

T H E F A C T S

All your petitioners at the time of the arrest and trial in this case resided at Brooklyn, New York, the address of each being 124 Columbia Heights, Brooklyn, N.Y., and the ages of your petitioners are, respectively as follows:

Joseph F. Rutherford 49 years of age;
William E. VanAmburgh 55 years of age
A. Hugh MacMillan 41 years of age;
Robert J. Martin 40 years of age;
Frederick W. Robison 33 years of age
Clayton J. Woodworth 49 years of age;
George H. Fisher 49 years of age;
Giovanni DeCecca 39 years of age

That your petitioners were tried in the U.S. District Court for the Southern District of New York, ^{at Brooklyn} on a plea of Not guilty, and on the 21st day of June, 1918 the seven first named were sentenced on four separate counts to twenty years imprisonment in the U.S. Penitentiary at Atlanta, to run concurrently, and the last named, Giovanni DeCecca was sentenced to ten years on each of the four counts, to run concurrently; that they were immediately sent to jail and on the 5th day of July, 1918 were taken to the U.S. Penitentiary at Atlanta, Ga., where they are now confined.

Immediately upon sentence your petitioners appealed their case to the ^{U.S.} Circuit Court of Appeals at New York, where said appeal is now pending and has not yet been heard; that petitioners have been denied bail and are held in prison without bail and your petitioners have no definite information as to when the case on appeal will be ^{heard} and determined, but are informed that in all probability, in the usual course, it will not be heard and determined until some time in 1920.

Your petitioners believe that the facts in this case are such as to show that it is a case of unusually urgent and

meritorious importance, and such as calls for Executive Clemency at this time.

Defendants, your petitioners, were tried and convicted under the Espionage law - a measure enacted solely because of the war. The war has now ended and the purpose of the law has been fulfilled. Your petitioners were so fully engrossed with their religious work that they were not even aware that the Espionage law had been enacted until objection was raised to their publication about the first of March, 1918.

Pastor Russell was the author of a series of books - Bible commentaries - and known as STUDIES IN THE SCRIPTURES, six volumes of which were published in his life time. The first volume was published in 1886 and in the preface of that book the author announced that the series would be issued in seven volumes. Pastor Russell died Oct. 31st., 1916. He was the President of THE INTERNATIONAL BIBLE STUDENTS ASSOCIATION. Your petitioner Joseph F. Rutherford was chosen as the successor or President of the Association.

In December, 1916, your petitioners, Clayton J. Woodworth and George H. Fisher were designated to compile the data which Pastor Russell had written for the seventh volume of the above named series, and to complete the manuscript. They began that work immediately and by April first, 1917, nearly all of the manuscript was completed, and it was all in the hands of the printer on the 7th. day of June, 1917, and on the 17th. day of July, 1917, the first edition came off the press.

In the performance of his regular duties as President of said religious Society or Association, petitioner Joseph F. Rutherford read the manuscript and signed the contract for the printing of THE FINISHED MYSTERY; your petitioner William E. Van Amburgh, as Treasurer, drew checks for payment of the printing of said book, and other defendants, your petitioners, except F. H. Robison, as officers and servants had to do with the shipping and distribution of the book. All this was done by your petitioners, however, not in furtherance of any conspiracy or agreement to violate any law, but solely for the purpose of

carrying out the original design of Pastor Russell to issue, publish and distribute such book.

Your petitioner Frederick H. Robison ~~officially~~ had no connection with the publication or distribution of said book. The only act charged against him was writing a few letters in answer to inquiries about the rules governing conscientious objectors.

So great has been the demand for the series of books - THE STUDIES IN THE SCRIPTURES - that prior to the death of Pastor Russell more than ELEVEN MILLION of these books were in the hands of the people. The members of the Bible Students Association had long expected the 7th. volume to be issued, and a large number of subscriptions therefor had been sent to the Association's offices long before the death of Pastor Russell. Within less than a week after the first edition of volume seven came off the press more than thirty thousand volumes were delivered.

The seventh volume of this series is named THE FINISHED MYSTERY, and, according to the original design and purpose of Pastor Russell it is a commentary on the books of Ezekiel and Revelation of the Holy Scriptures. The language relied upon by the prosecution is that which comments on Revelation 16:13.

This comment on the chapter and verse named occurred at the only place in the book where it could properly be placed. There was no thought, purpose or intention that this language should in any manner interfere with or interrupt the United States Government in the prosecution of the war, as, indeed, there could have been no such intention, the comment having been written prior to the time when the United States entered the war.

The first time that the language used in THE FINISHED MYSTERY was called in question by any one was that which appeared in press reports about the first of March, 1918. Immediately upon learning this your petitioner Frederick H. Robison was sent by the Association to Washington, D.C., to ascertain where-in THE FINISHED MYSTERY was or is objectionable. He consulted with the members of the censor committee of the Military In-

telligence Bureau and from them learned that pages 247-252 inclusive might be said to be objectionable, and if these were eliminated there would be no disposition to interfere with the circulation of the book. This fact being reported to the officials of our Association, an order was immediately issued that no copies of THE FINISHED MYSTERY should be sold, given away or circulated until the pages mentioned had been removed. After these pages had been deleted the colporteurs of our Association offered the books for sale, whereupon several were arrested. Thereupon three officials of our Association called at the Department of Justice in Washington to ascertain wherein the book was offensive, and stated to an official of that Department - Mr. Bettman - that it was the desire of your petitioners to fully comply with the wishes of the Government, and they did not in any manner wish to embarrass the Government, and that if the Department's officials would indicate the part of the book that might be objectionable a new edition would be issued entirely eliminating any objectionable features. Your petitioners were informed by Mr. Bettman that "It is not the province of this Department to advise any one except Government officials. You had better have your own attorneys advise you in this matter." Your petitioners immediately withdrew all copies of THE FINISHED MYSTERY from sale and distribution and had their counsel go carefully over the book and advise them. Their counsel afterwards visited Washington, had personal interviews with officers of the Department of Justice, and petitioners' counsel informed them that they thought that the whole matter would be amicably adjusted, so that the work of our Association would not be materially interrupted.

Thereafter no more of THE FINISHED MYSTERY were offered for sale or distribution.

Your petitioners had been so fully and completely absorbed in their religious work, to which they had devoted their lives for years previous, that they were not aware that the Espionage law had been enacted until this difficulty arose about the first of March, 1918. This is cited merely as bearing on

the question of intent.

About the 8th. of May, 1918, your petitioners were arrested under an indictment charging them with having entered into a conspiracy to cause insubordination, mutiny and disobedience in the army and navy of the United States, and the overt acts charged were the publication of THE FINISHED MYSTERY and BIBLE STUDENTS' MONTHLY, and the writing of letters by some of your petitioners with reference to the selective draft act.

Upon the trial of the case, which began June 5th., 1918, THE FINISHED MYSTERY was offered in evidence, but only a few isolated pages were read to the jury, and it was the contention of the Government that these pages were designedly inserted in the book, in furtherance of a previous conspiracy as charged in the indictment, whereas the whole book shows that it is a commentary upon Revelation and Ezekiel, verse by verse, and that the comment to which exception was taken occurred at the only place where it could have been inserted in the book, and instead of being placed there designedly in furtherance of a conspiracy as charged in the indictment, was written and published in harmony with the design and purpose of Pastor Russell announced by him as early as 1886.

SELECTIVE DRAFT ACT.

The creed and principles of our religious association are those set forth in the writings of Pastor Russell, its founder, interpreting the Bible. In substance that teaching (with reference to war - which comprises a very small part of our teachings) is that a member of the Association in good standing is one that is fully consecrated to do the Lord's will even unto death, and that the Lord's will is as announced in the Scriptures, "Thou shalt not kill," and therefore any member of the Association so consecrated unto the Lord who would willingly violate his covenant of consecration would forfeit for himself God's favor, even to his complete destruction. Hence such members could not willingly and conscientiously engage in the taking of the life of human beings.

Your petitioners state that neither they nor their Association above named ever solicited any person or persons to become members of such Association. They have endeavored to faithfully teach the principles of the Bible as interpreted by their leader and leave it to any one to become a member of such Association at his own volition.

Your petitioners believed and yet believe that their Association and its members come clearly within the purview of Section IV of the Selective Service Act, which provides that no person found to be a member of such a religious organization shall be compelled to engage in any military service except that which the President may designate as non-combatant.

It had been the custom of the members of the Association for many years previous to ask advice of its officers in various matters. Therefore it was a most reasonable thing for them to ask advice with reference to exemption from military service, hence many wrote letters to the Society making such inquiry and these letters were answered giving the best advice your petitioners were able to give in harmony with the law as to the rights of such religious conscientious objectors. They also aided in preparing affidavits and questionnaires, upon request, for members of the Association. Your petitioners at no time advised any one to refuse military duty or to be disobedient to the law in any way. On the contrary, they sought to have such members who applied for aid classified for non-combatant service.

As soon as your Excellency issued a proclamation defining non-combatant service, your petitioners caused to be published in its official journal, THE WATCH TOWER, such proclamation, and advised all members, and every one, to be obedient to the law. Some of your petitioners visited military camps and talked with conscientious objectors, members of their Association, advising them in harmony with the above statement in THE WATCH TOWER.

At Camp Zachary Taylor, at the request of Col. Clohman, your petitioner Joseph F. Rutherford publicly addressed the conscientious objectors, advising them to accept non-combatant ser-

vice under the President's proclamation, and to be obedient to their officers.

The purport of all letters written by your petitioners, and advice given, were along the same lines as above indicated, and there was no desire or intention or effort made at any time to cause insubordination, mutiny or disobedience in the army or navy or in any manner to interrupt the same.

Your petitioner Giovanni De Cecca wrote two letters to his brother Jerry De Cecca, ^[who was a conscientious objector] attempting to advise him along this line. De Cecca, an Italian teacher, was a clerk in the office of the above-named Association. But these letters to his brother were written of his own volition, without consultation or advice from any one else, with the purpose and intention only of advising his brother as to his understanding of one's privileges under the Selective Service Act, and with no intention of causing any disobedience to that law.

There was no evidence offered that even tended to show that the defendants ever conspired together to do any wrongful act, unless it could be said that the publication of the book, THE FINISHED MYSTERY, and the writing of the letters themselves tended to prove such conspiracy. Your petitioners state and so testified at the trial that they never at any time agreed to do any act or thing or in any manner ^{to} cause insubordination, mutiny or disobedience in the army or navy, or in any other way interrupt the Government in the prosecution of the war; that they never even thought of such a thing. They also testified and believed, and now state that their understanding and belief of the Scriptures is that the Great War was foretold by Jehovah through the prophets of old, and permitted by Him for the purpose of preparing the world for the Millennial reign of Christ - for the complete establishment of justice, righteousness and brotherly love in the earth, and that for them to wilfully op-

pose or seek to interrupt the progress of the war would be a violation of their obligation to their God and to their Lord.

We beg to call attention to the fact that the case came on for trial at a time when the public mind was greatly excited be-

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