REMINISCENCES
OF THE
ANARCHIST CASE

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Tomorrow night[1] it will be forty years since what has become known as the Anarchist Case had its origin in the throwing of a dynamite bomb and the killing or wounding of a large number of policemen at a meeting of workingmen in Chicago. The judge presiding at the trial, all the twelve jurors, all the counsel for the state, all the counsel for the defense except myself, all the police officials who were active in the investigation and at the trial, all the seven justices of the Supreme Court of Illinois which reviewed and affirmed the judgment of the criminal court of Cook County, all the nine justices of the Supreme Court of the United States which was appealed to for a writ of error but declined to interfere, are dead. Of the eight defendants, four were executed, one committed suicide in jail the day before he was to have been executed, and three, after serving in the penitentiary for six years, were pardoned, but have long since died. Thus, of all the prominent actors in that thrilling drama, I am the sole survivor.

Many is the time that I have been asked to write my reminiscences of that cause célèbre and incidentally to correct various misstatements which have crept into published accounts of it, even in standard works of history. For one reason or another I have always postponed it. But advancing years prompt the thought that, if I am ever to do it, I ought not

[1] May 4, 1926.

further to delay. I am happy to find that my recollection of the events of which I am about to speak has not been much dimmed by the lapse of time; and I am certain that in the meantime my perspective has become clearer and my views as to the justice of the decision, the management of the case by the representatives of the state, and the conduct of the presiding judge have become more trustworthy.

I wish it understood that I do not undertake to record here all my reminiscences or to give more than an outline of the salient features of the case; to do so would require far more space than is at my disposal. But let us in *medias res.*

On May 1, 1886, a strike of the organized workingmen for an eight hour day with ten hours pay was inaugurated in Chicago and in many other industrial centers of the country. The employers quite generally resisted these demands. Many clashes occurred between strikers and scabs. On the afternoon of May 3rd, August Spies, editor of the *Arbeiter Zeitung,* a labor paper with strong anarchistic tendencies, addressed a large meeting of striking lumber shovers held in the open about three or four blocks from the McCormick Reaper Works. He had not finished speaking, when the bell at the McCormick plant rang. A portion of the crowd nearest the plant commenced to move towards it, attacked a group of men coming from work and threw stones at the windows of the factory. A number of policemen came to the rescue, using clubs and revolvers against the crowd, many of whom were unarmed and fleeing from the spot. One of the strikers was killed and a number were wounded. All this was witnessed by Mr. Spies. He went down town to his office in great excitement and there composed and caused to be printed a circular reading as follows:

"WORKINGMEN! TO ARMS!

"Your masters sent out their bloodhounds—the police—they killed six of your brothers at McCormick's this afternoon. They killed the poor wretches, because they, like you, had 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 immeasurable iniquities; you have worked yourselves 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 slaves all these years. Why? To satisfy the insatiable greed and fill the coffers of your lazy, thieving master! When you ask him 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 grandsires, 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."

The statement in the circular that *six* workingmen had been killed was based upon a report to this effect in a late edition of the *Chicago Daily News*.

This circular was distributed that night, principally at different labor meetings.

On May 4, the following circular was widely distributed:

"Attention, Workingmen! Great mass meeting tonight at 7:30 o'clock at the Haymarket, Randolph Street, between Des Plaines and Halsted. Good speakers will be present to denounce the latest atrocious act of the police, the shooting of our fellow workmen yesterday afternoon.

The Executive Committee."

The advertised meeting was slow in gathering and did not start until half past eight. The highest number of people present at any time during its progress was variously estimated at from 1,000 to 3,000. Among these was a liberal sprinkling of women. Owing to its small size the meeting was not held at

the very spacious Haymarket proper, though it has ever since been spoken of as the Haymarket meeting, but about half a block north of the east end of it on Desplaines Street between Randolph and Lake Streets. There an empty truck wagon, standing close to the entrance into a private alley, known as Crane's Alley, was requisitioned for a speakers' stand by Mr. Spies, who called the meeting to order.

The police had seen the call for the meeting and also the Revenge circular. As there was great excitement in the ranks of the strikers, the police expected a very largely attended meeting and thought best to be prepared to intervene in case it should result in disorders or excesses. For that purpose 180 policemen were kept at the Desplaines Street Police Station, less than one hundred yards from the place of the meeting. Reserves were also held in various outlying police stations.

Carter Harrison, the elder, at that time mayor of Chicago, attended the meeting and went into the thick of the crowd, intending in case of necessity to make his presence known and order the meeting to disperse.

August Spies was the first speaker. He was followed at about nine o'clock by Albert R. Parsons, editor of *The Alarm*, an anarchistic periodical published in the English language. During his speech which lasted about an hour and was largely devoted to figures and statistics, many people left. Mayor Harrison, having failed to notice the slightest sign of danger of disorder, stepped into the Desplaines Street Station, told Inspector Bonfield his impression of the meeting, and advised that the policemen held in reserve at that station and at the outlying stations be released for their ordinary duties. The mayor then returned to the meeting. Parsons was still talking, but evidently approaching a close. There was still no symptom of threatening trouble and the mayor went home.

The last speaker was Samuel Fielden, a stone teamster and well-known labor orator. The character of the meeting in no wise changed during his speech. None of the speeches pro-

posed or hinted at any violence or force to be resorted to that night. All of them were the ordinary mouthings of communistic labor agitators, but were tame compared to many previous ones made by the same men for years at Sunday meetings held on the Lake Front, in Chicago, and still more tame when compared to the editorials which had appeared in the columns of the *Arbeiter Zeitung* and *The Alarm*.

When Fielden began to speak, dark threatening clouds gathered and a light rain began to come down. Shortly thereafter Parsons proposed an adjournment to a nearby hall on Lake Street, and Fielden replied: "I shall be through in a few minutes and then we'll all go home." But Parsons, his wife and a woman friend, as well as a good part of the remaining crowd, left, and in a short while the meeting dwindled to about 300 people. It was just about to dissolve and Mr. Fielden had said, "In conclusion," when a platoon of police about 180 men strong, led by Inspector Bonfield and Captain Ward, having marched quickly from the police station, halted within a few yards of the speakers' wagon. Captain Ward raised his arm, club in hand, and said: "In the name of the people of the state of Illinois I command you to disperse." In the stillness that followed this command Mr. Fielden said: "Why, captain, this is a peaceable meeting!" At that moment a dynamite bomb, hurled by an unidentified person, landed in the ranks of the police and caused havoc. The police needed no command before firing and were answered by shots from the crowd, which, however, the next instant fled in terror. Fielden and the other men on the wagon had meanwhile scrambled down and made their escape as best they could. One policeman was killed immediately, six were mortally, and about fifty others more or less seriously, wounded.

This story, dressed up, to be sure, in the best manner of the reportorial artist, stared at me from the front page of the newspapers on the morning of May 5th. They also stated that this was the first time dynamite had been used in this country

for the destruction of human life; that a dragnet had been spread for all known members of anarchistic societies; that dozens of them had been arrested during the night; that the authorities were determined to make an example of their leaders so as to stamp out socialism, communism and anarchism in America.

Of the three speakers at the meeting I knew only Mr. Spies. I had met him once some months previously when he had called at my law office to retain my partner, Mr. Salomon, to defend the *Arbeiter Zeitung* in a libel suit. Mr. Salomon was the attorney for the Central Labor Union of Chicago and in this capacity had become well acquainted with Mr. Spies. On the occasion of this call I had had a few minutes' conversation with him. My impression was rather favorable. He was a handsome, well-built man of medium height, about thirty years old, pale and clean-shaven except for a blond mustache. He was quiet, mild-mannered, neatly dressed. His well-shaped head was crowned by a fine growth of blond hair. I had heard him spoken of as an anarchist, but he did not look the part.

Walking to my office on that morning of May 5th, I passed many groups of people, standing on street corners or in the middle of sidewalks, whose excited conversations about the events of the preceding night I could not fail to overhear. Everybody assumed that the speakers at the meeting and other labor agitators were the perpetrators or instigators of the horrible crime. "Hang them first and try them afterwards" was an expression which I heard repeatedly. It seemed to me that the air was charged with anger, fear and hatred. I myself was shocked beyond words.

I had hardly reached my office when the telephone rang. I answered the call. Someone, speaking very hurriedly and excitedly, said Mr. Spies had been arrested at the *Arbeiter Zeitung* office and been taken to the Central Police Station at the City Hall, and that Mr. Salomon should come over there at once.

Mr. Salomon lost no time in obeying this summons. He returned in an hour. He told me that besides Mr. Spies, Mr. Michael Schwab, associate editor of the *Arbeiter Zeitung*, and Mr. Samuel Fielden were being held at police headquarters. They had been arrested without warrant and no charge had been booked against them. They wanted our firm to look after their interests. Mr. Salomon said that all three men had assured him that they were in no wise implicated in the throwing of the bomb.

We immediately prepared a petition for a writ of habeas corpus and Mr. Salomon went out to present it to a judge. He had barely left with the petition when I was called upon by a man who introduced himself as Rudolph Schnaubelt, a brother-in-law of Michael Schwab. He declined the chair which I offered him, saying he was in a hurry. He was a huge fellow, about six feet three inches high and weighing, I judged, about 225 pounds. He towered over me as I was sitting at my desk. He had blond hair and a full beard and mustache of the same color. His exterior was that of a gentleman. He told me he had been at the Haymarket meeting, but that Schwab had not been there; he could not understand why Schwab was held by the police; that Schwab was as gentle as a dove and would not hurt a fly. He also spoke about Mr. Spies who, he said, had a heart as big as the courthouse. He said that both Spies and Schwab, though talking and writing a lot of incendiary stuff, lacked the courage to handle a bomb. He said that he was an anarchist and knew all the active anarchists in Chicago; some of them, he thought, would have the courage all right, but none of them had been at the Haymarket meeting. He also told me that the meeting had been perfectly orderly and peaceable; that the police—to whom he referred as beasts and bloodhounds—had apparently come to precipitate a row, and the throwing of the bomb served them right. As he uttered these words his upper body swayed slightly forward and his clinched fist came down as though to strike my table, but was

suddenly arrested in midair. He was visibly wrought up but had himself under perfect control. His visit lasted less than fifteen minutes. On leaving he said he would call again.

Mr. Salomon soon returned to the office with the news that a coroner's inquest was to be held in the afternoon; also that the police had scoured the city for Parsons but could not locate him; he had fled or was hiding; and further, that one Adolph Fischer, a compositor of the *Arbeiter Zeitung*, had been arrested; a file ground sharp to an edge, a revolver and a fulminating cap had been found on him.

While Mr. Salomon was attending the inquest, a number of people who had been at the Haymarket meeting called and gave me their versions of the happenings there, particularly the circumstances surrounding the throwing of the bomb. Their stories differed materially from the accounts in the newspapers. A lot of policemen had been quoted to the effect that, when the police had approached the speaker's stand, Fielden had shouted, "Here come the bloodhounds of the police! Men, do your duty and I will do mine"; also that at the moment the bomb burst, Fielden and numerous men in the crowd had started shooting at the police. All my callers denied the truth of these accounts. I carefully took down their names and statements. During the following weeks I had similar interviews with dozens of people, among them many who were neither workingmen nor sympathizers of the anarchists, but had been at the meeting merely from curiosity and were prompted by a sense of justice to tell me what they had observed.

Late on the evening of May 5th, the coroner's jury returned its verdict, holding all the prisoners responsible for the murder of Mathias J. Degan, the first of the policemen to die, and binding them over to the grand jury.

On May 7th I had another call from Rudolph Schnaubelt. At first I did not recognize him, as he was without a beard. He said he had been arrested that morning and quizzed and

sweated at the Central Police Station; that the police had found out he was Schwab's brother-in-law and had been on and near the speakers' wagon during the Haymarket meeting; he had, however, accounted for his movements and the police had no evidence against him, so they had to let him go. He added, "I don't see that I can do any good to my friends here, and the way things are going I believe it would be better for me to get out of Chicago for a time."

I have mentioned these visits of Schnaubelt's because of the determined but, as I shall show hereafter, abortive efforts of the state at the trial to convince the jury that he was the bomb thrower. Apparently Schnaubelt has never returned to Chicago. At any rate I have never seen him again.

On May 11th I had another interesting visitor. It was Gottfried Waller who subsequently became a star witness for the state at the trial. He was a fine-looking fellow with black hair and beard and spoke good German, but no English. His wife had reported to him that two men whom she took to be detectives, had inquired for him on two occasions. He was afraid that he would be arrested and therefore wanted us to know what he had to tell. He was a member of the International Workingmen's Association—to which I shall hereinafter refer as the International—and belonged to one of the several groups of that organization in Chicago. Each of these groups had an armed section whose members met at Greif's Hall, 54 West Lake Street, for the purpose, among others, of drilling and to be instructed in the use of firearms and the manufacture of explosives, whenever the words "Y. Come————night" appeared under the heading of "Letter-Box" in the columns of the *Arbeiter Zeitung;* that pursuant to such an advertisement he went to such a meeting on the night of May 3rd. It was attended by about fifty men, including Schnaubelt, one George Engel and Adolph Fischer. Some copies of the Revenge circular were brought there and its contents were discussed. Waller was chairman of the meeting. Engel proposed

that the members of the armed sections should be provided with dynamite bombs and prepared to come to the aid of strikers in case they were again attacked by the police; that in case a conflict with the police should assume considerable dimensions, or, as Waller put it in another version, if a revolution should break out, the German word "Ruhe" (meaning quiet, rest) should be published under the heading "Letter-Box" in the *Arbeiter Zeitung;* this would be a signal for the armed men to meet at points to be agreed upon by each group in the different sections of the city; that a committee, consisting of two men from each of the three sections should observe the movements in the city and, in case a conflict should occur, the committee should get word to the armed men who should then attack the various police stations with bombs so as to prevent rescue parties from reaching the places of conflict in the city. This proposal was accepted. Upon Waller's suggestion it was then decided that a meeting be held on the evening of May 4th at the Haymarket to protest against the action of the police at the McCormick riot. Fischer was commissioned to call this meeting by means of handbills to be printed.

It required no particular acumen for me to realize the significance which the state would attach to this meeting of the armed groups. It did, in fact, become the pivotal point in the state's theory that the throwing of the bomb at the Haymarket meeting was the direct result of the conspiracy formed at the Greif's Hall meeting, and that the latter again was an outgrowth of the purposes and teachings of the International, of which all the defendants were members, in whose revolutionary propaganda they had been more or less actively engaged and which in itself was a gigantic conspiracy to overthrow the law. Of course, I also did not fail to realize that the state would have to establish a connection between the bomb-thrower and the Greif's Hall conspiracy. I therefore asked Waller many questions upon this point and found out that he did not know and would not even venture a guess as to who

threw the bomb; that the Haymarket meeting was intended solely as a protest assembly; that neither Spies, Schwab, Fielden nor Parsons was a member of an armed group; that nothing had been said about preparations for resisting any attack by the police at the Haymarket; none such was expected and, with the exception of the committee of observation, the men were not to attend that meeting. This interview became of great value, when it fell to my lot to cross-examine Waller at the trial.

On May 17th the regular grand jury for the month was convened. Judge John G. Rogers instructed it on the law applicable to the Haymarket crime. He was a dignified, elderly gentleman of excellent reputation, well-liked and highly thought of by the bar. His charge was based upon the hypothesis of the truth of the newspaper reports, and upon that basis it seemed to be correct and fair. Our clients, however, were quite excited about it and insisted that Judge Rogers was prejudiced and would not give them a fair trial.

The grand jury, composed largely of outstanding business men, had been obtained by a special venire and was plainly handpicked. One of the jurors was a banker by the name of E. S. Dreyer, who, Spies told me, was his personal enemy. Some years after the conviction of the anarchists I became well acquainted with him. He frequently discussed the case with me and several times manifested deep emotion in expressing his sorrow over its outcome and his participation in the work of the grand jury. After John P. Altgeld had become governor of the state, Mr. Dreyer was the most active of the many citizens who sought a pardon for the three anarchists who had survived and were serving their sentences in the penitentiary.

The rounding up of persons suspected of complicity in the Haymarket crime and of persons suspected of sympathy with the prisoners continued fully as active after the convening of the grand jury as it had been since the night of May 4th.

Raids and arrests were made daily. Among those who were held incommunicado and without warrant were Adolph Fischer, George Engel, William Seliger and Louis Lingg, all of whom were later indicted. An apparatus supposed to be used in the manufacture of bombs had been found in Engel's home. In Lingg's room the police had found a miniature bomb factory. Seliger was Lingg's landlord and his assistant in the making of bombs.

Captain Michael Schaack, in charge of the Chicago Avenue Police Station, became the leading spirit in the investigation and hugely enjoyed being in the limelight. He was corpulent, pompous, inordinately vain and not overscrupulous. In conjunction with Assistant State's Attorney Edmund Furthman he conducted a sweating shop at his police station. He gave information of his doings to the reporters only sparingly, allowing them to work their imaginations overtime. Their gossip and guesses, all in the shape of statements of fact, filled columns of the press every day. Their every reference to the prisoners was a demand for their blood. That they were not lynched but were to be tried under the forms of orderly legal procedure aroused the wrath of the editors and was taken by them as a personal insult. Their every mention of the lawyers was a sneer. Repeatedly they intimated that we were anarchists ourselves. They were unspeakably unfair and venomous. I often worried and wondered how under these conditions it would be possible for us to get an impartial jury, and how it would be possible for us to find lawyers of large experience and high standing, such as we desired to have associated with us, who would have the moral courage to come into the case.

Shortly after the grand jury had started to hear evidence, a legal defense committee was organized. Dr. Ernst Schmidt became its treasurer and actual head. In the course of time it succeeded in collecting a considerable sum, sufficient to pay the heavy expenses of investigating, court reporting, printing,

etc., and moderate fees for the lawyers. A large majority of the contributions was in sums of from $1 to $5. Dr. Schmidt was a highly educated man, one of the most prominent physicians in the city and one of its best loved citizens. He was a professing socialist and thoroughly convinced that there was something radically wrong in our social conditions and that the workingmen, generally speaking, were heartlessly exploited by their employers. But he was opposed to the use of force in bringing about a change in existing conditions. He was one of that noble guard of revolutionists in Germany in 1848, many of whom subsequently found their way to this country and became shining examples of good citizenship and civic spirit. Some few years before the time of which I am writing he was the candidate of the socialist party for mayor of Chicago and came near being elected. His big vote came largely from citizens outside of that party who had confidence in the integrity and wisdom of that great and good man. In the inflamed condition of the public mind it required moral courage of the highest order for Dr. Schmidt to assume the headship of the defense committee. He abhorred the Haymarket crime, but was convinced that the prisoners had had no hand in its commission. He was thoroughly opposed to the advocacy of force by these men in their speeches and writings and had often expressed this opposition to Mr. Spies, but believed in the purity of their motives.

After consultation with Mr. Salomon and myself, Dr. Schmidt sought to retain, first Luther Laflin Mills, former state's attorney of Cook County, and then William S. Forrest, a very able man, versed in all the technicalities of criminal law and absolutely honorable. Mr. Mills declined outright. Mr. Forrest asked for a fee which went way beyond the expected means at the disposal of the committee. Dr. Schmidt thought that both those gentlemen feared the consequences to themselves of undertaking the defense of so unpopular a cause, but he did not blame them and only spoke with bitterness of the

vileness of the press. The committee finally succeeded in retaining Captain W. P. Black, a leader of the bar, a fine orator, a man of liberal mind, whose heart was sure to be in the cause. But he was not a criminal lawyer. Captain Black's consent to become the leading counsel in the case was nothing short of an act of heroism. He was the junior partner in one of the most successful law firms in Chicago. All their clients were outstanding business men who were sure to be given offense by his defending the anarchists. Nothing but a high sense of professional duty could have induced him to come into the case. I may say here that after the conclusion of the trial and as a direct result of his participation in it, not only was his law firm dissolved, but he lost his clientage almost entirely, never to build up another which assured him more than a moderate income. He was at that time about forty years old, a handsome, tall man of military bearing, very dignified and possessing a powerful, mellifluous voice. He was exceedingly kind to Mr. Salomon and myself and treated us youngsters as though we were his equals. We also obtained as an associate Mr. William A. Foster, a recent arrival from Davenport, Iowa, who came to us highly recommended as a skillful trial lawyer and volunteered his services. He was about forty years old, of medium height and had wavy red hair and a red mustache. He chewed tobacco incessantly, even in the court room during the trial, and his aim at the cuspidor was unfailing. He was a likeable, level-headed fellow who, however, relied more upon his native wit and talent than upon application or close study.

On May 27th the grand jury presented a big batch of indictments to Judge Rogers. Their contents were kept secret for a few days, but it leaked out that Spies, Schwab, Fielden, Fischer, Lingg, Engel, Parsons, Schnaubelt, Seliger and one Oscar W. Neebe were indicted for murder. Neither Parsons nor Schnaubelt had been apprehended. Seliger was never brought to trial, but bought immunity by becoming an important witness for the state.

The indictment of Neebe was a great surprise. Not a word had been whispered about the intention of the state's attorney in that regard. He had never been arrested or even molested until late that day. He was released on bail a few days later and remained at large until the jury brought in its verdict. Further on I shall have occasion to speak of the entire absence of material evidence on which to convict him.

Yielding to the earnest request of our clients we asked for a change of venue from Judge Rogers. We proposed to Mr. Grinnell that the case be transferred to Judge Murray F. Tuley than whom this county never had an abler or fairer judge. But Mr. Grinnell would not consent. Finally we agreed on Judge Joseph E. Gary. Judge Gary was a very able, keen lawyer and a fine judge. He was universally regarded as instinctively impartial. But candor compels me to say that in this case, as will appear from the facts herein recited, he frequently deviated from the narrow path of fairness. After all he was, to quote Nietzsche, "human, all too human," and his mental compass was disturbed by the severe brainstorm of the panic-stricken ruling class about him.

On June 10th, at our first appearance before Judge Gary, Mr. Grinnell, unwilling to give the infuriated public a chance to cool off, asked for an immediate trial. Captain Black made a powerful argument for a postponement for at least a month, but Judge Gary set the case for June 21st.

On June 18th Captain Black brought Mrs. Parsons to our daily afternoon conference. She was a handsome mulatto, well educated and ladylike, though somewhat temperamental. She told us she was regularly receiving communications from her husband; he was working as a carpenter and painter in Waukeshaw, Wisconsin; his disguise was complete; having become prematurely gray, he had been dyeing his hair and mustache to a deep black for over ten years; he had never worn a beard; since fleeing from Chicago he had ceased dyeing and had grown a beard; hair, mustache and beard were white as snow; his

own mother would not recognize him; he was therefore absolutely safe from arrest; but conscious of his innocence of complicity in the Haymarket crime and fearing that his continued absence might be construed by the jury as a confession of guilt and consequently prejudice his comrades, he was willing to surrender himself in court on the first day of the trial, if his wife, after consulting with us lawyers, should advise him to do so. Captain Black was enthusiastically in favor of it. He had a strongly developed dramatic instinct. He pictured to us in glowing colors the electrical effect which Parsons' sudden appearance would create in the courtroom and outside. He expressed his conviction that the presumption of guilt which had taken possession of the public mind would instantly change to a presumption of innocence, the benefit of which would extend to the other defendants; that as regards Parsons, it was, under the circumstances, unthinkable that the jury should find him guilty of murder. Mr. Foster, utterly unemotional, of a cool, calculating and perfectly balanced mind, threw cold water on Captain Black's proposal. He thought that the wellnigh universal feeling of loathing and hatred against the defendants was still at fever heat; that the lawyers had no right to accept Parsons' proffered sacrifice, no right to gamble with a human life, no right to drag him from a place of absolute safety into a situation of jeopardy. Mr. Salomon, highly optimistic, with unbounded confidence in the strength of the theory of defense which we had worked out, sided with Captain Black. I begged to be excused from expressing an opinion, on the ground that I had lived in this country less than three years and was not sufficiently familiar with the operation of the American mind. The upshot of the discussion was that Mrs. Parsons decided to have her husband come on.

The trial began on June 21st. The courtroom was large but sombre. Numerous policemen stood guard at the entrance and in the corridor and closely scrutinized those seeking admission. With the exception of the first few days, however, the

courtroom was always crowded. Many reporters for out-of-town papers were in attendance, and naturally all of the Chicago papers were represented. Directly in front of, and somewhat below the bench, were two rows of six seats each for the jurors. At right angles to the jurors' seats and to the right and left of them were long tables for the counsel. At the table for the prosecution were State's Attorney Julius S. Grinnell, his special assistant, George C. Ingham, and two regular assistant state's attorneys, Francis W. Walker and Edmund Furthman. Adjoining the defense's counsel table and parallel with it was a row of chairs for the accused.

Mr. Ingham had formerly been the first assistant of Luther Laflin Mills as state's attorney and was then his partner. He had the reputation of being the most skillful prosecutor our county had ever had. Mr. Walker was a fine young man, I should say about 30 years of age, very talented and well educated, with a very high pitched voice and a genial expression of face which, however, often changed suddenly into a sneer. Mr. Furthman was a thickset man of about 35, rather coarse features, a sinister expression, and a hoarse voice. He had recently come from bookkeeping to the bar. He never opened his mouth during the trial, but frequently prompted his associates. He was more detective than lawyer.

Immediately after the opening of the court the defense moved for a separate trial for Spies, Schwab, Fielden and Neebe. In support of our motion Mr. Foster read an affidavit which recited in detail a mass of evidence that we understood was to be introduced, which would be competent against Lingg, Fischer and Engel, or against one or the other of them, but not so against their co-defendants who, we insisted, would be incalculably prejudiced if all the defendants were tried together. After finishing the reading of the affidavit, Mr. Foster added: "While the defense sincerely believes that the court ought to grant this motion in the interest of justice, I hardly expect that it will"; to which Judge Gary, in his most sarcastic

tone and manner replied: "Well, I shall not disappoint you, Mr. Foster." A titter went around the courtroom. A shock went through me and I noticed a pained expression on the faces of Captain Black and Mr. Salomon and of several of our clients. A minute later Mr. Spies, whose seat was near mine, handed me a slip of paper with the following, "What in hell does Foster mean? I thought our motion was meant seriously. What was the sense of making it appear perfunctory? A. S."

The juror's seats were then filled by twelve veniremen, and the rest of the forenoon was taken up by Mr. Grinnell's examination as to their qualifications for service on the jury. Just before adjournment he tendered to the defense a panel of four men satisfactory to the state. These were examined by Mr. Foster in the afternoon session.

During a heated argument between him and Mr. Grinnell as to the propriety of some question—it was then about 2:30—Captain Black quietly left the courtroom. A few minutes later, while the two lawyers, facing the judge and with their backs to the entrance door, were still arguing, Captain Black returned and briskly walked toward the bench. Leaning upon his arm was a short, slender, blackhaired and black-mustached man, rather good looking, with an intelligent, serious face. From pictures I had seen I recognized Mr. Parsons. Captain Black was about to address the court—he was prepared to deliver an impassioned speech on the implications of Parsons' voluntary surrender—when Grinnell, to whom Mr. Furthman had whispered something, quickly turned around and, anticipating the Captain, said to the court in a loud voice: "Your Honor, I see Albert R. Parsons in the courtroom. I move that he be placed in the custody of the sheriff." Quivering with anger and emotion, Captain Black said: "Your motion, Mr. Grinnell, is not only most ungracious and cruel, it is also gratuitous. You see that Mr. Parsons is here to surrender himself." The judge broke in with: "Mr. Parsons will take his seat with the other prisoners."

The whole incident took less than one minute. The sensation which Captain Black had envisaged died abornin'.

To judge purely as a matter of strategy, Mr. Grinnell's alertness and matter-of-factness were admirable. But I have never lost the feeling that, humanly speaking, his conduct was heartless and brutal. I deeply felt the humiliation of Captain Black and the disappointment of Mrs. Parsons who was in the courtroom. They had expected something quite different.

The impaneling of the jury was an extremely tedious business. It took 21 days. Nearly 1,000 men were examined. The trouble was that with comparatively few exceptions the men brought in admitted a more or less deep-seated prejudice against the defendants or a more or less definite opinion of their guilt. Under the constitution of Illinois the accused had the "right to be tried by an impartial jury." A statute of 1874 provides that in criminal trials "the fact that a person called as a juror has formed an opinion or impression based upon rumor or upon newspaper statements, about the truth of which he has expressed no opinion, shall not disqualify him to serve as a juror in such case, if he shall, upon oath, state that he believes he can fairly and impartially render a verdict therein, in accordance with the law and the evidence, and the court shall be satisfied of the truth of such statement." What this means is plain enough. It means that, generally speaking, an opinion or impression based upon nothing more than rumor or newspaper statements shall not disqualify. But if a person has gone to the length of expressing an opinion about the truth of such rumor or newspaper statements, then he has so far committed himself that he cannot be regarded as qualified; and whether he has done so before the trial or does so during his examination at the trial, can manifestly make no difference. It is, of course, elementary that no statute can be valid if it violates a constitutional provision, and that no construction of a statute is permissible which has this effect. In other words, the statute in question did not dispense with the constitu-

tional requirement that every juror in a criminal case must be impartial. But in the Anarchist case, in scores upon scores of instances, the court entirely disregarded this constitutional provision. If a man on his examination said that he had formed an opinion based upon newspaper statements and that he believed these to be true, or admitted that from what he had heard and read about the case he believed the defendants to be guilty, or even that his opinion of their guilt was so definite that it would take strong evidence to remove it, or that his prejudice against them was so deeply rooted that it would probably influence him in considering the testimony, Judge Gary held him to be qualified if, at the end of repeated lecturing, coaxing, cajoling and insinuating by the court, the man would once declare his belief that he could fairly and impartially render a verdict in the case, even though in the next breath, when re-examined by the defense, he expressed a doubt about whether he could.

A classical illustration of the attitude of Judge Gary is the case of the man who stated he had formed an opinion as to the guilt of the defendants which he had expressed to others and which he still entertained, and admitted that this opinion would handicap his judgment. After the judge had taken this man through a lengthy course of coaxing he finally said he thought he could give the defendants a fair and impartial trial but still felt he would be handicapped in his judgment. Thereupon Judge Gary said: "Well, that is a sufficient qualification for a juror in the case. Of course, the more a man feels that he is handicapped, the more he will be guarded against it." Freudians might agree with this conclusion under certain conditions, but it is certainly contrary to human experience.

After rulings of this sort had been repeatedly made by Judge Gary during the first two days, a sheet of paper with the following was handed up to me: "In taking a change of venue from Judge Rogers to Lord Jeffries, did not the defendants jump from the frying pan into the fire? Parsons."

Under the statute every defendant in a trial for murder is entitled to twenty peremptory challenges; that is to say, the eight defendants jointly had 160 peremptory challenges. A peremptory challenge is one which may be exercised without assigning any cause. In order to get rid of a man who was plainly not impartial but whom the judge declared to be qualified, we had to exercise a peremptory challenge. So frequently did we have to do this during the first few days that we feared all our peremptory challenges would be exhausted long before the jury was completed. We realized that 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 admitting prejudice, showed some degree of fairness and candor, we reluctantly accepted him after unsuccessfully challenging him for cause and saved a peremptory challenge.

By thus practicing economy we reached a stage when eleven jurors had been accepted by both sides and we still had 43 peremptory challenges left. Now, under a previous decision of the Supreme Court, the rulings of Judge Gary in disallowing our challenges for cause, no matter how clearly erroneous they might have been, would not furnish grounds for reversal, unless we exhausted all our peremptory challenges.

We were the guardians of eight lives, and in order not to lose the right, in case of a conviction, to have the judgment set aside by the Supreme Court on the ground of Judge Gary's erroneous rulings, we decided thenceforth peremptorily to challenge every talesman whom the judge should rule to be qualified.

The very first talesman to come up for examination after we had used our 160th peremptory challenge was a man by the name of Sanford. He admitted that from all he had heard and read he was decidedly prejudiced against Socialists and had an opinion as to the guilt of the defendants on the charge of throwing the bomb. Asked whether he had ever said to any one whether or not he believed the newspaper statements

to be true, he answered: " I have never expressed it exactly in that way, but still I have no reason to think they were false." This was pretty nearly tantamount to the expression of his belief in the truth of the statements of the newspapers. A judge, jealous of the constitutional right of the defendants to be tried by an impartial jury, a judge such as Chief Justice Marshall in the case of Aaron Burr, would certainly have allowed us to challenge this man for cause. At the same time I admit there is room for argument that his answers on the whole placed him in the twilight zone between competency and incompetency and that he was not clearly disqualified under the statute. Assuredly, however, he was objectionable to the defendants, and we would never have voluntarily accepted him. Our challenge for cause was overruled. He was forced upon us and became the twelfth juror.

Under these circumstances we confidently expected a reversal. But the Supreme Court went considerably out of its way in order to defeat us. First, it inquired into our motives for exercising our last 43 peremptory challenges and concluded that many of them were exercised "arbitrarily and without apparent cause." We then believed, and I still believe, that it was entirely outside of the province of the Supreme Court to make such an inquiry and that its conclusion was irrelevant, because it is of the very essence of a peremptory challenge that it may be exercised "arbitrarily and without apparent cause." Within the limit of 160 it was the absolute right of the defendants to challenge a man peremptorily even if they merely disliked the tone of his voice, the color of his hair or the shape of his nose. Secondly, the Supreme Court held that we could not complain of Judge Gary's rulings unless, after our peremptory challenges were exhausted, a clearly disqualified juror were forced upon us. The Supreme Court entirely overlooked the fact that the right peremptorily to challenge a qualified talesman is a most substantial right, established by the legislature as essential to the securing of an impartial jury.

We were entitled to 160 peremptory challenges, but this number was greatly reduced through the rulings of Judge Gary which compelled us in scores of cases to use up a peremptory challenge where our challenge for cause should have been allowed. But for these rulings we would not have stood before Mr. Sanford, stripped of all our peremptory challenges and powerless to prevent his getting on the jury.

On July 15th the jury was completed and Mr. Grinnell made his opening statement for the prosecution. The evidence began to be introduced on the following morning and was not closed until August 10th, although we had two sessions of three hours each on every week day.

The evidence was very voluminous. Some of the important facts have already been related. For the rest I must content myself with touching the high points. The word "Ruhe" under the heading "Letter-Box" appeared in the *Arbeiter Zeitung* on the afternoon of May 4th. Spies himself wrote out the copy for the compositor's room. He testified that he published this sinister signal, without knowing its significance, pursuant to a request which came to him by mail. When he learned of its meaning later that afternoon through one Rau, advertising manager of his paper, he procured Rau immediately to get word to the members of the armed groups that the signal had been put in by mistake. According to the resolution at the Greif's Hall meeting it was to have been inserted only in case a downright revolution had commenced. There was no evidence that anybody who knew of its significance acted upon that signal. Nevertheless, Spies's connection with its insertion was a most damaging circumstance and I doubt whether the jury believed his explanation.

There was evidence tending to show that Engel, the proponent of the resolution adopted at the Greif's Hall meeting, was a rabid anarchist, had experimented with dynamite and other explosives and was not above throwing a bomb at the police, if the occasion appeared to him to call for it. But there was

no pretense that Engel was at the Haymarket meeting at or for some time before the time the bomb was thrown. He was quietly at home with a little party of friends, not anticipating any violence or conflict. If the Haymarket meeting had been planned with reference to carrying out the program of action discussed or agreed upon at the Greif's Hall meeting, the natural thing for Engel and his associates, when the news was brought to them of the outbreak at the Haymarket, would have been to go and inaugurate their movement against the police. The fact that nothing of the sort was done and that no suggestion of that sort came from Engel shows that the event at the Haymarket was a complete surprise to him.

Lingg was a practical bomb maker. With the assistance of Seliger he manufactured about forty bombs during the daytime on May 4th. In the evening he and Seliger took a small trunk filled with bombs to a saloon located about a mile and a half from the Haymarket and deposited it in a hallway in the rear of the saloon. Later that night, while Lingg and Seliger were walking in the neighborhood of the Larrabee Street Police Station, Lingg became excited and proposed to Seliger an attack upon the station. But they did nothing of the kind and walked home. It was after eleven o'clock that night that Lingg first became aware that the word "Ruhe" had been inserted in the *Arbeiter Zeitung*.

There was evidence tending to show that the bombs manufactured by Lingg were of a peculiar construction and that the bomb which was exploded at the Haymarket was of the same construction. But even if it were certain that the bomb thrown at the Haymarket had been manufactured by Lingg, still this fact, standing alone, would not have made him guilty if the bomb was thrown by a third person acting upon his own responsibility and without Lingg's knowledge, advice or conscious aid. The testimony of all the witnesses regarding Lingg's actions showed that whatever he did, whatever he

may have attempted, intended or proposed on the North Side that night, he had no knowledge or suspicion that a bomb would be thrown at the Haymarket meeting.

There was not a particle of evidence tending to show that Parsons or Fielden knew anything about the Greif's Hall meeting or the action there taken or that they knew that the Haymarket meeting had been called until after it had been opened and a messenger reached them with a request from Spies that they come there at once and address the meeting.

As regards Neebe no evidence whatever tending to connect him with the Haymarket crime was introduced.

The state, realizing the necessity of identifying the bomb-thrower as a member of the alleged conspiracy, and in order directly to connect Spies, Schwab and Fischer with the throwing of the bomb, put two witnesses upon the stand. One of these, a man by the name of Thompson, testified that while waiting for the speaking to begin at the Haymarket, he overheard a conversation between Spies and Schwab in which the words "pistols" and "police" were used and Spies asked Schwab, "Do you think one is enough or had we better go and get more?"; that some few minutes later he had heard Schwab say to Spies, "Now, if they come, we will give it to them," to which Spies replied that he thought they were afraid to bother with them; that somewhat later Spies, Schwab and a third man got close together and something was passed by Spies to the third man who put it in his coat pocket; that a little later Spies got up on the speakers' wagon and the third man mounted after him; and that the witness noticed this third man afterwards sitting on the wagon, keeping his hand in his pocket. Shown a photograph of Schnaubelt, the witness said he thought that was the picture of the third man. No particle of this testimony was corroborated by anybody, and Thompson's inherently improbable story of this musical comedy conspiracy formed in the open street was thoroughly exploded by the testimony of a number of unimpeached witnesses and

by many facts and circumstances in evidence which showed it to be a pure fabrication.

One Harry L. Gilmer testified that he was standing in Crane's alley, a short distance from the speaker's wagon, when the police appeared; that Fischer and a man whom he did not know were standing together a few feet away and right across the alley from him; that Spies came down from the wagon, joined those two men, and to quote Gilmer: "He lit a match and touched it off, something or other; the fuse commenced to fizzle," whereupon the unknown man took two steps forward and tossed that something into the street; he was a man about five feet ten inches high; the photograph of Schnaubelt shown the witness was a picture of the man who threw the bomb.

Gilmer's story was not supported by a single other witness. He contradicted himself time and time again in important particulars. His testimony differed essentially from statements he had made to the police in the presence of newspaper reporters within two days after the Haymarket meeting. The evidence without contradiction showed that Schnaubelt was six feet three inches high. Twelve witnesses testified that Spies did not get off the speakers' wagon until the bomb exploded. Fischer was shown to have been at that very time at a saloon more than half a block distant. Sixteen witnesses, among them a number called by the state, testified that the bomb was not thrown from the alley but from a place on the sidewalk variously estimated as from ten to forty feet south of the alley. Finally, nine substantial and reputable citizens of Chicago, living in the neighborhood in which Gilmer had been living, said they knew Gilmer; that his general reputation for truth and veracity in that neighborhood was bad and they would not believe him under oath.

That both Thompson's and Gilmer's stories were tissues of lies was the opinion of the jury. Within a year after the case had been finally disposed of Mr. J. H. Brayton, a public

school teacher, and A. H. Reed, a piano manufacturer, two of the jurors, told me so. They further told me that the verdict of guilty was based upon the belief of the jury that there had been a conspiracy to overthrow the law; that the defendants had been connected with that conspiracy and that the throwing of the bomb had grown out of it; that believing thus they had no choice under the instructions of the judge but to find the verdict which they did. It is worthy of note in this connection that the Supreme Court in sustaining this verdict declared that whether Thompson's and Gilmer's stories were true were questions for the jury to decide; and that court apparently assumed that the jury had believed them to be true.

Just a word as to the evidence regarding the general conspiracy to overthrow the law, which took up about four-fifths of all the evidence introduced by the state. It is true and it would be idle to attempt to minimize the fact that the platform of the International, which was frequently published in the columns of the *Arbeiter Zeitung* as well as of *The Alarm*, declared its object to be the "destruction of the existing class domination by all means, i.e., through energetic, inexorable, revolutionary and international activity"; that both these papers in their editorials, and Spies, Schwab, Fielden and Parsons in frequent speeches, had continuously advocated these doctrines and urged the workingmen to arm themselves against the inevitable conflict with the forces of capitalism; that a certain book by Johann Most, entitled, "Science of Revolutionary Warfare," containing similar instruction and cynical suggestions of the most revolting character regarding the manner in which revolutionary deeds should be accomplished with the least danger to the revolutionists, was frequently quoted from in those papers; that copies of that book were sold at picnics and meetings held under the auspices of the International and were kept in the library of the general committee of that organization, located in the *Arbeiter Zeitung* building. But, however loathsome and outrageous all this propaganda may ap-

pear to us, no unimpassioned, sane person could construe it as intended to bring about a single, detached, utterly useless and foolish crime such as the throwing of the bomb at the Haymarket, a crime so absolutely certain to defeat or at least postpone indefinitely the ultimate aim of these propagandists.

At the conclusion of the State's evidence we requested Judge Gary to send the jury from the courtroom as we desired to argue a motion for an instructed verdict. It had been and has remained a well-nigh universal practice for courts to grant such a request so that the jury may not be influenced by expressions of court or counsel during the arguments which in such a matter are addressed solely to the court. But Judge Gary refused.

Our motion was that the court instruct the jury to find Oscar Neebe not guilty. We contended that a fair summary of all the evidence affecting Neebe was as follows: that he was a friend of Spies and Schwab; that he had some financial interest in the publication of the *Arbeiter Zeitung;* that about 10 A.M. on May 5th after Spies and Schwab had been arrested and taken to the police headquarters, Mayor Harrison went to the *Arbeiter Zeitung* office and found Neebe there; that the Mayor asked who was in charge, to which Neebe replied, "I will take charge in the absence of Spies and Schwab"; that on the night of May 3, 1886, Neebe was for five or ten minutes in a certain saloon on the North Side and, while drinking some beer, showed the saloon keeper a copy of the Revenge circular and laid a few other copies of it upon the counter and upon a table, and remarked that the conduct of the police at the McCormick riot had been shameful, but that maybe the time would come when things would go the other way; that Neebe had at one time been a member of the North Side group of the International; and finally that he occasionally had been seen at picnics held under the auspices of the International; that on May 7th an officer came to Neebe's house, found there a .38 caliber pistol, a sword, a breech loading gun, probably a sport gun,

and a red flag. Neebe was in the business of buying and selling yeast; he was not a workingman, nor a member of a trade's union. He was interested in the labor movement only because the wrongs of labor aroused his sympathy and indignation. The evidence showed that he was not at the Haymarket meeting and knew nothing of it until the following day. There was no evidence tending to show that he had been aware of any agreement that violence of any kind should be used on that or any other occasion.

During and after this presentation of Neebe's case there happened just what we had feared. Judge Gary never gave the state's attorney a chance to open his mouth but took it upon himself to argue against us. In doing so he inevitably said many things in the hearing of the jury which could not but prejudice them against Mr. Neebe. Needless to say, he denied our motion.

For that matter the record fairly bristles with improper remarks made by the judge during the trial, remarks which were full of hostile suggestions and had the tendency to influence the minds of the jurors against the defendants.

The closing arguments to the jury began on July 11th and were finished on July 19th. They were made in the following order: Mr. Walker, myself, Mr. Ingham, Mr. Foster, Captain Black and State's Attorney Grinnell. Each argument occupied about seven hours.

Barring my own—and I say this not from false modesty but judging in retrospect with the cold eye of the critic—the arguments were all of a high order. Captain Black's was a great oratorical effort and brought tears to the eyes of many persons in the audience. When I warmly congratulated him, he replied: "Well, I hope the jury will not hang them." This remark gave me a terrible shock. Such was my youthful optimism that, while I had feared that under the rulings of Judge Gary the jury would hold the defendants guilty, I had not thought of the possibility of death sentences.

Mr. Grinnell, who was the last to address the jury, was guilty of many improprieties. He frequently referred to the defendants as "loathsome murderers," "organized assassins," a "lot of wretches." He said it was one step from republicanism to anarchy and that it was for the jury to say by their verdict whether that step should be taken. He said that anarchy was on trial; that the defendants were on trial for treason (!) as well as murder, and that there was only one penalty for treason and that was death. He repeatedly went outside of the record in an effort to bolster up the testimony of his witnesses, especially that of the thoroughly discredited Gilmer.

The latter impropriety deserves more than passing mention. In his opening statement to the jury Mr. Grinnell said nothing about *three* men being concerned in the throwing of the bomb. His language was: "We will show you that a man who had up to that moment been on the wagon, went into the alley, lighted the bomb and threw it." Mr. Grinnell spoke of only one man and, without giving his name, referred of course to Schnaubelt. This accorded with Gilmer's original story to the police. But upon the witness stand Gilmer told an entirely different story in which he connected Spies and Fischer with the act of throwing the bomb. Now, in the final arguments the defense made a strong point of this discrepancy as not only showing that Gilmer was a liar but also that the prosecution—I confess we suspected the fine Italian hand of Mr. Furthman—must have coached him. And Mr. Grinnell, apparently fearing the effect of this point upon the jury, told them in his closing argument that Gilmer had always told the state's attorney the same story as he told on the stand; that he, Mr. Grinnell, had been inaccurate in his opening statement and that his associates had found fault with him in the office immediately afterwards for this inaccuracy. Comment upon this conduct is superfluous.

Improprieties of this sort had repeatedly been held by the

Supreme Court to be grounds for reversal. We noted our objections to these remarks and called upon the court to reprove or correct the state's attorney, but Judge Gary's only reaction was his stock phrase, "Save your point," meaning that the record may show an exception.

The burden of all the arguments for the defense was that so long as the man who threw the bomb was unknown, unidentified and unindividuated, it was impossible to tell, and it was not permissible to guess, that he had ever read or heard or been indirectly influenced by any of the propaganda carried on by the defendants, or that he was a member of the International, or that he knew anything about the actions or purposes of the Greif's Hall meeting or had any connection whatever with the defendants or any of them; and that therefore the defendants could not be held responsible for his crime. I have never ceased to be certain of the soundness of this contention. But Judge Gary's instructions to the jury—subsequently approved by the Supreme Court—were to the contrary. He required the jury, before finding the defendants guilty, to believe that the bomb had been thrown by a "member of the conspiracy," but expressly permitted them so to believe even though the bomb thrower was an utterly unidentified and unindividuated person.

The case went to the jury on the afternoon of August 19th. Its verdict was brought in in the morning of August 20. As everybody knows, the jury found all the eight defendants guilty of murder. Neebe's punishment was fixed at fifteen years in the penitentiary; the other seven defendants were condemned to death.

The rest of the story can be told briefly. In due course our motion for a new trial was overruled by Judge Gary. All the defendants, in reply to the question whether they had anything to say why sentence should not be pronounced against them, delivered formal addresses, several of them quite lengthy. They occupied altogether nearly two days. All of

these addresses were defiant in tone. Some of them, notably those of Spies, Parsons, and Fielden were most eloquent. They make excellent reading. Thereupon on October 9, 1886, the judge pronounced sentence in accordance with the verdict.

The case was removed to the Supreme Court of the state and was argued there in March, 1887. Elaborate printed briefs and arguments were filed by both sides. The case was argued orally by Attorney General George Hunt, Mr. Grinnell and Mr. Ingham on behalf of the State, and by Leonard Swett, the friend and erstwhile associate of Abraham Lincoln at the Illinois bar, Captain Black and myself on behalf of the defendants. On September 14, 1887, the Supreme Court affirmed the judgment of the lower court.[1]

An abortive attempt was made by Captain Black and Mr. Salomon, who obtained the assistance of Mr. Roger A. Pryor, J. Randolph Tucker and Gen. Benjamin F. Butler, all lawyers of national reputation, to secure a review of the case by the Supreme Court of the United States. This court, however, on November 2, 1887, declined to issue a writ of error.

The last possible legal remedy having been exhausted, nothing was left but an appeal for executive clemency. A petition for this purpose, signed by thousands of persons, among them leading business and professional men and men of letters in America and England,[2] was submitted to Governor Richard J. Oglesby. Of the defendants only Fielden and Schwab petitioned the governor for a commutation of their sentences. Parsons was urged by numerous friends to join them and received an intimation from the governor that his sentence

[1] *Spies* v. *People* 122 Ill. 1.

[2] The extent of the interest awakened abroad in the Anarchist Case is evidenced by a letter from William Morris to Robert Browning. Through the courtesy of Mr. Lessing Rosenthal of the Chicago Bar and a member of The Chicago Literary Club, in whose possession is the original, a facsimile of that letter appears in this brochure.

KELMSCOTT HOUSE,
UPPER MALL,
HAMMERSMITH.

Nov 7th 1887

Dear Mr Robert Browning

I venture to write and ask you to sign the enclosed appeal for mercy, and so to do what you can to save the lives of seven men who have been condemned to death for a deed of which they were not guilty after a mere mockery of a trial.

I do not know if you have taken note of the events, the English press has practically boycotted the subject; nor can I give you a full account of our view of the matter. But I will ask you to believe me as an honest man when I say that this has been made to pay (because of their opinions) for the whole body of the workers in Chicago who were engaged in a contest with the capitalists last year. You probably know how much more violent and brutal such contests are in America than in England, and of how little account human life is held there if it happens to thwart the progress of the dollar; and I hope that you will agree that the victors in the struggle need not put to death the prisoners whom they took, after having kept them more than a year in prison.

I must ask you to excuse my haste. I am much troubled by this horror: we all thought that the Supreme Court would have granted the writ of error, & that a new trial would either have acquitted the men or justified their sentence, so as to prevent such a terrible disgrace as a judicial murder clinging to the robe of the Great Republic

I am
Dear Mr Robert Browning
Yours faithfully
William Morris

P.S. If you sign the petition, please send it at once to The Socialist League 13 Farringdon Road E.C.

would be commuted, if he should petition therefor, but he answered with Patrick Henry, "Give me liberty or give me death." Spies begged the governor to spare the lives of his comrades and let him alone be executed to appease the wrath of the populace.

On November 10, 1887, Governor Oglesby commuted the sentences of Fielden and Schwab to imprisonment for life. On the same day Lingg committed suicide in his cell by exploding a fulminating cap in his mouth. How he had got possession of this ghastly instrument of destruction has always been a mystery. On the following morning Spies, Parsons, Fischer and Engel were hanged. They were game to the last. The execution of all four men caused me deep anguish. That of Parsons appeared to me as a tragedy worthy of the pen of a Shakespeare.

When John P. Altgeld became governor of Illinois in January, 1893, a determined effort was made by a number of passionate friends of justice to obtain an absolute pardon for Fielden, Schwab and Neebe who were still lingering in the penitentiary. Those most prominent in the movement were Judge Samuel P. McConnell, Judge Edward O. Brown and Mr. Clarence S. Darrow. The governor made an intensive study of the record in the case, as appears from the message by which he justified his action in pardoning those men. His conclusion was that the eight defendants had been convicted not because they had been proved guilty of murder, but because they were anarchists. And this, it seems to me, is today the judgment of a majority of thinking men and will tomorrow be the judgment of history.

THIS PAPER WAS WRITTEN FOR THE CHICAGO LITERARY CLUB AND WAS READ BEFORE THE CLUB ON MONDAY EVENING, THE THIRD OF MAY, NINETEEN HUNDRED AND TWENTY-SIX. EDITION, FIVE HUNDRED AND SEVENTY COPIES, PRINTED FOR MEMBERS OF THE CLUB IN THE MONTH OF JANUARY, NINETEEN HUNDRED AND TWENTY SEVEN.

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