

The Haymarket Story and Judge Joseph E. Gary

by

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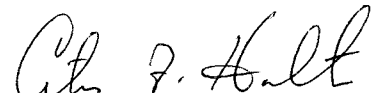
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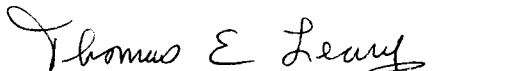
  
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## ABSTRACT

On May 4, 1886 a group of anarchists organized a meeting at Haymarket Square in Chicago, Illinois to protest police shootings of strikers the day before. As Samuel Fielden was concluding his speech, Chicago Police Officers arrived and ordered the anarchists to end the meeting. As Fielden stepped down from the speakers stand a bomb was hurled into the ranks of officers and a riot ensued in which several police officers and civilians were killed. Although the bombthrower was never identified, eight anarchists were put on trial and found guilty of the murder of Chicago Police Officer Mathias J. Degan.

Given their political views it would have been difficult for them to receive a fair trial anywhere in the United States. The media convicted them in print long before the trial began and inflamed the passions and prejudices of the public. Even the American court system was conservative and reflected the views of the press and public. Yet, Judge Joseph E. Gary was especially prejudicial throughout the trial. This study has investigated the objectivity in the trial of the eight anarchists with and emphasis on the role of trial Judge Joseph E. Gary. The question, "What rulings did Judge Joseph E. Gary make during the trial that contributed to the guilty verdicts and harsh sentences passed upon the eight anarchists?", has been answered.

## I. Introduction

On May 4, 1886 the labor movement in the United States was dealt a major blow when the Haymarket Square Riot rocked not only the city of Chicago, but the entire country. The effects of this riot were far-reaching. It spelled the downfall of the largest and most successful labor union of the day, the Knights of Labor, which lost membership as one of the men blamed for the riot was a member of the union. Indeed, union membership in general declined following the Haymarket riot. What was, perhaps, the most disturbing effect of the Haymarket Square Riot, however, was the gross lack of respect for the First and Forth Amendment rights of those accused of instigating the riot. The accused, as well as others, had their bodies and homes searched without warrant or concern for any of their civil rights. The public also displayed this lack of tolerance immediately following the bombing, which was fueled by a hypocritical press that refused to acknowledge that the accused should have enjoyed the same freedoms enjoyed by these mainstream newspapers. Undoubtedly the most serious injustice associated with this incident was the lack of objectivity and overall justice given to the eight defendants in the trial that followed the Haymarket riot.

The following year, in 1887, the state of Illinois put

eight men on trial for the murder of Chicago police officer Mathias J. Degan, the only law officer killed exclusively by bomb fragments. That these eight men were anarchists, socialists, labor leaders or all of the above should have had nothing to do with their guilt or innocence.<sup>1</sup> These facts about the background of the accused, however, proved to be of paramount importance and were the basis for their conviction. Legal procedure dictated then, as it does now, that facts not directly related to the case at hand be excluded from testimony. Yet, for the eight Chicago anarchists speeches and newspaper articles only remotely associated with the May fourth incident were allowed in the courtroom. Ultimately, a packed jury convicted August Spies, Albert R. Parsons, Louis Lingg, Adolph Fischer, George Engel, Oscar Neebe, Samuel Fielden, and Michael Schwab of the murder of Degan on the basis of their political views.

Little or nothing could have been done in 1886 about the passions and prejudices harbored deep in the public's minds, homes, and private lives. Perhaps even less could have been done to curb or correct the sad manner in which the press attacked the anarchists for exercising the same freedom of speech and press it enjoyed. However, it was then, as it is now, the responsibility of the justice system to guarantee that these passions and prejudices do not carry over into the courtroom. When all else fails, it is the responsibility of

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<sup>1</sup> During the trial the prosecution described the defendants as anarchists, socialists, and communists without specifying the difference between the three terms.

the trial judge to take all reasonable measures to ensure that the accused in any trial receive a fair and unbiased trial by a jury of their peers.

The purpose of this work is to give readers an introduction to the events that led to the Haymarket Square Riot, the gross lack of tolerance for the rights of the accused following the riot, and an examination of the trial of the eight anarchists in 1887. The focus of this examination will be the courtroom behavior of trial Judge Joseph Easton Gary, specifically his decisions regarding jury selection, his bias in favor of the prosecutions during arguments, and his charge to the jury before deliberations. The main point to be examined here is the objectivity or lack thereof displayed by trial Judge Joseph E. Gary in the Haymarket trial of 1887.

In order to get a well-rounded and detailed view of the May fourth incident at Haymarket Square, several secondary sources have been consulted.<sup>2</sup> The main primary source is *A Concise History of the Great Trial of the Chicago Anarchists in 1886* by Dyer D. Lum.<sup>3</sup> Lum was present at the trial and in his book gave a chronological description of the trial and the testimony and evidence presented by both the prosecution and the defense. Several other primary sources

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<sup>2</sup> Paul Avrich, *The Haymarket Tragedy* (Princeton, New Jersey: Princeton University Press, 1984).

Henry David, *The History of the Haymarket Affair: A Study in the American Social-Revolutionary and Labor Movements* (New York: Russell and Russell, 1936).

<sup>3</sup> Dyer D. Lum, *A Concise History of the Great Trial of the Chicago Anarchists in 1886* (Chicago, Illinois: Socialistic Publishing Company, 1887) reprinted in Fogelson and Rubenstein, *Mass Violence in America* (New York: Arno Press and the New York Times, 1969).

have been consulted to cross-reference and supplement A *Concise History*, including Michael Schaack's *Anarchy and Anarchists*, Sigmund Zeisler's *Reminiscences of the Anarchist Case*, *The Famous Speeches of the Eight Chicago Anarchists in Court*, and *The Autobiographies of the Haymarket Martyrs*.<sup>4</sup>

Prior to understanding the tensions that existed in Chicago during the days and months leading up to May of 1886, one must first look at the development of and the relationship between two key groups of the 1880s, the International Working People's Association and the push for an eight hour workday.<sup>5</sup> Socialist leaders created the I.W.P.A. out of several socialistic splinter groups during a conference held in Pittsburgh in October of 1883, which was a radical leftist group that called for the overthrow of the capitalist system and included all eight of the defendants as members. The objectives of the association can be summarized by a partial listing of what was called the "Pittsburgh Manifesto":

First: Destruction of the existing class rule, by all means, i.e., by energetic, relentless, revolutionary and international action.

Second: Establishment of a free society based upon co-operative organization of production.

<sup>4</sup>Michael J. Schaack, *Anarchy and Anarchists* (Chicago, Illinois: F. J. Schulte, 1889) reprinted in Grob, Billington, Glazer and Horowitz, *Anti-Movements in America* (New York: Arno Press and The New York Times, 1977)

Sigmund Zeisler, *Reminiscences of the Anarchist Case*. (Chicago, Illinois: Chicago Literary Club, 1927)

Lucy E. Parsons, *The Famous Speeches of the Eight Chicago Anarchists in Court* (Chicago, Illinois: Socialistic Printing Company, 1887) reprinted in Fogelson and Rubenstein, *Mass Violence in America* (New York: Arno Press and the New York Times, 1969).

*The Autobiographies of the Haymarket Martyrs* ed. Philip S. Foner (New York: Humanities Press, 1969)

<sup>5</sup> Hereafter the International Working People's Association will be referred to as the I.W.P.A.

Third: Free exchange of equivalent products by and between the productive organizations without commerce and profit-mongery.<sup>6</sup>

The writers of the "Pittsburgh Manifesto" intentionally modeled their charge after Karl Marx's *Communist Manifesto*. This similarity threatened business owners, capitalists, and especially law enforcement agencies. It was also, however, far too extreme to attract the widespread support of most labor groups.

Regardless, the enrollment of the I.W.P.A. expanded between its creation in Pittsburgh and the Haymarket bombing. Membership rose from about two thousand in late 1883 to about five thousand in early 1886. Groups existed in fifty cities nationwide, concentrated, however, in Midwestern cities such as Chicago.<sup>7</sup> Two things led to this substantial increase in the membership of such a radical organization. First, the economy of the United States fell into a harsh depression from 1883 into 1886. These hard times proved to be the impetus for increased enrollment in virtually all labor groups from the moderate Knights of Labor to far more radical groups such as the I.W.P.A. In addition, given the limited success that was achieved by moderate labor unions such as the Knights of Labor, frustration set in for some members leading them to look to more radical groups such as the I.W.P.A.

In addition, the I.W.P.A. did not attempt to remain an

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<sup>6</sup> Avrich, 75.

<sup>7</sup> Ibid., 83.



underground organization hiding in fear of the authorities. The association actively promoted the acquisition of new members by hosting rallies, picnics, and, especially, pamphletering and advertising in numerous newspapers printed in several languages throughout the country. In Chicago, August Spies edited the *Arbeiter-Zeitung*, printed in German, while Albert Parsons edited *The Alarm*, an anarchist newspaper printed in English. Their inflammatory editorials which attempted to recruit new anarchists proved to be of much use for the prosecution during the trial. Spies and Parsons were perhaps the two foremost leaders of anarchism in Chicago. Due to their active and public role in leading the charge of anarchism, they were the focus of much attention during the months preceding the Haymarket explosion.

The second development to focus on in order to understand the cause of the May fourth bombing was the development of the movement for an eight-hour workday. Although the demand for an eight-hour day was not new to the labor movement, it was revived with vigor during the depression-filled years between 1883 and 1886 where, in Chicago alone, 34,000 men lost their jobs.<sup>8</sup> The Chicago anarchists and the I.W.P.A., in general, had nothing to do with the inception of this movement. In fact, the I.W.P.A. initially ignored, and even condemned, those who sought such a petty goal such as an eight-hour workday. The association disregarded this goal because it believed that an eight-hour

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<sup>8</sup> Avrigh, 79.

workday was little more than a compromise with an enemy that promulgated the economic system it wanted to abolish.

Regardless of the lack of support from the I.W.P.A. the eight-hour movement attracted a great following. However, due to the support it developed, and the I.W.P.A.'s desire not to be left out of a potentially controversial and volatile movement, the association chose to back the eight-hour movement prior to the beginning of 1886. The I.W.P.A. decided that the eight-hour movement could be a stepping-stone towards revolution, so it encouraged workers to join the movement, and at the same time, to arm themselves and prepare for the impending revolution.

The leaders of the eight-hour movement set May 1, 1886 as the date that an eight-hour workday would go into effect nationwide. If business leaders and capitalists refused to acknowledge this date, massive strikes and demonstrations would support the plight of the worker. With the vocal anarchists behind the already controversial eight-hour movement, the stage was set for Haymarket as the first of May arrived.<sup>9</sup>

As April turned into May, workers, anarchists, and the authorities readied for the possibility of an explosive development. As expected, management and capitalists nationwide refused to accept the demand of an eight-hour day, and on May 1, 1886, a Saturday, 40,000 workers walked off the

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<sup>9</sup> Avrich, 79-98.

job in Chicago, as well as another 300,000 nationwide.<sup>10</sup> The first two days of May passed, however, without incident, due to the fact that it was a weekend. Conflict began, however, on Monday, May 3, 1886.

McCormick's Harvester Works Company was the site of previous labor troubles and this would be no exception. Owner Cyrus H. McCormick Jr. was a staunch enemy of labor unions and the labor movement in general. He was quick to fire those who worked to unionize his factory workers and had no problem placing them on a blacklist to be circulated around Chicago. When the first of May arrived, he immediately hired scab workers to replace the workers who had walked off the job. On the following Monday, the striking picketers awaited the scabs when the whistle blew to end the workday. In addition to the picketers, this whistle attracted the attendance of nearly two hundred more men who had been listening to a nearby labor address delivered by August Spies. As the scabs attempted to leave the factory, the picketers pushed them back into the building, assailing them with a barrage of stones and bricks. The police soon arrived, and Spies who was able to witness the ensuing battle. In their rage the strikers turned their stones and bricks on the police who responded with clubs and then pistols, firing into the crowd of strikers. At least two strikers were killed, with many others injured.<sup>11</sup>

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<sup>10</sup> Avrich, 75.

<sup>11</sup> Ibid., 188-189.

After witnessing this melee, Spies hurried from the confrontation at McCormick's to his office at the *Arbeiter-Zeitung* where he drafted what would become known as the "Revenge Circular".<sup>12</sup> He printed one version in English and another more inflammatory version in German. Regardless of who inserted the word "revenge", the circular was a volatile document.<sup>13</sup> The circular called for workingmen to arm themselves and retaliate against the brutal actions of the police at McCormick's. Spies also printed, and Adolph Fischer distributed, thousands of leaflets calling for a massive protest meeting at Haymarket Square on May 4 at 7:30 P.M. to protest and discuss the actions of the police at McCormick's.<sup>14</sup>

Given the tone of the "Revenge Circular" and the general mood of the city, the police prepared to intervene should trouble erupt at the Haymarket. Haymarket Square was a location where Randolph Street widened between Desplaines and Halsted Streets.<sup>15</sup> It held approximately 20,000 people. Spies put Fischer in charge of securing good speakers that the leaflets promised. Spies himself agreed to speak and Fischer worked furiously at the last moment to have Albert R. Parsons and Samuel Fielden on hand as well.

The forth of May arrived with much anticipation for

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<sup>12</sup> It should be noted that it was Hermann Pudewa who inserted the word "revenge" into the document. When Spies became aware of this, he immediately deleted the word "revenge", believing that it would instigate conflict. However, many of the circulars had already been distributed and the document took its name.

<sup>13</sup> See Appendix A.

<sup>14</sup> See Appendix B.

<sup>15</sup> See Appendix C.

August Spies and his anarchist associates. The crowd, as well as its speakers were, however, late. Spies arrived at approximately 8:00 P.M., only to find the meeting had not yet begun and only a disappointing two or three thousand in attendance.<sup>16</sup> He where Parsons was and was told that he was addressing another meeting a few blocks away. Spies sent fellow anarchist Balthasar Rau to find his colleague and then began the meeting by addressing the crowd from an empty wagon which served as a speakers' stand.<sup>17</sup>

Ironically, Spies began his speech by insisting that the meeting had not been called to instigate a riot. Speaking in English as opposed to his usual German, he said:

There seems to prevail the opinion in certain quarters that this meeting has been called for the purpose of inaugurating a riot, hence these warlike preparations on the part of so-called law and order. This meeting has not been called for any such purpose. The object of this meeting is to explain the general situation of the eight-hour movement and to throw light upon various incidents in connection with it.<sup>18</sup>

The "warlike preparations" referred to the large contingent of police officers located just south of the Haymarket at the Desplaines Street Police Station. Chicago Mayor Carter H. Harrison also took precautionary measures as he decided the surest manner in which to keep track of the meeting's proceedings was to be in attendance himself. Harrison made no attempt to be inconspicuous throughout the meeting. A

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<sup>16</sup> Avrich, 201.

<sup>17</sup> See Appendix C.

<sup>18</sup> Lum, 35-38.

large man at over six feet and two hundred twenty pounds, he mingled amongst the crowd constantly lighting and relighting his cigar in order to attract more attention to himself.

At approximately 9:00 P.M. Balthasar Rau returned to the Haymarket with Parsons and Fielden. Spies quickly brought his address to a close and introduced Albert Parsons. His speech, which lasted for close to an hour, was surprisingly mild given the tense mood following the massive strike and killings at McCormicks the previous day. His speech included comments on his travels through Ohio and Pennsylvania to deliver similar speeches and statistics regarding the plight of the workingman. On one occasion, when he mentioned Jay Gould, cries of "Hang him! Hang Him!" came from the crowd. Parsons replied, "Kill Jay Gould, and like a jack-in-the-box another or a hundred others like him will come up in his place under the existing social conditions." He drew his address to a close by reminding his audience that the answer lay in socialism and, "...the free association of the people for the purposes of production and consumption."<sup>19</sup> This speech was not nearly as inflammatory as one would think an anarchist leader would deliver, given the tensions of the day. Indeed, even Mayor Harrison remarked that he heard nothing particularly inflammatory in Parsons's or any of the other speeches he heard. Said Harrison, "There was no suggestion made by either of the speakers for the immediate use of force or violence toward any person that night; if

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<sup>19</sup> Avrich, 202-203.

there had been I should have dispersed them at once."<sup>20</sup>

As Parsons concluded his speech, Mayor Harrison slowly made his way out of the crowd and left the meeting. From the Haymarket he proceeded to the Desplaines Street Police Station to speak with Inspector John Bonfield who had assembled a force of police officers and reserves in case the Haymarket meeting got out of control. The mayor informed Bonfield that he had been at the meeting and found it to be under control and felt that it was unlikely any trouble would result. The inspector concurred, as he had been receiving regular reports from agents sent to check on the meeting. Although Harrison told his inspector it was safe to dismiss his officers, Bonfield persuaded him to allow him to keep them at the ready until the meeting had concluded. Leaving it at that, Mayor Harrison retired to his home for the evening.

Parsons finished speaking at approximately 10:00 P.M. and introduced Samuel Fielden as the final speaker. Shortly after Fielden took the stand, the weather turned menacing. Dark clouds rolled in from across Lake Michigan and the wind grew stronger. Albert Parsons suggested that the meeting should move to Zepf's Hall about a block away. Someone in the crowd quickly pointed out that Zepf's was already in use as the weather continued to worsen. Given the situation, and the quickly diminishing crowd, Samuel Fielden announced he would be brief and finish within a few minutes. His short

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<sup>20</sup> Lum, 111-112.

speech, however, would prove far more controversial and damaging than either of the far longer speeches that preceded his.

His rhetoric was, initially, similar to that of his two predecessors. He spoke of how poorly the workingman was being treated, that the rich controlled all means of production, and argued that the ballot box and legislation would never remedy the plight of workers. He then turned his tongue on the police for their attacks on the strikers at McCormick's the day before:

You have nothing more to do with the law except to lay hands on it and throttle it until it makes its last kick. It turns your brothers out on the wayside and has degraded them until they have lost the last vestige of humanity, and they are mere things and animals. Keep your eye upon it, throttle it, kill it, stab it, do everything you can to wound it, to impede its progress.<sup>21</sup>

With these words spoken, some of Inspector Bonfield's agents hurried from the Haymarket to Desplaines Street Station to inform Bonfield of the inflammatory language. The alarmed inspector wasted no time. He called his officers out of the station, formed them into skirmish lines, and marched them at double-time across Randolph Street and into the midst of the meeting.

When the police arrived, they found a greatly diminished crowd that was already on the verge of breaking up due to bad weather. "The meeting had been a more than ordinarily peaceable one and had been getting smaller...there was not

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<sup>21</sup> Lum, 93-94.



more than two or three hundred...when the police arrived."<sup>22</sup>  
The police were under the command of Inspector John Bonfield and Captain William Ward. Ward called out to an amazed Samuel Fielden, "In the name of the people of the state of Illinois, I command this meeting immediately and peaceably to disperse."<sup>23</sup> "We are peaceable.", responded Fielden.<sup>24</sup>  
After Captain Ward repeated his command Fielden stepped down from the wagon along with Spies and others.

The speeches were now finished, but this evening would not be remembered for the words that were spoken, but for the dynamite bomb that was hurled into the ranks of police at the very moment Samuel Fielden and August Spies stepped down from the speakers' wagon. The bomb exploded with a tremendous force and shook the entire Haymarket. It sounded like artillery, many of those left in the crowd fell to the ground from sheer instinct and some from the concussion caused by the explosion itself. After a brief moment the police who were still standing drew their weapons and began firing indiscriminately into the crowd. Fielden was struck in the knee by a bullet. August Spies, who initially mistook the sound of the explosion for a police artillery attack, found a revolver stuck in his back by a would-be assassin. His brother Henry pulled the assailant's arm away just as the gun fired. Spies barely escaped this attempted murder.

Albert Parsons, luckier than the others, had left the

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<sup>22</sup> *Autobiographies of the Haymarket Martyrs*, 158.

<sup>23</sup> David, 204.

<sup>24</sup> *Ibid.*

Haymarket minutes earlier and heard the mayhem from a block or two away. The police firing lasted only a few short minutes, but surely seemed a lifetime for those caught in the onslaught.

Mayor Harrison had scarcely returned home when he heard shots being fired. He quickly redressed himself and hurried back to see what had transpired during his absence. As he approached the Haymarket it must have looked like a battlefield. Bodies were strewn over the square and the shrieks of those crying for help pierced the ears of those left unharmed.

Once the dead and dying were attended to it was determined that the police suffered sixty-seven casualties. Of those, seven succumbed to their wounds and died within six weeks. Included in this count were Officers Michael Sheehan, John Barrett, George Muller, Nils Hanson, Thomas Redden, Timothy Flavin, and Mathias J. Degan.<sup>25</sup>

The paramount question, "How and from where were these wounds inflicted?" was still left to be answered.

As historian Paul Avrich pointed out:

Sixty-seven casualties was a heavy toll. In most instances, however, they had not been inflicted by the bomb...All or nearly all of the policemen who had suffered bullet wounds had been shot by their fellow officers and not by civilians in the crowd."<sup>26</sup>

Avrich argued that when one looks into the medical reports, police casualty lists, newspaper accounts, and testimony at

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<sup>25</sup> Avrich, 208.

<sup>26</sup> Ibid.

the subsequent trial, it becomes apparent that at least three officers (Mueller, Barrett, and Sheehan) had simply been shot to death. The others, with the exception of Degan, died from a combination of bullet wounds and injuries inflicted by bomb fragments.

While undoubtedly members of the crowd were armed, medical reports sustained that those officers who did suffer from bullet wounds were shot by their own men and not by others lurking in the crowd. "Reliable witnesses testified that all the pistol flashes came from the center of the street, where the police were standing, and none from the crowd."<sup>27</sup> Avrich also pointed out that there was a telegraph pole riddled with bullets that came from the spot where the police were standing. Mysteriously, the city removed the pole the next day with no one quite sure of its whereabouts.<sup>28</sup>

One can conclude that it was the police who opened fire and it was the police who caused the largest part of the death and injury. The reasons for the deaths of the seven police officers were adequately established with the exception of Officer Degan. When the bomb exploded, Degan was hit with a large piece of shrapnel that caused him to bleed to death shortly after the riot. Of the seven officers felled at the Haymarket, medical personnel could only establish that Degan was killed exclusively by bomb

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<sup>27</sup> Avrich, 209.

<sup>28</sup> Ibid, 208-209.

fragments.<sup>29</sup> Since Degan was the only officer to die as a direct result of the bomb, his death was the only one the anarchists were charged with.

In addition to the injured police officers, many civilians also were killed or injured at Haymarket Square. The number of civilians killed was never established by officials, although Captain Michael J. Schaack said he felt the number of civilians killed or wounded was, "...in excess of that on the side of the police."<sup>30</sup> The response of the police was panic and outrage when the bomb exploded. Lieutenant James Bowler instructed his men to, "Fire and kill all you can."<sup>31</sup> In addition, Avrigh reports that witnesses claimed they saw Inspector Bonfield empty one revolver wildly into the crowd, then take another gun from a fallen officer and resume his firing.<sup>32</sup>

This brings up the question of blame for the entire incident. The question of the likelihood of a conspiracy that included the eight defendants will be discussed later, for now the question of general blame for the violence that occurred will be addressed. The majority of responsibility undoubtedly lay with the unidentified bombthrower. This

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<sup>29</sup> Although the report was that Mathias J. Degan was killed exclusively by bomb fragments, Paul Avrigh points out that one medical examiner reported that Degan also suffered from bullet wounds. This is obviously troubling to Avrigh as he questions how Degan could have suffered bullet wounds if he was immediately struck down by fragments from the bomb. Regardless, it was reported that Degan's death was caused exclusively by the bomb and the search began for the man's murderer.

<sup>30</sup> Schaack, 155.

<sup>31</sup> George McLean, *Rise and Fall of Anarchy in America* (Chicago: R. G. Badoux and Company, 1888), 18.

<sup>32</sup> Avrigh, 209.

person made the conscious decision to throw a dynamite bomb. The weapon was then brought to the meeting to be used for just that purpose. The perpetrator then made the conscious decision to light the fuse on the bomb and heave it into the ranks of police.

However, under exactly what circumstances did the bombthrower intend to use his deadly weapon? One would assume that had the police not arrived on the evening of May forth, the bombthrower would not have thrown his explosive into the rapidly decreasing number of people attending the meeting. Given this assumption, one must question whether or not it was necessary for Inspector Bonfield to send in his officers to break up this meeting. Indeed, the vast majority of opinions and testimony point to a peaceful meeting that would have concluded on its own had the police not appeared at the Haymarket.

Certainly, some blame for the incident must also lay with Inspector John Bonfield. He organized the contingent of police at the Desplaines Street Station and even after Mayor Harrison told him the Haymarket meeting was peaceful, he hurried his officers into the square to break up the meeting. Indeed, some responsibility lies with the Inspector. As obvious a choice as Inspector Bonfield appears, several of the actual defendants viewed him as a mere patsy or scapegoat. Their conclusion was that higher authorities instructed him to strike a blow against the workingman.

Several of the anarchists argued a conspiracy theory of their own: that the capitalist businessmen and police were working together and waiting for an opportunity to present itself at the Haymarket. According to this theory, the throwing of the bomb simply enhanced the effectiveness of the their plan as anarchists and labor unions could conveniently be blamed for the deaths at the meeting. Albert Parsons argued that Bonfield only, "...obeyed what he knew to be the express desire of his masters, the money kings, who want to suppress free speech, free press, and the right of workingmen to assemble to discuss their grievances."<sup>33</sup> Although Parsons and several of his colleagues believed Bonfield was instructed to break up the meeting to strike a blow at the labor movement, no evidence to these ends was ever produced.

It is certain that without police presence, the bombthrower would not have had a target at which to throw his bomb. Inspector John Bonfield made the decision to send his officers to the quickly ending meeting. Had the crowd actually reached the point where it was necessary for the police demand that it end at once? By virtually all accounts the meeting was peaceable and in the process of breaking up on its own. Perhaps the most noteworthy statement of the meeting's composure was that of Mayor Carter H. Harrison. Chicago's mayor had a reputation as a honorable and fair civil servant. He was very popular.<sup>34</sup> Harrison testified that

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<sup>33</sup> *Autobiographies of the Haymarket Martyrs*, 51-52. Statements such as this are echoed throughout the several autobiographies of the anarchists.

<sup>34</sup> Avrich, 211.

he arrived at the Haymarket before the meeting began and stayed until between 10:00 and 10:15 P.M. When asked as to the tone of the speeches said, "With the exception of an earlier part of Mr. Spies address...it was such that I remarked to Captain Bonfield that it was tame."<sup>35</sup> He went on to explain under oath that he heard no "...suggestion made...toward the immediate use of force or violence toward any person," and that when he left the meeting it appeared that Samuel Fielden was preparing to close his speech.<sup>36</sup>

Although the anarchists had no worse enemy following the riot, even some newspaper accounts pointed to inappropriate police action and especially to Inspector John Bonfield. Perhaps most striking is that it was an unknown police official who remarked, "There was a blunder on the part of the man who commanded the police on the night of the Haymarket murders, or this fearful slaughter would not have occurred. Bonfield made the blunder, and he is held responsible for its effects by every man injured there."<sup>37</sup>

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<sup>35</sup> Lum, 30

<sup>36</sup> Ibid.

<sup>37</sup> *Chicago Tribune*, June 27, 1886.

## II. The Press, The Police, and The Prosecution Prepare Their Cases

News of what had happened at the Haymarket immediately provoked panic and hysteria in Chicago as well as throughout the nation. The nation's largest newspaper, *The New York Times*, quickly passed judgment on the anarchists as its front page referred to, "Anarchy's Red Hand" striking in Chicago.<sup>1</sup> Chicagoans were terrified that the Haymarket bomb was only the first of many that the horrible anarchists planned to throw. Rumors that the anarchists had planted bombs elsewhere and planned to overthrow the law engulfed the city. A fear of subversion, and radicalism, in general swept through the population without regard for class, status, or social position. Businessmen and workers alike condemned the anarchists for what had happened and began demanding justice. Individuals who had been suspicious of anarchists erupted with fury and demanded revenge. The cry for arrests came from all circles of society. According to Avrich, "Both press and pulpit, the leading molders of public opinion, fanned the terror aroused by the explosion. Clergymen in Sunday sermons...condemned the evils of anarchism, and exhorted their parishioners to combat subversion with every

<sup>1</sup> *New York Times*, May 5, 1886.



means at their command."<sup>2</sup>

To worsen things for the anarchists all but Parsons were immigrants, and spoke only broken English. Few natural born Americans could identify with them. The public's fear and hysteria led to a demand for a quick apprehension of the culprit or culprits. This fear and hysteria was at least partially caused, and certainly fueled by, a frenzied and one-sided press that sent out the call for revenge the day after the explosion. Local newspapers in Chicago lost no time in passing judgment. News accounts of the riot were so tainted it became impossible to distinguish fact from fiction and reports from editorials. The *Chicago Times*, on May 6, 1886, described anarchists and especially those present at Haymarket Square as, "...arch counselors of riot, pillage, incendiarism and murder."<sup>3</sup> While the *Times* accused the anarchists of the crime, *The Chicago Tribune* attacked what it saw as excessive liberties given the anarchists in the past. It argued that the anarchists' seditious speeches had enjoyed the "sunshine of toleration" which had made them "emboldened to strike at society, law, order and government."<sup>4</sup>

The condemnations were not limited to printed words only. Just over a week after the bombing, *Harper's Weekly* ran a double-page illustration of a fiendish-looking Samuel Fielden presiding over a crazed group of workers firing directly into defenseless police officers precisely as the

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<sup>2</sup> Avrich, 216.

<sup>3</sup> *Chicago Times*, May 6, 1886.

<sup>4</sup> *Chicago Tribune*, May 6, 1886.

bomb exploded.<sup>5</sup> Never mind that Fielden had complied with Captain Ward's request to step down from the wagon and that the police fired first. Perhaps the *Chicago Inter Ocean* summarized the overall view newspapers around the country would take when it printed the following excerpt the day after the bomb exploded.

The anarchists of Chicago inaugurated in earnest last night the reign of lawlessness which they have threatened and endeavored to incite for years. They threw a bomb into the midst of a line of 200 police officers, and it exploded with fearful effect, mowing down men like cattle. Almost before the missile of death had exploded the anarchists directed a murderous fire from revolvers upon the police as if their action were prearranged, and as the latter were hemmed in on every side--ambuscaded--the effect of the fire upon the ranks of the officers was fearful...The collision between the police and the anarchists was brought about by the leaders endeavoring to incite a large mass-meeting to riot and bloodshed.<sup>6</sup>

This was the information given to the public during the days and weeks following the Haymarket riot. The press, calling for sacrificial lambs, sent out a cry to the public and the police. Novelist Robert Herrick commented, "From what the papers said you might think there was an anarchist or two skulking in every alley in Chicago with a basket of bombs under his arm."<sup>7</sup> It was in this atmosphere that the search for those responsible for the bombing began. Both the press and the public demanded that someone (my emphasis) must be brought to justice.

<sup>5</sup> *Harper's Weekly*, May 15 1886.

<sup>6</sup> *Chicago Inter Ocean*, May 5, 1886.

<sup>7</sup> Robert Herrick, *Memoirs of an American Citizen* (New York: The MacMillan Company, 1905), p. 66.

The search for the actual bombthrower proved to be fruitless. That the police never found the actual man who committed the crime proved to be of little consequence in the long run, however. The search for *anyone* (my emphasis) connected with the bombing began the next day. Historian, Henry David, wrote, "For what it (The Chicago Police Department) lacked in intelligence and skill it attempted to compensate for by a raging fury of activity."<sup>8</sup> Only the slightest suspicion was necessary for one to not only be questioned by police, but to be searched, interrogated, and likely, to spend some time in jail. Julius S. Grinnell, Cook County State's Attorney, told the police, "Make the raids first and look up the law afterward."<sup>9</sup> In time over fifty anarchist union halls and meeting places were raided, most without warrants. In addition, over two hundred individuals were taken to Chicago police stations for questioning and interrogations. Many of which were rumored to be exceedingly violent and outside the law.<sup>10</sup>

The leader of the police raids following the incident was Captain Michael J. Schaack, an officer known more for his energy for self-promotion and love of the spotlight than for his desire for justice.<sup>11</sup> He ordered raids against halls and households, demanding that even the slightest material discovered be paraded in the press with his name in tribute.

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<sup>8</sup> David, 221.

<sup>9</sup> *Chicago Times*, May 6, 1886.

<sup>10</sup> *Chicago Tribune*, May 6-7, 1886.

<sup>11</sup> David, 221-223.

Even after the hysteria began to subside, Schaack attempted to revive it by fabricating evidence and information. He did this so vigorously that his superior officer had to intervene to stop him. Police Chief Frederick Ebersold commented:

Captain Schaack wanted to keep things stirring. He wanted bombs to be found here, there, all around, everywhere. After we got the anarchist societies broken up, Schaack wanted to send out men to organize new societies right away...He wanted to keep the thing boiling, keep himself prominent before the public...After I heard all that, I began to think there was perhaps not so much to all this anarchist business as they claimed, and I believe I was right.<sup>12</sup>

The day after the bombing, the first arrests were made. August Spies, Adolph Fischer, and Michael Schwab went to work at the offices of the *Arbeiter-Zeitung* as they did every day. On May fifth, however, they were met by police officers who searched them without warrant, arrested them, took them to the Central Police Station, and held them without charge. The police were under the direction of James Bonfield, brother of Inspector John Bonfield. After taking August Spies into custody he commented, "I took Spies's keys out of his pocket, everything I found, little slips of paper etc. I literally went through him. I had no warrant for anything of that kind."<sup>13</sup>

Of all those who were formally indicted and put on trial, none had less evidence against him than Oscar Neebe. Not present at the Haymarket the night before, and only an

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<sup>12</sup> *Chicago Daily News*, May 10, 1889.

<sup>13</sup> Lum, p. 29.

informal acquaintance with Spies, Fielden, and Schwab, on the morning of the fifth he went to the offices of the *Arbeiter-Zeitung* without any knowledge of what had happened at the Haymarket. His intention was simply to purchase a copy of the newspaper. Initially, the police only questioned him, then left. Later that day, they returned with orders to shut down the newspaper, search the entire premises (without warrant of course), and arrest everyone there. Unfortunately for Oscar Neebe, he returned to the office to enquire as to what had happened the night before at the Haymarket. The phrase "at the wrong place, at the wrong time" has never known a more appropriate usage.

If Neebe was at the wrong place, then Samuel Fielden, the speaker at the Haymarket when the police arrived, truly believed it did not matter where he was when the police came calling. He simply stayed at home and waited for them. He was arrested on the morning of May sixth. He, and his home, were both searched without warrant. The police then held him at the station without informing him of any charges. When officers told Police Chief Ebersold that Fielden had been wounded at the Haymarket he pointed to the man's head and remarked "Damn your soul, it ought to have gone here."<sup>14</sup> Later in the day Fielden asked if his bullet wound could be redressed and an officer remarked, "We ought to put strychnine in it."<sup>15</sup>

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<sup>14</sup> *Famous Speeches of the Eight Chicago Anarchists in Court*, 59.

<sup>15</sup> *Ibid.*, 60.

George Engel, like some of his fellow defendants, was not even in attendance at the Haymarket; moreover, he had a solid alibi. During the Haymarket meeting, Engel had been at home playing cards with several friends when another friend, Gottfried Waller, burst in and informed them of what had happened, arguing they should go to the Haymarket and do something. Engel, as surprised as anyone, actually responded that this was a stupid thing for someone to do and tried to calm his friend.<sup>16</sup> On May sixth, however, the police took him into custody, as well as what would become an important piece of evidence for the prosecution in the trial. Found in Engel's basement was a "portable furnace made of galvanized iron" for the purpose of making bombs.<sup>17</sup> Engel attempted to explain the presence of this device by telling the story of an unknown stranger who left it with his wife and said he would be back for it in a few days. The man never returned. As unlikely as the story was, experts later testified that the device had never been used.

The only defendant that offered the police any resistance to arrest was Louis Lingg, the youngest of the men to stand trial. A true radical, Lingg did nothing before, during, or after the trial to help his cause in any way. A self-proclaimed bombmaker, Lingg did not attend the Haymarket meeting, but spent May forth making bombs with his house mate William Selinger. On the sixth the police went to their home

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<sup>16</sup> *Autobiographies of the Haymarket Martyrs*, 97.

<sup>17</sup> *Chicago Times*, May 7, 1886.

and arrested Selinger. Lingg was not there and upon searching the contents of his room they found a gun, bomb, and many incriminating anarchist papers. The young anarchist had gone into hiding at the residence of another friend. Unfortunately for him, the police learned of his whereabouts and sent an officer to take him into custody. The officer gained access to the home by telling the woman who answered the door that he was a friend of Lingg's who needed to see him. The woman sent him right to Lingg's room where a struggle between the two men took place.<sup>18</sup> Upon hearing the fight, another police officer hurried in to help Schuettler subdue Lingg.

Newspapers sang the praises of the police for the series of arrests that included dozens more than the eight that would eventually stand trial. Meanwhile, the police, the State's Attorney, and the coroner were also working diligently behind the scenes. The coroner quickly found that Officer Degan had died of wounds caused by bomb fragments, and on the fifth of May the coroner's jury held an inquest and charged all the prisoners in custody at that time with his murder.<sup>19</sup> The obvious problem, however, was that the bombthrower had not been identified. This was a problem that Julius Grinnell, the State's Attorney in charge of the prosecution, would argue away during the trial with the help of Judge Joseph Gary.

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<sup>18</sup> Lingg was a quite a large strong man, hence, expecting a possible confrontation, the police were led by Hermann Schuettler, an officer known as physical intimidator.

<sup>19</sup> *Chicago Tribune*, May 6, 1886.

Perhaps one of the most pondered questions circulating Chicago in the weeks following the Haymarket riot was who would defend the hated anarchists. "It was disturbingly apparent from the outset that it would involve a thankless and difficult task."<sup>20</sup> Win the case, and live the rest of one's life as the unscrupulous lawyer who had the anarchist enemies of law and order set free to pillage Chicago once again. Lose the case, and forever be known as the desperate defense attorney eternally associated with anarchy and radicalism.

To make matters worse, the defendants had virtually no money for legal fees. Ernst Schmidt, an acquaintance of several of the defendants, took charge of organizing a Defense Committee to raise money for legal counsel. Without the backing of any big businessmen, who obviously favored the prosecution, the committee relied on small monetary donations, mostly from individuals and labor unions. Eventually, a total sum of approximately \$40,000 was collected by the committee to pay what Sigmund Zeisler called very "moderate fees" for a case of the magnitude of the Haymarket Trial.<sup>21</sup>

Perhaps the only groups of citizens willing to rally behind the anarchists were members of the working class and Chicago labor unions. Indeed, the anarchists called for the Haymarket meeting to protest the May third killings and the

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<sup>20</sup> David, 227.

<sup>21</sup> Zeisler, *Reminiscences of the Anarchist Case*, 18.



general mistreatment of the working class. With this in mind the Central Labor Union of Chicago retained its attorney Moses Solomon, as well as his legal assistant Sigmund Zeisler to represent the eight defendants. However, both men, although legally qualified, were too young and inexperienced to take on a case of this publicity and magnitude. Given their inexperience, both agreed to seek out an older and more experienced attorney to head up the defense team. This, in itself, was a formidable task. Time and again, Solomon and Zeisler were turned down by leading Chicago defense attorneys. Finally, they convinced William Perkins Black, a forty-four year old corporate attorney known as much for his heroics as a Captain in the Civil War as his keen legal mind.<sup>22</sup>

When Black initially asked his wife's opinion on taking the case, Hortensia Black replied, "Are you willing to sacrifice all life's prospects to serve justice? Will you lay down all life's ambition rather than sacrifice these eight men?"<sup>23</sup> After much consideration Black concluded, much to his wife's dismay no doubt, "I must take it. I can do no otherwise, God helping me. A great wrong has been done. I must do all I can to right it."<sup>24</sup> Before he accepted, he asked for a few days to secure an assistant who had worked more cases involving the defense of men accused of serious

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<sup>22</sup> Due to his well-known status as a Civil War veteran, William Perkins Black was known throughout Chicago as Captain Black. He will be referred to as such in this work.

<sup>23</sup> Hortensia M. Black, "Capt. William P. Black," *Social Science*, October 12, 1887. in Avrich, 251.

<sup>24</sup> Zeisler, 18.

crimes. Black convinced William A. Foster, a defense attorney recently arrived in Chicago from Iowa, to assist Solomon, Zeisler and him in the case.

Captain Black, who headed the defense, and William Foster joined Moses Solomon and Sigmund Zeisler on the defense team in the midst of the Grand Jury hearing. The hearing was held in the courtroom of Judge John G. Rogers, who remarked to the courtroom that, "Anarchism should be suppressed!"<sup>25</sup> Although Solomon and Zeisler argued that the members of the Grand Jury were biased against the accused, Judge Rogers paid them no attention, and on May 25 a total of thirty-one men were indicted for charges ranging from the murder of Officer Mathias J. Degan to disturbing the peace. Only ten of the thirty-one were indicted for murder: August Spies, Michael Schwab, Albert R. Parsons, Louis Lingg, George Engel, Samuel Fielden, Adolph Fischer, Oscar Neebe, William Selinger, and Rudolph Schnaubelt. Of the ten men, however, two had fled the city and had not yet been located by the police, while another turned state's evidence. Rudolph Schnaubelt, considered by some to be the bombthrower, was never found.<sup>26</sup> William Selinger, formerly the house mate of Louis Lingg, turned state's evidence, and greatly damaged what chance they had for an acquittal. Albert R. Parsons, the only American-born anarchist, was nowhere to be found and

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<sup>25</sup> Lum, 48.

<sup>26</sup> It is believed that Schnaubelt fled the country and eventually lived out his life in Argentina when he learned that the police were looking for him. Although many people believed then, as well as now, that he was, indeed, the bombthrower, no proof has ever been offered. However, his quick departure of the United States certainly does not help his case.

was indicted by the grand jury in absentia.

The police had not seen nor heard from Albert Parsons since the night of the Haymarket explosion. The day after the bombing, he had been persuaded by his wife Lucy and other friends that he should leave town for his own safety. Parsons initially went and lived with a socialist friend, William Holmes, in Geneva, Wisconsin. It was there that he began to learn of the hysteria sweeping the city of Chicago and that he was a wanted man. As the police dragnet began to look outside Chicago for the fugitive, Parsons realized that staying with a known socialist such as Holmes was dangerous so he moved once again. This time he moved to Waukesha, Wisconsin to stay with another friend, Daniel Hoan, whose name did not circulate among the ranks of known socialists. As the trial approached, Parsons sent a letter to Captain Black via his wife Lucy in which he inquired as to whether it would aid his fellow anarchists' chances of an acquittal if he voluntarily turned himself in. He informed Black that if he deemed the surrender advantageous, he was prepared to come to Chicago and sit with the others.<sup>27</sup>

What a gesture! Had Parsons chosen, he could have remained in Wisconsin and followed the court proceedings in the newspaper and from letters from his wife and other friends. If apprehended at a later date, his chances of acquittal would surely have been better than his comrades in

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<sup>27</sup> Lucy Parsons, *Life of Albert R. Parsons* (Chicago: Socialistic Publishing Company, 1903), 169-171.

a separate trial after the hysteria of Chicago had subsided. Or, if Parsons had chosen, he could have quietly and simply contacted Lucy, left the country as Rudolph Schnaubelt had, and lived out the rest of his life in anonymity.<sup>28</sup>

On May 22, 1886 Lucy Parsons delivered her husband's letter to Captain Black. His immediate response was excitement, as he exclaimed to Lucy that Albert's surrender would immensely aid his case and the probability of an acquittal for the defendants. However, after further consideration, Black curbed his initial excitement and solemnly began to look at all the possible consequences of Parsons's surrender. Black conveyed these sentiments to Parsons in a return letter:

I tried to set before him fully the danger which confronted him in the event of his return, and the possibility of awful consequences, but in which I expressed the personal belief that we could satisfactorily establish his innocence, and therefore could secure his acquittal; that I believed the effect of his return and presence in the trial could not but be advantageous to his co-defendants. But I told him in effect that the responsibility of advising his return was one that I could not and would not take--I could only lay the case fully before him, and leave it to him to determine what action he would take.<sup>29</sup>

After Black sent this letter he met with his co-counsel. The other lawyers on the team were split in their opinions of the incredible risk Parsons would have to undertake. They pondered whether or not Parsons's life was worth the

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<sup>28</sup> Avrigh, 238-239.

<sup>29</sup> *Life of Albert R. Parsons*, 172.

increased chance for an acquittal? All finally agreed that Parsons had been given honest advice by Black and that the ultimate decision rested with him. Parsons said, "I could see that the ruling class were wild with rage and fear against labor organizations. Ample means were offered to me to carry me safely to distant parts of the earth."<sup>30</sup> Yet, Parsons chose to return to Chicago to stand trial with his fellow anarchists. "Parsons's decision to return displayed courage and unselfishness of a high order."<sup>31</sup> Although he would comment differently as the trial progressed, Parsons seemed confident that his innocence and lack of any knowledge of the bombing or bombthrower would appear evident in the trial. He remarked:

Knowing myself innocent of crime, I came forward and gave myself up for trial. I felt that it was my duty to take my chances with the rest of my comrades. I sought a fair and impartial trial before a jury of my peers, and knew that before any fair-minded jury I could with little difficulty be cleared.<sup>32</sup>

In that final statement, however, lay Parsons's mistake. Indeed, any fair-minded jury or in any fair courtroom he and the seven others on trial perhaps may have been acquitted. How was Parsons to know that not only would he face a biased and impassioned jury, but also a trial judge that would grant the prosecution incredibly wide latitude in the trial.

On June 19, 1886 Parsons had a letter delivered to

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<sup>30</sup> *Autobiographies of the Haymarket Martyrs*, 49.

<sup>31</sup> Avrich, 256.

<sup>32</sup> Albert R. Parsons, *Anarchism: Its Philosophy and Scientific Basis as Defined by Some of its Apostles* ed. Lucy Parsons. (Chicago: Mrs. A. R. Parsons, 1887), 183-184.

Captain Black informing him that he would meet him on the twenty-first of May at the Michigan Street entrance to the Chicago Criminal Court building.<sup>33</sup> In a separate arrangement Parsons had his friend Daniel Hoan inform the other defendants of his arrival for trial.

When Parsons arrived at the courthouse, Black greeted him and they walked up the steps and into the building. As they entered the courtroom of Judge Joseph Easton Gary, several people in the crowd recognized Parsons and a stir circulated the room. The commotion soon caused State's Attorney Julius Grinnell to leap out of his chair and shout to Judge Gary, "Your honor, I see Albert Parsons in the courtroom...I move that he be placed in the custody of the sheriff." To this outcry, Parsons responded to the court, "I present myself for trial with my comrades, your honor."<sup>34</sup> Parsons entered a plea of not guilty and Judge Gary ordered him to take a seat with the other seven defendants. After dramatically bowing to the crowd of reporters present and exchanging greetings with his fellow anarchists, Parsons was seated and prepared himself for trial.

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<sup>33</sup> June 21, 1886 was the day that jury selection was scheduled to begin. The trial ran from June 21 until the final verdict was rendered on August 20, 1886.

<sup>34</sup> Zeisler, 22.

### III. Judge Gary and Jury Selection

The Chicago newspapers, as well as those throughout the country, had already convicted the anarchists in print. One could not have lived in Chicago and not read or heard about the ensuing trial. Given this attitude against the anarchists in the summer of 1886, perhaps it would have been impossible to secure a completely impartial jury. Even before the Haymarket riot the American public had a general disgust towards immigrants and radicals in particular.<sup>1</sup> Then, after May 4, local and national newspapers told the public that the anarchists' threats had finally come true, and for Chicagoans, in their own back yard. Word spread throughout the city like a fire out of control. The role of the fiendish anarchists was exaggerated time and again to the point where it was impossible to fill a jury pool that was not tainted from man to man. Given this state of affairs, it would take a monumental effort by a judge of the highest morals and abilities to give the anarchists a chance for justice. Instead, the defense got the opposite: Judge Joseph Easton Gary.

The trial was undoubtedly one of the grossest travesties of justice the American judicial system has ever seen. Judge

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<sup>1</sup> Seven of the eight defendants were foreign born with the only exception being Parsons.

Gary had a reputation for being a firm, but fair, judge. Prior to the trial, even Defense Attorney Sigmund Zeisler thought Gary, "...learned, wise and upright...a very able, keen lawyer and a fine judge."<sup>2</sup> However, no one would have known this from the manner in which he ran his courtroom in the summer of 1886. For some unknown reason, he departed from his former judicious ways. Judge Gary's bias dominated the courtroom from the jury selection through the trial to his charge to the jury prior to deliberations. Every motion and objection by the prosecution was upheld, while the defense encountered the opposite. Gary treated the prosecution as if they were on some noble crusade, while he acted uninterested in the defense arguments. He went so far as to make snide comments to the defense which served no purpose but to further taint what was already a biased jury. He allowed the prosecution to admit into evidence articles which did not pertain to the case and were intended to do little more than inflame the emotions of the jury. The defense was restricted in its testimony and questioning to exact matters that pertained only to the specific subject being discussed.

In contrast, the prosecution enjoyed an argumentative latitude that allowed it to delve into issues that only marginally pertained to the case. Finally, Judge Gary allowed friends, many of whom were his lady friends, to join him behind the bench to watch what he apparently considered

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<sup>2</sup> Zeisler, 19.



the festivities of an entertaining trial. Years later when reflecting upon the trial, Gary himself grudgingly admitted he should not have allowed his area, "...to be filled with spectators, mostly ladies."<sup>3</sup> Too little, too late aptly describes this comment, made in 1893, six years after four of the eight anarchists had been hanged and three others had spent six years in prison.

Judge Gary wasted no time in establishing his bias in the case of *The People of the State of Illinois vs. August Spies et al.* On the first day of the trial Defense Attorney William Foster moved that each of the defendants be allowed a separate trial. This was a fair request as even State's Attorney Julius S. Grinnell later admitted that the amount evidence and responsibility for the crime differed greatly from one defendant to another. Gary quickly and refused the motion. This allowed the prosecution to easily associate Louis Lingg's bombmaking with the other seven defendants. In addition, the inflammatory writing of August Spies could be associated with Oscar Neebe who had never written a published article in his life.

After ruling against separate trials, Judge Gary ordered that jury selection begin immediately. This proved to be one of the most difficult and frustrating portions of the trial for both the defense and the prosecution. Although the Illinois State Supreme Court would clarify its definition of

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<sup>3</sup> Joseph E. Gary, "The Chicago Anarchists of 1886: The Crime, and the Trial, and the Punishment," in *The Century Magazine*, April 1893, p. 805.

a competent juror in 1893, Judge Gary's bias against the defendants was obvious.<sup>4</sup> It took a full twenty-one days in which 981 potential jurors were interviewed until a twelve member panel could be produced.<sup>5</sup> Gary's bias was apparent in two ways during the lengthy proceeding. First, he refused to dismiss blatantly biased potential jurors when the defense challenged them for cause. Illinois statute dictated that each of the eight defendants be allowed twenty peremptory challenges, giving the defense a total of 160.<sup>6</sup> When Judge Gary approved potential jurors who openly stated that they had already formed an opinion as to the guilt or innocence of the defendants, this forced the defense team to deplete its peremptory challenges at an alarmingly high rate. Once their peremptory challenges were exhausted, the defense would be at the mercy of jurors virtually handpicked by the prosecution.

Second, Judge Gary used an unheard of method for jury selection. Normally, potential jurors were selected by a random drawing. However, in this case the names of potential jurors were handpicked by bailiff Henry Ryce. In a manner strikingly similar to a presidential appointment, Ryce was nominated by State's Attorney Grinnell and confirmed by Judge Gary. Six years later Illinois Governor John Peter Altgeld

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<sup>4</sup> For information on how the State Supreme Court clarified the definition of a competent juror, see pp. 93-94.

<sup>5</sup> David, 238.

<sup>6</sup> A peremptory challenge is the method by which the defense or prosecution can remove a potential juror from the jury pool for whatever reason it chooses, or for no reason at all. However, if it feels that a potential juror is biased or for some other good reason unfit for service the defense or prosecution will first challenge the juror for cause. If the judge in the case agrees that there is good cause for that person not to serve on the jury, the judge then removes the potential juror himself, thus saving the defense or prosecution a peremptory challenge.

noted, "...Ryce was summoning only prejudiced men, as shown by their examinations, further: That he was confining himself to particular classes, i.e. clerks, merchants, manufacturers, etc."<sup>7</sup> After the trial was concluded, Otis Favor, who was interviewed as a potential juror, filed an affidavit in which he testified that Ryce commented to him during the trial, "I am managing this case and know what I am about. These fellows are going to be hanged as certain as death. I am calling such men as the prosecution wants."<sup>8</sup> When one examines the questioning of the potential jurors in the case, the startling bias of both Judge Gary and bailiff Ryce is evident as the following record shows.

When potential juror H. F. Chandler came into the courtroom for his interview, his bias was obvious from the start. He testified that he had a strong prejudice against anarchists, socialists, and communists. When the defense asked if this prejudice would influence his ability to impartially try the case, Judge Gary overruled the question. Chandler also went on to reveal that he had read accounts of what had happened at the Haymarket, that he believed what he had read, and that he had already formed an opinion as to the guilt or innocence of the accused. The defense team pressed Chandler further, and asked, "Is that a decided opinion as to the guilt or innocence?"<sup>9</sup> To this he responded, "It is a

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<sup>7</sup> John Peter Altgeld, *Reasons for Pardoning Neebe, Fielden and Schwab* (Chicago: 1893), 7.

<sup>8</sup> *Ibid.*, 8.

<sup>9</sup> Lum, 53.

decided opinion; yes, sir."<sup>10</sup> The defense went on to question whether or not it would be hard for Chandler to change his opinion. He responded, "It might be hard; I can't say. I don't know whether it would be hard or not."<sup>11</sup> Plainly, Chandler had a strong bias against the defendants and he should have been dismissed from the jury by Gary. However, when the defense challenged Chandler for cause because he had already formed an opinion as to the guilt or innocence of the accused, Judge Gary responded:

It don't seem to me that it makes any difference in the competency of a juror whether he has simply *formed* an opinion, or *expressed* an opinion which he has formed. I don't see how it makes a particle of difference in state of mind.<sup>12</sup>

This statement, although typical for Judge Gary in this trial, went against virtually the legal precedent of the day. Even other judges and legal minds found this disturbing. Judge Samuel McConnell, a contemporary of Judge Gary in the Chicago courts, remarked that Gary's decisions during jury selection on challenges for cause were extremely rigid. McConnell wrote that the business of pronouncing fit for service potential jurors who had already formed an opinion as to the guilt or innocence of the accused, "...went against human experience."<sup>13</sup> Regardless, Gary's decision stood, which forced the defense team to waste a peremptory challenge to

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<sup>10</sup> Lum, 53.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid., 53-54.

<sup>13</sup> Samuel McConnell, "The Chicago Bomb Case : Personal Recollections of an American Tragedy" *Harper's Magazine* (May 1934), 733.

keep Chandler off the jury.

In another juror examination, James H. Walker explained that he was prejudiced against socialists, anarchists, and communists and that he had already formed an opinion as to the guilt or innocence of the defendants. When pressed further, the following occurred between Walker and the prosecution. Walker was asked whether or not his feelings towards socialists, anarchists, and communists and his preconceived opinion would influence his verdict. His reply was, "Well, I am willing to admit that my opinion would handicap my judgment, possibly. I feel that I could be governed by the testimony."<sup>14</sup> The prosecution then eagerly retorted, "Then your belief is you could listen to the testimony and other proof that might be introduced...and decide upon that alone, *uninfluenced* and *unbiased* by the opinion that you now have."<sup>15</sup> Walker immediately replied, "No, I don't say that."<sup>16</sup> He went to explain that, "I said I *would be handicapped*."<sup>17</sup> This type of exchange continued as the prosecution continued pressing Walker to say that he would not be handicapped by his prejudices and preconceived opinion. This badgering had its intended effect. Walker finally admitted that his judgment would only be a "little handicapped". Judge Gary interjected, "Well, that is a sufficient qualification for a juror in the case. Of course,

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<sup>14</sup> Lum, 57.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

the more a man feels that he is handicapped, the more he will be guarded against it."<sup>18</sup> After viewing first-hand Judge Gary's glaring bias against him and the other defendants, Albert Parsons slipped defense attorney Zeisler a note that said, "In taking a change of venue from Judge Rogers to Lord Jeffreys<sup>19</sup>, did not the defendants jump from the frying pan into the fire?"<sup>20</sup>

Perhaps prospective juror George N. Porter explained his bias in a more blunt manner than any of the others. Porter had already admitted that he was prejudiced against socialists, anarchists, and communists. He told the court that he had already formed an opinion as to the guilt or innocence of the accused. During a furious exchange with the prosecution Porter blurted out, "I believe what I have read in the papers--*believe that the parties are guilty.*"<sup>21</sup> Was this grounds to dismiss the potential juror for cause? Not in Judge Gary's court. In spite of the defense's efforts to have this potential juror removed for cause, Judge Gary pronounced him pronounced fit for service. Again, the defense had to waste another peremptory challenge.

In addition to these blatantly biased rulings, Gary refused a challenge for cause against a potential juror who was related to one of the dead police officers and outwardly said he was biased. Gary also found no reason that a man who

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<sup>18</sup> Lum, 57-59.

<sup>19</sup> Lord Jeffreys was the so-called "hanging judge" under kings Charles II and James II of England.

<sup>20</sup> Zeisler, 24.

<sup>21</sup> Lum, 55.

was friends with several top police officials should not serve on the jury. He also had no problem with a man who admitted that his bias was based upon information provided to him by police officers.<sup>22</sup>

When Judge Gary pronounced men such as these fit for service on the jury, he forced the defense to use its peremptory challenges at an alarmingly rapid rate. Given these circumstances, the defense had to pragmatically accept what appeared to be the least biased jurors. Sigmund Zeisler explained:

We realized it was idle to make the effort to get a truly impartial jury. Therefore, when, what happened rarely enough, there came a man who, though admittedly prejudiced, showed some degree of fairness and candor, we reluctantly accepted him after unsuccessfully challenging for cause and saved a peremptory challenge.<sup>23</sup>

The jury was sworn in on July 15, 1886. Although less biased and objectionable than those listed above, it was far from a impartial group and was far from a jury of the peers of the anarchists. All twelve of the jurors were middle class. None of them had expressed empathy for the cause of the labor movement or the eight hour workday. None were industrial workers and only one was not born in America. Although better than those removed by peremptory challenges in jury examination, these were still men, "whose sympathies and interests range them on the side of capital and

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<sup>22</sup> David, 34.

<sup>23</sup> Zeisler, 25.

privilege."<sup>24</sup>

Only two of the twelve men who decided the fate of the anarchists displayed no prejudice against the defendants. Scott G. Randall, a twenty-three year old salesman for J. C. Vaughan and Company, said nothing during his questioning that led the defense to suspect prejudice or bias.<sup>25</sup> Also, Frank S. Osborne, the thirty-nine year old jury foreman, said nothing objectionable during his examination.

The other ten men who decided the fate of the anarchists, however, were all in some way tainted against the defendants. James H. Cole was a fifty-three year old railroad contractor. During his examination he admitted that he was prejudiced against socialists, anarchists, and communists.<sup>26</sup>

John B. Greiner was twenty-five years of age and a stenographer in the freight department of the Chicago and Northwestern Railroad. Under questioning he testified that he already had formed an opinion as to the guilt of some of the defendants. He testified, "It is evident that the defendants are connected with it (The Haymarket bombing) from their being here, as far as that is concerned."<sup>27</sup>

Alanson H. Reed was a forty-nine year old owner of his own music business called Reed's Temple of Music. In his testimony he asserted that he too had already formed an

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<sup>24</sup> *Liberty*, September 18, 1886.

<sup>25</sup> Lum, 60.

<sup>26</sup> *Ibid.*, 60.

<sup>27</sup> *Ibid.*, 62-63.



opinion as to the guilt or innocence of at least some of the the accused based upon both newspaper articles and what he had heard from others. During questioning he also alluded to his prejudice against socialists, anarchists, and communists that he had derived from what he had read and heard about the May forth bombing.<sup>28</sup>

James H. Brayton, like most of the other jurors admitted that he had developed an opinion on the guilt or innocence of the defendants from newspaper articles. He was a principal at Webster Schools and was forty years old. He went so far as to tell the court that he had, at one time, taken some interest in socialism. He apparently did not find it appealing as he testified that his interest had led him to develop a prejudice against socialists, anarchists, and communists.<sup>29</sup>

Charles A. Ludwig was a twenty-seven year old book-keeper in the wood-mantel shop of C. L. Page and Company. During questioning he also admitted to having a prejudice against socialists, anarchists, and communists.<sup>30</sup>

Andrew Hamilton, the owner of a hardware store, expressed no prejudice against socialists, anarchists, or communists and said nothing of having formed a preconceived opinion as to the guilt or innocence of the defendants. However, in questioning he admitted that he had once said, "...somebody ought to be made an example of...and if it

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<sup>28</sup> Lum, 62.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid., 62.

should be proved that the defendants were the men whose names he saw in the papers...they should be made examples of."<sup>31</sup> Much to the dismay of the defense, the names of all eight of the defendants had, indeed, appeared in virtually every Chicago newspaper.

Charles B. Todd was forty-seven years old and employed as a salesman in the Putnam Clothing House. He said that he had read newspaper accounts of the Haymarket bombing and that he too had formed an opinion as to the guilt or innocence of the accused and had talked freely with others about his opinion.<sup>32</sup>

Howard T. Sanford, twenty-four, was the son of a lawyer who worked as the compiler of the Superior Court reports in New York. For several years he was employed as a petroleum broker and at the time of the trial he was a voucher clerk in the auditor's office of the Chicago and Northwestern Railroad. During examination he remarked that he had a prejudice against socialists, anarchists, and communists. He also admitted that he had read about the Haymarket bombing and had already formed an opinion as to the guilt or innocence of the defendants. However, Sanford was the last juror examined and the defense had exhausted all of its peremptory challenges. Consequently, after Judge Gary overruled the challenge for cause, the prosecution accepted him and Judge Gary swore him in as a competent juror.<sup>33</sup>

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<sup>31</sup> Lum, 62.

<sup>32</sup> Ibid., 61.

<sup>33</sup> Ibid., 64.

Prior to, and during the trial, the remaining two jurors seemed as biased as the previous ten. This, however, all changed after the trial had concluded and previously unknown information began to surface. Theodore E. Denker, twenty-seven, was a shipping clerk for H. H. King and Company and, like many of the other jurors, admitted that he had read about and heard people talk about the Haymarket bombing and those allegedly responsible. Like the others, he further admitted that he had already formed an opinion as to the guilt or innocence of the defendants and that it was still his opinion at the time of jury selection. In cross examination he also admitted that he believed his preconceived opinion would prevent him from rendering an impartial verdict. The defense immediately challenged him for cause, which Judge Gary over-ruled. Indeed, nothing here seems terribly dissimilar from the testimony delivered by the other jurors. However, after the jury delivered its verdict and the sentences were passed down, the defense filed a motion for a new trial. Included as support for a retrial were affidavits filed by Thomas J. Morgan<sup>34</sup> and Thomas S. Morgan who stated that before the trial began, Denker, referring to August Spies and the other defendants, told them that, "He and the whole damned crowd ought to be hung!"<sup>35</sup> Of course, Theodore Denker denied making the remark although it is indisputedly consistent with the preconceived opinion that

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<sup>34</sup> Dyer Lum points out that Thomas J. Morgan was a well-known "antagonist of Anarchy and Anarchists".

<sup>35</sup> Lum, 60-61.

he admitted to having and expressing to others. The defense's motion for a new trial was declined by Judge Gary who dismissed their claim that Theodore Denker, given the two affidavits, was biased against the defendants.<sup>36</sup>

The final juror was George W. Adams, twenty-seven, a commercial agent for George W. Pitkin and Company. When questioned by the prosecution, Adams claimed that he had not formed any opinion as to the guilt or innocence of the defendants. Then, during questioning by the defense, he reversed himself and said he had formed an opinion, but that it was not a strong one. However, just as in the case of juror Denker, during its motion for a new trial the defense presented an affidavit to the contrary. Michael Cull signed an affidavit in which he stated that shortly after the Haymarket incident he was speaking with George Adams and several other people. Cull remarked that, "The police had no right to interfere with the meeting; that if they, the police, had let the meeting alone they would have gone home in a short while."<sup>37</sup> To this statement, Adams interjected that the police should have shot them all down and that defendants had no rights in this country.<sup>38</sup> He went on to remark, "...if I was on the jury I would hang all the damned buggars!"<sup>39</sup> Conveniently, Adams got his wish.

These were the twelve men who decided the fate of the

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<sup>36</sup> Lum, 60.

<sup>37</sup> Ibid., 63.

<sup>38</sup> This is an obvious reference to the fact that so many of the defendants were foreign-born.

<sup>39</sup> Lum, 63.

anarchists accused of the murder of Officer Mathias Degan. With the exception of Randall and Osborne, the entire group was prejudiced against the defendants before the testimony ever began. The defense team had a monumental task before them. They had to convince at least one juror that their clients were not guilty. Captain Black and his associates soon found out, however, that their biggest obstacle would not be the evidence, but Judge Gary.

## IV. Grinnell Presents Three Theories of

### The Crime

The twelve jurors were sworn in and seated in the jury box on July 15, 1887. State's Attorney Julius S. Grinnell, a rising star in Illinois state politics, had the opportunity to attain heroic status if he could put an end to anarchy and radicalism in Chicago by convicting the defendants. In court, Grinnell went after the anarchists without regard for justice and more, perhaps, for the advancement of his own reputation and career. The State's Attorney changed his prosecutorial argument twice during the trial, he admitted into evidence exhibits that had nothing to do with the charge, and brought obviously perjured testimony into the courtroom. This prompted defendant Samuel Fielden to comment that it was sad how attorneys such as Grinnell, "...care little as to whether their suit is right or in the interest of justice and truth, so long as they can gain their case and make a reputation for themselves."<sup>1</sup> None of this, however, could have been accomplished without the assistance of Judge Gary, which Grinnell had from the outset of the trial

Despite Gary's aid, State's Attorney Grinnell still had the problem of proving that the defendants were responsible

<sup>1</sup> *The Famous Speeches of the Chicago Anarchists in Court*, 60.

for the murder of Officer Mathias J. Degan. Even he conceded that none of the eight on trial physically threw the bomb. Grinnell left nothing to chance. He argued three theories to the jury in order to convict the defendants. If the first theory proved deficient, he simply changed to the second. If it did not seem to be plausible, then Grinnell went to the third. These changes in theory would have never been possible without Judge Gary's consent. Grinnell's first theory was that several of the defendants actually aided the bombthrower in heaving his deadly weapon. When he could not prove this, he argued that there was a general conspiracy to overthrow the Chicago government hatched by several of the defendants. When this too proved deficient, Grinnell argued that the defendants' speeches and newspaper articles had influenced *someone* (my emphasis) to throw the Haymarket bomb.

State's Attorney Grinnell began the trial by attempting to prove that several of the defendants actually had a hand in hurling the bomb at the Haymarket. The obvious problem with this theory was the actual bombthrower was not one of the defendants. Someone had thrown the bomb, yet he was not on trial. The state therefore charged the anarchists as accomplices to a murder in which the actual perpetrator was unknown. To prove that some of the defendants worked with the bombthrower, Grinnell began by setting the scene on the night of May fourth and explaining why the police were needed on the night in question. The prosecution then produced two

witnesses who testified that they saw some of the defendants with the unknown and unidentified bombthrower at Haymarket Square.

Grinnell began his opening statement by arguing that the defendants had done all within their power at the Haymarket meeting to incite the crowd to violence and lure the police into their trap. He argued that far more than the mere eight men on trial should answer for the death of Officer Degan. Inspector Bonfield was portrayed as the hero. "In breaking up the meeting Inspector Bonfield did the wisest thing he could have done....The action was the wisest thing ever done in this city."<sup>2</sup> When the police ordered the crowd to disperse, as noted earlier, Samuel Fielden responded from the speakers' wagon, "We are peaceable". Grinnell contended:

At this remark, as though it was some secret signal, a man who had before been on the wagon, taking a bomb from his pocket, lit the fuse and threw it into the ranks of the police. Fielden...opened fire and kept it up for several minutes.<sup>3</sup>

In order to prove that at least some of the defendants conspired with the actual bombthrower Grinnell put two witnesses on the stand who claimed to have first-hand knowledge that Fielden's remark was a signal.

First called to the stand to substantiate this theory was Malvern M. Thompson. He testified that he saw August Spies step upon the speakers' wagon and call for Albert Parsons who had not yet arrived. From the speakers wagon,

<sup>2</sup> Lum, 67.

<sup>3</sup> Ibid., 67-68.



according to Thompson, Spies stepped down and he and Michael Schwab walked to the alley at Crane Brothers, near where the witness was standing.<sup>4</sup> He then testified that he heard the two anarchists talking about "pistols" and "police" and that when he stepped closer he overheard Spies say, "Do you think one is enough, or hadn't we better go and get more?"<sup>5</sup> At this point, the witness testified that Spies and Schwab walked around the Haymarket area so he followed them. As the two anarchists returned to the alley, Schwab allegedly said, "Now, if they come we will give it to them."<sup>6</sup> At this point, Thompson claimed a third man met with them who he said was not in the courtroom, but when shown a picture, identified the man as Rudolph Schnaubelt. The three men then "...bunched together...in a huddle and there was something passed between Spies and the third man."<sup>7</sup>

This certainly appeared to be quite damaging evidence against the accused and, had there been a shred of truth to it, would have fit Grinnell's theory that some of the defendants actually worked with the bombthrower at the Haymarket. However, during cross-examination Captain William Black showed the implausibility of such a story. First, the defense provided several reliable witnesses that stated Michael Schwab was only at the Haymarket for a few minutes and left before the meeting even started.<sup>8</sup> Second, Thompson

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<sup>4</sup> See Appendix C.

<sup>5</sup> Lum, 95.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Avrich, 269.

insisted, "The conversation between Spies and Schwab was in English.", and when questioned, he admitted, "I do not understand German."<sup>9</sup> This proved to be quite a problem for the prosecution as the defense quickly pointed out that Schwab, born in Germany, spoke only broken English and that when he and Spies did converse it was always in German. Unbelievably, Thompson had testified that he instinctively followed two strange Germans around Haymarket Square, listening to them casually discuss a conspiracy to lure the police into a trap and use pistols and explosives against them.<sup>10</sup> Yet, the witness simply stood by and watched all this happen. This story appeared unbelievable and its lack of credibility led, in part, to the first change in the prosecution's strategy.

The prosecution also called Harry L. Gilmer was to the stand to associate several of the defendants with the bombthrower. His testimony, had it proved believable, would have sealed the case against Spies and several of the other defendants. It is worth noting at length:

I was standing in the alley...Somebody in front of me, on the edge of the sidewalk, said, 'Here comes the police.' There was a sort of rush to see the police come up. There was a man who came from the wagon down to the parties that were standing on the south side of the alley; he lit a match and touched it off, something or another. The fuse commenced to fizzle, and he gave it a couple of steps forward and tossed it over into the street. I knew the man by sight who threw the fizzling thing into the street. I have seen him several times at meetings at one place and another in the city. I do not

<sup>9</sup> Lum, 96.

<sup>10</sup> Ibid.

know his name. He was a man about *five feet ten inches high*; somewhat full-chested, and had a light sandy beard, not very long; he was full-faced; his eyes somewhat back in his head; judging from his appearance he would probably weigh 180 pounds...This here is the man who threw the bomb out of the alley.<sup>11</sup> There were four or five standing together in the group. This here is the man who came from the wagon towards the group.<sup>12</sup> That man over there was one of the parties.<sup>1314</sup>

Gilmer witnessed everything that happened at the Haymarket! He watched Spies step down from the wagon, watched him walk over to Fischer and Schnaubelt, and watched Spies light the fuse of the bomb that Schnaubelt threw. He watched all this happen, and yet, never cried out at the Haymarket to warn the police or anyone else. He did, however, admit that he had, "...received some money two or three times from Detective Bonfield."<sup>15</sup> On this topic, in spite of its obvious relevance to Gilmer's credibility, Judge Gary overruled any further questions pertaining to his receiving money from the authorities. The witness's testimony was further impeached in cross examination when Captain Black produced ten witnesses, several of whom were large property owners and no friends of anarchy, who testified that Gilmer was a habitual liar and should not be believed under oath.

The defense also proved several errors in Gilmer's story. Four other witnesses testified that Fischer was at Zepf's Hall including the man he was sitting with at the time

<sup>11</sup> At this point Gilmer pointed to picture of Rudolph Schnaubelt that the prosecution had produced.

<sup>12</sup> Gilmer pointed to August Spies, seated in the courtroom.

<sup>13</sup> Gilmer pointed to Adolph Fischer, also seated in the courtroom.

<sup>14</sup> Lum, 99.

<sup>15</sup> Ibid., 98.

of the explosion. The combined testimony of policemen, reporters, and witnesses established that Spies was on the speakers' wagon when the bomb exploded and that it was not thrown from the alley, where Gilmer testified, but fifteen to twenty feet south of the alley entrance. Finally, Rudolph Schnaubelt was known to be six feet two or three inches tall, while Gilmer identified him as five feet ten.<sup>16</sup> Like Malvern Thompson's testimony, Gilmer was soundly contradicted and refuted by the defense in cross examination. Dyer Lum, who attended the trial and was the first to publish the testimony, aptly commented, "...so completely and overwhelmingly was Gilmer impeached, contradicted and discredited that the State did not ask a single instruction to the jury, based upon the belief by them that Schnaubelt threw the bomb."<sup>17</sup>

Indeed, with the exception of the questionable testimony of Malvern Thompson and Henry Gilmer, the theory that Schnaubelt threw the bomb with the help of Spies, Fielden, Schwab, and Fischer was not supported by any additional evidence. In fact, in the course of prosecutorial questioning and cross examination it was established that only Spies and Fielden were even at the Haymarket when the bomb exploded, and both of them were in plain view on the speakers' wagon. Fischer and Parsons were at Zepf's Hall, Engel and Neebe were at home, and Lingg and Schwab were at

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<sup>16</sup> Lum, 98-99. Avrigh, 269-271.

<sup>17</sup> Lum, 99.

other meetings miles away. In fact, Engel, Neebe, and Lingg were never at the Haymarket the entire day. Given this evidence, argued Captain Black, how could any of the defendants be found guilty of the murder of Officer Degan?

It was at this point that State's Attorney Grinnell moved to his second theory, that a conspiracy had been plotted the night before the bombing by the defendants at Grief's Hall. Judge Gary, of course, did not oppose this change in the prosecution's strategy. The main testimony used by Grinnell to support this theory was supplied by Gottfried Waller, Bernhard Schrade, and William Selinger. These three anarchists had all turned states' evidence in order to avoid prosecution.

Grinnell argued that after the shootings at McCormick's on the third, several of the defendants met at Grief's Hall to plan a conspiracy. "Fischer was there; Lingg was there; Engel was there... (Lingg) was the bomb-maker of the Anarchists, and we have found and traced to him at least twenty-two of these infernal machines."<sup>18</sup> Grinnell used Waller and Schrade to establish that Fischer and Engel were at Grief's Hall on the third and that there was talk of getting back at the police.<sup>19</sup> Selinger, who was not present at Grief's on the third, was Lingg's house mate and his testimony was

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<sup>18</sup> Schaack, 403.

<sup>19</sup> Despite Grinnell's accusation that Louis Lingg was at Grief's on the third, he most certainly was not. Both Waller and Schrade testified that, amongst the defendants, only Fischer and Engel were present. Only police captain Michael Schaack claimed that Lingg was present. Lingg himself testified that he was drinking beer at Zepf's Hall and this was corroborated by several other witnesses.

used to establish Lingg as a radical bombmaker and connect him with the Haymarket bomb. All three informers admitted to being paid some money by the police at one time or another and after the trial William Selinger and Godfried Waller and their families were sent back to Germany at police expense.<sup>20</sup>

Godfried Waller chaired the meeting at Grief's Hall and testified, "there were about seventy or eighty men. Of the defendants there were only present Engel and Fischer."<sup>21</sup> The only damaging testimony given by Waller included statements, "...there had been discussion as to why police stations should be attacked if the police proved the aggressors."<sup>22</sup> , and, "...if strikers were attacked we should strike down the police however we best could, with bombs or whatever would be at our disposition."<sup>23</sup> However, in cross-examination Waller stated that, "Nothing was said with reference to any action to be taken by us at the Haymarket...we did not think the police would come to the Haymarket; for this reason no preparations were made for meeting a police attack there."<sup>24</sup>

Bernard Schrade's testimony was quite similar to Waller's. "The discussion was, that *if* the police made an attack upon workingmen we would help the workingmen to resist it, and if the firemen helped, we would cut the hose."<sup>25</sup> Schrade made this comment in general, with no reference to

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<sup>20</sup> Avrich, 274.

<sup>21</sup> Lum, 68.

<sup>22</sup> Ibid., 69.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid., 70.

<sup>25</sup> Ibid., 72.

the Haymarket meeting. In cross-examination he stated, "Nothing was said about dynamite or bombs at any of the meetings. *Nothing* was said about a meeting at any particular night to throw bombs. It was *not* agreed to throw bombs at the Haymarket."<sup>26</sup> Thus, Schrade actually aided the defense by testifying that there was no mention at Grieffs Hall of throwing a bomb at the police on May forth or any other time.

Finally, William Selinger took the stand. Had he not turned state's evidence, he would have been sitting with the defendants on trial for the murder of Officer Degan.<sup>27</sup> He did not attend the May third meeting at Grieff's, but corroborated that Louis Lingg was a bombmaker. He testified that on May forth, the day of the Haymarket bombing, he, Lingg and three other men spent the day making bombs. He testified that Lingg, "...kept urging him to more diligence."<sup>28</sup> "There were thirty, or forty or fifty bombs made that afternoon, which Lingg declared were going to be good fodder for the capitalists and the police, when they came to protect the capitalists."<sup>29</sup> He further stated that later that day he and Lingg were walking past the Larrabee Street Police Station when Lingg commented, "...it might be a beautiful thing if we would walk over and throw one or two bombs into the station."<sup>30</sup> However, like Waller and Schrade, under cross-

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<sup>26</sup> Lum, 72.

<sup>27</sup> Godfried Waller and Bernard Schrade also turned state's evidence, but were not indicted for the murder of Degan. Both of them had turned state's evidence to receive immunity from a lesser charge.

<sup>28</sup> Lum, 79

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

examination Selinger stated that, "...nothing was said about when they wanted the bombs completed or ready."<sup>31</sup> Lingg never said anything to him about any specific time bombs were to be thrown and at no time did they discuss the Haymarket meeting in association with bombthrowing.

The testimony of the prosecution's witnesses who turned state's evidence backfired on them under cross-examination. All three testified that they had never heard of any specific plan to attack the police at the Haymarket, indeed, Waller testified that at the meeting at Grief's they never expected the police to come to the Haymarket. If there actually was a conspiracy to attack the police in the near future, the May forth bombing had nothing to do with it. Selinger's testimony regarding Lingg's bombmaking in no way connected any of Lingg's bombs to the one thrown at the Haymarket. Explosives experts, brought in by the prosecution, only stated that the bomb fragments from the Haymarket were *similar* (my emphasis) to the ones Lingg was in the habit of making. Further, the prosecution was forced to concede that there was a difference in the thickness of their shells.<sup>32</sup>

During the entire trial no evidence was ever presented that showed that any of the defendants had any knowledge that a bomb was to be thrown at the Haymarket, let alone that any of them had been involved in a conspiracy to engineer it. Nor was any evidence presented to suggest that any of the

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<sup>31</sup> Lum, 79.

<sup>32</sup> Avrich, 273.



defendants present at the Haymarket tried to lure the police into a trap by arousing the crowd to riot. Indeed, even Mayor Harrison described the nature of the speeches at the Haymarket to be, "tame."<sup>33</sup> Spies, Parsons, and Fielden had, for years, been delivering speeches and writing articles calling for the overthrow of capitalism and had done nothing differently during the days and weeks leading up to the Haymarket meeting to suggest that the revolution should begin on that day.

However, the inflammatory speeches and articles delivered by several of the anarchists proved to be the most useful weapons for the prosecution. After failing to prove that any of the anarchists had a hand in the throwing of the bomb or they conspired to attack the police at the Haymarket, the prosecution turned to its final theory. Grinnell argued that the bombthrower, whoever it was, was somehow influenced to throw his deadly weapon by the writings and/or speeches, of the defendants. To accomplish this, the prosecution introduced into evidence anything that could link the anarchists to radicalism, or more importantly, to infuriate the emotions of the jury. It quickly became obvious that the prosecution had another objective in mind. In addition to attempting to prove that the bombthrower was influenced by the anarchists, the prosecution was putting anarchism itself on trial.

Here is yet another point in the trial where any

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<sup>33</sup> Lum, 30.

impartial justice-seeking judge would have put a stop to the direction in which the prosecution was taking the trial. Judge Gary did the opposite. He not only allowed the prosecution to put the defendants on trial for simply being anarchists, but over the objections of the defense, he allowed Grinnell and his partners to bring into the courtroom evidence that was not connected to the murder of Officer Degan. To the charge of being radical anarchists who advocated the violent overthrow of the government, the defendants were, indeed, guilty. They had, for years, written articles, held rallies, and made speeches arguing against capitalism and for the violent overthrow of the existing system. The defense knew this, and feared that, if cornered, Grinnell would make this argument the cornerstone of his case. Grinnell had planted the seed for this argument early in the trial when he stated that the future of anarchy was on trial. Opening for the defense, Moses Solomon rebutted:

Mr. Grinnell said...that this is the trial of anarchy and of socialism. We have steadily refused...that any man on this jury will be willing to convict any of these defendants either because he may be an anarchist or a socialist.<sup>34</sup>

Solomon continued to try to focus the jury on what the defendants were actually on trial for. He held up a copy of the indictment and emphasized to the jury that, "...they are not charged with anarchy; they are not charged with

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<sup>34</sup> Lum, 103.

socialism...The charge here is shown by this indictment. This is the accusation."<sup>35</sup> Unfortunately, given the jury's bias, Solomon was, perhaps, speaking to deaf ears.

Still, to prove that the defendants' writings or speeches influenced the bombthrower, the prosecution had to prove that the man who threw the bomb had been exposed to the teachings of the anarchists. Since he was never identified, let alone apprehended, this was impossible. Yet, this was the argument the prosecution resorted to. The reason for this argument was obvious. By arguing that the bombthrower was influenced by the speeches and writings of the defendants, Grinnell had to expose the jury to these speeches and writings. This argument was his way to introduce into evidence items that would inflame the prejudices and passions of an already biased jury.

Grinnell began by introducing articles from anarchist newspapers *The Alarm*, and *The Arbeiter-Zeitung*, The IWPA Platform, excerpts from speeches delivered by the defendants, the "Revenge Circular", and other pieces of evidence that did, indeed, prove that the defendants were radical anarchists who advocated the overthrow of the government. None of this, however, linked any of the defendants to the murder of Officer Degan. Nor could it be proved that the bombthrower had been exposed to any of it.

For example, the March 19, 1886 edition of the *Arbeiter-Zeitung* was presented verbatim to the jury. As Grinnell

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<sup>35</sup> Lum, 104.

began to read it, the defense furiously objected since this newspaper did not have any relevance to the murder of Officer Degan. The objection was brushed aside by Judge Gary and Grinnell continued reading, "If we do not soon bestir ourselves for a bloody revolution we cannot leave anything to our children but poverty and slavery. Therefore prepare yourselves in all quietness for the revolution."<sup>36</sup>

The April 18, 1885 edition of *The Alarm* contained this disturbing article. "Assassination will remove evil from the face of the earth...Assassination properly applied is wise, just, humane and brave. For freedom, all things are just."<sup>37</sup> Although quite offensive and incriminating, it could not be proved that the Haymarket bomber had read it. The purpose of this article was obvious. It was meant not so much to incriminate the accused, but to offend and disturb the jury.

In addition to the volumes of newspaper articles introduced by the prosecution, they also produced witnesses to testify as to the content of speeches delivered by the defendants. Lawrence Hardy testified that on March 12, 1886 during a meeting of ex-employees from the McCormick's Harvester Works Company, Samuel Fielden made these remarks:

We are told that we must attain our ends and aims by obeying law and order. Damn law and order! We have obeyed law and order long enough. The time has come for you, men, to strangle the law, or the law will strangle you. What you should do is organize and march up the Black road and take possession of McCormick's factory;

<sup>36</sup> George Hunt and Julius S. Grinnell, *Brief on the Facts for the Defendants in Error* (Chicago: Barnard and Gunthorp, 1887) 43.

<sup>37</sup>Hunt and Grinnell, 28.

it belongs to you; not him. You made it; he did not.<sup>38</sup> Again, although this proved that Samuel Fielden was, indeed, a radical who preached violence and, in this case, an attack on a former employer, it says nothing of the bombthrower. Nobody knows whether or not the bombthrower ever heard this speech or if he had heard of Samuel Fielden.

The prosecution presented to the jury both the English and German versions of the "Revenge Circular" and the Meeting Handbill distributed around the city the day of the Haymarket meeting. Indeed, both called for "Workingmen, to Arms" and to "Appear in Full Force"<sup>39</sup> It seemed quite possible that the bombthrower did read at least one of the handouts. The unknown assailant had to have gained knowledge of the time and place of the meeting somehow. Yet, how was one to deduce that it inspired him to bring an explosive device to the meeting and hurl it into the police that he certainly had no idea would be there? The prosecution argued that these two handouts heightened the anger of the strikers and prepared them to attack the police. Yet, when one compares the content of the two handouts to the content of newspaper articles and speeches the anarchists had given for years, one finds little or no difference. The two handouts were in complete consistency with their past doctrines. All of these items Judge Gary admitted into evidence even though none could be directly linked to Degan's death.

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<sup>38</sup> Hunt and Grinnell, 49-50.

<sup>39</sup> See Appendices A and B.

Perhaps most appalling was the physical evidence that Gary allowed the prosecution to put on display. After refusing an obviously proper objection, he allowed Grinnell and his associates to lay before the jury blood stained and shredded uniforms of officers *wounded* (my emphasis) at the Haymarket. What did these uniforms have to do with the murder of Degan? His uniform was never produced and the holes in these were not from bomb shrapnel, but from bullets. These uniforms had nothing to do with the case at hand and were, "...a disgusting and vulgar appeal to the passions and fears...", of the jury.<sup>40</sup> The state also introduced several metal cans, gas pipes boxes and other miscellaneous fragments of explosive material which had been detonated during police experiments to show the jury the force of dynamite bombs. The last of those introduced, "...were four tin cans, found four weeks after the Haymarket meeting and, from their very construction, altogether different from the bomb used on the night of May 4."<sup>41</sup>

Judge Gary also allowed the prosecution to bring into his courtroom the blasting furnace found at Engel's home. Even the prosecution admitted it had never been used. Its purpose was so that Grinnell could have Inspector John Bonfield testify that it could be used to melt metal in order to construct an explosive device. Never mind that it had never been used for that or any other purpose. Dyer Lum

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<sup>40</sup> Lum, 172.

<sup>41</sup> Ibid.

commented, "Its introduction but served to insinuate into the minds of the jurors that they actually saw before them an anarchist's blast furnace!"<sup>42</sup> Finally, as if putting on a parade, the prosecution waived anarchist flags and banners in front of the jury. Not one of these banners was at the Haymarket and most had been confiscated without warrant from the office of the *Arbeiter-Zeitung* where they had hung harmlessly for only the paper's workers to see.<sup>43</sup>

Once Judge Gary overruled the defense's objections, the defendants' attorneys could do little more than remind, time and time again, that much of the evidence produced by the prosecution had no direct relevance to the charge at hand, the murder of Officer Degan. The defense made no effort to deny any of the inflammatory speeches or newspaper articles. They stressed to the jury that all of these utterances, regardless of how disturbing they were, were well within the Constitutional rights of the accused men as well as all other Americans. Moreover, it was never proved that the bombthrower had heard an anarchist speech or read an anarchist newspaper. Indeed, it was just as possible, perhaps more so, that the bombthrower had his own agenda, completely separate from the anarchist cause, and driven to attack the police for some unknown reason. During the months of testimony in the summer of 1886 the prosecution was never able to prove that the bombthrower had any connection to, or had heard of, any of

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<sup>42</sup> Lum, 172.

<sup>43</sup> *Ibid.*

the defendants or their beliefs. Haymarket riot historian Paul Avrich commented:

The mere general advice to commit revolutionary or violent acts, without evidence connecting that advice with the bombthrower, was insufficient to warrant the conviction of any of the defendants as accessories; and since the bombthrower had not been apprehended, it was impossible to determine his motive...<sup>44</sup>

After the prosecution and defense rested, however, Judge Gary made the question of the bombthrower's motive and identity an irrelevant point.

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<sup>44</sup> Avrich, 277.



## V. Judge Gary's Grand Finale

All that remained before jury deliberations were the instructions of Judge Joseph Gary. If one failed to see his glaring bias during jury selection, his discretion in determining the validity of objections, or the latitude he allowed the prosecution in its arguments, one could scarcely miss his stunning bias in his instructions to the jury. Judge Gary focused the jury with words that all but sealed the fate of the defendants. He explained to the twelve men who held the fate of the eight anarchists in their hands that if the defendants:

...by print or speech advised, or encouraged the commission of murder, without designating time, place or occasion at which it should be done, and in pursuance of, and induced by such advice and encouragement, murder was committed, then all of such conspirators are guilty of such murder, whether the person who perpetrated such murder can be identified or not.<sup>1</sup>

That the jury was already tainted with prejudice was apparently not enough for Judge Gary. Judge Gary told the jury that if person "A" advocates in a general manner the breaking of a law and then person "B" breaks this law, then person "A" can be held criminally responsible for person "B"'s actions. With this charge Judge Gary practically told

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<sup>1</sup> Avrich, 277.

the jury to deliver a guilty verdict.

These instructions were like none any jury before or since has received. "Gary, with these words, presented a new, unheard-of-charge to the jury."<sup>2</sup> Even he knew of the originality behind it. Well after the trial was over, Gary attempted to defend his words when he argued that the case itself was so unique that he needed to handle it in a unique manner and that if he had, "...strained the law a bit, he was to be commended, not criticized."<sup>3</sup> Certainly, State's Attorney Grinnell and his associates agreed with this statement. In what was already a trial stacked in their favor, Gary's charge to the jury was, as Haymarket historian Paul Avrich put it, "...everything the prosecution could have hoped for."<sup>4</sup>

The jury left the courtroom for its deliberations after lunch on August 19, 1886. The jurors had an immense task ahead of them. The twelve men had to sift carefully through over two months of testimony delivered by dozens of witnesses and then cross-examined by the opposition's attorneys. They then had to separate each bit of evidence as to which defendants it applied to and which ones it did not. One would have thought this would certainly be a lengthy and tiresome task. Not the case for Judge Gary's jury.

Three hours after the jury left the courtroom, the

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<sup>2</sup> Avrich, 277.

<sup>3</sup> Joseph E. Gary, "The Chicago Anarchists: The Crime, and the Trial, and the Punishment" *The Century Magazine* (April, 1893), 809.

<sup>4</sup> Avrich, 278.

foreman, Frank Osborne, sent word to Judge Gary that they had reached a verdict. The next morning a crowd gathered around the Cook County Courthouse to await the decision and the sentences which, according to Illinois statute, the jury was also to determine. Promptly at 10:00 A.M. foreman Osborne told Judge Gary that the jury had reached a decision and handed the decision to the court clerk who read the decision outloud:

We, the jury, find the defendants August Spies, Michael Schwab, Samuel Fielden, Albert R. Parsons, Adolph Fischer, George Engel, and Louis Lingg guilty of murder in manner and form as charged in the indictment, and fix the penalty at death. We find the defendant Oscar Neebe guilty of murder in manner and form as charged in the indictment and fix the penalty at imprisonment in the penitentiary for fifteen years.<sup>5</sup>

The fact that the jury deliberated for only three hours over testimony that lasted for two months was certainly a bad omen for the defense. However, the defense never expected the death penalty for seven of the eight defendants. Not even the prosecution expected this punishment. In his closing argument, Grinnell conceded that there were gradations as to the guilt of the accused and there should be gradations to their punishments. He explained, "Spies, Fischer, Lingg, Engel, Fielden, Parsons, Schwab, Neebe, in my opinion, based on the proof, is the order of the punishments."<sup>6</sup> There was even evidence that Grinnell said at the close of evidence that there was no case against Neebe and that if he did not

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<sup>5</sup> Avrich, 279.

<sup>6</sup> Schaack, 577.

feel it would damage his entire case he would dismiss the charges against him.<sup>7</sup> The prosecution, however, made no complaints and readied itself for the congratulations that poured in.

The verdict was greeted with approval in Chicago as well as the nation as a whole. "The Scaffold Waits...Seven Dangling Nooses for the Dynamite Fiends", wrote the *Chicago Tribune*.<sup>8</sup> Not a single newspaper initially criticized the decision. The verdict was treated by the press as if it was the definition of justice. Editorials congratulated Julius Grinnell and the rest of the prosecution for a job well done. Thanks also went out to the twelve members of the jury for their service to society. During his discharge of the jury, Judge Gary thanked them for their service and told them that, "You...deserve some recognition of the service you have performed beside the meager compensation you are to receive."<sup>9</sup> And so it was. The city of Chicago did, indeed, feel indebted to the twelve men who had crushed anarchy. "I beg to suggest the propriety of starting a subscription for the purpose of raising at least \$1,000 for the benefit of each jury man." wrote the Editor of the *Chicago Tribune* on August 20.<sup>10</sup>

The prosecution graciously accepted its thanks. The twelve good men from the jury were hailed as heroes. But

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<sup>7</sup> For information on this statement see pp. 95-96.

<sup>8</sup> *Chicago Tribune*, August 21, 1886.

<sup>9</sup> Lum, 188.

<sup>10</sup> *Chicago Tribune*, August 20, 1886.

what of Judge Gary? If the prosecution and the jury deserved credit for the verdict, surely Gary deserved at least as much. After all, he allowed the prosecution to virtually hand pick the jury. He also allowed the prosecution to jump from theory to theory during the trial. None of this could have been accomplished had Joseph Gary not allowed it.

Their beliefs were radical, their suggestions indeed dangerous, but the Chicago anarchists were entitled to receive a fair trial. One can hardly fault State's Attorney Grinnell for doing all he could to secure the convictions. Indeed, it was his job. As for the jury, that these impassioned men even sat in the jury box was Judge Gary's doing. His job in the case was to impartially try the case and guarantee the defendants a fair trial even with the inflamed public opinion against them.

The defendants and their counsel undoubtedly made their most costly error before the trial even began. The decision to ask for a change of venue from Judge Rogers courtroom to Judge Gary's can best be described as sadly ironic. Albert Parsons was indeed correct when he described the move as a jump, "from the frying pan into the fire".<sup>11</sup> Gary's bias appeared even before the trial began. One would have to search the dockets of the criminal courts to find a case that more certainly deserved separate trials for the defendants. Yet, Judge Gary turned down this request as if it were preposterous. As mentioned before, even the prosecution

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<sup>11</sup> Zeisler, 24.

acknowledged that there were gradations as to the guilt of each defendant. Had separate trials been granted, only the evidence that pertained to a specific defendant could have been used against him. With all eight tried together, evidence against one easily became evidence against all.

Perhaps at no time during the trial was Gary's bias more obvious than during jury selection. The defense's total of 160 peremptory challenges were far from sufficient due to Judge Gary's refusal to remove any prospective jurors for cause. Perhaps no number would have been enough. Although potential jurors fit to try the case were virtually nonexistent, it was Gary's responsibility to dismiss for cause exactly these men. But he did not and the defense was forced to exhaust its peremptory challenges at a rate that left itself at the mercy of the prosecution. Black and his associates had to accept jurors who, although biased against the defendants appeared of better quality than the others.

Still, the twelve men who decided the case were far from impartial. Only two, Osborne and Randall, said nothing that should have disqualified them during questioning. Jurors Cole and Ludwig stated that they were prejudiced against socialists, anarchists, and communists, while jurors Denker, Todd, Brayton, Reed, Greiner, and Adams admitted that they had already formed an opinion regarding the case. Juror Stanford was prejudiced against socialists, anarchists, and communists and already had an opinion as to the guilt or

innocence of the defendants, while juror Hamilton felt that someone should be made an example of for what happened at the Haymarket.

Gary's bias never wavered as the prosecution and defense began their cases. He gave the prosecution near full control of the issues to be explored during questioning. The defense was handcuffed and only allowed to argue points that directly related to the topic being covered. Conversely, the prosecution was allowed to wander from argument to argument and make evidence against one defendant appear to apply to all of them. When the defense objected, it was quickly overruled.

Astonishingly, Gary allowed State's Attorney Grinnell to jump from one theory of the crime to a second and then to a third. Initially, Grinnell argued that several of the defendants actually aided the bombthrower in his deadly task. When this theory proved insufficient, Gary allowed the State's Attorney to change his theory and argue that several of the defendants conspired the night before the Haymarket riot at Grief's Hall to attack the police on the forth of May. After the defense provided evidence challenging the second theory, the judge allowed Grinnell to introduce yet another theory of the crime; that the defendants had influenced through their speeches and writings the unknown bombthrower to commit this crime. To show how radical and dangerous the defendants were, the prosecution produced

inflammatory documents, speech excerpts, bloody police uniforms, anarchist flags, and even an unused blasting furnace. The defense immediately realized that the purpose of these items was to inflame the passions of the jurors against the anarchists and to put anarchy itself on trial. Yet, all of its objections to these items were overruled. Still, the prosecution never produced any evidence that the bombthrower had heard an anarchist speech or read an anarchists newspaper. Therefore, it was impossible to deduce that the anarchists had the least bit of influence on him whatsoever. Thus, Grinnell's third theory was also deficient.

Gary himself changed all this with his instructions to the jury in which he practically argued the prosecution's case. In his charge Gary said that if the defendants encouraged murder and never said when or where it was to take place, then they were responsible if it happened even if the actual perpetrator was never apprehended. These novel instructions to the jury were an exact (my emphasis) description of what had happened at the Haymarket. Perhaps not in so many words, but Judge Gary virtually told the jury to convict all eight defendants. For the defendants, Gary represented everything they despised and had fought against all their lives. For the prosecution, he was an invaluable ally and, was indeed, everything the prosecution could have hoped for.



## VI. Conclusion

Although the *Chicago Tribune* was quick to write, "The Scaffold Waits...Seven Dangling Nooses for the Dynamite Fiends", the ultimate fate of the Chicago anarchists was far from over the day trial ended. There were still appeals to higher courts and the possibility of commutation or even pardon. After the verdict was announced, all eight of the defendants were taken to the Cook County jail to await the scaffold or, in Oscar Neebe's case, a prison assignment to serve his fifteen year sentence. The hangings of the seven men sentenced to death were set for December 3, 1886 which left precious little time for Defense Council William Black to remedy the unjust convictions. His first move was to appeal to the Illinois Supreme Court for a hearing for a writ of error and an immediate stay of execution. The State Supreme Court agreed to hear the appeal and granted the stay of execution pending the outcome of the hearing.

Black and State's Attorney Julius Grinnell appeared in front of the state's highest court in March of 1887. Black's arguments centered on Judge Gary's "grave, persistent and inexcusable errors" that plagued the trial from jury selection to his unheard-of charge to the jury.<sup>1</sup> Grinnell's

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<sup>1</sup> Hunt and Grinnell, 1.

argument simply rested upon the opposite view that Judge Gary had handled the case accordingly and that the jury had indeed handed down a just verdict. An agonizing six months lapsed before the Illinois Supreme Court handed down its decision.

Finally, on September 14, 1887 the Illinois Supreme Court announced its unanimous decision. Supreme Court Justice John Mulkey wrote:

I do not wish to be understood as holding that the record is free from error, for I do not think it is, I am nevertheless of the opinion that none of the errors complained of are of so serious a character as to require a reversal of the judgment.<sup>2</sup>

The highest court in the state upheld the verdict of the lower court. Given all the evidence of how Judge Gary ran his courtroom in the summer of 1886, how could the highest court in the state of Illinois not overturn the convictions?

Inherently, one of two things had to have happened. Perhaps, due to its enormous caseload the Supreme Court did not fully grasp the biased actions of Judge Joseph Gary and therefore did not have a clear picture of what truly happened during the trial. Or, perhaps, the high court had also been caught up in the "Red Scare" and had simply turned a deaf ear to justice and upheld the verdict in order to send a message to radicals throughout Illinois. Most likely, the answer was a combination of both.

Certainly, each justice on the high court could not have read over the literally thousands of pages testimony and

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<sup>2</sup> Avrich, 334.

argument from the trial. It seems obvious that a brief overview of only the most blatant errors in the case would prompt one to seriously question the verdict. However, State's Attorney Grinnell was a savvy and effective lawyer and, as he did in the original trial, he was able to make serious errors appear minor. The ease at which this was accomplished was, undoubtedly, aided by the conservative nature of the courts in the late Nineteenth Century.<sup>3</sup> The justices were human and products of their time. They served in a time in which the American court system in general sided with business, not labor, and were undoubtedly affected by the wave of anti-anarchy passion that swept the nation after Haymarket. This, in no way, mitigates the responsibility of Judge Gary! Had the justices seen Gary's actions firsthand even their conservative leanings may not have been enough to allow the verdict to be upheld.

Along with turning down the defense's appeal, the state Supreme Court reset the date for the seven hangings to November 11, 1887. The final chance for appeal came on October 27 when the defense team appeared before the United States Supreme Court with another appeal for a writ of error. However, the highest court in the land quickly ruled on November 2 that it had no jurisdiction in the case because no federal issue was involved. However, as Haymarket historian Paul Avrich pointed out, "...during the arrests and trial,

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<sup>3</sup> For more information on the conservative nature of the American court system in the Nineteenth Century see Arnold Paul's *Conservative Crisis and the Rule of Law: Attitudes of Bar and Bench, 1887-1895*. (New York: Harper and Rowe, 1960)

fundamental constitutional rights had been violated, including freedom of speech and assembly, protection from illegal search and seizure, and due process of law."<sup>4</sup> With only nine days before the execution date the anarchists appeared to be at the end of their rope. Only an official pardon or commutation of sentence from the governor could save them.

The ultimate fate of the seven men condemned to death rested with Illinois Governor Richard J. Oglesby. Shortly after the verdict had been announced an Amnesty Association was formed by liberal sympathizers throughout Chicago and the United States. The trial and verdict had obviously inflamed many influential members of the public. Included in the ranks of the Amnesty Association were names such as Henry D. Lloyd, Samuel Gompers, and even Judge Samuel McConnell, son-in-law of Judge Rogers who had presided over the grand jury that indicted the anarchists. The association had been working since the verdict was announced over a year earlier collecting signatures for an amnesty petition to be presented to Governor Oglesby. "Oglesby was swamped with petitions...They came from every part of the country...In less than a week more than 40,000 signatures were collected."<sup>5</sup> The list included men such as William C. Goudy (head of the Chicago Bar Association), Stephen S. Gregory (future president of the American Bar Association), and even Lyman

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<sup>4</sup> Avrich, 335.

<sup>5</sup> Ibid., 338.

Trumbull, former Illinois Supreme Court Justice. When Samuel McConnell of the Amnesty Association requested Trumbull's signature, the former justice replied, "I will sign. Those men did not have a fair trial."<sup>6</sup> With men such as these voicing their opinions on the lack of justice in Judge Gary's courtroom, Governor Oglesby would certainly have to consider reducing the sentences to at least life in prison.

Before the governor could consider a commutation of sentence, Illinois state law required the condemned to submit a formal letter of request. This, in itself, proved to be a difficult task, as the anarchists were proud and stubborn men. Only Fielden, Schwab, and Spies agreed to submit the request. The views of Lingg, Parsons, Fischer, and Engel can, perhaps, be best summarized by the response of Louis Lingg who wrote directly to Governor Oglesby. "I demand either liberty or death. If you are really a servant of the people, according to the constitution, then you will, by virtue of your office, unconditionally release me."<sup>7</sup> The possibility of a pardon from Governor Oglesby was slim. Indeed, even the majority of the petitions asked for only a commutation of sentence.

On November 6, 1887, however, the entire situation changed. August Spies recanted his request for a reduced sentence, deciding to face the hangman with his four comrades. Four days later, a loud explosion was heard from

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<sup>6</sup> Avrich, 339. Lyman Trumbull is, perhaps, most famous for being Abraham Lincoln's former law partner.

<sup>7</sup> McLean, 215.

within Louis Lingg's cell. He had slipped a small dynamite cartridge into his mouth and detonated it. When the guards arrived, they saw Lingg bleeding badly, his jaw and bottom parts of his face blown off. After clinging to life for several hours, he finally died, one day before Spies, Parsons, Fischer, and Engel. Then, only a few hours after the suicide of Louis Lingg, Governor Oglesby informed the defense team that he was going to commute the sentences of Samuel Fielden and Michael Schwab to life in prison. This left four men, August Spies, Albert Parsons, Adolph Fischer, and George Engel, to face the scaffold.

The setting for the executions was the Cook County Jail and the designated time was Noon on November 11, 1887. All four men requested time to address the small audience of approximately 170 people, made up of reporters, doctors, government officials, family members, and the jury members from the trial.<sup>8</sup> The request was denied. Shortly before Noon, Cook County Sheriff Canute Matson and several of his deputies led the four men out of their cells and up the steps to the scaffold. Their feet were bound and white caps placed over their heads. Although their request to speak had been denied the four condemned men did not miss their final opportunity to, at least briefly, address an audience.

From inside his white hood, August Spies cried out, "The time will come when our silence will be more powerful than the voices you strangle today!" Adolph Fischer followed,

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<sup>8</sup> Avrich, 392.

shouting, "Hurrah for anarchy!" George Engel echoed, "Hurrah for anarchy! This is the happiest day of my life!" Then Albert Parsons attempted to begin what appeared to be a speech. "Will I be allowed to speak? Oh, men of America. Let me speak. Sheriff Matson, let the voice of the people be heard! O...."<sup>9</sup> He never finished. In mid-sentence the trap doors beneath their feet dropped.

After about seven minutes of struggling and twitching the four Haymarket martyrs were pronounced dead at 12:06 P.M. November 11, 1887.<sup>10</sup> Later that day, deputies led Oscar Neebe, Samuel Fielden, and Michael Schwab onto a train bound for Joliet State Penitentiary where they would serve their sentences. For many Chicagoans, and Americans in general, justice had been served: indeed, the prevailing view was that anarchy had finally been taught a lesson.

As the years past and the three surviving anarchists served their time at the state facility, the emotions that surrounded the bombing, the trial, and the hangings began to subside. As cooler heads prevailed, many began to see that fear and passion had run rampant during the entire Haymarket affair. Many of these people questioned whether or not the trial had been a fair one. These subtle changes in the overall perception of what had happened in the summer of 1886 aided the Amnesty Association in their work to free the three imprisoned men. Although the Amnesty Association began

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<sup>9</sup> *Chicago Tribune*, November 12, 1887.

<sup>10</sup> Avrich, 393.

working for the pardon of the three surviving anarchists immediately after the execution of Spies, Parsons, Fischer, and Engel, its progress was meager. After all, the only way to free Neebe, Schwab, and Fielden was to obtain an official pardon from Governor Oglesby, and he had only reluctantly commuted the sentences of Fielden and Schwab. The situation with Oglesby and his successor Joseph Fifer was much the same. The Amnesty Association again made their arguments for a pardon, but the new governor had no interest in their cause.

The situation changed in 1892 when the voters of Illinois sent to Springfield a new governor in John Peter Altgeld. He was a man known for his honesty and integrity, "...a genuine humanitarian, who despised injustice and recoiled at seeing the law made into a tool of the rich against the poor."<sup>11</sup> Altgeld's victory gave new life to the hopes of the Amnesty Association as he was considered far more liberal than either of his two predecessors. Born in Germany in 1847, his parents brought him to the United States at only three months old. He served in the Union Army during the Civil War and then finished his law degree and began a practice in Chicago. It was in 1886, ironically the same year as the Haymarket bombing and trial, that he decided to run for the Superior Court of Cook County. In the election he carried the day and took office on December 1, 1886, only a few months after the trial was complete. As November 11,

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<sup>11</sup> Avrich, 417.



1887 approached, "Nearly every other Chicagoan of liberal tendencies was moved to voice protests publicly in one way or another against the hangings."<sup>12</sup> However, John Peter Altgeld, far more liberal than most, said nothing in public regarding the fate of the anarchists. Perhaps this was a shrewd political move. During the campaign against Fifer in 1892, although the Republicans ridiculed him for being , "too liberal", and , "a foreigner", the issue of a pardon for the anarchists never arose.<sup>13</sup> However, when Altgeld became governor in January of 1893, the Amnesty Association appealed to him almost immediately.

Pushing Altgeld hard on behalf of the Amnesty Association was a young Clarence Darrow, who would grow to become one of most famous legal minds of his age. Like Governor Oglesby in 1887, Altgeld was besieged by stacks of petitions and letters begging for the release of the three imprisoned anarchists immediately after inauguration. Yet, during the early months of his tenure as governor he only promised that he would look into the case. He requested all the files and the trial transcript, but the months passed without any mention of his decision nor any action. After several fruitless visits to Springfield, Darrow convinced Samuel McConnell to try to persuade the governor to take action on the matter. McConnell was a close friend of John Altgeld and also a fellow judge. The meeting was intense and

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<sup>12</sup> Harry Barnard, *Eagle Forgotten: The Life of John Peter Altgeld*. (Indianapolis: Bobbs-Merrill, 1938), 115.

<sup>13</sup> *Ibid.*, 157-159.

the dialogue reflected Altgeld's stress over his monumental decision. McConnell argued to the governor:

Fielden and Schwab were wrongfully convicted and ought to be pardoned the same time Neebe is. I am afraid it will end your political career, but still I cannot help but urge you to pardon all three of the men, and I hope you will do so.<sup>14</sup>

The usually mild mannered governor, obviously perturbed by McConnell's insinuation that he might let his political ambitions affect his decision, snapped back at his old friend, "By God! If I decide that they are innocent, I will pardon them if I never hold office another day!"<sup>15</sup> Both men were indeed correct in thinking that a pardon could greatly hurt Altgeld's career. Many of his opponents had already labeled him a liberal foreigner. A pardon of the foreign-born anarchists would do nothing but strengthen this accusation. Certainly, a pardon of these enemies of capitalism would destroy any good relations the governor had with the business community. Yet, after reading the trial transcript and pouring over the volumes of files and affidavits associated with the case, Altgeld put his conscience above his political future.

On Monday, June 26, 1893 Governor Altgeld called for his Secretary of State William Hinrichsen to place his signature upon the pardons he had drawn up for Oscar Neebe, Samuel Fielden, and Michael Schwab. When the secretary questioned

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<sup>14</sup> Barnard, 186.

<sup>15</sup> Ibid.

whether it was the right thing for Altgeld to do, the governor interrupted him, slammed his fist down upon his desk and shouted, "It is right!"<sup>16</sup> Hinrichsen affixed his signature to the official papers and they were sent off to Joliet State Penitentiary.

The news of the pardons hit the papers across the country the next day. Regardless of the opinion a person held, the most common question was simple. Why? No law required that the governor answer that question. Yet, Altgeld did not shrink from a full explanation of why he had freed the imprisoned men. Along with his unconditional pardon, he released a public statement titled *Reasons For Pardoning Fielden, Neebe, and Schwab*.<sup>17</sup>

In it he explained exactly what the title suggested. John Peter Altgeld's biographer, Harry Barnard, described it as, "...the calmest, clearest, most incisive and most factual dissertation of all the hundreds of tracts, legal discussions, magazine articles and books ever composed on that stirring case."<sup>18</sup> Altgeld began his explanation with a short recapitulation of what happened on the night of May 4, 1886, and then went on to explain that he had received thousands of letters and petitions that urged executive clemency. He explained that some of these letters and petitions argued simply that, assuming the men were guilty,

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<sup>16</sup> Avrich, 421.

<sup>17</sup> John Peter Altgeld, *Reasons For Pardoning Fielden, Neebe and Schwab* (Springfield, Illinois: 1893).

<sup>18</sup> Barnard, 216.

they had suffered enough. However, according to Altgeld, many argued that upon close examination of the record the men should be released for a different reasons.<sup>19</sup> He listed:

First--That the jury which tried the case was a packed jury selected to convict.

Second--That according to the law as laid down by the supreme court, both prior to and again since the trial of this case, the jurors, according to their own answers, were not competent jurors and the trial was therefore not a legal trial.

Third--That the defendants were not proven to be guilty of the crime charged in the indictment.

Fourth--That as to the defendant Neebe, the state's attorney had declared at the close of the evidence that there was no case against him, and yet he has been kept in prison all these years.

Fifth--That the trial judge was either so prejudiced against the defendants, or else so determined to win the applause of a certain class in the community that he could not and did not grant a fair trial.<sup>20</sup>

The governor explained that if Fielden, Neebe, and Schwab had received a fair trial and were, indeed, guilty of the crime they were indicted for, "...then there ought to be no executive interference, for no punishment under our laws could then be too severe."<sup>21</sup> This being said, he made perfectly clear that he was not pardoning them simply because they had been punished enough. He pardoned them because he agreed with the five points made by many of those who petitioned him regarding a packed jury, in an unfair trial,

<sup>19</sup> Altgeld, 4-5.

<sup>20</sup> Ibid., 5.

<sup>21</sup> Ibid., 5.

that convicted innocent men. He then went on to comment on why he agreed with the five points previously listed.

In his first section, titled *Was the Jury Packed?*, Governor Altgeld examined the manner in which the jury was selected. He focused on the odd manner in which Judge Gary allowed potential jurors to be selected. As mentioned before, instead of randomly selecting the names of potential jurors, Judge Gary appointed bailiff Henry L. Ryce to select at his discretion. It became painfully obvious to the defense that, "...Ryce was summoning only prejudiced men, as shown by their examinations, further: That he was confining himself to particular classes, i.e. clerks, merchants, manufacturers, etc."<sup>22</sup> Of course, when the defense objected to this method of jury selection, Judge Gary paid them no attention and the empaneling of the jury continued in this manner. The governor also pointed out the amazing affidavit of Otis S. Favor, former member of the jury pool. Favor testified that Ryce told him during jury selection at the courthouse:

I am managing this case, and know what I am about. I am calling such men as the defendants will have to challenge peremptorily and waste their time and challenges. Then they will have to take such men as the prosecution wants.<sup>23</sup>

Governor Altgeld then examined the questioning of both

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<sup>22</sup> Altgeld, 7.

<sup>23</sup> Ibid., 8.

potential jurors and the twelve who actually tried the case.<sup>24</sup> He pointed out how virtually every man questioned, including those who tried the case, indicated that they had already formed an opinion as to the guilt or innocence of the accused. Yet, Judge Gary pronounced them all fit for service on the jury. Altgeld plainly stated that this was an unheard of legal precedent and, "These facts alone would call for executive interference."<sup>25</sup>

Altgeld did not stop there. He went on in section II, *Recent Decision of the Supreme Court as to Competency of Jurors*, to point out that even if those jurors were fit to try the case in 1886, which he plainly did not believe, the State Supreme Court had cleared up its definition of a competent juror. In January 1893 the Illinois Supreme Court ruled in the *People vs. Coughlin* that a potential juror who had read about a crime and formed an opinion as to the guilt or innocence of the defendant(s) was not fit for service on the jury.

Where it is once clearly shown that there exists in the mind of the juror... a fixed and positive opinion as to the merits of the case, or as to the guilt or innocence of the defendant he is called to try, his statement that notwithstanding such opinion he can render a fair and impartial verdict according to the law and evidence, has little, if any, tendency to establish his impartiality. This is so because a juror who has sworn to have in his mind a fixed and positive opinion as to the guilt or innocence of the accused is not impartial, as a matter

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<sup>24</sup> For actual documentation on the questioning of potential jurors as well as those who tried the case, see Chapter III. Governor Altgeld's documentation was much the same as included in this document.

<sup>25</sup> Altgeld, 29.

of fact.<sup>26</sup>

Even Justice Benjamin D. Magruder, who had written the decision that upheld the conviction of the eight anarchists, admitted that if the court was correct in the *People vs. Coughlin* then it was wrong when it upheld the convictions in the Haymarket trial.<sup>27</sup> At this point in *Reasons for Pardoning Fielden, Neebe, and Schwab* it is obvious that Governor Altgeld felt the jury was packed to convict and that, given the recent supreme court decision, the highest court in the state agreed. He could have stopped there and his explanation would have been sufficient. But the governor had much more to say.

In his third chapter, *Does the Proof Show Guilt?*, Governor Altgeld began by attacking Judge Gary's charge to the jury before their deliberations.<sup>28</sup> Altgeld criticized, "...in all the centuries during which government has been maintained among men, and crime has been punished, no judge in a civilized country has ever laid down such a rule before."<sup>29</sup> He went on to point out that even if Gary's rule were valid, "...it was necessary under it to prove...that the person committing the violent deed had at least heard or read the advice given to the masses...it is here the case for the state fails."<sup>30</sup> In this section the governor took issue with the conviction on two levels. First, that Gary's charge to

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<sup>26</sup> Altgeld, 30.

<sup>27</sup> Avrich, 418.

<sup>28</sup> See pages 70-71 of this document.

<sup>29</sup> Altgeld, 36.

<sup>30</sup> *Ibid.*, 37.

the jury prior to its deliberations was a case of the judge making the law as he saw fit. Second, even with Gary's ruling, the prosecution still never proved the guilt of the eight defendants.

Governor Altgeld's final two chapters were extremely brief. In Chapter IV, *State's Attorney on Neebe's Innocence*, he focused on a letter sent to former Governor Fifer in 1889 by Chicago Mayor Carter Harrison and F. S. Winston, then corporation counsel for Chicago. In the letter both Harrison and Winston informed the governor of a conversation with State's Attorney Julius S. Grinnell during the trial:

Mr. Grinnell stated to us that he did not think there was sufficient testimony to convict Neebe. I (Mayor Harrison) thereupon earnestly advised him, as the representative of the state, to dismiss the case as to Neebe, and if I remember rightly he was seriously thinking of doing so, but on consultation with his assistants and on their advice he determined not to do so lest it would have an injurious effect on the case as against the other prisoners.<sup>31</sup>

It should come as no surprise that Grinnell denied ever making such a remark. Yet, when one examines the evidence, or lack thereof, it is certainly believable that Grinnell, or anyone else, could make such a statement.

Altgeld's final chapter, *Prejudice or Subscrviency of Judge*, was made up of a list of attacks levied on Judge Gary by those who believed the anarchists to be innocent.

It is further charged with much bitterness by those who speak for the prisoners that the record of the case

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<sup>31</sup> Altgeld, 59.



shows that the judge conducted the trial with malicious ferocity and forced eight men to be tried together; that in cross-examining the state's witnesses he confined counsel for the defense to the specific points touched on by the state, while in the cross-examination of the defendants' witnesses he permitted the state's attorney to go into all manner of subjects entirely foreign to the matters on which the witnesses were examined in chief; also that every ruling throughout the long trial on any contested point was in favor of the state, and further, that page after page of the record contains insinuating remarks of the judge, made in the hearing of the jury, and with the evident intent of bringing the jury to his way of thinking; that these speeches, coming from the court, were much more damaging than any speeches from the state's attorney could possibly have been; that the state's attorney often took his cue from the judge's remarks...<sup>32</sup>

Governor Altgeld claimed that this list reflected the views held by those who spoke on behalf of the anarchists. Yet, he made his agreement with the list clear as he finished by indicating that the accusations, "...seem to be sustained by the record of the trial and the papers before me and tend to show that the trial was not fair."<sup>33</sup>

Following these final comments regarding the lack of justice in the summer of 1886 Governor Altgeld wrote the words that finally brought the Haymarket trial to an end. "I, therefore, grant an absolute pardon to Samuel Fielden, Oscar Neebe and Michael Schwab this 26th day of June 1893."<sup>34</sup> The pardon came as an incredible shock to the vast majority of the country. Perhaps most amazed were the three anarchists themselves. All three were simply going about

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<sup>32</sup> Altgeld, 62.

<sup>33</sup> Ibid., 63.

<sup>34</sup> Ibid.

their daily chores at Joliet State Penitentiary when Altgeld's officials arrived with the pardon papers. Their joy and gratitude was reflected in a letter sent to the governor by Michael Schwab:

Your Excellency have given us back wife and children home and liberty. You did this after having carefully considered the facts which could be known. Having weighed evidence against evidence you pursued the course dictated by your conscience, regardless of the torrent of abuse which you knew would be the consequence of your courage. This was a deed of a brave heart, and it will live as such in history...Some people prophesy all kinds of disaster which they say will follow in the wake of our liberation. To disprove their baseless assertions shall be one of the aims of our life.<sup>35</sup>

Michael Schwab made two rather prophetic remarks in his letter of gratitude. First, he promised on behalf of all three men that one of their "aims" in freedom was to prove wrong the many people who said their pardon would lead to a spread of anarchy and general "disaster".<sup>36</sup> This was a promise that all three men kept. They returned to their families, stayed out of the spotlight and lived their lives away quietly. Schwab also prophesied a "torrent of abuse" that Governor Altgeld would receive after granting the controversial pardons.<sup>37</sup> He was right. The backlash began with the newspapers and quickly spread throughout society. Certainly, Governor Altgeld could find comfort in knowing that he believed he had done the right thing. Yet, the storm of protest ran rampant and did not completely subside until

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<sup>35</sup> Barnard, 237.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

Altgeld was defeated in his bid for reelection in 1896. But this is another story.

## Appendix A

# REVENGE!

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## Workingmen, to Arms!!!

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Your masters sent out their bloodhounds — the police — they killed six of your brothers at McCormicks this afternoon. They killed the poor wretches, because they, like you, had the courage to disobey the supreme will of your bosses. They killed them, because they dared ask for the shortening of the hours of toil. They killed them to show you, "Free American Citizens!", that you must be satisfied and contented with whatever your bosses condescend to allow you, or you will get killed!

You have for years endured the most abject humiliations; you have for years suffered unmeasurable iniquities; you have worked yourself to death; you have endured the pangs of want and hunger; your Children you have sacrificed to the factory-lords — in short: You have been miserable and obedient slave all these years: Why? To satisfy the insatiable greed, to fill the coffers of your lazy thieving master? When you ask them now to lessen your burden, he sends his bloodhounds out to shoot you, kill you!

If you are men, if you are the sons of your grand sires, who have shed their blood to free you, then you will rise in your might, Hercules, and destroy the hideous monster that seeks to destroy you. To arms we call you, to arms!

Your Brothers.

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Appendix B

**Attention Workingmen!**

GREAT

**MASS-MEETING**

TO-NIGHT, at 7.30 o'clock,

AT THE

HAYMARKET, Randolph St., Bet. Desplaines and Halsted.

Good Speakers will be present to denounce the latest atrocious act of the police, the shooting of our fellow-workmen yesterday afternoon.

Workingmen Arm Yourselves and Appear in Full Force!

THE EXECUTIVE COMMITTEE.

**Achtung, Arbeiter!**

Große

**Massen-Versammlung**

Heute Abend, 7 1/2 Uhr, auf dem

**Seumarkt, Randolph-Strasse, zwischen Desplaines- u. Halsted-Str.**

☛ Gute Redner werden den neuesten Schurkenstreich der Polizei, indem sie gestern Nachmittag unsere Brüder erschoss, geißeln.

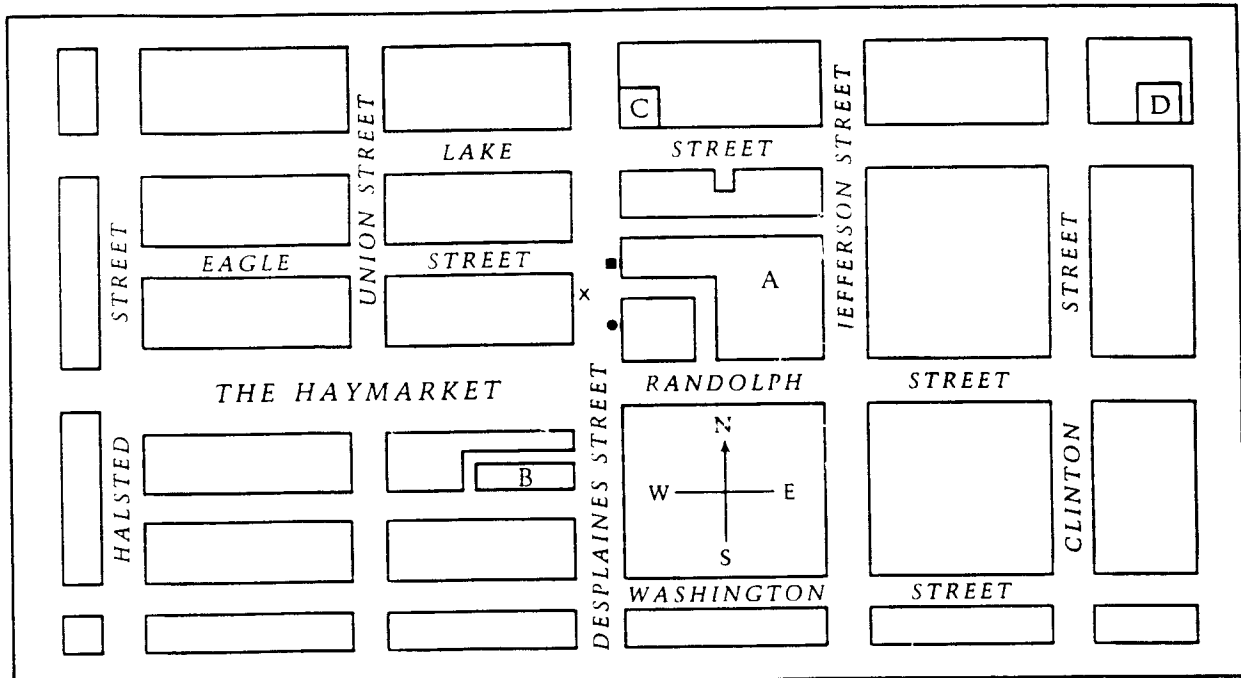
☛ Arbeiter, bewaffnet Euch und erscheint massenhaft!

Das Executiv-Comite.

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## Appendix C

### The Haymarket and Vicinity



Map by Lisa T. Davis

- |                            |                             |
|----------------------------|-----------------------------|
| A Crane Brothers Factory   | ▪ Speakers' Wagon           |
| B Desplains Street Station | • Where the Bomb Was Thrown |
| C Zepf's Hall              | x Where the Bomb Exploded   |
| D Greif's Hall             |                             |

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## Annotated Bibliography

### Primary Sources:

- Altgeld, John Peter. *Reasons for Pardoning Fielden, Neebe and Schwab*. Springfield, Illinois, 1893. John Peter Altgeld was elected Governor of Illinois in 1892 and pardoned the surviving anarchists the following year. He was, himself, a criminal judge in Chicago prior to being elected governor and closely followed the trial as it progressed and was convinced that the eight defendants were not given a fair trial.
- Chicago Daily News*, 4 May 1886-22 August 1886.
- Chicago Inter Ocean*, 4 May 1886-22 August 1886.
- Chicago Times*, 4 May 1886-22 August 1886.
- Chicago Tribune*, 4 May 1886-22 August 1886.
- Foner, Philip S. ed *The Autobiographies of the Haymarket Martyrs*. New York: Humanities Press, 1969.
- Gary, Joseph E., "The Chicago Anarchists of 1886: The Crime, and the Trial, and the Punishment," in *The Century Magazine*, April 1893, 805.
- Harpers Weekly*, 4 May 1886-22 August 1886.
- Hunt, George and Grinnell, Julius S. *Brief on the Facts for the Defendants in Error*. Chicago: Barnard and Gunthrop, 1887. George Hunt and Julius Grinnell were the prosecuting attorneys in the anarchist trial. This work is the brief prepared for the Illinois Supreme Court for the appeal.
- Liberty*, 4 May 1886-22 August 1886.
- Lum, Dyer D. *A Concise History of the Great Trial of the Chicago Anarchists in 1886*. Chicago: Socialistic Publishing Company, 1887. reprinted in Fogelson and Rubenstein. *Mass Violence in America*. New York: Arno Press and the New York Times, 1969. Dyer Lum was asked by the defendants to keep a detailed record of the trial proceedings so that the only record available would not be one published by the state. Lum condensed the proceedings into a detailed 198 page monograph.
- McLean, George N. *The Rise and Fall of Anarchy in America*. Chicago: R. G. Badoux and Company, 1888.
- Parsons, Albert R. *Anarchism: Its Philosophy and Scientific Basis as Defined by Some of Its Apostles*, ed. Lucy E. Parsons. Chicago: Mrs. A. R. Parsons, 1887. Albert R. Parsons was one of the defendants who was widely known as a fine writer and a powerful speaker. In this work he summarized the philosophy of anarchism.

Parsons, Lucy E. *The Famous Speeches of the Eight Chicago Anarchists in Court*. Chicago: Socialistic Publishing Company, 1886. reprinted in Fogelson and Rubenstein. *Mass Violence in America*. New York: Arno Press and the New York Times, 1969.

Parsons, Lucy. *Life of Albert R. Parsons*. Chicago: Socialistic Publishing Company, 1903.

Schaack, Michael J. *Anarchy and Anarchists*. Chicago: F. J. Schulte, 1889. reprinted in Grob, Billington, Glazer, and Horowitz. *Anti-Movements in America*. New York: Arno Press and the New York Times, 1977. Michael J. Schaack was the Captain of Police who lead the search for the bombthrower and anyone associated with the riot. In this long monograph he detailed the events that lead up to the bombing, the search for culprits, and the trial itself.

Zeisler, Sigmund. *Reminiscences of the Anarchist Case*. Chicago: Chicago Literary Club, 1927. Sigmund Zeisler was one of the defense attorneys for the anarchists. In this book he looked back upon the trial and how it was handled by the defense, the prosecution, and the judge.

### **Secondary Sources:**

Avrich, Paul. *The Haymarket Tragedy*. Princeton, New Jersey: Princeton University Press, 1984.

Barnard, Harry. *Eagle Forgotten: The Life of John Peter Altgeld*. Indianapolis: Bobbs-Merrill, 1938.

David, Henry. *The History of the Haymarket Affair: A Study in the American Social-Revolutionary and Labor Movements*. New York: Russell and Russell, 1936.

Paul, Arnold M. *Conservative Crisis and the Rule of Law: Attitudes of Bar and Bench, 1887-1895*. New York: Harper and Rowe, 1960.