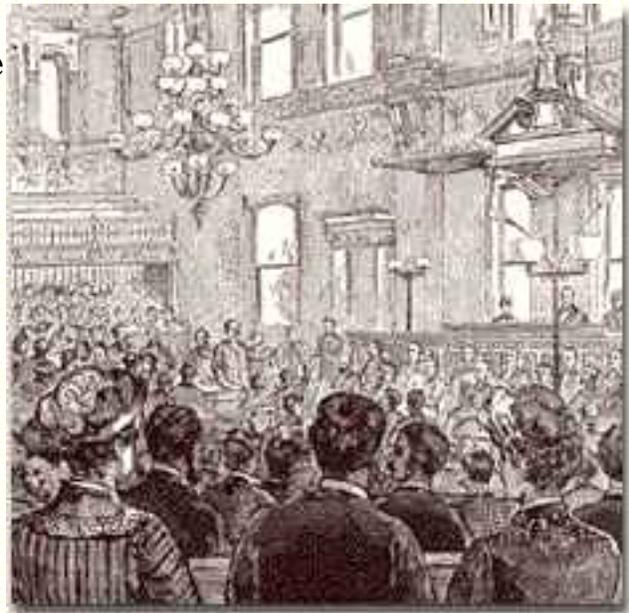


**The Chicago police had scarcely gathered their dead and wounded before they embarked on a fierce roundup of every real or imagined radical in the city. A terrible crime had been committed, and the perceived perpetrator was not so much a particular person as anarchism itself. The police received active encouragement from a frenzied and frightened public, as well as from State's Attorney Julius Grinnell, who reportedly ordered, "Make the raids first and look up the law afterward!" The result was both a latter-day witch hunt and the first "red scare" in America. Although only eight men would stand trial, dozens found themselves "in the toils of the law."**



### **Arrest and Indictment**

Perhaps the most active, and certainly the most self-promoting, of the many policemen conducting the Haymarket investigation was Captain Michael Schaack of the Fifth Precinct, whose headquarters were in the East Chicago Avenue station. Schaack's 1889 *Anarchy and Anarchists* is the most comprehensive contemporary history of Haymarket. Not far behind the scenes were the Chicago businessmen who were special targets of anarchist invective. Among them were men like Marshall Field, George Pullman, and Cyrus McCormick Jr., who had been on special lookout for "troublemakers" since at least 1877 and who were well aware of their own central roles as villains in radical rhetoric. They donated money to the families of the police who marched on the Haymarket, and also to Schaack's investigation. As Schaack described it, they wished to see "the law vindicated and order preserved in Chicago." That the police conducted their arrests and searches without warrants seemed of no particular concern to anyone but the accused. What small sympathy Parsons and Spies ever enjoyed among the general population had been shattered by the bomb, while the martyrdom of the policemen cried out for repression and revenge.

The arrests began Wednesday morning, May 5, with a series of raids on the Arbeiter-Zeitung building, which Grinnell described in his opening statement at the trial as a "nest of snakes." In short order August Spies, Michael Schwab, and Adolph Fischer were in custody, subject to abusive interrogation, with George Engel, Samuel Fielden, and Oscar Neebe, among

many others, soon to follow. Several of those picked up were questioned at the central station in the City Hall, where Police Superintendent Frederick Ebersold and the plainclothes detective force were based. In the days after the bombing, the police also reported the discovery of anarchist weapons and explosives in various sites throughout the city. They were positively thrilled to find a pistol, a dagger, and a belt with the initials of the paramilitary organization Lehr- & Wehr-Verein on Fischer when they searched him, and a red flag, a sword, and two guns when they ransacked Neebe's home. The most dramatic arrest was that of Louis Lingg by Detective Herman Schuettler, who testified at the trial that he prevented the fugitive from cocking a revolver and shooting him by biting the anarchist's thumb as they wrestled on the kitchen floor of Lingg's hideout.



The police detained and then released Rudolph Schnaubelt, Schwab's brother-in-law and fellow anarchist, only to focus on him afterward as the likely bomb-thrower. By the time they came back for Schnaubelt, he had left Chicago and the country, never to be seen again. The other key suspect who eluded the police was Albert Parsons, who, at the urging of his wife and friends, had caught a train out of the city the evening of the bombing. Parsons stayed briefly in the Geneva, Illinois home of fellow American Group members William and Lizzie Holmes, and then found safe refuge in the small town of Waukesha, Wisconsin, about twenty miles west of Milwaukee.

A grand jury was empanelled on May 17, and ten days later it presented a sixty-nine-count indictment of Spies, Parsons, Fielden, Schwab, Fischer, Engel, Lingg, Neebe, and Schnaubelt for the murder of Officer Matthias J. Degan. There was no official explanation of why they were charged only with this one homicide given that several policeman had died, but it may have been because Degan's death was clearly attributable to the bomb and not to the gunfire that followed. The thirty-eighth count specifically named Schnaubelt as the individual who "unlawfully, wilfully, feloniously, and of his malice aforethought, made an assault upon the body of Matthias J. Degan with a certain deadly and destructive instrument, charged with divers dangerous and explosive substances . . . ."

The indictment also included William Seliger, in whose home on Sedgwick Street, a few blocks south of North Avenue, Lingg boarded. In this building Lingg, Seliger, and others had manufactured bombs—even on the day of the tragedy—very much like the one thrown in the Haymarket. Seliger avoided prosecution when both he and his wife agreed to testify for the state, as did Gottfried Waller, who had chaired the Monday night meeting of militant anarchists in Greif's Hall. The same ten men and twenty-one others were also indicted for conspiracy, riot, and unlawful assembly, but these charges never came to trial. While the Grand Jury was in session, Chicago socialist and physician Ernst Schmidt assumed the leadership of a defense

committee. With great difficulty he and his associates assembled a very capable four-man legal team headed by William P. Black. Black was an accomplished attorney and highly decorated Civil War veteran who was still commonly referred to by his wartime rank of captain.

## **The Trial Begins**

The trial opened on June 21 in the grand upstairs courtroom of the Cook County Criminal Court, built shortly after the fire just north of the river on Michigan (now Hubbard) Street, between Dearborn and Clark. Adjoining the rear of the courthouse was the county jail, where the prisoners were held. The first day's proceedings were soon interrupted by a spectacular surprise: the surrender of Albert Parsons to stand trial with the others.



The visceral feelings of fear and anger surrounding the trial ruled out anything but the pretense of justice right from the outset. The quest for jurors who had not already made up their minds would have been extremely challenging in any event because of the publicity and passion surrounding the case. Selecting an unbiased jury became an impossibility, however, since the special bailiff charged with filling the venires, or panels of potential jurors, purposely stacked them with individuals who he thought would be biased against the defendants. During voir dire, the interrogation of these venires, the state used its peremptory challenges (i.e., its right to dismiss a possible juror without having to state a cause that was then subject to the judge's ruling) to eliminate the few workers who were summoned. State's Attorney Grinnell was also wary of anyone who showed even a mild curiosity about socialism. The result was a middle-class and native-born panel comprised largely of salesmen, small businessmen, and clerks.

Many of the nearly one thousand individuals who were called candidly admitted that they were unable to presume, as the law prescribed, that the defendants were innocent until proven guilty. Judge Joseph Gary frequently prompted admittedly biased potential jurors to assert that they could still decide the case solely on the evidence. The questioning consumed over twenty-one working days of the fifty-four-day trial, and the last juror was seated only after the defense exhausted all of its 160 peremptory challenges, many of which it was forced to use because Gary refused to dismiss obviously hostile men for cause.

## **The State's Case**

When Grinnell finally began his opening argument on July 15, he stated that he would name the bomb-thrower. He subsequently summoned a witness named Malvern Thompson, a hosiery salesman for Marshall Field, who claimed he heard Spies and Schwab discuss the bombing before the meeting,

and another man, a painter named Harry Gilmer, who swore that he saw Spies come down from the wagon and light a bomb that Schnaubelt then threw into the ranks of police. But the defense seriously undermined this testimony. The accused's lawyers provided evidence that Schwab did not attend the Haymarket rally, that Schnaubelt had left before the rally was over, that Spies never got off the wagon, and that these men conversed with each other only in German (which the witnesses admitted that they did not understand). The defense also found several acquaintances of Gilmer's who testified that they would not trust his word even under oath. Although Grinnell continued to maintain that Thompson and Gilmer spoke the truth, he thenceforth devoted his central efforts to establishing that the accused had caused the bomb to be thrown, even if they may not have actually thrown it themselves.

In so doing, Grinnell offered an intricate scenario that traced a line of intention linking the events at McCormick's, the Monday night meeting at Greif's Hall, the notices in the Arbeiter-Zeitung, Lingg's bombmaking, the gathering of the American Group around the same time the Haymarket rally began, and several other actions. Grinnell claimed that the accused were desperate to force a confrontation in the Haymarket that would be the start of a broader campaign of terror against the police in particular and the citizenry at large. Bonfield resisted such a confrontation with great patience and discretion until he had no choice but to act. Although his decision to disperse the rally had caused death and suffering, it was a noble and necessary sacrifice characterized by a selfless bravery that scattered the enemy and, coupled with the arrests that followed, saved the city from greater carnage and catastrophe. Drawing on the testimony of several officers, the state contended that the police, drawn into a trap that Spies and others devised months before and had described to some of the newspaper reporters summoned to testify, had displayed remarkable self-discipline and professionalism after the bomb exploded. They drew their revolvers and shot back only when fired upon by the crowd in the Haymarket, including Samuel Fielden.

The fact that one or more parts of this case did not precisely fit, and the fact that the prosecution could not positively prove that Schnaubelt or any of the eight men on trial had actually committed or even planned this particular act of terrorism, did not matter. Grinnell argued that the accused's words and deeds indisputably made them accessories to the crime. In the days, weeks, months, and even years preceding the bombing, they had encouraged the infamous act, which Grinnell compared to treason, another capital offense. They were as guilty of murder as was the coward who perpetrated this horror.

### **The Defense Responds**

The defense attorneys acknowledged that the accused had pushed the limits

of free speech in preaching dynamite and revolution, but they argued that this involved sedition, not homicide, and was hardly a capital offense. They built their case around refuting the specific charge of murder and the implicit indictment for conspiracy. If the state could not identify the bomb-thrower, there was no way that the accused could be found culpable as accessories in the death of Degan. The Haymarket rally was tame, as defense witness Mayor Carter Harrison described it to Bonfield. Another defense witness, a traveling salesman named Barton Simonson, said Bonfield seemed eager for trouble when Simonson saw him earlier that evening.

Black contended that Bonfield had no reason to disperse a meeting whose already small crowd had thinned and that was drawing to a close. The men standing trial were as surprised by what had happened as anyone. Defense testimony showed that even the most militant of them had been heard to pronounce the bombing foolish and counterproductive after it occurred. Furthermore, they would never have behaved the way they did before, during, and after the meeting if they were guilty. The defense witnesses also maintained that the police had begun the shooting. One of the state's witnesses identified a bullet taken from a wounded officer as of the type used by the police.

The defense attorneys did not defend anarchism, but they did argue that the accused were sincere in their hope for a better society. Moses Salomon described his clients in his closing argument as "men of broad feelings of humanity," declaring "that their only desire has been, and their lives have been consecrated to, the betterment of their fellow-men." Lead attorney Black even compared them to Jesus Christ, "the great Socialist of Judea," which prompted a bitter rebuttal from Grinnell. Black in turn reminded the jurors that, contrary to Grinnell's statements, law and anarchy were not on trial, that the charge was murder and not treason. Although his clients' speeches and articles were full of talk of explosives, at no demonstration, including the Haymarket meeting, had they urged their listeners to begin the armed revolution right then and there. Black put Spies, Parsons, Fielden, and Schwab on the stand to account for their whereabouts on May 4, to summarize what they said that evening, and perhaps to demonstrate that they were thoughtful and sensitive human beings, not the demons the prosecution made them out to be.

The defense's efforts were hampered continually by Judge Gary, who ruled significant portions of the defense's questioning and testimony incompetent while granting the state extremely wide latitude. The list of instructions Gary

read to the jury after the closing arguments also clearly favored the state's reading of the case. The twelve men retired to consider their verdict in the afternoon of August 19 and reached a decision within a few hours. The next morning they declared the eight defendants guilty of murder, sentencing Oscar Neebe, against whom even Grinnell privately admitted that the case was weak, to fifteen years at hard labor, and condemning the other seven to death.



The trial then adjourned until early October, at which time, after rejecting another series of defense motions, Gary asked the defendants if they wished to speak to the question of why the sentence should not be pronounced against them. Between October 7 and 9 speak they did—first Spies, then Schwab, Neebe, Fischer, Lingg, Engel, Fielden, and finally Parsons, who declaimed for eight full hours over two days, with Gary impatiently refusing requests to let him rest. While his fellow defendants had used at least a portion of their time to talk on a personal level about their disappointed hopes for a better America, Lingg would have none of this. He had seemed indifferent to the action in the courtroom during the long hot days of July and August, but now he bitterly thanked the court that ordered his execution, based on what he called the perjured testimony of "squealers" and "hireling knaves," for conceding him the liberty of a final speech. He made one more plea for anarchy and its opposition to "the universal misery, the ravages of the capitalist hyena," and he assured his enemies that his death would be avenged by the masses with dynamite. "I despise you," he told his captors, "I despise your order; your laws, your force-propped authority. **HANG ME FOR IT!**"

Gary, like the jury, was more than ready to oblige. He sentenced Neebe to the State Penitentiary at Joliet and ordered that "each of the other defendants, between the hours of ten o'clock in the forenoon and two o'clock in the afternoon of the third day of December next, in the manner provided by the statute of this State, be hung by the neck until he is dead."

### **The Trial as Drama**

Although the bomb itself was the single most dramatic event in the whole tragic history of Haymarket, the legal proceedings in the Cook County Criminal Court provided the most explicit examples of Haymarket as drama. It was in these proceedings that so many social ideas that had been contending over the last fifteen years were forced to confront each other through the formal practices of the law. These practices cast the different participants, willingly or not, into roles such as defendants, jurors, witnesses, and attorneys, toward the larger end of the performance of justice. The drama centered in the trial itself, but it began with the interrogations, the coroner's inquest, and the grand jury hearings, and would continue

through the presentation of the verdict and, beyond that, to the executions.

What sets Haymarket apart from almost every other criminal trial in American history, and what explains both its notoriety and its enduring imaginative and emotional interest, is the degree to which those directly involved understood what was happening as drama. In the courtroom, the opposing attorneys tried to fit the same general sequence of events into two opposing "plots" that explained both the bomb and the times in very different ways. In the state's view, these evil and cowardly agitators were part of a large criminal organization of foreign malcontents and misfits who had together carefully planned riot and murder for no motive other than their hatred of honestly earned property. In acting as it did, the state was not only punishing those who maimed and murdered Matthias Degan, but was saving the civilized order that he had given his life to defend.

The defense meanwhile depicted the accused as innocent scapegoats miscast as villains in a rush to lay blame. The defendants themselves saw the bomb, no matter who threw it, as the natural outcome of a corrupt economic system, and the trial as at once a staged attempt to cover up the fault lines in a regime of repressive exploitation and the latest and most irrefutable evidence that such a regime existed.

The audience for these conflicting scenarios was the general public, including the large majority of Chicago's working-class population for whom both sides claimed to be special advocates. The state was especially aware of the degree to which this was a show trial. Its larger purpose was to demonstrate to those it identified as the enemies of the current order, to the world, and perhaps even to themselves, that the duly elected agents of "the people" were in charge, and would effectively defend society against those who dared to undermine it. Grinnell freely admitted that because the eight men on trial were essentially representatives of a profounder malignancy, by the same logic he was using in prosecuting them he could have charged many more. His assistant state's attorney, George Ingham, told the jury in his closing argument that "the great question which you are to answer by your verdict is whether the law of the State of Illinois is strong enough to protect itself."

The state managed the case with much theatrical flair. The prosecution displayed before the jury such "props" as anarchist flags emblazoned with threatening slogans, along with the blood-stained uniforms of the police and an entire arsenal of bombs and bomb-making equipment. Although the defendants were formally accused of killing only Officer Degan, with Gary's blessing the prosecution invoked the deaths of the other policemen as if they were part of the charge. One critic of the prosecution compared Grinnell's strategy to "the style and manner of the minor theatres."

When the defense lawyers protested that much of the state's evidence should

be excluded because it had no specific relation to the murder of Degan, the actual crime at hand, Gary here, too, repeatedly overruled them. He also denied their motion for separate trials, which was based on their contention, borne out by the actual trial, that evidence or testimony brought against one defendant would be held against all. This aspect of the prosecution of the case also had dramatic intention, for to try these eight anarchists at once had the effect of making them appear to be in league with one another, even though several did not become acquainted until they were thrown together in jail.

Gary's conduct showed how much he, too, both understood the trial as drama and participated in it as such. As contemporary illustrations reveal, he permitted female acquaintances to sit by him in the courtroom, sometimes conversing with them privately as the trial was in session. These guests included Mrs. Gary, but also a number of attractive and well-dressed young women. While he allowed the prosecution to introduce as evidence a library of anarchist writings and all sorts of banners and bombs with no relation to the charge, he squelched the defense lawyers' protests by telling them, "Sit down, and don't make scenes." Captain Black nevertheless tried his best to do just that. With grave misgivings on the part of others on the defense team, Black approved of Parsons's leaving his hiding place in Wisconsin to turn himself in on the first day of the trial. Black hoped that this bold gesture would play well before the jury, convincing them of his clients' innocence and idealism.

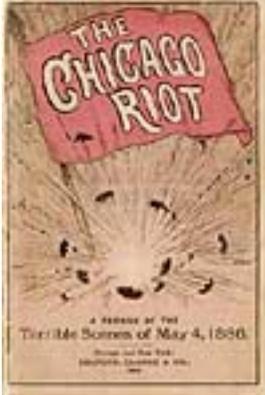
But perhaps no one involved in the trial had as fully developed a sense of the dramatic as the accused themselves, especially Parsons and Spies. It is impossible even to speculate whether, on some conscious or unconscious level, they were pleased to be put on trial. But in some respects the terrible injustice being visited upon them proved that they were right in their claim that the state was repressive and that its law was a sham. Not sharing their attorneys' belief in the current order, they perhaps realized from the start that, given the public mood, the trial was a mere show with the verdict scripted from the outset. But at least this show took place in the local and national spotlight that the defendants had long desired. Now that they had the country's attention, they were determined to take advantage of it.

Once in court, they did the best they could. Parsons, who had let his gray hair grow in when he was in hiding, dyed it again and groomed his mustache. He was careful about how he dressed for court, and, like the others, wore a flower on his lapel. And he carefully prepared for his trial testimony and his lengthy speech before sentencing. Judge Gary later admitted how effective he found the anarchists as orators, though mainly to point out how dangerous they were. At the time of the trial, however, the otherwise unfriendly Chicago Times had nothing but admiration for Parsons's performance on the stand, describing how "he went on from eloquence to oratory, and from oratory to logic, and from logic to argument."

The Chicago Tribune said of Spies's remarks before sentencing that "his voice is agreeable and his slight accent is rather pleasant than otherwise, reminding one in some inexplicable way of the exquisit[e] tones and charming accent of Modjeska, the titled Polish actress."

### **Beyond the Courtroom**

Instead of being ashamed that Haymarket had taken place where it did, the Chicago Daily News boasted proudly that the crime and trial had focused the attention of the world on Chicago. The paper claimed that the city was performing nobly before this global audience. The anarchists and their sympathizers obviously thought otherwise. With their own publications shut down, their best outlets to the general public were



reporters for the mainstream press. These journalists were given remarkably free access to the prisoners, even before the indictments. While he was on the run, Parsons sent a letter addressed "to my fellow workers" to the Daily News, which published it on May 9. But the newspapers generally reflected and encouraged the desire to turn Haymarket into a revenge tragedy. The English socialist Edward Aveling, son-in-law of Karl Marx, who met with the condemned men after their conviction, later commented, "If these men are ultimately hanged, it will be the Chicago Tribune that has

done it." Daily News publisher Melville Stone had been one of the people who helped Grinnell devise the conspiracy argument he used so successfully to convict the anarchists in the absence of any direct link between the defendants and the bomb. When shortly before the hangings Stone later pleaded unsuccessfully with Parsons to get the anarchist to ask for clemency in order to avoid execution, Parsons blamed Stone for his plight.

Even those in the general population who might have been expected to be most forgiving were either silent or accusatory. Among the many public commentaries on Haymarket were numerous sermons preached in Chicago's churches. One of these was "Christianity and the Red Flag," delivered by the Reverend Frederick A. Noble at Union Park Congregational Church, near Mayor Harrison's home, on the first sabbath after the bombing. Noble took as his text a passage from Isaiah 59, "Their feet run to evil, and they make haste to shed innocent blood; their thoughts are thoughts of iniquity; desolation and destruction are in their paths." This, said Noble, "is an ancient description of an anarchist."