertisement in the Star one evening asking for teachers of arious subjects. I wrote a letter to Dr. Holler, I don't remember just what thod of communication I took, whether by telephone or letter, but at any rate went around to see him one evening, and he asked me what my training and

experience had been and after some conversation he said he thought he could use my services. I don't remember signing any contract of any kind, I never went back again. So that is the extent of my connection with the School.

Q. Did not Dr. Holler state to you that the School was a correspondence school and that he could use you to teach foreign languages, do you recall?

A. I believe that he did, I know he told me that there were some students outside of Washington.

Q. You say you never did any work for the University, never corrected any papers or never received any compensation whatever?

A. No, sir.

Q. Did you consent to the listing of your name in the Complete Register of the Oriental University of January 1, 1920, as a member of the faculty?

A. No, nothing was ever said about that.

Q. As a teacher of the German, French and Spanish languages?

A. No, sir.

CROSS EXAMINATION

MR. LEAHEY

Q. Mr. Perkins, you said you saw this ad in the Star and you communicated with Dr. Holler in response to the advertisement, your purpose in communicating with him of course was to become a teacher?

A. Yes, sir.

Q. Had you taught before, Mr. Perkins?

A. I had had six years experience in teaching languages.

Q. Where?

A. One year in a private school in Duluth, Minnesota, one year in a high school at Rising Sun, Minnesota, two years in Jamestown College, Jamestown, North Dakota, and two years in Marysville College, Marysville, Tennessee.

Q. And what did you teach in those places?

A. At Rising Sun, German and English, the other schools German and French, and at Marysville I also taught Spanish.

Q. What schools did you graduate from yourself?

A. From the high school at Rising Sun, Minnesota, from Earlham College Richmond, Virginia, and I have the degree of master of arts from the Northwestern University at Evanston, Illinois.

Q. And what were you doing in Washington at the time?

A. I was in the Government service, translater, I can not state what time this was, what year it was, but I think at that time I was in the Bureau of Chemistry, Department of Agriculture.

Q. And you desired to do this extra work?

A. Yes, sir.

Q. And obtain the extra compensation?

A. Yes, sir.

Q. Did Dr. Holler explain that there was a correspondence school and there were some students outside of the city of Washington?

A. Some pupils.

Q. And do you recall whether you signed an application form for him?

A. I have no recollection of signing anything.

Q. I show you an application form and ask you if that refreshes your recollection?

A. Yes, I wrote that.

Q. Is that in your handwriting?

A. That is my handwriting.

Q. You swore to it?

A. No, I did not swear to it.

Q. Look again.

A. I don't remember swearing to it.

Q. There is a notarial seal in the corner, is there not?

A. Yes, sir.

Q. Is it dated? -- Will you kindly look that application over and see if the information contained therein is correct and in your handwriting?

A. This is in my handwriting. I should say that the date was earlier than that but I did not make any statement before any notary, I am pretty sure of that.

Q. Was that the notarial seal on there, -- you don't recall a man named George Linkins?

A. No, sir, I don't remember him.

Q. What Department is the Bureau of Chemistry in?

A. Department of Agriculture.

Q. Where is the Department of Agriculture located?

A. The Bureau of Chemistry is on 13th Street.

Q. Is that where you were working?

A. Yes, sir.

Q. Do you know where George W. Linkins' office is?

A. No, sir.

Q. Did you have occasion to go to the Agricultural Bureau during that time?

A. Why I was working there.

Q. Where did you say it was located?

A. On 13th Street, Southwest.

Q. Where were you living?

A. I was living at 1311 Rhode Island Avenue.

Q. Have you ever been to George W. Linkins' office at 1719 K. St. N. W.?

A. I have been in there, I went to Linkins' office, he had an office on Pennsylvania Avenue, I believe, to swear to an income tax at one time.

Q. Do you recall having gone to that same office in connection with this?

A. No, I do not.

Q. Do you know Mr. Linkins' signature?

A. No, sir.

Q. Well, you see Mr. George W. Linkins' natarial seal on there, don't you?

A. Yes, sir.

Q. And you see this sworn to before me this 6th day of February, 1920, George W. Linkins, Notary Public, D.C.?

A. Yes, sir.

Q. And it is dated February 2, 1920?

A. Yes, sir.

Q. That your signature too?

A. Yes, sir.

Q. That your handwriting?

A. Yes,sir.

Q. And is the information correct there?

MR. LEAHEY. Like to read it into the record, being the same form offered as Exhibit No. 6,-as the other forms of applications. This is for a professorship of modern language. (Reads)

REDIRECT EXAMINATION

MR. HASSELL

Q. Mr. Perkins, this date of February 2, 1920, on this instrument offered in evidence, is in your handwriting is it not?

A. Yes, sir.

Q. And was that date written the day you filled this blank out?

A. Presumably it was, I have no recollection of filling that out at all.

Q. Do you recall where this was filled out, where you were, whether you were in Dr. Holler's office at the time?

A. As I remember I did not do any writing at all the night I saw him, it must have been afterwards.

Q. And can you recall where you were when this was filled out, whether someone brought it to you?

A. No, I have no remembrance of that at all.

Q. Do you recallhaving filled this out on one date and having appeared before the notary four days later and swearing to it?

A. Well, I don't remember anything about that, that had slipped my mind entirely that I had ever filled out such an application.

Q. And you stated, I believe, that you did not swear to this before a notary?

A. Why, if I did, I had forgotten all about it, I had forgotten that there was such a paper.

Q. Would you recall having filled this out on one day and then having appeared before a notary at an entirely different place four days later.

A. No, I can not remember anything about it at all.

MR. LEAHEY

Q. Could I refresh your recollection a little, Mr. Perkins, by asking you if you could recall bringing the signed application to Mr. Holler's house and he saying he could not accept it unless it was sworn to and that you then took it away?

A. I could not remember anything of that sort, I saw Dr. Holler only once.

MR. HASSELL

Q. Do you remember what you did with this application after you signed it and dated it?

A. No, I have no recollection of it.

(WITNESS EXCUSED)

WILLIAM L. NEWSOM

DIRECT EXAMINATION

MR. HASSELL

Q. State your name, please.

A. William Luther Newsom.

Q. And your address?

A. At present it is 1858 Ingleside Terrace N.W.

Q. Mr. Newsom, did you ever attend the Oriental University at Washington, D.C. as a student?

A. No, sir.

Q. Did you ever answer any advertisements of the Oriental University, or of Dr. Holler in any newspaper; if so about when, if you recall.

A. I am not so sure whether I answered an advertisement or whether a circular came to me. In 1908 or '09 I was Superintendent of Schools at Claxton, Georgia. Now, whether I received a circular through the mails showing the outline of his courses or whether I saw the advertisement in a magazine I don't remember, but at any rate I got in communication with him.

Q. What did you write -- did you write for anything?

A. Why I asked for information regarding his courses of study, which were furnished me in pamphlet form. As I recall the situation now it was about an eight page folder, possibly about four by nine, something like that. That is as I recall it.

Q. Was it sent to you through the mails, do you recall?

A. Yes, that came through the mail.

Q. Information concerning the courses of study at the Oriental University?

A. That is the idea.

Q. Did you follow that up and matriculate as a student?

A. I say, as I recall now, there was two or letters passed between us,

and he outlined some courses of study, I don't recall just what was in the course, and made a proposition by which he would confer a degree upon me for completion of certain work for a certain price. Now, as I recall the proposition it was somewhere around forty odd dollars. The thing has been so long ago, 15 years ago, I just dismissed the thing from my mind. I did not take the course, I know that.

Q. You did not pay any fee?

A. No, sir.

Q. Did you sign any application?

A. I may have signed, you know sometimes you are required to fill out a tentative application, a good many schools ask you about that. I never signed anything of that kind, or I don't recall it.

Q. You never received the course of study?

A. I received the outline, I don't know whether it was meneographed or not, It just showed what subjects I would have to take and the blanks, I think you would have to report your work and the reference texts, that my remembrance after 15 years.

Q. And you did not follow it up further?

A. No, I dismissed the matter, at that time I was pretty busy.

Q. Did you know your name was listed in the catalogue of the Oriental University as a student in pedagogy, Pedagogical Department, if that's the correct pronounciation?

A. I did not until Miss McCall showed me the catalogue sometime ago and I was called as a witness.

CROSS EXAMINATION

THE COURT. Under what head is that name listed?

MR. HASSELL. Philosophical School, Former Students, Exmatriculated, Pedagogical Department, Page 26 of Government Exhibit 7-A.

MR. LEAHEY

Q. You state your name is Mr. Newsom, som or son?

A. Som. A good many who write me spell it with an "e", but that is not correct.

Q. I think you said you received the outline of the course and also the work to be done?

A. Well, I would not say the work, simply a statement of the subjects.

Q. Studies that would have to be completed?

A. Yes, and some blanks on which I imagined the reports would have to be made.

Q. You were asked the question whether you paid any fee, or took any course and I believe you said you were looking toward getting a degree.

A. No, when I first wrote them, when I first come in contact with t hem I had expected to take some work in it, but I concluded very likely his course was not suited to me and dropped the matter.

Q. What were you looking for at that time?

A. I don't recall.

Q. Was it something in reference to pedagogy?

A. Naturally it would be because being a superintendent of schools I would naturally be inclined along that line.

Q. Did you get the degree?

A. Not that I know of.

Q. If you had gotten it you would know of it?

A. I don't know, possibly they might have conferred a degree upon their books and never notified me.

Q. Did you ever receive it?

A. No,sir.

Q. Ever hear of a degree being conferred upon the books of a college and the recipient not knowing it?

A. Not until I saw this one.

Q. Anything in this that shows you have a degree?

A. I don't know until I see it.

Q. Take a look and see if that shows anything about your getting a degree, bottom of page 26.

A. Yes, I see.

Q. Under the heading "Exmatriculated".

A. Yes, I have that degree but did not at that time.

Q. You did not have that degree in 1910?

A. No.

Q. When did you get it?

A. In 1918.

Q. Did you hold an A.M.?

A. Yes, that A.M. there is from Central University.

Q. Now, the Ph.D. is from what University?

A. Washington and Jefferson.

Q. When did you say you got the Ph.D.?

A. 1918.

Now, I want to correct what might be a misunderstanding there. I hold the degree of Doctor of Pedagogy, that was earned in 1907, or '06 from the Western Tennessee Christian College. Now, a good many people who would write me,- you see Pd., with a small d and a capitol P is professor of pedagogy. Now, I suppose that fifty per cent of the people that wrote me would put it Ph.D., because that was not a popular degree. It has become popular since, however, because I believe New York University is now awarding it.

MR. HASSELL

Q. Now, Mr. Newsom, do you know the meaning of the word exmatriculated?

A. I don't know, I suppose it means after matriculation.

(WITNESS EXCUSED)

JOHN A. McLEAN

DIRECT EXAMINATION

MR. HASSELL

Q. Will you state your name and address?

A. John A. McLean, 4523 Kansas Avenue N.W.

Q. Mr. McLean, were you ever connected with the Oriental University of shington, D.C. as a member of its faculty?

A. No.

Q. Do you hold a degree, Mr. McLean?

A. No.

Q. Did you ever, were you ever solicited by Mr. Holler of the Oriental iversity to become a member of the faculty of the Oriental University?

A. I don't know of being solicited by Mr. Holler. I was called on the lephone one evening in reference to the Oriental University and I was asked er the telephone if I were not Prof. John A. McLean. I told him "No" and the

person who was talking seemed insistent that I was the professor whom he had in mind, and finally he asked me if I was interested in the Oriental University and I replied "No", and then he asked me if I would be interested in the work being done by that University and I told him "No", I had no interest whatever -- knew nothing about it. And then he asked me if I were not the Prof. John A. McLean who was a dentist, or had graduated from some School of Dentistry and seemed so insistent upon my admitting that I was Prof. John A. McLean that I remember definitely I felt pretty sore about it and almost hung up the 'phone then. Then the person asked me I would care to come around to the office of this person and talk the matter over, and I said "No", and I hung up the receiver, and that is the last I heard of it.

Q. Do you have any knowledge of your name being written on page four of the register of the Oriental University of January 1, 1920, J. A. McLean, D.D.S., Odontology?

A. Not until Miss McCall showed it to me at her office.

MR. LEAHEY

Q. Are you sure it is your name, now?

A. I don't know.

Q. That's exactly the objection I am making. Nobody seemed to pay any attention. -- Is that your signature, J. A. McLean, on that contract?

A. No.

Q. You never were a dentist, were you, Mr. McLean?

A. I am an electro-type finisher over in the Government Printing Office.

Q. Probably know as much about teeth as the rest of us, don't you ?(Laughter) Let the record show that Mr. McLean says that the contract duly signed J. A. McLean on the 15th day of May, 1912, is not his signature.

MR. HASSELL. If the Court please, I object to the introduction of the contract referred to.

MR. LEAHEY. I am not introducing the contract. I can not imagine better proof of the point I raised before than this. Here we have got it right before us.

What date was this you had this telephone conversation?

A. It is hard to recollect the exact date, it was about three years ago.

MR. LEAHEY. That's exactly what we stumble into when we start from suspicion and try to go ahead without proof.

MR. HASSELL
Q. Did you learn, Mr. McLean, who it was was talking to you?

A. No.

MR. RHOADS. Do you know a gentleman named McLean who is a dentist?

A. No, sir.

MR. HASSELL
Q. Did you understand it was someone connected with the Oriental University talking to you?

A. I gathered that impression.

Q. Was it a man?

A. Yes, sir.

THE COURT. What is the date of that contract, please?

MR. LEAHEY. 1912, signed and sealed by four witnesses,but it is not John D., t is J.A.

(WITNESS EXCUSED)

LESLIE R. STONE

DIRECT EXAMINATION

MR. HASSELL
Q. Will you state your name and address?

A. Leslie R. Stone.

Q. Your address?

A. 1152-17th St. N.W.

Q. What is your profession, Doctor?

A. Chiropractor.

Q. Dr. Stone, were you ever a member of the faculty of the Oriental University of Washington, D.C.

A. Yes, sir.

Q. Will you state how you became connected with the Oriental University nd what your connection was with it?

A. Why I first met Dr. Holler at his University on Pennsylvania Avenue.

Q. When was that, about?

A. I think that was about 1913 or '14, I am not sure which. I met him here, and I was interested in psychology and investigated that subject, and that as what attacted me there. Sometime after that Dr. Holler desired me to go on

his faculty, and I considered the matter, and after a time, I thought he thought he was a good, earnest, sincere man and I thought I would help him out by signing the contract.

Q. Signing the contract?

A. I said contract, -- signing the paper.

Q. Application?

A. Yes, application.

Q. So you consented to teach what subject there, Dr. Stone?

A. Chiropratic.

Q. And did you ever have any scholars?

A. No, I never did.

Q. Did you ever have any papers to grade?

A. No, I never did.

Q. Ever sign your name to a degree or diploma?

A. No, sir.

Q. Did you know that Mr. Holler was using your name in the catalogue for he register?

A. Yes, I had seen my name there and I looked upon it that it might be f benefit, as near as I remember, and I never troubled about it, but about three ears ago, two or three years ago, I received a letter from him stating that those o were not active on the faculty they desired to hand in their resignation, or rds to that effect, so I sent in my resignation because I could not be active on e faculty, I did not have the time.

Q. Did you ask that your name not be used in the catalogues or literature?

A. No, I took it for granted that if he took me off the faculty that it uld not us it after that time.

THE COURT. What year was that?

A. 1912 or 1913 I am not sure which.

THE COURT. When you sent your resignation in?

A. No, I sent my resignation in about two or three years ago, may be less tn two years, may be a year and a half.

MR. LEAHEY. Let the record show, Mr. Hassell, what year you are reading from the catalogue showing he is on the faculty.

MR. HASSELL. The Complete Register of the Oriental University of January 1, 1920.

CROSS EXAMINATION

MR. LEAHEY

Q. Mr. Stone, do you practice your profession here in the District of Columbia?

A. Yes, sir.

Q. And what preliminary training did you have?

A. Why I took a course at the Palmer Gregory College in Columbus.

Q. That is a recognized school of chiropratic, is not it?

A. Yes, sir.

Q. A ~~[illegible]~~ (93) institution?

A. Yes, sir.

Q. Maintains a good reputation, does it not?

A. Yes, sir.

Q. And when did you graduate from that school?

A. In 1912.

Q. And you cam immediately to the city of Washington?

A. Yes, sir.

Q. How long a period of time did you study at this institution?

A. Twelve months course.

Q. Is that the prescribed time for completing a course of chiropractic?

A. No, there is a certain kind of course, but I passed the examination. I had certain experience before going there and of course I was able to get through quicker than some of the other students.

Q. Is that the standard method of teaching that subject, permitting a student to complete the course earlier than the prescribed time?

A. I say, if you pass the examination, -- you see I had taken courses in physiology and anatomy and those things beforehand, which of course allowed a certain time, and of course if I passed the examination that's my privilege.

Q. Now, you recall discussing the matter of becoming a member of the faculty of the Oriental University with Dr. Holler?

A. Yes, sir.

Q. And you then executed a contract with him, did you?

A. I don't whether it was a contract, I know I signed some papers.

Q. May I show you a paper writing, dated the 7th day of June, 1913, and ask you if that is your signature?

A. Yes, that is my signature.

Q. Is that the paper you signed?

A. Must have been if that is my signature.

Q. Like the contract, similar to the contract of Mr. O'Brien and the others hitherto offered, dated June 7, 1913, and signed by Prof. Leslie R. Stone and H. P. Holler, for a professorship in chiropractic at the Oriental University.

A. What date is that?

Q. Seventh day of June, 1913.

A. Yes, I think it was 1913.

Q. Now, I will show you another paper and ask you if that is in your handwriting?

A. Yes, that's all right.

Q. I would like to introduce that in evidence. (Resp 7)

I offer as Exhibit 8 the letter of Dr. Stone, 1152-17th Street, N.W. dated December 29, 1921. (Reads letter).

MR. HASSELL: If the Court please, that finishes our present list of witnesses and at this point we might take an adjournment for lunch.

(WHEREUPON AN ADJOURNMENT WAS TAKEN FOR LUNCHEON AT 12:30 p.m.)

(PURSUENT TO ADJOURNMENT, THE HEARING CAME TO ORDER AT 1:30 p.m.)

A. E. McLAUGHLIN

DIRECT EXAMINATION

MR. HASSELL

Q. If the Court please, we have a few more witnesses we would like to put on. The first is Mr. McLaughlin.

Mr. McLaughlin, will you state your name, please.

A. A. E. McLaughlin.

Q. Did you ever become a student at the Oriental University, take any

course there, Oriental University, Washington, D.C.

A. No, I never did.

Q. The name A. E. McLaughlin with the numerals '14 after it appears on page 12 of the Complete Register of Oriental University of date January 1, 1920, do you have any explanation for the appearance of that name on that page?

A. I never knew it was.

Q. Did you ever attend any lectures in the Oriental University building?

A. I never did.

Q. Ever attend any spiritualistic meetings there?

A. I never attended any spiritualistic meetings of any kind, anywhere, at any time.

CROSS EXAMINATION

MR. LEAHEY

Q. How long have you been in Washington, Mr. McLaughlin?

A. I have been in Washington about 30 years.

Q. Do you know other McLaughlins here?

A. Yes.

Q. And do you happen to know any of them of the initial A. E.?

A. No, I do not.

Q. What is your first name?

A. Aaron.

Q. And you never were a lecturer or anything else at the Oriental University?

A. No, sir.

Q. What do you, Mr. McLaughlin?

A. I am a patent attorney, and attorney at law, and I do some claims business and a little real estate.

Q. Were you in Washington in 1914?

A. Yes, sir, about 11 months.

Q. Did you know a Prof. Coleman at the Oriental University?

A. Yes, I knew Prof. Coleman.

Q. How long did you know him?

A. Oh, I suppose I knew Prof. Coleman for 8 or 10 years.

Q. Did you know him as a professor up at the Oriental University?

A. No, I did no.

Q. Did you know he was a teacher there?

A. I did not, he never told me that he was, he may have been.

Q. Did you ever go to 14th and Chapin Streets, ever attend any lectures up there by Prof. Coleman?

A. Yes, I attended one or two lectures, I believe Prof. Coleman invited me to a lecture of his at that address.

Q. Fourteenth and Chapin Street?

A. Yes.

Q. Do you recall in what building the lecture was to be?

A. It was in a building on the south side of that street, somewhere, I don't recollect.

Q. Do you remember what the subject of the lecture was?

A. To the best of my recollection it was on the French Revolution.

Q. The French Revolution. And how many lectures did you attend on the French Revolution?

A. I don't remember but one lecture.

Q. Any others?

A. No, sir.

Q. Then you are not sure whether that was in the Oriental University building?

A. I did not know that there was an Oriental University building up there.

Q. Did you see outside "Eastern University"?

A. I did not. I got in late and Prof. Coleman was reading from a paper and he was about half through the lecture when I arrived.

Q. Had you seen any advertisement at all of Prof. Coleman's lecture in the paper?

A. No, I had not.

Q. And he never told you anything about it?

A. I met him on the street and he mentioned that he was going to lecture at that place. I had heard him before at the Secular League, and I went up to that lecture.

Q. Do you know John D. Bartlett?

A. Yes, I know Mr. Bartlett.

Q. Was he there that night?

A. I do not recollect seeing Mr. Bartlett there that night.

Q. Ever see him up there?

A. No, I never recollect seeing him there. I have seen him during his lectures at the Secular League. At that time I lived close to the Pythian Temple, and Mr. Bartlett lectured there quite frequently, and I think he was secretary of the Secular League, and Prof. Coleman lectured there.

Q. Do you recall whether at the time you were there that evening you signed any card for Prof. Coleman?

A. No, not to my recollection.

Q. Is your recollection clear enough so that you can say you did or did not?

A. I did not sign anything at that lecture.

Q. Did you at any time?

A. Not that I can recall now.

Q. Do you recall of having given your name or address to anybody, or anything of that sort?

A. No, I don't think anyone asked me to leave my name.

Q. Now, what were your relations with Prof. Coleman? You were friends, were you not?

A. I had heard Prof. Coleman lecture at the Secular League a number of times, and he was quite a profound student of history, and that's how I came to attend that meeting.

Q. How long had you known him before you heard his lectures at the Secular League?

A. Well, I heard Prof. Coleman lecture before I was much acquainted with him and I met an acquaintance of his who had been a student in the same class with Prof. Coleman, and he told me a great deal about Prof. Coleman, and through this friend I got acquainted with Prof. Coleman. He was a very well educated man and an interesting lecturer, and that's how I became acquainted with him.

Q. You do not recall but attending this one lecture on the French Revolution?

A. That is the only one, up on Fourteenth Street. When Prof. Coleman lectured at the Secular League I went around usually if I heard of it. He usually lectured either on socialistic topics, and I recollect he lectured at the Pythian Temple on the French Revolution, I heard him there.

Q. When did Prof. Coleman die, do you remember, Mr. McLaughlin?

A. I don't recollect, it has been a number of years ago, I don't recollect the exact date.

(WITNESS EXCUSED)

JUDSON E. KING

DIRECT EXAMINATION

MR. HASSELL

Q. Will you state your name, Mr. King?

A. Judson E. King.

Q. And your address?

A. Business and residence 1736 Columbia Road, Business Office 637 Munsey Building.

Q. Mr. King, did you ever attend the Oriental University as a student?

A. I did not.

Q. Did you ever, Mr. King, attend any lecture of any sort in the Oriental University building?

A. Yes, sir.

Q. Can you state about what time that was?

A. Some time I think in 1914.

Q. How many lectures did you so attend?

A. I only recall one.

Q. And at that time who lectured?

A. A certain Mr. Coleman, Prof. Coleman.

Q. Do you remember the subject of the lecture?

A. I don't remember the subject excepting this, that Prof. Coleman, not professor by right of being connected with this so-called university by any means.

MR. LEAHEY. I object to that. How does he know about it?

THE WITNESS. Because I knew him before, sir, I knew his history, sir, you can object all you please.

MR. LEAHEY. Now, will you repeat the answer once more, that he never was connected with the Institution --

THE WITNESS. I said he was not called professor by virtue of being connected with that institution, he was called professor before I ever saw him.

MR. LEAHEY. Don't get so angry about it, its a nice day.

THE WITNESS. Keep your ears open.

MR. LEAHEY. I'm keeping my ears open all right.

MR. HASSELL.

Q. Was it night, Mr. King, was it during the evening you attended that lecture?

A. I don't think so, I think it was in the day time, as I recall. Let me finish my general theme, it may serve briefly to tell you my knowledge about Prof. Coleman.

MR. HASSELL. Be glad to hear it.

THE WITNESS. When I first came to this city in 1913 I was told by some friends of mine about this remarkable old gentleman, Prof. Coleman. He was a man who had been in his early days the Attorney General of, I believe, North Carolina, and had traveled a great deal in Europe as an attorney, and he was a great scholar, he would read Greek like English would be read by you and I in a daily newspaper. His great weakness was whiskey, and he ended his days as Indexer to the Congressional Record, and to augment his income, occasionally he gave lectures. He had studied medieval history and was very familiar with the history of the French Revolution and all that sort of thing, and being a man of remarkable intellect I was much interested to get the information which I knew this old gentleman was able to give me. And so some of my friends told me about him, and I met him and went to some lectures which he gave in the Pythian Temple. I recall a lecture on Wycliffe the English Reformer, and such subjects as that, and I simply went there as I would to a lecture anywhere, without reference to any institution at all. There were a couple of young men in the city who were friends of the old man and one of them used to act as a sort of secretary for him and send out notices about these meetings saying that Prof. Coleman was going to lecture on the French Revolution, or some other subject at a certain place, come up if you want to. That is the way I happened to attend that one Sunday, I believe, I will not swear to it, but one time my wife and I went down a couple of blocks from

where we were living at the Olympia Apartment and turned in at this so-called University, and my belief was that he had just gotten a room there to operate in, so we listened to his lecture and went away. That's all there was to that.

Q. Is your wife Dr. Cora S. King?

A. Yes.

Q. You don't understand, I take it from your answer, that you were matriculating as a student in the University when you went to hear Dr. Coleman lecture?

A. I did not. Such a thing is absolutely absurd.

CROSS EXAMINATION

MR. LEAHEY

Q. What are you engaged in?

A. I am Director of the Popular Government League, sir.

Q. I did not get that.

A. I am Director of the Popular Government League of which Senator Owen of Oklahoma is president, a non-partisan institution.

Q. Office 637 Munsey Building?

A. Yes, sir.

Q. Did you know that at the time you attended this lecture that Prof. Coleman was a professor at the Oriental University?

A. I did not.

Q. Do you now?

A. I do not, I don't believe that he was, you would have to go a long way to prove that he was to me, anymore than a dozen other men that you claim are professors that have denied it in my presence.

Q. Now, would you name the dozen other men?

A. I did not say a dozen, I said a half dozen.

Q. As many as you said.

A. I don't want to, I can not name them, give me that list.

Q. I have not the list here.

A. Well, what I remember was Mr. -- let me see that pamphlet.

Q. Here, look that over carefully.

A. I remember them as I said, from meeting them, I met them as the

witnesses at this former hearing, man after man, I don't remember them, and I have no remembrance of their names.

Q. How do you remember they were professors, or not?

A. Well, they told me, they claimed they were at the head of the Department -- he was the man at the head of the Department of Theology. Can you name his name?

Q. You mean Keeley?

A. Yes, that is the one.

Q. Why don't you think/that Keeley was ever a professor?

A. Because he denied it to me.

Q. And his denial was sufficient in your mind?

A. Yes, it was.

Q. Would you like to see Mr. Keeley's contract?

A. Yes.

Q. You don't think he would sign a contract or do anything that was wrong, do you, you remember him pretty well?

A. Pretty well.

Q. Ever see him write?

A. Yes, I have seen him write.

Q. Look that over and see if you ever saw him write John H. Keeley.

A. I could not identify that writing as his.

Q. Look it over.

A. I do not care to.

Q. I want you to.

A. I don't/know that that's his writing.

Q. I thought you said you knew his writing?

A. I do. That does not look like it. I have had two or three letters from him in the course of a few years.

Q. So you are familiar with his signature?

A. Not very.

Q. And you could not tell his writing here?

A. No, I could not.

Q. Let us see, you have had some letters, lets see if you can recognize

his handwriting in letters, Mr. King, read them over carefully.

A. I am not denying that they are not, I am not familiar enough with his handwriting to say that it is.

Q. You say then you do not know his handwriting at all?

A. I would not swear to his handwriting, no.

Q. Now, name some other men that you talked to that you said in your statement we claim to be professors and could not show it. Name another one.

A. I can not name the others now. Now, I simply remember that a large number of people that I met there about a year ago, that's the general impression, general recollection I had after talking with them, they were all surprised to find such distinguished titles conferred upon them and all that sort of thing.

Q. They did not know anything about it?

A. I would not say they didn't know anything about it, but I know they were interested to know they were connected with such profound, sublime, learned institutions as disclosed in this catalogue sent out in the mails.

Q. And you can not recall one of their names now?

A. Not beyond Keeley.

Q. Or otherwise?

A. Or otherwise,--What do you mean?

Q. You said you could not recall them clearly?

A. I said beyond Keeley.

Q. Beyond Keeley?

A. Yes.

Q. Could you by looking over this illustrious catalogue have your recollection refreshed?

A. I don't know that I could.

Q. Won't you glance down the names in the list that appears there and see if you can refresh your recollection?

A. That is immaterial.

MR. HASSELL. Now, if the Court please, I think the witness has stated that he met these gentlemen, some of them, a good many of them the first time, and he only met them and got the general impression about which he has testified.

A. Exactly so.

MR. LEAHEY. We don't want general impressions, we want knowledge, that's what I am driving at.

MR. HASSELL. As a matter of fact the counsel for the respondent will admit that what Mr. King testified to would be hearsay.

MR. LEAHEY. Exactly, but he testified immediately here about Coleman and said Coleman did not belong to the list anymore than about a dozen others that we claim, is not that true?

A. I did not say that.

Q. You said approximately that, you said that they were not professors and immediately mentioned Keeley, is not that true?

A. I mentioned Keeley, yes. My recollection of Keeley's talk to me was of spurning the whole thing, and if Keeley was a professor in this Institution at that time his talk to me did not carry any such impression. That is my impression.

Q. Why did you become prejudiced against the Institution, have you ever investigated it?

A. Because I didn't know it, and at this time it suddenly pops up that my wife's name and my own are listed in this catalogue as "Exmatriculated", whatever that means, God knows I don't, I am a University of Michigan man and I never heard that word before.

Q. Is that the reason you were angry at the Institution?

A. It certainly was.

Q. Did you ever investigate the Institution, or look it up?

A. No, I did not.

Q. And do you know anything about it beyond that?

A. I don't know anything about it except, as I saw it going down the treet day after day and month after month, the Oriental University, and I used o wonder in my mind what kind of a fake that is, because the name "University" s a good name to me and I don't like to see anything that will Beefoul it.

Q. With that wonderment in your mind did you ever take time to investigate :?

A. No, I did not.

Q. You went to a fake university to hear a lecture by Prof. Coleman?

A. I did not go to a fake university.

Q. You did not.

A. No.

Q. Where did you go?

A. I went to a room to hear Prof. Coleman.

Q. You went in the building?

A. I went in the building to hear Prof. Coleman.

Q. You were willing to go into a room in this fake university to hear Prof. Coleman?

A. I did no such thing, I had no idea of doing any such thing.

Q. You went to a school room to hear Prof. Coleman?

A. Sure.

Q. At that time did you think it was a fake university.

A. I did not know anything about it. That was my general impression, it is just one of those psychic things.

Q. Did you jump to the conclusion when you saw your wife's name was in there that it was a fake university?

A. I know no reputable university would put my name and my wife's name down as matriculating or something like that on the strength of going down to hear Prof. Coleman talk there once or twice.

Q. Was it twice?

A. I don't remember. I remember that it was a hot day, if there was another time I don't remember.

Q. Know what time of year it was?

A. No.

Q. Know whether it was day or night?

A. No.

Q. Remember the year?

A. I think it was 1914.

Q. What makes you think it?

A. I think it was about that time.

Q. What is there that keeps that in your mind?

A. Because I remember where we were living at that time, I remember where we moved to early in 1916, I remember I was out most of the time. Your distinguished

catalogue helped me out in remembering that. What is the number of my wife?

Q. Fourteen. Is that the reason your memory is refreshed, because that is in the catalogue?

A. That helps it.

Q. And is not that the only thing?

A. No, sir.

Q. Give me the other things.

MR. HASSELL. If the Court please, the witness stated he lived near there.

MR. LEAHEY. I know, but he stated he moved away in 1916.

A. No, because I was there in 1916.

Q. How long did you live at the Octavia?

A. I did not live at the Octavia, I lived at the Olympia, sir.

Q. How long did you live there?

A. May 1913, to 1916, latter part of 1916.

Q. And if '14 was not in the book there, /could you recall when it was?

A. I could not swear, but it was about that time, in that period. It shows how much importance I attributed to being a graduate of the Oriental University when I could not even remember anything about it.

Q. Does it say matriculate, -- graduate?

MR. HASSELL. Exmatriculate.

THE WITNESS. Yes, will you please tell me what I was, please tell me that, -- define that name, or you Holler, tell me what was an exmatriculate?

MR. LEAHEY. Find your name there as an exmatriculate.

A. Page 12.

Q. Judson King, right there, that is you?

A. Now, if the Court please, I should like to have a definition of what is ment by that term.

Q. You don't know, /I thought you were a university graduate?

A. That's the point, I am a university graduate and a writer and a journalist, and I don't know the meaning of that word, it is not heard in those circles at all.

Q. Did you sign any card up there?

A. There's a thing I have forgotten entirely.

Q. I would like an answer, Mr. Solicitor.

A. I will answer you.

Q. Did you sign any card up there?

A. I don't recall that I signed a card, I may have done so. My wife recalled to me when this matter came up, we wondered how in the name of Heaven they got our names, and she said "Don't you remember they circulated cards around the audience and asked people to sign them, as they frequently do at things of that kind", and I said "Oh, yes it seems to me I do".

Q. What was the card?

A. I don't have the faintest recollection of what the card was. If you have the card I will furnish you with a sample of my writing. I would like to see the writing on that. But we know that all we did was to help Prof. Coleman to have a list of names of who attended his lectures so that he would have a list of his own for the future.

Q. So that you did sign something?

A. I did sign something, yes.

Q. And so did your wife?

A. I won't say that, -- I signed something I won't say the card. Will you do me the favor of showing me what we signed?

Q. Did you, Mr. King, at any time go back to a second lecture?

A. I don't recall.

Q. Will you describe this room you were in, where the lecture was given?

A. I have a dim recollection of climbing stairs on a very hot day, I have a recollection of seeing camp chairs, collapsible chairs. The room I think was on the street side, along the street side.

Q. Fourteenth Street side?

A. Yes, on the Fourteenth Street side, I think it was there. The whole hing is nearly ten years ago. That is all I recall. But as I say, I recall igning nothing myself. I think my wife did, I think she told me she did, I won't ay that she did, but you can readily produce the card. If you can do it, I wish ou would.

Q. Oh, we will do it at the proper time, Mr. King.

A. If the Court please, I just want to tell the gentlemen now that I want

them to get our names off their catalogue.

(WITNESS EXCUSED)

JOEL H. GRAVES

DIRECT EXAMINATION

MR. HASSELL

Q. State your name, Mr. Graves.

A. Joel H. Graves.

Q. And you address, Mr. Graves.

A. 8 Warfield Street, Kensington, Maryland.

Q. And your office?

A. Post Office Department, Stamp Division, Post Office Department.

Q. Mr. Graves, did you ever matriculate as a student in the Oriental University of Washington, D.C.?

A. No, sir.

Q. Did you ever attend a spiritualistic meeting in the building occupied by the Oriental University?

A. Yes, sir, I think it was in the fall of 1914.

Q. And when was this -- Is that the only time you ever went in the building, ever had any connection at all with the Oriental University or any of its buildings?

A. No, I attended Sunday morning meeting there one Sunday, I might have twice. I was never there over three times, never there over twice outside of a spiritualistic seance.

Q. And were all of these connections in 1914?

A. Yes.

Q. Did you register as a student in the Oriental University at the time ou attended any of these meetings?

A. No, sir.

Q. You said you never took any course at the Oriental University, I lieve?

A. No, sir.

Q. Did you know your name, or the name J. H. Graves, followed by the

numerals '15 appeared on page 22 of the Complete Register of Oriental University, Phychic Science College, under the heading "Former Students Exmatriculated".

MR. LEAHEY. I object to that because he used the word "Your" name, knowing no identification of it.

MR.HASSELL. I said "The name J. H. Graves".

A. Not until about six weeks ago.

Q. Do you recall, Mr. Graves, any cards or giving your name and address in any way at the time you attended any of these spiritualistic meetings?

A. I don't recall having done so but I would not say that I did not do it, I may have.

CROSS EXAMINATION

MR. LEAHEY

Q. Have you any recollection of signing anything?

A. No, my recollection is that there was a young lady came around in the meeting one Sunday morning with a book and asked me if I would give her my name. The roung lady looked like she was probably 20 years old.

Q. Do you recall what she said as to why she wanted your name?

A. No, just asked me.

Q. Were you interested in Spiritualism at the time you attended the meetings?

A. Why, I had been studying it, yes.

Q. And how did you happen to go there?

A. Why, I passed along on the street car and saw the sign "Oriental University" and having lived in the Orient for 10 years I was naturally interested in things oriental and went out of curiousity to see what it was about in connection with the Orient.

Q. And did you know at the time you were going there that it had any connection with spiritualism?

A. No, I did not know it had any connection.

Q. What time did you go?

A. One Sunday morning.

Q. Was that the spiritualistic meeting?

A. About 11:00 o'clock -- [redacted], --

Q. I mean, now, about the spiritualistic meeting.

A. Oh, that was after I had gone there one Sunday morning.

Q. You knew there was to be a spiritualistic meeting?

A. I knew there was to be a spiritualistic seance the same Wednesday night following the same Sunday morning, and I was asked to attend and I did.

Q. Did you inquire about it and get that information in response to an inquiry?

A. No, I did not inquire, it was announced.

Q. Announced at the meeting?

A. Yes.

Q. Now, when was it, having seen the Oriental University you went in and inquired about it?

A. Oh, I lived out that way and the street car passed there every day and just seeing every day I made up my mind I would stop in there some day and see what it was.

Q. And was that the occasion of your first Sunday visit there?

A. That was the occasion of my first visit, yes.

Q. And did you take up the question of what the University was doing?

A. I found it, I did not have to take it up.

Q. I mean did you go further and inquire what it was, other than attending that Sunday?

A. About the University?

Q. Yes.

A. No, there was not anything said about it being a university or anything like that.

Q. What was the Sunday service?

A. It was about how Germany was going to win the world and take charge of things generally and run things.

Q. That was in what year?

A. 1914.

Q. Had the war then broken out?

A. It broke out, I think, between Germany, -- over in Europe, but I don't think this country was in it, no.

Q. I mean, now, about the spiritualistic meeting.

A. Oh, that was after I had gone there one Sunday morning.

Q. You knew there was to be a spiritualistic meeting?

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Q. Yes.

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Q. What was the Sunday service?

A. It was about how Germany was going to win the world and take charge f things generally and run things.

Q. That was in what year?

A. 1914.

Q. Had the war then broken out?

A. It broke out, I think, between Germany, -- over in Europe, but I don't hink this country was in it, no.

Q. Was this a lecture and church service, or anything of that kind?

A. Well, it was a kind of sermon, and they had a phonograph there, and this gentleman sitting next to you --

Q. Mr. Holler?

A. I think that's his name, I have learned since that is his name, I did not know it at the time, he wound up the phonograph there, and some spirit talked in his ear, I suppose, and he talked in the phonograph and he got a permanent record of a spiritual message. That was the first time.

Q. What interested you to go back the second time?

A. Curiousity to see what all was going on. I was making a study, I had been making a study of psychology and Oriental religions for about four years, I had been studying it considerably at home, and I wanted to see whether there was anything to that down there.

Q. Is that the reason you went back the second time?

A. Yes.

Q. And how far apart were your visits?

A. Well, I think, since I recollect it was on Sunday morning, and it was either the following Wednesday or the following Wednesday after that that they had a seance. It might not have been the immediate Wednesday, it might have been the next.

Q. What Sunday was it?

A. It was a dark room seance and I had never attended one and I wanted to attend one and see what took place at them.

Q. What Sunday was it after the first Sunday that you attended?

A. Well, then I went there another Sunday, I would not say just how far apart that was, but immediately following or probably two or three Sundays intervening, I can not recall.

Q. You can not recall how shortly after you went back the second time?

A. No, but I know it was in six months because my wife was away and when he came back --

Q. What happened the second time?

A. About the same thing they did the first time.

Q. You have a pretty clear recollection of it, have not you?

A. Just the sermon. I could not go into detail on that, I have a clear recollection generally of what took place.

Q. Now, what was the subject of the sermon the second time?

A. The subject -- I could not recall the subject of the sermon -- I know it had something to do, my recollection is that both Sundays it went rather forcibly into the fact that the German people were going to conquer the world and would have the running of things then.

Q. How many people were there?

A. I don't mean to say by that that there was anything in connection with this country, it was just a general statement praising the ability and thrift etc. of the German people and that they would ultimately conquer the world.

Q. How many people attended the services?

A. Lets see, now, the room I think, my recollection is it was about twice the size of this and it was a fair sized audience in there. I should judge there were over a hundred people in there.

Q. Do you know whether that room was on the first floor or second floor?

A. I was not on the first floor, I do not recall whether it was the second or third though.

Q. Do you recall whether it was on the Fourteenth Street side or on the Cahpin Street side of the building?

A. We entered on the Chapin Street side, and it seems to me like we went up some stairs that turned immediately going out. The stairs were west, then I think we came right back east, so that it must have been on the Fourteenth Street side of the building, that room.

Q. Did it look like a lecture room?

A. It looked like a room for an audience, they had chairs, I think, collapsible chairs mostly, likely any theater or moving picture place. It looked like a lecture room.

Q. Did you meet anybody there whom you knew?

A. No, I did not.

(WITNESS EXCUSED)

DR. JAMES C. JONES

DIRECT EXAMINATION

MR. HASSELL

Q. State your name please.

A. Dr. James C. Jones.

Q. What's your address?

A. 746 Nineteenth Street, N.E.

Q. Where are you employed?

A. I am with the Treasury Department, Branch of the Bureau of Engraving.

Q. What is your work over there?

A. My work?

Q. Yes.

A. Well, I look after the Internal Revenue Division part of it, that is putting up those stamps, in fact I put the seal on them, the seal of the Government.

Q. What is your status there, what are you, a clerk or laborer or messenger?

A. We are classed as clerks, or skilled helpers, something in that line, clerical skilled helper.

Q. Were you ever a member of the faculty of the Oriental University?

A. A very short while.

Q. How did that come about?

A. I don't know now, Mr. District Attorney, I tell you how I think that all come about, I can state. This gentleman, the Rev. Holler, came to my house four or five times, I don't know how he got my name unless he got it on some advertisement like this (indicating) he came to my house three or four times in my absence and requested me that he wanted to see me, that he wanted me to be one of his teachers, and he written me a letter after that, a little card or something asking me to call. Well, I called and he asked me would I teach for him.

Q. What did he want you to teach?

A. Pharmacy.

Q. What did you do after that, what was the agreement or arrangement, how much salary were you to receive?

A. No salary at all, none whatever.

Q. What were your duties after that?

A. Sir.

Q. What did you do?

A. Well, I gave a lecture, a desecration (sic), and I give the first one to him, the original.

Q. You wrote this.

A. I delivered one lecture and the second time I called at his place there was no one at home, no one there at all. That settled the lecture business. I didn't go any further.

Q. You didn't go any more?

A. No, sir.

Q. This lecture that you delivered was something that you wrote, was it?

A. Originally he wanted something original, he did not want something copied from no text book.

Q. What was the subject?

A. Oh, I can't remember now, I guess it was pharmacy, everything included in pharmacy, materia medica, therapeutics, something like that, I can't remember those things.

Q. Did you ever correct any papers of students, or ever have any students?

A. One paper.

Q. There at the Oriental University?

A. One paper.

Q. You corrected one paper?

A. However, Dr. Kenner, right across the street, he was the Dean, or acting Dean, something like that, they had him down as acting Dean, and he would pass over the papers first and then, -- or I would come first and then he would come after.

Q. And you got one such paper?

A. One paper, that's all.

Q. Did you ever attend any faculty meetings?

A. I don't remember except I came there one evening and stayed a half hour, nor more, about this time of year, I think, I have forgotten now.

Q. How many others were there?

A. Oh, a big bunch, I can't recall, it was some years gone by. Its a long while.

Q. What did you do that evening, do you recall that?

A. Well, they discussed some little matters, I can't recall what they discussed on.

Q. Were there any students there that you recall?

A. I don't know, sir, any students? Of course there was a lot of people there like there is around this table.

Q. Were any papers passed on by the faculty?

A. I don't know, I did not stay long enough, I just stayed about twenty minutes.

Q. Did you e ver sign any diplomas?

A. I did one.

Q. What was that for?

A. Pharmacy. One or two. I don't remember much about it, it was not over two, I don't think.

Q. Are you a graduate of pharmacy?

A. Yes.

Q. Where did you graduate?

A. Ohio Institute of Pharmacy.

Q. Whereabouts?

A. That's my home.

Q. What county?

A. That Marietta, now, some other school.

Q. Where is it located, when did you attend it?

A. Columbus.

Q. Columbus, Ohio?

A. Yes.

Q. When did you attend it?

A. When did I attend, what year?

Q. Yes.

A. I have forgotten now.

Q. How long did you go there?

A. About two years.

Q. Only two years, two full years?

A. Yes.

Q. What did you study there?

A. Pharmacy.

Q. What studies in connection with pharmacy?

A. That takes in pharmacy, materia medica, therapeutics, chemistry, physics, and all that.

Q. What degree did you get from this school?

A. Pharmacy doctor.

Q. Doctor of pharmacy?

A. Yes.

Q. Are you licensed to practice pharmacy in the District of Columbia?

A. Sure, i have practiced for 25 years in the District of Columbia. That's the reason Mr. Holler found me.

Q. Are you an M.D.?

A. Yes, sir.

Q. And a doctor of pharmacy also?

A. Yes.

Q. Where did you get the M.D.?

A. In Baltimore, Medical and Surgical Institute, Maryland.

Q. Medical and Surgical College of Baltimore?

A. Yes, sir.

Q. When did you attend that?

A. I attended that I think away back in 1903 or '04.

Q. How long did you go there?

A. The complete course, four years.

Q. Have you passed the examination, are you a licensed physician in the District of Columbia?

A. No, I am a licensed pharmacist, but I am a licensed physician in my own state, Michigan.

CROSS EXAMINATION

MR. LEAHEY

Q. You say you have been practicing pharmacy in the District about years?

A. No, I did not say about 25 years -- mighty long time -- about 20 years

I have been.

Q. Where is your drug store?

A. 19th Street, 746 19th Street N.E. I have been a notary public 15 years, over three terms.

Q. Now, you say you met Dr. Holler and he wanted you to act on his faculty?

A. Sir.

Q. I say, you met Dr. Holler?

A. He came to my place, I didn't want to bother with it but he kept on and telephoned once or twice and begged me to accept it and I asked him to excuse me several times and he said he would like to have me --

Q. Now, when was it you started to work for the Government?

A. President McKinley put me in the service I think just after he was elected.

Q. You were then working for the Government and you were running a drug store?

A. Yes, sir.

Q. You have /your drug store open at night?

A. That is true -- in the evenings.

Q. Do you have it open in the daytime also?

A. Yes, sir.

Q. And Mr. Holler came out to see you in the night time?

A. Came to see me in the daytime, in my absence.

Q. And was it -- then when did he come the second time?

A. He came the second time in my absence too, he came three or four ifferent times in my absence, then finally he called me on the 'phone one night nd I replied to it, and he asked me to come up, and I asked him to excuse me, I id not care about it because I was busy over there teaching in the Medico hirurgical, that training nurse school.

Q. How long had you been teaching on that faculty.

A. Oh, I guess since 1904, something like that.

Q. So you have been teaching over there in Baltimore?

A. Yes, I taught over there.

Q. And finally you signed a contract to teach for them?

A. Sir.

Q. Finally you signed a contract to become a teacher up here?

A. Yes.

Q. With Rev. Holler, you mean?

A. He had me sign some kind of a paper, I think it was a contract.

Q. And you say you had one paper submitted to you through Dr. Kenner?

A. Sir.

Q. You say you had one paper submitted to you through Dr. Kenner?

A. No, he is supposed to have had this paper first and viewed it himself, or whatever it may be, and then he passed it on to me, or possibly I passed it over to Dr. Holler and he passed it over to him.

Q. Did Dr. Holler pass the paper to you?

A. I think he passed it to me, I am not positive.

Q. Did you say you passed it to Dr. Kenner or Dr. Holler?

A. No, I just returned it back after I got through with it.

Q. Did you look it over, examine the paper?

A. I examined it.

Q. What was it, an examination paper?

A. An examination paper.

Q. Do you remember it pretty well?

A. No, I don't remember, I can't think of all those things right now.

Q. Do you remember whether the student passed or failed?

A. Well, he passed.

Q. He passed?

A. Yes.

Q. And was it in pharmacy?

A. In pharmacy.

Q Do you recall what year that was?

A. I don't know sir, I don't remember.

Q. Do you remember how long ago?

A. Oh, it was quite a little while.

Q. Can you tell me whether it was five years or ten years?

A. I can not say that, Mr. Attorney, because I don't remember, I like to be truthful on the matter.

Q. Oh, I don't want you to try to remember anything you can't recall but can you give us any definite information. I think you said you delivered one lecture?

A. One lecture.

Q. That's all you were called on to deliver?

A. I don't know how many papers are delivered, one or two. They consisted of these different subjects, that is, I mean to say the items were together, in other words one subject -- when one paper would not cover the whole subject it would may be take six papers.

Q. When you say you delivered a lecture you mean you talked to somebody in the class room, or what?

A. No, I delivered it to him and it was supposed to be delivered through him to Dr. Kenner.

Q. Dr. Kenner?

A. Yes, he was acting Dean.

Q. So when you say you delivered a lecture you mean / you wrote up a lecture and turned it over to Dr. Holler and he was supposed to turn it over to Dr. Kenner?

A. Yes -- No, I had no track of it after --

Q. You don't know what was done with it?

A. No, sir.

Q. What were you paid for that, if you remember?

A. Sir.

Q. Did you get paid for that?

A. Five dollars.

Q. Do you recall any other than that one?

A. No, I can not recall. Only one time I went there and he was not in and I went a second time and I found some one home and I left it. There were only two papers, one or two, I can not remember which, on pharmacy.

Q. Now, you say you don't remember but one faculty meeting?

A. Only one -- I didn't attend over twenty minutes.

Q. You were present?

A. I had an excuse --

Q. Where was it held?

A. I can't think of the number of the house now -- in Dr. Kenner's house.

Q. Was it on Oregon Avenue?

A. Yes, sir.

Q. And what time was it held, day or night?

A. I don't know, it was between eight and half past, I can not tell you the minute or second of the hour, but I know I got excused within twenty or twenty-five minutes.

Q. How many were there when you got there?

A. Oh, lots of people were there, I don't how many.

Q. Well, ten, twelve, twenty, give us approximately your best recollection.

A. A nice little bunch.

Q. How many in a bunch?

A. I don't know, perhaps there would be a hundred in a bunch.

Q. Were there a hundred?

A. Oh, no no.

Q. Were there twenty?

A. I don't know.

Q. Were there as many as there are around the desk here?

A. I don't know, I could not say because I would not be saying it right.

Q. Do you remember the names of any of the people you met?

A. No.

Q. You don't know anything about it?

A. No.

Q. Do you remember what year it was you became a member of the faculty?

A. No, sir, I don't remember that.

Q. You don't remember?

A. No, sir.

Q. I show you a contract and ask you if that refreshes your recollection, Mr. Jones, just glance at it and see if that refreshes your recollection?

A. Yes.

Q. Is that it, is this yours?

A. Yes, that's mine.

Q. That's yours?

A. Yes.

Q. That's your signature?

A. Yes.

Q. This your writing up in here?

A. Yes, sir.

Q. I offer in evidence that contract and I believe it will be numbered respondent's exhibit No. 9, dated the 20th of September, 1919 (Introduces in evidence reading in part).

A. Yes, sir.

Q. Have you a master of arts degree?

A. Yes.

Q. From what college?

A. I have an honorary degree given me by the Medico Chirurgical

REDIRECT EXAMINATION

MR. HASSELL.
Q. Will you spell that term "Medico Chirurgical"?

A. M-e-d-i-c-o C-h-i-r-u-r-g-i-c-a-l.

Q. You have a master of arts degree from that institution?

A. Yes, sir.

MR. HASSELL. That's all.

(WITNESS EXCUSED)

PATRICK F. DOWNEY

DIRECT EXAMINATION

MR. HASSELL.
Q. Will you state your name please, Mr. Downey?

A. Patrick F. Downey.

Q. And your address?

A. 3548 Tenth Street, N.W.

Q. Mr. Downey, you were connected with the Oriental University as a member of its faculty, being assigned to the so-called Classical College of the Oriental University, were you not?

A. Well, I don't remember in that connection. I do remember of attending a meeting on Pennsylvania Avenue at one time, and they elected me secretary.

Q. When was that?

A. Oh, that was, I could not recall now just how long ago that was.

Q. 1913?

A. Around about then, yes, and that was in connection with a penman.

Q. What is your business, Mr. Downey?

A. I am a special expert employed in the United States Veterans Bureau.

Q. Are you an engrosser?

A. Yes, sir.

Q. Did you ever grade any papers for the Oriental University as a member of its faculty?

A. No.

Q. Ever attend any of the faculty meetings?

A. I can't recall.

Q. Did you ever receive any compensation as a member of the faculty of the Oriental University?

A. Never.

Q. Did you know you were listed as one of the doctors in the Classical College of the Oriental University?

A. I did when my attention was called to that fact.

Q. Do you recall whether you authorized Dr. Holler to list you in the Classical College?

A. No, I did not.

CROSS EXAMINATION

MR. LEAHEY

Q. What page are you on?

MR. HASSELL. Page six.

MR. LEAHEY. What is he listed under?

MR. HASSELL. Classical College, one of the professors. Also appears on page four.

THE WITNESS. The only thing in that connection, -- I don't know whether it would clear it up any or not, -- Dr. Holler offered me a contract on one occasion

and I don't know whether I signed it or not, but he was to pay me 60 per cent if I would teach penmanship in connection with that institution, and I told him it would be very acceptable to me, I would teach all the pupils he could get for me, whether that would entitled him to list me under that heading I don't know.

MR. HASSELL. Did you ever teach penmanship?

THE WITNESS. I have taught individuals, but not in any college.

Q. I mean in connection with the Oriental University?

A. No, I did not, I did not get any scholars.

MR. LEAHEY.

Q. Mr. Downey, you are listed among the professors as an expert engrosser.

A. Oh, in the main --

Q. That is correct?

A. That is correct, yes sir, absolutely.

Q. And the particular classes in which the penmanship came in, whether college or otherwise, you had nothing to do with it?

A. No, sir.

Q. And you did say, did not you, that if there were any pupils you would be glad to teach them for 60 per cent, or two-thirds?

A. Yes, sir.

Q. I don't think I'll have to ask you whether you are an expert penman after looking at that signature, Mr. Downey.

A. That is my signature.

Q. If I could write like that I would have all the girls in the world.

A. At the present time, I am employed as an expert working up diplomas for rehabilitated veterans, I am specially employed for that specific purpose. I am the official engrosser for the Catholic University and the George Washington University, I am official engrosser for both institutions.

REDIRECT EXAMINATION

MR. HASSELL

Q. Is your name listed in the George Washington University catalogue?

A. Oh, no.

Q. Or in the Catholic University catalogue?

A. Oh, no.

Q. You are not listed on the faculty of those institutions, are you?

A. No, I am merely employed to do their engrossing.

RECROSS EXAMINATION

MR. LEAHEY
Q. You don't teach penmanship or engrossing in either place, do you?

A. No, I am kept too busy.

MR. HASSELL
Q. Were you employed by the Oriental University to engross diplomas?

A. To engross their diplomas, yes.

MR. LEAHEY
Q. And in this contract you were also employed to teach penmanship in case any pupils came?

A. Yes.

Q. I offer this contract (Respondent's Exhibit No. 10)

Do you recall, Mr. Downey, I wonder if you could refresh your recollection, do you recall at the time Mr. Holler spoke to you about that him saying he was going to try to start a school of penmanship in connection with the University?

A. Yes.

MR. LEAHEY. That is all.

(WITNESS EXCUSED)

MR. HASSELL. Now, if the Court please, we have a number of other witnesses listed on Government Exhibit No. 10, but having such short notice to be called to this hearing, I have been unable to get them. Their testimony will be along the lines of those already produced, which in each instance is borne out by Government Exhibit No. 10, the interviews had between these witnesses and Miss McCall.

MR. LEAHEY. Well, does that mean you are going to rest content with Government Exhibit No. 10?

MR. HASSELL. Why, if the Court desires it, we will endeavor to get additional members of the faculty and students, but we are unable to get them today.

MR. LEAHEY. Well, I would not want to rest content that Government Exhibit No. 10 bears out the testimony if the testimony is that any of the members of

the faculty did not sign contracts and were not duly retained as members of the faculty, because I think we have proof that some of them were even surprised by the fact they had signed.

MR. HASSELL. I don't think that this exhibit would go so far as to show that these witnesses did not sign at some time a contract of the Oriental University, most of them.

MR. LEAHEY. Because, take for instance Perkins, Perkins forgot all about the fact that only three years ago he had signed up.

MR. HASSELL. The material part of this exhibit tends to show that reputed members of the faculty had very few if any duties in that connection.

MR. LEAHEY. Well, I have not examined that further.

MR. HASSELL. As Government Exhibit No. 11 I offer a file of papers consisting of two letters on the letterhead of the Oriental University (Introduces Government Exhibit No. 11, 11-A, 11-B, 11-C).

MR. LEAHEY. Now, is there any proof that ever was sent?

MR. HASSELL. This is a paper that was sent to the Department, to the Post Office Department, by Mr. John E. Fleming, this file. The reference to the Chief Inspector's Office by the proper Bureau of the Department is not attached.

MR. LEAHEY. Is there to be any testimony that that came in?

MR. HASSELL. I take it that Mr. Fleming is located at Lynn, Massachusetts, and this is signed by Mr. Holler.

MR. LEAHEY. How do we know that it ever got to Mr. Fleming?

MR. HASSELL. It might be well to state that another post office inspector was engaged on this case besides the one we have here, and this is one of the papers that was secured by him.

MR. LEAHEY. I think we ought to have some testimony on that.

MR. HASSELL. We may be able to secure the envelope in which this was mailed, if so, we will do so.

MR. LEAHEY. I think the admissibility ought to be determined on that point.

MR. HASSELL. If the Court please, it is not required under Sections 3929 and 4041 that representations contemplated thereby be transmitted through the mails. Representations may be transmitted orally and still be within the statues.

MR. LEAHEY. Sure, I know that, but you have got to prove the representations.

THE COURT. How did this letter get into the Department?

MR. HASSELL. It was secured by one of the early inspectors on this case.

MR. LEAHEY. I object to it until we get some more evidence in the case than that.

THE COURT. Got anything to connect it up?

MR. HASSELL. Is counsel not content that this is a letter on the letterhead of the Oriental University and duly signed by H. P. Holler, President?

MR. LEAHEY. I don't know, I did not see it, I don't know anything about it, all I know is that ###### you picked it up and read it (Examines paper). Still the same objection, no proof of it.

MR. HASSELL. Counsel stands on the technical objection that there is no absolute proof showing that this letter passed throughthe mails. Will the Court rule whether it is necessary to show whether this identical letter, or letters, actually passed through the mails.

MR. LEAHEY. Because you have offered that as having passed through the mails. You passed up the major question.

MR. HASSELL. I offer them as addressed to John E. Fleming, 14 Central Avenue, Boston, Massachusetts, of different dates, written by different stenographers and written in a different style, one written March 17, 1921, and both signed H. P. Holler, President.

MR. LEAHEY. If they are offered solely for the purpose of showing two letters, without any claim having been made that they were ever deposited in the mails or received by Mr. Fleming and returned here I have no objection. If they are offered as having been inserted in the mails and returned here, there is an objection.

THE COURT. Is there any contention that they are not genuine letters?

MR. LEAHEY. I don't know, I can't answer that right now.

THE COURT. There is only way they could come before the Department. One is submitted by the writer and the other is by the addressee.

MR. LEAHEY. I stand on the objection, if the Court please.

THE COURT. Does the respondent deny the writing of that letter?

MR. LEAHEY. I am making no denial.

THE COURT. Unless he does, they will be admitted.

MR. LEAHEY. I don't consider that we have to make a denial, I think it is up

to the Government to prove it. I never heard it asserted that the respondent had to deny anything because the Government could not prove it.

MR. HASSELL. If the Court please, as I just stated a while ago, it is not up to the Government to show that these letters passed through the mails for purposes of this inquiry.

MR. LEAHEY. If you are making the claim that they passed through the mails you have to prove it, if you are making the claim that the representation is made by anybody, you have to prove it.

MR. HASSELL. The signature of Holler could not be well denied, because we have it on too many papers here to identify it from, we can identify it from the other papers and from the diplomas.

MR. LEAHEY. Where did you get the diplomas in this?

THE COURT. If there is any denial they are not genuine letters we will undertake to submit proof that they are, if not they will go in.

MR. HASSELL. As Government Exhibit No. 12 -- I will ask Miss McCall to state for the record what this is that I have marked Government Exhibit No. 12.

MISS McCall. This was submitted to me by Mr. Shapiro himself. It is addressed to Mr. L. L. Shapiro, and Mr. L. L. Shapiro brought these two communications, together with certain literature to my office.

Q. Did you understand from Mr. Shapiro that he received these letters and this matter through the mails?

A. He did.

MR. HASSELL. I offer the first as Government Exhibit No. 12, on the letterhead of the Oriental University. (Introduces 12-A, 12-B, 12-C and 12-D)

Q. I would like to place Mr. Webb on the stand. Understand, Mr. Leahey, that Miss McCall is subject to cross examination at any time you want to. Inspector, will you state your name, please.

A. B. B. Webb.

Q. In the course of your official duties have you had occasion to investigate the business being operated through the mails by the Oriental University and H. P. Holler, President?

A. Yes, I have.

[illegible] you a paper which I have marked Government Exhibit No. 13, a file

of papers, and ask you to state what these papers are and how theywere obtained.

A. Those/are letters signed H. P. Holler addressed to J. Vincent Poley, 162 Second Avenue, Royersford, Pennsylvania, and an affidavit which Mr. Poley made before me on July 31st, made before me at Royersford on July 31, 1923.

MR. HASSELL. (Offers Government Exhibit No. 13, 13-A, 13-B, 13-C, 13-D, 13-E, 13-F, 13-G, 13-H, 13-I and 13-J)

Q. Inspector, I hand you a file of papers marked Government Exhibit No. 14. In this file of papers is a copy of the indictment of Helmuth P. Holler, I am not asking you to identify that, but referring to the photostat copy of the envelope made a part of that indictment and the photostat copy of letter included therein in connection with this file. Can you state what this is?

A. The entire file you mean?

Q. Yes.

A. Why that's a letter which I addressed to the Postmaster at Westmoreland, Kansas.

Q. Just identify the file by the name of the party.

A. Requesting that he obtain the correspondence from E. K. Resler, and that correspondence, as I recall it, was received and made the basis of this indictment which was returned against Prof. Holler.

MR. HASSELL. I offer this file, the letter from E. K. Resler.

MR. LEAHEY. I object to the file.

MR. HASSELL. (Introduces No. 14, 14-A, 14-B, 14-C)

MR. LEAHEY, Is that the letter Mr. Webb says he offered to sell a diploma for $50?

MR. HASSELL. What's that?

MR. LEAHEY. Is that the copy of the letter Mr. Webb says he sent to the post-master saying he offered to sell that man a diploma for $50, does Mr. Webb make that statement to the postmaster?

MR. HASSELL. Yes, Mr. Webb stated in his letter that in the letter I read as Government Exhibit No. 14, the letter Mr. Holler wrote to E. K. Resler, Westmoreland, Kansas, he offered to sell him the degree for $55.

MR. LEAHEY. Somebody has misinformed Mr. Webb, because I know he would not make such a statement as that.

MR. HASSELL. Can you state whether that's the letter you had reference to?

A. No, I can not, I don't believe that is there.

MR. LEAHEY. Who gave you the information, Mr. Webb, do you know?

A. As to the correspondence with Mr. Resler?

Q. No, who gave you your information without any date, that Dr. Holler offered to sell a diploma for $50?

A. I can not recall now, this is something like two years ago. I got Mr. Resler's name in the mail as being sent out from time to time.

MR. HASSELL. As Government Exhibit No. 15 I offer an affidavit subscribed and sworn to before Post Office Inspector B. S. Hill, 1st day of June, 1923, by C. O. Mawson, of Needham, Massachusetts. The name C.O. Sylvester Mawson is listed on page 5 of the Non-Resident Professors of the Oriental University, Government Exhibit No. 7-A.

THE COURT. What is the purport of that thing?

MR. HASSELL. This man's name, C. O. Sylvester Mawson is carried in the list of non-resident professors on page 5 of Government Exhibit 7-A.

As Government Exhibit No. 16 I offer an affidavit taken before Post Office Inspector F. E. Shea, on May 9, 1923, given by Herman Laleus (Reads).

As Government Exhibit No. 17 I offer an affidavit by Middleton Smith, sworn to and subscribed. (Reads).

As Government Exhibit No. 18 I offer an affidavit by Cora Smith King (Reads).

MR. LEAHEY. I suppose it is unnecessary for the record to show that she is the wife of Judson Smith King.

MR. HASSELL. It so states.

I offer as Government Exhibit No. 19 an affidavit of Leo S. Osman (Reads).

As Government Exhibit No. 20, I offer an affidavit of Louis Nalitt. This was taken by Inspector Webb.

MR. WEBB. May I make an explanation?

MR. LEAHEY. Surely.

MR. WEBB. This man was a Russian, his name was formerly Nalittsky and a year or two ago I think it was he changed his name to Nalitt and Nalittsky and Nalitt is the same person.

MR. HASSELL. (Reads 20-A) (20-A and 20-B introduced).

Q. Miss McCall, I had you a paper which I have marked Government Exhibit No. 20-B and ask you to state what this is and how you obtained it.

MISS McCALL

A. When this man Nalitt was called to testify before the Grand Jury, he brought the diploma and he also brought this (indicating), which he stated was the thesis that he wrote for his degree of -- what is it -- Bachelor of Accountancy, -- Professor of Commercial Science. It is headed "Gold and Silver Mining Industry in the United States". I asked him where he got his information for this thesis and he stated to me that he copied it out of various encyclopedias.

MR. LEAHEY

Q. Did he say he told Dr. Holler that?

A. He did not.

Q. Did you ask him?

A. I did not.

Q. Did you ask him if Dr. Holler knew anything at all about whether this thesis was fraudulent?

A. I did not.

MR. HASSELL. I offer the thesis as 20-B and the diploma.

MISS McCALL. That is a copy, the original I believe was made on typewritten paper, that's the only difference.

Q. He said it was a copy, did he?

A. Yes, he said it was a copy.

MR. HASSELL. As Government Exhibit 20-C, I offer the Oriental University's diploma similar to that we have had heretofore.

THE COURT. Similar form of diploma?

MR. HASSELL. Same form of diploma, yes.

(WHEREUPON AN ADJOURNMENT WAS TAKEN AT 4:55 p.m.)

MR. LEAHEY. There was also another exhibit introduced by the Government in this case which showed Dr. Holler repudiating certain advertisements which were run in Europe for which the agent had asked him to make good, and he definitely stated therein that the Oriental University would not be responsible for any advertising unless it was made under the supervision of and in accordance with the code of the University here in America.

MR. HASSELL. If the Court please, I beg to differ with counsel.

MR. LEAHEY. I have got it here.

MR. HASSELL. In the conclusions he has made. The letter addressed -- the carbon copy of the letter turned in by one of the witnesses, introduced here, addressed to Dr. De Molle pointed out that it was not the practice of Dr. Holler to pay for advertising inserted in newspapers in foreign countries by agents of the Oriental University. It was a question of who should pay for them, not a question of assuming the responsibility or declining the responsibility.

MR. LEAHEY. I know, but if that were done under the auspices of the Oriental University, the Oriental University would be responsible for it and would have to pay for them.

THE COURT. As I recall the testimony it was solely a question of who should pay for the advertisements.

MR. LEAHEY. Yes, and they were unauthorized advertisements and he refused to pay for them, no question about that.

MR. HASSELL. Does counsel propose to show that the Oriental University refused to receive business secured through this advertisement?

MR. LEAHEY. I don't know. You can't prove that business was secured through this advertisement.

MR. HASSELL. We have shown that they have secured business, -- the affidavit shows that business was secured through the advertisement.

MR. LEAHEY. Here is a paper offered here in evidence with a man's name signed to it and there is no proof it was authorized, no proof he actually issued it, all we know is that somebody whose name we don't know walked into Miss McCall's office and handed her a copy of a paper mailed in France to somebody in France, and we know nothing about it, have absolutely no knowledge it was under the authority of the Oriental University or was edited or published or authorized by the authority

of the Oriental University. We can not jump too many bridges, we can not jump clear across the Atlantic Ocean to France.

MR. RHOADS. The Oriental University is undoubtedly responsible for the acts of its agents.

MR. LEAHEY. Conceded.

MR. RHOADS. And what that agent did in this respect is undoubtedly the act of the University.

MR. LEAHEY. But there is absolutely no such proposition of law that a principal is responsible for every act of his agents, that is absurd, he is not --

MR. HASSELL. If the principal ratifies by accepting business secured through fraudulent advertisements, he is certainly responsible for it.

MR, LEAHEY. How does he know how the business is secured?

MR. HASSELL. He should make it his business to know.

MR. LEAHEY. That's another thing that is absolutely absurd, how can he do that?

MR. RHOADS. Does counsel assume the Oriental University would have a man over there acting as its agent, advertising its business, without assuming responsibility for his acts?

MR. LEAHEY. We can not assume any more than if any business out here in Washington had a representative in Europe and he exceeded his authority.

MR. RHOADS. We. know by accepting the general principles of agency we can not get away from the fact that the Oriental University is responsible for the acts of/its agents.

MR. LEAHEY. For the authorized acts of its agents.

MR. HASSELL. If the Court please, we have a copy of this identical circular just handed to me by Mr. Ward of the State Department, transmitted to the State Department by the French Ambassador.

MR. LEAHEY. That does not make it any better because it is transmitted by the French Ambassador.

THE COURT. Let's see what connection it has with the Oriental University, go ahead and read it.

MR. HASSELL. This paragraph I have here reads:

"All diplomas issued are accompanied by official statements emanating from the Department of Justice and the State Department of the United States, duly authorized by the officials of the Government and through the legalisation of the French Embassy at Washington acting in its official capacity."

The note from the French Embassy, translation of it (Reads).

MR. LEAHEY. Now, what's the date of that communication?

MR. HASSELL. June 1, 1921.

MR. LEAHEY. What's the date of 23-A?

MR. HASSELL. 23-A is a printed circular without date.

MR. LEAHEY. When was it received?

MR. HASSELL. This is the circular handed Miss McCall by the gentleman from France.

Before proceeding further along this line, counsel might cross examine the inspector and Miss McCall if he desires, I have another witness to put on to identify these papers.

CROSS EXAMINATION

MR. LEAHEY

Q. Miss McCall, I just wanted to ask, how many witnesses did you interview in your office?

A. How many have I interviewed?

Q. Yes.

A. Mr. Leahey, that would be absolutely impossible to tell.

Q. When you interviewed them did you find some who had studied at the University?

A. Oh yes, I found one who stated he had studied at the University.

Q. What was his name?

A. I could not tell you that right now, but he had been a student at this Adventist School out in Tacoma Park.

Q. And did you take his name?

A. Yes, I have his name at the office.

Q. How did you find these names of various people who have been summoned here?

A. I took the catalogue and ran down through the telephone directory and the city directory. Many of the people I brought into my office were the wrong people.

Q. You took the telephone directory or city directory and if you found the name similar you s ommoned them to your office?

A. Summoned them into the office, yes.

Q. Did you attempt to get in touch with any outside of the city of Washington or District of Columbia?

A. Oh yes indeed, those we got in touch with through the post office inspectors.

Q. Did you go over the records of the Oriental University or try to?

A. Go over the records?

Q. Yes.

A. Just what do you mean?

Q. Did you ask for the privilege of going over the records of the Oriental University?

A. Oh no indeed.

Q. I understood that you did not ask for that.

A. For the University to help me in this investigation?

Q. No.

Your information and the information that you obtained was from running it down solely through the telephone directory and the city directory and whatever information the post office inspectors gave you?

A. Well, the people I brought in here I got their addresses from the telephone and city directories, the people who came into my office.

Q. And these were the people you brought here?

A. Those were the people I brought here. Now, there were a great many other people I tried to get over the 'phone yesterday but was unable to get.

Q. But they were in the city of Washington?

A. Yes.

MR. LEAHEY. That's all I want to ask.

CROSS EXAMINATION OF MR. WEBB

MR. LEAHEY

Q. Inspector, how was it that you went about finding the purpils or the names of former professors?

A. Through the catalogue of the professors.

Q. Did you ever have any talks with Dr. Holler or anybody in connection

...n it!

A. Yes, sir.

Q. Did you go over the records of the University?

A. No, I did not go over the records, I had an interview with Dr. Holler.

Q. Did he refuse to give you access to the records?

A. No.

Q. Did he tell you he would gladly have you go over the records?

A. Yes, I believe he did, I think perhaps I looked over those, a few of them.

Q. Did he explain to you the system of the University as he had it in ...rs, explain the methods of it?

A. Well, in part, he did yes, sir.

Q. Did he offer to show you the receipts and expenditures and things of ...r kind?

A. Yes.

Q. In fact there was not anything he refused you that you wanted to know?

A. No, I don't recall anything.

Q. Did you ask him, for instance, to look over the applications of ...rofessors to become professors?

A. No, I don't recall that I did.

Q. Have you interviewed any of these names which appears in the affidavits ...that were presented which you took, Mr. Webb?

A. Yes, I interviewed all of them from whom I secured affidavits.

Q. Did you return to the records of the school to identify for correctness ...r error the memory of the different affiants?

A. No, I did not.

Q. Did you, for instance, in the cases of the students who said that they ...had not had any course of studies prescribed return to the school and look up the records to find out whether they were true or false?

A. I visited the school twice, the last visit on October 14, 1920. I made one visit, perhaps two months prior to that date, I have not the record of the exact date.

Q. You did not tell Dr. Holler that you had those affidavits, did you, for him to answer, to see whether they were true or false?

A. The affidavits were secured after my last visit.

Q. So that you took the affiant's statement of the facts as contained herein as true?

A. Yes.

Q. Did you at any time make any investigation from the records themselves of the school?

A. No, -- No, I did not. I examined some records and perhaps I looked over one or two theses that he exhibited, but I don't remember now what they were.

Q. You found that, or did you find that accurate records were kept?

A. I don't know whether they were accurate or not?

Q. Did you find the records were voluminous?

A. Well, he had a very large file.

Q. For instance in the case of students who were set forth in the catalogue, did you go through the records to see if those who matriculated and who had graduated from the School had actually matriculated and been graduated?

A. No.

Q. Did you go through the list of those who were exmatriculated?

A. No, I don't know what exmatriculated means.

Q. Those who had given in their names but did not attend.

A. I interviewed some of them, I did not examine the records of the University.

Q. Why is it you picked those students whom Dr. Holler had dropped out of the school and did not examine those who had taken the courses and graduated?

A. The ones I interviewed, -- I think their names were obtained by watching the mail going to them, from mail at the U. Street Station.

Q. Was that necessary in view of Dr. Holler's attitude that he would gladly turn over all the records to you?

MR. HASSELL. Now, if the Court please, I object to the question as to the necessity of the inspector in his investigation doing anything. That is a matter for the inspector to determine in the course of his investigation.

MR. LEAHEY. That's a proper question.

MR. HASSELL. The methods of investigation are up to the inspector and the Chief Inspector.

MR. LEAHEY. I know, but you don't mean to tell me that I can not test the accuracy of that investigation?

MR. HASSELL. You can test the accuracy of the investigation but it is absurd to say that the inspector shall rely entirely upon matter obtained from the respondent.

MR. LEAHEY. I know, and it is just as absurd to say that it is absurd to rely upon any interview obtained from someone else. I don't want it to appear that it was necessary to watch the mail in order to obtain information. I want to show that the entire records of this School have been open always to investigation throughout the entire fifteen years of its existence and never availed of, and that we are trying this case now not on the records but on affidavits where we have no opportunity to cross examine.

MR. HASSELL. I think the statement of counsel is unfair.

MR. LEAHEY. In what particular?

MR. HASSELL. A dozen or more witnesses have been produced here.

MR. LEAHEY. And everyone of them has been broken down on cross examination.

MR. HASSELL. And has testified and been subject to cross examination.

MR. LEAHEY. Yes, some dozen have testified and every one that has offered an affidavit or statement stating they never belonged to the University we produce their applications sworn to and they admit they forgot it. Suppose Miss McCall's exhibit No. 10 went in there as evidence against that statement.

MR. HASSELL. If counsel wishes to argue that a person signing some sort of a paper that that forever constitutes him a professor and member of the faculty and authorizes a promoter to use his name thenceforth in order to get business from the public when that person has performed absolutely no service in connection with the faculty --

MR. LEAHEY. When a man makes an application for a faculty and is accepted he can not object or complain when his name is put in the catalogue.

MR. HASSELL. It is not a question of him complaining, its a question of somebody else being stung by parting with his money.

MR. LEAHEY. There is nobody stung by parting with his money, you have not proved it. I want to show the Solicitor here that the records of the University have been open, and we have not one line of testimony from the records, and I

in asking Mr. Webb the question why it was necessary to watch the mail when the records of the University were open, as to the names of students and addresses.

THE COURT. You may answer the question.

MR. WEBB. Answer it?

THE COURT. Yes.

MR. WEBB. We would not altogether, in our investigation rely wholly on the statements of Dr. Holler, we wanted to see how he was doing business with these people for ourselves.

MR. LEAHEY.

Q. I know, but why did you not take the list of students in Dr. Holler's records and go over them and see whether they were students?

A. I did not think it was essential.

Q. You thought it better to watch the mail and see where the mail was going and then go to those men?

A. Yes, sir.

Q. Now, did you tell these people when you went to them, these different affiants that Dr. Holler's school was a fake?

A. No, sir, we do not do that.

Q. Did you tell them anything at all about the investigation which was going on, of the Oriental University?

A. We told them we were investigating the Oriental University, but we did not criticise its methods.

Q. You did not tell any of the affiants, for instance, that Dr. Holler had already been indicted?

A. Yes.

Q. You told them that?

A. Perhaps I did, right recently, the ones I interviewed recently.

Q. You told them before you took the affidavit?

MR. WARD. The press had already told the world that.

MR. LEAHEY. Not the world, you don't mean to say everybody sees every indictment? They just give out a general summary giving the total number of indictments.

MR. WARD. These things usually get a lot more publicity than the total number of indictments.

MR. LEAHEY. Will you tell me who did you receive the information from that Rev. Holler, that Dr. Holler offered to sell a diploma for $50?

A. I think I saw a letter in the office of the United States Attorney to that effect.

Q. Who showed you that letter?

A. Miss McCall.

Q. Have you that letter, Miss McCall.

MISS McCALL
A. I have not the letter, just a copy.

Q. Is that the copy of the letter offered in one of the files here?

A. It was a copy of the letter.

Q. A photostat copy, is a photostat or a copy of the letter?

A. The photostat is a copy of the exact letter that went to Mr. -- Rev. Holler, a copy of the letter that I showed Mr. Webb was a copy of a letter that came to me from the Department of Justice.

Q. And in that letter it stated he had offered to sell a diploma to Mr. Resler?

A. It was an exact copy of the letter that went to Mr. Resler, there was no statement --

Q. Did you investigate /to determine whether Mr. Resler was correct in at all, Mr. Webb, his statement that he had made no inquiry?

MR. WEBB
A. No, we could only obtain his affidavit through the postmaster at Westmoreland.

Q. You don't know then that that in September or October, 1921, he had made the inquiry and that that letter was in the files of the Oriental University?

A. Who had made the inquiry?

Q. Rev. Resler?

A. No.

Q. And you went up to see Mr. Mawson?

A. I did go up there.

Q. Did you get that affidavit when you went up to see C. O. Sylvester Mawson?

A. No, I did not obtain that affidavit.

Did you interview Leleus?

Q. No, he is another one.

A. Did you take the affidavit of Osman?

Q. Osman -- yes.

A. How long did you talk with him?

Q. Perhaps an hour before he made his affidavit.

A. What was your conversation about?

Q. I was asking him what connection he had with the Oriental University.

A. Did he tell you?

Q. Yes.

A. Did he have any complaint when you went there?

Q. I can not recall that he had filed a formal complaint. He made some

A. complaint at the time of his interview.

By you?

Q. Yes.

A. Interviewed by you?

Q. Yes.

A. Did you tell him the purpose for which you were obtaining the affidavit?

Q. Yes, told him it was to be used in a proceedings.

A. These proceedings?

Q. I did not tell him what proceedings.

A. You told him some proceedings against Dr. Holler at the instance of the

Q. United States?

I told him after I had obtained his statement.

A. You did not tell him beforehand?

Q. No.

A. Did not he ask you why you wanted the statement?

Q. No, I sent for him to come to the post office at Baltimore, and he came

A. up and I asked him what connection he had had with the Oriental University and he explained, I thought, fully.

Did you take the affidavits all of them, in the Federal Buildings in

Q. the various places you went?

No.

A.

Q. How many did you take in the Federal Buildings?

A. I took the affidavit of Mr. Osman, and I think the others I took either their homes or at their offices.

Q. Was there any other affidavits besides Mr. Osman's that you took?

A. Yes, I took one from Mr. Nalittsky, and Mr. --, I have a list of them there.

MR. HASSELL. They are in evidence here.

MR. WEBB. They are in evidence.

MR. LEAHEY.

Q. Now, when you took those affidavits of Nalittsky and Osman, did you ask them to bring the papers with them that they had received from the Oriental University?

A. Mr. Nalittsky had already turned his papers into the Office of the United States Attorney.

Q. He had been previously interviewed?

A. Yes.

Q. Did you ask Mr. Osman to turn in the papers?

A. He turned his over voluntarily to me.

Q. Well, did you tell him in advance what you were to see him about?

A. No, I told him to report at the post office, I wanted to see him on an official matter.

Q. How did he know then to bring the papers with him?

A. Why I think he knew what I wanted from my telling him who I was.

Q. Did you tell him you were up there on the Oriental University investigation?

A. Well, I had -- prior to that I had visited his home and he was not in and I left word at his home what I wanted to see him about.

Q. So then when he came he brought the papers?

A. He brought the papers, yes.

Q. Now, did he bring the courses of study with him, outlines of courses of study?

A. No.

Q. Did you ask him whether he had had any?

Yes, I asked him and his answer is in his affidavit.

Some of those affidavits are in longhand, was that written by you or
affiant?

Written by me.

And those that were typewritten, was that at your dictation?

All written by me.

Are they in your words?

Well, yes; they were my words, but the affiants read them before they
them, read them carefully and I think each one was read to them by me.

How did Nalittsky came to tell you he paid $55?

I don't know how he came to tell me that.

How did he hit on $55, do you know?

No.

All you know is that he told you $55 and the next day sent you a card
ing $27.50?

A few days later he sent me a card -- yes.

What was Nalittsky doing?

He is employed by the Standard Oil Company at Bayonne, New Jersey.

In what capacity?

Clerk.

Do you know in what branch?

Yes, in the Welfare Daprtment.

Do you know what Osman was?

Osman, I believe runs a florist shop now, in Baltimore.

And has he any other sideline of any kind?

Not that I know of.

What other affiants did you take the affidavit of?

Dr. Ole C. Lund, of Philadelphia, he is a practicing physician there.

And where did you get his name?

I don't recall, I don't know whether it was furnished me by Miss McCall
whether I received from the records of the U. Street Postal Station. Anyway it
in my files.

the records of the U. Street Postal Station show that in 1910?

No, I think the old records that far back would be destroyed.

Q. You can not recall, then, just where you got his name?

A. No, I can not.

Q. What was he doing?

A. That is Dr. Lund.

Q. Practicing medicine?

A. Yes, sir, practicing medicine in Philadelphia.

Q. What other degrees does he hold?

A. He had three or four diplomas, doctor of medicine and I don't recall others, he had three or four of them.

Q. What other degree of doctor of medicine does he hold besides that from Oriental University?

A. He holds one more which he showed to me, but I don't remember from college.

Q. Was it from an American college or a foreign college?

A. I don't remember.

Q. Remember when it was given to him?

A. No, I don't remember that.

Q. Ammann -- did you take Max Ammann?

A. Max Ammann, -- yes.

Q. What is he doing?

A. Why he is employed as I think, as an assistant chemist by a silk dyeing firm in Paterson, New Jersey.

Q. Assistant chemist?

A. I think he is an assistant chemist, yes.

Q. What other degrees does he hold?

A. I don't know that he holds any other degrees. He told me that he did complete his course in Switzerland.

Q. Did you take Middleton Smith's affidavit?

A. Yes.

Q. And he said that he never had any connection at all with the University?

A. None whatsoever.

Q. And I believe you said you had nothing to do with Mawson?

No.

Q. Did you ask Smith if he had ever in any way been connected with the

Poley?

A. Yes, I asked him.

Q. And he said he had not?

A. He said he had not.

Q. Did he seem to know about the Oriental University School?

A. I don't believe I asked him the direct question, but apparently he

little if anything about it.

Q. Practically seemed never to have heard of it?

A. Well, he had known a Dr. Holler he said for about 20 years and he knew

conducted a University, but apparently he knew very little of the University.

Q. Now, did you interview Mr. Shapiro?

A. No.

Q. Poley?

A. J. Vincent Poley?

Q. Yes.

A. Yes.

Q. And what was Poley doing?

A. Poley is a civil engineer residing at Royersford, Pennsylvania.

Q. And I believe you stated in your affidavit that he said the School had

him no good and that he got no course of study from it?

A. Yes.

Q. I believe that is all the affidavits that you took, is it not, Mr. Webb?

A. I think that's all, I might have to look over them to be positive but

think that's all, I think you mentioned all of them.

Q. This fellow Lund seemed to be a pretty intelligent chap?

A. Well, I don't know as to his intelligence. He appeared to me to be

dy intelligent.

Q. Did he have a regular physician's office in Philadelphia?

A. On the second floor of his residence.

Q. Where was it located?

A. West Chestnut Street I believe, the 25 hundred block on West Chestnut.

Q. What kind of a location is that?

A. What do you mean what kind of a location, I don't understand your question?

Q. Was it a residence or business or what?

A. Residential section.

Q. Armann, how about him?

A. Armann is a young man.

Q. How old would you say?

A. I would say 26 or 27.

Q. And you said he was assistant chemist -- do you know for what firm?

A. I don't remember the firm, but it is one of the silk dyeing concerns in Paterson.

Q. And I think that you said Nalitsky was with the Standard Oil?

A. Yes, sir.

Q. What is Leleus doing -- Oh, you did not take his affidavit.

A. No.

MR. LEAHEY. I think that's all I want to ask Mr. Webb.

MR. HASSELL. If the Court please, we would like to place Mr. Ward on the stand.

FRANK X. WARD

DIRECT EXAMINATION

MR. HASSELL.

Q. Mr. Ward, will you state your name, please.

A. Frank X. Ward.

Q. And your official position?

A. Assistant Solicitor, Department of State.

Q. Mr. Ward, do you in connection with your official duties, have knowledge of the authentications furnished by the State Department heretofore to diplomas and papers issued by the Oriental University of Washington, D.C.?

A. Yes.

Q. I hand you a paper, photostatic copy of a letter sent by the Oriental University of Washington, D.C. under date of November 16, 1921, addressed to Second Assistant Secretary Adee, Esq., Department of State, Washington, D.C.,

d ask you to state whether this is a copy of a letter received by the State epartment?

A. That is a photostat copy of the original letter, which is also here.

MR. HASSELL. I offer this as Government Exhibit No. 24 and particularly r the postscript added to the second page. This appears to have been a type-ritten letter and bears the initials"HPH-F,"and is signed "H. P. Holler, resident". (Reads postscript).

MR. LEAHEY. Might I see that please?

MR. HASSELL.

Q. Mr. Ward, will you state for the information of the Court whether or t the Department of State is now authenticating the papers of the Oriental iversity?

A. It is not.

Q. Will you state why it is not now doing so?

A. The Department had received a number of inquiries and complaints from ie foreign Diplomatic Corps in Washington and from its own Diplomatic and Consular fficers abroad regarding the activities of the Oriental University in foreign ountries, and it came to the conclusion that the purpose for which the authentication ere received was being misrepresented in the advertising in Europe. At that time t was concluded that the Department was being used for the furtherance of a fraudulent enterprise and instructions were issued to the clerk in charge of authentications to refuse to authenticate any further so-called diplomas or cer-tificates which were presented for that purpose.

Q. Mr. Ward, do the files of the Department of State contain any evidence showing that an additional fee was charged, or a fee was being charged by the Oriental University for the authentication of diplomas?

MR. LEAHEY. I object to that as asking for the conclusion of the witness.

MR. HASSELL.

Q. Have you before you, Mr. Ward; the files of the State Department showing this?

A. I have among these papers, -- I don't know whether I can get at them, -- I can present them before this hearing is over, -- however, a copy of a circular distributed through one of the countries of Europe by one of the agents of the Oriental University, in which the applicant for the so-called degree was informed

...that a fee of $5 would be charged for the notarial service of executing the so-called ...diplomas and that if the usual authentications of the Government Departments was ...ided that the fee would be $7, thereby making a charge of $2 for the authentica-...ons by the Department of State, for which no fee was charged to the representative ...f the Oriental University, which was another incident which led the State Depart-...ent to conclude that the organization was operating fraudulently to deceive and ...fraud foreigners in Europe.

Q. Mr. Ward, I hand you a file of papers I have marked Government Exhibit ...o. 25 and ask you to state what this is.

A. This is the usual form of authentication by the Department of State of ...e Seal of the Department of Justice, which was attached to a notarial act by ...omas G. Lewis, one of the officers of the Oriental University and a notary public ...the District. The authentication is nothing more or less than a certificate ...at the seal of the Department of Justice was attached and the notarial act affirmed, ...at the notary was a duly registered notary in the District of Columbia. The ...rtificate of the Department of State merely certified that the seal of the ...epartment of Justice was affixed and the paper connected with that application.

MR. HASSELL. I offer the authentication of the Department of State as ...overnment Exhibit No. 25 and as 25-A the Department of Justice paper; as 25-B, ...he affidavit or certificate of the Oriental University on the letterhead of the ...riental University, 1702 Oregon Avenue N.W., Washington, D.C., addressed "TO WHOM ...T MAY CONCERN" (Reads).

Mr. Ward, was this particular certification, or authentication that ...furnished the Oriental University, -- just how did that paper, -- what became of that paper?

A. I am not certain about this, but I am under the impression that this is one that I turned over to the Office of the United States Attorney for the District of Columbia when it was presented to the Department for authentication after the Department had concluded that its authentications were being misrepresented.

MR. HASSELL. Miss McCall, you might state whether this is one?

MISS McCALL. That is one of the papers, yes.

MR. HASSELL. Turned over to you by Mr. Ward?

MISS McCALL. Turned over by Mr. Ward representing the State Department.

MR. HASSELL

Q. Mr. Ward, I hand you a file of papers I have marked Government Exhibit 26 and ask you to state whether these are exact copies of papers which you now from the files of the State Department, are these copies?

MR. WARD

A. Yes, they are.

Q. And you have the originals here?

A. I have at least the original of the first one, I think I have the originals of the others.

MR. LEAHEY

Q. Did you make these copies yourself, Mr. Ward.

A. No, they were made by one of the stenographers in the Department of state and compared.

Q. Did you compare them personally?

A. I compared the original of that first one with one of the other men the office. I don't think there is any reasonable doubt of their accuracy.

MR. HASSELL. We have the originals here subject to examination.

MR. LEAHEY. Where is the rest of the file on this, do you know, Mr. Ward?

MR. WARD. What's that?

MR. LEAHEY. Where is the letter from the Bureau of Education, do you know?

THE WITNESS. You mean where is the original letter?

MR. LEAHEY. No, where is the letter which states that, -- Transmitting it to Bureau of Education, leaving the impression that they don't know the address the Oriental University.

THE WITNESS. That was the literal fact at that time, the Department had not en received so many complaints and inquiries concerning the Oriental University, it was not either officially or in the personal knowledge of its offices aware the existence of such an institution. It has since learned, very much to its row, that there was such an organization operated.

MR. LEAHEY. Do you mean to say that in 1916 the Oriental University was not sted in the telephone directory?

THE WITNESS. It was not listed in 1920, or about that time, according to an vestigation made by a special agent of the Department of State.

MR. HASSELL. It is not now so listed.

THE WITNESS. In reply to an inquiry the State Department's special agent made

r. Miller as to why the organization was not listed in the directory, he said organization was listed in the name of his daughter. The gentleman who made inquiry will probably testify later and elaborate that statement.

MR. LEAHEY. We will be glad to have him.

Object to it as entirely immaterial. I don't see where it has any erality whatsoever, -- the entire file, three pages.

MR. HASSELL. This exhibit, Government Exhibit No. 26, is a copy of a letter Dr. Wellington Koo, Chinese Minister at Washington, on the letterhead of the ese Legation of Washington, March 22, 1916, addressed to Hon. Robert Lansing, retary of State (Reads).

MR. WARD. I might state to the Court that the Department of State has a direct erest in the introduction of that letter for this reason --

MR. LEAHEY. I object to that because the Department of State is not in this ring.

MR. WARD. The Department of State's position will probably require con-ideration in the conduct of foreign relations. Anything which tends to cast credit on the foreign relations of the United States or embarasses the countries h which they are in correspondence is properly objectionable to the Department State.

MR. LEAHEY. Correct -- And I object to that becuase that it is not within is hearing.

THE COURT. What we are after here are the facts and if we have any papers ch will throw any light on the general scheme --

MR. LEAHEY. That's the whole thing.

MR. HASSELL. If the Court please, these papers show that the Oriental versity attempted to confer upon the President of the Republic of China, entirely thout his knowledge, his knowledge or consent, an honorary degree of some sort, that the President of the Republic of China refused to accept it.

MR. LEAHEY. What does that show?

MR. HASSELL. It shows -- we have shown that their degrees have been conferred attempted to be conferred on high personages in foreign countries.

MR. LEAHEY. And accepted.

MR. HASSELL. And in some instances accepted.

MR. LEAHEY. Accepted in every instance except the one in front of you.

MR. WARD. If your honor please, the sole purpose of this is to advertise fact that Government Officers, heads of their Governments, are connected with University. The purpose of that is to deceive persons who would receive their terature into believing it is a recognized institution. The State Department every decent citizen of the United States ought to object to that.

MR. LEAHEY. That is Mr. Ward's opinion.

THE COURT. That has no bearing on the question whatever, that it is a con-sion.

MR. HASSELL. That forms the basis of the argument that the custom of nferring degrees upon foreign personages who know nothing of the Oriental iversity or its standing is in order that the Oriental University may use these ses in connection with its catalogues and advertising.

MR. LEAHEY. I object to it as entirely immaterial. There is nothing to show such scheme, there is no foundation whatever for the argument that has just en made.

THE COURT. I think it throws a good deal of light on the subject.

MR. HASSELL. The file will be accepted?

THE COURT. Yes.

MR. HASSELL. As 26-A, I offer a letter from the Department of State dated rch 29, 1916, to the Chinese Minister acknowledging receipt of the letter just d.

As 26-B, I offer a copy of a letter from Frank L. Polk, Counselor of Department of State to The Secretary of the Interior transmitting the diploma.

MR. LEAHEY. To whom?

MR. HASSELL. To the Secretary of the Interior.

MR. LEAHEY. Where is that letter to the Secretary of the Interior saying that had had difficulty in finding the School.

MR. HASSELL. We have not that. This is a file of the State Department. The tter of the Secretary of the Interior would not very likely be in the files of State Department.

MR. LEAHEY. No, but it might be in the file of the other Department if you d investigated it.

MR. HASSELL. We have a representative of the other Department here and he y be able to help you out on that if you desire it.

MR. LEAHEY. All right, we will wait for him.

MR. HASSELL . As Government Exhibit No. 27, I offer a file of the State partment. Mr. Ward, you might state what this is.

MR. WARD. This is a dispatch from the American Consul at Bombay, India, ted October 17, 1922, transmitting to the Department a copy of a letter from s secretary, private secretary of the Raja of Baria, India, stating that he d been offered by the Oriental University an honorary degree and the title honorary vice-president. The Secretary addressed a communication to the erican Consul at Bombay and asked him about the standing of the University, d the Consul having already received instructions from the Government concerning s objectionable practices of the University quoted to the Secretary of the ja the subject of a letter which had been received by the Department of State m the Department of the Interior, emanating from the Bureau of Education, to s effect that any "Persons seeking information concerning the so-called iversity should be advised to place no reliance in the alleged claims of the stitution to academic consideration." Another effort of the kind just referred

MR. HASSELL. This is the original file and the Government proposes to with- w that and present an authenticated copy.

As Government Exhibit No. 28, Mr. Ward, I hand you a paper, and ask u to state what this is.

MR. WARD. This was a circular of instructions sent by the Department of ate to American Diplomatic and Consular Officers abroad, referring to inquiries ich had been received concerning the Oriental University quoting the substance a part of the letter received from the Bureau of Education concerning the jectionable activities of the University and instructing the Consuls to base eir replies to any inquiries concerning the University on this circular of structions.

MR. LEAHEY. That's purely immaterial, the circular that one Department sends road throws clearly no light at all on the University or the scheme, shows just at they think about it, the Department of Justice or the Bureau of Education

ay be just as much in error as anyone else, and the circular produced by one epartment based upon a letter from another is absolutely no proof one way or he other.

MR. HASSELL. If the Court please, this circular from there has a direct earing upon the truth or falsity of the representations of the respondent especting the fact that the Oriental University's diplomas are issued under he authority of the United States Government.

MR. LEAHEY. Oh, no.

MR. HASSELL. The diploma itself says, -- I call attention to that when read the diplomas.

MR. WARD. State of Virginia and the Government of the United States.

MR. LEAHEY. Why is not it that?

MR. HASSELL. By authority of the State of Virginia and also of the United tates. Also by a representation in the circular matter as to the authentication the diplomas and certificates by the State Department.

MR. LEAHEY. That has nothing to do with the diploma because the diploma ys it is given under the authority of the State of Virginia and the United tes. It can not be denied that it is a United States Statute which authorizes to incorporate in the District of Columbia. Certainly it can not be denied anybody that unless it was done by authority of the State of Virginia and the ited States of America, -- under what other authority could it be issued.

MR. HASSELL. The University is not incorporated under the laws of the United ates as shown by the authority of Mr. Dutton.

MR. LEAHEY. It is incorporated under the authority of the United States and one can question it except in a quo warranto proceeding by the United States mply because there is a minor little detail that we have and will show here which did not file with the registrar.

MR. HASSELL. I think that is material, that has material bearing.

MR. LEAHEY. This is a fraud hearing going to the bona fides of this man, that what this hearing is, and we have got to have some scheme showing that this man audulently did these things.

MR. HASSELL. If the Court please, will this thing be accepted as Government ibit No. 28?

THE COURT. You have stated the substance of it, is there anything additional

to it other than what has been stated by the witness?

MR. HASSELL. He stated the substance of it -- Yes, but I desire to submit the affidavit as being among the exhibits heretofore offered showing the attitude of the State Department with respect to this so-called University.

MR. LEAHEY. I will admit right now the State Department and the Educational Department are on its track.

THE COURT. Of course, the conclusions which any of the Departments may have drawn will not govern any action by this Department, but it does tend to throw some light on the situation. Let it go in for what it is worth.

MR. HASSELL. Mr. Ward, I hand you a file of papers, or a letter posted, -- copy of a letter and a typewritten translation thereof addressed to His Excellency The President of the Government, Harding, Washington, by L. Schleicher. Will you state what this is and how it came to the State Department?

MR. LEAHEY. May I see it before there is any explanation?

MR. HASSELL. I will read this letter as Government Exhibit No. 29 (Reads).

Mr. Ward, I hand you a file of papers which I have marked Government Exhibit No. 30 and ask you to state what this is and how you obtained it.

MR. LEAHEY. The objection to that is for the same ground hitherto offered, absolutely no proof of its sending or its receipt. Furthermore inasmuch as this is a hearing to show cause in a fraud case knowledge must be brought home actually to the respondent in this case. You can not try a fraud hearing on supposed or constructive notice. There has absolutely no knowledge been brought home to this man or any authorization for his statements, and there is no proof that it was ever sent or received by anybody -- where or how.

MR. HASSELL. Mr. Ward, you might state what this paper is so that the Court can get an idea.

MR. LEAHEY. Oh no, I think he ought first to show how it came into his possession.

MR. HASSELL. You might state that.

MR. WARD. That was transmitted to the Department of State by the American Consul at Toulon. These are copies of inclosures to the Consul's letter.

MR. LEAHEY. Have you the Consul's letter?

MR. WARD. I have it here if you insist on seeing it. The first letter is

ated October 28, 1920.

MR. LEAHEY. Now, will the Solicitor rule on that other objection, please?

THE COURT. Same objection to the previous papers?

MR. LEAHEY. Absolutely. Just like de Marceval, I think the name was, and we found out later that just as soon as Dr. Holler heard of it he repudiated it.

THE COURT. Objection overruled.

MR. HASSELL. Go ahead.

MR. WARD. It is a letter dated October 28, 1920, from Prof. Dr. S. Dietrich, of the University of Geneva, addressed to Mr. Gabrielo Rosso in Torino, Italy.

MR. HASSELL. I offer the copy of the letter of Prof. Dr. S. Dietrich as Government Exhibit No. 30. This letter as Mr. Ward has stated, is dated October 28, 1920. (Reads)

As Government Exhibit No. 30-A, I offer a copy of a letter from the Oriental University, Washington, D.C., to Prof. Dr. S. Dietrich (Reads).

30-B is a copy of a paper attached (Describes)

30-C (Describes)

CROSS EXAMINATION

BY MR. LEAHEY

Q. Mr. Ward, have you brought in the complete files in these cases?

A. I brought in as much of the file as I could get from the Department of State.

Q. For instance, in this last exhibit No. 30 which you have just heard read from, have you any replies from this man in Italy to Prof. Dietrich?

A. No.

Q. Were there any at all found?

A. No, that was so far as I know. So far as the records show that was the conclusion of that particular communication, except of course that we referred it over to the Bureau of Education, I think, I am not certain about that.

Q. Did you have the investigation of this matter in the State Department, Mr. Ward?

A. Did I have the investigation?

Q. Yes.

A. Do you mean did I originate it?

Q. Did you supervise it?

A. Well, since about July, 1920, every communication they write the Department concerning it has been referred to the Solicitor's Office and I have been handling it for the Solicitor's Office. Other -- It had been handled in other offices of the Department prior to that time.

Q. Do you remember for how long?

A. No, not accurately. I think there are some papers in the files as early as 1914, inquiries received from our Diplomatic and Consular Officers and possibly even at that early date from some of the foreign Diplomatic Corps, but an irregular amount of correspondece was received from that time on increasing in volume during the last two or three years.

Q. Did you cause any investigation to be made at the Oriental University yourself?

A. No.

MR. LEAHEY. That's all.

MR. WARD. I might say there that I read the report of the Department of Justice's agent of an investigation which he made, and the report of the investigation which Mr. Webb of the Post Office Department made, in addition to having consulted the files of the Department of the Interior and the Department of Justice.

(WITNESS EXCUSED)

DR. GEORGE F. ZOOK

DIRECT EXAMINATION

MR. HASSELL

Q. I would like to place Dr. Zook on the stand. Dr. Zook, will you state your name, please.

A. George M. Zook.

Q. And your official position, Doctor.

A. Specialist in higher education of the Bureau of Education.

Q. Dr. Zook, will you state whether you hold any degrees and if so what degrees and from what colleges?

A. I hold the degree of Doctor of Arts from the University of Kansas, Master of Arts from the University of Kansas, and a Ph.D. from Cornell University.

Q. How long have you been connected with the Bureau of Education, Dr. Zook?

A. Three years and a half.

Q. Dr. Zook, referring to Government Exhibit 7-A, the Complete Register of Oriental University January 1, 1920, have you made any investigation as to whether Prof. Dr. Max Mueller, who appears as Chancellor under the heading "Patrons" of that University was alive in 1920?

A. I have.

Q. Will you state what you learned?

A. Absolutely untrue.

MR. LEAHEY. Did he say he was living?

MR. HASSELL. He said he was not living at that time.

DR. ZOOK. Absolutely no.

MR. LEAHEY. What is untrue, that he was living or was not?

MR. HASSELL. Will you state, please?

DR. ZOOK. Untrue that he was living.

MR. LEAHEY. Any representation made that he was?

MR. HASSELL. That is a question of argument.

MR. LEAHEY. No, it is not. I object to the question as absolutely immaterial.

MR. HASSELL . If the Court please, this booklet carries as patrons Prof. Dr. Max Mueller, Chancellor, and Dr. William T. Harris, ex-Commissioner of Education of the United States, with no other explanation. The natural inference is that there are such persons in existence.

MR. LEAHEY. It is not either.

MR. HASSELL. The witness testified that Dr. Max Mueller was not living at that time. Can you state when he died.

THE WITNESS. He died in the year 1900.

MR. HASSELL.

Q. Have you made any investigation as to whether Dr. William T. Harris, who is carried in Government Exhibit 7-a as one of the Patrons as ex-Commissioner of Education of the United States was living January 1, 1920?

A. I have.

Q. What was the result of your investigation, Doctor?

A. Dr. William T. Harris died on the 5th of November, 1909.

Q. Dr. Zook, I would like to call your attention to Government Exhibit 7-B and what purports to be a reprint of a portion of a letter by the U. S. Bureau

f Education to Mr. Walter Kohler, of Havanna, Cuba, and in this is
e date March 19, 1921. This communication appears to have been signed
ording to this reproduction, by George F. Fork, Specialist in Higher Education,
partment of the Interior, Bureau of Education, Washington.

A. Yes.

Q. Did you write the letter shown in part in 7-B (Page 3)?

A. Yes. That undoubtedly is a portion of a letter which I wrote.

Q. Dr. Zook, I hand you a paper I have marked Exhibit No. 31 and ask
u to state whether this is the full letter referred to in 7-B?

A. It is the first sentence of the second paragraph of the letter.

Q. The paper I hand you is Government Exhibit No. 31. Is that the
tire letter written by you on March 19, 1921, to Mr. Walter Koehler, of Havana,
ba, or is this a copy of it I should say?

A. I have no doubt that it is a copy.

MR. HASSELL. I offer this as Government Exhibit No. 31.

MR. LEAHEY. Let's get that straight, I don't quite understood what is the
rpose of that.

MR. HASSELL. I will reread Government Exhibit 7-b, that portion of it setting
rth, or purporting to set forth a portion of a letter from the U. S. Bureau of
ducation to Mr. Walter Koehler, Havana, Cuba. I am now reading from Government
hibit 7-B

> "To Mr. Walter Kohler, Havana, Cuba. Oriental University is chartered under the laws of the State of Virginia and is authorized to confer degrees. Department of the Interior, Bureau of Education. Signed George F. Fork, Specialist in Higher Education."

The copy of the letter just identified by Dr. Zook as Government
hibit No. 31 reads:

Mr. Walter Koehler,
P.O. Box N.. 2223,
Havana, Cuba.

Dear Sir:

Your letter of March 12th to the Board of Education of the District of Columbia has been referred to me for reply.

Oriental University is chartered under the laws of the State of Virginia and is authorized to confer degrees. As far as this office has information, however, no standard college or university in the United States recognizes its degrees, which are conferred for work done wholly by correspondence and upon the payment of a considerable fee. The In stitution advertises extensively in foreign countries and this office

has received many complaints concerning its practices by persons who have registered in its courses. The Bureau of Education has been led to suspect that the institution is doing a fraudulent business and negotiations with the State of Virginia are now under way for the possible vacating of the institution's charter.

Yours very sincerely,

(Signed) George F. Zook
Specialist in Higher Education.

MR. HASSELL. Dr. Zook, I hand you a paper I have marked Government Exhibit No. 32. This is a copy of a letter addressed by you in your official capacity as Specialist in Higher Education, Department of the Interior, Bureau of Education, Washington, June 29, 1921, addressed to Dr. Anton Bauer, Plingenserstrasse 108, Munich, Germany.

A. Yes, sir.

MR. HASSELL. I call attention to a portion of Government Exhibit 7-B which reads:

Department of the Interior
Bureau of Education
Washington

June 29, 1921.

Dear Sir:

Inasmuch as Oriental University is legally incorporated under the laws of the State of Virginia with authority to confer degrees, its degrees are legal. ---- There is no law in the United States concerning the recognition of persons appointed as professors in colleges and universities. If an institution desires to confer that title upon a person, it has the right to do so.

(Signed) George F. Fork,
Specialist in Higher Education.

Now, I will read Government Exhibit No. 32, copy of a letter on the letterhead of the Department of the Interior.

Department of the Interior
Bureau of Education
Washington

June 29, 1921.

Dr. Anton Bauer,
Plingenserstrasse 108,
Munich, Germany.

Dear Sir:

Inasmuch as Oriental University is legally incorporated under the laws of the State of Virginia with authority to confer degrees, its degrees are legal. Nevertheless, no recognition is given to its degrees by colleges and universities in this country.

There is no law in the United States concerning the recognition of persons appointed as professors in colleges and universities. If an

institution desires to confer that title upon a person, it has the right to do so. I may say, however, that the title of professor applied to a person connected with Oriental University would in no way add to his prestige, but would rather be a handicap and discredit to him.

The Bureau of Education is in possession of information which indicates that the Oriental University is conferring degrees either upon the presentation of a thesis and a fee, or upon the presentation of a fee only. We are now engaged in collecting evidence that may be acceptable to a court of law for the purpose of proving the Oriental University guilty of fraud. If we are successful, the State of Virginia will vacate the charter of the institution.

Yours very sincerely,

(Signed) George F. Zook,
Specialist in Higher Education.

Dr. Zook, in your official work, do you have occasion, are you equired to know the requirements of institutions of learning for the issuance f degrees, do you have any information on that?

A. I have.

Q. Would a recognized or an accredited university grant a degree for orrespondence work only?

A. It would not.

MR. LEAHEY. I object to that, if your honor please, there is no such thing in America as an accredited and recognized university granting degrees, and that's contained in Mr. Zook's own letter.

DR. ZOOK. I beg to differ with Mr. Leahey (Quoting) "There is no law in the United States concerning the recognition of persons appointed as professors in colleges and universities. If an institution desires to confer that title upon a person, it has the right to do so".

MR. HASSELL. I was not asking Dr. Zook as to a law of the United States but as to a custom among high institutions of learning.

MR. LEAHEY. I object to that because that goes to the work of the degree and not to the question of whether the man is fraudulent or not. He has the right to confer degrees and the degrees are good, bad or indifferent according to what people may think of them.

MR. HASSELL. I asked him whether a high institution of learning would recognize a degree conferred by an institution upon correspondence work only.

MR. LEAHEY. That is entirely immaterial, whether high institutions

ecognize a degree or not is of no materiality in this hearing, none whatsoever, e are not testing what the worth of this degree is, we are testing whether this n in good faith thinks he has a degree, that is the question here.

MR. HASSELL. You won't contend that the degree is not worthless?

MR. LEAHEY. We are not contending anything about the degree. I am con- ding that he has the right to give degrees, that his course of study shows what is for, and if the student wants to take such a degree that is his business, t ours.

MR. HASSELL. Yes, but the student is required to pay some money for the gree. Now, if he is led to part with his money in the belief that he will get mething of value when as a matter of fact he gets something that is worthless d the degree will not be recognized by any institution of learning, then I bmit the person has been defrauded.

MR. LEAHEY. No person has been defrauded if the college has a right to nfer a degree. He knows how the degree is to be given and the work is outlined d the entire course submitted to him, and if he is willing to accept it then t is his business just the same as someone may come along and start up a mercial college and no other commercial college in the District of Columbia y recognize it but --

DR. ZOOK. May I ask for the reading of that question again?

MR. LEAHEY. We are arguing the question.

(THE QUESTION WAS READ)

THE COURT. I think you may answer that question.

DR. ZOOK. The term "Accredited or recognized institution" is a peculiar term d by the Federal Government, by the State Governments, and by a large number of crediting or approving agencies in this country. There are a number of Departments the United States Government that have to have lists of institutions that are cognized or accredited, practically every state in the Union has a list of in- itutions which are accredited or recognized, and there are a large number of luntary educational accrediting institutions or associations in this country which e those terms all of the time as their standards which must be met by an institution fore they may be listed by those associations, and I am using this term in that way, common use of the term in the United States at the present time, and I say

"No" to the question.

MR. HASSELL
Q. Dr. Zook, would a recognized or accredited university grant a degree on the submission of a thesis and payment of a fee?

A. It would not.

MR. LEAHEY. I object to that for the same reason that there is no foundation in fact for the assumption that this University ever granted a degree merely on the submission of a thesis or the payment of a fee.

MR. HASSELL. I submit that the record will show that.

MR. LEAHEY. No proof in the record here at all of that, absolutely none.

MR. HASSELL. Whether or not there is such proof.

THE COURT. He has undertaken to tell what other universities do, not necessarily that this is not such a university in his opinion, he is not excluding this university from his answer.

MR. HASSELL
Q. Would any recognized or accredited college or university advertise in newspapers for members of its faculty, Dr. Zook?

A. It would not.

MR. LEAHEY. Oh, now, that sort of thing, they all advertise through the agencies every day, I don't care whether an expert on the Bureau of Education thinks so or not.

MR. HASSELL. I submit if the Court please, that that is a matter of common knowledge. I am a university man and I never saw one advertisement.

MR. LEAHEY. I am a university man too and you see it every day. They advertise through agencies, they hide behind the agencies,and I suppose that makes it proper. That is so absurd I think we have got to have some limit here somewhere.

THE COURT. I think it is immaterial either way.

MR. RHOADS. I submit to the Court that we can not limit ourselves in this hearing because some of the questions may sound absurd to counsel.

MR. LEAHEY. No, but we can not limit that question , just because it is an investigation does not throw the doors wide open.

MR. RHOADS. We are after the facts.

MR. LEAHEY. That is not a fact, that is an opinion.

MR. HASSELL. If the Court please, the witness has qualified as an expert.

MR. LEAHEY. Qualified as an expert to answer that question?

MR. HASSELL. I submit he is competent to answer it.

THE COURT. I should say it would be limited to his knowledge.

MR. HASSELL. A question of his opinion.

Dr. Zook, will you state whether the Oriental University is recognized by any Federal authority, State Department of Education, or Accrediting agency?

A. Not to my knowledge.

Q. Is the Oriental University a member of the Association of American Colleges?

A. It is not.

Q. Dr. Zook, will you state whether or not the Oriental University ever was in this Association?

A. It was at the very beginning.

Q. Are you familiar with the circumstances of its admission and its later exclusion, if it was excluded?

A. Not wholly so, but I think I know enough about it to give you the main facts.

MR. LEAHEY. It would be all hearsay, would it not?

A. No, sir.

MR. LEAHEY

Q. Were you there?

A. No, sir.

Q. Then it is heresay?

A. It is not.

Q. Then you don't know the difference between hearsay and direct testimony?

MR. HASSELL. I submit the witness should answer the question.

MR. LEAHEY. He says he was not present, he does not know anything except what he heard.

MR. HASSELL. The Court has heard the question and the objections of counsel.

THE COURT. He may state how he got his information.

DR. ZOOK. I know it for two reasons. I have the official documents issued by the Association of American Colleges on file, and I have examined those documents.

The name appears, if I remember correctly, in the first book issued by that Association, possibly in the second, but it does not appear thereafter.

THE COURT. What date was that?

A. That was 1915.

MR. HASSELL

Q. It appears in 1915, does the records show?

A. How is that?

Q. Do the records show they were members in 1915?

A. The book issued by that Association shows it was a member in 1915. If you care to have me tell you how it happened I will.

MR. HASSELL. Go ahead and state.

MR. LEAHEY. I object.

MR. HASSELL. The Court has ruled he may answer the question.

MR . LEAHEY. He has not ruled any such thing. He ruled that he might state the source of his knowledge.

THE COURT. What was Government counsel's further question?

MR. RHOADS. There was no further question.

THE COURT. He has not finished his statement, he may finish his statement.

DR. ZOOK. This institution became a member of the Association through a general invitation that was sent out by the Association at the time that it was started. No attention was paid by the officials starting the Association concerning the character of the institutions admitted and for that reason when the application was received, it was admitted, but as soon as the members of the Association discovered what the character of the Institution was, membership was thereafter refused, and only yesterday or a few days ago, I had a letter from the Secretary of the Association stating that mail was still being sent out by the Oriental University with the statement that this Institution was a member of that Association, and immediately he put into the newspapers a statement to the effect that that was absolutely untrue.

THE COURT. Now, for what length of time was it a member?

A. I doubt if it was a member for a year, probably not more than a few months, but I can not say for certain.

MR. HASSELL. Mr. Zook, are you in your official capacity receiving many inquiries concerning the character of the Oriental University?

A. I am. I have a file in my office that is that thick (indicating) through.

MR. HASSELL

Q. Would a recognized or accredited university pretend to give courses in medicine, dentistry, engineering or any other scientific subject without possessing apparatus and equipment?

A. It would not.

Q. Would a recognized or accredited university pay its instructors and professors a proportion of the fees received from students?

A. It would not.

Q. Would any standard or approved university accept students on a sworn statement submitted by the student?

A. It would not.

Q. Mr. Zook, I hand you a file of papers I have marked Government Exhibit No. 33 and ask you to state what this is?

A. I can not be certain as to all of the details, but it is to the effect that a case was on in one of the cantons in Switzerland where the Government was refusing a certain individual whose name I have forgotten just now the right to use a degree received from the Oriental University as an indication of his professional standing and his right to practice the profession of dentistry, and the result of the trial was that this individual was refused the right to advertise or use a degree from the Oriental University as a means of indicating his professional education sufficiently to give him a right to practice that profession. Those are the main facts, I have forgotten the names and a few things of that sort, I have not seen the paper for several days.

MR. LEAHEY. Of course, that's purely inadmissible.

MR. HASSELL. Attached to this file are certified copies of the opinion of the Court and other proceedings in Switzerland.

MR. LEAHEY. What has that got to do with this proceeding here, what is it offered for?

MR. HASSELL. The purpose of offering this is to show that the degrees of the Oriental University can not be used in Switzerland.

MR. LEAHEY. Supposing they can not. Do you know whether Harvard, Yale, Columbia or other degrees are used over there? Its entirely immaterial.

MR. HASSELL. We are not examining Harvard or Yale.

MR. LEAHEY. It has no probative value as to what the value of the diploma is.

MR. HASSELL. It has been shown, if the Court please, that this institution is engaged in selling its diplomas in Switzerland.

MR. LEAHEY. I object to that statement. I don't want this record filled full of erroneous and misleading statements.

MR. HASSELL. I think possibly more emanates from counsel for the respondent than from counsel for the Government.

MR. LEAHEY. Well, we will stop that one right where it is now. There is not one sigle bit of evidence in this case that a degree has ever been sold in Switzerland to anyone. Now, I challenge counsel to show it. If he does I withdraw my objection.

MR. HASSELL. This particular file counsel now has in his hand shows that it was a degree obtained from the Oriental University.

MR. LEAHEY. That's the idea, but we are not selling ideas. You started out to try to prove it and could not do it.

THE COURT. I think it is highly germane to the subject to show the value of these degrees in any jurisdiction.

MR. LEAHEY. This particular degree here, if your honor please, I don't know what it is all about, it is a great big file, I have not got time to read it through.

MR. HASSELL. The Court rules that this file is admissible?

THE COURT. Yes.

Post Office Department

OFFICE OF THE SOLICITOR

Washington

Post Office Department

OFFICE OF THE SOLICITOR

Washington

Cornell University

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MR. HASSELL. I offer in toto as Government Exhibit No. 33. I want to read from that exhibit Dr. Zook is examining.

Mr. Zook, I will offer as the next exhibit, Government No. 34, the file of correspondence between the Postmaster and Cornelius Vanderbilt, Jr., of 640 Fifth Avenue, New York.

As 34-A, I offer a letter on the letterhead of the Oriental University. This letter is signed H. P. Holler, President. On the second page appears a paragraph (Reads).

As 34-B, I offer the letter of Mr. Cornelius Vanderbilt, Jr. --

MR. LEAHEY. I object to this as being entirely immaterial, contains a great mass of stuff -- the entire thing would not be admissible.

MR. HASSELL. If the Court please, it is offered for the purpose of throwing some light on a carbon copy of a letter written by the respondent to one of his agents in Europe heretofore introduced, referring to the fact that he was applying to be appointed as Commissioner of Education.

MR. LEAHEY. I have no objection to that paragraph. I object to the entire file.

MR. HASSELL. I will withdraw the balance of the file and just offer that paragraph.

MR. LEAHEY. All right, that paragraph, there is no objection.

MR. HASSELL. I desire to offer as Government exhibit No. 35 a pamphlet or bulletion issued by the Department of the Interior, Bureau of Education, entitled "Higher Education in the United States". It appears to be a reprint of the report of the Bureau of Education for the year ending June, 1911.

ME. LEAHEY. What is that offered for?

MR. HASSELL. In connection with Dr. Zook's testimony.

MR. LEAHEY. What does it prove here?

MR. HASSELL. Showing the requirements of higher institutions of learning.

If the Court please, the portion of Government Exhibit No. 33 I desire to read is the opinion of the Federal Court of Switzerland at Lausanne, signed by Mr. Schmid, of date May 14, 1921. I will mark it 33-A and it reads as follows. It seems the case was a question of whether Julius Strittmatter is authorized to practice as a dentist in the Canton (Reads).

CROSS EXAMINATION

MR. LEAHEY

Q. Now, will you explain to us, Mr. Zook, what is meant by an accredited or recognized institution?

A. An institution which is recognized by the United States Government or any State Government or by any volunteer accrediting agency in the United States.

Q. Now, when you use the phrase recognized by the United States Government what do you mean?

A. I mean that its work and degrees are not recognized as having any value.

Q. Who determines that?

A. Various departments, and various State departments of education and various accrediting agencies.

Q. And upon what particular basis is the standard set for recognizing degrees?

A. The standards vary according to the departments and according to the state departments of education and according to the various accrediting agencies.

Q. What is an accrediting agency?

A. A voluntary association for the purpose of listing institutions of accredited or recognized standing.

Q. Well, take your accrediting agency, as you call it, you say that it lists accredited schools, this accrediting agency, -- how does it determine the schools to be accredited?

A. By the standard which it uses.

Q. And who are these voluntary accrediting organizations?

A. They are made up of the chief higher educational associations in this country.

Q. And what States have State Accrediting Associations?

A. Practically all of them.

Q. And they are composed of whom, usually?

A. Of the State Superintendent of Public Instruction.

Q. Anybody else?

A. Sometimes the work is done by the Association of Colleges within the tate, but that is not very usual.

Q. In other words when you talk about a State Accrediting Agency you mean

those particular, or that particular person who happens to be the Superintendent of Instruction in the State, do you not?

A. Yes.

Q. And if he thinks the institution is proper and lists it, it thereby becomes an accredited agency, does not it?

A. It ought not to, no.

Q. When does it become an accredited agency?

Q. The State Department of Education ordinarily will have a series of standards, and the persons in the Department will examine an institution to find out whether or not that institution meets the standards set up in this Department's regulations.

Q. Now, when were those established first?

A. Those have been established at various times in the United States.

Q. Well, beginning with the first, when was the first one established?

A. Probably the first one was the State of New York.

Q. When was that?

A. I don't recall that.

Q. How long, approximately?

A. I should say 75 years ago at least, may be at the very beginning of the list.

Q. And how recently have the other states followed?

A. All the way from one year back to 25 years, I think.

Q. And how recently the United States Government?

A. At various times.

Q. Was not there a time when that was a recognized accrediting institution the same as the State Accrediting Agencies?

A. No.

Q. How long has the institution been in existence as a Federal institution?

A. How's that?

Q. How long has the institution been in existence as a Federal institution, the Accrediting Agency of the United States Government?

A. The Civil Service Commission and the Department of Agriculture and the Bureau of Education have all at one time or another had something to do with

recognizing institutions.

Q. In what way? In what way, for instance, would the Department of Labor recognize?

A. I don't know that the Department of Labor has ever had --

Q. The Civil Service Commission?

A. Yes.

Q. How would they recognize an institution?

A. By certain standards which they have for that purpose.

Q. And for what purpose does the Civil Service Commission?

A. For the purpose of determining whether or not a person may be admitted to a professional standing in connection with a civil service examination, whether the preparation which they present amounts to anything.

Q. Now, say the American Association of Law Schools or of colleges -- does that have anything to do with the recognition of agencies for accrediting a recognized institution?

A. It has not.

Q. When was that formed?

A. I think it was 1915.

Q. What does that consist of?

A. A large number of the -- most liberal arts colleges in the state.

Q. Includes them all?

A. Not all, no.

Q. Is there any college outside of the Board of -- Association of American Colleges that have a right to be in that?

A. I don't know but there may be.

Q. You don't mean to say that the American -- or the Association of American Colleges includes every American college, do you, that ought to be accredited or recognized?

A. I have already said that the Association of American Colleges is not an accrediting agency, has never pretended to be.

Q. I am asking you now if that association contains all of the colleges which are accredited?

A. No, I do not suppose it does.

Q. Now, you said that at the outset there was a general invitation sent out to all colleges to join the American Association.

A. Yes.

Q. Have you seen that invitation?

A. No, sir.

Q. How do you know it then?

A. Because of my conversation with persons who have had official relations with the organization.

Q. But you never saw it?

A. No.

Q. Then your knowledge is purely hearsay.

A. I do not regard it as hearsay.

Q. Do you know whether or not an invitation was sent to the Oriental University to join that association?

A. That is my information from the officers of the association.

Q. When did you get that information?

A. At various times during the last three and a half years.

Q. Did you ever inquire to see the invitation?

A. No, sir.

Q. Did you ever see the Oriental University listed in the catalogue of the Association of American Colleges?

A. Yes, sir.

Q. In how many pamphlets did you see it?

A. Probably not more than one.

Q. Did not you say it was probably in the second one?

A. I did not say that, I said may be.true.

Q. It might be. Now, how often are those pamphlets published?

A. Once a year.

Q. Did you make any inquiry of this person from whom you received your information as to when the Oriental University was dropped?

A. I don't remember that I inquired about it, but I recall that information was advanced to me about the matter and I don't recall any statement by those officers as to when it was dropped, but my impression was that it was dropped

within the year and probably within a few months.

Q. What gave you that impression?

A. The information I received from the offices.

Q. What was the information?

A. To the effect that the institution was dropped.

Q. When?

A. I should say probably within a few months after that, or it might have been continued during that first year, or even, there is a decided possibility somewhat under a year.

Q. You have not any information as to when it was dropped then, have you?

A. Definite enough to be within two years, I am quite sure.

Q. Well, one time you say a few months and then you say a few years, which was it.

A. To the best of my knowledge it must have been during the first year.

Q. Why, what knowledge have you, Doctor, that enables you to say it must have been during the first year.

A. I have already stated that that information came from the officers of the Association.

Q. But you have given us no information as to the date.

A. I have not any information as to the exact date and month.

Q. It is all your own impression, is not it?

A. It is not.

Q. Can you give the Solicitor any information upon which you base your opinion?

A. I have given you all the information I have.

Q. All you have?

A. Yes, sir.

Q. Did you inquire as to whether the Association of American Colleges had officially notified the Oriental University that it had been dropped from the list?

A. I have. I did not make any such inquiry, but I would say that the information was given to me that it had been dropped.

Q. But no information was given as to whether any notification was sent the Oriental University that it had been dropped.

A. I assumed from what was said that it had been.

Q. What was said that you assumed it?

A. That the institution was dropped.

Q. Did you assume therefore that the institution had been notified that it had been dropped?

A. I did.

Q. But you have no knowledge of it?

A. I don't know that, no.

Q. Now, you said no accredited school would confer any degree by correspondence?

A. I did.

Q. Do you call the La Salle Extension Course a course given by an accredited school?

A. I do not.

Q. You do not consider that the accountancy course in the La Salle University is a proper course?

A. I do not.

Q. Do you consider the University of Pennsylvania an accredited school?

A. I do.

Q. And is it an advanced school?

A. Yes, sir.

Q. What is it?

A. An accredited school.

Q. Does that correspondent with students and give degrees on correspondence work?

A. It does not, you can not take a course by correspondence -- you can take a course in that institution by correspondence, but you can not take a course and get a degree.

Q. You can not get a degree by correspondence?

A. No, sir.

Q. But they extend courses by correspondence?

A. Yes, sir.

Q. What do they give a pupil at the end of a course if he successfully completes it?

A. He probably gets a certificate that he has completed the work.

Q. Do you know?

A. Yes, sir.

Q. What is the certificate?

A. To the effect that he has completed a certain course.

Q. Have you ever seen them?

A. I have not seen any from Pennsylvania, but I have seen them from many other universities.

Q. You are positive about it?

A. Yes, sir.

Q. Have you any information as to what the University of Pennsylvania confers upon the advanced students by correspondence?

A. I don't suppose I have ever seen a certificate, but I have not any doubt from my general knowledge that that's what they get.

Q. Did you ever ascertain / that the University of Pennsylvania does not confer a degree upon completion of its correspondence course?

A. I would be certain of that, absolutely.

Q. Do you consider any correspondence course a good course?

A. Leading to a degree?

Q. Yes.

A. I do not.

Q. Why not?

A. Because of the perfectly well known fact that a degree based upon that kind of work alone is by no means equal to or anything like the other degrees.

Q. So that you would consider a student to be entitled to a degree would have to be under the personal supervision of a professor?

A. I do.

Q. And you do not think any student who takes a course by correspondence / without being under the personal direction of a professor is entitled to a degree?

A. I do not.

Q. In other words you do not think any correspondence degrees ought to be issued?

A. No, I do not, and neither does anyone else in high educational circles.

Q. Do they ever confer M.A. degrees?

A. By correspondence?

Q. Yes.

A. No, sir, excepting in a few cases where it is an honorary degree.

Q. Do they ever confer the M. A. degree upon the presentation of a thesis?

A. No, sir.

Q. Do not anywhere?

A. No, sir.

Q. Positive about it?

A. Yes, sir.

Q. In other words to take an earned M.A. degree, you must be present in the class room?

A. You absolutely must.

Q. And you have never heard of a student outside of college working upon subjects which are given to him, and upon the presentation of a thesis earning an M.A. degree?

A. I should say not.

Q. Well, is your opinion with reference to correspondence courses in consonance ~~consistence~~ with the opinion of all? education

A. Absolutely so, no difference of opinion whatever.

Q. You do not recall now of a university which extends a correspondence course to give a degree?

A. No recognized or accredited institution. There are a good many of them in this country --

Q. Are they institutions in good standing?

A. No, sir.

Q. None whatsoever?

A. No, sir.

Q. Do you know whether they ever conferred degrees by correspondence in absentia in Europe, or in England or Germany?

A. I can not be certain about that, but my impression is that they do not.

Q. You are not positive about the systems of education in other countries?

A. Not at all as positive as I am about those in this country.

Q. And is it not a fact that even as far back as ten or twelve years ago that the principal universities were considering giving correspondence courses?

A. Yes, a good many more now than then.

Q. That's what I say, are not they giving more correspondence courses every day?

A. Yes, they are giving more correspondence courses, but not leading to degrees, that's the point I am making.

Q. And so it is the conferring of the degree upon the course you object to?

A. Absolutely, it certainly is.

Q. But it is a fact that the system of giving correspondence courses is growing, is not it?

A. To be sure.

Q. But you don't think a degree ought to be conferred?

A. No, neither does anybody else in a recognized institution.

Q. In other words if a man looking toward an A.B. degree completed the same work at home as laid down by professors, for students in the class room and passed the same examination with the same mark you would deny the man his diploma because he is not in the class room?

A. Absolutely.

MR. LEAHEY. That's all I want to ask.

REDIRECT EXAMINATION

MR. HASSELL

Q. If the Court please, I overlooked asking Mr. Zook one question.

Mr. Zook, have you examined the thesis, so-called thesis heretofore introduced, by Louis Nalittsky, I think it was, Government Exhibit 20-B, have you examined that thesis?

A. I have, sir.

Q. Would you consider that that thesis should entitle the writer thereof, or the compiler thereof, to the Degree of Doctor of Commercial Science?

A. I would not consider it as entitling him to anything.

Q. Mr. Zook, has any accredited recognized university or college in the

United States a correspondence course entirely leading to the degree of Doctor of Dentistry, or Doctor of Medicine?

A. Not to my knowledge. I might say, Mr. Solicitor, that I have examined this thesis for about a half an hour this morning while sitting at this table. The document shows on the face of it --

MR. LEAHEY. Well, I think we ought to have the document.

MR. ZOOK. Well, more evidence concerning the document will be introduced later.

THE COURT. Is that the thesis introduced yesterday?

MR. HASSELL. It was introduced in evidence but is not in the room now.

THE WITNESS. I should like to say furthermore that I have attempted to qualify here as a specialist in higher education but I might say further that I ave qualifications in connection with economics and political science and subjects f that sort, so that I know that subject better than I do almost any other one, nd I should like to say that this thing is nothing but an unrelated mass of material hich shows absolutely no evidence of any original investigation of any sort, no eference was made in this thesis to any kind of document, which is absolutely ssential, it contains no bibliography at the end and practically no subdivisions, here is no relation at all between the various kinds of topics, they are either t in one place or the other in the thesis. I should not regard it as being a od term paper in a particular course in an institution of any standing.

RECROSS EXAMINATION

MR. LEAHEY

Q. What is a Doctor of Commercial Science, Dr. Zook?

A. Well, it would be pretty hard to tell.

Q. Well, do you know?

A. A Doctor of Commercial Science I should say from my knowledge of the tuation would be a degree, graduate in character, granted to a person who had mpleted a course of study in a recognized or reputable institution showing at ast two or three years of resident work at a reputable institution, with a thesis at was reputable in character and showed originality in investigation and in mprehension. I find absolutely no evidence of that character in connection th this thesis.

Q. What course would the Doctor of Commercial Science be grounded on?

A. It would be grounded on an under graduate course based largely on economics.

Q. It would include economics, largely, anything else?

A. The general field of economics would be primarily the one.

THE COURT. Know of any school which grants it?

A. How is that?

THE COURT. Is there any college granting such degrees?

A. I should say it is a very unusual degree, and I can not now, Mr. Solicitor, recall any particular place where that degree is granted, but I am of the opinion that it is granted by some institutions.

MR. LEAHEY

Q. Ever hear of the degree before?

A. Yes, sir.

Q. When?

A. Oh, I don't know,

Q. Can you name it, can you name the time?

A. No.

Q. School from which it is granted?

A. No, I said I could not do it.

Q. Course on which it is grounded?

A. I said that that was the kind of course it would be grounded on.

Q. That is the kind of course you would ground it on?

A. That's the kind of course any reputable institution would groundit on.

Q. What is your basis for saying that?

A. My knowledge of that field.

Q. You just said you had not heard of that degree before.

A. No, I did not.

MR. HASSELL. I object to the misrepresentation of the testimony of the witness, he just said he had heard of it.

MR. LEAHEY. Where have you heard of it?

MR. HASSELL. I submit it is not necessary --

THE WITNESS. I said I can not recall having heard of it in any particular institution.

MR. LEAHEY

Q. You are quite positive you have heard of it being granted by some institution?

A. Yes.

Q. At that time do you recall looking over the course on which the degree was granted?

A. I presume I have.

Q. Can you give us your best recollection, -- can you state whether you did or not?

A. I gave you my recollection, I probably did.

Q. You have no recollection now?

A. I said I probably did.

Q. Can you tell us whether you have any recollection, not probable or something of that kind, what is your best recollection?

A. My best recollection is I probably did.

Q. Well, do you probably remember what the course included?

A. I have already said that it would include and does include wherever granted courses primarily in economics.

Q. What was this thesis you read upon?

A. It was entitled "Gold and Silver Mining in the United States".

Q. Has that anything to do with the course in commercial science?

A. Not very much.

THE COURT. Were you able to identify that matter as having been culled from any work?

A. That is exactly what I am having done at the present time, Mr. Solicitor.

MR. LEAHEY

Q. You mean as to whether it was gleaned from some work?

A. Yes, sir.

Q. You don't recognize it when you read it?

A. It looks very much like it to me.

Q. Did you ever read anything on that "Gold and Silver Mining"?

A. Yes in the Encyclopaedia Brittanica.

Q. Trying to find out whether it came out of the Encyclopaedia Brittanica?

A. No, sir, not this time, not this class of matter.

Q. You had read this "Gold and Silver Mining" in the Encyclopaedia Brittanica before you took up this?

A. Yes, sir.

Q. You consider yourself an expert in that?

A. I do not.

Q. With what standard did you compare the thesis with reference to gold and silver mining?

A. With the stardard of a great many doctors' theses I have had occasion to look over.

Q. And was it the English you objected to or the form of the thesis?

A. I told you that I objected to a great many things in it.

Q. Well, I am asking you now, have you any objection to the English?

A. Not a great deal to the English, although it shows a rather puerile mind, absolutely to the form and the character.

Q. And it had no bibliography at the end?

A. No, sir, or no reference to any works in there or any evidence whatever of any original investigation, that which is always true of a doctor's thesis.

Q. By that, what do you mean?

A. Or any search made by the individual other than that which might be obtained from any ordinary book.

Q. Anything else?

A. Yes, it had practically no subdivisions, at all, that the matter was unrelated, wholly unrelated one to the other, the paragraphs and divisions, no conclusions at the end, no original statements at all, you could tell from the character of them that there were no original statements in the document at all.

MR. LEAHEY. That is all.

DR. ZOOK. I would just like to read one statement, Mr. Solicitor, that appears in this document, for the purpose of showing the character of it in general, referring at one place to the discovery of gold in California in a perfectly usual way. It might have been taken from any place: "The experienced miner saw at a glance that he had true stuff before him".

MR. LEAHEY. What do you object to there, the word "Stuff"?

A. I object to the language, I think it is absolutely undignified in every way.

MR. HASSELL. As has been stated the so-called thesis is being examined in order to determine if possible whether portions of it have been copied from encyclopaedias.

MR. LEAHEY. Did not he say it was, is not that in the testimony?

MR. HASSELL. Yes, I suppose you can let it rest at that. The witness testified that Nalitsky stated that he copied it largely from encyclopaedias.

MR. ZOOK. Absolutely nothing in the document, however, to indicate anything on his part recognizing that he had copied it, absolutely no quotation marks or reference at all except in one instance.

MR. WARD. He admitted that he had copied it?

MR. HASSELL. Yes, let it stand on that.

(WHEREUPON A RECESS WAS TAKEN AT 4:52 p.m.)

(PURSUANT TO ADJOURNMENT, THE HEARING CAME TO ORDER AT 9:45 a.m. ON FRIDAY, SEPTEMBER 28, 1923)

MR. LEAHEY. As respondent's exhibit No. 11 I offer in evidence the Certificate of Incorporation in the State of Virginia of the Oriental University, together with the attached papers, which, being well attached I will allow to go in under the same number. (Intorduces in detail)

Now I would like to offer as respondent's exhibit No. 12 the contracts of the members of the faculty of the Oriental University. I will not read the contracts into the record because in another exhibit that contract was read, and I will simply state the nature of it.

THE COURT. Same contract, same form of contract?

MR. LEAHEY. Same form of contract throughout.

THE COURT. With no additions or eliminations?

MR. LEAHEY. Except perhaps the circumstances differ. The body of the contract is the same. (Introduces contracts, applications, etc., of Allen, Artois, Baudrexler, Behrendt, Belleuse, Belmont, Arnauld W., Belmont, Edna A.)

THE COURT. Would there be any information as to the present status of those professors? You read the resignations of some of them.

MR. LEAHEY. I have read resignations where I have them. All the resignations I have I will read.

THE COURT. Is it to be understood that these are at the present time connected with the University?

MR. LEAHEY. No, we have some testimony on that.

This is the application form (Continues introduction of applications, contracts, etc., including those of Bennett, Benton, Boilleau, Briemhall, Breitenstein).

THE COURT. Is he on the faculty?

MR. LEAHEY. I can not tell, I have a list of it coming.

THE COURT. These applications you are reading, are they now members or have they been members of the faculty?

MR. LEAHEY. I think practically all of them have been members of the faculty are,

or have been.

(Continues introduction of Respondent No. 12; Cantrell, Carlson, Cawthon, Cohen, Colburn, Coombe, Crabill, Day, Dey, Downey, Finkelstein, Flury, Fox, Gant, Greene, Griswold, Harris, Heltman)

WILLIAM C. COOMBE

DIRECT EXAMINATION

MR. HASSELL

Q. State your name, Mr. Coombe.

A. William C. Coombe.

Q. And your address and profession?

A. My home address is at Clinton, Prince Georges County, Maryland, and my office address is the Albee Building, 1426 G. St. N. W. Suite 318-19.

Q. What is your profession, Mr. Coombe?

A. I am an attorney at law.

Q. Mr. Coombe, were you ever on the faculty of the Oriental University of Washington, D. C.?

A. I can state to you the circumstances and you can judge whether or not I was.

Q. I would be glad to have you.

A. I was some years ago, I don't know -- a great many, -- I suppose it has been some eleven or twelve years ago I was asked to teach in a school which was represented to me as the Oriental University.

Q. Who asked you?

A. A gentleman, my recollection is, by the name of Jewell, asked me if I would consent to do so. So I went up one evening, I think they were in the Kennedy Building, and I don't recall what took place but I know there were some gentlemen there, and that was the last connection in any respect that I had with the Oriental University.

Q. Do you know whether this meeting was a faculty meeting of the Oriental University, did you so understand at the time?

A. Yes, I understood at the time that the men there were members of the faculty.

Q. Did you meet Mr. Holler there?

A. Yes, I did.

Q. Do you recall anyone else who was there?

A. I think there were three or four or five gentlemen, but I could not tell you, it has been such a long time ago.

Q. Would you say there were four or five there?

A. I am almost certain that there were more than five persons.

Q. Were any papers examined?

A. None at all -- none by me.

Q. Well, by the gentlemen there?

A. Not in my presence.

Q. How long were you there, do you know?

A. It has been such a long time ago that I could not tell exactly.

Q. You could not recall?

A. My best recollection is that perhaps a half an hour.

Q. Do you recall having signed any contract to become a member of the faculty of the Oriental University?

A. I have a dim recollection that I did sign some papers. I don't recall what it was now, but I am very certain that I did sign some papers.

Q. Did you have any other connection with the Oriental University?

A. None whatsoever.

Q. Did you ever have any papers submitted to you for grading?

A. None whatsoever.

Q. Ever sign any diplomas of the Oriental University?

A. None whatsoever.

Q. Ever receive any compensation as instructor or member of the faculty?

A. None whatsoever.

CROSS EXAMINATION

MR. LEAHEY

Q. Were you teaching at that time in any other school?

A. I don't think I was, Mr. Leahey.

Q. Could you recall what they talked about at that meeting which you state you attended?

A. I could not tell you to save my life. Of course, I can assume what they were talking about, but I have not any recollection.

Q. Do you recall that they were talking, then, about questions of law school?

A. Oh yes, that was my understanding, that they were going to put in a course of lectures and I was to teach law, and that is why I signed the contract, believing that I would be called upon to deliver lectures and that's why I signed the contract.

Q. And you were not called upon to deliver the lectures?

A. No, sir, never was. If I could add just one thing to my answer.

MR. HASSELL. Go right ahead.

THE WITNESS. Some years ago I wrote Dr. Holler and asked him to discontinue my name.

MR. LEAHEY. I don't there is any claim your name has been continued.

MR. HASSELL. When was that when you asked him?

A. Oh, I guess it was several years ago.

Q. Months or years ago?

A. Several years ago.

Q. Do you know whether your name has been used since then?

A. I have never seen a catalogue since then.

THE COURT. As many as four years ago?

A. How is that?

THE COURT. As many as four years ago?

A. I can tell you of an occurrence which refreshes my recollection as to when it was, if I could fix the date of that occurrence.

MR. LEAHEY. Was it the date of the indictment, do you remember?

A. It was the date when he was being represented by Mr. Gwynn Gardner, I don't remember whether it was a criminal case or a civil case, but I know I wrote him a letter asking him to discontinue my name.

Q. Was that the case of the Oriental University against the Washington Times?

A. Yes, that is the case.

Q. When Gwynn Gardner was representing the Washington Times?

A. Yes, that is the case.

Q. And is this the contract you have signed?

A. Yes, that is my signature.

Q. Now, when you signed that, you signed it in good faith, did not you?

A. Yes indeed I did.

Q. An if there had been any lectures requested of you would you have given them in good faith?

A. I could not hear your question.

Q. I say, if there had been any lectures requested of you, would you have given them in good faith?

A. Indeed I would.

Q. You did not enter into any scheme at that time in order to present to the public the notion that there was big school and that you were --

MR. HASSELL. I object to that/question as not having any relevancy.

MR. LEAHEY. (Continuing) and that you were trying to get money from students who registered, did you?

A. No, sir.

Q. Anything like that ever represented to you?

A. No, sir.

Q. Anything ever represented to you that they hold this out as a great university and tried to get money from the public?

A. No, sir.

Q. That's all.

(WITNESS EXCUSED)

AUGUSTUS NORTON

DIRECT EXAMINATION

MR. LEAHEY
Q. Mr. Norton, would you state your full name for the stenographer, please?

A. Augustus P. Norton.

Q. And your present occupation, Mr. Norton?

A. I am a claims examiner for the Government of the United States in the Office of the Compensation Commission.

Q. And how old are you at this time?

A. I am 48.

Q. And are you acquainted with Dr. Holler?

A. I am.

Q. How long have you known him?

A. Since December, 1921.

Q. And did there come a time when you became a member of the faculty of the Oriental University?

A. Yes, sir.

Q. And in what capacity?

A. As a professor, I understand, of the commercial branches and law.

Q. Had you had any previous training or education.

A. Yes, sir.

Q. Would you state it for the Solicitor?

A. I graduated at Bates College, a general course, drawing and A.B. in '96 in Lewiston, Maine, then a few years later I received a diploma in the stenography and typewriting branch of a business college in the same state; and in 1903 I entered the office of a judge in Albany, Maine, across the river, and studied law until 1906, at which time I took the bar examination and was admitted to the bar of Maine.

Q. What was that judge's name?

A. Harry Manser. He is sole judge in the Municipal Court there.

Q. When did you come to Washington?

A. In 1914, the very first week in 1914.

Q. Can you tell us approximately the date when you became a member of the faculty or agreed to become a member of the faculty of the Oriental University?

A. I think it was in the latter part of December, 1921.

Q. Did you attend any faculty meetings at that time?

A. Beginning with one early in January I attended possibly four successive meetings, held about regularly in the month, as I remember. I may have been out of town during one of those months, but I think not, and I am not positive that the last meeting was in the first -- I remember, -- it may have been the first of March, but I attended three or four meetings altogether.

Q. Where were those meetings held that you attended?

A. At least the last two and possibly three were in a building I think on Eleventh Street where a medical school was being started at that time and the first

ones were in the university at Oregon Avenue.

Q. Do you recall now what attendance there was at these faculty meetings in the hall on H. Street?

A. I should say an average of 35 people, may be 35 to 40.

Q. What would they do at those meetings?

A. Why the meeting would be called to order by Dr. Holler who perhaps would make some statement as to matters of current interest, of course, everybody at that time was interested with regard to the medical school, in which I was not particularly interested, not being a medical man at all, and any business, and sometimes the professors took part in discussions of various matters, I think I did not, except to ask for information about something, I don't recall what, once or twice, that Dr. Holler answered. Then the diplomas were signed, and papers which were theses or dissertations of some sort submitted by the students were distributed. I looked fairly thoroughly over perhaps two or three of those over there and some, quite a number, were, the majority of them were in foreign languages. I could handle anything in English, unless it was technical or scientific, and could do something with those in French and German, but due to the fact that I was one of the most retiring or backward, I actually did not ever take any of those papers to correct myself, but I should say that most of the members of the faculty at each of those meetings took from one to three or four, and I don't say, I did not pay as much attention to the returning of them, but I think that they were sometimes not returned until the next meeting, and I saw some of that kind. Probably they in the interim were either mailed or carried back, a good many of them, I suppose that was the practice.

I suppose

Q. Then do you recall the occasion when Dr. Holler was indicted?

A. Why at the last meeting there was some discussion of the matter and I had either seen something in the papers or something had been in the papers two or three days before and my attention was called and I remembered it later. I did not know there was anything of this kind, and I may have known at the time, but my recollection when I began to think about it again this summer was that there was charges but I did not understand that Dr. Holler had been indicted.

Q. Let me ask you this. Were these discussions among the members of the faculty concerning matters about the school?

A. Yes, sir, I don't recall the details though very well.

Q. Was there ever anything represented to you by Dr. Holler that you were to examine papers for the purpose of obtaining a fee or a change, or a diploma, and pass them that ought not properly to be passed?

A. No, sir.

Q. Did you ever hear anything like that discussed at any faculty meeting?

A. No, sir.

Q. Did you ever hear that suggestion made by him to anybody on the faculty?

A. No, sir.

Q. What was the type of men at this meeting you attended?

A. Why, they seemed to be men of intellect, and of course I did not get enough acquainted to judge of their character. One man that I talked with most, and about the only man whose name I recall from those early meetings at that time was some engineering or scientific man or something of that kind and seemed to be a man of excellent ability, so far as I judged. He discussed the matter of the charges and indicated that he should either resign or simply stay away and not take any further part because he did not think it was worth bothering with, or some such thing as that, in the face of the trouble it might possibly cause.

Q. Do you know whether as a matter of fact that meant that indictment did actually break up that faculty that had gathered there that night?

A. I judge so and I know in a few instances, and in that instance, possibly, and also in the instance of a pretty good friend of mine whose name I had seen as a member of the faculty and with whom I discussed it some time, and he said that he had been, as he indicated, offered an option of losing his place in the Reserve Army or his position on this faculty, and that someone connected as I understood with the District Attorney's Office said either directly or by implication,-stated that he must take that. He considered the position as major, I think, in the Reserve Army, he had been a major in the War, was the head of the Legion here, or whatever they call him, Chief Lobbyist of one of the War Veterans Unions, which was not the American Legion, one of the others, and for that reason I suppose that his connection with the Reserve Army had a business value as well as a great sentimental value, and he said for that reason although he felt sorry for

Dr. Holler, and believed that the charges were not true, but that he had to resign. Those two were the only real definite instances that I know about.

Q. Did you consider this major concerning whom you have just been telling us a man of integrity and honesty?

A. Yes, he was a very excellent man.

MR. HASSELL. Now, if the Court please, I submit that the witness ought to state to the Court the name of the party to whom he is referring, he has referred to some party here and testified to a good deal of heresay matter, and he has not furnished his name.

THE WITNESS. Shall I give this last man's name first?

MR. HASSELL. Give both of them.

THE WITNESS. His name was Major Robert P. Parrott.

MR. LEAHEY.

Q. Is there another name now?

A. And the other name I think was Warner, James Warner, there was also a Werner, they were both names that of course caused some confusion at that time, but I think this was W-e-.

Q. Now, in those meetings did you ever hear any discussion that they ought to try to get as many students as they could and pass papers for the purpose of getting fees?

A. No, sir.

Q. Did the men discuss the proposition as though it was some money making scheme that they wanted to put across?

A. I never heard any discussion of that one way or the other.

Q. Was there anything said or done at these meetings to speak of that indicated to you that these men were endeavoring to obtain fees from students by correspondence, just for the purpose of fees or attempting to establish a bona fide medical school or do any bona fide work?

A. No, sir, nothing was ever said to me about acting as an agent or getting students or anything in that way.

Q. Did you ever hear it discussed at any of those meetings that it was the purpose of it, or anything of that kind?

A. No, sir.

Q. Did you yourself when you became a member of the faculty intend to

take charge of and honestly perform your duties in the examination of papers and passing upon theses?

A. Yes, sir.

Q. Did you yourself have any intention of entering into any agreement where you would pass papers and grade them, that ought not to be passed or ought not to be graded for the purpose of obtaining a fee?

A. No, sir, I am very sure and it happens I have not graded any papers. I have marked them as I thought they should be rated.

THE COURT. What was that?

A. Papers that had previously been marked by an examiner I have marked them as they should be rated.

MR. LEAHEY

Q. Do you ever recall attending any meeting down there at H. Street after the indictment of Dr. Holler and after the discussion of the charges that you have told us about?

A. At H. Street?

Q. Yes.

A. Following the meeting at which I first learned of that, that was all.

CROSS EXAMINATION

MR. HASSELL

Q. How many meetings did you say you attended?

A. I mentioned attending four at that time.

Q. At what time.

A. I attended some recently, within the last few months.

Q. Within the last few months?

A. Yes.

Q. You attended four at what time?

A. The first four months of 1922.

Q. That is January, February, March and April?

A. Yes, sir.

Q. And how many meetings during that time?

A. Four, either three or four.

Q. Then you did not attend any more until when?

A. Early in June of this year.

Q. Early in June of 1923?

A. Yes, sir.

Q. Why the hiatus?

A. That's hard for me to answer.

Q. Why did you not attend any meetings between those two dates?

A. Why I understand there were proceedings against the University and Dr. Holler and as it happened at that time I had been almost a spectator.

Q. You had been almost a spectator?

A. I had not been given any papers and as it happened I had not signed any diplomas at that time and I thought that it was a matter of caution to --

Q. Matter of what?

A. Matter of caution to stay away, that if Holler was actually convicted it would reflect somewhat on the professors. I suppose that was about my thoughts if I carried it out to that extent.

Q. And these first four meetings that you attended you said, I believe, on direct, that you did examine some papers?

A. No, sir.

Q. Did I not understand you to say that you examined three or four papers?

A. I looked at three or four but did not examine them.

Q. Who handed you those papers?

A. They were, I should say, on a table, and the professors were looking at them to select those, at Dr. Holler's direction, which they were particularly fitted to handle and which belonged to the department to which they were attached.

Q. The three papers that you examined were on what subject?

MR. LEAHEY. Well, he did not examine them in the sense of passing on them.

MR. HASSELL. He stated that he examined three papers.

MR. LEAHEY. Not at that meeting. He said he looked over them but did not look at them as he might have to pass on them.

THE WITNESS. I glanced at them in a general way to see if there were any I could handle in the language I understood and so on.

MR. HASSELL. As I understand it all of the papers were placed on a table and the 35 or 40 members of the faculty crowded around and selected those that they thought they could handle, is that the way they were distributed?

A. That does not express it exactly, because I think that possibly Dr. Holler had the majority and they seemed allocated, and if they knew this professor could well do that too it was understood he would be there altogether, so that to a certain extent that is true. I think that one was free to say "Why I am familiar with this particular subject and can handle it".

Q. What compensation did you get for attending the first four meetings?

A. I would state that I received a check for $4.16, it was an odd amount which I thought perhaps was a division of some annual salary by twelve, or something like that.

Q. $4.16 for the four meetings?

A. For each one of the four meetings.

Q. For each one of the four meetings?

A. Yes, sir.

Q. And you say you did not sign any diplomas?

A. Not at that time, no sir.

Q. And you do not admit that you examined any papers?

A. No, sir.

Q. You merely attended?

A. I have since signed some diplomas but I have never examined any papers.

Q. You have never examined any papers? And what kind of diplomas have you signed?

A. Why almost all kinds, in different capacities.

Q. You have signed all kinds of diplomas?

A. Yes, sir. I believe that I was appointed as a Dean of the Commercial School, -- I understand comparatively few of the students came in there, -- because I had had some business experience and education at least in connection with typewriting and bookkeeping and auditing to some extent. I did not include that in my statement.

Q. Did you sign any diplomas or certificates of students who had studied stenography and typewriting by correspondence?

A. Why, there were a few whose studies I was given to understand were along commercial lines, perhaps, economics, in a broad sense commercial, I had done some work at the American University, and somewhat specialized on economics,

so I think perhaps in a few cases in assigning out the papers and signing them I was asked to sign on the line under which is printed the word "Dean", but in the majority of cases there were two or three blank lines, with no indication whatever as to what the person who signed was, and I recall writing, -- and that I was asked to sign on those lines. The secretary or someone directed that matter.

Q. Did you know why you were signing them?

A. Why I signed them?

THE COURT. Yes, did you know at the time?

A. Why, as a professor, I suppose. My understanding was that, from the literature and so forth, many of the diplomas were given without much instruction in courses from this University but on certificates of work done elsewhere and so on, but they all were required to submit some sort of, -- well, I am not sure about that, but I supposed they always were to submit some thesis. I supposed in all cases Dr. Holler or one of the professors had examined whatever they submitted and also examined whatever credentials as to study they had given, and Dr. Holler I think I have heard state in the faculty meetings and to me personally that he was responsible for those matters of qualifications.

MR. HASSELL

Q. So you had no knowledge of what studies the students had performed when you signed the diplomas, is that it?

A. No, sir.

Q. You did not pass on any of his papers or examine any thesis submitted by him?

A. I did not examine any thesis, that is true, yes sir.

Q. Where did you sign these diplomas, were they brought to you or were you at the faculty meetings when you signed them.

A. At the faculty meetings.

Q. What fee did you get for signing the diplomas?

A. I received simply a fee for attendance at the meeting whether or not signed, although by this year it had been increased and I received $5 each time.

Q. $5 each time or for each diploma?

A. No, for each meeting.

Q. Were your fees in any way regulated?

A. Why I understand there was an additional fee for each service in the way of examining theses, but I did not receive any of those.

Q. Did you get a fee of 25¢ for each diploma signed?

A. No, sir.

Q. These gentlemen who were present at these first four meetings, could you state about how many were present at the first meeting you attended and the second, third and fourth, do you recall?

A. No, sir, I do not, I could not differentiate between them.

Q. Would you say there were 35 or 40?

A. I don't recall that meeting as well as I do at least two at the Medical Building.

Q. The last two, -- when do you mean, -- of the first four?

A. I think it was March and April, yes.

Q. Well, the first meeting you attended was in January?

A. I was somewhat, -- very new, and it does not seem as though I recall that meeting as well, but I should say there were about the same number.

Q. Early in January, 1922, you think there were 35 or 40 men who attended the meeting?

A. Yes, sir, and I assume that possibly there had been an increase about that time because of the fact that I know I responded, that is I myself had answered an advertisement in the paper, and I assume that others of those present had done the same thing.

Q. Do you mean there was a general advertisement in the paper for members of the faculty to meet on this date in January, 1922?

A. No, but for teachers of certain classes, physicians, lawyers, and so on, to join the faculty.

Q. Oh, that was inviting people to join -- soliciting -- ?

A. Of a University to be begun by correspondence or something of that kind.

Q. Do you remember that advertisement appeared in the Washington Post on December 14, 1921?

A. I undoubtedly saw it in some Washington paper about that time.

Q. Did it read about like this? "Professors -- For well established

International/al University -- Physicians, Dentists, Pharmacists, Lawyers, Engineers, Artists, etc. -- to give a little spare time for good pay"?

A. I suppose that was the same advertisement.

Q. "'Phone North 5423."

A. I suppose so.

Q. And you answered that advertisement?

A. Yes, sir.

Q. And called that number, North 5423?

A. I recall writing a letter, but if the advertisement I saw was like that I must have first called the number to find what university it was and its address. I wrote -- Well, possibly I called and got an application blank or I called and gave my degrees and education and experience first and made out a form of printed blank like -- I am not sure about that.

Q. Now, at the first meeting that you attended, I think the record indicates that you attended that meeting as a result of this advertisement, is that correct, or as the result of having been employed through that advertisement, and that was the first meeting, first occasion you had except you had signed the application?

A. Yes, sir.

Q. Now, when you went there that night did you go alone or did you go with some other faculty member?

A. I went alone.

Q. Who did you first see when you went in?

A. Well, I can not state that, but in the meantime I had been there and seen Dr. Holler in some way or another.

Q. You saw Dr. Holler when you went there that night, were you received by him?

A. He was present I am sure, yes, at all of the meetings.

Q. And were you introduced to other members of the faculty there?

A. I think so, yes sir.

Q. Are not you sure about that, did not you meet other members of the faculty, actually receive an introduction to them?

A. Why, I am quite sure that I was not introduced to the whole of them

generally, I mean all of them generally, each one personally, it may be I was not introduced to anybody except possibly the secretary who took the count of the attendance, etc., I would not be sure.

Q. Who was the secretary?

A. I could not possibly give his name but I think in most of those meetings it was a man whomI have not seen this year.

Q. Do you think he is not now connected with the Institution, is that it?

A. I don't know, perhaps not.

Q. Could you give the names of any persons that you met on that occasion?

A. The very first meeting?

Q. Yes.

A. No, I am not positive as distinguishing it from the other meetings.

Q. And where was this meeting held?

A. That was 1702 Oregon Avenue, I believe.

Q. 1702 Oregon Avenue?

A. Yes, sir.

Q. That was at the Oriental University Building?

A. Yes, sir.

Q. What room was it held in, down stairs or up stairs?

A. I would say on the second floor.

Q. On the second floor. Was it a large rambling hall or what size of room?

A. It was a sort of double ~~barroler~~ Parlor, I should judge the total being possibly nearly the length of this room and two-thirds as wide. It may not be exactly as large as that but it was a large house and thereare two folding doors between.

Q. You would say it was not as large as this room?

A. Not quite, no.

Q. It was pretty crowded, was not it, 35 or 40 people there made it pretty crowded, didn't it, is that your impression?

A. Well, it was well filled, yes sir.

Q. It was pretty crowded?

A. No, I would not say that. As I say, I do not recall so definitely about that as I do the meetings later where I probably stopped longer in the building

on Eleventh and H. I expect I listened on one occasion at least to a long lecture, so that I had more opportunity to observe the building and how many there were and how well filled the place was and so on.

Q. Well, your estimate of 35 or 40 at the first meeting you attended, would you say that is inclined to be an over estimate or under, then?

A. Why, I should think there were probably between 35 and 40, as near as I can tell. I don't think that too far away , except possibly a slight error.

Q. Were chairs arranged for them to sit on, these members attending, or were there benches or how were they seated?

A. Why, I think they were largely seated in chairs. There were one or two tables in the room which were to be used for writing, and there were, I think to some extent, and I think some, as I recall it, had to stand, and possibly out through the door out into the hall where the stairway was.

Q. You say no papers were examined and graded that night by the faculty that you know of?

A. I don't think any were probably examined and graded right on the spot.

Q. Well, you said that you thought some of the papers were taken away and examined and returned later, what is the basis for that statement?

A. Because I heard conversation between Dr. Holler and the people in a general way saying "Can you handle this, Professor?" -- Or "Doctor" whatever it was, and I think in some cases I was asked whether a certain paper would be on a subject with which I was sufficiently familiar to grade it. I think that may have happened a few times but I was somewhat modest and did not think they were within my scope.

Q. You did not actually see anyone take any papers away, did you, you could not swear to that?

A. I could not give any single instance that one actual person, -- I would say though I am pretty sure, -- I talked on the corner with this man Werner when he had two or three of these papers rolled up, and I am sure that he took one or two papers in German, which he and I somewhat discussed, and I found he knew German a great deal better than I did so he took them instead of me, -- instead of I.

Q. I understood you to say you did not take any?

A. No, but I was considering taking some of these when I found he was

alongside of me and was better qualified a great deal than I was, -- his better knowledge of the language, I think possibly he had made it a sort of life work.

Q. This occurred in the faculty meeting in the room?

A. Yes, sir, but I think that Dr. Holler went out with him and carried the papers out.

Q. You did meet Werner, then?

A. That was not the first night, this was later.

You will pardon me if I did not stick to the first one,

I did not meet him when I first went that first time.

Q. You say that this major, Robert P. Parrott,a friend of yours, was listed as a member of the faculty, do you know whether his name was carried in the literature as a member of the faculty?

A. I think perhaps it was.

Q. What piece of literature was that in?

A. It was some piece that contained a list of all faculty members but I don't what date they were members of the faculty.

Q. Was it a register or a catalogue?

A. I think very probably it was.

Q. Was it a book like that (Showing the witness 7-A)?

A. I can not state that positively becuase I had a number of pieces of literature when I first came.

Q. Or were they leaflets unbound?

A. I am not sure.

Q. Was your name carried, or is it carried as a member of the faculty of the Oriental University?

A. I never have seen it. I don't know that any list has been published since I became a member, I don't know whether it is or not.

Q. Do you know whether the Complete Register of the Oriental University has been published since January 1, 1920?

A. I do not.

Q. Similar to that -- I show you Government Exhibit 7-A.

A. I don't know.

Q. Did you have much information as to just what information has been

issued since you have been connected with the University?

A. No, sir, I have been on the whole, I have been inactive as a professor.

Q. You have been what?

A. Inactive as a professor, have not taken it as seriously as I might.

Q. You said Mr. Norton that you have not graded any papers at all, -- that is during the time of your first connection with the University or since then, is that correct?

A. That is correct, yes, sir.

Q. That means you have not examined any papers submitted by students for the purpose of answering questions leading to a degree, or have not examined any theses?

A. That is true.

Q. What chair did you hold, or were you assigned to in the Oriental University? What were you professor of?

A. Why, I think that my appointment or certificate included commercial branches and law, both, I am not positive.

Q. You were not professor of engineering?

A. No, sir.

Q. During your connection with the University, have you made any contact with any local students who took instruction at the University?

A. To be sure that I told everything I would say that this same man, Major Parrott does hold a degree, I think he holds a degree and that he took it while he was in Washington.

Q. Well, I mean were there any students connected with the University at the time you were a professor, or now, -- you are a professor now, are you, you are on the faculty now?

A. I suppose so, I have not handed in my resignation.

No, I have not known of any local students since I was a member of the faculty.

Q. Do you know of any facilities that this Oriental University has for giving courses in medicine, or dentistry, or don't you have any information on that subject?

A. Not at the present time, I don't know of any. I know that they did have

some rooms.

Q. Where were those rooms, where did they have them, where were those rooms?

A. Early in 1922.

Q. The latter part of 1922?

A. The early part of 1922. Where these meetings were held, -- I did not visit them at any other time, and I think there was a sort of auditorium where the meetings were held, I did not inspect them.

Q. Did you make any investigation before you became a member of the faculty as to its facilities for instructing prospective students in any of the branches or courses the University held out?

A. Before I made application?

Q. Before you became connected with it?

A. Why, about that time I read some of the literature explaining the correspondence methods, and I think I saw the outlines of courses in some two or three or more studies. I think perhaps they may have been included in a bundle of literature that was sent me about the time of my appointment, or after I made application.

Q. That was the extent of your investigation, was it?

A. Yes, sir.

Q. And since you became connected with it what have you learned concerning the facilities of the University to instruct students in the branches listed in the catalogue and literature?

A. Why nothing more than I have stated. I think that I have seen simply the outlines of courses that seemed to be very thorough.

Q. Now, how many people attended the faculty meetings after that first one we have beentalking about?

A. During the others in the first four months of 1922, I have already stated that about the same number, that is an average for all of them.

Q. Were they the same people each time?

A. Not altogether, probably, because the roll was called and there were a number of absentees each time, and they were not always, for the most part I think they were the same ones. Of course, I do not know them all, and many of

them are odd names.

Q. How many can you name that attended any of those first four meetings?

A. Why, there is one man that I have recognized as being at two or three of the meetings from the first. That is one Dr. Skinner, and there is this man Werner was at the early meetings, but not this year, I think he has resigned. And then this year I have gotten acquainted with some of them very well. I could state better --

Q. But you don't recall any more than those who attended the first four meetings at which there were 35 or 40?

A. No, sir.

Q. And you say they called the roll at the opening of each one of those meetings?

A. Yes,sir.

Q. And did you understand that was the roll of the entire faculty of the Oriental University, that was called?

A. Yes, sir; I think meetings were held very promptly, and others who had been checked as absent, quite a few of them would come in later, and of course the secretary would recognize them, or Dr. Holler, occasionally he would take the names of the new ones and those would be checked off, but as a general thing I would not know who would be checked off that way. I would simply come in and be recognized and take a chair.

Q. How much time was consumed at each one of these first four meetings you attended, do you recall?

A. Why, I should say probably not less than two hours at a time, and I recall one particularly when there was, after all the business and discussion, etc., there was a lecture which probably took up an hour and a quarter in addition, so I imagine we were probably between three or four hours at least.

Q. What did the faculty do during the two hours, what were they engaged in?

A. They started with calling the roll,

Q. That occupied some little time?

A. Yes, sir.

Q. And then what else?

A. Then Dr. Holler brought up matters he wished to have discussed.

Q. What sort of matters?

A. Why, I think they were engaged largely at those meetings down the street on the Mecical School. I was not actively interested in that because I know nothing particularly about medicine. I do recall one thing, and that was a little discussion as to whether some principles of the University would require it to accept all races into the school.

Q. All races.

A. Of course, including the negro race, and of course, there was a great deal of opposition to that, and I think the matter or possibility of taking them was dropped, or there was a vote taken and it was outvoted.

Q. What was your understanding about the school, that it was to be entirely a correspondence school or that they were to give local instruction also?

A. Why, when I was considering becoming a member of the faculty I did not realize that it was anything but correspondence. Of course, in connection with the proposed medical school I supposed there was to be local instruction.

Q. The Medical School was only proposed in 1922?

A. It was proposed in very early stages, as I take it, of course, there were no classes meeting in the evening at that time, so far as I know, unless they were on a different floor or room.

Q. And did you understand concerning the Medical School that the school was to embrace the allopathic, homeopathic, chiropractic, eclectic and practically all schools of medicine and offer instruction in each?

A. I did not understand definitely about that. I think I gained the impression that he included perhaps some of the mechanical means like osteopathy or chiropractic as well as medicine.

Q. You said, I believe, that the reason you discontinued attending the meetings in 1922, or the spring of 1922 was the trouble Dr. Holler had and his indictment, leading to his indictment, why did you return later?

A. Why, I had heard nothing more about the proceedings, did not know whether they had been dropped or discontinued, I knew nothing about this proceeding, all I had heard about was the criminal proceeding.

Q. Did not you see in the paper that a Mr. Holler had been indicted?

A. I did not, no, I think not.

Q. Did you not hear of that at all?

A. No.

Q. How many members of the faculty have attended recent meetings, or the meetings attended by you since your return?

A. That one in June just very closely preceding the Shriners Convention there was one at which there were very few besides yourself.

Q. Very few besides yourself?

A. Yes, it was somewhat of a hurried meeting.

Q. About how many?

A. Because the girl and the others, the family were intending to go down town to see the illuminations and so on, and I think, although I am not positive, -- I am not positive of any person that was there at that meeting, I can state more definitely about the later ones, but I will say that I think this Dr. Skinner was present, and I think Mr. Breitenstein was present, Dr. or Prof. Breitenstein and Dr. Hearn or Herrin, I am not able to spell that.

MR. LEAHEY. H-a-h-n.

THE WITNESS. Yes, sir.

MR. HASSELL

Q. Well, that's three or four.

A. I am not sure of any one of those at that meeting. I know it was very brief and hurried at that time.

Q. You have named three or four.

A. And Mrs. Holler and Miss Holler were present, and perhaps did not leave until some/during the meeting, time so that it was probably a social gathering, but I think diplomas were signed and that was about all that was done.

Q. About when was this meeting?

A. Very early in June.

Q. Early in June of this year?

A. Perhaps it was during the last of May, perhaps around the last because the Shriners Convention was coming and it was a very few days before that.

Q. And there were three or four members of the faculty there besides yourself, Dr. Holler and his family?

A. Yes, sir.

Q. And meetings prior to that, how were they attended?

A. I did not attend any in between the four we discussed and that one.

Q. Do you recall about how many diplomas were signed that night in June that you attended ?

A. My impression of that and two later meetings is that each time there were something like thirty or forty, but I did not count them.

Q. Thirty or forty diplomas?

A. Yes.

Q. And when were the two later meetings held?

A. One was in the last of July or early in August.

Q. 1923?

A. 1923, on a Saturday afternoon, at Dr. Holler's cottage at North Beach.

Q. And when was the other?

A. The other was last Sunday at the University.

Q. Last Sunday?

A. Yes, that is September 23d.

Q. September, 1923?

A. 1923.

Q. And how many diplomas were signed then?

A. Last Sunday I should say about 30 diplomas.

Q. And what subjects did they cover, could you recall in what subjects they were? .

A. Why, yes, I noted that some were related to medicine and some to religion and philosophy and some to law and I think there were some in dentistry.

Q. And did you sign those diplomas as Dean, or in some other capacity?

A. I may have signed, -- relating to this meeting which I recall most definitely of all, I think probably three or four were Dean and the rest without any title but in the blank lines as professor.

Q. Professor of what?

A. Professor of law.

Q. And did you examine any theses or papers of those students?

A. I want to correct that. I think that possibly I signed ten or a dozen as Dean because I think I also was requested to sign and did so some of those on law,

I suppose as acting dean of the Law School in view of the fact that I am qualified to some extent.

Q. And those particular diplomas you signed in law, were they students those papers you had examined?

A. No, sir.

Q. You accepted Mr. Holler's word as for their qualifications, etc.?

A. Yes, sir.

Q. Is it your understanding that the University is now operating as it has heretofore, sending out the same character of literature and so forth, catalogues and registers and leaflets outlining their courses?

A. I have not any information as to that.

Q. Has there been any falling off in the number of degrees to be signed June 24th and this last meeting on Sunday, September 23d?

A. Not that I know of.

REDIRECT EXAMINATION

MR. LEAHEY

Q. You said something, Mr. Norton, about a course at the American University, in addition to your other studies, do you mean the American University of this City?

A. Yes, sir.

Q. What studies did you pursue there?

A. I completed something like the class room work, -- I entered when it started at the very first, down town school, in February of 1920 I think, and I took very dry courses in the history of the English law and some courses in economics, one on foreign exchange; I have specialized on economic subjects as far as I could for a law degree, international law, in the text book and then the case book course, and I have completed the work except writing my thesis which I have postponed owing to lack of time but intend to do still.

Q. That looks toward what degree?

A. Doctor of civil law.

Q. And after you have written your thesis and it is passed on you will get your doctor of civil law?

A. Yes.

Q. You also stated one evening down there you recall a lecture, do you recall what subject it was on, down there in the Medical Building?

A. Yes, sir, it was on Treatment by Use of the X-Ray.

Q. Would you characterize it as a scholarly lecture or otherwise?

A. It was a subject with which I was very unfamiliar.

MR. HASSELL. If the Court please, I submit the witness is not competent to state, not qualified, so admits by his answer.

MR. LEAHEY. He can testify as to whether it was scholarly.

THE WITNESS. I can perhaps describe it in this way, that it took up the experiments that were being made throughout the world at that time, different countries, and I judge that it was profound and thorough.

THE COURT. Lecture by whom?

THE WITNESS. It was by a man whom I understood was introduced as a member of the faculty at that time. I would say that he had a long name and probably a German name, but the exact name I can not say.

MR. LEAHEY

Q. Now, a great deal has been asked you with reference to the signing of the diplomas and where you signed and how you signed and what was under your name. You signed as a member of that faculty?

A. Yes, sir.

Q. Either in the capacity of Acting Dean of the Law and Commercial Department or simply as a member of the faculty, is that right?

A. I would correct that by saying "At times as Dean of the Commercial and Acting Dean of the Law".

Q. Dean of the Commercial and Acting Dean of the Law. You did not attempt to pass on any papers on which you are not qualified, did you?

A. No, sir.

MR. HASSELL. If the Court please --

THE COURT. I think he testified he passed on no papers.

MR. LEAHEY

Q. Were you ever asked to pass on any papers?

A. No, I have not.

Q. Now, you said that Dr. Holler would say that the students were qualified, you know whether there were any grades showing the students qualifications or application forms?

A. Why, I saw a card index which for some reason I can not state definitely, I took was the list of those who were being given degrees, yes. I think they were not large enough to take in all of the students but Dr. Holler referred to them at the time the diplomas werebeing signed.

Q. So that when the diplomas were being signed Dr. Holler would refer to the card for the students qualifications?

A. I would not say that was done in every case, but they seemed to be occasionally referred to.

Q. You don't know anything about what it said as to whether the student had passed in the required course under the supervision of the professor of that course?

A. No, sir, nothing whatever, no.

Q. What would Dr. Holler say, -- can you recall it just approximately, or the substance of what he would say to you?

A. Why, I don't think that any of those were taken up with me personally, possibly with the secretary. There was some conversation in which he referred to one of his cards at the time.

Q. Well, there would be a reference about it at the meeting if not to you personally to the secretary?

A. Yes, sir.

Q. If not to you personally, to the secretary?

A. Yes, sir.

THE COURT. What do you understand, Mr. Norton, to be the meaning of the word "Dean", what is your definition of that word?

A. I suppose it is the person in charge of a branch of a university or other school --

THE COURT. In charge of what?

A. In charge of a university or other school or possibly of an independent school, or having some supervision.

Q. Do you consider yourself in charge of the Commercial School and at times in charge of the Law School, -- Acting Dean?

A. No, I do not actually take any control over any of them, over any of the schools.

Q. Could you even find your school? -- Why did you sign yourself as Dean then, of a school, if you did not have any school and could not find it? You are a college man, are not you?

A. Yes, sir.

Q. You understand the meaning of those words and the values of degrees?

A. Yes, sir, I think so.

Q. Can you give us any reason for doing that

A. No, sir, I can not.

Q. You have no explanation to offer?

A. No, sir.

THE COURT. All right.

MR. LEAHEY

Q. Were you in charge of the commercial work there if any commercial work came in?

A. Well, I was prepared to do anything that was assigned to me in that line.

MR. HASSELL

Q. Mr. Norton, I don't know whether we ever got that exactly clear on the record as to your compensation. You stated you got $5 for the earlier meetings --

MR. LEAHEY. No, $4.16 for the earlier meetings and $5 for the later.

MR. HASSELL. Is that correct?

A. Yes sir.

MR. HASSELL. $5 for each one of the later?

A. Yes. If you wish me to make that complete and full I will say that at the last meeting Dr. Holler stated that since the faculty, I think, -- I know that was not paid unless the person was present, -- that since the faculty was small he thought they could afford to make the payment for that meeting, -- I don't know whether it was meant to be established for general compensation for the future or not, -- greater, and instructed the secretary to make the checks out for $10.

Q. $10 for each attendance?

A. That is this last meeting of September 23d.

Q. On September 23d did Mr. Holler state to you that he had been cited to show cause before the Post Office Department why an order should not be issued against him?

A. Yes, he did mention that there was a proceeding of this kind.

Q. So you knew this proceeding was pending?

A. I did.

Q. Was that your first knowledge of it?

A. Probably near the close of that meeting, yes sir.

(WITNESS EXCUSED)

MR. LEAHEY. While we are talking in connection with the meetings of the Medical School, I want to read the affidavit of Henry F. R. Snyder (Reads Respondent's Exhibit No. 13)

MR. RHOADS. Who secured that affidavit?

MR. LEAHEY. I was there myself and secured it myself.

MR. RHOADS. Is this his language?

MR. LEAHEY. I wrote that last night myself as I passed beside his bed. He talked much better than this, I would give $1000 if he were here.

THE COURT. What period do you understand this covered?

MR. LEAHEY. Just before the indictment when they were organizing the Medical School at Eleventh and H. Street, N.W.

THE COURT. How old a man is he?

MR. LEAHEY. I think about 47 or around that age. I know he said he was a bachelor, and he said he was too old to fall for a woman's charms, so he is pretty well along.

Now, I just want to hurry through these contracts. (Continues introduction of applications, contracts, etc., contained in Respondent's Exhibit No. 12; Holland, Dr. and Mrs. Holler, Johnson, Jones,Keeley, Kenner, Lee, Lewis, Levy, Liferock, Llompart, Lynch, McLean, McMaster, Mahr, Mann, Maroon, Miller, Moskowitz, Moreno, Motley, Nicholas, Norton, O'Brien, Paez, Pelletier, and Perkins)

(WHEREUPON A RECESS WAS TAKEN AT 1:15 p.m.)

(PURSUANT TO RECESS, THE HEARING CAME TO ORDER at 2:10 p.m.)

MR. LEAHEY. (Continues introduction of contracts, applications, etc.; Phillips, Pia, Post, Riley, Robyns, Rodriguez, Salay, Sargent, Siff, Silbertson, Sipher, Skinner,H.A., Skinner, M.G., Smith, M.M., Smith, Middleton, Smith, Rex M., Snyder, Stoddard, Stone, Taber, Tao, Trammell, Wallace, Warner, Weitz, Werner, Wiemer, Willis, Young)

MR. HASSELL. Now, if the Court please, in the absence of evidence showing that the applicants whose applications have been submitted here were accepted I move that all of those be stricken from the record.

MR. LEAHEY. I think they all show they were accepted by their letter of resignation.

MR. HASSELL. Where there are any subsequent papers indicating an acceptance I submit those should stand, but where there are no such I submit they should be stricken.

MR. LEAHEY. They have all had letters in here either resigning or contracts signed. I don't think there can be any question about that. Even if the application blank alone were in it is evidence because it is evidence of the class of people who were applying for positions in this University, and their standing and it is offered on that ground.

MR. Hassell. ~~LEAHEY~~. I submit that on merely an application for a professorship there would be no authority to publish the name of the applicant as a member of the faculty.

MR. LEAHEY. Could you point out any particular one?

MR. HASSELL. I recall quite a number.

MR. LEAHEY. Do you mind checking them?

MR. HASSELL. The first one I notice here is Berton G. Boilleau, application of date December 1, 1921, and nothing further in connection with it.

MR. LEAHEY. Is it printed in the catalogue?

MR. HASSELL. No, I don't think he is.

Augustus C. Breitenstein is another application with nothing to indicate--

W. C. Cantrell.
William Robert Chapman.
Harry Cohen.
Anthony R. Dey.
Gregorio Vergel de Dios.
Robert Edward Greene. His name is in the catalogue.
Dr. S. Levy,
J. A. Llompart.

R. LEAHEY. He was on the stand.

. HASSELL. Alex M. McMaster.
Makine B. Maroon.
David Miller. He is the in catalogue. February 27, 1920. He is

rried in the catalogue of January 1, 1920.

MR. LEAHEY. I know, that is the Oriental University January 1, 1920,

alogue.

MR. HASSELL. Complete register of the Oriental University January 1, 1920.

MR. LEAHEY. That's a yearly catalogue.

MR. HASSELL. As of that date.

MR. LEAHEY. No, not the first day of the year.

MR. HASSELL. L. S. Pelletier
John W. Perkins
W. H. Phillips

I think Mr. Phillips' letter read in evidence is sufficient to show that he should not be included among the faculty.

MR. LEAHEY. What was the letter?

MR. HASSELL. His application is undated and was just a portion of the sheet, appears to have been torn from some other letter (Reads letters of W. H. Phillips)

Thomas A. Post
J. S. Riley, also carried in the catalogue.

MR. LEAHEY. He's the one that went on the stand and said that he never remembered anything about it until we pulled the contract on him.

MR. HASSELL. There's no contract there.

MR. LEHEY. Application.

MR. HASSELL. That's just my point.

This Riley application -- the handwriting of three people appears on this application.

MR. LEAHEY. He told you about that, one of them was his friend Dr. Brown.

MR. HASSELL. And Dr. Riley said he never had anything to do with it, as I understand it.

MR. LEAHEY. He said he knew Dr. Brown had written it in.

MR. HASSELL. He said he never took any definite action to have it removed but he never knew he had been put on the faculty.

MR. LEAHEY. Oh, yes, he did.

MR. HASSELL. This is an application for matriculation in theology, that does not mean he is to become a professor.

MR. LEAHEY. Don't misrepresent what Mr. Riley said.

MR. HASSELL. The record will show.

Robyns
Rodriguez. He is carried in the catalogue. Application is of February 6, 1920.

Louis Siff. Also carried in the catalogue. Application dated February 9, 1920.

George H. Stoddard, Application dated February 22, 1921. He is not in the catalogue.

Rev. Edward Tabor.

George Jacob Weitz
Raymond E. Werner
Leo D. Wiemer

No date on those applications.

Warren Jennison Willis.

He is carried in the catalogue. No date on his application.

I move that those exhibits be stricken from the record.

MR. LEAHEY. I certainly deny that, because the presumption is that when you get an application that is carried in the catalogue that there is an acceptance of it. There can not be any question of that.

MR.HASSELL. If the Court please, we might reasonably presume that this is a bona fide high standing institution.

MR. LEAHEY. That's something you have got to prove and when you have an application here and when it is in the catalogue the presumption certainly is that when the application was given and naturally carried in the catalogue that it was accepted, you could not construct it otherwise than as an acceptance, otherwise it would not be in the catalogue, can't be any question about it.

MR. HASSELL. Dr. Riley's explanation of the way he got in there throws some light on it, I expect.

MR. LEAHEY. I am perfectly willing to stand on the record of how he got in there. You thought when you brought him in here that we did not have anything on Dr. Riley, you didn't think we had a signed application from him or anything.

MR. HASSELL. Dr. Riley never knew he was on the faculty, though.

THE COURT. Will there be anything further to show whether these applicants were admitted, whether their applications were accepted?

MR. LEAHEY. I presume if I run over the records I can find something, I have not any further records here except this, I will have to spend more time running down that stuff.

THE COURT. There is no proof submitted showing the applications were actually accepted?

MR. LEAHEY. It only required when an application came to the University it only required the acceptance of the University, the University only had to accept it and to print the name, the printing of the name is sufficient to show that the University accepted it.

THE COURT. That is not true of the great number of cases you have shown, there are a great many contracts there.

MR. LEAHEY. Yes, there were a great many contracts, we had the Nugent girl on the stand.

THE COURT. How is it you have a contract in some cases and an application only in others?

MR. LEAHEY. Because the contracts are often carried in the folder, just like this loose file I am going to use now.

MR. WARD. You said you had submitted all the contracts you had.

MR. LEAHEY. All I have here, yes. All that I have here. I have not the slightest doubt we can run down the folders and find correspondence from everyone of these men if you want us to.

THE COURT. There should be something submitted to connect up the application with the acceptance.

MR. HASSELL. If the Court please, I withdraw the objection and will let the matter go in for what it is worth.

THE COURT. No objection to letting the applications go in for what they are worth. If the contention is that each one of those applicants was accepted there should be something to show that more than an application.

MR. LEAHEY. The very fact that they have been carried in the catalogue of an institution shows they have been accepted. My name has been carried ten years by George Washington University and I never had a contract.

MR. ZOOK. Mr. Solicitor, a majority of those are not carried in the catalogue.

MR. LEAHEY. Some of them are and are back to 1920. I am going to show you a 1921 catalogue where you wont have half of those you have been kicking about.

THE COURT. That catalogue is shown to be so unreliable that you can not place much --

MR. LEAHEY. May I ask the Solicitor to point out where it is unreliable.

THE COURT. You have men's names in there who have been dead 20 years or more.

MR. LEAHEY. No, we haven't, their names are under "Patrons", they are not in there as members of the faculty.

THE COURT. Patron Saints are they?

MR. LEAHEY. Well, now, you have said it absolutely. Absolutely nothing to laugh about. Because you will find in the next publication where they are carried as spiritual

patrons in heavy black type.

THE COURT. We are speaking of this publication.

MR. WARD. Have you any evidence that a court of law would accept that kind of testimony?

MR. LEAHEY. What kind of testimony?

MR. WARD. Spiritual testimony.

MR. LEAHEY. They have just as much right to practice spiritualism as you have your religion.

MR. WARD. Yes, but is testimony given by a spirit?

MR. LEAHEY. You have not said anything about that.

MR. WARD. That's the only way it could be introduced.

MR. LEAHEY. Oh no, you could have a spiritual patron.

MR. WARD. The evidence does not show any other way.

MR. LEAHEY. There is no evidence showing any way at all.

MR. WARD. The evidence shows that's the way they got their permission to include them in the books, the inspection shows that.

MR. LEAHEY. Where is it, it has not been shown.

MR. WARD. Mr. Webb's report.

MR. HASSELL. I withdraw the objection.

MR. LEAHEY. It has not been introduced. If Mr. Webb wants to be cross examined on it I'll be glad to do it.

The fact of the matter is that the applications were received and the names were carried in the catalogue. It is supposed to be that all this stuff is false and/was not there any correspondence with these men, and no applications to become professors. There are the applications and the catalogue carries their names. I don't know any better acceptance we could get unless it is a public advertisement of the fact that they are professors.

Now, I want to offer a few letters from Mr. Lund, who made an affidavit that he knew nothing about the school. We have his signature to a contract which will be developed by the correspondence. (Reads contract and letter) (Respondent's Exhibit No. 14)

MR. HASSELL. Is that his writing?

MR. LEAHEY. Written by O. C. Lund and signed by him on Oriental University

stationery, Greenwich, Connecticut, April 6, 1912. (Introduces letter of March 28, 1912).

MR. ZOOK. May I inquire whether the man Larkegue is mentioned in the second letter?

MR. LEAHEY. Whether he is mentioned?

MR. ZOOK. Yes.

MR. LEAHEY. I have not looked through it.

MR. ZOOK. I wish you would.

MR. LEAHEY. Another letter dated July 15, 1912.

MR. HASSELL. Counsel stated that Lund in his affidavit said that he did not know anything about the Oriental University. I would like counsel to look over Government Exhibit No. 21 and see if he finds any such statement therein.

MR. LEAHEY. You mean to say that that affidavit fully expresses his relations after hearing this?

MR. HASSELL. Now, if the Court please, I will offer if Counsel wants it, as Government Exhibit 21-A another affidavit from this party which may throw some additional light on the matter.

MR. LEAHEY. Yes, I will be glad to let both of those go in if you want it, in the light of that jacket. If that's the kind of testimony the Government wants, then I will be glad to keep it up with all the exhibits you can.

THE COURT. Has that been read?

MR. HASSELL. No, I will read it, if the Court please. (Reads Government Exhibit 21-A).

MR. LEAHEY. I hope the Solicitor will recall that in connection with this letter he wrote about those five students back there. Now, I believe something also was said about Osman. He too did not know anything about the school, is not that the idea. I want to offer a package of letters of Osman extending over a period of perhaps four or five years, one October 18, 1917, one November 10, 1917, one November 16, 1917, February 13, 1918, undated letter, another letter dated January 25, 1921, January 20, 1921. I offer it to show what interest he had in the Institution and what he thought of it at that time. (Reads several of above letters)

Now, with reference to Leleus, who was never in the University, -- am I

right about that, -- may I look at the affidavit --

MR. HASSELL. I might say that the matter put in respecting Osman is not inconsistent with his affidavit.

MR. LEAHEY. That is something for the Solicitor to decide.

(Introduces 16-A)

MR. HASSELL. Is that letter signed?

MR. LEAHEY. From the Oriental University, and here is the reply to it.

MR. HASSELL. Anything to indicate who wrote it?

MR. LEAHEY. No, just Oriental University office.

MR. HASSELL. Any testimony as to its having been received?

MR. LEAHEY. Oh yes, here is the answer. (Intorduces Respondent's Exhibit 16-B)

MR. HASSELL. Does counsel propose to show what subsequently transpired, whether this party was given another degree and the fees paid, does it show?

MR. LEAHEY. No other degree. Here is the application of Herman Leleus in which he states that he was at the -- (Introduces Respondent's Exhibit 16-C)

MR. HASSELL. I might call the attention of the Court to the statements in the affidavit of Leleus "I have not been connected with the University as a lecturer. I never did any work for them" -- presumably as a lecturer.

MR. LEAHEY. Now, Resler. I want to show the Solicitor how even old Homer can nod. (Intorduces Respondent's Exhibit No. 17-A) And the sad part of that is that that indictment was returned on that testimony. (Introduces 17-B)

MR. HASSELL. Now, if the Court please, I want to call attention to the signature of E. K. Resler on the letterhead of the Methodist Episcopal Church, Westmoreland and Pleasant Run, -- E. K. Resler, Minister, Kansas Office, Topeka District, Westmoreland, Kansas. This letter, it will be noted, is not on any letterhead, it is a typewritten letter, very likely a different typewriter, and the signature, particular attention is called to the signature.

MR. RHOADS. Absolutely different.

MR. WARD. Not written by the same person.

MR. HASSELL. Written by two men they were connected with that church in that little town. This letter is on the letterhead of Resler's church.

MR. LEAHEY. He says right here "I am the pastor of the M.E. Church at this

place and have finished my conference course which is a four year course." He may have addressed it, we don't know where he has this conference.

I present in evidence a signed contract of C. O. Sylvester Mawson, in answer to the affidavit that he never was connected with it, in reply to the affidavit of Sylvester Mawson that he never was in any way connected with it. I want to show the Solicitor his contract. Further showing his knowledge and interest in the School, you will find his name listed from Springfield, Massachusetts, I want to read some letters from him. (Introduces Respondent's Exhibits 18-A, and 18-B, and 18-C)

And this is his application for the position of professor. (Introduces Respondent's Exhibit No. 18-D)

Now, Poley. I thought Poley said something about the diploma had not done him any good but he does not really do that. He states the facts and seems to do so correctly. (Introduces letters in file marked Respondent's Exhibit 19-A. These letters were also identified by Mr. Hassell as being included in Government Exhibit 13, i.e. those from the University to Poley).

And now in the next file, I will mark 19-B, I want to show the work he did. (Introduces Respondent's Exhibit 19-B)

MR. HASSELL. In connection with the exhibits introduced by the respondent on Poley, I would like to read a paragraph from his affidavit, Government Exhibit No. 13:

> "I noted in the college register sent me by the said Oriental University the names of Hon. William T. Harris, former Commissioner of Education of the United States, and other prominent educators, as being patrons of this institution. This influenced me to apply for a course of instruction with the said Oriental University, believing that the institution was a reputable and bona fide educational instution of good standing among American Universities."

MR. LEAHEY. That's all right, it shows what he thought about it before somebody went up and got that affidavit.

I would like to present to the Solicitor now some evidence of work that is done by the foreign students along the same line, different theses, and I would like to call attention to the way they are prepared, the care with which they are set up. There is one in German. Here is this one in English. (Indicating)

MR. HASSELL. Are you going to give these exhibit numbers, Mr. Leahey?

MR. LEAHEY. Yes, 19-A is Poley's and the theses are 19-B

Something was said about offering honorary degrees for advertising

purposes. I want to show the Solicitor that this was submitted for the honorary degree of technology. That is the original draft and the other is a copy. (Indicating) Here is another one for the honorary degree of Doctor of Technology which they say they can not offer. If that thesis could not rank up against anything written in the United States I will eat it. I never saw more beautiful work in my life than one of those. (Introduces theses)

MR. HASSELL. This thesis of Barth does not appear to be graded as the others are.

MR. LEAHEY. That is the thesis submitted.

MR. HASSELL. I say, it is not marked with a grade like the others are.

MR. LEAHEY. I would like to leave those and have some professor look them over and see if the grading is improper. I am frank to say this is the most beautiful work I ever saw in my life.

MR. HASSELL. Mr. Leahey, do you propose to show what degrees these people got and who passed upon the theses?

MR. LEAHEY. You will those shown upon the corners of each one, stamped in, a great many are stamped with the professor's name.

MR. HASSELL. Professor -- Doctor P. S. Dietrichs passed upon this particular one.

MR. WARD. Is there any report of the action taken?

MR. ZOOK. Have you any pencil marks on these theses indicating they were ever read?

MR. LEAHEY. Oh yes.

MR. ZOOK. I have never seen any theses yet that had been read without having pencil marks on them to show that they had been read.

MR. LEAHEY. My attention has just been called to the fact that one copy was sent back to this man. That is probably the marked copy.

MR. HASSELL. Quite a number of these theses do not have any grade indicated on them anywhere.

MR. LEAHEY. Some of those are marked abroad.

MR. HASSELL. It says "Oriental University, DeMolle,

MR. LEAHEY. Just as on this one is Dietrich.

MR. HASSELL. Now does that mena that DeMolle passed this?

MR. LEAHEY. He is examining professor over there.

MR. LEAHEY. That's it.

MR. WARD. Mr. Leahey, is that a complete exhibit of all the theses you ever received?

MR. LEAHEY. Oh no, we will bring down a great load of them if you want them.

MR. WARD. They are all high standard, are they, like those?

MR. LEAHEY. Like those, mostly. You see they usually get them bound in a flexible cover.

MR. HASSELL. In connection with counsel's recent statement about the examination of theses abroad, I will read from Government Exhibit 7-k "Old and new rules to be enforced". Rule 3 requires

"No degree will be granted to anyone who has not satisfactorily passed an examinaton on at least six of our course under the supervision of either our Resident Faculty in Washington, our special Boards of Examiners, or of the Faculty of any of our affiliated colleges in the International Academic Union in the centers of population far removed from Washington., either in America or other countries, or at least 2 of our non-resident professors, wherever they may reside. In addition to this examination, an acceptable dissertation of about 10,000 words, proving original research, discovery or invention, typewritten or printed, with a proper title page, the signature of the candidate at the end, and boond in flexible cover must be presented to the Resident Faculty at Washington,"

MR. LEAHEY. We have got one copy from the Resident Faculty in Washington.

MR. HASSELL. Mr. Leahey, might I ask whether you found the original thesis of Louis Nalitsky?

MR. LEAHEY. We hunted everywhere for a Nalitsky paper, hunted everywhere for about three hours last night, and could not find them anywhere. I was under the impression we had his original thesis but it does not appear to be on file.

(Introduces dissertation of George Hutten) (Exhibit 21)
(Introduces dissertation of Ercole Cerasoli) (Exhibit 22)
(Introduces dissertation of Cav. Luigi Antonini. (Exhibit 24)
(Introduces dissertation of Eugen Hais (Exhibit 25)
(Introduces dissertation of Brosset) (Exhibit 26)
(Introduces dissertation of L. F. van Gent.)(Exhibit 27)
(Introduces dissertation of Leone Ciappolino) (Exhibit 28)
(Introduces dissertation of Miss Elizabeth Clark) (Exhibit 29)
(Introduces diessertation of Karl Barth) (Exhibits 30-A, 30-B, 30-C and 30-D)

MR. HASSELL. Anything on this exhibit to show that it was submitted as a thesis for a degree in the Oriental University?

MR. LEAHEY. Yes, submitted to the faculty of the Oriental University for a degree.

MR. ZOOK. Anything on the exhibit showing that it was submitted for that purpose?

MR. RHOADS. And that it was passed on?

MR. LEAHEY. That I do not know.

MR. HASSELL. Does it show that it was passed on as stated by the Oriental University?

MR. LEAHEY. Yes, sir. This is the notation put on it by the representative "Special thesis follows".

(Introduces dissertation of Prof. Dr. Carlheinz Junker as Respondent's Exhibit No. 31)

(Introduces thesis of Cavallero as Respondent's Exhibit 32)

(WHEREUPON AN ADJOURNMENT WAS TAKEN AT 5:30 p.m.)

(PURSUANT TO ADJOURNMENT, THE HEARING CAME TO ORDER AT 8:30 p.m. Friday, September 28, 1923.)

MR. LEAHEY. I would like to read into the record in connection with the report of the Commissioner of Education which was read into the record by the prosecution, some other matters from the annual report of the Department of the Interior. For instance Volume One, Report of the Commissioner of Education in 1902, not to read it all, because it is too long, but on Page 1080 of that volume published at the Government Printing Office in 1903 will be found a complete plan of the University of Chicago Correspondence Study Department; 1080, 1081, 1082 and 1083, and it gives the numbers of pupils in the course at that time as 673 held over from July 1, 1901; new registration 799; registrations renewed, -- A 13. This represents only those whose time expired on or before June 30, 1901, and reinstated during the scholastic year 1901-02. In addition to these there were 61 whose time expired during 1901 and '02 who were reinstated during the same year, and the complete table is therein given. A certificate is granted for each correspondence course successfully completed. On page 1084, beginning at the bottom thereof are some opinions of instructors of the University of Chicago upon the value of the Correspondence School. For instance, President William Rainey Harper says:

> "I have myself been personally interested in the correspondence work for twenty years, and have seen the system work for that period of time. The correspondence method of study is not intended for all men and women; it is intended for those who have the ability-the backbone-to work without the constant prodding of a teacher. Half the students in a university need the constant attention of the teacher day by day. It is the best class of students who do work by correspondence. It is without doubt true that in linguistics (I draw my illustrations from the department with which I am personally connected-Hebrew and the cognate languages) the work done by correspondence is even better than that done in the class room. Students who come to us after a year of such work are better prepared than those who have taken it with us in the class-room, and we do not mean to say that we are not doing our very best for our students in the class-room."

Assistant Prof. Edwin Erle Sparks (history): -

> "Correspondence work represents the very essence of self-helf. The earnest student in this work feels the exhilaration and in spiration which come from the consciousness of growing, self-developed power."

Dr. Charles Alexander McMurray (pedagogy):

> "During the past year I had the opportunity of comparing work done by students who were taking the "history of education" course

in the class room and by correspondence. I do not hesitate a
mement in saying that those who did the work by correspondence
did three times as effective work and gained three times as
much satisfaction for themselves as those who took the work
in the class room. The correspondence student must carefully
and thoughtfully sift out definite material for himself and
give his opinion on it. This calls for an amount of self-
reliant effort that is among the best results of study."

Dr. Charles Joseph Chamberlain (botany): -

"A major's work by correspondence demands more time, both from the student and from the instructor, than a major's work in residence; but my experience has convinced me that three or four majors by correspondence is highly desirable, especially for those who wish to do advanced work in botany, for it develops self-reliance and independence. Twelve students who have taken their elementary work in botany by correspondence have since taken resident work in the subject. Other members of the department with whom these students have done resident work agree that it is fully up to the highest standard of those who have taken all their work in residence."

Prof. Starr Willard Cutting (German): -

"Within certain ranges, defined by the previous preparation and the library facilities within reach of my pupils, I have conducted courses in German by correspondence with a success at least equal to that attainable in the class room. This I attribute chiefly to these facts: (1) The necessity of committing one's questions to writing leads to careful reflection and independent effort in solving difficulties as a preface to calling upon the instructor for help. At the same time the absence of the formal lecture stimulates the pupil to ask questions that gauge an amount of personal interest and activity not always aroused in the class room. More sane questions are asked by the student in a correspondence course than by the same student in a resident course. (2) Work by correspondence is strictly individual work. The instructor is adjusting himself all the time, not that statistical abstraction, "the average student," but to one of his fellow-men, whose definite needs are reflected by the questions he asks."

Assistant Prof. Frank Justus Miller (Latin): -

"Of scores of students who have taken correspondence courses in Latin with me, the only failures to do creditable work have been on the part of those whose unfitness to undertake the courses could not be predetermined adequately, but was manifest at once when the course was well under way. On the other hand, and, as a rule, work of the most careful and painstaking kind and of the highest and most satisfactory character has been done not by a few but by many of my students in Latin. There has been a gratifying change in the type of my nonresident student. A better class is being attracted to t his work. Undoubtedly the loss of the personal teacher is a great lack; but this finds at least a partial compensation in the much larger amount of individual work that the student is called upon to perform. Besides, while there is indeed no teacher present in person in this work, there may be much of the teacher's personality infused into it. That much of the student's personality is reflected I can abundantly testify."

(Articles on English Composition by Correspondence by Edith Foster Flint of the University of Chicago and on Laboratory Work by Correspondence by Charles J. Chamberlain of the University of Chicago, also on Can History be Successfully Taught by Correspondence, by Frances Knox, of the University of Chiacgo were also referred to by Mr. Leahey at this point)

MR. LEAHEY. On page 1090 concerning correspondence courses of the Pennsylvania State College it says:

"Lessons have been prepared in thirty courses of study. Each course consists of from five to eleven lessons, and is expected to occupy the time of the student for a few weeks."

MR. ZOOK. Mr. Solicitor, may I ask a question at this point?

THE COURT. Surely.

MR. ZOOK. Is there anything in there about the Pennsylvania State College giving any college credit for that work?

MR. LEAHEY. No, the student is entitled to a certificate, they call that a certificate.

MR. ZOOK. Mr. Solicitor, I was in the Pennsylvania College and no college credit whatever was given for the work in the correspondence school.

MR. LEAHEY. I suppose this is wrong then?

MR. ZOOK. The certificate doesn't mean that college credit was given, no.

MR. LEAHEY. What is the difference between a college credit and a college certificate?

MR. ZOOK. A great deal of difference.

MR. LEAHEY. Difference in words, that's all.

MR. ZOOK. There is absolutely no college credit given for that work, and you could present a thousand of those and not get one college credit.

THE COURT. Did I understand counsel yesterday to say that the University of Pennsylvania conducted a correspondence course?

MR. LEAHEY. This is Pennsylvania State College.

THE COURT. I was referring to your statements of yesterday.

MR. LEAHEY. I was asking Mr. Zook if they conducted a correspondence course in that finance course they have over there.

THE COURT. Do they?

MR. LEAHEY. I don't know, either New York or Pennsylvania do.

THE COURT. I do not understand that they do.

MR. ZOOK. There are a great many that do, Mr. Solicitor.

THE COURT. They have what they call Extension Schools, branches around in different cities.

MR. ZOOK. I don't know much about their correspondence courses, but they have a great many Extension Schools such as you speak of. I know a great many

structors, personally.

THE COURT. I do not understand they conduct correspondence courses.

THE LEAHEY. The correspondence course I speak of, this fellow had different books and he was supposed to read those books and then to forward examination ers on those books, and of course it was up to his honor, he was supposed to swer those examination questions without looking at any books or anything of at sort, but he could not stick it out, he quit after studying six weeks.

MR. ZOOK. Most of them do because there is not adequate enough supervision. t 30 per cent of the people who take correspondence courses finish the work.

MR. LEAHEY. I agree with this man, the President of The Chicago University --

MR. ZOOK. You may be interested to know that the University of Chicago is t now using correspondence courses to anything like the extent it used them at e time, knowing their limitations. This is 1902 and a great many of them found t about the weaknesses of correspondence courses.

THE COURT. I was going to ask the question what had been the tendency of hose schools since that date.

MR. LEAHEY. Here is 1911 showing --

MR. ZOOK. That was in 1923, and I can bring those references down.

MR. LEAHEY. Now, I am reading the 1911 report, printed in the Government rinting Office in 1912, Educational Report, page 54, concerning degrees in absentia.

"Degrees conferred in absentia . - The demand for opportunities to obtain degrees by doing work through correspondenc has led several long-established colleges to adopt some of the methods of correspondence schools, applying them even to the highest research degrees, contrary to the general tendency to grant such degrees only for work done in residence. The following may be cited as examples: Ewing College, Illinois, carries this announcement in its catalogue."

MR. ZOOK. Did you ever her of Ewing College?

MR. LEAHEY. No, I never heard of Elmira College, only that Mrs. Ward graduated from it.

MR. ZOOK. That states that the degree was granted on correspondence work only?

MR. LEAHEY. I don't know, I will look again and see.

THE COURT. What college was that?

MR. ZOOK. Ewing College, Mr. Solicitor, and I will say that I myself never heard of the institution.

MR. LEAHEY:

"For some years Ewing College has had a nonresident course leading to the degree of Ph.D. Only those who have completed the full college course are entitled to enter for this degree. Its object is to give the student some of the latest and best thought, to arm him against error of the times, and to equip him for the battle of life. No course has brought the college so much favor as this. Those desiring to know more concerning it should write the president for literature on the subject."

Might be of interest, for instance, to read in the report of the Commissioner of Education, Volume 1, Department of the Interior, 1906, published at the Government Printing Office in 1907, showing how different countries regarded it. It is a matter of opinion.

MR. ZOOK. No it is not.

MR. LEAHEY. Oh, of course it is, how can you say that, nothing else but a matter of opinion. What is right to you is wrong to me.

MR. WARD. That might be true of law.

MR. LEAHEY. For instance, talking about Oxford in England:

"For the higher degrees of bachelor or doctor in civil law, medicine, and divinity no more residence is necessary, but for the baccalaureate in civil law and medicine there is an examination prescribed. For the degree of B. Litt. or B.Sc., there is a course of special study or research of a high standard selected by the candidate with the approval of the board of the faculty to which the subject belongs. For the baccalaureate in divinity a thesis is required. For the M.A. degree the only requirement is that the candidate should have taken the B.A. degree and had his name on the books for 26 terms since his matriculation. The new degree of D.Litt. and D.Sc. are open to bachelors of letters and bachelors of science of 26 terms standing, and to M.A.s of 39 terms standing. Candidates must submit to the board of the faculty to which their subject belongs published books or papers containing an original contribution to the advancement of learning or science."

MR. HASSELL. What is this book you are reading out of?

MR. LEAHEY. That is from the Annual Report of the Department of the Interior, Commissioner of Education, Volume 1, page 108.

Returning now, Mr. Solicitor, to 1092 of the report of 1902 (Reeds), in fact beginning page 1068 and concluding on page 1094. Now, I am not going to take up the time, for instance on page 541, surely we all have heard of this place, Wesleyan University, Annual Report of the Department of the Interior, page 541, Volume 1, 1905, Commissioner of Education, shows ten men received the degree from Illinois Wesleyan University for work done in absentia. Page 545 give the list of non-resident students, Table one, number of under-graduates and graduate students in public universities, colleges, and schools

of technology, Graduate Departments, Nonresident branch 136 Total.

Page 546, the same in private universities, 685.

MR. ZOOK. Mr. Solicitor, I don't like to break in here but this gentleman has read from this report of 1902 concerning some of these institutions which are granting degrees for correspondence work and has mentioned Illinois Wesleyan University etc. The chapter from which he read this is entitled "The work of the degrees". May I read a paragraph?

THE COURT. Surely.

MR. ZOOK. "The practice of granting easy, unusual, and even absurd degrees by institutions legally chartered has been the source of strenuous protest and complaint in many circles for the last 40 years. Not the least offensive phase of the practice is that of selling to foreigners degrees purporting to be granted by American institutions. In his Reports for 1876 and 1880 the Commissioner of Education discusses at length certain notorious cases, especially that of the American University of Philadelphia and its allied institutions, whose granting of medical degress resulted in the exposure and conviction of "Doctor" John Buchanan.

"Recently the Bureau of Education has received from abroad several complaints of the continuance of the practice of selling honorary degrees, or at least of conferring them in indiscriminate fashion. An English correspondent writes regarding the "relative value of degrees issued from various American institutions of learning," adding: "Over here we have had a bad time over the business and have been let in for a lot of trouble. Some of our men have the LL.D from all sorts of centers." Then follow the names of six institutions, one of which is that of a well-known college in Georgia, another is a Negro college in North Carolina, while a third is really a preparatory school in Wisconsin.

"The number of institutions conferring degrees of uncertain value has increased rather than decreased in recent years. The mere fact that each one probably possesses legal authority under a charter to grant some of the degrees mentioned later in this chapter does not of itself give weight to the degree. The varying amount of work required by degree-granting institutions for the highest and most honorable academic degrees is illustrated by the following statement:

For the degree of Ph.D the University of Chicago requires --

1. As preliminary a bachelor's degree from the University of Chicago, or one substantially equal to it.

2. At least three years of resident work at the university, with the possibility of substitution of nonresident work for resident work to a limited extent, and with the possibility of credit of one and half years for resident work at another university. "The degree of doctor of philosophy may, in exceptional cases, be granted after one year of residence."

3. A thesis which must "constitute an actual contribution to knowledge."

4. A satisfactory final examination upon work done in preparation for the degree, such work to include one principal and either one or two secondary subjects.

"Per contra, the Potomac University, Washington, D.C., recently made the following stipulations for granting the degree of Ph.D.:"

And then follow the names and text books.

Page 55

"The various agencies already enumerated which are concenred with the problems of standardization and with the betterment of conditions in the field of higher education have realized anew the need of cooperation and have taken steps to secure it. A vast field, keen struggle for its possession, complexity of involved interests, and the strong tendency to centralization or combination in the business world have slowly but surely demonstrated that failure to cooperate would mean wateful duplication of effort, the perpetuation of unnecessary divergent standards, and continuance of unwholesome rivalries."

Page 54.

"Degrees conferred in Absentia. - The demand for opportunities to obtsin degrees by doing work through correspondence has led several long-established colleges to adopt some of the methods of correspondence schools, applying them even to the highest research degrees, contrary to the general tendency to grant such degrees only for work done in residence. The following may be cited as examples: Ewing College, Illinois, carries this announcement in its catalogue."

As included among these institutions which are named here in this book as being institutions that are engaged in these questionable practices, on the top of page 54

"The Oriental University, of Washington, D. C., under a Virginia charter, has granted the degrees of doctor of orientalistics and bachelor of aeronautics."

And those are all examples of what the United States Bureau of Education thought in 1911 of that kind of practice and what it thinks of that kind of practice today, Mr. Solicitor.

MR. LEAHEY. Where does it say the Oriental University is included among these institutions?

MR. ZOOK. You can see that, it is right there.

MR. LEAHEY. No I can't, that's why I am asking you to show it to me.

MR. ZOOK. I did not quote that.

MR. LEAHEY. Yes, you did, that's what I was looking for.

MR. ZOOK. I said "Per contra, the Potomac University, Washington, D. C., recently made the following stipulations for granting the degree of Ph.D." and there is the list of them right there.

MR. LEAHEY. That sentence is on page 54. The chapter starts out "The Worth of Degrees" on page 50. That deals with the practice of selling honorary degrees.

MR. HASSELL. I might say for the information of the stenographer that this matter referred to now is in Government Exhibit No. 35, page 54.

MR. LEAHEY. It runs along page 51. I read from the University of Chicago; the Potomac University, Washington, D. C., then the Odessa University carried on page 52, then the Oriental University, and on page 54 appears the sentence: "The Oriental University, of Washington, D. C., under a Virginia charter, has granted the degrees of doctor or orientalistics and bachelor of aeronautics". Then it follows Degrees conferred in Absentia.

Here is a letter from the University of Kansas, Office of the Director, letter from the Director dated May 4, 1923. (Reads Respondent's Exhibit No. 33)

MR. ZOOK. I am a graduate of the University of Kansas, and I took a survey of the University of Kansas only last year and spent several weeks at that institution and I know for a fact that that institution would not contenance the idea of giving a university degree on correspondence work only. And that letter states very clearly that no institution in this country will be allowed to enter the Association which has to do with extension work except those institutions in which they can have confidence as being institutions credited by an agency that I was speaking of only yesterday.

MR. LEAHEY. It says right here, answering your question about extension credits and residence, it says that they are willing to accept extension credits from those institutions the same as credits earned in residence.

MR. ZOOK. Not for a degree.

MR. LEAHEY. For what then?

MR. ZOOK. For credits, but not for a degree.

MR. LEAHEY. "To accept extension credits from these institutions on the same basis as credits earned in residence."

MR. ZOOK. But not for a degree.

MR. LEAHEY. For what?

MR. ZOOK. For credits.

MR. LEAHEY. Accept credits for credits?

MR. ZOOK. Yes.

MR. LEAHEY. Wonderful. It says that you get college credit in resident work for a degree and no specialist in the Bureau of Education can tell me otherwise.

MR. ZOOK. I happen to know different.

MR. LEAHEY. I happen to know different too.

MR. ZOOK. Oh no, you don't.

MR. LEAHEY. Oh yes, I do.

MR. ZOOK. Mr. Solicitor, I am acquainted with the Secretary of that organization and I have had conferences with him from time to time, and I have read the proceedings of this Association's meetings with him over and over again, and I know perfectly well that no institution in that organization would be allowed by the rules to give a degree on correspondence work only.

MR. LEAHEY. Well, I submit the letter speaks for itself and it is here. This is May 24, 1923, over the signature of Ingham, and if the English language can be construed to mean anything whatever it means "Willing to accept extension credits from these institutions on the same basis as credits earned in residence." Now, if you can construe that or twist it. -

MR. ZOOK. Is the word "degree" mentioned in there?

MR. LEAHEY. No, it is not mentioned in there. What does a man earn credits in residence for, -- for credits?

MR. ZOOK. Exactly, that is what extension work is for.

MR. LEAHEY. Residence work is for what? -- A degree, is not it?

MR. ZOOK. Yes.

MR. LEAHEY. Then if you get a credit earned in residence you get a degree, don't you?

MR. ZOOK. Oh, you know better than that, Leahey.

MR. LEAHEY. No, I don't, I can not understnad the proposition. Here is a simple question, to accept extension credits from these institutions as credits earned as resident on the same basis.

MR. ZOOK. I will tell you, then, what I told you a while ago, namely, that good institutions in this country will accept for about 20 per cent of the extension credits. They wont accept more than that, and no institution will accept credits at all for any graduate degrees.

MR. LEAHEY. Would you say that an institution which accepted extension credits on a basis of 20 per cent was accepting them on the same basis.

MR. ZOOK. Of course.

MR. LEAHEY. You would.

MR. ZOOK. Yes.

MR. LEAHEY. Let the record show that.

MR. ZOOK. Yes, I think you better.

MR. LEAHEY. Let the record show that for an answer, a specialist from the Bureau of Education

Now, I want to show that in year 1919, December 27th, -- something was said about Switzerland not recognizing a degree, here is a letter from the Board of Pharmacy of the State of Missouri, Office of H. C. Tindall, Secretary, Excelsior Springs, Missouri (Reads Respondent's Exhibit No. 34)

On the question of their selling diplomas, here's a letter to Prof. Dr. A. H. Lee, Room 308, District National Bank Building, Washington, D.C. in the case of this man Post. (Reads Respondent's Exhibit No. 35).

MISS McCALL. Would you let me make a statement now?

MR. LEAHEY. Certainly.

MISS McCALL. The Dean of Georgetown called me personally and said Mr. Post failed completely in everything and he would be glad to appear at this hearing.

MR. LEAHEY. Now, that's the information he gave and I read to you his application form.

MISS McCALL. Yes.

MR. LEAHEY. Well, he failed here too. He flunked the thesis.

"Washington, D. C.,
October 28, 1920.

Dear Doctor:

I have just read over the enclosed article and am not very favorably impressed by the same. The writer may have some knowledge of the subject, but a mighty poor way of showing the same. I think it would be best to have him give some other demonstration of his ability before granting him a diploma.

I am Yours truly,

(Respondent's Exhibit No. 36) (Signed) A. H. Lee"

And there is the thesis rejected.

MR. ZOOK. Was not this man on the faculty?

MISSMcCALL. He was granted a degree, I saw the degree myself.

MR. LEAHEY. In what?

MISS McCALL. In dentistry.

MR. LEAHEY. Oh yes, there is another dissertation here. Here is the rough draft of Post's thesis which later came in, on which the degree was granted.

MR. HASSELL. Give that an Exhibit Number.

MR. LEAHEY. I don't want it.

MR. HASSELL. We would like to have it.

MR. LEAHEY. (Thesis introduced as Respondent's Exhibit No. 37)

Here is a letter dated August 16, 1923, from Dr. Samuel A. Marder. (Introduces Respondent's Exhibit No. 38)

I have here also the third number of the American Association of Law Schools. Mr. Zook was very sure the Oriental University dropped out in two or three months. It appears here on Page 19, Volume 2, Page 19, No. 3, April, 1916.

MR. ZOOK. I said within two months.

MR. LEAHEY. Oh no, you didn't, you said within two years.

MR. HASSELL. We have some further evidence on that.

MR. LEAHEY. You ought to put it in so that I can answer it.

MR. HASSELL. Inspector Webb's interview with Rev. Holler showing that Rev. Holler knew that his college was not a member of that Association at the time of the interview.

MR. LEAHEY. When was the interview?

MR. WEBB. October 14, 1920.

MR. LEAHEY. Oh well, 1920 was different.

MR. HASSELL. Yes, but Government Exhibit No. 12-C, being a certificate of matriculation of Louis Leonard Shapiro carried the Oriental University as a member of the American Association of Colleges, dated August 28, 1921.

MR. LEAHEY. Are you able to produce anything official showing whether they were officially dropped from the Organization?

MR. HASSELL. Mr. Webb, will you state whether you interviewed Rev. Holler, and if so, what date.

MR. WEBB. October 14, 1920.

MR. HASSELL. Did you have a stenographer present at that interview?

MR. WEBB. I did.

MR. HASSELL. And did that stenographer make notes which you now have before you?

MR. WEBB. Yes.

MR. HASSELL. Will you state what Rev. Holler said with respect to the Oriental University being a member of the American Association of Colleges.

MR. WEBB. The question was

"Is the University now a member of the American Colleges?"

r. Holler's answer was

"Not now. I would rather not state why we are not. The angels say that the Oriental University is the greatest in the world, All colleges have been found to imitate us, even in detail."

hat was his reply.

THE COURT. Found to imitate?

MR. WEBB. His answer was

"Not now. I would rather not state why we are not. The angels say that the Oriental University is the greatest in the world, all colleges have been found to imitate us, even in detail."

THE COURT. Yes, that is the word "Imitate", I did not catch that.

MR. HASSELL. Before you leave that interview will you state for the record

Inspector whether Dr. Holler stated to you what subjects he devoted himself to,

nd the language he used in that connection?

MR. WEBB. Yes, sir.

MR. LEAHEY. I think that's immaterial, that is not rebuttable of anything.

I object to that, if your honor please, I object to that question.

MR. HASSELL. If the Court please, several matters have gone in evidence showing that Dr. Holler passed upon papers other than those referred to in the interview the inspector is now testifying with reference to, and I think this would be of interest in that connection.

MR. LEAHEY. Now, what exhibits are you referring to?

MR. HASSELL. The particular exhibits I have not in mind.

MR. LEAHEY. Which ones did he pass on, now, / that is going to throw any light on in the way of contradiction?

MR. HASSELL. Mr. Norton referred to taking Dr. Holler's word with reference to what the student's had done in law and one or two other subjects.

MR. LEAHEY. Oh, no.

MR. HASSELL. And the correspondence admitted here in the Poley case showed that Dr. Holler was directing the studies of Mr. Poley.

MR. LEAHEY. Yes, he was a law student.

MR. HASSELL. Now, the information that the inspector will furnish --

MR. LEAHEY. Will it tend to show something that he doesn't know philosophy?

MR. HASSELL. It will tend to show that Rev. Holler devoted his entire time

to his religious studies, as I recall.

MR. LEAHEY. Not his entire time, I dont think you can go as far as that.

THE COURT. Let's read his answer, see what he says.

MR. WEBB. The question states

Q. "What course of study do you teach?"

that means Dr. Holler personally. His answer is

A."I confine myself to theomonism".

Q. "Are not you the author of a theomonistic Bible"?

Do you want any more of it?

MR. HASSELL. No.

MR. WEBB. "I confine myself to theomonism" was his reply.

MR. HASSELL. Do you want to ask the inspector any questions?

MR. LEAHEY. No indeed, that's all right.

I offer the register of the Oriental University of 1920 and 1921.

(Respondent's Exhibit 39)

The Government has beent alking about this one of 1919 and '20, is that the one.

MR. RHOADS. 1920.

MR. HASSELL. January 1, 1920.

MR. LEAHEY. This is January 1, 1922, and if you look through there, Exhibit 39. That follows a notice that was sent out in 1920 about the faculty list. I don't think you will find any of those names which you spent so much time on in that old one in there, gives the names of students, does not contain in this publication anything at all about exmatricuation, gives the students of the different schools and some of the theses, that is, the names of them, in the different languages.

MR. HASSELL. Was the register of January 1, 1920, used up until the time the register you have in your hand was gotten out, as the catalogue?

MR. LEAHEY. This is the one for January, 1922.

MR. WARD. There is none between this one and that?

MR. LEAHEY. This is the Biennial Register of Oriental University 1920 and 1921 Published January, 1922, of Officers, Professors, Students, and Graduates (And the Titles of Dissertations). Gives the names of the resident professors, and non-resident professors. I think you will the only one in there is Lund who

id he didn't know anything about it.

MR. HASSELL. Is Norton in there?

MR. LEAHEY. Augustus P. Norton, Law, Commercial Courses.

MR. HASSELL. James C. Jones in there?

MR. LEAHEY. (Reads list of resident faculty).

Many of those resigned after Dr. Holler was indicted, and there is another ne on the press now.

Now, I want to put in these two affidavits here, one from Adelburth Lee Reads Respondent's Exhibit No. 40)

MR. HASSELL. Is this man a colored man, -- Howard University?

MR. LEAHEY. No indeed.

MR. HASSELl. Howard University graduate.

MR. LEAHEY. Howard was graduating all the medical men in the District of blumbia in those days, it was the only medical school they had here. That was white institution when it started out but it is colored now.

Now, I will offer the affidavit of Dr. Melville Gibbs Skinner. (Reads espondent's Exhibit No. 41).

I think that's all we have in the absence of those other witnesses.

MR.HASSELL. Now, Mr. Leahey, can you state whether your stenographer is to rite this matter up.

MR. LEAHEY. I don't know, I can not say.

MR. HASSELL. Well, if you can not decide that we will have to have our transcripts written up.

MR. LEAHEY. Well, do we argue the case now, is that the idea?

MR. HASSELL. I do not desire to argue it, counsel for the respondent may if he desires.

MR. LEAHEY. I would like to hear the theory of the Government on the testimony of the last three or four days, that has been put in here, I think that would be the fair way.

THE COURT. Counsel for the Government says he has no argument to offer.

MR. HASSELL. It is unusual for the Government to argue. Counsel for the respondent may if he desires to. The attitude of the Department is that it is willing to receive anything that counsel for the respondent has to offer.

THE COURT. We are more concerned with facts than with argument.

MR. LEAHEY. I know that, but it sometimes clarifies the situation to ser the facts that are put in connection with the purpose for which --

THE COURT. It is sometimes helpful.

MR. LEAHEY. they are offered. It would be helpful to me now, I will say hat frankly.

THE COURT. If you want to say an thing in the way of argument we will be lad to hear it.

MR. LEAHEY. I hate to shadowbox.

THE COURT. I would like to know whether either side intends to put in any tatement showing the extent of the business. I think there was offered in vidence a statement covering one year, probably the last year.

MR. LEAHEY. No, all five.

THE COURT. Did that statement cover the five years?

MR. LEAHEY. Every year it has gone in. I have put it in.

MR. WEBB. You mean receipts and disbursements?

MR. LEAHEY. Yes, sir. I gave those in. The Recorder of Deeds had only me down there that day that I put in the others. I put them both in.

MR. WEBB. I have Prof. Holler's own statement given the 14th of October, 1920, for the prior year, if you care to hear it.

MR. LEAHEY. No objection at all, like to see it.

THE COURT. Yes, let it go in.

MR. WEBB. The sole source of income is from fees from students. The receipts ere $13,564.59, and the profits were $3,230.82. I then said "The difference, then epresents the expenditures", to which Prof. Holler replied "Yes".

THE COURT. That covers what period of time ?

MR. LEAHEY. 1919 is not it?

MR. WEBB. I take it it is 1919, but that is not entirely clear. No. The uestion was "Do you mind stating your receipts and disbursements of last year?" I don't know whether it was fiscal year or calendar year or what, but it was for ne year.

MR. HASSELL. Did you learn, Inspector, who receives, remittances for this niversity, what officer of the University, and how they deposited them?

MR. WEBB. I think I asked the question, it might take me a few minutes to

nd it.

MR. LEAHEY. I know I put in those things somewhere in the record.

THE COURT. Yes, I recall you put some in, but just what was included in at I don't know.

MR. HASSELL. Do you have all your exhibits there, Mr. Leahey?

MR. LEAHEY. Supposed to be there somewhere.

MR. HASSELL. You don't want to carry anything off, you know, if you want he Solicitor to consider it.

MR. LEAHEY. No. -- May we withdraw some of those things later on?

MR. HASSELL. Yes, after we dispose of this matter you may withdraw any xhibits you desire to.

MR. WEBB. I have this question and answer, if you care to hear it.

THE COURT. Yes.

MR. WEBB. The question I asked is

Q. "Who handles the funds"?

A. "We do -- the accounting is done here."

That and Prof. Holler stating the amount of his salary seems to be all that have in this interview.

MR. HASSELL. What did he state with respect to that?

MR. WEBB. Q. "Do you have agents in Switzerland or other foreign countries who solicit students to take courses in absentia?"

A. "Yes, that is correct."

Q. "What salary or fee do those agents receive"?

A. "During the time of war that has been almost impossible to find out, but I have tried to compile an expense account from everyone in a detailed account, and have found out that they can do their work on a basis of 33 per cent, and now if anyone charges more than 33 per cent he will be dismissed right away. Even then our charges are considerably ~~more~~ less than others, about one-third."

One more question as to what he received as president, I will come to it in a minute. I asked him what he received as president and he stated $2200 a year but in the year 1919 or 1920 he had only received about $1800. He said his expenses were so high. I think that's all I have on it.

THE COURT. No information as to the salary of the other officers.

MR. WEBB. No, sir, no information, it seems that that's on a fee basis.

MISS McCALL. Mr. Webb, did you ever interview the treasurer of this

ganization, of this corporation?

MR. WEBB. No.

MISS McCALL. As to the expenditures of this organization?

MR. WEBB. No, I did not.

MR. HASSELL. Have you?

MISS McCALL. No, I have not.

MR. WEBB. Who is the treasurer?

MISS McCALL. I could not tell you.

THE COURT. Do you want the record to show, then, that those statements included?

MR. LEAHEY. Yes.

THE COURT. Let the record show that fact. (Re receipts and expenditures)

ARGUMENT OF MR. LEAHEY

Mr. Leahy. Now, Mr. Solicitor, I would like to say a few words in reference to the case. It is important to us, and I want to discuss the proof for just a few minutes in connection with this rule to show cause, which was issued and in response to which we are here. The rule dated August 20, 1923, reads: "It is charged that under the above name" -- to-wit, the Oriental University and H. P. Holler, President, as set forth in the caption -- "one Helmuth P. Holler by means of false and fraudulent pretenses," etc. The pretenses, representations and promises are contained in certain catalogues, bulletins, circulars and in other written and printed matter sent through the mail, resulting in "obtaining various remittances of money through the mails from divers persons by leading such persons to believe that the so called Oriental University is a large and world renowned educational institution; that said institution is recognized of standing among colleges and universities; that it is chartered under the laws of the District of Columbia; that it has a faculty of forty-four resident and many more non-resident professors and instructors; it has among its patrons noted educators and prominent government officials; that it has none but bona fide courses of study, upon the completion of which the usual scholastic degrees will be conferred, which degrees will be recognized everywhere; that all degrees conferred by said institution are of great value by reason of the high standing of the said institution and by reason of the great care exercised in conferring degrees only upon that who have duly earned them, and the diplomas issued have the approval of the Secreta

and other high government officials in Washington, and representatives of foreign countries;

Then follows the usual averment that Dr. Holler well knew that all of the pretenses, represenations and promises so made by him are false and fraudulent, made with knowledge of their falsity, and for the sole purpose of obtaining the said remittances without making or intending to make any adequate return therefor.

Whatever may be said with reference to the Oriental University -- and much has been said -- this case stands or falls within the four corners of these two pages. If the case has not been made out, then there is absolutely npthing in the case so far as this hearing is concerned; and I propose to take up with for just a moment the evidence as it has been brought forward here, in the light of this particular rule to show cause, in other words, the bill of indictment that he has been brought here to answer. I want to draw the Solicitor's attention first to the use of the verb in that first clause. It is charged that he "is" engaged. They must prove, then, that at the time of the issuance of this rule to show cause that he was then and there engaged in the malitious pratices which are set forth in the second paragraph; in other words, he might have mailed in 1920 50,000,000 copies of this prospectus. But if he was not mailing them when this went out, and if it is upon that prospectus that they expect to make out their fraudulent case, they have failed, because they are three years too late. The last piece of mail that has been offered in this case is dated 1921. The only prospectus which has been checked is

the register of suits and the list of the names of professors; and I think we had five of these ex-matriculates brought here who said they were not -- I am going to say a few words about that in a short time; and we had a number of professors who came here and professed either openly or by affidavit that they were never connected with the school, never had been and did not know anything about it. That may be a little bit exaggerated, but it is no more than the exaggeration of this bill in complaint. In other words, I want to draw your attention to the fact that the sole piece of evidence in the case which they have said contained the pretenses, representations and promises which are false and fraudulent is that particular booklet dated January 1, 1920. If that particular booklet were out of this case, you would have been out of it before you started; you would not have been here; there would not have been any answer; there would not have been any case to proceed upon and there would not have been any testimony.

So, as I say, this entire hearing for the past three or four days has been based almost exclusively upon the proof that certain professors professed to be professors by the Oriental University, as proclaimed in this booklet, were not professors; secondly, that certain students were not students; and that, therefore, by the representation that the faculty contained these men and that the list of students contained the names of those men, there was a misleading representation held out to future applicants.

We find that since that time and in 1921 there was

another booklet gotten out. There is not a single one of the names ever complained about in there; there is no "ex-matriculate" mentioned in there, and the entire matter concerning which they complained in that book of 1920 was corrected in 1921. What evidence can there be of a fraudulent intent when we come to examine the testimony as to how the book was corrected? And we had one of the witnesses that were brought here for the prosecution who testified that he received a notice from Dr. Holler that if he could not be an active member on the faculty to kindly hand in his resignation, in substance or effect; that in accordance with that he did hand in his resignation; and we are told by his testimony and the letter which was introduced fixed the date fairly well when that notice went out. It is the same notice that Michael O'Brien said he got, and it went out in the year 1921, and his letter of resignation went in in 1921; and the resignation of many was brought about by that particular notice. The resignation of the rest was brought about by this indictment; and the fact is that in the recent circular, more recent than the one in 1920, we do not find the names of the professors complained of; we do not find the names of the suits; and, therefore, he cannot be now engaged in a scheme to defraud by depositing in the mails something that has not been printed for the past three years.

That is the first thing I want to draw the Solicitor's attention to in the use of that verb "is". We have been delving into ancient history here, going back 14, 15 and 16

years in records trying to bring forward records of an institution from that date -- examinatinn papers and theses; and I will guarantee that your Solicitor knows as well as I do that there is hardly one accredited institution, if you please, that keeps examination papers for 15 or 16 or 17 years. There is hardly a single one to which you can go and get more than a grade card if you want the scholastic standing of any pupil or the work that was done. Yet in this particular case we have been told to bring forward files that go back almost a decade, correspondence kept carefully in files which were open at all times to every government department and which were never seen or read by a single investigator; and the investigators went out and proceeded upon affidavits obtained, as they said, by watching letters dropped in the mails. We could have had an investigation before the Solicitor here to determine this question. You could have had the enlightenment you asked for, to wit, the facts. The facts were all up there in the records of this Oriental University. You could have had all kinds and sorts of records. You could have had every thesis of every student that has handed a thesis in there, and you have not any of them. To be sure, it would have made a cart load maybe to bring them here, but still that cart load could have been obtained. There could have been an examination made of them, and it could have been determined, even in the realm of opinion, in which we do not deal in a case of this kind, whether or not the theses were good, bad or indifferent.

We had one thesis, that of Nalitsky, upon which Mr. Zook would tear the house down upon our heads. But over against it we have these others, and I daresay there is not an institution in the United States that would not be proud to receive that or any one of them from a student who might be applying for a degree of PhD or any other degree as set forth in the statement in those books. Put them over against the one single copy which we rely/on of Nalitsky, who is so crooked mentally that he admits now that he copied the thesis, when he agreed at the time of the course that he would not. We are asked to rely upon that man's statement that this garbled mess is the real copy of the thesis, and we cannot find it.

But, to return again: As I said before, they must prove at this time that Dr. Holler is engaged in disseminating through the mails literature containing false promises, false representations, knowing they are false, made with the knowledge of their falsity, and for the sole purpose of obtaining remittances and fees. That is the case here, none other. Take it up point by point:

The first representation relied upon, perhaps one of the greatest, is the fact that he is not duly incorporated in the District of Columbia; that he is not duly incorporated in Virginia; and that when he advertises the fact that his corporation is acting under the authority of the State of Virginia and the District of Columbia he is making a false representation. That is set forth as one of the false representations on page 2, that it is chartered under

the laws of the District of Columbia. You have seen here in the testimony a certified copy of the charter of the Eastern University from the State of Virginia. There cannot be any denial of that. You have here a certified copy of a charter issued to the Oriental University. The Eastern University was transferred to the Oriental University by instruments offered here in evidence. The name was changed. In the Code it reads: That the consents of the majority of the Board of Trustees should be filed with the certificate of change of name, and at the time, if so done. Mr. Dutton came down here and he said that he could not recall. He thought, but did not want to say it; and if he had been under oath he would not have said it, that he drew the attention of Dr. Holler to the fact, and Dr. Holler in substance said something to the effect that "That will be all right," or "I will fix it," or words to that effect. Be that as it may, the certificate of change of name was duly recorded. The mere formal defect of a failure to file consents did not vicisate the change of name.

From that time on he acted as corporation. It was a corporation. Contracts were made with it, and it conducted business as a corporation. It reported annually to the Recorder of Deeds and paid its fee, and the Recorder accepted its fee as a corporation. Every act which it did from that time on it did as a corporation and in the name of the Oriental University. It is a de facto corporation, acting under the name of Oriental University, and subject to attack only in a direct proceeding quo warranto. It cannot

be attacked collaterally; and if the same power which granted its right to existence has not made a complaint, then certainly no other authority can make one. For the past ten years, practically -- more than that -- the Oriental University has operated without anybody saying anything with reference to its corporate existence or name until this proceeding. So that when we come down to a fraud order hearing, wherein they allege that he made these false representations with the knowledge of their falsity, and for the sole purpose of deceiving somebody into believing that there was such a corporation in the world, they must prove that in good faith he knew that there was not any such corporation, a thing which he could not know, because it cannot be known until quo warranto has been determined. So that that averment must go out; just as certainly as we are here it must go out. There is no answer to the argument. It is Hornbook law. He operated as the Oriental University, and it is the Oriental University against the entire world.

So that from that statement there cannot be anything false made.

Take the next averment, that it has a faculty of 44 resident and many more non-resident professors and instructors -- that is taken from the booklet that was attacked here. Something ought to be said about that in a fraud order hearing. There is one thing certain in this case that cannot be attacked any more than the corporate existence of the Oriental University, and that is this: I do not care

how Dr. Holler got his professors; I do not care whether he advertised for them in the Washington Post or in the Washington Times. I do not care whether he went out on the street and obtained them; I do not care whether he hid behind teachers' employment agencies to get them. However they were obtained, I take it that you, as an educated American citizen, have never heard of a number of men gotten together with higher credentials than those men right there in that exhibit. He did not have a faculty of black legs; he did not have a faculty of incompetents. Every single one of them was a competent man, some of them most thoroughly competent. There cannot be any denial of that fact, that if Dr. Holler had the students he certainly had the professors to take care of them; that cannot be denied. Then we come down to the fact where if they say, "But they did not have any classes in those particular branches and his incorporation of their names in the register caused it to appear as if this were a great, tremendous going concern. First of all, I take it that my friends on the other side were surprised that there was any such faculty. I do not think they ever thought such a document could be produced as that bound document with those applications and those contracts. I think they thought that this thing was actually nebulous representation. I think they thought this man was in this game, if I may use that word, solely for the purpose of what he could get out of it, without any intention of giving the pupil anything, and the first thundering fact that came home to them was that he had organized there, ready for use, a faculty of as fine accomplished men as we can

possibly find in the District of Columbia on any faculty. They were capable of taking care of the particular courses entrusted to them; they were college men and find graduates in the graduate schools of various colleges and universities, many of them with years of practical experience in the practical branches for which they were engaged; and they were men of the highest capacity and ability. Not one word has been uttered against a single one of them. Neither their integrity, honesty, uprightness or ability has been attacked here. It cannot be. And does it not strike you, Mr. Solicitor, as strange, in the light of the testimony of the solicitor of the State Department, that this Oriental University has been under surveilance since 1914; that there has not been an attack upon one member of the faculty. Does it not strike you as strange that this man was holding forth a faculty which in fact was no faculty at all?

But, to return once more tothe point that it may be said that because there were no classes, this other argument holds: That by publishing the names in a directory of professors that there was a misrepresentation there. Now let us examine that. If you or I contract with an institution to perform the services of an instructorin the particular institution, has the institution the right to print your name as an instructor? Whether they use you or not, has it the right to do it? If you have legally bound yourself by a lawful contract to an institution to perform service for it, as one of its instructors, you cannot complain if

that institution prints your name in its list of professors, and nobody can come up here and say that by printing your name there is a false representation made to the public to entice pupils to come there, because under your contract you can be compelled to render service and to give the service they represent in their catalogue that they can give.

That is exactly the situation of Dr. Holler. He had the faculty organized. That faculty did not always operate, for the reason that there were no students presented themselves in the course for which the professors were retained. Is the misrepresentation there?

Go back to that same much-maligned document that gives you the names of the students; it gives you all courses; it shows whether or not there is a student under Professor O. C. Osman or C. O. Sylvester Mawson or somebody else; it shows you the particular branches in which the students work; and in all the 17 years that this Oriental University has been operating it shows on its face to the world that about one thousand men have matriculated and graduated. Where is there any representation held out here that it is a well-renowned institution of magnificent proportions and size, with a great endowment fund? Right on its face it shows you what it is, in the very booklet which is sent through the mails or was sent back in 1920; and it shows you that in the majority of the courses that there were not any degrees obtained and that there were no students enrolled in the courses. But it does show you this, that if you want to take the course we have a professor to take care of you, and the contract shows the truth of the averment. Therefore

where is any false misrepresentation? Where is any false statement made with a knowledge of its falseness, for the sole purpose of deceiving somebody that he might get a remittance of $55 for six courses, two-thirds of which went to the professor? But when we come to the later publication and we find Dr. Holler organizing his faculty and going ahead and sending out these notices and holding these monthly meetings which they tried to ridicule; the man doing the best he can, writing to have men come there and try to support and cooperate with him, and when he finds some of them not doing so, and we see that the roll is called at these monthly meetings, and the names of the absentees taken; and then he sends out this notice and says, "If you cannot give us your active cooperation, then hand in your resignation. He does so, and then he prints his other circular which was not offered in evidence here. There is not a single professor who was not active on the list that is in the book, who had resigned or given him any notice of his retirement. So where is anything in this representation that he had a faculty of forty-four members. We have proved it by the contracts that he did have the faculty. If he had them, then it cannot be false if he said he had them. If they wanted to prove it false, what they should have averred was that he falsely represented that he had an active faculty, with classes of forty-four professors. Then they could have gone at the issue. As it is, there is not any issue left. He has his faculty there, both resident and non-resident.

Pass to the next averment, "has among its patrons noted educators and prominent government officials." It is almost characteristic of a prosecuting officer to exaggerate. If they want to get a poor man for manslaughter they indict him for murder in the first degree; if they want to get him for petit larceny, they will indict him for robbery, hoping that they can make the evidence slip into the lesser form when the indictment for murder fails.

There is no representation anywhere that he has prominent government officials. And they use the name of Mr. Harris and Max Mueller as noted educators. Who is Max Mueller? Why, they say, everybody knows Max Mueller died in 1900 and everybody knows Mr. Harris died in 1909. If everybody knows it, nobody can be deceived by seeing he is a patron; nobody could be deceived by seeing in what capacity as a patron he is put there. But if there is any question of discussion about it, it is entirely cleared up in the other pamphlet of 1921, where he is put down as "spirit patron;" and we will come to say a word about that in another phase of the case.

Why, certainly, there is no misrepresentation. What they meant to say in this averment is this, Mr. Solicitor, that it has among its patrons no living educators and prominent living government officials. If they eliminate what they intend, they cannot prove that which they have left out; and he has them among his patrons and he describes them as "spirit patrons", and the public knows from that that they are not living

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