



Published Essays and Pamphlets

Trial and Speeches of Alexander Berkman and Emma Goldman

The Verdict



The jury retired at 5:20 and at 6 o'clock returned a verdict of guilty.

EMMA GOLDMAN: We move to set aside the verdict as being against the weight of evidence.

THE COURT: The stenographer may note that the motion is made, with formalities to cover all grounds upon which a motion to set aside a verdict may be made.

EMMA GOLDMAN: I wish to ask that sentence be deferred for a few days and that the present bail be continued meantime, because we want to arrange our affairs, which we have not had time to do during the trial.

THE COURT: The motion to set the verdict aside is denied.

MR. CONTENT: The Government moves for sentence. And the Government feels in a case of public importance like this case that the judgment and mandate of the Court should be speedily handed down.

THE CLERK: Alexander Berkman to the bar! Is there any reason why the sentence of the Court should not now be pronounced upon you?

ALEXANDER BERKMAN: Well, I think that it is only fair to suspend sentence to give us a chance to arrange our affairs. And the fundamental reason why sentence should not be pronounced is that we are innocent of the charge and we are convicted as Anarchists, out of prejudice and bitterness. That's all.

THE CLERK: Miss Goldman, have you anything to say why sentence should not be imposed?

EMMA GOLDMAN: I wish to say that the very fact that we are refused to have sentence deferred for several days to arrange our affairs proves that the Court is prejudiced because we are Anarchists; because we were frank and because we stood by our opinions, and because we are going to stand by our opinions.

THE COURT: Gentlemen of the jury, I wish you would remain, for I desire to say before I may forget it that I think the appreciation of the Court and the community is due to you for the fearless and prompt manner in which you have discharged your duty.

It has undoubtedly been a source of regret to the gentlemen of the jury, as it has been to the Court and possibly to those who have sat in the courtroom for these many days, that the extraordinary ability displayed by the defendants has not been utilized in support of law and order. The magnetic power of one of the defendants, if thus utilized, might have been of great service, in forms legitimately advocated, for the betterment of conditions as the world goes on. That power might have been of tremendous service, and more especially among the millions of humbler people who come to our country in an aspiration for liberty. I understand, I think, what has been spoken of as the psychology of the defendants, and I am quite sure that they understand what might be called the psychology of the Court. We do represent the existing order of things, in-so-far as that means that progress must be accomplished in this country by lawful means. We regard as enemies of the Government in the most serious sense of that term those who advocate the abolition of this Government, those who counsel disobedience to our laws and those who induce the less strong-minded to disobey our laws. These may be very old and to some very tiresome sentiments. But they are the sentiments that from our point of view have become a part of our lives, won at great expense by the Revolutionary Fathers, by the men who fought in the great civil conflict and by the men who now are willing to stand by their country when their country needs them.

We have no place in this country for those who express the view that the law may be disobeyed in accordance with the thoughts of an individual. I am expressing not my view alone, I am expressing the view of what we in America understand to be the views of a true democracy and a true republic. The Government has thus far enacted no special statute to deal with those who counsel disobedience and who advise insurrection; who seek to reach and control the humbler people, some of whom don't understand things, by methods such as were disclosed in this case. And I desire, so far as I am concerned, that my words shall be perfectly understood, not merely by those who are here but by anyone else who has in his mind that he is stronger than the law. It makes very little difference what becomes of a single administrator of the law, whether he be officer, marshal, district attorney or judge. They come and go. But in this country the law is an imperishable thing that lives forever. And it merely uses for the moment as its administrators some human beings who may at any time give way to others. And so, when I impose this sentence I am imposing it on the one hand with regret that these abilities were not better used. I impose it on the other hand with profound conviction that I am speaking for organized law, for the kind of liberty that we know and we understand, who have been privileged to live in this country that we believe is a true democracy. The maximum sentence under the statute is two years and \$10,000 fine. I sentence the defendant Alexander Berkman to the United States penitentiary in Atlanta for two years and fine him the sum of \$10,000.

I sentence the defendant Emma Goldman to the State penitentiary at Jefferson City, Mo., for two years and fine her the sum of \$10,000.

I further direct the District Attorney under the provisions of the immigration act to forward to the Commissioner of Labor the record of this conviction, in order to determine in due course whether or not either or both of the defendants are subject to the provisions as to deportation provided in that act. That is a matter which is under the statute, an administrative matter for the Commissioner of Labor. And the District Attorney is directed to forward the record of this conviction to the Commissioner of Labor.

The Court is now adjourned without date.

EMMA GOLDMAN: Just one moment, please. We wish to ask--as we intend to appeal the case--whether we may have time to consult with counsel and to proceed with the preparation of the appeal.

THE COURT: Under our rule you have ninety days within which to sue out a writ of error. And in order that there may be no mistake or confusion on the subject, the stenographer will note that the defendants may have ninety days within which to sue out a writ of error.

EMMA GOLDMAN: We should however like to know more specifically whether we may, after we are taken away from here, consult regarding the appeal or whether we are to be spirited away in a speedy manner. We would like to know that, to be quite clear where we stand.

THE COURT: The fullest opportunity within the ninety days will be given to the defendants to consult counsel and prepare their assignments of error and their writ of error. If in the course of that period there is no such opportunity, the defendants can address a communication to the Court and the Court will see that such an opportunity is afforded them. As a matter of fact, such opportunity is your right at any time within ninety days.

EMMA GOLDMAN: May I just ask what the procedure is, regarding whether we can now--I mean within the next hour or two--consult with counsel about our appeal? We ought to know that.

THE COURT: The custody of the defendants is with the Marshal, and the Marshal will attend to the matter referred to. Court is now adjourned.

EMMA GOLDMAN: I wish to thank the Court for the marvelous fair trial we have received. History will record, Your Honor, that two people asked for an adjournment, or rather deferring of sentence, of two days to arrange their affairs, and yet the Court considered them so dangerous to the United States that it would not even give them two days--which are given to the most heinous criminal. Thank you very much.

Notwithstanding the Judge's statement that it was the defendant's right to have ninety days in which to prepare their appeal, Emma Goldman and Alexander Berkman were taken away from New York on the same evening and rushed, on midnight trains, to the penitentiaries at Jefferson City, Mo. and Atlanta, Ga.