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THE TRIAL AND
IMPRISONMENT OF
EMMA GOLDMAN
AND ALEXANDER
BERKMAN

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JULY, 1917

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THE TRIAL AND CONVICTION OF EMMA GOLDMAN AND ALEXANDER BERKMAN

“TELL all friends that we will not waver, that we will not compromise, and that if the worst comes, we shall go to prison in the proud consciousness that we have remained faithful to the spirit of internationalism and to the solidarity of all the people of the world.”

So Emma Goldman wrote in the days when she and Alexander Berkman were fighting for their liberty in the sweltering court room in the Federal Building in New York. In this spirit she still greets, from behind the bars of the Federal Prison in Jefferson City, Mo., the thousands of friends who will read this record in MOTHER EARTH.

When Emma Goldman and Berkman, charged with conspiracy to defeat military registration under the conscription law, were sentenced by Judge Julius M. Mayer, on July 9, to serve two years in prison, to pay fines of \$10,000 each, and to be probably deported to Russia at the expiration of their prison terms, United States Marshal McCarthy said: “This marks the beginning of the end of Anarchism in New York.” But Mr. McCarthy is mistaken. The end of Anarchism will only be in sight when Liberty itself is dead or dying, and Liberty, as Walt Whitman wrote in one of his greatest poems, is not the first to go, nor the second or third to go,—“it waits for all the rest to go, it is the last.”

When there are no more memories of heroes and martyrs,
And when all life and all the souls of men and women are discharged from any part of the earth,
Then only shall liberty or the idea of liberty be discharged from that part of the earth,
And the infidel come into full possession.

THE ARREST

Emma Goldman and Berkman were arrested on June 15, at 20 East 125th Street, New York. At the time of the arrival of the Marshal and of his minions, late in the afternoon, Miss Goldman was in the room which served as the office of the No-Conscription League and of MOTHER EARTH. Berkman was upstairs in the office of THE BLAST. A number of helpers were in the building at the time, including M. Eleanor Fitzgerald, Carl Newlander, Walter Merchant and W. P. Bales. Mr. Bales, a young man, was arrested without a warrant. The raiding party included, besides Marshal McCarthy, Assistant United States District Attorney E. M. Stanton, Lieutenant Barnitz, of the so-called "Bomb Squad," Deputy Marshals Doran, Hearne and Meade, and Detectives Murphy and Kiely of the Police Department.

"I have a warrant for your arrest," Marshal McCarthy said to Emma Goldman.

"I am not surprised, yet I would like to know what the warrant is based on," Emma Goldman replied.

Marshal McCarthy answered by producing a copy of MOTHER EARTH containing an article on the No-Conscription League signed "Emma Goldman."

"Did you write that?" asked the Marshal.

Miss Goldman replied that she had written the article, and in answer to another question said she stood for everything in MOTHER EARTH, because, she added, she was the sole owner of the publication.

A few minutes later, officers mounted the stairs and arrested Alexander Berkman.

In the meantime, policemen were busy searching both offices. They found books and pamphlets written by Kropotkin, Malatesta, Voltairine de Cleyre, Max Stirner, Frank Harris, C. E. S. Wood, Charles T. Sprading, Gorky, Andreyev, Strindberg, William Morris, George Bernard Shaw, and many other writers. They seized everything they could lay their hands on, including a card index, bank and check books, and thousands of copies of MOTHER EARTH and THE BLAST, held up by the Post Office. THE BLAST, which was solemnly pronounced by the newspapers "one of the vilest things ever sent through the United States mails," contained, in addition

to Berkman's writings, quotations from Victor Hugo and Edward Carpenter, and articles written by Leonard Abbott and Robert Minor.

After the police had rifled the contents of both offices, the three prisoners were taken down to the street and rushed to the Federal Building. They were joined by the radical attorney, Harry Weinberger. There was no opportunity for arraignment that evening, and the prisoners were locked up in The Tombs.

THE ARRAIGNMENT

On the morning of June 16, Emma Goldman and Berkman were brought before United States Commissioner Hitchcock. Assistant United States District Attorney Harold A. Content appeared as prosecutor. "These two Anarchists," he said, "are the leading spirits in this country in a countrywide conspiracy to spread anti-registration propaganda." Mr. Weinberger, attorney for the defendants, made a motion for dismissal on the ground that advising anybody not to register is not a violation of law. "Failing to register, no doubt is a crime," said Weinberger, "but telling people not to do so is certainly not a violation of the law." The Commissioner is old and gray; he looked like a relic of the Dark Ages. He held the prisoners in \$25,000 bail each. Weinberger protested against the bail as excessive, but was not able to change the decision. Later, when Weinberger and Leonard Abbott approached Marshal McCarthy and when Abbott protested against the holding of the young man Bales without warrant or charge, the Marshal became violently abusive and ordered the ejection of Abbott from the Federal Building.

THE GRAND JURY INDICTS

The prisoners were held in the Tombs practically incommunicado; it was only with the greatest difficulty that they were able to communicate with any of their friends. Gross unfairness was shown in the matter of the bail. When more than enough property was offered to cover the necessary sum, it was refused by Attorney Content on the ground of petty technicalities. Many friends offered money. By June 21, Emma Goldman was free. Four days later, Berkman was released. In the

meantime, the Federal Grand jury had framed a formal indictment.

OPENING OF THE TRIAL

The trial began before Judge Mayer on June 27. Judge Mayer is a German, and he has the Prussian type of face. It occurred to more than one spectator that the defendants, charged with the "crime" of fighting Prussianism in America, were being tried before a Prussian judge. They announced, at the outset, that they had decided to conduct their own cases. They made it clear that this decision was not in any way to be construed as a reflection upon their lawyer. Mr. Weinberger, indeed, had consecrated himself to this case with conspicuous idealism, and was still giving advice and suggestions. But they had decided that, as Anarchists, it would be more consistent to go into court without a lawyer.

The defendants asked for a postponement on the ground that they had so recently been released from prison that they had had no opportunity to summon witnesses and to familiarize themselves with their cases. They also asked for a postponement on the ground of Berkman's physical condition. He had sprained his leg, prior to his arrest, and appeared in court on crutches. Both of these requests were denied by the Judge. He insisted upon an immediate trial. Emma Goldman and Berkman were at first so incensed by the injustice of this decision that they declined to take part in the proceedings. The trial, as Emma Goldman put it, was "a farce." Later, however, the defendants consented to examine the talesmen.

For three days the examination proceeded. It is certain that never before in a court of "justice" has there been such a questioning of talesmen, and it is to be hoped that some of those who listened or answered learned something about *real* justice and social ideals. Alexander Berkman, who took the lead in the questioning, created an atmosphere that was libertarian and anti-militarist. Among the questions asked were:

"Do you believe in free speech?"

"Do you believe in the right to criticize laws?"

"Do you believe that the majority in a community is necessarily right?"

"Would you be biased against the defendants because they had been active in the labor movement?"

"Would you be biased because they had fought conscription?"

"Do you feel that you would be unable to render a just verdict because the defendants are anti-militarists, or Anarchists?"

"Do you know what Socialism and Anarchism mean?"

"Have you read any Socialist or Anarchist books?"

"Have you attended any Socialist or Anarchist meetings?"

Incidentally, Emma Goldman and Berkman managed to convey a great deal of information bearing on the libertarian struggle in many countries. Robert Emmet was mentioned, and George Washington. The birth control movement came in for discussion. The court room was packed. Stella Comyn sat directly behind Emma Goldman and offered suggestions from time to time. Anna Sloan was also in court. Many friends of the defendants were excluded. Some were roughly handled. June 27, it happened, was Emma Goldman's birthday, and, during the lunch hour, Marie Yuster, Rose Yuster, Puck Durant and others brought her a bouquet of red roses.

A MESSAGE FROM C. E. S. WOOD

On June 29, just as the jury was selected, the following telegram was received from Charles Erskine Scott Wood, of Portland, Oregon. Mr. Wood is a Single-Taxer, poet and art connoisseur, and was at one time colonel in the United States army.

"I have wired the judge and attorney general and prosecuting attorney, and please say to Emma I can be quoted as believing with her that conscription utterly belies democracy, and punishment for criticising the government marks an autocracy in spirit, no matter what the form. Thousands here share this view."

THE CASE OF THE PROSECUTION

On Monday morning, July 2, Prosecutor Content opened his case. He said he would show that the two defendants, whom he characterized as "disturbers of law and order," had both tried in their writings and in their public addresses to influence the ignorant amongst the military men of military age not to register. The first

witness that he put on the stand was Miss Fitzgerald. He questioned her regarding the No-Conscription League and the "profits" of THE BLAST. She answered him that she and her colleagues had worked for the sake of principle and not for profits. Mr. Content went to the trouble of presenting newspaper reporters, printers, binders, etc., to testify as to the contents, printing and binding of MOTHER EARTH, THE BLAST and No-Conscription literature; but all this, as the defendants pointed out, was superfluous. They admitted the authorship of the writings which were the basis of the Government's case. Berkman looked the student, the intellectual, with his black-rimmed eye-glasses. Emma Goldman was constantly on her feet, parrying unfair questions, elucidating doubtful points.

"WE BELIEVE IN VIOLENCE AND WE WILL
USE VIOLENCE"

One of the witnesses that Mr. Content put on the stand was a police stenographer who testified that in her speech at Harlem River Casino on May 18, Emma Goldman used the words that stand at the head of this paragraph. But Emma Goldman denied ever having used any such words, and she was able to call many witnesses who corroborated her statement. This led to lengthy discussion of the entire question of violence and of violent methods as a means of advancing Anarchist propaganda. Emma Goldman and Berkman read to the jury extracts from articles on this subject, appearing in MOTHER EARTH. The stenographer who reported the Harlem River Casino meeting was shown to be untrustworthy. Another stenographer testified, incidentally, that Emma Goldman was the best speaker he had ever heard. The proprietor of the Harlem River Casino, called by the prosecution, gave testimony favorable to the defendants. He said that the meeting of May 18 had been perfectly orderly, in spite of the fact that a group of soldiers, carrying a flag, had tried to make trouble. A Sergeant of the Coast Guard, appearing on the witness-stand in uniform, confirmed this testimony.

During the examination of several of these witnesses, a military band was playing beneath the open windows, and patriotic speeches, punctuated by applause, could be

heard. In the street below, a recruiting station had been established. By a curious irony of fate, militarism and anti-militarism, each in its most dramatic phase, had been set in juxtaposition.

BERKMAN OUTLINES THE CASE OF THE DEFENDANTS

Alexander Berkman, when he came to present to the jury the line of argument on which he proposed to build his case, said in substance: "We admit that we are opposed to militarism and to conscription. We have been carrying on an anti-militarist propaganda for twenty-five or thirty years. But we did not conspire, and we did not advise people not to register. The No-Conscription League refused to commit itself to a policy of definitely advising young men not to register. We decided to leave the matter to the conscience of each individual." All this was substantiated by the testimony of a "conscientious objector" who declared that he had gone to the office of the League for definite counsel and had been unable to get such counsel. It was further confirmed by a letter of Emma Goldman's, referred to by Miss Fitzgerald. In this letter Miss Goldman said that so long as she was not in danger of arrest under the registration law, she would not advise young men not to register; she added that, as a matter of principle, she would not tell a man to do a thing or not to do a thing, "because if I would have to tell him what to do, he would have no strength of character and courage to stand by what he is doing." The position of Emma Goldman and of others connected with the League was: "Each man must decide the issue for himself. As a conscientious objector, he has to decide for himself." Anna Sloan, Helen Boardman, Rebecca Shelly and Nina Liederman all testified that they had never heard Miss Goldman urge violence or non-registration.

THE MYSTERIOUS \$3,000

When the offices of the No-Conscription League were raided by the police, a newspaper published an account of a mysterious bank deposit of \$3,000. It was hinted that the money had come from pro-German sources. On July 5, James Hallbeck, eighty years old and a native of Sweden, testified that he had given Emma Goldman a check for \$3,000 as a contribution to her work. So the "pro-German" bubble was pricked.

REED, STEFFENS, HALL

John Reed and Lincoln Steffens, magazine writers, testified that they had known Emma Goldman and Berkman for many years, and that they did not regard either as "violent." Bolton Hall, Single-Taxer and writer, said that he was a member of the Free Speech League. Asked by the judge what the principles of the League are, he said:

"It believes in activities tending to promote liberty, and particularly free speech. We have long fought for free speech. We do not believe in putting any restraint on it. We hold that limiting free expression of opinion is the best way to foster insurrection. We are never afraid to listen to any expression, even if we believe it wrong, but we have decided that the individual must bear the consequences for anything he utters."

"Does that mean that you permit free speech even when it is opposed to law?" queried Judge Mayer.

"We believe the constitutional guarantee of free speech makes free speech of every kind permissible," said Hall.

"In other words, the League permits free speech though it may be contrary to existing statutes," the judge again asked.

"I think that is free speech," Hall retorted.

Hall asserted he had always known Emma Goldman believed in educational work, and in benefiting people through educational activities. He said he had never known her to advocate violence, or to deny any principle which she preached.

LEONARD D. ABBOTT TESTIFIES

Leonard Abbott, Chairman of the Ferrer Association and President of the Free Speech League, was sure that Emma Goldman had not urged violence at the Harlem River Casino meeting. He said that he had expected she would take a more extreme attitude than she did take. Questioned by Berkman in relation to the educational work of the Ferrer Association, in which both Emma Goldman and Berkman had had a share, Abbott spoke at some length of the Children's School in Stelton, New Jersey, created as a memorial to the Spanish martyr, Francisco Ferrer.

"Does the Ferrer School teach children to disobey the

laws of the country?" Mr. Abbott was asked.

"It teaches them," he replied, "to criticise all laws and to prepare themselves for a Free Society."

"When you speak of criticising laws, do you include the laws of this Government?" Judge Mayer asked the witness.

"Yes," was the reply.

"Why was Francisco Ferrer executed by the Spanish Government?" the Judge asked the witness.

"He was executed because he loved liberty and human rights," said Abbott.

"Wasn't he executed upon false testimony?" asked Miss Goldman, springing to her feet.

"Yes," was the reply.

MARTIAL MUSIC GIVES COLOR TO THE TRIAL

Revolutionary and patriotic music clashed toward the end of the trial. At one moment the clear strains of the Marseillaise floated in through the open windows from bands accompanying the Russian Mission, which was marching past City Hall with its streaming red banners. This happened just as Miss Goldman read from her writings passages to the effect that war was only in the interests of the working class when it aimed at the overthrow of the capitalist system. When she read her "new declaration of independence," setting forth the right of the masses to overthrow a tyrannous and iniquitous government, the band suddenly burst forth with the "Marche Militaire," France's new song of revolution and freedom.

Twice the bands played "The Star-Spangled Banner." Everybody was ordered to rise. The first time, a young girl refused to do so, and was ejected by court attendants. The second time Stephen Kerr and another man were led from the room for refusal to stand, whereupon the Judge said: "Any man who refuses to stand will be taken from the room, and will not be permitted to come back." Emma Goldman and Berkman remained seated.

CLOSING SCENES OF THE TRIAL

The trial occupied eight days and came to an end on Monday, July 9. Alexander Berkman spoke for two hours. Emma Goldman then spoke for something over an hour. Mr. Content summed up for the Government in a speech not quite an hour long.

ALEXANDER BERKMAN'S SPEECH

The gist of Alexander Berkman's speech is contained in the following passages:

GENTLEMEN OF THE JURY: It is the first time that I rise to address a jury. It was a new experience for Miss Goldman and myself to examine the talesmen and it is a new experience to conduct a trial without the presence of counsel. It is more than probable and quite natural that we did not follow the usual procedure. It is also very likely that we have neglected many points and circumstances that a trained lawyer would have used in behalf of the defense. But, as indicated in our introductory statement, it is a matter of principle on our part to dispense with counsel and to address the jury face to face and enable the jury to judge for themselves as to the quality and the character and motives of the defendants. No doubt we could have had the services of brilliant lawyers and I am not sure but even the best legal talent of the country could have been at our disposal. We believe that the fact that we have dispensed with lawyers is to a considerable extent to our detriment. But for the sake of the opportunity to speak to you as I have indicated face to face, we are willing to take that disadvantage, because after all the standing up for our principles in the expression of our ideas for ourselves is more important, more vital to us than the mere question of liberty or even of life.

Gentlemen, if in the examination of the talesmen we have asked perhaps inappropriate questions, or if in the excitement of the unusual experience we have been guilty of some discourtesy, we wish now to express to you our deepest regret and apology. I am sure that you will not hold our inexperience against us.

And now to the case. The charge against us, as you know from the indictment, is that we conspired to advise and to urge men of conscriptable age not to register. Remember, gentlemen, the indictment is in regard to a conspiracy to urge people not to register. If you look through the indictment you will not find a single word about conscription. I want you gentlemen to bear it in mind that the indictment sets forth a conspiracy and overt acts alleged to be connected, in order to induce young men not to register. The question now is, Did the prose-

cution prove the alleged conspiracy? Did the prosecution prove that we urged people not to register? Did it prove any overt acts in furtherance of that alleged conspiracy? Did it even attempt to prove or to demonstrate that we are guilty as charged? Oh no. The prosecution felt its case so weak that it had to drag in a thousand and one issues that have nothing to do with the charge in question. It had to drag in the question of Anarchism, of violence, of the Ferrer Modern School, of mass meetings held three years ago under some special circumstances, of protest meetings held in this city about four years ago with regard to the Colorado miners' strike, of protest meetings held in connection with the Rockefeller treatment of the Ludlow miners. It had to drag in a thousand and one questions that had as much relation to this case as a lion is related to a jackass.

Why were those irrelevant issues dragged in by the prosecution? Was it not because the prosecution hopes to obscure the issue in this case? Was it not because the prosecution hoped to prejudice you jurymen if possible, perhaps to frighten you, if that were possible, in order to set you up against the defendants because there was no evidence whatever to prove the charges of this indictment? The prosecution so far as these defendants are concerned, is perfectly welcome to its professional subterfuges to becloud the issue before it. We don't evade any issue. But the bare fact that the prosecution is compelled to resort to such doubtful tactics ought to be sufficient for any intelligent man to realize that there is absolutely no foundation for that charge and that we stand here indicted for a charge never mentioned in the indictment itself. We stand here accused of being Anarchists. A vain accusation! We are Anarchists and I for one am proud of being an Anarchist and I am sure I may say the same for my defendant Miss Goldman.

You have heard a good deal here about Anarchism and about violence and similar matters unrelated to this indictment. Now, once for all, what is all this talk about violence in relation to Anarchism? I think it is time to explain and to make this matter clear. I am tired of hearing Anarchism confused with violence, the explanation of a thing confused with the cause of the thing. I am tired of all that, and I am glad of the opportunity—

whatever it may cost—to speak to you gentlemen and to tell you just what Anarchism is to Anarchists,—not to the enemies of Anarchism, but what Anarchism is to us and what our position is on violence. There will be no evasion in this on any matter, on any imaginable matter mentioned in any of those things read. Now there is talk about violence. Gentlemen, there is too much humbug in the alleged attitude of the average man about violence. You speak to the average man, the unthinking man, and ask him does he believe in violence and he will hold up his hands in horror. “No!” he will shout. And yet you know it is the most unthinking statement an intelligent man could make. I am sure each and every one of you gentlemen is a law-abiding, peaceful citizen. You believe in peace rather than violence. And yet you are all concerned and involved in the present war. You all support the war, which is nothing but wholesale violence. And therefore it will appeal to your common ordinary sense that this general statement of violence or belief in violence or even disbelief in violence is the statement of an unthinking person. We all believe in violence and we all disbelieve in violence; it all depends upon the circumstances. Under ordinary circumstances no one wants violence, no one wants bloodshed; and yet certain circumstances arise when violence seems to be necessary in order perhaps to combat greater violence, in order to combat a greater evil that may menace humanity. You all therefore and each of you do not believe in violence and yet you support the Government of the United States to-day, you support it in the war, a war that means the greatest possible violence. But you have your own good reasons to support that war. I personally do not believe in this war. I do not believe in any war of that character. I believe the war is merely for the purpose of furthering capitalistic interests. I believe the people have nothing to gain from this war, neither the people of Europe nor the people of America. I believe in universal peace. But I am not a pacifist. I am a fighter and all my life I have been fighting for liberty. I am not a pacifist. I want that emphasized. I believe in war under certain circumstances. I believe in fighting. And so when an expression of violence is picked out here and there perhaps from a mass meeting

held three years ago, an expression used by people who may be dead now for all I know—yet I am ready to stand as the editor of that magazine for any expression used there. And all I want is to explain, explain the meaning of such phrases.

Now, what is the relation of this particular point to Anarchism itself? Of course, gentlemen of the jury, you know that Anarchism is a new idea, comparatively speaking. It takes thousands and thousands of years to elucidate and explain and make a new idea popular, especially a new idea that runs contrary to all the accepted notions, all old prejudices, all our old superstitions. An idea is new, radically new, new in the sense that it has changed or wants to change the values we have accepted, the false values. Anarchism wants to change the false values of hatred, of strife, of brother murdering brother, the false values of exploitation and robbery, of tyranny, of oppression. We want to change these false values and give humanity new values; in the words of the great, perhaps the greatest philosopher of modern times, we want to trans-value all human values, to give them a new meaning, a new foundation, with the hope and the necessary results of a different and better society. Anarchism has been misrepresented. Naturally so. As many past philosophies have been misrepresented that you have accepted to-day. What is the matter with Christianity itself. You remember the early Christians in the time of the Roman Caesar, the Christians who stood for an ideal then as we stand for an ideal of brotherhood to-day. What did they do with those Christians, Mr. District Attorney? They put them in the arena to be torn by wild beasts. They crucified them on the streets of Rome, because crucifixion then was the customary method of capital punishment. And if we had crucifixion to-day I am sure that these defendants would be crucified also. What did they do with the Huguenots, the conscientious objectors of their time? You know. They slaughtered the Huguenots by the hundreds of thousands all through France. And what did they do with this Garibaldi that the City of New York has been celebrating in honor of a few days ago? There is his statue. What did they do with this Garibaldi, the liberator of Italy from the yoke

of the foreign oppressor? They put him in prison. What did they do to Mazzini and the other great liberators of Italy? They put them in prison. And you have celebrated here the other day. What did they do with Bruno who propagated a new and strange and unpopular theory and philosophy? They burned Bruno at the stake. And I am sure that there are men to-day who would burn the modern Brunos at the stake. And a thousand years hence their descendants would build monuments for them, as you have built a monument there for Garibaldi.

We do not need to go back very far in history. We do not need to go back with oppressions. What is the matter with the Russian revolutionists? Their Commission is honored by your city right now at this very moment. I say that their Commission honors your city. The representatives of the Russian Revolution, the revolution fought by them against the tyranny of the Czar, the revolution whose great gospel is liberty for all, well-being for each, happiness for humanity, that revolution has to-day its representatives in your midst and you are honoring them. And who are these revolutionists? They have returned from Siberia, from the dungeons of the Peter and Paul Fortress, they have returned from Schluesselberg, from the mines of Kara, from Vladivostok, from the places where revolutionists were sent by the Czar and governors of Russia for a hundred years. These rebels against tyranny, these lovers of humanity have come back from Siberia and to-day they are at the helm of the destinies of Russia. You celebrate them to-day in the presence of their representatives, and we are here being tried for what? For loving humanity.

I said it would be interesting to know on this occasion, especially because it is in the evidence, what relation has violence to Anarchism. You have heard the word Anarchism mentioned many times but perhaps you have not heard what it really means. It comes from two Greek words, and very simple they are. "Arche" means power or violence. And "an" a prefix means without. "An-arche" in Greek. Anarchy in English, which means without violence. The very philosophy of Anarchism is the negation of violence. The very opposition of violence. The very translation of the word means absence of violence and absence of government as represented in the

organized form of violence. And yet this stupid man, the ignorant man opposite me, dares say Anarchism means violence, when the very meaning of the word Anarchism stands for the negation of all forms of violence and force. I have tried to call your attention, gentlemen, to the fact that Anarchism, which stands for human brotherhood, for the constructive tendencies of man, seeks an opportunity only, an opportunity to develop these tendencies of man, these constructive tendencies as against the destructive tendencies; an opportunity to develop them first, of course, by enlightening the people, by telling the people what Anarchism really means, by doing away with all those misrepresentations of Anarchism and by doing away with all those false notions about Anarchisms and our enemies have inculcated into the minds of the people. Misrepresentations—and when was there a time when a new idea was not misrepresented? Why, some of you perhaps remember the Abolitionist days in this country. Did not the ordinary stupid citizen consider an Abolitionist a murderer? Why? Because those who were their enemies, those who were opposed to their ideas misrepresented the abolitionists, misrepresented the philosophy and vilified the champions of that philosophy. And what did the abolitionists want? Oh, to-day they are heroes. But what did they want? They wanted the emancipation of the black man. To-day it is a fact. They were successful finally. We have not been successful yet. But before they were successful what happened to the greatest, to the noblest representatives of abolition? What happened to Garrison, William Lloyd Garrison who was dragged in the streets of Boston, dragged by a mob and almost lynched because he stood for a bigger conception of human love, because he stood for a greater conception of brotherhood, because he said “No country can be free when half way free and half way slave.” And we, gentlemen of the jury, say the same thing to-day. No country is free, half way free and half way slave. We are in the position of Garrison and Wendell Phillips and John Brown. But we say not only the black slave must be emancipated but also the white wage slave of the factory. We say in these things we are the emancipators of humanity.

The District Attorney has proven that we are Anar-

chists and I want you to know what we Anarchists stand for. What else has the District Attorney proved? He was to prove two things, gentlemen. He was to prove that there was a conspiracy between these defendants, a conspiracy to advise and urge conscriptible men not to register; and he was to prove that overt acts had been committed by us in pursuance of that conspiracy. Has he proved either one of these two propositions? He has not proved a single thing about either one, neither the conspiracy nor the overt act. And when I go ahead to analyze his testimony and our testimony I think I can convince you, gentlemen, beyond a reasonable doubt that we have proved our case instead of the District Attorney proving his. You have heard here, gentlemen, that on your oaths you cannot convict unless you are absolutely certain in your own hearts and consciences that the District Attorney has proven his case beyond a reasonable doubt. But I say the defense has proved its case beyond a reasonable doubt and the District Attorney's case has not a leg to stand on. Now I will proceed to examine the evidence submitted by the District Attorney and let us see what he has proved and how he has proved it.

His case was so strong that he had immediately to lay his strongest proof before you by producing here a printer and a bookbinder, an expressman and a telephone man. And he actually proved, gentlemen, of the jury, that MOTHER EARTH was printed at a printer's. He actually proved that THE BLAST was also printed at a printer's. He proved that MOTHER EARTH was bound in a bindery. He proved that THE BLAST was bound in a bindery. He proved that an expressman actually delivered packages of MOTHER EARTH to the MOTHER EARTH office. He proved that packages of THE BLAST were delivered to THE BLAST office. Do you think a paper is printed without a printer, without an electrotyper to make electros from the pictures and illustrations? Do you think we do not need an expressman to deliver all those packages? Why did the District Attorney waste your time and patience by proving these things? Because he can prove nothing else. All those things were admitted by the defense. Ridiculous even to submit such things in evidence! And lo, and behold, we get a new Sherlock Holmes upon the scene, Harold A. Content! He

discovers a tremendous secret and submits it to you as his chief piece of evidence. What is that big discovery of our great detective? The No Conscription Manifesto, the No Conscription Manifesto that was sent out in 50,000 copies all over the country. The No Conscription Manifesto that was read by millions of people in this country. Some secret! By millions of people—because practically every big paper in New York and Chicago and in all the other cities reprinted the manifesto, some in whole, some in excerpts. Millions of people have read it. Fifty thousand copies were sent out through the mails of the Federal Government. It required the great Sherlock Holmes to demonstrate here the tremendous secret, the existence of a No Conscription Manifesto. I think, gentlemen of the jury, the very fact that the District Attorney had to submit such inadequate, irrelevant, absolute useless facts as proof is an insult to your intelligence as jurymen. And when we come to the No Conscription Manifesto, what do you find there? The word registration is never mentioned. And here is his own charge about registration. The whole charge, the indictment of conspiracy to induce people not to register is based practically on this manifesto; and this manifesto never mentions the word registration. Some detective. Some proof. Some foundation for this ridiculous charge! Now let me just read to you just one more passage to tell you the real meaning of this manifesto, what it is for. The essence of the whole thing. And here it is: The No Conscription Manifesto, the very title of it, No Conscription, not "No Registration." Do you think if I wanted a No Registration pamphlet I would issue a No Conscription pamphlet? Have I ever hidden my meaning? Have I not always been frank to express it and perfectly free to express my views? Why, the very purpose of my life is to express my views. They say we published a no conscription manifesto when we meant no registration—we who have been only too frank all through this trial; who mean to be frank the rest of our lives; who have been frank all through the past, beginning with Russia, and suffered for it, too. We have said no conscription when we meant no registration! And what does this No Conscription Manifesto say in essence? "Liberty of conscience is the most fundamental all human

rights, the pivot of all progress. No man may be deprived of it without losing every vestige of freedom of thought and action. In these days when every principle and conception of democracy and of liberty is being cast overboard under the pretext of democratizing Germany it behooves every liberty-loving man and women to insist on his or her rights of individual choice in the ordering of his life and actions." And here is again a passage that gives the very gist of the matter in one sentence: "The No Conscription League is to be the voice of protest against the coercion of conscientious objectors to participate in the war." The whole gist of the whole no conscription movement in one pamphlet. That whole no conscription movement in this country and all through the country was and is for the purpose of giving voices of protest, expressing the opinions of the conscientious objectors who do not want to participate in the war, their reasons for objecting to the war; people who are opposed to bearing arms for reasons of conscience. That was the purpose of the no conscription movement. That was the purpose of the no conscription manifesto. Here it is expressed in the plainest, simplest language. And only a District Attorney could misunderstand it and try to impose upon you that this means no registration, it does not mean no registration at all. It does not mean that; it means something else. Because it was necessary to use subterfuge and such professional tricks to support the impossible, the ridiculous position of the District Attorney on this charge.

As absolutely unsuccessful and impossible as it was for the District Attorney to prove a conspiracy, impossible because it did not exist, just as unsuccessful was the District Attorney in proving any overt acts. As a matter of fact, perhaps if I were a lawyer I would stop right here, because since he did not prove any conspiracy the whole charge falls; and even if there had been any overt acts the charge falls, because we are charged with conspiracy and I have proved I think and I believe the intelligence of the jurors themselves will convince them that the very suggestion of a conspiracy is ridiculous, preposterous, taking into consideration the facts of the prosecution, taking into consideration the very character

of the work we have been doing for the past thirty years. The conspiracy not proved—but I am not satisfied merely to show you that the District Attorney did not prove his case. Far from having proved his case beyond a reasonable doubt, I want to show you that he did not begin to prove his case but that the defendants did prove their case beyond a reasonable doubt. They are not expected to prove that. They do not need to prove that. But I shall not be satisfied in my own conscience until I show that to you. And I know I can. I say that the District Attorney proved neither conspiracy nor any overt acts in furtherance of any imaginary conspiracy. Now, what are the overt acts that he is charging us with?

He talks about the May 18 meeting. Miss Goldman and I had a conspiracy there, he says, and he quotes the false words of her speech. But why didn't he quote the words of my speech?

I defy them to introduce in evidence that either I or Miss Goldman ever said in public speeches or in MOTHER EARTH or in THE BLAST "Don't register," or "You don't register," or "You should not register." And we are people who tell just what we feel like saying, just what we believe is right for us to say.

I will tell you why we refused to advise young men not to register.

I would never advise anyone to do a thing which does not endanger me. I am willing to resist tyranny. If I were willing and ready to resist tyranny I may advise others to resist tyranny, because I myself would do it. I would be with them and take the responsibility. But I was excepted from that registration business. I did not have to register. I was beyond the age. I was not in danger. And would I advise anyone to do the thing which does not put me in danger? I would advise people once in a while if I thought it necessary to do things, dangerous things; but I would be with them. Never would I advise anybody to do a thing that is dangerous and I not be there or I not be in danger, because the registration law excludes me. That is why I did not advise people not to register.

Gentlemen of the jury, I think that I should not use

any more time with regard to the evidence. I believe it is absolutely demonstrated here that the District Attorney has no case. I believe that it is absolutely demonstrated here that he did not begin to prove a conspiracy. They did not prove any overt acts. And it is further demonstrated that such a conspiracy could not possibly exist, that all the previous acts alone of enlightening propaganda and agitation and all the ideals of Miss Goldman and myself are inherently opposed to any such thing as a dark conspiracy, and that some other things which I have cited here made it impossible for me to incite people not to register. I think I have sufficiently proved beyond any reasonable doubt that the defense or defendants never advised or urged anyone not to register and that there was no such conspiracy. I think I have said enough about that. If I argue this point, gentlemen, before I conclude, I want you to know that I am not arguing to keep myself from going to prison. I am not afraid of prison. I am willing to suffer for my ideas in prison if necessary. Life is dear, but not so dear that I should be at liberty without self-respect. I would rather be in prison with my ideals, with my convictions, true to myself than be outside with my soul damned in my own estimation. So I am not pleading to save ourselves from prison. Ourselves, I say, because I know that Miss Goldman shares my views and my feelings in this matter. No, it is not a question of prison with me. It is a question of whether we stand here indicted as guilty of conspiracy to induce people not to register, or whether it has been planted upon your prejudice by the prosecution, whether he tried to arouse your passions and opposition against us as Anarchists. That is the question. And it is really Anarchism that is on trial here, and I am glad it is, because it is well for you to know what Anarchism is, since we are Anarchists. Gentlemen of the jury, this is an important, a solemn moment in your lives, much more your lives, much more than in mine. A solemn moment, because the eyes of the whole country, indeed the eyes of the world are upon you. This is no petty question of telling someone not to register. That is not the question here. The question here is, have we got free speech and liberty of expression in this country, or not. That is the real question at issue, over and above this indictment, over and

above all these things that have been quoted by the District Attorney. And it is up to you as representatives just now of the American people, it is up to you as the jury in this case to tell the world by your verdict whether you believe that free speech is necessary, whether you believe that free speech is a good thing, whether you believe that the grandfathers, the founders of this Republic sacrificed their lives in vain, whether free speech should be permitted, whether we should throw on the dungheap all those things for which they fought, for which people have bled, for which the martyrs of all countries have bled: Free speech and liberty of expression and freedom of conscience. That is, that will be the meaning of your verdict. It will not be a question of a few years in prison. It will not be a question of conspiracy or registration. It will be a question whether you say by your verdict that people shall not talk in this country, that people shall not think, that people shall not dare express an opinion. And if you say "We have war," I say to you because of the war it is necessary for you to show that we do have liberty, that we do have some democracy here. Why, yes, the war you say is for the very purpose of carrying democracy and liberty to Europe; and we want the world to know that you who carry liberty and democracy to Europe have no liberty here, that you who are fighting for democracy according to your own lights in Europe, suppress democracy right here in New York, in the United States. Are you going to suppress free speech and liberty in this country, and still pretend that you love liberty so much that you will fight for it five thousand miles away? Charity begins at home, gentlemen of the jury. Liberty begins at home. That is where you begin right now, to-day, to show that you stand for liberty. We have to speak for liberty all our lives. Now you are put to the test as men who believe in liberty, you are put to the test. It is for you to show whether you believe in liberty. And let me tell you, whether you think that we are right or we are wrong, one thing we know: That the spirit that animates this woman, the spirit that animates these defendants is the spirit that has in the past emancipated the slaves. It is the spirit that will in the future emancipate the slave from his slavery, from his tyranny, emancipate the whole country, abolish war, make

us all brothers of one family, without all these evils and crimes, without all this oppression and monopoly in the world, and make the world a fit place to live in, with a real motto, actually applied: Liberty for all, well being for everyone, and happiness for humanity.

EMMA GOLDMAN'S SPEECH

Emma Goldman spoke, substantially, as follows:

GENTLEMEN OF THE JURY: On the day after our arrest it was given out by the Marshal's office and the District Attorney's office that the two "big fish" of the no-conscription activities were now in the hands of the authorities, that there would be no more trouble-makers and dangerous disturbers, that the government will be able to go on in the highly democratic method of conscripting American manhood for European slaughter. It is a great pity, it seems to me, that the Marshal and the District Attorney have used such a flimsy net to make their catch. The moment they attempted to land the fish on shore the net broke. Indeed the net proved that it was not able and strong enough to hold the fish. The sensational arrest of the defendants and the raid of the defendants' offices would have satisfied the famous circus men, Barnum & Bailey. Imagine, if you can, a dozen stalwart warriors rushing up two flights of stairs to find the two defendants, Alexander Berkman and Emma Goldman, in their separate offices quietly seated at their desks, wielding not the gun or the bomb or the club or the sword, but only such a simple and insignificant thing as a pen. As a matter of fact two officers equipped with a warrant would have sufficed to arrest us two, for I take it that we are well known to the police department and the police department will bear me out that at no time have we run away or attempted to run away, that at no time have we offered any resistance to an arrest, that at no time did we keep in hiding under the bed. We have always frankly and squarely faced the issue. But it was necessary to stage a sensational arrest so that Marshal McCarthy and the attorney should go down to posterity and receive immortality. It was necessary to raid the offices of the BLAST and the No Conscription League and MOTHER EARTH, although without a search warrant,

which was never shown to us. I ask you, gentlemen of the jury, should it be customary from the point of view of law to discriminate in the case of people merely because they have opinions which do not appeal to you? What is a scrap of paper in the form of a search warrant, when it is a question of raiding the offices of Anarchists or arresting Anarchists? Would the gentlemen who came with Marshal McCarthy have dared to go into the offices of Morgan or of Rockefeller or any of these men without a search warrant? They never showed us the search warrant, although we asked them for it. Nevertheless, they turned our office into a battlefield, so that when they were through with it it looked like invaded Belgium, with only the distinction that the invaders were not Prussian barbarians but good patriots who were trying to make New York safe for democracy.

The first act of this marvelous comedy having been properly staged by carrying off the villains in a madly rushing automobile which came near crushing life in its way, merely because Marshal McCarthy said "I am the Marshal of the United States," he even reprimanding officers on the beat who lived up to their duty and called attention to the fact that the automobile should not have rushed at such violent speed—I say the first act having been finished by locking the villains up, the second act appeared on the scene. And the second act, gentlemen of the jury, consisted not in prosecution but in persecution. Here are two people arrested, known to the police department, having lived in New York City for nearly 30 years, never having offered resistance to an arrest, always facing the issue. And yet we were placed under \$50,000 bail, although the principal witness in the Cruger case is held only in \$7,000 bail. Why were we placed under \$50,000 bail? Because the District Attorney knew that it would be difficult to raise that bail and therefore out of personal spite made us stay in the Tombs instead of enjoying our liberty. And furthermore, not only did the District Attorney and the prosecution insist upon \$50,000 bail, but when we produced a man whose property is rated at \$300,000 in this city his real estate was refused. Why? Because the District Attorney suddenly remembered that he needed 48 hours to look into the man's reputation—knowing perfectly well that we were

to go to trial on Wednesday, and yet not permitting the defendant, Alexander Berkman, to get out, although we had relied on an authentic and absolutely secure bail. So that I say that the second act, gentlemen of the jury, demonstrated that it was not only to be a case of prosecution, that it was also to be a case of persecution.

And finally the third act which was played in this court and which you, gentlemen of the jury, witnessed last week. I may say here that it is to be regretted indeed that the District Attorney knows nothing of dramatic construction, otherwise he would have supplied himself with better dramatic material, he would have used better acts in the play to sustain the continuity of the comedy. But the District Attorney is not supposed to know anything about modern drama or the construction of modern drama.

Now then you have already been told and I am sure you will be charged by His Honor that the indictment against us is, having conspired and having used overt acts to carry out the conspiracy to induce men of conscriptable age not to register. That is the indictment and you cannot and you may not render a verdict for anything else, no matter what material came up in this court during the last week or ten days. As to the conspiracy: imagine, if you please, people engaged along similar lines for nearly 30 years, always standing out against war, whether that war was in China or Japan or Russia or England or Germany or America, always insisting with the great essayist Carlyle, that all wars are wars among thieves who are too cowardly to fight and who therefore induce the young manhood of the whole world to do the fighting for them—that is our standing; we have proved it by evidence, we have proved it by witnesses, we have proved it by our own position, that always and forever we have stood up against war, because we say that the war going on in the world is for the further enslavement of the people, for the further placing of them under the yoke of a military tyranny; imagine also people who for 30 years in succession have stood out against militarism, who claim militarism is costly and useless and brutalizing to every country; imagine us standing for years, and especially since conscription was declared in England and the fight began in Australia and conscription was there de-

feated by the brave and determined and courageous position of the Australian people; imagine that since that time we have been against conscription, then say how there can possibly be a conspiracy when people merely continue in their work which they have carried on for 30 years and for which they have spoken in different meetings and by letters! What kind of conspiracy is that? Was there any need of a conspiracy if we really had wanted to tell young men not to register? I insist that the prosecution has failed utterly, has failed miserably to prove the charge on the indictment of a conspiracy.

As to the meeting of May 18th: it was dragged in here only for reasons known to the prosecution, otherwise I can't understand why that meeting played such an important part. No matter what we would have said at that meeting, no matter what language we would have used, that meeting cannot constitute an overt act, because although it is true that the draft law was passed on the 18th, it is equally true that it was not made a law until the President of the United States signed that law. And the President of the United States did not sign it until late that evening, at the time when we had the meeting and couldn't have any idea or knowledge as to whether he was going to sign it. So the meeting of the 18th is utterly irrelevant. But since the meeting came in it is necessary to emphasize one or two points. And I mean to do so, because it concerns the defendant Emma Goldman. The main thing upon which evidently the prosecution concentrated is that the reporter credited the defendant Emma Goldman with saying, "We believe in violence and we will use violence." Gentlemen of the jury, if there were no other proof to absolutely discredit this particular line and sentence and expression, there would yet be the following reasons: In the first place, I have been on the public platform for 27 years and one of the things that I am particularly careful of in my speeches is that they shall be coherent and shall be logical. The speeches delivered on that evening, on May 18, absolutely excluded the necessity of using the expression "We believe in violence and we will use violence." I couldn't have used it, as an experienced speaker, because it would merely have made the whole speech nonsensical, it would

have dragged in something which was irrelevant to the body of the speech or the material used. That is one of the reasons why I never at that meeting said "We believe in violence and we will use violence."

I am a social student. It is my business in life to ascertain the cause of our social evils and of our social difficulties. As a student of social wrongs it is my business to diagnose a wrong. To simply condemn the man who has committed an act of political violence, in order to save my own skin, would be just as pardonable as it would be on the part of the physician who is called to diagnose a case, to condemn the patient because the patient had tuberculosis or cancer or any other disease. The honest, earnest, sincere physician diagnoses a case, he does not only prescribe medicine, he tries to find out the cause of the disease. And if the patient is at all capable as to means, he will tell the patient "Get out of this putrid air, get out of the factory, get out of the place where your lungs are being infected." He will not merely give him medicines. He will tell him the cause of the disease. And that is precisely my position in regard to violence. That is what I have said on all platforms. I have attempted to explain the cause and the reason for acts of political violence.

And what is the cause? Is it conditioned in the individual who commits an act of individual violence? It is not. An act of political violence at the bottom is the culminating result of organized violence on top. It is the result of violence which expresses itself in war, which expresses itself in capital punishment, which expresses itself in courts, which expresses itself in prisons, which expresses itself in kicking and hounding people for the only crime they are guilty of: of having been born poor. So that after all when we come to consider an act of political violence committed by an individual, I take it, gentlemen of the jury, that you are conversant with history and that you know that not only a stray Anarchist here and there, but rebels of every movement in Ireland, in France, in Russia, in Italy, in Spain, all over the world, even in passive India, the country which has the most wonderful civilization and rests upon passive resistance—even in that country, men

were driven to acts of violence by organized violence on top. So, as I said in one of the evidences we have given, we say with the greatest psychologist living, Havelock Ellis, that an act of political violence committed by an individual is the result of social wrong and social injustice and political oppression. Wherever there is political liberty—and I can demonstrate it in the Scandinavian countries: has there been any act of violence committed in Norway, in Sweden, in Denmark, in Holland—why are there no acts of violence there? Because the government doesn't only preach free speech and free press and assembly, but lives up to it. There was no need to be driven into acts of violence. So, gentlemen, I say with Havelock Ellis that the political offender or the "political criminal," as you choose to call him, is so not because of criminal tendency, not because of personal gain, not because of personal aggrandizement, but because he loves humanity too well; because he cannot face wrong and injustice and because he cannot enjoy his meal when he knows that America is getting rich on two million wage-slave children who are ground into dust and into money and power.

And so, gentlemen, I have explained the act. I have explained the act. Does that mean advocating the act? If that is your version—and I can't believe that it will be—I say, gentlemen of the jury, that you might as well condemn Jesus for having defended the prostitute Mary Magdalen, you might as well say that he advocated prostitution because he said to the mob on that occasion: "Let him among you that is without sin, cast the first stone." I refuse to cast the stone at the "political criminal," if he may be called so. I take his place with him because he has been driven to revolt, because his life-breath has been choked up. And if I am to pay with prison for that, if I am to pay with my life-breath for that, gentlemen of the jury, I shall be ready at any time to take the consequences. But I refuse to be tried on trumped-up charges and I refuse to be convicted by perjured testimony for something which I haven't said, when it had absolutely no relation whatever to the indictment as stated, that we conspired and agreed to conspire and used overt acts to tell people not to register.

Gentlemen of the jury, the meeting of May 18 was

called for an express purpose and for that purpose only. It was called to voice the position of the conscientious objector who, as far as America is concerned, was a new type of humanity. Oh I know that we should be expected to call the conscientious objector, just as he is being called by the papers, a "slacker," a "coward," a "shirker." These are cheap names, gentlemen of the jury. To call a man a name proves nothing whatever. What is the conscientious objector? I am a conscientious objector. What is he? He is impelled by what President Wilson said in his speech on the 3rd of February, 1917; he is impelled by the force of righteous passion for justice, which is the bulwark and mainstay and basis of all our existence and of all our liberty. That is the force which impels the conscientious objector: a righteous passion for justice. The conscientious objector, rightly or wrongly—that is a thing which you will have to argue with him—does not believe in war, not because he is a coward or a shirker, not because he doesn't want to stand responsible, but because he insists that, belonging to the people whence he has come and to whom he owes life, it is his place to stand on the side of the people, for the people and by the people and not on the side of the governing classes. And that is what we did at that particular meeting. We voiced the position of the conscientious objector. But I reiterate once more, so you may not overlook it: that whatever we said on the 18th of May has no bearing whatever on the indictment for conspiracy, because that meeting took place before the president signed that bill.

Gentlemen of the jury, when we examined talesmen we asked whether you would be prejudiced against us when it was proved that we were engaged in an agitation for unpopular ideas. You were instructed by the court to say "if they were within the law." But there was one thing I am sorry that the Court did not tell you. It is this: that there has never been any ideal—though ever so humane and peaceful—introduced for human betterment which in its place and in its time was considered within the law. I know that many of you believe in the teachings of Jesus. I want to call your attention to the fact that Jesus was put to death because

he was not within the law. I know that all of you are Americans and patriots. Please bear in mind that those who fought and bled for whatever liberty you have, those who established the Declaration of Independence, those who established the constitutional right of free speech—that they were not within the law; that they were the Anarchists of their time; that they wrote a famous document known as the Declaration of Independence, a document indeed so great that it is evidently considered dangerous to this day, because a boy was given 90 days in a New York court for distributing a leaflet of quotations from the Declaration of Independence. They were not within the law. Those men were the rebels and the Anarchists. And what is more important, they not only believed in violence but they used violence when they threw the tea into Boston harbor.

Furthermore, your country and in a measure my country—my country out of choice—is now allied with France. Need I call your attention to the fact that the French republic is due to the men who were not within the law? Why, friends, even the man who is responsible for the stirring music of the Marseillaise, which unfortunately has been deteriorating into a war tune—even Camille Desmoulins was not within the law, was considered a criminal. And finally, gentlemen, on the very day when we are tried for a conspiracy, when we are tried for overt acts, our city and its representatives were receiving with festivities and with music the Russian Commission. Every one of the Russian commissioners is what you would choose to call an ex-political criminal. Every one of them had been in exile or in prison. As a matter of fact, gentlemen, the tree of Russian liberty is watered with the blood of Russian martyrs.

So no great idea in its beginning can ever be within the law. How can it be within the law? The law is stationary. The law is fixed. The law is a chariot wheel which binds us all regardless of conditions or circumstances or place or time. The law does not even make an attempt to go into the complexity of the human soul which drives a man to despair or to insanity, out of hunger or out of indignation, into a political act. But progress is ever changing, progress is ever renewing, progress has nothing to do with fixity. And in its place

and in its time every great ideal for human reconstruction, for a reconstruction of society and the regeneration of the race—every great idea was considered extralegal, illegal, in its time and place. And so I must refer to Havelock Ellis when he said that the political criminal is the hero and the martyr and the saint of the new era. Hence the country that locks up men and women who will stand up for an ideal—what chance is there for that country and for the future and for the young generation, a country that has not in her midst dangerous disturbers and troublemakers who can see further than their time and propagate a new idea?

Well, gentlemen, I take it that perhaps the prosecution will say that that means propagating dangerous and seditious ideas in this time of war and patriotism. Maybe it does, gentlemen of the jury. But that doesn't prove that we are responsible for the existence of such ideas. You might as well condemn the very stars that are hanging in the heavens eternally and inalienably and unchangeably for all time, as to accuse us or find us guilty because we propagate certain ideas. Gentlemen of the jury, I wish to say right here we respect your patriotism. We wouldn't, even if we could, want you to change one single iota of what patriotism means to you. But may there not be two kinds of patriotism, just as there are two interpretations of liberty, the kind of liberty which is real liberty in action, and the kind which has been placed on a document and is dug out once a year on the 4th of July and is not allowed to exist for the rest of the year? And so, gentlemen, I wish to emphasize this very important fact, because I know how you feel on the war, I know what patriotism means to you: that the mere accident of birth or the mere fact that you have taken out citizens' papers does not make a man necessarily a patriot. Who is the real patriot, or rather what is the kind of patriotism that we represent? The kind of patriotism we represent is the kind of patriotism which loves America with open eyes. Our relation toward America is the same as the relation of a man who loves a woman, who is enchanted by her beauty and yet who cannot be blind to her defects. And so I wish to state here, in my own behalf and in behalf of hundreds of thousands whom you decry and state to be antipatriotic, that we love America, we love her beauty, we love her riches, we love her moun-

tains and her forests, and above all we love the people who have produced her wealth and riches, who have created all her beauty, we love the dreamers and the philosophers and the thinkers who are giving America liberty. But that must not make us blind to the social faults of America. That cannot make us deaf to the discords in America. That cannot compel us to be inarticulate to the terrible wrongs committed in the name of patriotism and in the name of the country.

We simply insist, regardless of all protests to the contrary, that this war is not a war for democracy. If it were a war for the purpose of making democracy safe for the world, we would say that democracy must first be safe for America before it can be safe for the world. So in a measure I say, gentlemen, that we are greater patriots than those who shoot off firecrackers and say that democracy should be given to the world. By all means let us give democracy to the world. But for the present we are very poor in democracy. Free speech is suppressed. Free assemblies are broken up by uniformed gangsters, one after another. Women and girls at meetings are insulted by soldiers under this "democracy." And therefore we say that we are woefully poor in democracy at home. How can we be generous in giving democracy to the world? So we say, gentlemen of the jury, our crime if crime there be, is not having in any way conspired to tell young men not to register, or having committed overt acts. Our crime, if crime there be, consists in pointing out the real cause of the present war.

I wish to state to you here that whatever your verdict is going to be it cannot have a possible effect upon the tremendous storm brewing in the United States. And the storm has not been created by two people, Alexander Berkman and Emma Goldman. You credit us with too much power altogether. That storm was created by the conditions themselves, by the fact that the people before election were promised that they would be kept out of war and after election they were dragged into war. Gentlemen of the jury, your verdict cannot affect the growing discontent of the American people. Neither can it affect the conscientious objector to whom human life is sacred and who

would rather be shot than take the life of another human being. Of course your verdict is going to affect us. It will affect us only temporarily. And it will affect us physically; it cannot affect our spirit, gentlemen of the jury, whether we are found guilty or whether we are placed in jail. Nothing will be changed in our spirit. Nothing will be changed in our ideas. For even if we were convicted and found guilty and the penalty were, to be placed against a wall and shot dead, I should nevertheless cry out with the great Luther: "Here I am and here I stand and I cannot do otherwise."

And so, gentlemen, in conclusion let me tell you that my co-defendant, Mr. Berkman, was right when he said the eyes of America are upon you. And they are upon you not because of sympathy for us or agreement with Anarchism. They are upon you because it must be decided sooner or later. Are we justified in telling people that we will give them democracy in Europe, when we have no democracy here? Shall free speech and free assemblage, shall criticism and opinion, which even the espionage bill did not include—shall that be destroyed? Shall it be a shadow of the past, the great historic American past? Shall it be trampled underfoot by any detective, any policeman, anyone, who decides upon it? Or shall free speech and free press and free assemblage continue to be the heritage of the American people? And so, gentlemen of the jury, whatever your verdict will be, as far as we are concerned, nothing will be changed. I have held ideas all my life. I have publicly held my ideas for 27 years. Nothing on earth would ever make me change my ideas except one thing; and that is, if you will prove to me that our position is wrong, untenable, or lacking in historic fact. But never would I change my ideas because I am found guilty. I may say in the great words of two great Americans, undoubtedly not unknown to you gentlemen of the jury, and that is Ralph Waldo Emerson and Henry David Thoreau: when Henry David Thoreau was placed in prison for refusing to pay taxes he was visited by Ralph Waldo Emerson and Emerson said: "David, what are you doing in jail?" and Thoreau said: "Ralph, what are you doing outside, when people are in jail for their ideals?" And so, gentlemen of the jury, I do not wish to influence you. I do not wish to appeal

to your passions. I do not wish to influence you by the fact that I am a woman. I have no such desires and no such designs. I take it that you are sincere enough and honest enough and brave enough to render a verdict according to your convictions, beyond the shadow of a reasonable doubt.

Please forget that we are Anarchists. Forget that we said that we propagated violence. Forget that something appeared in MOTHER EARTH when I was thousands of miles away three years ago. Forget all that. And merely consider the evidence. Have we been engaged in a conspiracy? Has that conspiracy been proved; have we committed overt acts; have those overt acts been proved? We for the defense say they have not been proved. And therefore your verdict must be not guilty.

THE VERDICT OF THE JURY

After listening to the speeches of Alexander Berkman and Emma Goldman, the members of the jury filed out of the court-room. They deliberated for thirty-nine minutes. It was late afternoon. Judge Mayer came into the courtroom at 6 o'clock. The Clerk called the roll of the jury, and then turned to Frank M. White, the foreman, and asked him if a verdict had been agreed upon. Mr. White replied that the jury had agreed.

"What is your verdict?" the Clerk asked.

"Guilty," the foreman replied, in a voice that could be heard in the corridors.

Emma Goldman was immediately on her feet.

"I move," she said, "that this verdict be set aside as absolutely contrary to the evidence."

"Denied," replied Judge Mayer.

"I then ask that sentence be deferred for a few days, and that bail be continued in the sum already fixed in our case," Miss Goldman added.

"Motion denied," said the Judge.

The clerk then took the pedigrees of the defendants. Berkman said he was born in Petrograd about forty-eight years ago, that he was single, and not a citizen of the United States. Miss Goldman said she was born in Kovno, Russia, in 1869, was single, and that she was not

a citizen by application, although, she added, her father had died an American citizen.

THE PRISONERS SENTENCED

Judge Mayer announced that he was about to impose sentence and asked the defendants if they know of any reason why sentence should be deferred.

"I think it only fair to suspend sentence and give us a chance to clear up our affairs," Berkman said. "We have been convicted simply because we are Anarchists, and the proceeding has been very unjust." Emma Goldman also protested against the way in which they were being railroaded to prison.

Then came the sentence. Judge Mayer stood, while the defendants remained seated.

"In the conduct of this case," said Judge Mayer, "the defendants have shown remarkable ability, an ability which might have been utilized for the great benefit of this country had they seen fit to employ themselves in behalf of this country rather than against it. In this country of ours, we regard as enemies those who advocate the abolition of our Government, and those who counsel disobedience of our laws by those of minds less strong. American liberty was won by the forefathers, it was maintained by the civil war, and to-day there are the thousands who have already gone, or are getting ready to go, to foreign lands to represent their country in the battle for liberty. For such people as these, who would destroy our Government and nullify its laws, we have no place in our country. In the United States law is an imperishable thing, and in a case such as this I can but inflict the maximum sentence which is permitted by our laws."

The Judge imposed a penalty of two years in prison, with a fine of \$10,000 in each case. He instructed Mr. Content to communicate the record of the conviction to the immigration authorities for such action as those authorities might see fit to take when the prisoners had served their terms. Under a new Federal law an alien, twice convicted of a crime, may be deported by the Government to the country from whence he came.

As the Judge finished pronouncing sentence he declared the court adjourned and started to leave the bench. Emma Goldman at once arose.

"One moment, please," she shouted. Judge Mayer turned and faced her.

"Are we to be spirited away in a speedy manner? If so, we want to know now, right now," she said.

"You have ninety days in which to file an appeal," replied the Judge.

"Well, how about the next hour or so?" Miss Goldman demanded.

"The prisoners are in the custody of the United States Marshal," Judge Mayer quietly answered, and for a second time he started to leave the room.

"One more word," Miss Goldman said, "I want to thank your Honor for your marvelous fairness in this trial. Also I want to thank your Honor for refusing us the two days which are given even to the most heinous of criminals. Again I thank your Honor."

RUSHED TO JAIL

The prisoners were spirited away, by midnight trains and with indecent haste. Emma Goldman was taken to Jefferson City, Mo.; Alexander Berkman, to Atlanta, Ga.

The vindictive sentences inflicted upon them and the injustice of the entire trial can only have the effect of strengthening the libertarian and Anarchist movement in America.

Their imprisonment is likely to accomplish even more for the no-conscription movement and for anti-militarism than their agitation. The very fact that they are behind the bars ought to make clear to even the dullest mind that the Prussianism that America has set out to combat, by force of arms, is already enthroned in this country.

The crime of Emma Goldman and Berkman was that they fought for liberty.

Their heroism consists in their willingness to make what even the militarists admit is the supreme sacrifice—the sacrifice of their own bodies and of their own freedom.

It is marvelous to think that Alexander Berkman, after serving fourteen years in a Pennsylvania jail with spirit unbroken, is still willing to go to jail again in behalf of the liberties of the people.

The example of Emma Goldman and Berkman is inspiring, and will serve as a beacon light for many a year to come.

L. D. A.

OBSERVATIONS AND COMMENTS

THE poisonous effect of militarism on the popular mind has seldom been more clearly demonstrated than in this country during the weeks which witnessed the declaration of war with Germany, the passing of the conscription law and the registration of American youth. We all had heard something of the ravages of the war hysteria in European countries, and we were, in a measure, prepared for the same devastating consequences in America. We had read of this hysteria, but we had not actually experienced it. When the cyclone struck us, we had to learn, as every libertarian in the world's history has had to learn, that militarism means brute power and that it is the relentless foe of every decent instinct. All the rights of the people have been violated. The first and fundamental right to one's own person has been trampled under foot. Young men have been conscripted against their will, and are soon to be shipped to the bloody trenches of Europe. Efforts are being made to regiment the entire population by means of military censuses which even the capitalist dailies regard as an unmitigated nuisance. Independence of thought—one of the rarest and finest qualities in humanity—has been made so difficult that it has been almost as much as one's life was worth to express an honest opinion. Radical papers have been suppressed by the government. Radical headquarters in many cities have been raided. Radical meetings have been systematically broken up by soldiers who went from meeting to meeting for this express purpose. Men and women have been arrested on flimsy charges or no charges, and, in some cases, sentenced to long terms of imprisonment. And these are only the first fruits of militarism in America.

* * *

THE clearest and most fearless protests against the militarization of America found expression in public meetings arranged by the No-Conscription League at Harlem River Casino and at Hunt's Point Palace, New York. The first of these meetings was held on the day that President Wilson signed the Conscription Law; the second took place on the eve of Registration Day, June 5. Emma Goldman and Alexander Berkman were the chief

speakers at both of these meetings. The meeting at Hunt's Point Palace was one of the most remarkable demonstrations that New York has ever seen. Tens of thousands of people clamored for admittance. Those who could not get into the hall stood outside of the windows, singing revolutionary songs. The only disorder manifested at this meeting was caused by soldiers who pelted the speakers with missiles and did everything in their power to make trouble. Some of the speakers remonstrated with the soldiers, and tried to appeal to their better selves. Alexander Berkman pointed out that the way to bring democracy to Prussia was not to overthrow democracy at home. But the young man who has fallen a victim to militarism is usually immune to argument. He knows how to terrorize men and women who are better than himself; he is learning how to plunge his bayonet into the bodies of other men, like himself; but he does not know how to think.

* * *

THE first prominent victims of the Conscription law in New York were college students, two men and a woman, Charles F. Phillips, Owen Cattell and Eleanor Parker. These young people organized an Anti-Militarism Collegiate League at Columbia University, and published an anti-war paper. They have put themselves in line with the best student traditions of foreign lands—with the German students of the stormy period of 1848, with the Russian students who helped to bring about the Revolution. Their only crime is that they are intelligent, and that they have the courage of their convictions. The gifted writer, Randolph Bourne, takes the view that the jury which convicted Phillips and Cattell was influenced, not by the facts in the case, but by the "patriotic clap-trap" of the government prosecutor. He says further: "As it came out in the trial, there was no plot, there was no pro-German conspiracy. The two defendants and Miss Parker were singularly pure types of idealistic American college students, acting entirely on their own convictions, and from the most disinterested motives. As a Columbia alumnus, I am proud that the name of my university is connected with students who are willing to take so uncompromising a stand against our real enemy, militarism."

TWO working boys, Louis Kramer and Maurice Becker, were arrested at almost the same time as the college students Phillips and Cattell. Their good faith was equally transparent, and their courage was even greater. All they had done was to attend a peace meeting in Madison Square Garden, New York, and to distribute No-Conscription leaflets and some handbills announcing the Hunt's Point Palace meeting. They were brilliantly defended by the radical attorney, Harry Weinberger. Kramer, in addition to distributing the printed matter, refused to register on June 5, on the ground that he was a "citizen of the world" and against the war. For these heinous offenses against the majesty of the law he was sentenced by Judge Julius Mayer to serve two years in a federal prison and one year in a state penitentiary, to pay a fine of \$10,000, and to be deported, finally, to Russia. He took this vindictive sentence without flinching, and when Judge Mayer called him a coward he replied that it took strength, not cowardice, to remain true to one's convictions in the face of the mob. Becker was sentenced to eighteen months imprisonment. These outrageous sentences have awakened intensive indignation among liberty-loving people everywhere. Mr. Weinberger is appealing from the verdicts of Judge Mayer to a higher court. In the meanwhile, the two boys have been taken to Atlanta Prison. Kramer, on the eve of his departure, made the ringing statement: "Bullets cannot shatter ideals. I am an idealist and am firm in my belief. I am willing to sacrifice my life for my cause."

* * *

THE Government congratulated itself on the unanimity of the registration on June 5, but the future has many surprises in store. Already, strong undercurrents of discontent and rebellion are in evidence. Hundreds of workingmen in Minnesota and Illinois refused to register. Groups of radicals in Detroit, Cleveland, Cincinnati and other large cities have been indicted. Scores of individual protests have been penalized. Young men registered not because they were patriotic but because they were terrorized. Many who have registered may refuse to be drafted. The supreme need of the hour is courage, then more courage, then, still again, courage. The time is ripe for a revolutionary change in the constitu-

tion of society. In the old days, the people fought against the absolute powers of kings and emperors, and they won. In medieval times, the reformers struggled against the absolute power of the Roman Catholic Church, and they won. In our day, the revolt is on against the absolutism of the State, and we, too, shall win. "No man," said Abraham Lincoln, "is good enough to rule another man;" and "no State," we now contend, "is good enough to have absolute jurisdiction over its members." Men and women are breaking away from absolutism and from the nightmare of militarism, and, in the end, they will win the right to dispose of their own minds and their own bodies in their own way.

L. D. A.

* * *

"THE IMMUTABLES"

BY MARGARET C. ANDERSON

I HAVE just come from the trial of Emma Goldman and Alexander Berkman, and though I am still shaking with the hideousness and absurdity of it all I will try to write something of my fury.

It was even more of a farce than I had expected it would be. For these reasons: first it is a farce for any *idea* to come into conflict with the law. The law comes lumbering along behind the formation of ideas like an ignorant mother cringing under the heresies of the new generation.

Second, it is a farce to believe that even under a fair trial any one accused of opposition to a specific law can prove his opposition to be his right. If the Court itself conceded the opposition to be the most reasonable and logical and inspired thinking in the world it would still be obliged to call that opposition criminal. The law is its own worst indictment, and the men who administer it never fail to emphasize this fact to a degree which makes you watch their faces carefully to see whether they aren't conscious of the irony. *Imagine* the irony of a magistrate saying, as Judge Mayer said in his instructions to the jury: "Whether you consider these people right or wrong has nothing to do with your verdict."

Since judges always consider that their way of thinking is right the whole farce resolves itself into two autoc-

racies of opinion, one of which has the right and the power to say to the other: "If you don't agree with my opinion you will have to go to jail." Good God! You are what you are because you disagree so emphatically with that opinion! Why have trials for such disputes? A lawyer ought to be insulted at the mere mention of a dispute over the law. He really is. That is the whole point of courts and their existence.

In art the whole matter is easier. You get the two autocracies of opinion just the same: the opinion of the philistine and the opinion of the artist. The artist is perfectly conscious of knowing more about everything than the philistine, and all he has to do is to demand that the philistine prove his ignorance. You can make your enemy the philistine demonstrate that he can't paint a picture, good or bad, to save his life. Therefore how dare he even discuss with you the values of paint on canvass? He doesn't; he is left confounded and chagrined. It's too absurd to waste any time over and the philistine knows it, for all his anger. But the intellectual philistine, such as a judge, has a more subtle advantage. The medium of ideas is talk; you might both talk till doomsday and he would still be within his rights if he decided you were quite wrong about it all. You would have to educate him in ideas as if you were teaching him to use a paint brush. And that takes more time than could possibly be found during a ten days' trial. And then, while you could convince him physically that there would be no use his trying to paint even after he had learned to handle a brush, you couldn't *ever* convince him that he wasn't born to be a philosopher. He would still be intrigued with the ideas you had taught him long after they had given way to more interesting ideas. It's too boring to think about. And the mere notion of a trial being fair is too colossally and sublimely ironic to talk of seriously.

From the legal point of view Emma Goldman and Alexander Berkman had a very fair trial. They were allowed to examine their own jurors so long as they asked them no questions which might disclose whether the juror had an average or an exceptional mind. Now since there are only two kinds of people in the world: average and exceptional people; and since the exceptional ones are always judged by the most average ones; and since it is

only natural that two exceptional people in court should need exceptional people to understand their ideas, it isn't amazing that Miss Goldman and Berkman should have tried to get one intelligent mind in the jury box. But who decides the kind of questions that may be asked of jurors? The judge. And on what basis does he decide them? On the basis of what he believes to be right. But the whole point of such a trial, if it were allowed to be given a point, is the conflict between the point of view of the judge (which represents the solid, conservative, patriotic, hide-bound, law-abiding, unthinking average citizen) and the point of view of the defense (which represents the enlightened, radical, intellectual, and art consciousness of the age). If the law won't allow that there can be any such conflict how can you expect that a trial can be of any use whatever? Of course you for whom I am writing know that there is no use. I am merely arguing these self-evident facts because I am still burning to convince Judge Mayer of the ironies of the profession which he respects and wondering with what simple mental processes I might begin his conversion.

But even when you grant that the prosecution tried to make a fair trial, according to its lights, you know that *these are the things it did*: it listened with patience to the speeches of these two dangerous people, as Mr. Content described them, and allowed unusual latitude for the expression of Anarchist ideas in a court room (I suppose this is some advance since the Haymarket tragedy, though the ideas were regarded with the same bourgeois and insulting complacency); next, the bail put upon each defendant was \$18,000 higher in each case than in the most sensational murder trial now pending; next, when \$150,000 worth of unencumbered property was offered for bail it was not accepted; next, the defense was refused a postponement of even a week to prepare its case (Berkman was kept in the Tombs until within two days of the opening of the trial); next, friends of the defense were refused admittance to the trial even when there was plenty of room in the court-room and in spite of the fact that the law prescribes that no trial shall be held *in camera*; next, the judge practically charged the jury to disregard their opinions of right and wrong and follow the only course open to them, saying that they must not

for a minute consider this as a political offense but as a crime, not as the issue of free speech but as the expression of doctrines opposed to law and order; next, when the defendants appealed for a new trial, after the verdict, they were told they might have ninety days by law in which to confer, and then were spirited away within two hours to different parts of the country where they may not possibly confer; next, they were given the maximum penalty of two years, ten thousand dollars fine, and deportation.

One newspaper reporter told me that this trial was making a good Anarchist of him though he had never dreamed of needing to be one before; a university professor who came to all the hearings told me that he had always had a respect for the law until now; one of the biggest lawyers in the city laughed in a kind of fierce derision because, as he said, the prosecution hadn't a leg to stand on; one of the recognized intellectuals of the country remarked that Russia has never had cause for such rebellion as we are now facing; an artist said that he figured there were about a hundred perfectly good new Anarchists made during these ten days because of the court's asininity; and a student said: "Until this trial I have been against these Anarchists, even afraid of them. Now I'm afraid of the law, of the judge, and of his kind. I'm going to study the philosophy of Anarchism."

Miss Goldman's and Berkman's summings-up were eloquent and beautiful, logical and without oratorical cant. They presented the only attitude that all great poets and thinkers have held as sacred and inevitable. The District Attorney's summing-up (he said he couldn't possibly compete with the oratory of Miss Goldman) was characterized by the cheapest oratorical tricks, even including a reference to the probable dishonesty of Miss Goldman in the use of funds entrusted to her by friends. But Mr. Content is too ignorant a man to discuss here. The Judge's summing-up was typical of all the accumulated sentimentalities of the average mind. I am sure he was quite sincere. He talked the same kind of talk that parents of the old regime force upon their children when they are really worried about their young lives. He said he considered it a shame that two personalities with such gifts of eloquence and power should waste their lives in inciting weaker people to follow their wrong doc-

trines. I looked at the faces of Emma Goldman and Berkman and wondered how many times in the history of mankind these thoughtless and complacent and patronizing remarks have been made to the great ones of the earth by the people incapable of understanding the slightest impulses of their souls. He went on to "philosophise" about law and order in the orthodox manner, as though all of modern science hadn't proved that law and order are never synonymous things; that they are not even co-existent; he has never learned that in nature, for instance, *the decay is the order, and disorder is the law by which things operate*. He talked of the dangers of individualism as though he had never opened a book of philosophy: he has never heard that the only unshakable basis for democracy is individualism; that in fact no man can ever be a real democrat (give out the best of himself to others) until he has become an individual (made the most of himself in order to have the most to give).

I'm sure if I should argue with Judge Mayer that democracy and individualism are synonymous terms he would be so puzzled it would take a month's reading of everyone from Nietzsche to Bergson to make him understand what I meant. If the defense had had a month to talk to him, at the rate of one lecture an evening, I believe he might have said, "I really never thought of things in this way before." His next step would have been to recognize such thinking as commonplaces of the intelligent, his next emotion would have been embarrassment at not having known these things all his life, and his next might have been one of those new legislative rulings which English judges have been known to make and which have effected a new public consciousness.

There are only two ways in which such a trial might have turned out differently. If it had been held in any country but America the court would have considered it, obviously, a political offense and put the two prisoners in a confinement quite different from an ordinary prison. Also the two sides would have looked upon each other as enemies, each respecting the intellectual position of the other. But in this young and naive and childish nation the attitude of the prosecution toward the defense was the attitude of the bailiffs in the court room toward the enlightened among the audience: the national song was

being played outside: if a philosopher refused to stand up because he agreed with Dr. Johnson that "patriotism is the last resort of scoundrels;" if a violinist refused to stand up because he had no aesthetic respect for that kind of music; if a cosmopolitan refused to stand up because he had no interest in this most childish of the nations, the fattest and most ignorant bailiff could throw him out of the court room with the full sanction of the collective unendowed mind of America. What an interesting and well-developed country! Liebknecht is imprisoned in Germany for the same offense charged against these two prisoners. Would a German judge have dared to say to him the things Judge Mayer said? Such a question needs no answer.

The only other way would have been for Bernard Shaw to come to court and discuss with the judge and jury all the values of life. He might have begun his dialectic with the two typical humbugs of the average mind (expressed by the judge with great gravity): namely, that it is dangerous for strong natures to influence weak ones, and that if people are allowed to do as they please they are sure to do wrong. When Mr. Content disclosed so naively in his Tennysonian speech that "it isn't surprising for the pent-up emotions of the soldiers to break out into violence at the meeting of these two heretics" Mr. Shaw might have asked him which side he was arguing for. He might have pointed out that the soldiers are not forced to go to those meetings but that the defendants are forced to agree with the soldiers or go to jail.

And what his remarks would have been when the judge summed up: "We all believe in free speech. The right of free speech is guaranteed in our Constitution"—well, it is kinder not to imagine what Mr. Shaw would have done. I remember his preface about Parents and Children: "Whether the risks to which liberty exposes us are moral or physical our right to run them involves the liberty to run them. A man who is not free to risk his neck as an aviator or his soul as a heretic is not free at all; and the right to liberty begins, not at the age of 21 years, but of 21 seconds." When Judge Mayer, in the best manner of parents to children, began his preaching about the gifts of the defendants unfortunately express-

ing themselves in the wrong channel, Mr. Shaw might have repeated the argument which most moderns now know by heart: "The people against whom children are wholly unprotected are those who devote themselves to the very mischievous and cruel sort of abortion which is called bringing up a child in the way it should go. Now nobody knows the way a child should go. What is a child? An experiment. A fresh attempt to produce the just man made perfect. . . . And you will vitiate the experiment if you make the slightest attempt to abort it into some fancy figure of your own: for example, your notion of a good man or a womanly woman. . . . But if you begin with its own holiest aspirations, and suborn them for your own purposes, then there is hardly any limit to the mischief you may do." I am writing to Mr. Shaw to ask him for an article on this very latest of our American atrocities: the trial of Emma Goldman and Alexander Berkman. So it may be that you can read all the things he would like to have said if he had been here. Of one thing I am sure: he would have left the court mumbling to himself: "Do not for a moment suppose that uncultivated people are merely indifferent to high and noble qualities. They hate them malignantly."

Emma Goldman and Alexander Berkman need no consolation. They have fought all their lives for the kind of thing they are in jail for now. They are "the immutables." And they can remember Georg Brandes's words: "*We used to define the genius as the man who interprets his age; now we know that the genius is the man who, working against his age, creates new times.*"

* * *

SEND FUNDS FOR THE POLITICAL PRISONERS' DEFENSE FUND

FUNDS are urgently needed for the appeal of the cases of Emma Goldman and Alexander Berkman, of Kramer and Becker, and of other victims of our military laws. Harry Weinberger, attorney of the American Legal Defense League, is devoting himself to these cases with unexampled devotion. Money is also needed for publicity and agitation. Subscription lists are being printed. Send as much money as you can to Leonard D. Abbott, Treasurer of the Fund, 2985 Briggs Avenue, Bronx, New York City.

AN IMPRESSION OF THE HUNT'S POINT PALACE MEETING

By J. H.

“I pray God,” said President Wilson, “that the outcome of this struggle may be that every element of difference amongst us will be obliterated—The spirit of this people is already united, and when suffering and sacrifice have completed this union, men will no longer speak of any lines either of race or association cutting athwart the great body of this nation.”

BUT the Anarchists, who are never agreeable or content in any country, no matter how perfect, arranged a non-conscription meeting in a hall in the Bronx the night before registration. So “united was the spirit of this people” that no one attended this non-conscription meeting except the 5,000 who crowded the hall and the 50,000 who stood outside in the streets for several hours.

There were squads of the usual police and dozens of rough raw fellows in soldiers' uniforms to hold back the crowd and keep it in order,—a crowd that scarcely moved and seldom spoke except in low tones or in foreign languages; a crowd too full for speech, because of this last numbing disappointment in America. The only demonstration it made was to applaud when an echo of the applause inside the hall reached it. Any attempt to get nearer the hall was met with clubs and the fists of soldiers in your face. Nasty little Fords with powerful searchlights raced up and down and about the hollow square. A huge auto truck hung with red lights acted as a mower at the edges. Word went about that it was mounted with a machine gun.

As I was pushed about in the crowd I overheard always the same conversation:

“Is she there?”

“Over there where the light is?”

“Yes, on the second floor.”

“Are there any people inside?”

“Oh it's full since seven o'clock.”

“Oh!?”

"Will they let her speak?"

"Who? Her?"

Silence.

"Will they get her, do you think?"

"Will the police take her?"

A thin pale Russian Jew, standing on a rock looking over the heads of the crowd, was spoken to by a stranger. "They'll get her tonight all right." The Russian looked over to the lighted windows of the hall and said in revolutionary voice: "She's a fine woman, Emma Goldman."

Suddenly in the densest part of the crowd a woman's voice rang out: "Down with conscription! Down with the war!" Several other women took it up. The police charged into the crowd. The crowd made a slight stand. The soldiers joined the police, and with raised clubs, teeth bared and snarling, they drove the crowd backward over itself, beating and pushing. Three times the crowd stood. Three times they were charged. Women were beaten down and run over. Men were clubbed in the face and escaped, staggering and bleeding.

How much of this treatment will it take to obliterate every element of individuality amongst us?—From *The Little Review*.

* * *

PUBLICATION OF EMMA GOLDMAN'S AND ALEXANDER BERKMAN'S SPEECHES

LENGTHY extracts from the speeches made by Emma Goldman and Alexander Berkman in their trial before Judge Mayer in New York, on a charge of obstructing the military laws, are given in this issue of MOTHER EARTH. The entire speeches will soon be published in pamphlet form.

* * *

WRITE EMMA GOLDMAN AND BERKMAN

EMMA GOLDMAN is confined in the Federal Prison at Jefferson City, Missouri. Alexander Berkman is serving his term in the Federal Prison at Atlanta, Georgia. Both are permitted to receive letters, and will be happy to hear from their friends. Letters to prisoners mean more than most of those in the outside world realize. Write Emma Goldman and Berkman.

DID JUDGE MAYER READ THIS?

The following letter was sent to Judge Mayer two days after the opening of the trial of Emma Goldman and Alexander Berkman. Its arguments are unanswerable, and reflect the opinions of thousands of people in this country.

New York, June 30, 1917.

HON. JULIUS M. MAYER,
New York.

Dear Sir:—

This is not one of those alleged letters threatening any one's life. It would not have been written at all, if it were not for the fact that your physiognomy and behavior had impressed me so splendidly while in court the other day listening to the examination of the talesmen by Miss Goldman and Mr. Berkman.

The fact that you placed these offenders under twenty-five thousand dollars bail each and that you and Mr. Content refused to accept the best possible real estate in the City of New York as their bail prejudiced me and thousands of other impartial men and women against you, the District Attorney and the entire machinery of Federal justice.

When in the history of jurisprudence has it ever happened to place persons accused of such a minor offense as that of speaking against a particular, and, as many of the best thinkers of this Republic, aver, an unconstitutional law, under such heavy bonds?

There is nothing more precious to the average American mind than fair play. No intelligent person will consider that trial fair play, unless one thinks that everything is permissible when committed upon those who call themselves Anarchists.

Please remember that Thoreau, Emerson, Nietzsche, Tolstoy, Herbert Spencer, Godwin, Proudhon and Ibsen were Anarchists and that Prince Peter Kropotkin, the father of modern scientific Anarchism, is known the world over as one of the clearest thinkers of the age.

Would you believe it, Sir, if I were to tell you that the whole proceedings against the heresies of Goldman and Berkman strongly remind me of the Spanish Inquisition when the Jews were tortured to death and burned on the auto da fe for refusing to believe in the Holy Ghost, or

of the burning of witches in the eighteenth century? I had the good fortune of hearing the historical orations for peace and against the law of conscription at Washington and New York by such brilliant minds as those of Prof. David Starr Jordan, Rabbi Judah L. Magnes, Prof. Scott Nearing, Morris Hillquit and many others from all over the country. They all spoke more radically than any Anarchist ever spoke. Why are not they brought before the bar of justice? Why is not Tom Watson, whose fiery protests against conscription are actually sweeping the people of Georgia off their feet,—why are they not all clapped into jail for their rebellious utterances? Is it because they are powerful, wealthy or influential? Where, then, is fair play, your boastful “equality before the law?”

As a representative of a metropolitan newspaper I was present at one of the Goldman-Berkman anti-militarist meetings. Their self-control puzzled me. Their calm and deliberate actions disappointed me. Where I expected sensational language and vehement denunciation of the Government, I heard peaceful talk about peace and harmony, philosophy instead of incitement to riot and rebellion.

Thirty years ago Judge Gary and District Attorney Grinnell of Chicago condemned eight men to death, five of whom suffered martyrdom on the gallows. Their infamous names have long since sunk into oblivion whilst the name of John P. Altgeld, the noble jurist who pardoned the three remaining Anarchists pining away their lives at the Joliet prison,—Altgeld, the staunch Jeffersonian and the greatest leader the Democratic party ever produced, will go down into history and fame, together with the Garrisons, Phillipses and Lovejoys.

I understand that you are a Hebrew, which means that you come of the same race as did Jesus Christ. Now, Christ was crucified by Pilatus and the “powers that be” of those days for no other crime than that of being a non-conformist, a dissenter, a man with ideas and ideals different from those that prevailed among the Jewish Rabbis and the Roman Law-makers. He was the Anarchist of those days, a communist, a revolutionist. His disciples were torn by the savage bulls in the arenas of Rome.

Only a few short months ago, women like Emma Goldman and men like Alexander Berkman would have been

hanged by the Russian Czar were they to preach non-conformism with the cruel laws of the Russian tyranny. But to-day they would be received with open arms by the Socialists and Anarchists with which the entire Russian intellectuality is replete. The hundred thousand Nihilists who were ending their lives in the prisons of Russia and the mines of Siberia have been called back by the present Russian Government and have been literally carried through the streets of Moscow and Petrograd in the arms of the happy people for whose liberation they suffered martyrdom.

It seems that Russia won her freedom when we in the United States lost it. Why not bring before the bar of Justice Congressman Mason, who only recently raised his mighty voice in the House of Congress against conscription? If the people of these United States really thought this war of ours a war of defense, no force would ever have been necessary to enroll them under the colors. They would have volunteered by the million.

“Alas, America, the one haven of refuge for the oppressed and the suffering of all the world. America, that might have acted as a harbinger of peace bringing healing to the afflicted nations, is now bloody with war. On January 22, 1917, our President was still pursuing the method of negotiation, of neutrality and of moral force. Alas, that the suspense could no longer be borne, that the moral and intellectual strain grew too heavy, that patience was exhausted and the plunge was taken into the abyss of war and death and brute physical force. But the fact that we are at war cannot make us abhor war the less. The fact that we are at war makes us the more determined to loathe it, to want to make America and all the world to loathe it. In the face of death we stand ready to exalt life. With destruction before us, we express our passionate devotion to the constructive processes of religion, literature, science and art. With suppression threatening us we speak up for liberty, for freedom, for democracy.”

I hope you will pardon me for this lengthy epistle, but I could not forego the above quotation from the opening address of Dr. J. L. Magnes delivered at the Madison Square Garden on May 31st. Do you not think that he is right, do you not agree with the Secretary of the Navy

who said that "the spirit of the administration is that comment and criticism is the very life of democracy," and with the President when he spoke about the privilege of men everywhere to choose their way of life and of obedience?

Respectfully yours,
THOMAS A. WESTON.

* * *

HOW ONE YOUNG MAN MET THE CHALLENGE OF CONSCRIPTION

On May 22, a newspaper reporter in Chicago took to a printer in that city the manuscript of an essay entitled "What Shall I Do About Conscription?—One Young Man's Answer." He was arrested and brought before a government official. The official, who knew the reporter and held him in high esteem, was amazed when he found the essay was an argument against both registration and conscription. He at first refused to take it seriously. Then he threatened. Then he cajoled. But all to no purpose. The young man stood firm and declared himself ready to accept any penalty that might be inflicted upon him as a result of his refusal to register or to go to war. He subsequently wrote a letter to the official in which he said:

I DENY the right of the government to limit rational discussion at any time. I am willing, if necessary, to give that denial the force of my life.

You held that, in this time of crisis, the country needs the support of every one of its inhabitants. I agree with you. And for that reason I am willing to give my uttermost strength and ability to the country. Not to the government which controls this country but to the people who compose it. If I owe a debt to America for what of education, art and material comforts I have enjoyed here, I am under obligation, not to the politicians who overlord us, but to the teachers who have given me their knowledge, the writers, painters, sculptors, dancers and actors who have given me their souls and my inspiration, the workers who have toiled to give me food, clothing, housing and the benefits of electric plants and railroad systems. Politicians have made nothing that I need and use; the proletariat, intellectual and physical, has given me everything. So I am under obligation to them. And the best way in which I can fulfill that obligation is by being true to my ideal of freedom, by giving them an example of courage in these stressful times.

I love those who have served me; they are my friends. "Greater love than this hath no man, that he lay down his life for his friends."

I had hoped that I might serve my country and my fellow-men by remaining in my peculiar sphere, that of thinking and writing. You have made that impossible. If this government wishes to take my soul in execution instead of in its art-manifestations, it has the power, though not the right, to do so.

An artist creates art because he feels that he must give his soul to the world. A martyr suffers death for identically the same reason. It is up to you, as the representative of this nation, to choose whether I shall live as an artist or die as a martyr. What a terrible choice that is for you to make! How all posterity and your own conscience would torment and defame you were you to decide to prosecute me!

And the terrible part of it is that you are not qualified to make that decision. You admitted that you do not understand me, that you have made no broad and fair study of philosophies, that you do not know the correct meaning of the word anarchism. How can you judge an anarchist, if you do not know what he stands for? How dare you set yourself up to condemn ideas and ideals in which Emerson, one of America's greatest thinkers, believed? You are a fine, though not extraordinary, example of the species Policeman. When you found yourself unable to understand my ideas, you thought me insane. What arrogance! What an injudicial attitude for a member of the Department of Justice!

But, despite your threats and indignities, I do not fear you; for I am confident that the cause of liberty, for which I stand, will go forward as it always has progressed in spite of persecutions and inquisitions. You may use or misuse your power over me as you see fit; you may try to "railroad" me to prison or to execution. The cause will go on. My strength, my life, will be added to its advance. And the greater your persecution of me, the stronger will be my contribution to the cause! For slowly, surely, through all the strains and stresses of its temporary aberrations, mankind moves toward the ideal of freedom, which is anarchism.

A life given for an ideal never is in vain. Humanity always has known that, and always has been ennobled by the knowledge. Some 450 years before Jesus preached his ideal and died for it, Euripides wrote the tragedy "Alkestis," in which he promulgated the truth that "Whosoever is a miser of his life shall lose it; and whosoever is generous with his life shall find it." Generations of Christians have been inspired by the words "Whosoever shall lose his life for my sake (that is, for the ideal) shall find it." That truth remains in force to-day. My protest, no matter how extreme the penalty, will not be totally ineffective.

"Fraternal anarchism," wrote Emerson, "stands not so much upon man with his confessed limitations, as upon the future with its illimitable infinitudes."

I repeat, I choose to be of the future rather than of the unenlightened past.

"To thee, old Cause!

Thou peerless, passionate, good cause!

Thou stern, remorseless, sweet Idea!"

To thee, whatever is demanded of me,

My soul in life or death!

* * *

IT IS TO LAUGH

BY CHARLES ERSKINE SCOTT WOOD

THE war is an inexhaustible source of fun—vaudeville is nothing to it. Nothing is funnier than the antics of a chicken which has just lost its head—it is the same with men.

Take that mob in Baltimore which, led by Johns Hopkins professors, broke up David Starr Jordan's peace meeting. Did you ever know anything funnier? A peace meeting smashed by mob violence! The mob led by the sages, educators of youth—the men of sanity and reason—and all this in the town where "The Land of the Free and the Home of the Brave" was written! Vaudeville is sober in comparison.

Then there is Senator Henry Cabot Lodge—one of the nation's wise men, a leader in Israel—who says "all pacifists are cowards," and then a pacifist filled with Christ knocks the Senator down in Democratic papers and the Senator knocks the pacifist down in Republican papers,

and all for the greater glory of God. An Indian would chuckle.

And the wild belligerency of the ministers of Christ and the editors! Though at opposite poles, these are the two safest positions in case of war, and those who occupy them are correspondingly bellicose. If they stuffed the seats of their trousers and used slap sticks, the humor of the thing would be plain to everyone. Take, for example, the Portland minister of the Gospel who is said to have said, though God forbid that I should say he said it: "My God has red blood in His veins." Isn't that comical? And there are so many of His ministers vehemently apologizing for Christ and saying He is a man of action—of blood and iron—and didn't mean what He said. It makes little difference what words are used. The fun is there.

The humor of the thing is obscured by a certain religious feeling that hangs about Easter. But looked at in a human way, what absurdity of the stage was ever more mirthful than our declaring war at Easter—rattling our swords and shouting blood while we chant: "Peace on earth, good will toward men," "The meek and lowly Christ has risen," "Shove the Germans all in prison," "Blessed are the peacemakers." Isn't it funny? Of course, the obvious thing to do is to remove the inconsistency. We should lay aside all talk of Christ and love and peace on earth, good will toward men, till after the war. Then we could resume being Christians. But the human animal takes himself so seriously, so humorously seriously!

For three years Europe has been slaughtering each other while incense arose to Christ, and bishops prayed and breathed vengeance in a breath. They don't see the humor of it. It leads to the suspicion that our God and our Christ are after all only ourselves.

To get the humorous perspective of the human animal who has lost his head and is kicking and flopping about (they say men in the trenches kick about when killed, in the same funny way as chickens), you must keep in the forefront of your cranium three ideas:

First. We are Christians. Then all the humor of war shines out, and nothing is funnier than the prayers of

each nation to the same God for victory in the name of Christ.

Second. "My Country 'Tis of Thee, Sweet Land of Liberty, Land of the Free," etc. Then the fun in such mobs as that at Baltimore is clear. The mobbing and insulting and dispersing of the pacifist parade in Washington; the editorial and pulpit howls of "traitor," "coward," "Land of the Free." O, my God, it is funny. Wendell Phillips said: "No matter what the form of government, it is a tyranny where the minority is not free to express its opinions." You see the essence of humor in all this lies in the inconsistency between our very solemn professions and our practice. No vaudeville could present a better burlesque than these laws to compel everyone to salute the flag and rise bareheaded when "The Star Spangled Banner" is played. Think of a jail sentence if you don't rise when they sing "Land of the Free." Honestly, isn't it funny? Some citizens will froth at the mouth when they read this. That is because they take themselves so seriously and have no sense of humor. They don't see that the flag they know nothing whatever about and whose spirit they belie was a flag of rebellion. Its very principles were "No idolatry of man or thing." It is the flag of revolution declaring all men are free to express any opinion whatever against the government and for a change of government, and that there can, in this land of the free, never be *lesè majesté* of man or thing. When men are compelled by law to be patriotic, to rise when "Yankee Doodle" or "The Star Spangled Banner" is played, then there is no real freedom at all. Charles the First of England and Louis the Sixteenth of France tried to produce loyalty by force, till they lost their heads. Just why "The Star Sprangled Banner" was selected for *lesè majesté*, I don't know. It is not an original air with us, nor so old as "Yankee Doodle," which is an air of the revolution and "The Star Spangled Banner" is not. Besides, nobody but a trained tenor or soprano can sing it. It can never be a song of the people—it is limited to bands, largely German. Isn't it funny?

If American citizens have to go to jail if they don't rise, they ought to have their choice of "Yankee Doodle," "The Star Spangled Banner" and "Dixie." But the ignorant mass with emotion for brains loves to make a

thing holy and then swat all unbelievers; like the Irishman who knocked the negro flat for sucking an orange on St. Patrick's Day.

Third. The third thing to keep in mind in order to keep your temper and get fun out of the situation is "My Country." How much of it is yours? How much of Germany is the German people's? How much of England is the English people's? How much of the valuable natural resources of our country is the American people's? Someone has said the trade in coal to the Allies benefits the coal miner—but only to a wage fixed by competition with other wage earners. He gets no share in the great profit of the monopolistic mine owner. So with the steel worker and the steel trust. Even if the wage-earner gets a bonus, it is a bonus—a charity—not a matter of right. So there is a grim humor underneath these cries of "Loyalty," "Patriotism," "Honor,"—"Our Country"—if we consider, stripped to its bones, what is it the young men are to die for?

If Charles Schwab, John D., Jr., the younger Morgan and a congregation of such sang "My Country 'Tis of Thee" there would be nothing funny in it. It would be serious, sober truth. If the great masses of clerks, job-hunters and wage-earners sang it with a wink, and their tongues in their cheeks, it would be a good joke. But when they very seriously sing it and mob people who won't join in, then it becomes exquisite humor, the more humorous because so unconscious. The great dailies will tell you every poor boy can be a Schwab, a Rockefeller, a Morgan. But that's a joke, too. When the boat is full you can't climb in without shoving someone out. It is all funny.

The International Corporation capitalized at fifty millions says in its prospectus that the time has come when American capital must seek fields abroad. It is a Morgan-Rockefeller-Vanderlip-Guggenheim corporation. And an American Admiral says that a great army and navy are the best insurance for the investments abroad of America's leisure class. Now that seems to me awfully funny. It means our young men are to die for a master class, just as they are dying to-day in Germany and England. Of course, there are many fine phrases used to cover this up—"Loyalty," "Patriotism," "Democracy," etc. These

have always been used. They were favorites with kings. But if the common people are not now fighting for their lords, why revolution in Russia? Why the talk of revolution in Germany? Why the promises of revolutionary reforms in England to abolish slums and bring the whole people to the nation's bread counter?

In fact, wars are to-day as much for a master class as they were when Englishmen killed each other for York and Lancaster.

The fine phrases emphasize the humor of the situation to one who sees behind the scenes. Comedy on the stage is always in seeing some poor wretch duped. The audience laughs at his simplicity.

And lastly comes the sidesplitting farce: The Irishman hating the Germans and dying for England.

It is the whimsicalities and inconsistencies of the Celt, which make him so humorous, consciously and unconsciously, and so delightful. An Irishman loves a fight—but to fight for England—certainly it has the same flavor of humor that we find in the poor little trash fighting the battles of the feudal slave lords in our civil war to preserve the institution of slavery which kept them poor white trash.

I am reminded of a Fourth of July oration I heard in Portland in 1876—commemorating 1776—when an Irish orator named White, rose brilliantly to his peroration with: “Wherever the cause of liberty is battled for, there you will find the Irishman fighting”—“On both sides,” interrupted Senator Nesmith in my ear, and I didn't hear what the orator said, but I do know you will find the Irishman fighting for liberty in Ireland and Germany. More power to his elbow.

So we may view this great world conflagration as tragedy or comedy, just as we are gifted. They easily blend. It takes only a misplaced word or wig to turn tragedy into comedy—a slip of foot or phrase. And so with life. If we have a right to laugh at those valiant Romans who killed themselves off fighting the battles of profitable conquest for their masters, the plutocratic Senate, surely we have a right to laugh at ourselves—even if we laugh, in the sleeve. I, for one, find the tragedy more supportable if I laugh at the stupidity, hypocrisy (conscious or unconscious), and the inconsistency.

THE WAR AND THE INTELLECTUALS

BY RANDOLPH BOURNE

(Continued)

Their forward vision is no more convincing than their past rationality. We go to war now to internationalize the world! But surely their League to Enforce Peace is only a palpable apocalyptic myth, like the syndicalists' myth of the "general strike." It is not a rational programme so much as a glowing symbol for the purpose of focusing belief, of setting enthusiasm on fire for international order. As far as it does this it has pragmatic value, but as far as it provides a certain radiant mirage of idealism for this war and for a world-order founded on mutual fear, it is dangerous and obnoxious. Idealism should be kept for what is ideal. It is depressing to think that the prospect of a world so strong that none dare challenge it should be the immediate ideal of the American intellectual. If the League is only a makeshift, a coalition into which we enter to restore order, then it is only a description of existing fact, and the idea should be treated as such. But if it is an actually prospective outcome of the settlement, the keystone of American policy, it is neither realizable nor desirable. For the programme of such a League contains no provision for dynamic national growth or for international economic justice. In a world which requires recognition of economic internationalism far more than of political internationalism, an idea is reactionary which proposes to petrify and federate the nations as political and economic units. Such a scheme for international order is a dubious justification for American policy. And if American policy had been sincere in its belief that our participation would achieve international beatitude, would we not have made our entrance into the war conditional upon a solemn general agreement to respect in the final settlement these principles of international order? Could we have afforded, if our war was to end war by the establishment of a league of honor, to risk the defeat of our vision and our betrayal in the settlement? Yet we are in the war, and no such solemn agreement was made, nor has it even been suggested.

The case of the intellectuals seems, therefore, only very speciously rational. They could have used their energy

to force a just peace or at least to devise other means than war for carrying through American policy. They could have used their intellectual energy to ensure that our participation in the war meant the international order which they wish. Intellect was not so used. It was used to lead an apathetic nation into an irresponsible war, without guarantees from those belligerents whose cause we were saving. The American intellectual, therefore, has been rational neither in his hindsight nor his foresight. To explain him we must look beneath the intellectual reasons to the emotional disposition. It is not so much what they thought as how they felt that explains our intellectual class. Allowing for colonial sympathy, there was still the personal shock in a world-war which outraged all our preconceived notions of the way the world was tending. It reduced to rubbish most of the humanitarian internationalism and democratic nationalism which had been the emotional thread of our intellectual's life. We had suddenly to make a new orientation. There were mental conflicts. Our latent colonialism strove with our longing for American unity. Our desire for peace strove with our desire for national responsibility in the world. That first lofty and remote and not altogether unsound feeling of our spiritual isolation from the conflict could not last. There was the itch to be in the great experience which the rest of the world was having. Numbers of intelligent people who had never been stirred by the horrors of capitalistic peace at home were shaken out of their slumber by the horrors of war in Belgium. Never having felt responsibility for labor wars and oppressed masses and excluded races at home, they had a large fund of idle emotional capital to invest in the oppressed nationalities and ravaged villages of Europe. Hearts that had felt only ugly contempt for democratic strivings at home beat in tune with the struggle for freedom abroad. All this was natural, but it tended to over-emphasize our responsibility. And it threw our thinking out of gear. The task of making our own country detailedly fit for peace was abandoned in favor of a feverish concern for the management of the war, advice to the fighting governments on all matters, military, social and political, and a gradual working up of the conviction that we were ordained as a nation to lead all erring brothers towards the

light of liberty and democracy. The failure of the American intellectual class to erect a creative attitude toward the war can be explained by these sterile mental conflicts which the shock to our ideals sent raging through us.

Mental conflicts end either in a new and higher synthesis or adjustment, or else in a reversion to more primitive ideas which have been outgrown but to which we drop when jolted out of our attained position. The war caused in America a recrudescence of nebulous ideals which a younger generation was fast outgrowing because it had passed the wistful stage and was discovering concrete ways of getting them incarnated in actual institutions. The shock of the war threw us back from this pragmatic work into an emotional bath of these old ideals. There was even a somewhat rarefied revival of our primitive Yankee boastfulness, the reversion of senility to that republican childhood when we expected the whole world to copy our republican institutions. We amusingly ignored the fact that it was just that Imperial German regime, to whom we are to teach the art of self-government, which our own Federal structure, with its executive irresponsibility in foreign policy and with its absence of parliamentary control, most resembles. And we are missing the exquisite irony of the unaffected homage paid by the American democratic intellectuals to the last and most detested of Britain's tory premiers as the representative of a "liberal" ally, as well as the irony of the selection of the best hated of America's bourbon "old guard" as the missionary of American democracy to Russia.

The intellectual state that could produce such things is one where reversion has taken place to more primitive ways of thinking. Simple syllogisms are substituted for analysis, things are known by their labels, our heart's desire dictates what we shall see. The American intellectual class, having failed to make the higher syntheses, regresses to ideas that can issue in quick, simplified action. Thought becomes any easy rationalization of what is actually going on or what is to happen inevitably tomorrow. It is true that certain groups did rationalize their colonialism and attach the doctrine of the inviolability of British sea-power to the doctrine of a League of Peace. But this agile resolution of the mental conflict did not become a higher synthesis, to be creatively developed. It grad-

ually merged into a justification for our going to war. It petrified into a dogma to be propagated. Criticism flagged and emotional propaganda began. Most of the socialists, the college professors and the practitioners of literature, however, have not even reached this high-water mark of synthesis. Their mental conflicts have been resolved much more simply. War in the interests of democracy! This was almost the sum of their philosophy. The primitive idea to which they regressed became almost insensibly translated into a craving for action. War was seen as the crowning relief of their indecision. At last action, irresponsibility, the end of anxious and torturing attempts to reconcile peace-ideals with the drag of the world towards Hell. An end to the pain of trying to adjust the facts to what they ought to be! Let us consecrate the facts as ideal! Let us join the greased slide towards war! The momentum increased. Hesitations, ironies, consciences, considerations,—all were drowned in the elemental blare of doing something aggressive, colossal. The new-found Sabbath "peacefulness of being at war"! The thankfulness with which so many intellectuals lay down and floated with the current betrays the hesitation and suspense through which they had been. The American university is a brisk and happy place these days. Simple, unquestioning action has superseded the knots of thought. The thinker dances with reality.

With how many of the acceptors of war has it been mostly a dread of intellectual suspense? It is a mistake to suppose that intellectuality necessarily makes for suspended judgments. The intellect craves certitude. It takes effort to keep it supple and pliable. In a time of danger and disaster we jump desperately for some dogma to cling to. The time comes, if we try to hold out, when our nerves are sick with fatigue, and we seize in a great healing wave of release some doctrine that can be immediately translated into action. Neutrality meant suspense, and so it became the object of loathing to frayed nerves. The vital myth of the League of Peace provides a dogma to jump to. With war the world becomes motor again and speculation is brushed aside like cobwebs. The blessed emotion of self-defence intervenes too, which focused millions in Europe. A few keep up a critical pose after war is begun, but since they usually advise action

which is in one-to-one correspondence with what the mass is already doing, their criticism is little more than a rationalization of the common emotional drive.

The results of war on the intellectual class are already apparent. Their thought becomes little more than a description and justification of what is going on. They turn upon any rash one who continues idly to speculate. Once the war is on, the conviction spreads that individual thought is helpless, that the only way one can count is as a cog in the great wheel. There is no good holding back. We are told to dry our unnoticed and ineffective tears and plunge into the great work. Not only is everyone forced into line, but the new certitude becomes idealized. It is a noble realism which opposes itself to futile obstruction and the cowardly refusal to face facts. This realistic boast is so loud and sonorous that one wonders whether realism is always a stern and intelligent grappling with realities. May it not be sometimes a mere surrender to the actual, an abdication of the ideal through a sheer fatigue from intellectual suspense? The pacifist is roundly scolded for refusing to face the facts, and for retiring into his own world of sentimental desire. But is the realist, who refuses to challenge or criticise facts, entitled to any more credit than that which comes from following the line of least resistance? The realist thinks he at least can control events by linking himself to the forces that are moving. Perhaps he can. But if it is a question of controlling war, it is difficult to see how the child on the back of a mad elephant is to be any more effective in stopping the beast than is the child who tries to stop him from the ground. The ex-humanitarian, turned realist, sneers at the snobbish neutrality, colossal conceit, crooked thinking, dazed sensibilities, of those who are still unable to find any balm of consolation for this war. We manufacture consolations here in America while there are probably not a dozen men fighting in Europe who did not long ago give up every reason for their being there except that nobody knew how to get them away.

But the intellectuals whom the crisis has crystallized into an acceptance of war have put themselves into a terrifyingly strategic position. It is only on the craft, in the stream, they say, that one has any chance of controlling the current forces for liberal purposes. If we ob-

struct, we surrender all power for influence. If we responsibly approve, we then retain our power for guiding. We will be listened to as responsible thinkers, while those who obstructed the coming of war have committed intellectual suicide and shall be cast into outer darkness. Criticism by the ruling powers will only be accepted from those intellectuals who are in sympathy with the general tendency of the war. Well, it is true that they may guide, but if their stream leads to disaster and the frustration of national life, is their guiding any more than a preference whether they shall go over the right-hand or the left-hand side of the precipice? Meanwhile, however, there is comfort on board. Be with us, they call, or be negligible, irrelevant. Dissenters are already excommunicated. Irreconcilable radicals, wringing their hands among the debris, become the most despicable and impotent of men.

Is there no place left, then, for the intellectual who cannot yet crystallize, who does not dread suspense, and is not yet drugged with fatigue? The American intellectuals, in their preoccupation with reality, seem to have forgotten that the real enemy is War rather than imperial Germany. There is work to be done to prevent this war of ours from passing into popular mythology as a holy crusade. What shall we do with leaders who tell us that we go to war in moral spotlessness, or who make "democracy" synonymous with a republican form of government? There is work to be done in still shouting that all the revolutionary by-products will not justify the war, or make war anything else than the most noxious complex of all the evils that afflict men. There must be some to find no consolation whatever, and some to sneer at those who buy the cheap emotion of sacrifice. There must be some irreconcilables left who will not even accept the war with walrus tears. There must be some to call unceasingly for peace, and some to insist that the terms of settlement shall be not only liberal but democratic. There must be some intellectuals who are not willing to use the old discredited counters again and to support a peace which would leave all the old inflammable materials of armament lying about the world. There must still be opposition to any contemplated "liberal" world-order founded on military coalitions. The "irreconcilable" need not be disloyal. He need not

even be "impossibilist." His apathy towards war should take the form of a heightened energy and enthusiasm for the education, the art, the interpretation that make for life in the midst of the world of death. The intellectual who retains his animus against war will push out more boldly than ever to make his case solid against it. The old ideals crumble; new ideals must be forged. His mind will continue to roam widely and ceaselessly. The thing he will fear most is premature crystalization. If the American intellectual class rivets itself to a "liberal" philosophy that perpetuates the old errors, there will then be need for "democrats" whose task will be to divide, confuse, disturb, keep the intellectual waters constantly in motion to prevent any such ice from ever forming.

—From *The Seven Arts*.

SEND FUNDS FOR "MOTHER EARTH"

THE suppression of our June issue, the removal of much of our literature, and the imprisonment of Emma Goldman and Berkman, have all been terrible blows. In addition, five hundred dollars of the \$50,000 offered by our friends as cash bail have been taken by the Government. Beyond that, the money in our bank account has been confiscated by the Government. Money to carry forward our work must be contributed. We have been forced out of our old quarters at 20 East 125th Street. Our new address is 226 Lafayette Street, New York. Make checks and money orders payable to M. E. Fitzgerald.

TO OUR SUBSCRIBERS

A GREAT part of the June issue of MOTHER EARTH was seized and held by the police in connection with the arrest and trial of Emma Goldman and Alexander Berkman. We understand that it will be returned to us later.

Prior to the trial, we were informed by the Post Office Department of New York that the issue was unmailable. We have written to Washington, endeavoring to get this decision reversed.

We ask our subscribers to be patient. We expect to work out a plan by which they will receive MOTHER EARTH regularly, as in the past.

The Magazine Beautiful of the Radical Movement

Carl Zigrosser takes the editorship beginning with
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