



Published Essays and Pamphlets

Trial and Speeches of Alexander Berkman and Emma Goldman

Address by Alexander Berkman



GENTLEMEN OF THE JURY:

It is for 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 which 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, thus to 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 sure that 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, to stand 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 perhaps asked 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 prosecution 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? O 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 present charge. It had to drag in the question of Anarchism, of violence, of the Ferrer Modern School, of mass meetings

held three years ago under 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 have 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 sought to obscure the issue in this case? Was it not because the prosecution hoped to prejudice you, jurymen, perhaps to frighten you, if that were possible, in order to set you up against the defendants, because there is 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 you. 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 this 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 co-defendant Emma 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 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 by us. Gentlemen, there is too much humbug in the alleged attitude of the average man toward 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. It must, therefore, appeal to your common sense that a sweeping general statement about violence--belief in violence or 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 this 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. But it is unfair that some remark about violence be picked out here and there, perhaps from the report of 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 responsible, as the then editor of the MOTHER EARTH magazine, for any expression used there. All I want is to explain, explain the meaning of such references.

Now, as to the question of violence. Gentlemen, if you know anything at all about human life, if you reflect on the progress of civilization, you will realize that there are two tendencies in human life, tendencies that have always been the foundation and the lever of all progress. Those two tendencies are: the *constructive* and the *destructive* tendency of man. The greater the intelligence, the higher the rise in

the scale of development, the less necessity or justification for the destructive tendency of force and violence, and the greater the need for, and the application of, the constructive efforts of man. Take the primitive man, for instance, the cave man. He rushes out of his cave and grabs the female. He knocks her down with a club and drags her to his cave. He is using--whether he knows it or not--the destructive tendency of man, the spirit of violence, of force, of superiority, of authority. But sooner or later, and indeed very soon, he realizes that he and the female have mutual interests: what is good for one is also good for the other: they need each other. He ceases to use the destructive tendency upon the female--he becomes constructive. They organize the family. And one family fights another family. One family uses its destructive tendencies upon the other, tries to annihilate, destroy it by the use of superior violence and force, until the two families rise a little more in the scale of intelligence and realize that they have common interests which can be furthered better by co-operation than by strife. Then the two families combine, and you have the clan. And clan fights clan for the means of subsistence or domination, until they realize their constructive needs and possibilities, then combine and become the tribe. And tribe fights tribe, until tribe and tribe become constructive instead of destructive, become civilized, and then we have the nation. To-day, gentlemen, the nations have not yet fully risen to the constructive level. They are still destructive. As the primitive cave man fought the female, as one family fought the other, as clan fought clan, so to-day this barbarism still persists and one nation fights another nation with force and violence, with dynamite, with flying machines, with the most ingenuous inventions of the human mind, inventions which should be for the benefit of mankind, not for its destruction. But the time is coming when the nations, like the clans and tribes of the past, will develop their constructive tendencies, will realize that all humanity is kin, and that people in Russia, in Germany, in France or America have the same purpose: to live, to enjoy life and liberty and sunshine. They will learn that it is better to co-operate, to work together, to use mutual effort for a common good, rather than to murder and slaughter each other. The nations that are fighting to-day are still in the *destructive* stage of their development. But we, we Anarchists, have reached the *constructive* stage, and we say to the nations, as we would have said to the primitive men: combine; work together; help each other; mutual aid shall be your condition of life. We are the Internationalists, and I am sure that someday the nations will become international, in the sense that they will do away with all this internecine strife, do away with murder, slaughter, and violence. Yet you accuse us of violence--we who stand for the principle of universal peace? Preposterous!

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 often takes hundreds 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. 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 result of a different and better society. Anarchism has been misrepresented. Naturally so. As many philosophies that are accepted today, had been misrepresented in the past. What is the matter with Christianity itself? You remember the early Christians in the time of the Roman Caesars, 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 Hugenots by the hundreds of thousands all through France. And what did they do with Garibaldi whom the City of New York has been celebrating only a few days ago? There is his statue. What did they do with 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. What did they do with Bruno who propagated a new and strange and unpopular theory? 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 hundred years hence their descendants would build monuments to them, as you have built a monument there for Garibaldi.

We do not need to go back very far in history. 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 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 those revolutionists? They have returned from Siberia, from the dungeons of the Peter and Paul Fortress, they have returned from Schluesselburg, from the mines of Kara, from Sakhalin, 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 persons of their representatives, and we, we are here in this courtroom, on trial--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 violence has 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. "Anarche" in Greek. Anarchy in English, which means without violence. The philosophy of Anarchism means the negation of violence, opposition to violence. The very translation of the word means absence of violence and absence of government as representing organized forms 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 them what Anarchism really means, by doing away with all those misrepresentations of Anarchism which 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? 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 that not only the black slave must be emancipated, but also the white wage slave of the factory. We are the *modern* Abolitionists.

But why do some people pretend that we mean only violence? When we explain what violence is, where violence comes from, and how inevitable it is that when there is violence above there will be a reaction, there will be violence below--when we *explain* these things there comes the District Attorney and says, "They *advocate* these things." If I say to you, "It looks cloudy and there is going to be a storm," will you say that I have caused the storm or that I am responsible for it? That is the logic of the District Attorney.

Gentlemen of the jury, in looking over the testimony in this case it strikes me, and I am sure it will convince any intelligent man, that the District Attorney proved only one thing, and that is that we are Anarchists. It did not need to be proven, Mr. District Attorney. We cheerfully, proudly admit that we are Anarchists, that we are opposed to all capitalist wars, that we believe in universal peace, that we believe in brotherly co-operation, in mutual aid, not only in the family and the tribe and the clan and the nation, but between all nations, between all humanity. We stand here as Anarchists, and I am proud to stand here as a believer in the highest ideal that the human mind ever conceived, the ideal of liberty and sunshine for everyone: the ideal of the rights of the child, the child who to-day works in the factories and the mills, and is exploited day after day; the rights of the woman, the equal rights of the woman in every way; the right of the man not alone to an empty political liberty, but the right of every man to the resources of life, the right of the working class to produce for the general benefit, not for the profit of this or that monopolist; the right of humanity to enjoy the wealth of the world. What is wealth for? Why was it produced? It was produced to enjoy, not to speculate with, not to monopolize. We demand, in other words, the emancipation of the wage slave, white or black, the factory slave, the working class, the proletariat--as we call them--the proletariat of all countries. I have no more use for the exploiter and monopolist of America than I have for the exploiter of Germany or Austria, of Italy, South America or China. The exploiter of humanity does not belong to a particular country. It is an international class. The true benefactor of mankind is also international. It is the man or the woman who works for greater liberty and well-being, the people who advocate peace, brotherhood among humanity. We, the Anarchists, stand for the emancipation of the wage slave from slavery, for the liberation of the woman and child from exploitation. We demand for every man, woman, and child the right of life, the opportunity to work and produce, and a chance to enjoy sunshine and happiness. That is what Anarchism means.

The District Attorney has proven that we are Anarchists, and I want you to know what we Anarchists stand for. What else has the District Attorney proven? 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 conscriptable men not to register; and he was to prove that overt acts had been committed by us in pursuance of that conspiracy. Has he proven either one of these two propositions? He has not proven 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 proven 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 proven 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 you see what he has proven and how he has proven 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 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 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 this great Sherlock Holmes to discover to you the 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, absolutely 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 not even 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 read to you just one more passage to tell you the real meaning of this manifesto. 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 voice my views? Why, the very purpose of my work 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 of 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 woman to insist on his or her right 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 once sentence: "The No-Conscription League is to be the voice of protest against the coercion of conscientious objectors to participate in the war." The gist of the No-Conscription movement in one paragraph. The No-Conscription movement is for the purpose of giving voice to protest, expressing the opinions of the conscientious objectors who do not want to participate in the war. 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 or try to delude you with the claim that the manifesto referred to No-Registration instead of dealing, as it does, exclusively with Conscription. It was necessary for the District Attorney to resort to such cheap subterfuge to bolster up the preposterous position of the Government in regard to the charge against us.

There were four No-Conscription mass meetings addressed by Miss Goldman. You will remember that the first No-Conscription meeting took place in Harlem River Casino, on May 18th. The next meeting of the League was held in Hunts' Point Palace, June 4th. Another meeting in Forward Hall, on June 14th. That is three meetings. Miss Goldman had also spoken, by invitation of another organization, in Royal Lyceum, June 11th. That is also in the evidence. Four meetings in all. Three of them were addressed also by me. What has the District Attorney produced with regard to those meetings? He has concentrated all his evidence on the meeting of May 18th. Now, gentlemen of the jury, it may not be quite clear to you why he did so. But there was a good reason, and no one knows the reason better than the defendants and Mr. District Attorney. There was a strong reason for centering the attention of the jury on the meeting of May 18th, and practically ignoring the speeches made at the other meetings. I will tell you the secret, and I want you to listen carefully. The District Attorney knew, and we can prove it, that we had our own stenographic notes of the meetings of June 4 and 14. The only meeting of which we did not have stenographic notes was the meeting of May 18th. The District Attorney selects May 18th. He knew that we had an expert shorthand reporter, engaged by the S. S. Corporation, take notes of the June 4 and June 14 speeches. The only meeting we had no notes of was that of May 18th. The District Attorney used the May 18th meeting as his chief argument. I will show you a moment later how he used those notes. But bear in mind just now that that is the only meeting of which we had no stenographic notes, and that the prosecution knew this fact.

In the first place, I hold that the meeting of May 18th had no business to be in this evidence at all. Not that we are not willing to stand for anything we have said. We have made it a principle of our lives to accept responsibility for articles in our magazines of which we do not even approve. We have stated on previous occasions, and I want to repeat now, that we are prepared to stand responsible for any article that ever appeared in MOTHER EARTH or in THE BLAST--no matter who wrote it, no matter whether the author is dead or alive, no matter what he says there, no matter even if I am entirely opposed to what he says. Why? Because we believe in free speech, and MOTHER EARTH was established just for that purpose. THE BLAST was established for the purpose of giving workingmen a chance to say what they think. We believe in free speech, and that is why you will find various, and sometimes contradictory, opinions expressed in MOTHER EARTH as well as in THE BLAST.

What I want to point out to you now, gentlemen, is that the meeting of May 18th had no business in this evidence. The District Attorney is a lawyer, a learned lawyer, and he knew it had no business in this case at all. Why did it have no business? Because the meeting of May 18th, according to the prosecution's own testimony, took place before there was such a thing in this country as a conscription law. We are indicted under the conscription--

THE COURT: Mr. Berkman, I do not want you to lose any unnecessary time on that subject. The Court is going to charge the jury that the Selective Service Law went into effect on the 18th day of May.

ALEXANDER BERKMAN: Very well.

THE COURT: And that at the time the meeting was held it was the duty of all persons not to violate the statute. The Court is going to charge that as a matter of law.

ALEXANDER BERKMAN: I am glad that the court supports my contention that the Conscription Bill was not signed until May 18th. And I want to point out to you that it was signed by the President of the United States at ten o'clock at night, May 18th. The witness of the District Attorney stated here that Miss Goldman spoke on May 18th at 9:15 P. M., and that her speech was finished at 9:45. Besides that, gentlemen of the jury, you know what meetings are. Miss Goldman and I, being at a mass meeting, how could we know whether the President signed the bill or not? I do not want to argue along this line. I merely point out to you the character of this testimony, the spirit of this persecution--not prosecution--and the motive back of it, to which I will come later.

Now, then, the meeting of May 18th, and that particular speech quoted, took place before the Conscription Bill became a law or had the signature of the President. Gentlemen, there is another important point about the meeting of May 18th. The District Attorney found himself in a dilemma. It was hard for him to decide what should be done about these meetings, and especially the meeting of May 18th. You will see in a moment how he solved his dilemma. The May 18th meeting was the result of a wide-spread agitation that went on all over the country, because conscription was then discussed in Congress. The question of conscription was being agitated throughout the country. Many Congressmen voiced their constitutional objections and reasons against conscription. Many of them argued that it is contrary to the best interests of the country, contrary to the traditions of America, contrary to the very spirit of liberty upon which this republic is supposed to have been founded. There was a great deal of excitement in the country. Every person has a right to discuss. And naturally everyone was very much interested. Mass meetings were taking place throughout the land, in opposition to conscription. One of them was the meeting of May 18th, at which Miss Goldman and myself spoke. Does it not appeal to your common sense that the chief topic of discussion at that meeting would be conscription? Registration was practically unknown then. The country hardly knew what registration was about, at that time. The Bill had not yet been signed, as I have called your attention to before. Conscription overshadowed every other

issue on that day. Registration was not an issue. All the speeches at the meeting of May 18th were devoted, almost exclusively, to the discussion of conscription. Now, the District Attorney knew that. And there was his dilemma. What should he do to make the speech of Miss Goldman, on that particular evening, the most important link in his evidence? There was very little, perhaps nothing, about registration in her speech. Yet he had to make something of it. I will tell you what he did: he *doctored the document*.

I charge now and right here, and I am willing to take the consequences, that he doctored the stenographic notes of the patrolman with regard to the meeting of May 18th. And I am going to prove it to you right now. How did he doctor them? First of all, let us consider this wonderful stenographer who is really a patrolman, who has very little experience in stenography, as has been shown to you, and who is only a third-grade stenographer, not an expert shorthand reporter. He could not tell you when he took stenographic notes previous to the meeting of May 18th. He stood there, confused, and when I asked him: "Tell us, when did you take stenographic notes before," he could not mention any occasion when he took stenographic notes at a meeting, except May 18th, Miss Goldman's speech. And then, gentlemen, when we put him to the test here, when Miss Goldman dictated to him in your own presence,--why, he dropped his hands at the second sentence: he could not take anything because he has no experience. And here this man, a patrolman, not really a stenographer, not a court reporter, who passed only with 125 or 120 words maximum, incompetent, by his own testimony--this third-grade, not third-grade really, but what in common language we would call tenth-grade stenographer--claims that he took down the total speech of Miss Goldman on May 18th! And how did he take it down? I am going to use his own testimony. He stood with both feet on a beer table, a round flat-topped beer table having only one leg; he stood in the center, people were passing up and down and jostling him, he was leaning against the wall with his hand in an insecure position, and thus he was taking down the speech of one of the fastest speakers in this country. Miss Goldman is considered the third fastest speaker in America, and only experts can take her speeches. Are you going to believe the testimony of this acrobatic stenographer? But Mr. Randolph, this patrolman who acts as a stenographer on one particular occasion in all his life, this Mr. Randolph has a very simple system. He just leaves out the words that he does not get. He leaves out the sentences he does not get, and he puts in the things he thinks should be there. That is his system, according to his own testimony, gentlemen. I do not want to say anything against Mr. Randolph personally. I am sorry for Randolph. He is not a bad man. He is just weak, and he is a patrolman. He may have a wife and family. He wants to keep his job. It is a tragedy, gentlemen, that a man has to keep his job by such methods. But it is not the fault of Mr. Randolph. Randolph has it in his stenographic notes that Miss Goldman said, "We believe in violence and we will use violence." That is the sentence he has and he sticks to that sentence. Now, of course, that is Mr. Randolph's idea of an Anarchist's speech. It had to be in. He was sent there to put that in. But maybe you, gentlemen, will have a different conception of Anarchist speeches before we are through. You have heard some Anarchist speeches delivered here, since you have been so patiently listening in this court for many days. You have heard Anarchist articles read. I want you to compare, in your own minds, the spirit and the manner of expression in the Anarchist speeches and articles you have heard here from the defendants with the spirit and the character of this would-be Anarchist expression, "We believe in violence and we will use violence."

Gentlemen, I don't think I need to waste much time in proving to you that it was an impossibility for Miss Goldman to use such an expression. I challenge anyone, without the least fear of successful contradiction, to prove to me that in her twenty-seven years of experience on the public platform Miss Goldman ever used such an expression, or anything similar to such an expression, or anything that might be construed as meaning anything similar to that expression. Miss Goldman speaks about 250 times every year; she has lectured in practically every city and town; she has spoken to hundreds of thousands; in every city she has been welcomed again and again by the best minds. Do you mean to tell me that the incoherent thing that was read on the stand by the policeman can be credited to this intelligent woman? That incoherent, stupid, unconnected statement, that forgery--and a poor stupid forgery at that. Do you mean to tell me that that

stuff is the speech of a trained, practiced orator like Miss Goldman? I leave it to your intelligence, gentlemen of the jury.

Nor is it necessary to dwell much upon the various pamphlets, leaflets and books written by Miss Goldman. Most of them are in evidence here. I haven't time to read them, nor do I wish to try your patience. But I challenge anyone, and the District Attorney especially, to pick out a single sentence in any of her books, in any of her pamphlets, that can even be interpreted as meaning what this patrolman-stenographer tells you, "We believe in violence and we will use violence." I have spoken to you before about the true meaning of Anarchism, and I don't think it is necessary to repeat that the very spirit and philosophy of Anarchism, for which we stand, proves that this document, this police stenographic report, *is inherently* false. Within itself it contains the proof that the expression attributed to Miss Goldman is not in harmony with her ideas and is, in fact, contrary to everything she has been advocating for many years.

I don't think I shall bother much more with the testimony of Mr. Randolph. I said that I am sorry for him, and now I am through with his evidence. But he was corroborated by another man, Edward Cadell, the acting detective. Now, what does Cadell say? Cadell swears that he took down every word, and he reads quoting allegedly what Miss Goldman said: "When they are conscripted they will not register." Such an idiotic statement! Does, then, conscription come first, registration afterwards? First they won't be conscripted, she says, according to Cadell, and then they will not register. That is the statement of your acting detective, as good a stenographer, every bit, as Mr. Randolph. Mr. Acting Detective also has another statement. He quotes Miss Goldman in a wonderful manner: "Breshnabotsky was tortured." I don't blame the witness for not being familiar with Russian history, or the history of the Russian Revolution and the names of our great martyrs. I don't blame him in the least. But I will point out something significant to you. I will point out to you that that sentence alone proves that this testimony was manufactured to order. It would have been absolutely impossible for Miss Goldman to say, "Breshnabotsky was tortured." In the first place, the name is Breshkovskaya. It is the name of the "Grandmother of the Russian Revolution," the woman who served forty years in Siberia, the noblest woman that the world has seen, with the exception of Miss Goldman; the woman who visited this country a few years ago, and was entertained and honored by the best representatives of American thought. Then she returned to Russia under the Czar, was arrested for her activities--the same activities that Miss Goldman has been following in this country; she was arrested and sent to Siberia again; a woman eighty years old. She is called the "Grandmother of the Russian Revolution." She was true to her ideals through long years in the mines of Kara, the mines where life is death; through all the years of her Siberian existence she has remained true to the ideals of Liberty, and she has now been called back by the triumphant Revolution of Russia to advise her people, to guide and enlighten them, to help them carry the banner of the Russian Revolution into the open road of sunshine, of liberty and joy. That is Breshkovskaya. That is the woman to whom Miss Goldman referred, and I assure you there is no one in this country who is more familiar with the life and activities of Madame Breshkovskaya than Miss Goldman, because she is, as she has indeed been called, the Breshkovskaya of America. According to the police stenographer Miss Goldman said, "Breshkovskaya was tortured." Miss Goldman could not have said it. Breshkovskaya was never tortured. Miss Goldman knows it. What she did say was that Breshkovskaya has just been called back. She gave the story of Madame Breshkovskaya. She told about her exile--

THE COURT: Just a minute. There is no evidence to that effect.

ALEXANDER BERKMAN: That is where another sentence comes in--

THE COURT: Then read it. You cannot state any evidence that has not been introduced. You cannot make your own statements.

ALEXANDER BERKMAN: I am speaking of "Breshkovskaya tortured." The stenographer's words--

THE COURT: You can take the stenographer's words. You can read any part of it. But you cannot make a statement to the jury of what you heard or what the co-defendant heard or said, because no such evidence was introduced excepting by the witness. You can state anything the witness has said.

ALEXANDER BERKMAN: Very well. Gentlemen of the jury, I am referring--I am not a lawyer and don't know all these technical points; perhaps they are insignificant and not important--I am referring to those particular words "Breshkovskaya was tortured." It is a lie. Breshkovskaya never was tortured. Emma Goldman could not possibly say that Breshkovskaya was tortured, any more than you could say that President Wilson was a prisoner in Russia. She mentioned another woman who was tortured, Spiridonova--

MR. CONTENT: This is not evidence, your Honor.

ALEXANDER BERKMAN: I can't be interfered with every moment.

THE COURT: Just one moment; you will be interfered with when you do not follow the rules applicable in court. You cannot state anything that is not in evidence. You cannot state to this jury unsworn and not subject to cross-examination any interpretation of yours of what took place. You can have the fullest opportunity with the greatest latitude to discuss the evidence produced on this witness stand, whether that evidence was the evidence of the two stenographers who are members of the Police Department or was the evidence of witnesses produced by either the prosecution or the defendants. The jury is instructed to utterly disregard any statement made by either of the defendants or by the District Attorney which is not in evidence.

ALEXANDER BERKMAN: Gentlemen of the jury, it is sufficient to establish here the fact that Miss Goldman could not possibly have said Breshkovskaya was tortured; and that is all that is necessary to say about that part of the evidence of the man who corroborated Mr. Randolph, and who is an acting detective.

I want to say this here: That not having been trained to talk to a jury, and this being my first experience, it is rather confusing to be interrupted. Now, gentlemen, the fact is that neither Randolph nor the witness who corroborated him could take Miss Goldman's speech. She speaks too rapidly. You heard the testimony of two of the best experts in this country, one of whom was at one time the champion in his line. You heard his testimony that Miss Goldman frequently at meetings and lectures speaks two hundred words a minute, and that she is the third fastest speaker in the country. And that will explain, I think, why there are such nonsensical statements in the stenographic notes of the police transcript of the May 18th meeting, and why there are statements that are inherently false, statements that could not possibly have been made by Miss Goldman. You have also heard another expert shorthand reporter; I believe his name is Mr. Pickler. He was put on as a witness by the prosecution. He is the expert shorthand reporter of the S. S. Corporation which engaged him to take down the speeches. Mr. Pickler testified that he had never met either Miss Goldman or myself, until the meeting of May 18th. He is the witness of the prosecution. But the spirit of the prosecution is evidenced when it shouts at its own witness, "You are prejudiced in favor of the defense!" Of course, in the opinion of the District Attorney, any witness who tells the truth on the stand necessarily must be prejudiced in favor of the defense. Mr. Pickler does not know us and is not in sympathy with our ideas. But you looked at him, and I am sure you have never seen a finer type of American--an open, frank face, an honest expression, the very personification of frankness. The District Attorney tries to discredit his own witness, and fails miserably.

Now, gentlemen of the jury, I pride myself, justly or wrongly, on being a bit of a psychologist, and I divide the witnesses of the prosecution in classes, just to save time, instead of analyzing their testimony one by one. I can safely divide the witnesses of the prosecution into three classes. One class consisted of witnesses who gave entirely immaterial testimony. It is detective Barnitz, Officer McGee, the telephone man, the expressman and a few more. I want to say that Detective Barnitz told nothing but the truth. He testified to our arrest: that we were frank about our work; that we did not try to resist, and so forth. Office McGee testified that he confiscated certain documents. I say that these witnesses were of the first class, whose testimony is entirely immaterial with regard to the real charge at issue, the conspiracy to urge people not to register.

The second class comprised the printer of the Grayzel Press, the printer of the Graphic Press, the manager of the Harlem River Casino, where the meeting was held on May 18th, Mr. Wood, the binder, and several others. The evidence given by this class of witnesses was entirely in favor of the defense. You have heard what Mr. Wood said about Miss Goldman; how he respects and admires her. You have heard what the other witnesses testified to about the friendly relations we have had with all these business men. That is all there was to this testimony. You have also heard the testimony of Mr. Michael who owns, or rather pays rent for, the front room at 20 East 125th Street, third floor, and who was good enough to let us use his room for a while. You listened to the testimony of Mr. Kelly. All of them belong to the same class of witnesses, some for the prosecution, some for the defense, all testifying to immaterial facts, merely showing that there were our offices, that our relations were friendly, that our work was no secret, that MOTHER EARTH has been in existence for twelve years and that it passed through the Post Office as second class mail matter. Also that THE BLAST had an office on the third floor, back, in the same building as MOTHER EARTH, and that everything was done openly and above board in the frankest manner. That is the testimony of the first and the second class witnesses.

Now we come to the witnesses of the third class: the patrolman who wants to be a stenographer, and the stenographer who is an active detective. Then several Federal men, a soldier, and so forth. All interested and prejudiced witnesses, gentlemen; witnesses who do not like us, who do not understand us, who have no conception of our ideals, and by whom we have been misrepresented. But even they--what do they prove? Absolutely nothing. Even with all these witnesses, with the whole power of the Federal Government back of him, with the machinery of the Police Department and the detective bureau of the City of New York--with all this tremendous power back of the District Attorney, what did he prove against us? Nothing, absolutely nothing, except what we ourselves cheerfully and proudly admitted.

Now, gentlemen, as to the conspiracy itself, I think it would be ridiculous to dwell upon it. You have had us before your eyes for about ten or more days. You have heard us, you have had an opportunity to study our characters. I leave it to your own intelligence to judge whether we are the kind that slink about, that conspire in dark corners, that hide; whether we are the sort of people that make conspiracies,--unless our friendship and comradeship for the last twenty-seven or thirty years can be considered a conspiracy, the friendship and comradeship of which I am proud. Gentlemen, as to a conspiracy, there ain't no such animal in this zoo!

As impossible as it was for the District Attorney to prove a conspiracy, impossible because it did not exist, just as unsuccessful was he in proving any overt acts. 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 indicted for conspiracy and I have proven, 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 situation and the character of the work we have been doing for the past thirty years. The conspiracy has not been proven--but I am not satisfied merely to show you that the District Attorney failed to prove his case. I want to demonstrate to you that

the defendants *did* prove their case beyond a reasonable doubt. They are not expected to do so. But I shall not be satisfied in my own conscience until I show that to you. 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 18th meeting. Miss Goldman and I had a conspiracy there, he says, and he quotes her alleged speech. But why didn't he quote anything from my speech?

I am supposed to have entered into a conspiracy with Miss Goldman. She makes a speech, according to the District Attorney, and I, the co-conspirator, do not even say a word in furtherance of my conspiracy. Not a word quoted from my speech, my great conspiratory speech of May 18th! The District Attorney did read my speech of June 4th, and not a line in it about any conspiracy or urging against registration. So it seems that we had a conspiracy, but one of the two conspirators never said a word in furtherance of his conspiracy. There were meetings, and there were speeches, and Mr. District Attorney has those speeches, and the co-conspirator Alexander Berkman never uttered a word to further the conspiracy. If we had really had a conspiracy, it would be insulting to me to be proven such a poor conspirator.

What are the other proofs of the prosecution that show us guilty of overt acts in furtherance of the conspiracy? There is nothing of any proof in the falsified notes of the stenographer. Suppose I admit, just for the sake of the argument, that what Randolph took down, "We believe in violence and we will use it," is correct. Where is the conspiracy, and where is the urging not to register? What has that to do with any conspiracy? Why, the detectives, numbers of them, were at the meeting; representatives of the Marshal's office, Federal officers, soldiers and everybody else were present. Miss Goldman is supposed to have said, "We will use violence," and nobody arrests her. She is not arrested for inciting to riot when all those officials of the City, State and Federal Government hear her say, "We believe in violence and we will use violence." Why was she not arrested? Because she did not utter those words. You can bet your life that she would have been arrested mighty quick if she had said anything like that. But I go further. Suppose she did say that. What has it to do with any conspiracy? Is she charged with inciting to riot? Is it charged that a riot took place? Why did they put in that sentence? Why is that sentence, that one sentence, the strongest link of the prosecution? Why put it in when it has nothing to do with the conspiracy against registration, absolutely nothing to do with urging people not to register? The answer is, because they had nothing else.

Now, what other alleged testimony or proof has been produced by the prosecution? The articles of MOTHER EARTH of the year 1914, articles dealing with reports of speeches held in Union Square under peculiar conditions, as the result of a special situation in the United States, at the time of the great miners' strike in Colorado. Mind you, speeches in 1914, by people, some of whom Miss Goldman probably does not even know. That is put in evidence as proving conspiracy under this new law of May 18, 1917. Is that evidence to prove that Miss Goldman urged people not to register on May 18, 1917? Have they submitted anything from MOTHER EARTH to connect us in any way with a conspiracy not to register? Have they produced any articles, old or new, that tell people "Do not register"? I am pointing out to you the character of this prosecution. I think you know, from your own impressions during the trial, that we stand for the things we believe in. If I wanted to say to people "Don't register," would I say to them, "I am opposed to conscription"? I am not that kind of a man. I am opposed to conscription, and I will say so. But if I wanted to urge people not to register, I would not tell them that I am opposed to conscription: I would tell them not to register. I demand that the District Attorney show evidence to the effect that either I or Miss Goldman advised any one not to register, or ever said in our speeches, or in MOTHER EARTH or in THE BLAST, "Don't register," or "You should not register." We are accustomed to say what we feel like saying, what we believe is right for us to say. Don't try to misinterpret the meaning of words. Words have their particular meaning, gentlemen of the jury, and even if I have to say it myself, I think I can use

words in their proper meaning. I think I am an accurate writer. In fact, I am more accurate as a writer than as a speaker. I do not pretend to be an orator. I am now uttering what I consider common sense, as man to man. In my writings I am particularly accurate. I should consider it an insult to me, as a literary man, if anyone tried to misinterpret the meaning of my words, if anyone tried to tell me: "You meant a different thing when you said this. You said this and you meant something else." I say what I mean, in public and in private. I have no double character. I have no private character. My public and my private character is the same. I will say here in the court room--as I said before and as I will continue to say as long as my voice holds out--just what I believe. It is not a question of public speeches, not a question of any mass meetings or writings in MOTHER EARTH or in THE BLAST. I have said, do say, and will say just what I believe. I do not want any other words put in my mouth, words I have not said, things I have not meant. I stand for everything published in MOTHER EARTH and in THE BLAST, because we believe in free speech: we believe that free speech is the very foundation of liberty in this country or in any other country. I believe that the moment you begin to limit free speech, the moment you begin to persecute those who believe in the use of free speech, that moment you are committing the worst crime against liberty, the worst crime against democracy, the worst crime against the traditions in which you believe, the worst crime against the best interests of the people, because the abolition of free speech is a bad thing, gentlemen. Free speech is a sacred thing. Russia knows it. All other countries know it. And you, gentlemen of the jury, are intelligent enough to know that this country was originally founded upon the liberty of conscience, upon free speech, upon the free expression and discussion of opinion. We may be wrong. May be Anarchism is all wrong. May be all our ideas are wrong. But I claim the right even to be wrong. I may express any opinion. If I am wrong, I am willing to discuss with you, willing to discuss with anyone. It was I who sent word to the soldiers that I believe in free speech and that I would therefore give them the platform, though we did not expect them. I believe free discussion and free speech should not be limited under any pretext. It is a dangerous thing to do. It is the assassination of liberty.

Suppose we are wrong. Suppose our ideas are wrong. Is that any reason why we are guilty of conspiracy on this charge? Is that a reason to believe that we conspired or told people not to register? Why, gentlemen of the jury, many of the idealists of the past were told that they were wrong, but history proved them right. What if we are not wrong, after all? If you try to suppress us, you rob the people of the opportunity to learn our ideas. If our views are foolish, no intelligent person will accept them. There is no danger in letting a man talk foolishly. But there may be danger for the monopolist and the speculator in human blood to let people tell the truth. There may be danger. Perhaps in this you will find the explanation why they try to suppress those who tell the truth. I must emphasize that. There is no danger in getting up here and expressing foolish ideas. I could not convert you, if my ideas are foolish. There would be no harm done. But if my ideas are right, you will commit the greatest mistake in suppressing their expression. And therefore I say that I believe in the right of being wrong, as much as in the right of being right. In short, I believe in complete free speech. I am willing to take the consequences that may follow from the expression of my opinions. That is free speech. And it is for that reason that you will find, for instance, in MOTHER EARTH or in THE BLAST articles that sometimes really contradict themselves. Why? Because we open our pages to everyone, believing in free expression and in the free discussion of all views. Out of such discussion, I am sure, and only out of such discussion, can there come clarity, come understanding, and that which is of the greatest benefit and blessing to humanity--sympathy.

I don't like to take up too much time, but the District Attorney has read here an article by Alexander Berkman, called "Registration," from the last issue of THE BLAST, June, 1917. I haven't time to read it all to you. You have heard it read before, and I just want to point out to you what spirit animated the interpretation of the prosecution. I said in that article that registration is the first step toward conscription. The District Attorney read that sentence in a very peculiar tone, calculated to insinuate into your minds something that was not in the article. I have said, and I repeat, that registration is the first step to conscription. But, gentlemen of the jury, is that equivalent to urging people not to register? If I say to you, "I have taken the first step into the restaurant," does it mean that I have urged *you* to eat? When I say that

registration is the first step to conscription, I have stated what I consider to be a fact. But that does not mean that registration and conscription are synonymous. Everyone understands that registration is one thing, conscription another. The District Attorney tries to interpret that statement as meaning "Don't register." Now take the other sentence: "The consistent conscientious objector to human slaughter will neither register nor be conscripted," a statement which I believe is true, and which is an expression of my opinion. But since when is an expression of opinion to be considered as urging people to do or not to do a thing? Since when is opinion to be interpreted as an act? There is a very clear distinction, gentlemen of the jury. Don't let any technical legal point confuse you about such a simple matter. There is expression of opinion, and there are acts. No sane man will say that expression of an opinion is the same thing as an act, or that an expression of opinion is the same thing as an act, or that an expression of opinion means advice to others. Ridiculous! If I say to you "I am hungry," does it mean I urge you to eat? If I say that registration is the first step to conscription, does it mean that I tell you that you should not register?

Gentlemen, I have mentioned several times that I am opposed to war, to capitalist war, and that I believe in universal peace and the constructive tendencies of man. I believe that through education, through organization, through enlightenment we will bring people to the point of sanity where war will become impossible, where the destructive tendencies will disappear, and misery, desperation and poverty, the sources of crime, will be things of the past. I believe that with the whole power of my heart and mind. May be I shall not see that day in my own lifetime. But that makes no difference. I believe these things are absolutely true.

It has further been shown to you that we do not believe in conscription. I consider conscription the death-blow to American liberty, or to any other kind of liberty. I believe we are making ourselves the laughing stock of the world by claiming that we stand for liberty and democracy, while we force people to go to war when they don't believe in war. I am opposed to conscription. But I am not charged here with conspiracy against conscription. I am charged with conspiracy against registration, or rather conspiracy to urge men not to register. I believe that conscription is wrong. I believe that conscription is tyranny. I believe that if the people had more intelligence and courage, the law would never have been passed. It is an insult to the people of the United States, and insult to humanity, to say that you must go to war and slaughter, when you have conscientious objections to murder. We do not believe in that thing. According to your own conceptions, gentlemen, government derives its powers from the consent of the governed. The people of the United States have not been asked whether they want conscription. They have been dragged, they have been forced into conscription. And therefore I say that the people have the right to throw away what they do not want. They have the right either to repeal conscription or to resist conscription. Thomas Jefferson said that resistance to tyranny is the beginning of freedom. Thomas Jefferson, one of the greatest men you ever had in this country, said that it was not only the right of the people, but even their duty, to resist tyranny. Therefore we stated that we believe in resisting conscription, and we advised the people to organize mass meetings, to join their voice to our protest against militarism and thus help to arouse the public conscience.

Gentlemen of the jury, we Anarchists work to educate and enlighten. That is why we publish literature and seek to spread it. We have repeatedly emphasized our belief that, in proportion as the people become enlightened, they will abolish the evils with which society is festering to-day. We believe in education, and we have tried to inform the people about the menace of militarism, the criminality of war which is but murder. We held up to them the ideal toward which humanity should strive: the ideal of universal peace, brotherhood and labor solidarity. The District Attorney cast it up to us that we asked people to send money to us. We did. We need money to publish literature. The printer testified that he had to be paid.

Another article from THE BLAST was read to you by Prosecutor Content. I suppose District Attorneys are not supposed to be susceptible to humor. Content evidently did not know that it was a humorous

sketch called "War Dictionary," by Alexander Berkman. Between ourselves, I rather prided myself on it, because it was the first time--so far as I know--that anyone thought of a war dictionary. One of the definitions reads: "The Allies, the fairies of Democracy." Fairies, you know, are supposed to bring you many blessings. But fairies are a myth. That is my idea of the Allies. They pretend to be fighting for liberty. England, especially, has promised all manner of good things to Ireland. But those promises are fairies: they will not materialize. My humorous definition of the Allies is one of the "strongest" links in the case of the prosecution.

Another definition is: "Free speech: say what you please, but keep your mouth shut." One more powerful proof in support of the conspiracy charge against us! But I shall not waste any more time analyzing such evidence. It would be an insult to your intelligence.

Now comes something with which I should have perhaps started my argument, and which is in itself sufficient proof that the alleged conspiracy did not exist, and that, furthermore, Miss Goldman had taken the very opposite attitude from what she is here charged with. I am referring to the statement Miss Goldman sent from Springfield, Massachusetts, to the No-Conscription meeting of May 23rd, regarding her position on registration. The District Attorney sneered when Miss Helen Boardman, Miss Fitzgerald and numerous other defense witnesses testified that they heard a statement read, a statement from Miss Goldman, at the May 23rd meeting. The District Attorney shouted, "I don't believe there was any such statement!" When I said that the document was among the effects confiscated in our office by the District Attorney, he jumped up and cried: "I will make you prove it." Well, we did prove it. The statement was found among the papers of the District Attorney. It is in evidence. It has been read to you, and you heard very clearly what Miss Goldman wrote: that she would refuse to advise young men not to register. That statement itself disproves the whole case of the prosecution.

In passing, I want to call your attention, gentlemen of the jury, to the type of witnesses produced by the prosecution, and those of the defense. On the one hand we have a soldier, who has made it his business to break up peace meetings and who is bitter against us. Then Federal officers, police and detectives, with a few other similar witnesses. For the defense there appeared men and women of the best calibre, such as Lincoln Steffens, Bolton Hall, Leonard Abbott, John Reed, Mrs. John Sloan, Miss Helen Boardman, Alter Brady, writer and poet, and a number of others, the flower of American manhood and womanhood. Did the District Attorney mean to tell you, as he sneered at them, that they all perjured themselves? For what? Some of them had never met us before. They testified they came to the meeting of May 18th, and to other meetings specially to see how far we "would go in breaking the law." They said they were disappointed. Some of them even came to the committee meetings of the No-Conscription League and to our offices to get advice about registration. They were disappointed because, as they themselves stated, we refused to advise them not to register. Miss Goldman's statement proves it, if any additional proof is necessary.

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 might advise others to do so, 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. 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 has been absolutely demonstrated here that the District Attorney has no case. He proved neither

conspiracy nor any overt acts. It is further demonstrated that such a conspiracy could not possibly exist, and that all the previous acts of our 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 other circumstances which I have mentioned made it impossible for us to urge people not to register. I think I have sufficiently proven, 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 us. It is a question of whether we stand here indicted as guilty of conspiracy to induce people not to register, or whether the prosecution has tried to arouse your passions and prejudices against us as Anarchists. That is the question. 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, in 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. The real question at issue here is, have we got free speech and liberty of expression in this country, or not. That is the real question, over and above this indictment, over and above all the fool things that have been said by the District Attorney. It is up to you, as representing, on this occasion, 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 and sacred, or whether you believe that your forefathers, the founders of this Republic, sacrificed their lives in vain, and that we should throw on the dung heap all those things for which they fought, for which people have bled, for which the martyrs of all countries have died: Free speech and liberty of expression and freedom of conscience. That is, that will be, the meaning of your verdict. It is not a question of a few years in prison. It is not a question of conspiracy or registration. Will 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. Will you proclaim to the world that you who carry liberty and democracy to Europe have no liberty here, that you who are fighting for democracy in Germany, 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 spoken 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 whether we are wrong, one thing you know: the spirit that animates this woman, the spirit that animates these defendants, is the spirit that has in the past emancipated the bondman. It is the spirit that will in the future emancipate the slave from his slavery, the tyrant from his tyranny; the spirit that will abolish war, make us all brothers of one family, without the evils and crimes that darken the world to-day, without oppression and monopoly, 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.

* At his trial in Pittsburgh, Pa., in 1892, in connection with the historic steelworkers' strike at Homestead, Alexander Berkman refused to be represented by counsel or in any way to participate in the judicial farce. He contented himself merely with reading a statement, setting forth his social views and explaining the motive and purpose of his act.