

HOLMES VOICES RINGING APPEAL FOR TOLERANCE

Dean of Supreme Court
Dissents From Verdict
on Pacifist.

BY HERBERT LITTLE

United Press Staff Correspondent

WASHINGTON, May 28.—A terse, characteristically sharp dissenting opinion by Oliver Wendell Holmes, 88-year-old dean of the supreme court, pleading for toleration of those "who believe more in the principles of the Sermon on the Mount than some of us do," aroused interest in legal and liberal circles today.

The aged Holmes, with Justices Brandeis and Sanford, dissented from the majority decision denying Rosika Schwimmer, Hungarian pacifist leader of Ford peace ship fame, neutralization as an American citizen.

Madam Schwimmer, who is over 50, told authorities she would refuse to bear arms in defense of her country, and the majority, in a decision read by Justice Butler, held this was potentially dangerous to the nation.

"Sure it can not show lack of attachment to the principles of the Constitution that she thinks it can be improved," Holmes said "I suppose that most intelligent people think

that it might be. To touch a more burning question, only a judge mad with partisanship would exclude, because the applicant thought that the eighteenth amendment should be repealed.

"If there is any principle of the Constitution that more imperatively calls for attachment than any other, it is the principle of free thought—not free thought for those who agree with us, but freedom for the thought that we hate."

Two other decisions of great legislative importance also were handed down. One upheld pocket vetoes by the President at the end of first sessions of congress. The other upheld a senate warrant of arrest issued for Thomas W. Cunningham, Philadelphia court clerk, who refused to tell the senate where he obtained \$50,000 to contribute to William S. Vare's senatorial campaign fund.