



Emma Goldman, *Living My Life*

## Volume Two

### CHAPTER XLV



#### *We rest our case*

Sasha followed the prosecutor. He held the close attention of the men in the box, as well as of the entire court-room, for two hours. That was no small feat in an atmosphere oozing with prejudice and hate. His playful and witty handling of the so-called evidence to prove our "crime" caused much merriment and often loud laughter. This was promptly stopped by stern rebukes from the bench. The testimony of the government thoroughly demolished, Sasha proceeded with an *expos*, of anarchism, masterly in its simple directness and clarity.

I spoke after Sasha, for an hour. I discussed the farce of a government undertaking to carry democracy abroad by suppressing the last vestiges of it at home. I took up the contention of Judge Mayer that only such ideas are permissible as are "within the law." Thus he had instructed the jurymen when he had asked them if they were prejudiced against those who propagate unpopular ideas. I pointed out that there had never been an ideal, however humane and peaceful, which in its time had been considered "within the law." I named Jesus, Socrates, Galileo, Giordano Bruno. "Were they `within the law'?" I asked. "And the men who set America free from British rule, the Jeffersons and the Patrick Henrys? The William Lloyd Garrisons, the John Browns, the David Thoreaus and Wendell Phillipses--were they within the law?"

At that moment the strains of the *Marseillaise* floated through the window, and the Russian Mission marched past on its way to the City Hall. I seized upon the occasion. "Gentlemen of the jury," I said, "do you hear the stirring melody? It was born in the greatest of all revolutions, and it was most emphatically not within the law! And that delegation your government is now honouring as the representatives of new Russia. Only five months ago every one of them was considered what you have been told we are: criminals--not within the law!"

During the proceedings His Honour was assiduously reading. His desk was littered with the literature confiscated in our offices, and he seemed absorbed--now in Sasha's *Memoirs*, now in my *Essays*, now in *Mother Earth*. His application had led some friends to believe that the Judge was interested in our ideas and inclined to be fair.

Judge Mayer fully rose to our expectations. In his charge to the jury he declared with much solemnity: "In the conduct of this case, the defendants have shown remarkable ability. An ability which might have been utilized for the great benefit of this country, had they seen