American Anarchy focuses on the high-profile court cases that mark the clearest challenge that anarchists posed to the United States’ justice system, familiar landmarks in the history of labor struggles in this period. This includes the 1886 Haymarket bombing that killed seven policemen and an unknown number of bystanders, and led to the judicial martyrdom of eight anarchist leaders who were falsely blamed for the act; Alexander Berkman’s attempted assassination of industrialist Henry Frick in 1892, which was an aborted attempt to avenge Carnegie Steel’s violence against the Homestead strikers; and the 1901 assassination of President William McKinley by Leon Czolgosz, a lone gunman who was motivated by anarchist propaganda.

While violent clashes between workers and the agents of capital were all too common in this period, these assaults on such symbols of authority, by lone or mysterious perpetrators, struck many as uniquely dangerous and somehow un-American. In fact, while many anarchists advocated peaceful protest to advance their cause, others argued that state oppressors could only be brought down through sensational acts of violence, “propaganda of the deed.” Whether by bomb or bullet, these “attentats” aimed to publicize anarchist doctrine, and set an example for further attacks on authority that would culminate in humanity’s liberation. Inevitably, such gestures backfired, justifying the state’s response in creating ever greater measures of surveillance and repression.

One historian estimates there were a hundred thousand anarchists in the United States before World War One. While German immigrants predominated in the movement in the 1880s, changing immigration patterns meant that by the early twentieth century most were Russian Jews and Italians. While the leading theorists of the movement were European, many immigrants adopted anarchism only after their arrival in America, a reaction to their experiences of exploitation and “institutional violence” against workers in the nation’s mines, ditches, mills and sweatshops.
The career of America’s most famous anarchist, Emma Goldman, serves as the narrative backbone of Willrich’s book. As a young immigrant living in Rochester, New York, she first learned of anarchism during the 1886 Haymarket bombing and trial, as did her long-time partner, Alexander Berkman, another Russian immigrant who was converted to the cause by what he called “red martyr’s blood.” The two schemed to strike a blow for the revolution by assassinating the industrialist, Henry Frick. As accomplice, Goldman gained notoriety but escaped the arrest faced by Berkman when he shot but failed to kill Frick.

Since anarchists considered law to be only a tool of capitalist oppression, Berkman’s trial posed both a philosophical and practical challenge. How could a committed anarchist defend himself in court using the traditional tools of a legal defense in a capitalist courtroom? Berkman rejected the right of counsel and instead chose to represent himself, hoping to turn the trial into a propaganda victory. Predictably, his guilty verdict was swift and, in his view, his sentence severe. As Willrich shows, both he and Goldman would reconsider their approach in future courtroom appearances. (Meanwhile, Berkman was disappointed to find that the Homestead strikers for whom he had gone to prison wanted “nothing to do with anarchists”[73], and his rash act was denounced by many anarchists as well, including leaders who found rhetorical violence a better strategy than the real thing.)

While Berkman served his sentence, Emma Goldman came into her own as America’s famous and infamous anarchist “Queen.” A charismatic speaker, she reached audiences on both sides of the Atlantic who were keen to hear her fiery denunciations of the status quo, and her vision of the liberation to be found through anarchism. Over time she expanded her crusade to include women’s rights, birth control, and modern literature. All pointed toward the coming triumph of anarchism, which she described as “the only philosophy which brings to man the consciousness of himself; which maintains that God, the State, and society are non-existent, that their promises are null and void, since they can be fulfilled only through man’s subordination.”

Her reputation as a fiery voice against capitalism was enhanced by her own bouts with the law. Learning from Berkman’s bad experience, she reluctantly turned to the services of a lawyer, but soon saw that this allowed her to use the courtroom as a platform for spreading the anarchist doctrine. In between court appearances she became one of America’s most famous and infamous radicals, for friend and foe alike the face and voice of the movement. Russian by birth, Emma Goldman had become an American citizen through a brief marriage as a young woman, a conventional relationship long since abandoned when she embraced an anarchist’s liberation from patriarchal convention. And as she toured the country as a speaker, she learned to present anarchism in the American grain, citing Ralph Waldo Emerson and Henry David Thoreau as often as she did the Russian, German, and French theorists who were the movement’s intellectual founders.

No matter. To most Americans, Goldman and her fellow “immigrant radicals” were clearly the dangerous cutting edge of an alien invasion, bringing to American shores the practice of revolutionary violence that had produced the assassination of numerous European leaders. Anarchists vowed to topple the three pillars of oppression—property, religion, and government. Since most Americans considered these the foundation of civil peace and economic prosperity, they understandably considered anarchism an alien force, what Theodore Roosevelt called “the deadly foe of liberty.” (99) In the aftermath of the assassination of President William McKinley, Congress barred professed anarchists from entering the country, threatening the public welfare with their “pestilential” ideology.(102)

Goldman’s lecture tours were invariably monitored by authorities, which led to a series of court appearances for violating ordinances against obscene or disorderly speech. As Willrich puts it, “Every arrest became a pitch for fundraising, every trial a stage” (121). In this, Goldman developed a fruitful partnership, and lifelong friendship, with lawyer Harry Weinberger, who spent years defending her and her radical comrades. Like Goldman, Weinberger was a non-religious Jew, a first-generation American, and “staunchly individualist” (161). Unlike Goldman, he had what Willrich calls “an unshakeable faith in the US Constitution” (161). It is this pairing, the revolutionary firebrand who was skeptical of all human law and her idealistic lawyer who was
determined to defend her First Amendment right to say so, that is the core of American Anarchy’s compelling narrative. Through his relationship with Goldman and Berkman, Weinberger became the last line of defense for other anarchists and political radicals of various faiths, and an early advocate for what emerged as a modern interpretation of the First Amendment that ultimately expanded Americans’ civil liberties.

As many historians have recounted, the First World War proved a crucial turning point in free speech doctrine. Soon after the US entered the war, Goldman and Berkman were arrested for organizing resistance to the nation’s plan for a massive conscription drive. Given the war fever that gripped the nation in the summer of 1917, the pair expected conviction, and so chose once again to represent themselves, relying on Weinberger’s off-stage advice in their defense. In a trial widely covered in what they denounced as the “capitalist press,” both were soon convicted, each facing long prison terms.

Willrich traces the war-time history of American anarchists primarily through Harry Weinberger’s tireless and largely fruitless efforts to keep many of them out of prison. Drawing on his years of experience defending immigrant radicals, he wrote briefs supporting their position that the draft was an unconstitutional violation of the 13th Amendment’s ban on involuntary servitude. And he honed libertarian arguments against the prevailing legal practice of punishing any speech that a judge or jury decided had a “bad tendency” the conventional legal test that afforded scant protection for controversial speakers. Through the creation of what he called an “American Legal Defense League,” Weinberger also anticipated the need for like-minded “cause lawyers” and their allies to organize in order to better defend against the nation’s emerging “surveillance state,” anticipating and contributing to the creation of what became the American Civil Liberties Union.

The high-profile work of defending Emma Goldman made Weinberger a celebrity among her comrades, and kept him busy fielding requests from the many other radicals who faced the government’s wrath during the war, and in the Red Scare months that followed. This work led him to serve as defense lawyer for five anarchists who were accused under the 1918 Sedition Act for spreading pamphlets protesting the US military intervention against the fledgling Soviet Union. In Abrams v. United States he carried the free speech fight all the way to the Supreme Court, in a case that proved a milestone in First Amendment law. While the court upheld the conviction and long sentences for the young Russian anarchists, Justice Oliver Wendell Holmes, Jr. penned a landmark dissent that paved the way for a major expansion in the protection of controversial speech in later years.

Since many of the anarchist defendants were not citizens, the authorities found them a comparatively easy target compared with America’s many homegrown radicals. Unprotected by the legal rights afforded to citizens, they could be dispatched through administrative procedure. A 1918 Immigration Act empowered the Department of Justice to expel non-citizens who “disbelieve in or are opposed to all organized government.” After a wave of bomb violence from suspected anarchists rocked the nation in 1919, Attorney General A. Mitchell Palmer’s agents conducted brutal raids that rounded up hundreds of immigrant suspects, mostly Russian. Though the government had scant evidence linking them to the anarchist movement, and no evidence linking them to the bombings, authorities moved quickly to deport 249 Russians on what the press dubbed the Soviet Ark; in spite of Goldman’s claim to be an American citizen by marriage, and Weinberger’s

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best efforts to delay, both Goldman and her long-time comrade Alexander Berkman were aboard. Goldman’s experience in the Soviet Union is well summarized by the title of her fascinating memoir, *My Disillusionment in Russia*. She left Russia but tried in vain to return to America.⁴

By 1920, Weinberger’s often lonely crusade to protect the speech rights of immigrant radicals enjoyed growing support. The obvious excesses of Palmer’s attack on suspected radicals produced a sharp reaction that mobilized many others determined to contest what Willrich describes as the government’s “juggernaut of uncontrolled power” (376). In his role in the Department of Labor, Louis Post demanded due process for those Russian immigrants who were still awaiting possible deportation, a move that soon brought the program to a close. In addition to the liberals who organized the American Civil Liberties Union (ACLU), the cause was joined by distinguished law professors, most notably Harvard’s Zechariah Chafee, who protested Palmer’s raids as “utterly illegal acts which have been committed by those charged with the highest duty of enforcing the laws” (370). When Chafee published *Freedom of Speech* (1920), his influential summary of a new free speech doctrine, the conservative Harvard professor echoed arguments long made by Weinberger, the Jewish immigrant lawyer who had toiled for years to defend this more expansive view of the American Bill of Rights.⁶

Focusing on the fundamental democratic questions provoked by the words and deeds of these immigrant radicals, *American Anarchy* provides a rich survey of the anarchist movement, from the Haymarket bombing to the controversial trial of Nicola Sacco and Bartolomeo Vanzetti, accused of armed robbery and murder, and executed in 1927. Previous scholars have provided a more detailed examination of the rank and file of the American anarchist movement, notably the late Paul Avrich, while Emma Goldman’s life has been more fully documented by her biographer, Candace Falk, and by Goldman herself in fascinating autobiography. James Green and others have written a fuller account of the Haymarket affair, and World War One’s free speech fights have been previously examined by many scholars, including Robert Goldstein, David Rabban, Thomas Healy, and Richard Polenberg.⁷ *American Anarchy* provides a clear and engaging narrative that combines the insights of these previous volumes and demonstrates the unique and fertile challenge that anarchists’ real and rhetorical faith in political violence posed to the nation’s professed commitment to open borders and free thought.

A distinguished legal historian, Willrich uses the rich story of anarchism to explore an important chapter in the ongoing tension between two American ideals—the liberty of the individual and the rule of democratic law. Tracing the rise and fall of this movement built by “immigrant radicals,” he finds their most lasting contribution to American life not in their failed quest to banish government, but in the contributions made by Harry Weinberger, an “immigrant liberal” (my own term) who so passionately defended the anarchists’ legal right to express their sincere contempt for the law.

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