## CHAPTER XIX.

The Legal Battle—The Beginning of Proceedings in Court—Work in the Grand Jury Room—The Circulation of Anarchistic Literature—A Witness who was not Positive—Side Lights on the Testimony—The Indictments Returned—Selecting a Jury—Sketches of the Jurymen—Ready for the Struggle.

THE case was now in condition to be turned over to the courts. The detective work was done, and, as I flatter myself, and as the result proved, well done. A deliberate and fiendish conspiracy to bring about riot, destruction and death had been proven. The Haymarket gathering was projected to invite a police attack, and this attack was to be the pretext for dynamite, murder and the social revolution. Of course much of the information given in the preceding pages was not used either in the grand jury room or at the trial. It was not necessary. State's Attorney Grinnell, with his usual wisdom and tact, selected only the best, strongest and most reliable witnesses, and left out the minor ones. The statements of all those who "squealed" were conclusive, criminative and corroborative, but their presentation in court would have simply lumbered up the case.

As a result of the energetic work of Coroner Hertz the principal conspirators had been bound over, without bail, at the inquest.

The grand jury was impaneled on the 17th of May, 1886, and was composed of the following named persons: John N. Hills (foreman), George Watts, Peter Clinton, George Adams, Charles Schultz, Thomas Broderick, William Bartels, Fred. Wilkinson, P. J. Maloney, John Held, A. J. Grover, Frank N. Seavert, E. A. Jessel, Theodore Schultze, Alfred Thorp, N. J. Webber, Adolph Wilke, Fred Gall, Edward S. Dreyer, John M. Clark, John C. Neemes, N. J. Quan and T. W. Hall.

Judge John G. Rogers delivered a long, able and forcible charge to the members of this grand jury. He first called attention to the necessity of their not being influenced in their acts by fear, favor or affection, and then dwelt upon what constitutes freedom of speech. He said:

"We hear a good deal these days about what is called the freedom of speech. Now, there is a good deal of misconception of the Constitution of the United States and of the Constitution of the State of Illinois, and I may say of all States in the Union, upon this question of freedom of speech. I have copied the provisions upon which persons rely who continually say that in this free country men have a right to assemble — men have a right to speak and say what they please. There is no such right. There is no such constitutional right. The constitutional rights as expressed in the Constitution are: 'That Congress shall make no law abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.' The same principle is carried along into the State Constitutions; and in the Constitu-

tion of the State of Illinois, and in its Bill of Rights, there is a provision that 'every person may freely speak, write and publish on all subjects, being responsible for the use of that liberty.' And in another provision the people have a right 'to assemble in peaceable manner, to consult for the common good, to make known their opinions to their representatives, and to apply for a redress of grievances.' You will perceive in a moment that

the construction of the United States constitutional right has been interpreted, if I may so express myself, in the Constitution of the State of Illinois, and that interpretation is the one that the courts have always recognized, and that, while a man may speak freely and write and publish upon all subjects, he is responsible for the abuse of the liberty of speech. I refer to these constitutional rights because some men are so inconsistent as to say there shall be no law for any such rights, yet claim the protection of these rights in the broadest sense, and, with an interpretation satisfactory to their own minds, that a man may get up, and, in a public speech to a public crowd, advise murder and arson, the destruction of property and the injury of people. That is a wild license which the Constitution of this country has never recognized any more than it has been recognized in the worst despotisms of old and of monarchical Europe. I hope and you hope it will never be recognized."

The eminent jurist then illustrated the point of responsibility. If, said he, he should get up and there advise members of the jury that the foreman ought to be hanged for some assumed offense, he would be advising the commission of a crime; and if his advice was followed he himself who incited the hanging would be just as guilty of murder as the ones who did it. He next referred to the Haymarket riot and counseled the jury to look not only to the man who actually committed the crime, but to those who stood behind him, who actually advised it. He held that the men who so advised were equally guilty and should be held responsible for it. "What," he said "is an incendiary speech but inciting men to commit wild acts?" He spoke of the red flag in Chicago and said: "What is a red flag in a procession, or a black flag, but a menace, a threat? It is understood to be emblematic of blood, and that no quarter will be given. Flags of NEEBE'S SWORD that sort ought not to be permitted to be borne in proces-

sions in this city." He referred to the labor troubles of the Knights of Labor, which, he acknowledged, happily had no connection with the Haymarket or with Anarchy, and then, for the guidance of the jury in reaching conclusions on the Anarchistic conspiracy, he quoted the statutes on what constituted conspiracy and the penalty for riots. In closing Judge Rogers counseled the jury to consider all evidence submitted with fairness and impartiality.

The next day the grand jury entered upon its work. A great many witnesses appeared before it, but many of them were not required at the trial, as their testimony would neither add to nor detract from the strength of the case. Facts were brought out under the latitude allowed in a grand jury room that could not, under court procedure, be brought into a cause on trial because of their not bearing directly on the charges, or not tending to supply some material connecting link in the chain of evidence. Some of this testimony, while not serving to throw any special light upon the conspiracy, may yet illustrate some phases of Anarchy growing out of the propagation of Anarchistic ideas and features incidental to the cause celebre; and for that purpose I have carefully scanned over the official grand jury reports and selected such omitted points as will serve to give a better general idea of the whole subject.

The sale and circulation of Anarchistic literature in Chicago was one of the matters into which inquiry was made. Anton Laufermann, a Division Street bookseller, testified that Most had written "The Solution of the Socialistic Question," "The Movement in Old Rome, or Cæsarism," "The Bastile at Platzensee," and other works, including "The Science of War." It appeared that these Anarchistic books were not, as a rule, handled by booksellers.

Edward Deuss, city editor of the Arbeiter-Zeitung, told the grand jury that the dynamite book — Most's "Science of War" — was usually sold by men at picnics and similar gatherings, and that a book-store would be the ast place to look for it. The men who peddled this literature were volunteers who made no money out of the sales.

This evidence was corroborated by other persons. The plan seemed to be to scatter Most's works quietly among the people, thus avoiding any of the difficulties or dangers which might follow from open and undisguised sale. The main source of supply was manifestly the Arbeiter-Zeitung office. The books were easy to get: nearly all the arrested Anarchists had copies of the dynamite book in their possession. One of the most persistent colporteurs was Muntzenberg. The hundreds of copies of incendiary books and pamphlets were passed around from one man to another, and it is out of the question to attempt to estimate the amount of injury they have done. The evidence upon this point—so much, at least, as came from the office of the Arbeiter-Zeitung-was unsatisfactory. This, however, was to have been expected when the character and peculiar beliefs of the witnesses is considered. For instance, Gerhardt Lizius, an editorial writer on this paper, after being questioned, without satisfactory results, about the interior arrangements of the Arbeiter-Zeitung and various articles about the premises, was asked to define Anarchy and Socialism.

"A Socialist," he said, "wants the State to regulate everything, while we don't want any authority whatever. We want the people to associate

themselves for production and consummation (of the highest good), according to their own desires."

- "How does it happen that capital is in your way?" asked Mr. Grinnell.
- "Because the capitalist has taken something from us that is not his, that we have created."
- "What is the manner the Anarchists have adopted in reaching that which they have not got now?"
- "We want to get it any way we can peaceably if we can, and forcibly if we must."
  - "Even to the extent of a capitalist's life?"
  - "Yes."
  - "Do you believe in the use of dynamite?"
  - "Yes."
- "You say that you should not divide your property with your neighbor. Why should the capitalist?"
- "We don't want him to divide anything. We want him to make it public property. He has got as much right to it as we have. Everybody, according to our view, should have the right of life, liberty and the pursuit of happiness. That means that I should have the right to the means of life, and that means, of course, that we should have the right to everything that nature gives us, so that every man, if he wants, can work, and everybody make a living. If he don't want to work, then of course he should not make a living."
  - "The Arbeiter-Zeitung was an Anarchistic paper?"
  - "Yes."
  - "Did the Arbeiter-Zeitung divide its things?"
  - "There was nothing to divide there. We didn't make any money."
- "Supposing that you and I should want the same thing—how would you settle that question?"
  - "Well, I guess there can be more than one of these things made."
- "I might want a cow that you would want, or a horse; you might want the same thing how would you settle that matter?"
  - "I work for it and get it."
  - "I thought you did not believe in that?" continued Mr. Grinnell.
- "You did not hear me say anything of the kind. I said that we should have the right to work so that we could make a living. We didn't want anything without work."
- "Now, you figure that a man who has got a hundred thousand dollars by reason of having worked hard, stands in your way; isn't that your idea?"
  - "Yes."
- "Suppose I have got ten cows and you don't get any; you have been lazy and haven't earned your ten cows. Now, how do you get half of my cows?"

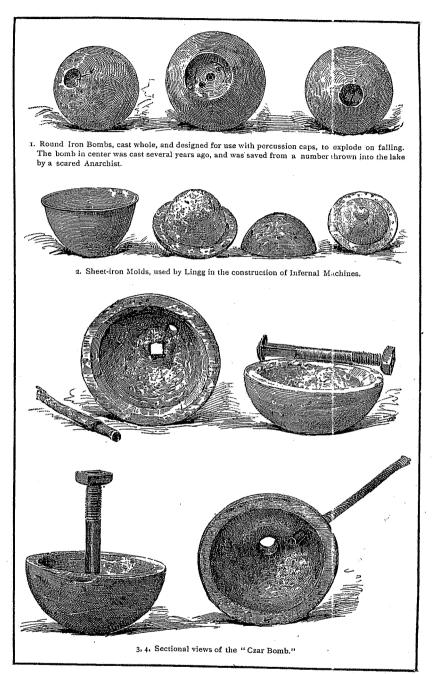
- "You are looking at this thing from the standpoint of the present system of society. It is impossible for any of you gentleman, if you are not Socialists and don't understand what Socialism is, to get at the idea at all as to how things are run. You have to look at it from the standpoint of Socialism."
  - "Your idea is to have society without any law?"
- "The Government is only for the oppression of people. We would have to organize for some purposes."
- "Supposing this Government should get something in its mails that you would happen to want, should you have a right to take it?"
  - "No, sir."
  - "Suppose you did take it, what would be done with you?"
  - "No man is supposed to take anything that does not belong to him."
  - "You would have law to punish people, wouldn't you?"
  - "No, sir."

Being asked if he had seen about the *Arbeiter-Zeitung* office any implements of warfare, Lizius answered in the negative—not even pistols or anything of that kind.

- "Do you believe that the man who threw the bomb over there [meaning the Haymarket] did right?"
  - "Yes, sir."
  - "And that it was a righteous act in shooting down the policemen?"
  - "Yes, sir."

The reason he advanced for his belief was that it was an act of self-defense; that the police, according to his knowledge, had attacked the crowd with clubs before the bomb was thrown. This sort of misinformation seems to have been spread among the ignorant Anarchists, and Lizius, when he said he believed it, knew better and simply adopted it as an excuse for their acts.

- "Do you believe in the existence of a God?" asked one of the jurymen.
- " No, sir."
- "Have you any regard for law at all?"
- "No, sir."
- "Have you any regard for the obligation of an oath taken before the grand jury?"
  - "No, sir."
- "You have been sworn here 'by the ever-living God.' You have no regard for that oath, have you?"
  - "No, sir."
  - "Have you told the truth?"
  - "Yes, sir."
  - "How did you come to tell the truth?"
  - "I am not in the habit of lying. There is no cause for it."



ANARCHIST AMMUNITION — II. FROM PHOTOGRAPHS.

- "If you had a good cause, would you lie? Would you lie to save a life?"
- "If it hung upon such a slender thread as that, I would."
- "Would you, if you thought it would help the cause of Anarchy?"
- "I don't see how it could."

Among the many witnesses examined in the grand jury room was Ernst Legner. It will be remembered that the defense, at the trial, claimed that this man had been spirited away by the prosecution. This was done, of course, with a view to damaging the case of the State before the jury. Now, the facts are these: Legner's name was placed on the back of the indictment somehow—I do not know why. Certainly neither the State nor the defense could have used him, and he would have been even less valuable for the prisoners than for the prosecution. Legner was a man who was sure of nothing. His testimony before the grand jury was continually and invariably qualified by the statement that he "could not be positive;" that he "was not sure." For instance, here is some of his testimony:

Did he meet Chris Spies at that meeting? He could not say. "I saw him that night, but I couldn't say whether I saw him there. I don't recollect. I couldn't say positive. I couldn't say anything positive about that."

This answer prompted Mr. Grinnell to ask: "Since when have you grown so unpositive?"

- "Well, in that way, I guess ever since," was his lucid reply.
- "You remember me, don't you, down at the Central Station, talking with you?"
  - "No. sir."
- "Don't you remember coming in, seeing me and your brother come in?"
  - "Well, that was in the City Hall."
- "Well, that is what we call Central Station. You saw me there, did you?"
  - "Yes, sir."
- "You remember your brother told you he had advised you to keep away from those people, and advised you to tell the truth about this transaction?"
  - "Yes. sir."
- "And you then and there told me that you saw Chris Spies right near that wagon that night?"
- "Well, I might have seen him, but I won't say anything positive on that."
  - "Have you seen him since then?"
  - "Yes, sir, I did."
  - "When?"
  - "I saw him yesterday."

"And he talked—you spoke to him about this case then, didn't you?"
"I only spoke to him—I told him that he looked pale, and that was all the speaking, and he went off. I was going west, and he was going east."

"Now, why should there be any confusion in your mind to-day where you saw him that night?"

"Well, I saw him that night, but I could not say positive whether I saw him there or not, at the meeting."

"You said a moment ago that you looked around, and you thought you saw him right there?"

"Well, yes. That is where I said; I could not say positive; I saw him, but I could not say positive."

This sort of fire was kept up for some time, but the witness always dodged behind "I could not say positive." He was asked how long it was after August Spies got through speaking when he (Spies) left, but the only answer was: "Well, that is something I don't know certain."

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Now, why should the State want such a witness, or what interest could it have in spiriting him away? He certainly developed a remarkable want of memory, and with his testimony before the grand jury the defendants, if they had put him on the stand, could not have utilized him on their side. If he knew anything, as would seem to be the case, judging from his brother's advice to tell everything and some statements he had previously made to the State's Attorney, it all must have been in favor of the State. It is a justifiable conclusion that Chris Spies, on meeting him the day preceding his appearance before the grand jury, must have influenced him to testify the way he did. The truth about the whole matter is that the defendants would not have touched Legner had he been procurable, and if he went out of the city it must have been at their instigation. The above samples of his testimony show that his appearance on the stand would have made him dead timber to either side.

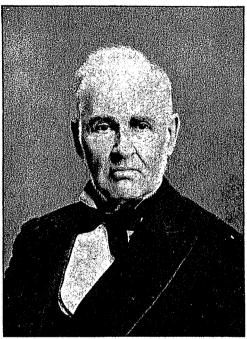
A good deal was also said about the absence of Mr. Brazleton, an *Inter-Ocean* reporter, from the witness-stand. He was not produced by the State because many of his statements were not of a positive character.

As there were so many other witnesses who had paid special attention to the incendiary character of the speeches, and remembered distinctly the various details in connection with the Haymarket meeting, there was no occasion to use Brazleton as a witness. All the others who were put on the stand gave fuller particulars and corroborated each other in all essential points. Had the general information of the others been of the same nature as that of Brazleton, it might have been well to have used him as a witness, but, with so much direct testimony as the State possessed, his evidence was not necessary. The defense simply sought to make a point on his absence—that is all.

A great deal has been said with reference to Schnaubelt. There is

no doubt that he threw the fatal bomb. The defense at the trial of Spies and the others sought, however, to discredit such a belief. They asserted that there was not an iota of evidence to sustain such an opinion, and for their part they did not believe it. *Per contra*, it may be said that if he was innocent he took the wrong course to show it. Schnaubelt was arrested by Officers Palmer and Boyd, of the Central Station. Before the grand jury Palmer testified as follows:

"I was told that he was working at 224 Washington Street, rooms 5 and



HON. JOSEPH E. GARY. From a Photograph.

- 6. I went up there and found him and brought him to the Central Station. That was on the 6th of this month."
- "Did he have whiskers, or not?"
- "His face was shaved clean, except a mustache."
- "You had been looking for a man with whiskers?"
- "Yes. I was told by his employer that he shaved his whiskers off the morning after the riot."
- "Did he say anything to you about having shaved himself?"
- "I asked him why ne shaved, and he said he always did it in the summer time."
- "Do you know what the size of his whiskers was?"
- "About six or eight inches long."
  - "Did you have any talk

with him when you brought him to the Central Station?"

"Yes. I asked him if he was at the scene of the riot on the Tuesday night previous, and he said he was. I asked him where he was. He said he was up on the wagon. I asked him where he was when the bomb was thrown. He said he was on the wagon half a minute before the bomb was thrown, but he had got off, and when it exploded he supposed he was about fifty feet from the wagon."

"He was let go that morning?"

"Yes."

"Tell us about his place of work and what you found out yesterday?"

"Captain Schaack sent a couple of men to me yesterday to find out if we could get this man again. I took them over to where I had found him previously. His employer told me that after he got away from me on the 6th of this month [May] he came back and finished the day's work, and he had not shown up from that time to this. His tools were there, and he did not call for his money. His sister had called for the money several days after he quit, but he did not give it to her."

"He had a good job, didn't he?"

"He was a machinist, working at a turning-lathe."

Schnaubelt was described as having sandy whiskers, about six feet tall, weighing about 190 pounds, large and bony, not very fleshy, and about twenty-four years of age.

Lieut. John Shea, then in charge of the Central Station, testified to the same facts and that the police had been unable to find the man in the city.

At the time there were no strong circumstances connecting Schnaubelt with the massacre, but suspicious evidence ought to have held him in custody for a day or two until all his antecedents could have been inquired into. His release was a sad mistake, and the fact that he hastened out of the city shows the fear he had of being directly connected with the throwing of the bomb. The evidence of various parties points to him as the guilty party, and it was fortunate for him that he escaped.

C. M. Hardy, a leading attorney of Chicago, testified to a conversation which he had had with Spies the day before the Haymarket tragedy.

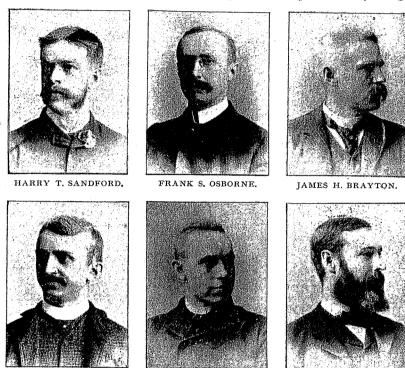
During this conversation, which occurred accidentally in a restaurant, "Spies," to use the words of the witness, "turned and said to me laughingly, 'Are you with us?' 'Well,' I said, 'If you mean that I am in favor of the laborer getting well paid for his labor, I am with you, but no further than that.' 'Well,' he said, still laughing, 'you had better be, for we are going to raise h——l,' and then went on."

On the 28th of May the grand jury concluded its labors and returned into court fifteen indictments for murder, conspiracy and riot, against Spies, Parsons, Fischer, Engel, Lingg, Fielden, Schwab, Neebe, Schnaubelt and some lesser lights in the Anarchistic circle.

The trial began on the 19th of June. No case ever brought before the Chicago courts excited so much interest or brought out a greater crowd. Not one tithe of the throng of people who were eager to see the notorious defendants were able to find place in the court-room.

Judge Joseph E. Gary presided, and with his suave, dignified bearing and his prompt manner of handling legal details and technicalities, he impressed all with the conviction that, while the Anarchists would have a full and fair trial, no trifling with the law would be permitted. The case was one which not alone interested Chicago, but touched the stability and wel-

fare of every city of any considerable size in the United States. The eyes of the whole country were riveted on Chicago, and the outside world was eagerly watching the results of a case, the first in America, to determine whether dynamite was to be considered a legal weapon in the settlement of socio-political problems in a free republic. Time was when our system of government was looked upon abroad as an experiment of doubtful nature, but when it had passed the experimental period it was pointed to by foreign



PORTRAITS OF THE JURY .- I.

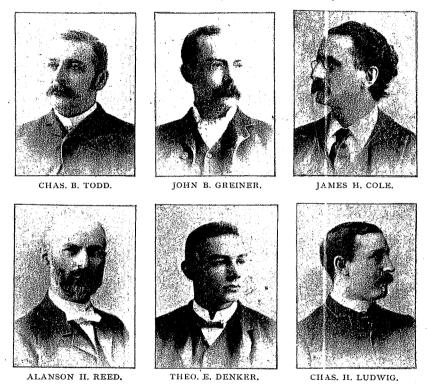
ANDREW HAMILTON.

GEO. W. ADAMS.

friends as furnishing no pretext for Socialistic or Anarchistic outbursts of violence, and as supplying no favorable conditions for the growth even of Anarchistic doctrines. In a speech before the French Legislative Assembly, De Tocqueville once said, pointing to America: "There shall you see a people among whom all conditions of men are more on an equality even than among us; where the social state, the manners, the laws, everything is democratic; where all emanates from the people and returns to the people, and where, at the same time, every individual enjoys a greater amount of

liberty, a more entire independence, than in any other part of the world, at any period of time; a country, I repeat it, essentially democratic—the only democracy in the wide world at this day, and the only republic truly democratic which we know of in history. And in this republic you will look in vain for Socialism."

Still, Anarchy found lodgment in America through men exiled under the rigorous baiting of their own country — men whose early education had



PORTRAITS OF THE JURY.-II.

been set against all government and whose prejudices operated against the study of our institutions. In the violent culmination of their doctrines at the Haymarket the point was reached where it became necessary to demonstrate that it is a rank growth and has no excuse in a republic in which the utmost liberty is allowed consistent with the rights of life and property.

When, therefore, this trial opened, both the Judge and the State's Attorney felt that a great responsibility had been laid upon their shoulders,

and that the whole civilized world would sit in judgment upon the manner in which they performed their duty. They entered into the case with no revengeful feelings, but held firmly to their course, mindful of the rights of the defendants, but determined to maintain law and justice. The case was called on the day indicated, in the main court-room of the Criminal Court building, and the moment the State's Attorney had announced his readiness to commence proceedings, the defendants' counsel entered a motion for a separate trial of each of the prisoners. This was argued and overruled.

On the morning of June 21, at ten o'clock, everything was in readiness for the trial proper, and the work of selecting the jury was entered upon. Within the bar of the court sat the eminent counsel of both sides. On the left, in front of the bench, there was State's Attorney Grinnell, surrounded by his assistants, Francis W. Walker and Edmund Furthmann, and Special State's Counsel George C. Ingham, and on the right of the bench sat the defendants' attorneys, Capt. W. P. Black, W. A. Foster, Sigismund Zeisler and Moses Salomon, flanked by the prisoners and their relatives. The remaining space within the bar was occupied by attorneys of the city as spectators, and the rest of the court-room was filled with a motley throng, including here and there representatives of the fair sex drawn by personal interest or moved by morbid curiosity. The prisoners were dressed in their best, each with a button-hole bouquet.

During the preliminary proceedings, as we have noted elsewhere, Parsons had joined his associates, and his bronzed appearance, from out-door exposure, was in marked contrast with that of his pale-looking companions.

The task of selecting a jury proceeded, but it was not an easy thing to find men unbiased and unprejudiced. Four weeks were consumed in this work, but finally twelve "good men and true" were chosen, as follows: F. S. Osborne, Major James H. Cole, S. G. Randall, A. H. Reed, J. H. Brayton, A. Hamilton, G. W. Adams, J. B. Greiner, C. B. Todd, C. H. Ludwig, T. E. Denker and H. T. Sandford.

So notable was the trial, and so tremendous the interests involved, that the reader will naturally want to know something of the *personnel* of the jury whose verdict vindicated and guaranteed law and order in America:

Frank S. Osborne, a resident at No. 134 Dearborn Avenue, the foreman of the jury, was born in Columbus, Ohio, and at the time of the trial was thirty-nine years of age. He filled the position of chief salesman in the retail department of Marshall Field & Co., and was a man of liberal ideas and good education. He possessed keen judgment, and proved a critical examiner of all the evidence submitted. He readily grasped all the strong and weak points in the defense, and showed himself a thorough master of the evidence.

Maj. James H. Cole, a resident at No. 987 Lawndale Avenue, was born in Utica, New York, and was fifty-three years of age. During the war he was a Captain, and subsequently rose to the rank of Major in the Forty-first Ohio Infantry. After the close of the Rebellion, he engaged in the railroad business as contractor and constructor, residing at different times in Vermont, Ohio, Tennessee, Illinois and Iowa. He came to Chicago in 1879, and

was book-keeper for the Continental Insurance Company until shortly before serving on the jury.

CHARLES B. TODD, a resident at No. 1013 West Polk Street, was born in Elmira, New York, and was forty-seven years of age. He had served in the Sixth New York Heavy Artillery, and since his arrival in Chicago, four years preceding, had been a salesman in the Putnam Clothing House.

ALANSON H. REED, a resident at No. 3442 Groveland Park, was born in Boston, Mass., and was forty-nine years of age. He was a member of the firm of Reed & Sons, at No. 136 State Street, and during the trial proved a close listener to all the evidence.

James H. Brayton, a resident of Englewood, and Principal of the Webster School, on Wentworth Avenue, in Chicago, was born in Lyons, New York, and was forty years of age.

THEODORE E. DENKER, a resident of Woodlawn Park, in the town of Hyde Park, was born in Wisconsin and was twenty-seven years of age. He was shipping clerk for H. H. King & Co.

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GEORGE W. Adams, a resident of Evanston, was born in Indiana, and was twenty-seven years of age. He traveled in Michigan as commercial agent of Geo. W. Pitkin & Co., dealers in liquid paints, on Clinton Street, Chicago.

CHARLES H. LUDWIG, a resident at 4101 State Street, was born in Milwaukee, Wisconsin, and was twenty-seven years of age. He was a book-keeper in the mantel manufactory of C. L. Page & Co.

JOHN B. GREINER, residing at No. 70 North California Avenue, was born in Columbus, Ohio, and was twenty-five years of age. He was a stenographer in the freight department of the Chicago and Northwestern Railway. Mr. Greiner's mother was, after the trial, the recipient of so many threatening letters from the reds that she almost lost her mind.

Andrew Hamilton, a resident at 1521 Forty-first Street, was a hardware merchant at No. 3913 Cottage Grove Avenue. He had resided in Chicago twenty years.

HARRY T. SANDFORD, a resident of Oak Park, was born in New York City, and was twenty-five years of age. He was a son of Attorney Sandford, compiler of the Supreme Court Reports of New York, and since his arrival in Chicago had been voucher clerk in the auditor's office of the Chicago and Northwestern Railway.

Scott G. Randall, a resident at No. 42 La Salle Street, we born in Erie County, Pennsylvania, and was twenty-three years of age. He had lived in Chicago for three years, and was a salesman in the employ of J. C. Vaughn, seedsman, at No. 45 La Salle Street.