



Published Essays and Pamphlets

Trial and Speeches of Alexander Berkman and Emma Goldman

Motion for Dismissal



ALEXANDER BERKMAN: The defense wants to make a motion for dismissal on several grounds.

THE COURT: I made that motion for you at the beginning of the case. Before Mr. Content opens you may make the motion if you want to.

ALEXANDER BERKMAN: We move to dismiss the indictment for the following reasons:

- (1) It does not charge any crime.
- (2) The conscription law is unconstitutional because it involves involuntary servitude in the army, in the navy and in industrial and agricultural service.
- (3) The conscription law violates the moral, ethical and religious beliefs of the people of the United States.
- (4) The conscription law violates the conscience of the people who are opposed to war on the ground that human life is sacred.
- (5) The conscription law is highly immoral and prejudicial to the best interests of the country, because it is not to the best interests of the country to force people to act contrary to their judgment and their conscience.
- (6) The United States has not been invaded, nor is it in danger of invasion; it is not in a condition of rebellion, and therefore the law is not of a defensive but of an offensive character.
- (7) It is not just to force an American citizen to die on foreign soil against his will, and thus deprive him of the opportunity to die in his own native country.

For all these reasons we ask that the case and the indictment be dismissed.

THE COURT: Motion denied. You may reserve an exception.

ALEXANDER BERKMAN: Exception taken.