

the proposition that an establishment of a religion or an interference with the free exercise thereof repugnant to the First Amendment resulted from the exemption clauses of the act to which we at the outset referred, because we think its unsoundness is too apparent to require us to do more.

Finally, as we are unable to conceive upon what theory the exaction by government from the citizen of the performance of his supreme and noble duty of contributing to the defense of the rights and honor of the nation, as the result of a war declared by the great representative body of the people, can be said to be the imposition of involuntary servitude in violation of the prohibitions of the Thirteenth Amendment, we are constrained to the conclusion that the contention to that effect is refuted by its mere statement.

Affirmed.

JONES *v.* PERKINS, DEPUTY UNITED STATES
MARSHAL, ET AL.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF GEORGIA.

No. 738. Argued December 13, 14, 1917.—Decided January 7, 1918.

Petitioner sought *habeas corpus* upon the ground that the Selective Draft Law, for disobedience of which he was arrested, was unconstitutional. The constitutional questions he raises having all been decided adversely to him in the *Selective Draft Law Cases*, ante, 366, the court affirms the trial court's order refusing the writ, without, however, departing from the general principle that *habeas corpus* should not anticipate trial in criminal cases, in the absence of exceptional circumstances, and without inquiring whether in this case such circumstances existed.

243 Fed. Rep. 997, affirmed.

390.

Opinion of the Court.

THE case is stated in the opinion.

Mr. J. Gordon Jones, with whom *Mr. Thomas E. Watson* was on the brief, for appellant.

The Solicitor General, with whom *Mr. Robert Szold* was on the brief, for appellees. See *ante*, 368.

Mr. Hannis Taylor and *Mr. Joseph E. Black*, by leave of court, filed a brief as *amici curiæ*.

Mr. Walter Nelles, by leave of court, filed a brief as *amicus curiæ*.

MR. CHIEF JUSTICE WHITE delivered the opinion of the court.

Jones, the appellant, was arrested under a warrant charging him with a failure to register as required by the Act of Congress of May 18, 1917, known as the Selective Draft Law, (c. 15, 40 Stat. 76), and after a hearing by a United States Commissioner was committed to custody to await the ensuing term of the United States District Court. Alleging that he was illegally restrained because the statute under the assumed authority of which he was held was repugnant to the Constitution of the United States, he petitioned the court below for a writ of *habeas corpus*. Following a rule to show cause and a hearing on the return thereto, the petition was denied on the ground that the statute was constitutional (243 Fed. Rep. 997), and to reverse the order so adjudging this direct appeal was prosecuted.

It is well settled that in the absence of exceptional circumstances in criminal cases the regular judicial procedure should be followed and *habeas corpus* should not be granted in advance of a trial. *Riggins v. United States*,

Syllabus.

245 U. S.

199 U. S. 547; *Glasgow v. Moyer*, 225 U. S. 420; *Johnson v. Hoy*, 227 U. S. 245. If that rule applied, therefore, our duty would be to affirm, unless this case could be treated as coming within the exceptional class. But we do not deem it necessary to enter into that consideration because, even if it were found to be embraced in such class, every constitutional question relied upon has been this day in *Arver v. United States*, [the *Selective Draft Law Cases*,] *ante*, 366, decided to be without merit. Because of this situation, therefore, without departing from the general principle, we think it suffices in this case to apply the ruling made in the *Arver Case* and, for the reasons stated in the opinion therein, to affirm.

And it is so ordered.

UNITED STATES *v.* MORENA.

CERTIFICATE FROM THE CIRCUIT COURT OF APPEALS FOR
THE THIRD CIRCUIT

No. 523. Argued December 13, 1917.—Decided January 7, 1918.

The second proviso in § 8 of the Naturalization Act of June 29, 1906, c. 3592, 34 Stat. 596, permitting naturalization of aliens who cannot speak English if before the passage of that act they have made declarations of intention in conformity with prior laws, has no bearing on the relation of the seven-year limitation prescribed by § 4, subdivision second, of the act, to declarations filed before its passage. Giving effect to the purpose expressed in the title of the Naturalization Act of June 29, 1906, "to provide for a uniform rule for the naturalization of aliens throughout the United States," the requirement of subdivision second of § 4, that the petition for citizenship shall be filed not more than seven years after the alien has made his declaration of intention, is *held* applicable to declarations made