

**Deeply troubled by the events in the courtroom**, the defense lay the groundwork for an appeal while the trial was in progress by taking exception to dozens of Judge Gary's rulings. On October 1 Black and his associates filed a cluster of new motions, affidavits, and objections. One motion asked that testimony be admitted from a man named Otis Favor, who contended in his sworn affidavit that he heard Henry Ryce, the special bailiff in charge of jury selection, boast that he was taking care to summon such men as would assure that the accused "would hang as certain as death."

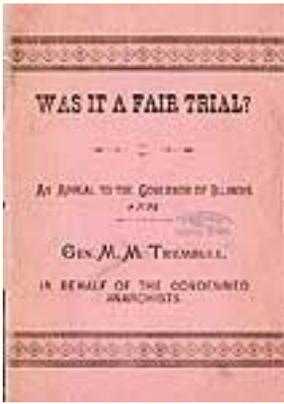


Other motions presented statements that called into question the impartiality of several of the jurors and that further attacked the character and credibility of Harry Gilmer, the witness who claimed to see Spies leave the speaker's wagon and light the Haymarket bomb. The prosecution parried with its own affidavits defending the jurors and Gilmer. Captain Black also charged that portions of Grinnell's closing argument were untrue, irrelevant, and inflammatory.

In addition, Black requested that the court hear the testimony of Indianapolis saloon keeper John DeLuse, who claimed that early on the morning of the bombing a dark-suited stranger with a moustache entered his establishment carrying a small satchel. After asking about the state of the local labor movement, this man allegedly told DeLuse that he was on his way from New York to Chicago, adding ominously, "[Y]ou will hear of some trouble there very soon." He then pointed to the satchel and said, "I have got something in here that will work, you will hear of it." One of the many mysteries of the Haymarket drama that will never be resolved is whether this story had anything of substance to it. In any case, Judge Gary overruled the request to hear DeLuse's testimony as he had so many others, including, most importantly, the motion for a new trial. The first of the thirteen points contained in the defense's motion read, "The verdict in said cause is contrary to the law and the evidence."

### **The Appeal Begins**

By this time Black knew that Gary would do nothing to disturb the verdict, and that his best hope was to appeal the case to the Illinois Supreme Court. In early November he formally asked this higher body for a Writ of Error, requesting that the court review the case to determine whether legal errors



had indeed been committed. Judge Gary had already granted a stay of execution until the State Supreme Court decided whether to issue the writ. On November 25, Thanksgiving Day, State Supreme Court Chief Justice John M. Scott granted the writ, indicating that the court would hear arguments in the upcoming March term. In order to assist Black and to broaden the support among the general public for the convicted men, the defense committee enlisted the services of prominent Chicago attorney Leonard Swett.

The brief and argument formally submitted for the anarchists asserted that mere participation in an unlawful assembly did not make an individual coincidentally present at that assembly responsible for the "independent crime of a participant." The appeal contended, furthermore, that a person could not be held as an accessory in an unlawful conspiracy unless the principal perpetrator of an illegal act was identified as part of this conspiracy. Since the identity of the individual who actually threw the Haymarket bomb remained a matter of speculation, there was no way to prove that he was a part of any conspiracy involving the eight men prosecuted.

Grinnell, joined by Illinois Attorney General George Hunt, reiterated the argument he had made in Gary's court: the convicted men had either been directly connected with the bomb throwing or were guilty as accessories. Their words and actions did indeed reveal an unlawful conspiracy. The sequence of events between the riot at the McCormick works and the bombing in the Haymarket were all part of a dastardly plan carefully concocted well in advance. The jury had been fair and impartial, and there were no errors substantial enough to justify a new trial. As did Black and Swett, Grinnell and Hunt pointed out that larger questions were at stake in this case. "The history of crime in this state shows no parallel in all its pages to the murderous act for which the [defendants in the Haymarket trial] have been convicted," they concluded, "an act which, as the record shows, was wholly unprovoked and without the shadow of justification, showing a heart utterly depraved and a wicked disregard for human life."

Although much of the general population believed they were guilty, the anarchists had a small but vocal number of supporters. These included Ernst Schmidt and other members of the Defense Committee Fund, who appealed through socialist and anarchist publications and organizations in America and Europe for renewed financial assistance to mount the appeal, and Lucy Parsons and other radicals who lectured or wrote on behalf of the condemned men. They were joined by an articulate group of people who, regardless of their precise political beliefs, were convinced that a great injustice had been done in Gary's court. A prison term was perhaps in order, but not the death penalty. At numerous rallies, speakers joined Black and

Swett in questioning the legality of the trial, and several pamphlets were issued that raised points similar to those made in the appeal. Meanwhile, most journalists remained hostile. America's leading writers were also unsympathetic, with the lone exception of novelist William Dean Howells, who risked his own standing as the most respected American man of letters when he objected publicly to the verdict and tried with little success to persuade others in the literary community to join him.

Among those who agonized about what to do were leaders of the American labor movement. It was hard for them to stand silent as the state prepared to punish these self-proclaimed champions of the working man, who were themselves union members and organizers, and in a few instances outspoken advocates of the eight-hour cause.. At the time of the bombing, Samuel Gompers, soon to become head of the fledgling American Federation of Labor, was upset that the violence in the Haymarket would make the task of organizing effectively more difficult. Gompers did not speak in behalf of the accused during their trial, but he would eventually become one of the strongest voices calling for clemency. He maintained that their execution would be a national disgrace, and that it would only bring sympathy to extremists and undermine the voices of reason. Knights of Labor chief Terence Powderley divided and weakened his union, many of whose members wished the national organization to take an official stand against the verdict, by remaining adamantly against the condemned men to the last.

### **The Convicted Men**

Although incarcerated, the convicted anarchists hardly remained passive or quiet. In order to generate income and present their case before the public at large, their supporters published the speeches the defendants gave in court before sentencing. A week after the prisoners delivered these remarks, they drew up a contract for what they called the Anarchist Publishing Association, devoted to communicating their own personal appeal to the world. Between October 1886 and April 1887, the Chicago-based labor weekly Knights of Labor featured autobiographies prepared in jail by seven of the defendants, followed in early October of 1887 by an "Introduction to the Story of the Anarchists" by Captain Black. Louis Lingg's account of his life subsequently appeared in three installments starting at the end of 1888 in the revived Alarm, the English-language anarchist paper that had been closed down immediately following the bombing.

Aside from a short exercise period, the prisoners were permitted little range of physical activity. They spent much time reading and writing. Parsons also passed the hours whittling, carving a small boat that was auctioned for \$150 to raise money for his family. He and the others sent and received mail, and they were permitted to accept food, books, and other gifts. Judging by the stories in contemporary newspapers and magazines, they frequently spoke with or at least were observed by reporters. Every day but Sunday they were

allowed to meet with a number of visitors from near and far.

The prisoners saw their relatives as much as possible, which provided some comfort to all involved, but emotional distress was unavoidable. Fielden's wife gave birth to a son the day before Judge Gary sentenced him. Oscar Neebe's wife Meta, who had fainted upon hearing the news of the verdict in August 1886, died suddenly the following March of an apparent heart ailment. The Illinois Staats-Zeitung, the voice of the conservative German community in Chicago, reported sympathetically that socialist Paul Grottkau told the several thousand mourners gathered at Meta Neebe's funeral that he refused to give a eulogy, but would instead "raise my voice in protest against society whose victim Mrs. Neebe is."

In search of personal interest stories, the Chicago daily newspapers frequently reported the visits from members of the anarchists' families. They described the "affecting scenes" in the prison in terms that humanized the inmates, whom on other occasions these same papers characterized as beasts and cowards. The reporters usually pointed out that the heartbreak they witnessed in the Cook County Jail was another of the terrible costs of anarchy. They also made much of the talk that women were fascinated with the two handsome bachelors on death row, the brooding Louis Lingg and the elegant August Spies. The papers noted with interest Lingg's visits with a young German woman named Elise Friedel, and they had a field day with Spies's prison courtship of the daughter of a Chicago businessman, Nina Van Zandt, whom Spies married by proxy on January 29, 1887. Attorneys Black and Swett, concerned that this relationship would only weaken public sympathy for their clients, raised their own objections against the marriage to Spies, to no avail.



### **Eleventh Hour Appeals**

In spite of Spies's actions, with the passage of time more and more voices were raised supporting the legal appeal as well as a related movement to reduce the severity of the sentence. The clemency movement took on much greater urgency and gained many more adherents after the Illinois Supreme Court filed its opinion on September 14, 1887. Holding that there was nothing "erroneous, vicious, or defective" in the record, proceedings, or judgment, Justice Benjamin D. Magruder, speaking for a unanimous court, affirmed the verdict. He set November 11, 1887 as the new date of execution for the seven condemned men, ordering Neebe to be transferred to the state penitentiary to serve out his fifteen-year sentence.

The Defense Fund Committee's only remaining recourse was an appeal to the United States Supreme Court. To make its plea, it hired three nationally prominent attorneys, including the colorful Benjamin Butler, who as a Civil

War general had headed the Union occupation of New Orleans and had since served his native Massachusetts as congressman and governor. Chief Justice Morrison R. Waite permitted the petition for a writ of error to be heard in open court "on account of the urgency of the case and its importance." In so doing, he warned that the petition would not be accepted unless it involved federal questions. Over three days in late October, the anarchists' new attorneys did their best to raise such questions, but, speaking for the court on November 2, Chief Justice Waite dismissed the petition.

With nine days left until the executions, clemency remained the only alternative to the gallows. The Amnesty Association organized in the defendants' behalf greatly stepped up its efforts, gathering tens of thousands of signatures in Chicago and beyond. Many of these were from businessmen, attorneys, clergy, journalists, writers, labor leaders, and other individuals of prominence. Several of the city's most powerful citizens, notably Marshall Field, stifled wider support by remaining firmly opposed to commutation of the sentence. The clemency efforts were directed not only at Illinois Governor Richard Oglesby, in whose hands the power to commute the sentences lay, but at the condemned as well, since Oglesby could not act unless he was requested by a prisoner himself to do so. The anarchists were understandably resistant to the idea of asking forgiveness for a crime they contended they did not commit from an authority they despised.

Fielden and Schwab nevertheless did petition the governor. Spies did so on November 3, but changed his mind when he learned that others in the movement had accused him of cowardice. When he withdrew his plea, Spies offered his own life in place of all the others. Lingg, Fischer, and Engel, always the staunchest opponents of the established order among the defendants, refused even to consider asking for mercy. In their opinion their only crime was exercising their freedom. As for Albert Parsons, he repeatedly invoked American revolutionary patriot Patrick Henry's famous watchword, "Give me liberty or give me death." This proved inspirational to his committed allies among the anarchists, but it infuriated many involved in the defense and amnesty movements, who saw it as a pointlessly suicidal gesture that reflected Parsons's desire for the dramatic gesture over practical action. One of them remarked in frustration, "The appeal of Parsons for liberty or death is pure bathos, and is in keeping with the theatrical nature of the man."

### **The Final Scenes**

And still the clemency efforts continued, with delegations hastening to the state capital in Springfield, where Governor Richard Oglesby patiently heard them out. The shift in public mood toward clemency was hampered when, five days before the November 11 execution date, four pipe bombs were found under the bed in Lingg's cell, evidently smuggled in by one of his visitors. Those trying to save Lingg's life took a last desperate measure, filing

a motion for an insanity hearing on November 9. But Lingg had plans of his own. The next morning he placed another smuggled explosive, a small blasting cap, in his mouth and lit the fuse. With the lower part of his face blown apart, Lingg suffered horribly for several hours until he finally passed away.



Oglesby commuted Fielden's and Schwab's sentences that same afternoon, and the following morning he heard one final appeal from Black for the lives of the remaining four men on death row. After considering Black's report of a telegram claiming that the actual bomber had been located in New York—yet another mysterious loose end—Oglesby decided to let the judgment take its course. Back in Chicago, the city was in a state of unspeakable anxiety. There were rumors that anarchists would make one last bold attempt to save their own. One wild story had twenty thousand armed revolutionaries preparing to raid the Cook County Jail and blow up public buildings.

As a precaution, the police and militia assigned men to guard the homes of those active in the investigation and prosecution, as well as the Board of Trade building and some government offices. They posted sentries with rifles to guard the jail against possible invasion. A witness to the execution reported that the building felt "like a precarious outpost in a critical battle." When Lucy Parsons tried to take her children to see their father one last time the morning he was to be hanged, they were first delayed, then arrested and taken away to Captain Schaack's East Chicago Avenue station house, where they were strip-searched and held until three hours after his death.

Shortly before noon, the sheriff's men opened the condemned prisoners' cells one by one and marched Spies, Parsons, Engel, and Fischer toward the gallows that had recently been erected in a long corridor at the north end of the jail. About 170 reporters and other witnesses waited in the corridor. All four anarchists had kept their composure in their final hours, reciting and singing inspirational poetry and songs, and going through their correspondence. Their arms and legs now bound by straps and handcuffs, their bodies draped in white shrouds, their heads completely covered with rough hoods, their necks in the noose, they each shouted one more declaration. "The time will come when our silence will be more powerful than the voices you are throttling today," Spies prophesied, followed by Fischer and Engel, who successively yelled out "Hurrah for anarchy!" Fischer then defiantly told his listeners, "This is the happiest moment of my life!"



Parsons characteristically called out for a chance to address the world that

had placed him on this gruesome stage: "Will I be allowed to speak, O men of America?" he implored, before demanding of his jailer, "Let me speak, Sheriff Matson! Let the voice of the people be heard!" He drew one last breath and was attempting to continue when the trap fell.