

Political power was not easily wrested from these groups.<sup>76</sup> And the money continued to pass through the hands of the politicians.<sup>77</sup>

*Labor Issues, Civil and Political Unrest, and the Role of the Courts*

The rights of laborers, the movement for the eight hour day, the threats and the perception of threat from immigration, from domestic and foreign anarchists and communists, syndicalism, socialism and other such topics replaced slavery as the burning public issues of the day. The job of the police was to contain civil unrest.<sup>78</sup> In the Hay-

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social life of ethnic groups struggling upward in the urban slums, been linked to labor and business activities, and made urban life dangerous. . . . Criminal justice involved a working relationship among three groups: officials, such as the police, prosecutors, judges, bailiffs, and probation officers; mediators between the legal system and criminals, such as bail bondsmen, criminal lawyers, fixers, and politicians; and finally, criminals, whose behavior was influenced by contact with enforcement officials. . . . In Chicago criminal activity and the criminal justice system were rooted in the city's ethnic neighborhoods and were means of social mobility for persons of marginal social and economic position in society. As a result, criminals, politicians and enforcement officials often shared experiences and values . . . .

Mark H. Haller, *Urban Crime and Criminal Justice: The Chicago Case*, 57 J. OF AM. HIST. 619, 619–20 (1970).

<sup>76</sup>As Dick Simpson writes,

Even as reform groups organized, machine politics was changing. Roger Sullivan, who led one of the major factions of the Democratic Party at the turn of the century, became Chicago's major political boss after Mike McDonald retired. Sullivan made political corruption into a big business. He personally became a millionaire with a fake gas company, which obtained a city council franchise . . . .

DICK SIMPSON, *ROGUES, REBELS, AND RUBBER STAMPS: THE POLITICS OF THE CHICAGO CITY COUNCIL FROM 1863 TO THE PRESENT* 52 (2001).

<sup>77</sup> Simpson continues,

The Sullivan machine followed new principles: "The old politician, an independent operator, was content to knock down a little graft to allow businesses to make monopolies and fortunes. The new Machine politician, using the disciplined approach to government, became both politician and businessman. He was the city he did business with the city." Sullivan and his associates, George Brennan and Adolph Sabath, provided bonding for enterprises doing business with the city and gained ownership stakes in construction companies, which were then richly rewarded with city contracts. Despite the success of the Sullivan machine, as the twentieth century began, there remained many, small ward-based political organizations rather than one grand machine with total control . . . .

*Id.*

<sup>78</sup> Historians are still arguing about the responsibility of the police and the role of the courts in the Anarchist trial which grew out of the Haymarket events. The opinion of the Illinois Supreme Court in the case is 129 pages long, indicating how the court regarded the seriousness of its task of review. Governor John Peter Altgeld, Clarence Darrow's one time law partner, never recovered his political position after pardoning three of the defendants in 1893. When Governor Altgeld pardoned the three convicted anarchists, the announcement of the controversial pardons was accompanied by an 18,000 word document explaining the de-

market Riot the police played a critical role.<sup>79</sup> Anarchists, and especially Russian anarchists, were feared and seen as threats to the civic order.<sup>80</sup> As an example of how quickly political alliances were formed, the American Railway Union was founded in Chicago in the Spring of 1893; in June when it held its first national convention in Chicago, it had 150,000 members.<sup>81</sup> The period saw the rise and fall of the Socialist Party and the Western Federation of Miners, and bitter labor demonstrations, such as the Pullman Strike, first involving thousands of people in Chicago, and the intervention of federal troops, and eventually becoming a national strike.<sup>82</sup>

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cision. The pardons caused a political firestorm around the country. See HARRY BARNARD, "EAGLE FORGOTTEN": THE LIFE OF JOHN PETER ALTGELD 165-270 (1938). See also *Spies v. People*, 12 N.E. 865 (Ill. 1887).

<sup>79</sup>Carl Smith recounts,

On the evening of Tuesday, May 4 [1886], about two thousand Chicagoans, mainly workers, gathered at a rally just north of the Haymarket, Chicago's wholesale produce area. . . . The May 4th rally was poorly organized and began late. . . . By half-past ten only a few hundred remained when Fielden, who had told his listeners that he would be brief, urged them in standard anarchist rhetoric to "throttle" and "kill" the law that enslaved them. . . . [After an ignored police order to disperse] someone threw a small homemade dynamite bomb made of two crudely molded lead hemispheres into the lines of police. It hissed as it flew through the air, then exploded with terrible effect, almost immediately killing Officer Mathias Degan and wounding several dozen others. The explosion set off a wild riot of clubbing and gunfire, virtually all by [Police Captain] Bonfield's men, who in the disarray shot several of their own number as well as many members of the scattering remnants of the rally, including Samuel Fielden and Spies's brother Henry. Within the next few days the police death toll had risen to seven. The count of dead and injured among the civilians, like the identity of the bomb thrower, was never determined.

SMITH, *supra* note 73, at 120-21.

<sup>80</sup> In the intemperance of the times, some were branded as anarchists or worse, when they may indeed have committed no crime or held no subversive views. See A. James Rudin, *From Kishinev to Chicago: The Forgotten Story of Lazar Averbuch*, 18 MIDSTREAM 63, 63-75 (1972). The author argues that George Shippy, the city's first native-born police chief, a political appointee of Mayor Fred Busse, and his son, may have shot an innocent man in 1908 although the case was treated as self defense against "an avowed anarchist." *Id.*

<sup>81</sup> SMITH, *supra* note 73, at 234.

<sup>82</sup> David Papke describes the event:

Within a day of the first [federal] troops reaching Chicago, mobs tipped and set on fire their first railroad cars. The military responded at first not with guns but rather with bayonets and cavalry charges. Success was at best partial, and one mob grew to a reported ten thousand men and young boys. The mob raged through the stockyards and Rock Island property—chanting, throwing bricks, and destroying railroad property. The disturbances of July 5 [1894] climaxed with an immense fire of unknown origins in the temporary World's Fair buildings at Jackson Park. The Chicago newspapers rushed extra editions to the streets with headlines such as 'Big Riot in the Yards' and 'World's Fair in Flames.' Chicagoans feared what the next day would bring, and indeed July 6 saw even more havoc and destruction. A security guard on the Illinois Central shot two rioters, and a mob rose in outrage. Rioters ignited cars with torches, and the flames jumped

Then, as now, the practice of law was a gateway to politics, being involved in high profile cases and participating in debates on political issues was how lawyers became known and built their professional and political careers. Then, as now, political careers, especially for minorities, involved apprenticeship and sponsorship by those few others who were in power.<sup>83</sup>

The system for electing judges was enshrined in the Illinois Constitution of 1848 and retained in the Illinois Constitution of 1870, which governed Illinois for the next ninety-four years.<sup>84</sup> Elected judges were very much a part of ward politics. The State's Attorney, the Chief Prosecutor, and the Clerk of the County were all elected.<sup>85</sup> African American attorneys were eventually elected to be State's Attorneys, or prosecutors.<sup>86</sup> The status of African American lawyers as prosecutors improved as the number of professionals increased but

from row to row of the parked trains. . . . On July 6 alone, the Managers estimated, railroad property valued at \$340,000 had been lost.

DAVID RAY PAPKE, *THE PULLMAN CASE: THE CLASH OF LABOR AND CAPITAL IN INDUSTRIAL AMERICA* 33 (1999).

<sup>83</sup>One author notes,

The younger lawyers who have won elective office have invariably held appointive legal positions before they became candidates. Their initial training in political office came as assistant county attorneys, assistant corporation counsels, assistant state's attorneys, or as employees as the Secretary of State. The typical course of advancement of an able young colored lawyer is shown in the case of William E. King, who was successively assistant corporation counsel, assistant state's attorney, state representative, ward committeeman and state senator.

GOSNELL, *supra* note 46, at 109.

<sup>84</sup> HON. GEORGE FIEDLER, *THE ILLINOIS LAW COURTS IN THREE CENTURIES, 1673–1973, A DOCUMENTARY HISTORY* 210, 227 (1973).

<sup>85</sup>Ravoke writes,

The predominant role of the members of the Roman Catholic church in the life of the city is closely related to and buttressed by another cultural fact in Chicago—the control of the city's political life by the Irish. . . . The first two major ethnic groups who came into the city from Europe were the Irish and the Germans. . . . They [the Irish] were neutral outsiders in the traditional ethnic antipathies and hostilities which Central and East European ethnic groups brought to America from their homelands. . . . And, finally, the Irish became the saloon keepers in cities like Chicago, and the Irish-owned and-run saloons became the centers of social and political activity not only for the Irish but also for the Polish, Lithuanian, Bohemian, and Italian immigrants who poured into the city after the Irish and Germans.

RAKOVE, *supra* note 16, at 32–33.

<sup>86</sup>Gosnell recalls,

The first colored man to be appointed as an assistant state's attorney was Ferdinand L. Barnett . . . After editing a weekly newspaper for a few years he entered the practice of law [at age thirty-three] in 1892. He took an active part in the Republican presidential campaign of 1896 and immediately following the election was appointed assistant state's attorney by Charles S. Deneed.

GOSNELL, *supra* note 46, at 206.