

ROYAL COURTS OF JUSTICE

Friday June 27th 1919

CERTIFICATES OF NATURALIZATION  
(REVOCATION) COMMITTEE

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R E: P. A. LASZLO

- Present -

The Hon. Mr. Justice Salter, President  
The Rt. Hon. Viscount Hambleden  
His Honour Judge Radcliffe

Mr. R. W. TURNER, Secretary

(From the Shorthand Notes of Cherer & Co.,  
8, New Court, Carey Street, W.C.2)

FIFTH DAY

THE ATTORNEY GENERAL (The Rt. Hon. Gordon Hewart, K.C.M.P.  
SIR ARCHIBALD BODKIN and Mr. G.A.H. Branson (Instructed by  
the Treasury Solicitor) appeared for the Home Office

The Right Honourable SIR JOHN SIMON K.C. Mr. Harold  
Murphy and Mr. J. Wylie (instructed by Messrs Charles  
Russell & Co.) appeared for Mr. P. A. Laszlo

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## J U D G M E N T

THE PRESIDENT :- As this matter has been heard in public we think that it is convenient that we should state in public the purport of the Report which we shall make to the Home Secretary, and the Secretary of State takes the same view. We have retired for a short time to consider the evidence which we have heard today and the speeches which have been addressed to us by Counsel on both sides. We have, of course, been carefully following and deliberating upon the case as it has proceeded, and we find nothing in the speeches which have been addressed to us today, useful as they have been, to alter the conclusions at which we have arrived. We feel no doubt what our report ought to be, and I will therefore proceed to state its purport and to give our reasons for the conclusions we have reached

T H I S matter has been heard in public contrary to what had been the usual practice, not because this case is more important or more difficult than the large number of other similar cases with which this Committee has been called upon to deal; it is in fact neither more important nor more difficult than many of those cases. We heard it in public because all parties desired that it should be so heard. It must not be assumed that therefore in every case we shall hear these matters in future in public, but where, as appears to have been the case here, the particular case has been made the subject of some public controversy and discussion there are no doubt certain advantages in the public hearing our decision. It is hardly necessary to say that the matters with which this Committee has to deal are entirely different from those

which occupied the attention of the Committee which throughout the war advised the Home Secretary on matters of internment. Internment in time of war is a matter of emergency; it is a matter of temporary hardship, temporary inconvenience, and it is precautionary, and internment in time of war on suspicion may very often be not only justifiable, but highly necessary and right. We, however, deal with quite different matters. The withdrawal of a certificate of naturalization from a man is a serious and permanent matter, and in considering a question of that kind, especially when public danger no longer exists, the person who is threatened with loss of his citizenship is entitled to ask that the matters relied upon against him shall be definitely stated and in substance definitely proved as charges. Mr. Laszlo is about 50 years old; he was born in Hungary, and after a career as a student in that and other countries, he became recognised at an early age both in Europe and in America, as one of the great portrait painters of the day. He married an Irish lady some 19 years ago, and after living in various places in pursuit of his calling, he settled in London some 10 or 12 years back. He applied for naturalization in July 1914, and his certificate of naturalization is dated 29th August of that year. The question which we have to consider is in substance, whether that certificate should, in the public interest, be revoked. In these cases, the Authorities do not prosecute. In this case, as in all cases - in this case most emphatically - the case on behalf of the Authorities has been presented by the Attorney General with the most conspicuous fairness and moderation. The matters which have been suggested for our consideration are, in substance, disloyalty, trading with the enemy as it is compendiously called, and the general question

of the expediency of revoking the certificate. We will deal with the matter in that order

W I T H regard to the question whether, to use the words of the Statute, Mr. Laszlo has showed himself by act or speech to be disaffected or disloyal to His Majesty, the first matter we are invited to look at, is a letter which he wrote to a brother in Hungary in the course of which he stated in effect that he had become naturalized here for the sake of his sons, and that it had cost him some mental struggle to do so. He did, in fact, write a letter to that effect. He had for a good many years been considering the expediency of becoming naturalized here, and there is, we think, no doubt that as far back as 1913, possibly a little before that, he had definitely decided to apply for naturalization here - a thing that can be done at any time, very frequently put off, and this was put off, and the actual application was not made until July 1914. It was, however, in fact, made before the outbreak of war, and that is always a matter which this Committee regards as material in cases which come within the 3rd Section of the Act. There was, as was not unnatural, attacks made upon Mr. Laszlo in the Hungarian papers, because it would appear to anyone who did not know all the facts, that an eminent citizen of that Country had deserted his country on the eve of war, and he wrote an entirely private letter to his brother defending himself against these attacks, stating that he had done it for the sake of his sons, and that it had cost him some mental struggle. In our view, there is nothing disloyal or discreditable in that. On the contrary, we think that a man who could give up his citizenship in his native country without some pang would not be of much use as a citizen of this or any other country

T H E next matter is much more important. It is said that he has shown himself to be disloyal to the King in having sent money to Hungary during the war. We are not at the moment considering any question of trading with the enemy. We will deal with that in its proper place; nor are we considering any question of the method or circumstance of the transmission of the money, but of the transmission itself, and the question whether it shows in the circumstances disloyalty. The facts are these; Mr. Laszlo had, living in Hungary, a considerable number of very near relatives - mother, brother, sisters, brothers-in-law, sisters-in-law nephews and nieces. The correspondence shows that they were all of them, and he certainly not the least, people of strong family affection and accustomed to close and frequent intercourse. The position of the relatives was comparatively humble, and his own means were comparatively large, very large indeed, evidently, compared to theirs; and it is clear that ever since he had any money to spare, it has been his regular practice to send money to these near relatives in Hungary to help them by payments which were regularly made and were not excessive in amount. They had been made apparently for years through a bank in Vienna in which Mr. Laszlo had deposited for this purpose at the time of the outbreak of war a sum of about £20,000. For a short time after the war began, payments continued to be made in the former manner by drafts upon this bank. However, towards the end of 1914, the Austrian Government impounded this money on the ground that Mr. Laszlo was a British subject, and from that time he made these payments which appear to have been as regards frequency and as regards amount not different from

those which he had been accustomed to make. He continued to make his accustomed payments through the post, and speaking in substance, through the intermediary of Madame Van Reimsdyk, he sending his cheque to her, and she or her husband paying it into their account at their bank in Holland, and sending on their own draft to Mr. Laszlo's relatives. This was done from November 1914, down to about June 1916. We see no reason to doubt the statements made by Mr. and Mrs. Laszlo as to why it was, and how it was, that these payments ceased to be made; that on the 2nd June, Mr. Guinness, Mrs. Laszlo's brother, lunched with them, that Mr. Laszlo mentioned in casual conversation these payments to his relatives, and that he was informed by Mr. Guinness that such payments were illegal that no payments were made after that date, and in consequence of that statement. Although these payments had covered a period of more than a year and a half there had not in fact been any objection a fortiori any proceedings by the Authorities in respect of them, nor had there been any warning. In the early part of 1915 a telegram sent by Mr. Laszlo had naturally attracted the attention of the Authorities, and an officer of the Bath Police came and saw Mr. and Mrs. Laszlo about it. It was a telegram which referred to two matters, the payment of money to an address obviously Hungarian, and to a proposed interview at Amsterdam. Now the state of things was that the payments of money into Hungary was wholly wrong without leave, but as regards the means of transmission, assuming that leave had been granted, there was nothing wrong in sending it through Madame Van Riemsdyk or any other respectable agent in a neutral country. The police officer

appears to have taken a wrong point, He asked Mr. Laszlo why he had not adopted the proper course as regards transmission, but he did not, and we take the account of the interview from him, make or suggest any objection to the sending of the money. There was, therefore, no warning. This was being done with knowledge, and indeed, with the active assistance of Madame Van Riemsdyk who occupied, to say the least of it, a very respectable position. She was connected with official people of great importance at The Hague, and it seems not unreasonable to suggest that Mr. Laszlo may well have thought that a thing countenanced and aided by a lady in that position was not likely to be a wrong thing. He also knew that his correspondence was censored. As a matter of fact, it was being watched with care; that, of course, he did not know; but he knew equally, of course, what everybody knew in time of war, that the Authorities opened and looked at letters. Now, throughout the whole of this period, apart from the use of the Legation Bag, to which I will refer in a moment, there were a large number of letters passing, both between Mr. and Mrs. Laszlo and Mr. Laszlo's relatives, and between them and Mr. and Mrs. Laszlo, and between Mr. and Mrs. Laszlo and Madame Van Riemsdyk and her daughter, a very young girl, at The Hague. A large number of these letters were constantly passing by the ordinary post. These letters, all of them, are full of the most open and detailed references to the fact that money was being paid by Mr. Laszlo, through Madame Van Riemsdyk, to his relatives who were in Hungary. He and his wife constantly refer to it, discuss the details of the transmission of this money, and the letters of the Hungarian relatives

are full of gratitude and acknowledgment. Mr. Wyatt Williams the Chartered Accountant, who examined Mr. Laszlo's papers on behalf of the Authorities, takes this point in great detail, and he sets out extracts from a large number of these letters - indeed most of them were postcards - in which these matters are openly discussed, and he says "Mr. Laszlo said that he could not imagine he was doing anything wrong when such open and repeated references were made without any question being raised by the Authorities here. It is true that he had an enquiry from the police in February 1915, in consequence of a telegram which he then sent, but nothing further was heard while his correspondence was still delivered". We think there is not a little force in that point and that it may very well be that Mr. Laszlo, who is not in any way a man of business or a man of affairs, thought there could be no harm in a course which must have been well known to the Authorities, was not objected to by them, and was assisted and countenanced by people like Madame Van Riemsdyk and her brother. When Mr. Guinness told Mr. Laszlo that this was illegal he made, as I have said, no further payments, but he did attempt to make another payment. He had among his sitters a Baron Meyendorf who had been long attached to the Russian Embassy here and who was proceeding to the Russian Embassy in Spain, and Mr. Laszlo suggested to Baron Meyendorf that he, Mr. Laszlo, should pay to Baron Meyendorf a sum of money, in fact £200, and that Baron Meyendorf should expend that in payment of bills and things which he had to pay in this country before he went to Madrid, and that he should repay the loan in this way, that when he got to Madrid he should send out of his own resources there an



equivalent sum to Mr. Laszlo's relatives in Hungary, Now Mr. Laszlo justifies that by saying that he had understood when his brother-in-law told him to stop these payments that the thing objected to was the sending of money out of this country to Hungary, and that this scheme which he proposed would not involve that, but merely a transference of money from Spain to Hungary. I do not know, and it is not necessary to enquire, whether that is economically sound, but I observe that Mr. Wyatt Williams in his report, while setting out that that was the ground on which Mr. Laszlo justified his proposal to Baron Meyendorf, does not express any dissent from that view. I am not for a moment suggesting that he said it was sound, but he does not express any dissent from the view, and we think it may well have been that Mr. Laszlo thought, provided that no English money went out of England, but only Spanish resources went into Hungary, no objection could be taken to what he was doing

N O W we have to consider whether these payments show that Mr. Laszlo was disaffected or disloyal towards His Majesty That depends entirely upon the motive with which the payments were made. If his motive was to weaken this country, to assist Hungary as against this country, or to help his relatives to fight against this country, any motive of that kind, then his conduct would have been disloyal to this country and to the King of this country. We have been told by evidence that that was not his motive. We are mainly guided in considering what his motive was, by the terms of these letters which came into existence long before anybody thought of any trouble about it, and those letters, as we think, show and show conclusively that the motive, and the sole motive, with which these payments continued to be made was family affection, and that there was

no thought or idea in the mind of Mr. Laszlo of any international effect, or anything of the kind, but that his motives were purely affectionate and personal

T H E next matter we are asked to consider as regards its bearing on loyalty is the use of this Diplomatic Bag. There is certainly no disloyalty shown in the letters which went in this way, or in the letters which went by the ordinary post. We have carefully considered this large body of correspondence, some 270 printed pages, quantities of letters from Mr. and Mrs. Laszlo to their Hungarian relations, quantities of letters from the Hungarian relations to them, a large number of letters from Mr. and Mrs. Laszlo to Madame Van Riemsdyk and her young daughter, and a considerable number of letters from them to Mr. and Mrs. Laszlo, and there are a very few letters, I think, from Mr. Laszlo to Baron Forster, a Hungarian Magnate, an art patron who had befriended him in his early days, and a few letters from Baron Forster to him. Now it is impossible to imagine anything more innocent from the point of view of disloyalty or anything of that kind than the whole bulk of this correspondence. The letters between the relatives, the letters to Madame Van Reimsdyk and her daughter, and the letters back are concerned, and concerned entirely, with the merest warm personal domestic details of no interest whatever to anybody except the writer and the receiver. That is the nature of the whole of this correspondence, and the question is, whether, apart from that, the use of the bag shows that Mr. Laszlo was not actuated by loyalty and proper attitude towards the King. Now I will take first the use of the Hague bag, the use of the bag from the Hague. Mr. Laszlo has a friend there, and had had a friend there

for many years, Madame Van Riemsdyk. She is the wife of a man in a good official position there, and the sister of a gentleman who is, or was at that time, the Foreign Minister of the Queen of the Netherlands. She acted as intermediary, and she used the ordinary post. Certain letters miscarried or were delayed, and thereupon Madame Van Riemsdyk, without consulting Mr. and Mrs. Laszlo, asked her brother to allow her to make use, not I think always, but sometimes, of the Dutch Legation bag. He gave leave on condition that she should herself read any letter so sent, see that it was innocent, and we are satisfied that she did so. Any Letters thus sent were sent by her in envelopes addressed to Mr. Laszlo and with an English stamp, and on arrival at the Netherlands Legation in London, were put in the post and reached Mr. Laszlo by post. Mr. Laszlo did not object to this. He did not initiate nor himself do this thing, but he did not object to its being done. It may be that he ought to have realised for himself that this was not and could not be a desirable course, but we are satisfied that his omission to make any objection to this was not due to any feeling of disloyalty or disaffection to His Majesty. With regard to the use of the London bag, we see no reason to doubt that it was Madame Van Reimsdyk who suggested that Mr. Laszlo should ask the Netherlands Minister here to be allowed to use the bag sometimes when writing to the Continent. He did so, and he obtained that permission. Between December 1915 and August 1916, he sent some four or five letters, packages, in that way. On the 3rd August, being at the Netherlands Legation, not about that matter, he heard the Minister in conversation with someone else over the telephone, and heard him say that the authorities here disliked the use of

the Legation Bag, as they well might, for the transmission of private correspondence, and thereupon he stated at once that he would not use the bag in that way again. The Minister appears to have said so far as he was concerned he might continue to do so unless told to the contrary. He did not in fact use the bag again. Later, he asked Madame Van Riemsdyk not to use the bag at her end. I think we are satisfied that he did that, but it was evidently considerably later, and it was some time before he stopped the use of the bag at that end. Now those are the facts with regard to the use of the bag. We have to consider why was this done when we are looking to see whether it shows disloyalty or not? Was it done to escape the Censor, as a knowing evasion of the law of the country of which Mr. Laszlo had just become a citizen, was it done for that reason, or was it done merely for safety and despatch? Now, there was no reason at all why he should desire to escape the Censor, because really there is not one word in all these letters from beginning to end, whether going from, or coming to him, through which any Censor would put his pencil. There was no motive for avoiding the Censor, and we are satisfied that he used the bag entirely for despatch and safety and with no idea or intention of evading the law and regulations of this country

N O W, the next matter is one which has given us more anxiety, and which we have regarded as graver than anything else which has been dealt with in this case, and that is what has shortly been called the "Horne" matter. The facts are that at a late date in the history of these matters, and after Mr. Laszlo had had his attention called to the strictness of the authorities, and the public dangers which might

be involved in dealing with enemies, he was one day at work in his studio when a stranger called and asked to see him. He proved to be an educated young man, a Hungarian, in great agitation and distress, and it is admitted that in the course of that interview Mr. Laszlo became aware that this young man had just escaped from internment at Donnington Hall. He was in a sense an officer, in the sense that he belonged to the Austrian Reserve of Officers, but he was not a prisoner of war or anything of that kind. He had been in fact captured as a civilian in an Austrian vessel and was interned as a civilian in England. He was an escaped interned prisoner. He begged for help and Mr. Laszlo gave him £1 and the address of a person who might assist him and allowed him to go unmolested. Now, this was a breach, and a very serious breach of the law, and the duties of a citizen. Mr. Laszlo's duty was not only not to assist a man who was a fugitive from the law, but to take care to detain him until he could be taken in charge. That was his plain duty. No justification can be found for his conduct, but it is not difficult to find a certain amount of excuse. The duty required of him was a very stern and distasteful duty. The emergency came upon him unprepared and he had not sufficient decision to do the right thing at the time. There was, however, a pretty prompt amendment and complete reparation. Going home that evening Mr. Laszlo realised, probably with the assistance of his wife, the gravity of what he had done, and the next morning he took steps, and took pains, to put himself into the position to give all necessary information to the Police, and he went and denounced this man who was immediately arrested upon his information

N O W does this conduct, which was a breach of the law, show that he was disaffected and disloyal to the King, and this country? Once more, that depends upon the motive with which he helped the man. If he helped him because he was an enemy of this country, a fugitive from British Law, if he helped him in order that this country might be hampered, or that somebody might be able to escape to join the Austrian army, if he had any motive of that kind, his conduct shows him to be disloyal, but if his only motive was pity, natural, but misplaced, for an individual who was in distress, if that was his motive, then his conduct, although wrong, was not evidence of disloyalty; and we are satisfied after very full and careful consideration, that his conduct was not actuated by any hostility to this country, or in favour of enemies of this country; that he did not assist this man as an enemy of this country, but solely because he was a fugitive in distress who threw himself upon his mercy and hospitality

T H E last matter suggested upon this question of disloyalty can be very briefly dealt with. It is suggested that we should consider whether Mr. Laszlo attempted to persuade one, Winthrop Bowen, of New York, to forward letters to Hungary for him. If he had, I do not know that it would have been anything wrong, provided the letters went always by the post and were in themselves entirely innocent, but as a matter of fact, there is no evidence that he attempted to persuade Mr. Bowen to do anything. Mr. Bowen offered to forward letters, but the offer was not accepted, and therefore there is nothing in that point

W I T H regard to this general question of disloyalty, it is to be observed that it is not suggested that there have at any time been on the part of Mr. De Laszlo any expressions inconsistent with complete loyalty and devotion

to this country. We are very familiar on this Committee with expressions of that kind. In this case they are not suggested. It is true, as it is pointed out, that in all these many and long letters to his Hungarian relations, there is no praise of this country. That is quite true; but in the first place, it may be doubted whether praise of this country would be likely to have passed the Austrian Censor, and in the next place if you look at the letters from the Hungarian relations there is no praise of Hungary in them, in fact the correspondents do not praise their respective countries or discuss in any kind of way any public matters. They ask after each other's health and happiness, and they discuss the smallest and most personal and most domestic details. That is all that the correspondence contains. Lastly upon this question Mr. Laszlo has been vouched as an honourable man and as a loyal man by a considerable body of respectable witnesses, nearly all of whom have had good opportunity of forming an opinion, and several of whom, at any rate, are people who would not be likely to be easily deceived. We are very familiar on this Committee, with evidence of that sort; there is hardly a case without it. We are well aware that it is not to be overestimated but, on the other hand, it cannot be disregarded. We have given it due weight

*Jca p. 19*  
THE result is that we are of opinion that Mr. de Laszlo has <sup>not</sup> shown himself by act or speech to be disaffected or disloyal to His Majesty. We have found in the course of this inquiry so far, that he has disregarded and broken the law of this country in three respects; by sending money to Hungary, by aiding the escape of a fugitive from law, and by sending private letters through an improper channel. But it is to be

pointed out that crime, to use the strongest word, breach of the law, is one thing, and disloyalty is another. They are entirely different things. A man who breaks the law of this country is not by any means necessarily disloyal, of course, although he fails in the complete discharge of his duties as a citizen and although we find Mr. Laszlo has broken the law in those three respects, and in the matter of Horne seriously we do not think that the law was broken in circumstances which show that he was actuated by any disaffection or disloyalty.

T H E next head of enquiry can be dealt with very shortly indeed. It is said that he has broken the law in regard to what is shortly called "trading with the enemy". The correspondence, as I have pointed out, was in itself, entirely innocent. It is not necessary to consider whether an innocent correspondence with the enemy was or was not a breach of the law. It was not in fact objected to, and is not put forward here as a matter of complaint, nor is it necessary to enquire whether it became an infringement of the law by the wrong use of the bag. It is unnecessary to enquire into these questions because it cannot be denied, and never has been denied, and never has been denied because it cannot be, that there was here for nineteen months a breach by Mr. Laszlo of the law against sending money out of this country into an enemy country in time of war, and it is obvious, therefore, that so far as trading with the enemy is concerned, it is our duty to report to the Home Secretary that that charge is proved, and indeed is not denied.

T H E third matter which we have to consider arises both under section 3 and section 1 of the Act, and may conveniently, although the two questions may not be identical, be dealt with together. They are in effect whether the public



interest makes it desirable that the certificate of naturalisation granted to Mr. Laszlo in August 1914 should be withdrawn. The matters relied upon are the sending of money to Hungary, the use of the bag, and the Horne incident. The tests in our opinion which we ought to apply are, in substance has the gift of British Citizenship been abused, and would the country be better without the citizenship of Mr. Laszlo? Those are the practical questions.

N O W with regard to the sending of money to his relatives, I have already stated the facts. He always had helped them, and continued to help them. It was done entirely openly, and there were grounds on which he might well have thought that the authorities were aware of, and had no objection to that which he was doing. He received no warning, and, subject to the Mayendorff incident with which I have dealt, he ceased as soon as he was informed by a person who knew more about it than he did, that it was a thing he ought not to do.

W E have come to the conclusion in regard to that, that this sending on money was not an intentional or conscious evasion of the law, but was an inadvertent transgression due to family affection and generosity which are in themselves virtues although of course they would afford no defence if proceedings had been taken upon that particular matter

W I T H regard to the use of the bags, that was suggested by a lady in a very good position, and it was assented to and permitted by very responsible and highly placed official persons both at the Hague and in London. It was stopped promptly on this side as soon as Mr. Laszlo learned indirectly that it was disapproved by the authorities here.

It was stopped on the other side too, but not so promptly as might have been desirable, and we have arrived, as I have already said, at the conclusion that what was done was done although it was a breach of the law, inadvertently, and not with any idea of evading the law, or escaping the Censorship.

A N D lastly with regard to the Horne matter, although there was there what seems to us a breach of the law considerably graver than the other matters which have been suggested and a breach of the law which cannot be said to have been inadvertent in that, any grown man must have known that it must be a breach of the law of any country to facilitate the escape of a fugitive from justice, still there were circumstances affording considerable excuse, and there was prompt repentance, and complete reparation in the discharge of a very unpleasant duty, and we think that although that matter is particularly to be deplored yet to deprive a man of citizenship which has been conferred upon him on that ground would be to inflict a penalty quite disproportionate to the error

M R. Laszlo was treated by the authorities in this matter in a manner which was necessarily drastic, but which seems to us to have been in no degree and in no respect unfair to him; and it is satisfactory to find that in a time when the country was in so great a danger work of this kind was being so vigilently and effectually performed. This case was bound in any case to come before this Committee, owing to the fact that Mr. Laszlo is of Hungarian origin, and received naturalisation after the outbreak of war. But apart from that, there was ample matter for thorough enquiry. British citizenship is a privilege, and

when it is given to those not born to it, it is given as a free gift, it is not bought with money or services, and if the gift is abused it is right that it should be withdrawn, and there were ample matters here to make it most desirable in the interests of all parties that there should be a thorough enquiry

W E have enquired into this matter at considerable length. We have had every possible material and every possible assistance from Counsel on both sides, and we are satisfied that we have probed this matter to the bottom. We find it to be free from difficulty, and we have arrived at the conclusion, first, as I have already said, that no disloyalty or disaffection has been proved; next that although there have been breaches of the law in regard to the money and the carriage of letters, they were inadvertent, and stopped when discovered; and with regard to the Horne incident, and to the case generally, we are satisfied that there has not been on the part of Mr. Laszlo any conduct which would merit, or justify, the withdrawal from him of the British citizenship which he enjoys.

T H O S E are the three conclusions at which we have arrived. They answer, in substance, the questions which have been addressed to us by the Home Office and we shall so report, in substance, to the Secretary of State

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J U D G M E N T

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