Article in the *New York World*, October 17, 1893

The Law's Limit.

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Emma Goldman Is Sentenced to a Year's Imprisonment.

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Anarchists Are Warned.

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Judge Martine Says They Should Be Kept Out of the Country.

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No Speech from the Prisoner.

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But The World Presents in Full the Remarks That She Had Intended to Deliver.

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Swore She Would, But Relented.

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Emma Goldman, the Anarchist, who was convicted of "unlawful assembly" in General Sessions last week, was yesterday sentenced by Judge Martine to one year's imprisonment in the penitentiary. In sentencing the woman, Judge Martine intimated that he was sorry the Penal Code prohibited him from giving her a heavier sentence. When he had concluded his remarks, the spectators applauded, some cheering, others stamping their feet. There was no demonstration by the woman's compatriots, as threatened.

Miss Goldman was brought to General Sessions in company with a dozen other female prisoners. She demurred to the crowds staring at her and asked permission to walk alone. Of course, this was denied, and that the woman reached the old brown court house, a crowd of fully four hundred people were at their heels. Emma was pointed out by the crowd and heard some very unpleasant remarks about herself.

Oakey Hall Gives Up.

As soon as Judge Martine took his seat Clerk Hall called Emma to the bar. In answer to the Clerk's questions regarding her pedigree, the woman responded loudly. She said that she was twenty-five years old.

"Where do you live?" inquired the Clerk.

"Why, in the Tombs," [1] replied Emma loudly.

"Before that, I mean," explained Mr. Hall.

"Oh! At No. 422 East Fortieth street."

In answer to the Clerk's question as to what she had to say why sentence should not be pronounced, Emma started to speak, when ex-Mayor A. Oakey Hall, who defended her on her trial, arose. He surprised everybody by informing Judge Martine that, owing to a misunderstanding with his client, he would withdraw from the case. He said that he had advised her not to make a speech in court, but she had declared that she would.

Emma, who was standing then at the bar, awaiting her sentence, nodded her head. She again started to say something, when Judge Martine warned her to confine her remarks to the case in hand. Her face flushed and she grasped the railing in front of her.

She spoke in a rasping voice, humble and meek.

No Speech After All.

"Your Honor," she said nervously, "in view of the fact that the police have done everything they could to incite my friends, the Anarchists, to some demonstration, so that they could put them in jail also, I shall refrain from delivering any speech here."

That is all she said. When she had concluded she looked at her ex-counsel and smiled. Mr. Hall was watching her intently. He colored slightly and motioned to her to sit down. She started to do so when Judge Martine began to talk, and a court officer yanked her around to face the bench.

Judge Martine lost no time in sentencing her. This is what he said:

"In this case the Court has given much consideration as to what would be a just disposition to make of this defendant after this conviction. You were represented in this case by one who is as able to present the facts as any lawyer now at the bar. His vast experience and his ability as counsel were called upon to their utmost extent in your behalf. The facts were submitted to the jury. There were witnesses deemed worthy of credence by the jury who stated that they heard the remarks which you made. There is no question but that those remarks brought you clearly within the statute. Your language was such as to incite disorder, to incite to riot, and the language as interpreted by those who heard it was such that a riot might have ensued.

Anarchists Should Be Excluded.

"You are a woman beyond the average in intelligence. What your advantages have been in the way of education I do not know, except as they were exhibited here in court. You are certainly an intelligent person. In the light of reason you must have known the effect of language such as you uttered on that occasion. Now you have testified in your own behalf, and you told us you did not believe in our institutions; that you did not believe in our laws, and that you have no respect for them. Such a person

cannot be tolerated in this community by those who believe in law, and I am happy to say that the greater number of our people do believe in law. I think it very improper that the great strength of this nation is not exercised to the extent that you and those who entertain the same ideas should be met at the portal of our country to the end that they should not be allowed to enter here.

"We are proud of our institutions, and much money and much blood have been spent to build them up, and we do not propose that any person, man or woman, shall undertake to tear them down. We do not propose to allow you to bid defiance to our institutions without showing you that the strong arm of the law will take hold of you and that the law cannot be defied. I look upon you as a dangerous woman in your doctrine. Fortunately, there are only a few, compared with the great number of our citizens, who believe in your doctrines, but it is necessary that those who believe the way you do should be taught that the law will be vindicated.

The Law's Full Penalty.

"I have no hope of doing any good for you. I am satisfied that you are depraved, and have no respect for law. The sentence of the Court is that you be confined for the full term allowed by law, which is one year in the penitentiary."

Miss Goldman paid no attention to Judge Martine's words. All the time he was talking she was smiling at several of her friends who sat within the inclosure. When Judge Martine concluded, she was led away to the Tombs. Outside the court room she met Justus Schwab.[2] She whispered something in his ear. Schwab smiled. Turning to a police officer, Schwab inquired the woman's sentence. He was told. "You've done your best," he replied.

The speech which Miss Goldman intended to deliver in court and which she abandoned at the last moment, was prepared in advance. This is it:

The Right of Free Speech.

"I speak not to defend myself, but to defend my right of free speech, trampled upon by those who have caused the curtailing of my liberty.

"I know that the right of free speech was once guaranteed to every man and woman in this land.

"What do those who have brought me here understand by the right of free speech? Does it give a right to all to say what appears to the individual good or bad, or has it been granted to permit the expression of only that which to a certain class of the citizens appears right?

"Is free speech solely for the purpose and use of the Government and its officers, are individuals prohibited from say[ing] that which is true, even though hardly to the taste of a certain class or portion of the public? Can I only say that in which I do not concur, and must I say it?

"I am positive that the men who shed their blood for the independence of this land, and who offered up their lives to secure the liberty and rights of the American people, must have had a very different

understanding of the right of free speech than those who to-day represent the Government, and who so interpret the right as to permit the expression only of that which is conducive to their benefit.[3]

"According to such an interpretation of the right of free speech I must call them despots, and as such, without the right to commemorate in celebrations the memory of those who fell in the fight for Independence, for the former deliberately trample under foot the principles of those heroes, and when decorating their graves commit blasphemy.

"Why don't the representatives of the State drop the so-called mantle of free speech, discard the mask of falsehood and admit that absolutism reigns here?

"Under such a condition of things the American citizen has no shadow of right in pointing the finger of contempt at European institutions and in speaking of the downtrodden hungry of the Old World.

"The sorrowful condition of the workingmen of the Old as well as the New World increases from day to day, and it reached a high point in its horizon this very year.

"Devoid of all means of sustenance, the workingmen assemble to consult, to devise means to remedy their need. Those who throughout the year utilize the people and gather riches at their cost perhaps feel that it would not go well with them should the workingmen become half conscious of their exigencies, and in their terror the latter seek the aid of government. Innumerable policemen and spies are sent into the meetings of the unemployed, to control all their deliberations, to control the speakers.

Defending Her Speeches.

"I belonged to that class of speakers who endeavored to show the workingmen the real reason of their misfortune.

"The speeches made by me must have contained much that was unpleasant for the rich of the City of New York, because they set in motion whole bands of spies to cause my apprehension and confinement, for the reason, as the indictment reads, that I had offended against the law and exhorted those present at my speeches to acts of violence.

"If what I said at Golden Rule Hall and at Union Square was a violation of the laws, then all those who were present at those meetings, and who by protracted and loud applause evinced their approval of what I said, were equally guilty with me. Why, then, did the city authorities proceed against me alone? Why? Because the authorities know that no danger lies in the workingman's ignorance of the true cause of his privations.

"From the moment that I, as an Anarchist, showed them that the workingman could never expect relief from his despoilers, from that moment I made the ruling masses uncomfortable, and had to be put out of the way.

"I do not acknowledge laws made to protect the rich and oppress the poor. Who are the law makers? Senators, the great of the land? Capitalists. Capitalists who torture thousands to slow death in their factories they are people who live in affluence, robbing the workingman of his strength to deprive him of

the results of his labor; they are men whose fortunes have been built upon a foundation formed by pyramids of children's corpses.

"The wealth, the luxury, the pomp and glory of power are bought at the price of murdered and disfigured mankind.

"Ever rises the voice of the disinherited people, a voice growing in volume, and to which the overbearing classes will not listen, and to still which they devise new laws intended to silence the masses. Bands of priests are sent out to teach subjection, to propagate superstition and keep the people in ignorance.

"The demands of the workingmen are met with the Winchester rifle and the Gatling gun,[4] and I must confess that my brethren and myself will ever oppose such a state of 'order'; an 'order' in which we do not believe, and whose representatives we will never be compelled to meet in the struggle for advancement.

Aim of the Anarchists.

"I can fully understand that such people hate the Anarchists, for it is our endeavor to abolish private property, State and Church. In one word, we aim to free men from tyrants and government.

"The striving for freedom is not the creature of my brain, nor that of any other being; it lies rooted in the people, and the contentions of the past, the struggles between the people and their oppressors, show but too plainly that the people are desirous of being freed from their burdens.

"The burning at the stake and the gallows have been the reward of numberless men of advanced thought, and even to-day thousands feel the icy blasts of Siberia and the torrid breath of New Caledonia,[5] while others yield up their lives in the cause, hidden by the grim walls of dungeons deep. And yet the desire for freedom grew, and grows.

"The world is gliding ever nearer the fact that in Anarchy can be found the happiness and content of man.

"You will not be able to stifle Anarchy by the erection of gallows and of jails.

"You endeavor to make us appear to the public eye veritable murderers, wholly depraved, but when we show the people our true objects they find that we only desire the benefit of mankind.

"We seek the establishment of Anarchy, or, in other words, a freedom from government of any kind; a community of interests based upon common production of equal and necessary character; we seek a perfect liberty for each individual to enjoy the grand and glorious products of nature; we seek for each an equal liberty to cultivate the talents and abilities as well the attainments of the highest knowledge.

"All wrongs now perpetrated, such as theft, murder, lying and prostitution, are an outcome of the injustice at present obtaining in the social state, and will disappear with its downfall.

"I tell you, the day of reckoning is not far--a time when no concessions will be granted to the tyrants and despots.

"Such is my belief, spread by me among the workingmen, and this belief will cease only with my life.

"You have convicted me, you may pass sentence of imprisonment upon me, but I tell you that I hate your laws; that I hate your 'order,' for I know but one 'order'--it is the highest potency of order--Anarchy."[6]

Watched by Detectives.

On the way to the Tombs Miss Goldman was surrounded by a crowd of Central Office detectives. Her grandmother, Mrs. Fredrika Goldman, [5] who attended her during the trial, followed her to the gates of the Tombs, where she kissed her an affectionate good-by. An old, gray-whiskered man, who looked every inch an Anarchist, followed Emma to the prison. The detectives watched him closely.

"Perhaps he's got a bomb," was suggested.

"If he raises his hand, he'll drop," a Central Office man replied.

Emma Goldman will be taken to the penitentiary to-morrow along with a number of other women. In the Tombs, when asked what she thought of her sentence, she replied:

"I have nothing to say to you. What I have to say shall be through my own paper."[7]

When asked what she thought of the spectators' applause of Judge Martine's remarks, she replied: "They were applauding me, not him."

Mr. Hall, when asked why he withdrew from the case, tapped his forehead and pointed at Miss Goldman. "She is like all fanatics," he said, "a little bit gone."

New York World, Oct. 17, 1893, p. 7

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[1] The Tombs was the popular name for the municipal jail--constructed in 1838 and occupying the block bounded by Center, Lafayette, Franklin, and Leonard streets--so-called for the Egyptian theme of its architecture. EG repeated this response as her city address during her trial. See "Only the Moral Laws," *New York World*, 7 Oct. 1893, *EGP*, reel 47.

[2] Justus Schwab, Geman-born anarchist, ran the popular Lower East Side saloon Zum Großen Michel and was a close friend and supporter.

[3] For a discussion of allusions to the founders of the United States by EG and preceding anarchists, see note 6 to "Badly Advised," Article in the *New-Yorker Staats-Zeitung*, 22 August 1893, above.

[4] EG's assertion that the "demands of the workingmen are met with the Winchester rifle and the Gatling gun" is similar to the words of Albert Parsons in his autobiography, *LIfe of Albert Parsons* (Chicago: Lucy E. Parsons, 1889), wherein he states that the capitalist press advised the use of militia bayonets and

Gatling guns to suppress strikers and put down discontented laborers struggling for better pay and shorter work hours.

[5] EG refers to Siberia, where Russian political prisoners were exiled, and New Caledonia, the French penal colony where many Paris Communards were exiled, including Louise Michel who lived there from 1873-1880.

[6] A German transcription of this speech appeared in *Die Brandfackel* 1 (November 1893): 4-6; and, with minor variations, in *Freiheit*, 21 October 1893, p. 2. *Free Society* reprinted it twice in 1904 during EG's attempt to speak in Philadelphia, the second time "by request for propaganda purposes." (*Free Society*, 17 April 1904, pp. 5-6, and ibid., 1 May 1904, p. 6.)

[7] EG's comments were published the following month in *Die Brandfackel*; see "American Justice," *Die Brandfackel*, November 1893, below.