

certed action has been taken. The United States was invited several years ago to attend an anti-anarchistic conference, but declined the invitation, because it was unable to bind itself to observe any course of procedure that might be determined upon because of the safeguards thrown by the Constitution around personal liberty and personal rights. One of the great causes of complaint by Europe against the United States is the liberty with which anarchists can hatch their conspiracies in this country.

"Immediately after the assassination of King Humbert of Italy the Italian government made representations to the United States contemplating the punishment of all anarchists at Paterson, N. J., who were involved in the crime. The evidence was furnished to the State Department, but the Federal government was unable to do more than refer the matter to the Governor of New Jersey, with the request that he make a thorough investigation, and if the law could be applied to any persons suspected of complicity to begin the proper legal measures.

ACCOMPLICES ESCAPED.

"Insufficient evidence and the difficulty of finding a law to fit the charge of conspiracy against the life of a foreign sovereign permitted the escape of the accomplices of King Humbert's assassin. Italy was compelled to acquiesce in the failure of the United States to destroy what she was convinced was a nest of conspirators at Paterson, but naturally she was deeply exercised over what she regarded as the inexplicable attitude of the Washington government.

"It is generally believed in diplomatic circles that the recall of Baron Fava, the Italian Ambassador, was the outgrowth of the American policy of non-action. Italy now will doubtless appreciate that the American government was as powerless to protect its own Chief Executive as it was to prevent a conspiracy against the life of her sovereign. It is believed by the diplomats that Europe will consider the present moment opportune to revive the proposal of an international understanding for the suppression of anarchists.

"In official circles it is said that an amendment of some kind to the constitution would have to be made, as it was at present impossible to punish a man participating in a conspiracy against the life of a foreign sovereign. Until the authorization is therefore given to the Executive, it is likely that the State Department would be compelled to observe the precedent already established and decline the invitation tendered.

"Senor Calvo, Minister from Costa Rica, expressed the greatest horror of the terrible outrage upon the President. 'Such things occurring in a free Republic are terrible,' he said. 'The crime itself is atrocious on all occasions, but when directed against the life of such a kindly and righteous President as Mr. McKinley it surpasses the utmost credulity.'

SEDITIONOUS PUBLICATIONS.

"Mr. Calvo continued: 'I am surprised that the rigid postal laws of the United States should permit the circulation of seditious matter. It is treason to counsel the destruction of the ruler of a country, yet these virulent anarchistic sheets must pass freely through the mails in order to be circulated. Your laws are properly stringent against publications or writings inciting fraud or immorality. No avowed anarchist should be permitted to receive or mail letters. His ebullitions should be confiscated wherever found. This is a matter of public safety.'

"Kogoro Takahira, Minister from Japan, has returned to Washington deeply affected by the tragedy. He said: 'Nobody could expect that such a good President of the United States should become the victim of such an appalling and dastardly crime. It is hardly possible to express one's feelings on such an occasion, but we join the people of the United States in receiving the sad news with surprise and indignation, and our sincere and honest wishes are that he should recover speedily and permanently; and in this statement I am confident that I voice the sentiment of my government and my people throughout all Japan.'

"Mr. Takahira further said that he would never forget the

last day he spent with the President at Buffalo. When the party returned from Niagara the diplomats proceeded to their hotel. A friend at the Exposition grounds attempted to telephone him the sad news, but was unable to secure a wire which was not busy. He left the President in the highest spirits and expected to meet him that night at dinner at the house of Mrs. Williams. He was beginning his preparations for the dinner when the sad intelligence was communicated and he immediately hastened to the Milburn home to express his grief. He added that in his country such a crime was impossible."

A metropolitan journal thus describes the situation, and does not take a hopeful view of our government being able to entirely stamp out anarchism.

THE DREAM OF FOOLS.

"It is needless," it says, "to waste time denouncing anarchism. All men who are not dreamers agree that society cannot exist without laws and officers to enforce them, and that every legitimate means should be used to check the spread of anarchism and put an end to the crimes of anarchists. If, however, anarchists go no further than holding a private opinion that the world can get along without laws, we have no possible legal ground for action against them, since they are guilty merely of folly.

"The crimes of anarchists, therefore, may for practical purposes be divided into two classes—murderous assaults, like that upon President McKinley, and the instigation of such assaults. For dealing with these crimes the first legitimate means is the existing law; the second, such amendments as are in accord with our Constitution and political traditions, and are capable of enforcement.

"As for murder, we already have adequate laws. Death is a sufficient penalty. Furthermore, the case of the Chicago anarchists shows that those who incite to murder, even though they may not strike the blow themselves, may be convicted as accomplices before the fact. If the Penal Code of any State lack

such a provision as that under which the convictions were obtained in Illinois in 1886, an amendment is a comparatively easy matter.

"Every anarchist who plans such an assassination expects nothing but death. He hopes to succeed, and he knows that in any event he is sure of capture. Even if we mark our horror of attacks upon the President by imposing the death penalty in every case, we shall merely satisfy our feelings, without making the least headway in checking the crime.

"In regard to incendiary talk, we already have, in New York State at least, a law which has been invoked several times with salutary effect. Section 451 of the Penal Code, entitled 'Unlawful Assemblages,' reads:

THE LAW IN THE MATTER.

"Whenever three or more persons assemble with intent to commit any unlawful act by force; or assemble with intent to carry out any purpose in such a manner as to disturb the public peace; or being assembled, attempt or threaten any act tending toward a breach of the peace, or any injury to person or property, or any unlawful act, such an assembly is unlawful, and every person participating therein by his presence, aid, or instigation is guilty of a misdemeanor. But this section shall not be so construed as to prevent the peaceable assembling of persons for lawful purposes of protest or petition."

"According to the same code, a misdemeanor 'is punishable by imprisonment in a penitentiary or county jail for not more than one year, or by a fine of not more than \$500, or by both.' Under this law, John Most and Emma Goldman have served terms in the penitentiary.

"One proposition, which has been urged by a Boston journal, is a general law to send the anarchist to the lunatic asylum, instead of to jail. If the anarchist really be a lunatic, there is no difficulty whatever about sending him to the asylum under the present law. If he be not mentally diseased, no law to commit him to an asylum can be framed under which the editor of the

Boston journal will be safe. A law which should declare Anarchists, Communists, Christian Scientists, Populists, or any other class of citizens insane, could never be enacted except by a Legislature of lunatics.

"The only possible change in the present law is to make the crime of incendiary talk a felony, rather than a misdemeanor—that is, make it punishable by long imprisonment or death. In the heat of the present excitement, the death penalty has been proposed for attempted assassination; but public opinion, on sober second thought, would reject such an amendment as likely to make martyrs of the anarchists, win sympathy for them, and strengthen their cause, rather than weaken it. The plan of lengthening the term of imprisonment beyond a year is more feasible.

REASONABLE SAFEGUARDS.

"Even here, however, we run the risk of imposing too severe a penalty, and thus losing more than we gain. Such an amendment should not pass till the present excitement has subsided, the subject has been fully discussed, the experience of other countries carefully considered, and every safeguard provided for reasonable freedom of speech. With such precautions it might be well to allow the Judge to extend the sentence in atrocious cases.

"Judicious enforcement of the present law, then, and an amendment declaring incendiary talk a felony instead of a misdemeanor, really exhaust our resources in dealing with the offenses of anarchists who are already resident in the United States. The question of exclusion remains.

"By the present law we prohibit the immigration to this country of 'persons who have been convicted of a felony or other infamous crime, or misdemeanor involving moral turpitude.' An effort to close our doors to all anarchists meets with some of the same difficulties that attend a movement to visit any other punishment on them as a class. One bill for this purpose has already been abandoned in Congress as impracticable. We cannot exclude the 'philosophical' anarchist, who holds his theory as a private

opinion, and abhors the use of force; we cannot detect him, and, even if we could, he is not particularly dangerous. Then, too, we must bear in mind that his anarchism, fostered in many cases by Russian despotism, is likely to be laid aside and forgotten when he breathes the free air of the republic.

"Under the present law we can already keep out all who have been convicted of violence or of instigating it. The only class, therefore, for which we need a new law is made up of the instigators of violence, who have not been detected or captured in Europe. We can hardly go to the length of excluding them on mere hearsay or suspicion, but, if we want anything like legal evidence, we must maintain in Europe a detective and police force superior to that maintained by the European governments, which are more eager than ours to run down and convict an anarchist.

TRADITIONS OF A CENTURY.

"Nor can we trample on our traditions of a century and a quarter by sending back men of high character and aims who are political refugees. In short, we shall find it beyond our power to do much more than enforce rigorously the present law."

The method by which freedom of speech may be limited so that the preaching of anarchism shall be effectually repressed without endangering any legitimate right is a problem that now confronts the American people.

In 1893 and 1894, France teemed with associations and clubs of anarchists of the most dangerous type. Bombs were being thrown about in public places, and the disorder finally resulted in the stabbing of President Sadi-Carnot while riding in his carriage at the exposition in Lyons. The French Parliament promptly took the whole subject under advisement and passed a series of laws which have been in a high degree effectual in breaking up anarchist organizations all over the republic. These laws in the main are three in number. The first, enacted on December 12, 1893, had for its purpose a modification of the libel laws so that exceptional penalties could be enforced against the publishers of anarchistic papers.

The second, passed December 18, 1893, made it a punishable offense to belong to anarchistic associations and clubs, and the third, passed July 28, 1894, just after Sadi-Carnot's assassination, carried the principle still farther, increased the penalties and prescribed changes in legal process calculated to make conviction more speedy and certain. As a result of this legislation dangerous groups have been dissolved in France, newspapers have been suppressed, club rooms have been abandoned and libraries have been dispersed.

THE FRENCH LAW.

Summarizing this legislation, we can very soon find lines along which to frame laws against the anarchists in this country. The French law creates three distinct classes of crime—"provocation," "apologie" and "excitation" of soldiers to disobedience of their superior officers. While the last of these deeply concerns a country in which military conscription is universal, it can play but small part with us, and there remain, therefore, the two crimes of "provocation" and "apologie," that is, incitement to crime (murder or destruction of property) by the spread of anarchistic teachings and the justification or glorification of crimes of anarchists by anarchists.

"Apologie," while it used to be a punishable offense in France, was abandoned many years ago. "It was not suspected then," says M. Loubat in his admirable work on the French laws against anarchists, "that a diabolical sect would arise to glorify assassination, incendiarism and destruction and make saints and heroes of abominable bandits." At the death of Sadi-Carnot the crime had to be revived for the anarchists, and many of them have been punished in France for the exaltation of the authors of foul deeds.

The French penalties are sufficiently severe to potently deter the spread of anarchistic doctrine. If either of the two crimes of "provocation" or "apologie" is committed through the press the punishment is imprisonment for from one to five years and the payment of a fine of from 100 to 3,000 francs, together with con-

fiscation of all outstanding copies of the publication. If it is committed in a more private way the penalties are only slightly modified. The act of incitement or exaltation is punishable, even if only one person be present, and whether by speech, by printed paper, by writing, cartoon, placard, song, cry (such as "Hurrah for anarchy") or by any other means, the crime is the same.

If the sentence pronounced is for more than one year or if the prisoner has been before convicted of a like offense at any time within ten years the law prescribes an additional penalty of exile. The publication of a report of anarchist trials in the courts is prohibited under heavy penalties. Every member of an anarchistic organization formed to advocate attacks on life and property may be imprisoned and banished by the French law and the meeting places of the organization closed up. Those who lease buildings to such societies are made accessories to the crime.

It is along these lines that we must shape anti-anarchist legislation in this country, and we should begin the work at once. There are bands of these social brigands in each large American city. We owe it to ourselves to uproot these pernicious gangs, which, whatever else they have done, have produced in a short time the murderers of the heads of two great governments, President McKinley and King Humbert. It is no infringement of any valuable American liberty to suppress their newspapers, dissolve their clubs and close up their meeting places. These results can be attained here as well as in France, and by a very similar system of legal procedure.