

CHAPTER XXIX.

The Argument for the Defendants — "Newspaper Evidence" — Bringing about the Social Revolution — Arson and Murder — The Right to Property — Evolution or Revolution — Dynamite as an Argument — The Arsenal at 107 Fifth Avenue — Was it all Braggadocio? — An Open Conspiracy — Secrets that were not Secrets — The Case Against the State's Attorney — A Good Word for Lingg — More About "Rube" — The "Alleged" Conspiracy — Ingham's Answer — The *Freiheit* Articles — Lord Coleridge on Anarchy — Did Fielden Shoot at the Police? — The Bombs in the Seliger Family — Circumstantial Evidence in Metal — Chemical Analysis of the Czar Bomb — The Crane's Alley Enigma.

ON the morning of August 12, Mr. Sigismund Zeisler opened his argument on behalf of the defendants. In view of the desperate condition of his case Mr. Zeisler made an able and ingenious plea. His argument occupied a whole day.

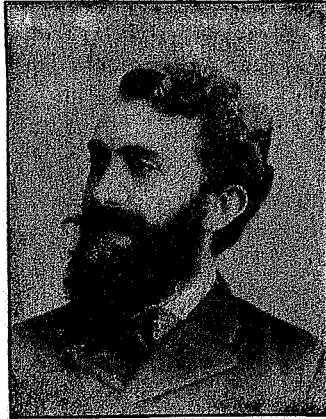
During the morning hour, he elaborated at some length upon his theory of the law, and claimed that it was not only necessary to establish that the defendants were parties to a conspiracy, but it was also necessary to show that somebody who was a party to that conspiracy had committed an act in pursuance of that conspiracy. Besides that it was essential that the State should identify the principal. This, he held, was the law of the State and of the land and of the Constitution of the United States. If the principal is not identified, then no one could be held as accessory. Upon this theory the case should stand or fall, and it was for this reason that the defense endeavored to impeach the testimony of Harry L. Gilmer, as that testimony, he maintained, was vital for the case. Mr. Walker, he said, had stated that there was a conspiracy to inaugurate the social revolution on the 1st of May, citing in support of the claim the conversation between Spies and Moulton at Grand Rapids, a resolution adopted at the West Twelfth Street Turner Hall in October, 1885, and a conversation between Spies and Reporter Wilkinson; but after showing the general drift of those conversations and the tenor of the resolutions, Mr. Zeisler contended that the reports of these matters in the newspapers at the time could not be accepted as evidence, as newspapers are frequently given to misstatements. Then, referring to the testimony given by the parties named, he said:

"Now, what does that testimony amount to? — the testimony of Mr. Moulton, the testimony of Mr. Wilkinson and the testimony in regard to the resolutions adopted at the West Twelfth Street Turner Hall? Nothing but the fact which is known to all Chicago, that the laboring classes had combined to fight for an eight-hours' work-day on and after the 1st of May. That is one thing. And another thing, as far as these resolutions are concerned, that it was resolved that, inasmuch as the workingmen had to anticipate that the employers would call out the police and militia against them,

that they should arm themselves to meet the employers by the same means that they, the employers, used.

"Now, further than that, Mr. Spies has spoken with Mr. Moulton and with Mr. Wilkinson about the coming social revolution; and when asked by Mr. Moulton, 'How can you ever accomplish such a result? How can you ever bring about the social revolution? Under what circumstances can it be done?' he says it can be done at a time when the workingmen will be unemployed. Substantially the same thing was said to Mr. Wilkinson at the time of that interview last January. Now, the State's Attorney and his associates argue to you that Spies said himself the social revolution is coming. When is it coming? On the 1st of May. Can that be taken literally?"

Mr. Zeisler held that in the progress of the civilized world a social revolution was inevitable, not by the use of dynamite or force, but by the peaceable forces at work among the people.



SIGISMUND ZEISLER.

From a Photograph.

"Now, the attorneys for the State talk to you about the social revolution, and try to make you believe that the social revolution means bombs and dynamite, and killing and arson and murder and all crimes that we know of. Mr. Fielden on the stand gave the proper expression. Asked whether he believed in the revolution, he said: 'Yes, in the evolutionary revolution.' And I tell you, gentlemen of the jury, this social revolution is coming—this social revolution in the sense in which Webster defines the word Socialism."

Mr. Zeisler next said that they had not denied that the defendants had declared that they would head a procession to go and sack Marshall Field's or Kellogg's store, because it was a fact, but asked if after such advice any one of them had taken the lead in any such procession. "No, sir," he said. "They went and armed themselves with beer. That is what they did." On the night of the Board of Trade opening, Parsons and Fielden proposed to lead the crowd to attack the groceries and clothing houses, but what did they do? They gracefully retired into the room of the *Arbeiter-Zeitung* office and were interviewed by a reporter about the terrible effects of a fulminating cap. Did any one come up and inquire why they had not led the procession to those places? They did not, as everybody understood what was meant. Mr. Zeisler continued:

"The listeners of these people are not very highly educated men. They are laboring men who, raised in poor families, did not have the benefits of a collegiate education; men who since that time worked at manual labor from the early morning until the late evening. They could not in the nature of things be very intelligent and highly cultivated and educated. Now,

Fielden and Parsons and Spies could not talk to those men by stating to them abstract principles of social science; but they told them: 'Here, look at this state of things. There is a man who owns three hundred million dollars; there is another man who owns one hundred million. You starve, you get starvation wages. Is that a just condition of things? Now, I tell you, Mr. Marshall Field, who owns twenty-five millions of dollars, has no right to own them. I tell you, you have a right to take from the property which he has accumulated; part of it belongs to you. By natural, by equitable laws this man is not entitled to live in a palace while you starve. I am going to lead you down, if you want me, at once, and we will supply our wants from there.' What is that? Is that an offer to go there? Is that an advice to go there? It is an illustration, as you give it in school to a child which cannot understand abstract principles of science. When they say to them: 'You have a right to take from Marshall Field and Kellogg,' that means simply in the present state of society that is allowed, but this is not a just and equitable condition of affairs, and if it were as it ought to be you would have a right to share with Marshall Field what he owns. Take it in this common-sense view and don't allow yourselves to be deceived by declamations on the part of the attorneys for the State.

"Can a revolution be made? A revolution is a thing which develops itself, but no single man nor a dozen of men can control the inauguration of a revolution. The social revolution was fixed for the 1st of May! Just think of it! The social revolution, the revolution by which the present state of proprietary conditions should be changed all over the world, was to be inaugurated by Mr. Spies and by Mr. Parsons and Mr. Fielden on the first day of May! Has ever a ridiculous statement like that been made to an intelligent jury? But all that is told you not because they believe it, but because they want to make you blind to the real issues in this case, by telling you that the social revolution was coming on the 1st of May, and that Inspector Bonfield by his cry, 'Fall in, fall in,' on the night of May 4th, saved the country from the social revolution; by that they want to deceive you, they want to scare you, they want to show you the monstrosity of these defendants. The social revolution to be brought about or inaugurated by the throwing of a bomb on the night of May 4th! What do you take these men for? Are they fools? Are they children? Don't you see what their ideal is, and the last aim and end of theirs? It is the social revolution, yes, but not the social revolution brought about by the throwing of dynamite. It is the social revolution which will give the poor man more rights and which will do away with pauperism. And the means are left to the future; but for the present, in order that you may be strong and respected and be a power in the land, arm yourselves, organize. That is the meaning of it."

Mr. Zeisler then touched on the preparation of bombs and dynamite for that social revolution, referring to the evidence showing the finding of dynamite and bombs in the *Arbeiter-Zeitung* office. He held that Linne-meyer, who calcimined the closet in which the bag of dynamite was found, had proven that there was nothing of the kind there when he went in to search for a brush just immediately preceding the arrival of the police. He also pointed to a contradiction in the testimony of one of the officers that the dynamite was found on a floor below that of the closet, in a room not

used by Spies and not occupied by him at the time of the police search, but in the counting-room, and then the subsequent correction by the officer, on being recalled by the State, that the package was found in Spies' editorial room. In reference to the bombs there was no secrecy, and Spies admitted that he had one more bomb than the police had discovered. That information was volunteered on the witness-stand, and the possession of those bombs explained.

"That is the testimony in regard to the arsenal of dynamite and bombs and weapons of destruction at 107 Fifth Avenue, and Mr. Spies bragged about three thousand revolutionists ready to throw bombs and to annihilate the police. What was it? Braggadocio; the same object which all these people had in advocating the use of force, in calling upon workingmen to arm themselves, to organize, to buy weapons and all that sort of thing; and the purpose for which they did it openly and publicly was the same purpose Mr. Spies had in bragging that there were three thousand revolutionists—to scare the capitalists, to scare them into yielding to the demands of the workingmen, to try to induce them to make concessions to the laboring classes, as Mr. Fielden said in his speech on the night of May the 4th. And remember, gentlemen of the jury, that it has been testified to by all the witnesses who spoke in regard to the speeches and articles of these men, that they always made the same argument. Now, Mr. Fielden made the same argument a hundred times before. 'The employers will not like to see dissatisfied workingmen in the community, and the laborer can get some relief if the employers find that there are dissatisfied workingmen in the city.' That was the reason why they told them, 'Arm yourselves and organize.' That was the reason why Mr. Spies bragged about the three thousand revolutionists and about the bombs ready to be thrown; that was the reason why he told Mr. Wilkinson all about their plans."

Mr. Zeisler ridiculed the idea that a social revolution was to have been inaugurated with the dozens of bombs made by Lingg, and held there had been no preparation for it. Coming to the question of conspiracy, he said:

"What is a conspiracy? What were you used to understand by the word conspiracy all your lifetime? Isn't in the first place secrecy the test of a conspiracy? Was there anything secret about the doings of these men, or about their teachings and writings? When they vented their feelings at 54 West Lake Street at the meeting of the American group and told the people to go to Marshall Field's and Kellogg's, and offered to head the procession, told them about their rights, told them to use force, told them to arm themselves and to organize, the next morning the daily press of the city of Chicago, which reaches five hundred thousand people, and the State's Attorney's office, and the Mayor's office, and the office of every authority in the city of Chicago, were informed of it."

The speaker then proceeded to define conspiracy, and said that to constitute a conspiracy "they must agree with one another to do an unlawful act; one must have communicated the purpose to another, and the others must have consented to it." Nothing of this kind had been done. They had simply propounded principles and expressed truths from their standpoint."

"You remember the testimony of Officer Trehorn, who saw the dynamite and the caps and the fuse on the night of the inauguration of the Board of Trade building, and who the next morning says he went to Lieutenant Bedell of the Cottage Grove Avenue Station and told him all about it. If that was a conspiracy, and that conspiracy has existed for three years, why has the State's Attorney, or his predecessor in office, yet not prosecuted those who are parties to that conspiracy? The law of the State of Illinois makes it his duty to prosecute every crime which comes to his knowledge. He may plead that he has not known of it. If he did not, then it was culpable negligence that he did not know it. If he will answer to you that as long as those people did not do any overt act there was no reason for him to interfere, then I say as long as these people have not done any overt act there was no conspiracy. There is no way of escaping this consequence, gentlemen of the jury; to every logical mind it is clear. Either the State's Attorney himself must plead guilty to the charge of the murder of Mathias J. Degan, or every one of these defendants who cannot be shown to have actually thrown or lighted the bomb must be acquitted. If it was not conspiracy then, if they had committed a crime up to the 4th of May for which it was the duty of the State's Attorney to prosecute them, then what have they added to make their doings murder—to make them amenable to the law on a charge for the highest and gravest offense, the most heinous crime known to law?"

Mr. Zeisler next turned his attention to the special conspiracy entered into by a number of persons at No. 54 West Lake Street and held that of all the defendants it had only been shown that Engel and Fischer were present. He denied that Lingg was there or that any evidence had been introduced to prove it. He scored Waller and reviewed some of his testimony, taking occasion to call the attention of the jury to the fact that the man testified that the signal word "Ruhe" was not mentioned in connection with the Haymarket meeting. Next he alluded to the places where some of the witnesses for the State and some of those present at 54 West Lake Street had been on the night of May 4, and spoke of Engel being at home enjoying a social glass of beer, and the others widely scattered. "The only evidence of a conspiracy was that of Seliger, who testified that Lingg had asked him if he should throw a bomb. Fischer and others who saw the word 'Ruhe' in the *Arbeiter-Zeitung* did not go to Wicker Park, but went elsewhere. What does Waller's testimony say? It says that on the appearance of the word 'Ruhe' all should go to their meeting-places in the outskirts of the city, and that none of them were to be at the Haymarket except the observation committee."

"Has 'Ruhe' any reference to the Haymarket meeting? Does it not rather show that the parties who conspired there were not to take part in the Haymarket meeting at all? What, then, has the evidence in regard to that meeting got to do with the case? That much (illustrating by snapping the fingers).

"Now, to return for a moment to Lingg's alleged attempt to throw a bomb. Has there ever been heard such a ridiculous story as that? It is

an absolute falsehood upon its face. A revolutionist, a true disciple of Herr Most, goes out with bombs in his pocket, next to his friends, and takes a walk, and when he goes to the station and wants to throw a bomb into the station he isn't even provided with a light to ignite the fuse; he has to ask his friend, 'Have you got a light?' And the other one says he hasn't got it or makes some kind of excuse. Don't you see that all that testimony is given in order to show you, or in order that Mr. Seliger may show himself to you as a highly moral person who has been the dupe of Lingg? He, the man who has been an Anarchist for years and years—and his wife herself says so—he has been persuaded by Lingg to make bombs, he has been misled by Lingg, has been the dupe of Lingg. Seliger, the man with a full beard,* a man of over thirty years, has been the dupe of this innocent-looking fellow, Lingg! If one was the dupe of the other, then Lingg surely was the dupe of Seliger. Seliger is the one who was arrested first. In order to save his own worthless neck, he betrays his friend and companion and swears against him, and upon the testimony of these treacherous lips you are asked to convict Lingg."

Mr. Zeisler maintained that he had shown that there was no conspiracy, no general conspiracy, and insisted that the alleged conspiracy of May 3 had no reference whatever to the Haymarket meeting; that the throwing of the bomb at the Haymarket meeting was in direct contradiction of the agreement by the conspirators of May 3, and if one of them had done it, he would have done contrary to the conspiracy. He then spoke of the object of the Haymarket gathering and said:

"It was called for the purpose of denouncing the atrocious act of the police in shooting down their brethren at the McCormick factory. That was the only purpose of the meeting, as Mr. Waller testified. Of course his testimony is the one that the State relies upon mostly. Now, what was the occasion of calling such a meeting to denounce the act of the police? It was the meeting at McCormick's factory."

The counsel then reviewed the testimony with reference to the meeting near McCormick's factory, pointing to the fact that no one had testified to what Spies had actually said on that occasion, and maintained that not a single witness had been produced to prove that Spies had then and there incited men to riot. Witnesses for the State, he said, had shown that Spies continued talking after many of the men had started toward McCormick's factory. Did any one suppose he would thus quietly continue speaking there if he had precipitated that riot? Mr. Zeisler did not excuse the men for stoning the factory—it was wrong—but he did not believe that gave the right to the police to shoot at those excited people. Coming back to the Haymarket, he read some of the testimony on the side of the State to show that it was an ordinary, peaceable meeting, and then said that on the day Spies wrote the "Revenge" circular Parsons was on his way back from Cincinnati and Fielden in a suburban town in a quarry. He next proceeded to show that there was no connection with the printing of the "Revenge"

* Seliger had a full beard at the time of the trial.

circular and the Monday night meeting, and said Spies knew nothing about the call for that meeting. He closed by saying that the circular meant simply the same thing that Fielden and Parsons meant in their speeches on the evening of May 4, and that meaning, he said, he had made plain in the earlier part of his address.

MR. GEORGE C. INGHAM, special counsel for the State, followed next. His argument was clear, concise and to the point. He opened by citing the law in the case, reading numerous authorities with reference to conspiracies and commenting thereon at some length. One authority he read was "Russell on Crimes," to show that it was simply putting in the shape of a statute that which the common law already declares to be an offense, and then cited a case which arose not many years ago upon that very statute:

"Johann Most, in the city of London, was indicted, because while there he published a paper advocating the assassination of the crowned heads of other countries. He was indicted under that statute, and he was convicted by a jury. The case went to their highest court, and I wish now to read you what the Justice of that court says as to what is meant by a solicitation to murder."

The opinion of Lord Coleridge was read, and Mr. Ingham continued:

"You, gentlemen, will remember that that paper (*Die Freiheit*) is now published in the city of New York. The sentence is not given in the report I read. The custom is in England that before a sentence is pronounced, in case an appeal is taken, that is first passed upon, and after that the sentence is pronounced. That case was decided in 1881. Shortly after that John Most came to America. They probably thought the best thing they could do with him was to pass upon him a light sentence and ship him. At any rate they landed him here, and he started his *Freiheit* paper in New York."

Mr. Ingham next read the case of *Cox vs. The People*, from the Illinois Reports, and continued:

"Now, apply the law which I have read to the facts of this case. It appears in evidence in this case from the documents which I have read to you that these men—Schwab, Fischer and Parsons—were from time to time in this city publishing articles printed in papers which they owned, for the publishing of which Spies paid, and which they declared to be their own, in which they advised the destruction of the police of this city by force, in which they advised workingmen from time to time to arm themselves with dynamite and be ready whenever a conflict came to destroy the police of this city by force. For the publication of any one of those articles, if the law had been correctly understood, those men could have been convicted and punished for a misdemeanor; and when on that night Fielden, in the presence of the crowd, told the people before him assembled that the war had come, that war had been declared, that they must arm themselves to resist what he knew never had taken place, he was making a seditious address, and for that reason, if for no other, the police force of this city had a right to appear and disperse the meeting.

"Fielden took the stand at the Haymarket, and until he concluded every sentence he uttered was a sentence seditious in its character, and which, under the decisions of the Supreme Court, would alone subject him to punishment for misdemeanor. A trap had been laid — Spies laid it; Schwab laid it; Fischer laid it; Engel laid it. A trap had been laid to bring out the police force of this city, and that trap was baited by the speeches of Parsons and Fielden. When the bait grew strong enough, the police did come. The moment they got there — the moment they stood opposite that alley, the moment their marching motion was stopped and they stood in that position where the bomb could be thrown with unerring certainty, the bomb came.

"Now, who made that bomb? You, gentlemen, have heard the evidence in this case, which is not disputed. I ask you, gentlemen, to remember that so far I have not alluded to a single fact about which there is or can be any dispute. It is uncontradicted in this case that Louis Lingg for months had



GEORGE C. INGHAM.
From a Photograph.

been making bombs of a certain construction. It is uncontradicted that on the morning of Tuesday Louis Lingg said to Seliger that he must work hard all day; that the bombs would be needed and could be disposed of before night. It is in evidence in this case that on that morning Louis Lingg left that house and was gone all the morning, and nothing has been shown as to where he was. It is in evidence that he came back at noon, and because Seliger had filled only one bomb and had then laid down on the bed and gone to sleep, that Lingg upbraided him and told him that this matter must be hurried; and it is in evidence in this case that all that afternoon after that time men were coming and going to and from that house and working at that house on those bombs. Men came there whom Seliger knew; men came there whom Seliger did not know; men came there whom Mrs. Seliger knew; men came there whom Mrs. Seliger did not know. She tells you that during the whole of that day — Tuesday — men were coming and going to and from that house. What for? We put one man on the stand who went to that house in the afternoon — the witness Lehman. Lehman tells you that on Tuesday he was working at his trade; that he quit his work at three o'clock in the afternoon, instead of working until the afternoon was over; that he took a fellow-countryman of his, whose name I have forgotten, and with him went to Lingg's house to buy a revolver; that they went to the house and dickered first about the revolver, and then went back again, and when he went back the second time Louis Lingg gave him dynamite — loaded bombs, fuse and detonating caps; that during the day Louis Lingg was distributing these bombs to different persons in the city.

"I want to call your attention to those bombs of Lingg's — admitted to be his — bombs which he admitted to the officers that he himself made, and which were found where he had sent them. Every one of those bombs is

about three inches in diameter, as nearly as they could be made with the rough material which he had. I want to call your attention to this bomb, called the 'Czar' bomb, obtained from Spies. That bomb in its appearance is composed of the same sort of material that Lingg's bombs were. You can see that the only difference is in the bolts; that the bolt in the 'Czar' bomb was smaller than the bolt in the Lingg bomb. This bolt (exhibiting same) would not be large enough to fasten together the three-inch bombs; it would not quite reach through. Now, suppose that Louis Lingg had this bolt in his possession and wanted to make a bomb for it, what would he do? He would file off the edges here so as to make its diameter smaller. If you will look at this bomb called the 'Czar' bomb, you will see that that is just what has been done — the edges of it filed off, and it is just in the condition it was, with the exception of this scraping here, when the reporter Wilkinson got it. The result of that is that its diameter through here would be shorter (indicating) than the diameter across there (indicating). What else does that show? Of course, as this was filed off, it would lessen the diameter of the bomb, and when you measure this you will find that that only lacks the eighth of an inch of being the same size as the bombs found in Lingg's possession. In other words, if that had not been filed off as it has been in order that this shorter bolt could be used, these bombs would be identical in size.

"What else is there in evidence in this case in regard to bolts? Seliger tells you that he was sent after bolts that day, that he bought a lot of bolts. They have been introduced in evidence. You, gentlemen, noticed it as soon as they were introduced in evidence, that the nut found in the body of the Socialist, and which came out of the bomb exploded at the Haymarket Square, is identically the same sort of a nut as those found on the bombs in Lingg's possession on that day.

"We have placed on the stand the two most eminent chemists in the city of Chicago. Those gentlemen told you that they made examinations of pieces of this 'Czar' bomb which they took from it themselves; that they made examinations of pieces of the four bombs which came from Lingg, and that they examined certain articles found in Lingg's possession. And what is the result? They told you that these bombs were not made of lead alone; that they were not lead and solder alone; that there is not in the city of Chicago or known to commerce any one article of which those bombs could be made, but that they are made of a mixture — not only the Lingg bombs, but the 'Czar' bomb. They tell you that three of the Lingg bombs and the 'Czar' bomb contained identically the same constituents, without any difference whatever so far as the constituents themselves are concerned, and the only difference is that between those bombs there was a slight difference in the amount of the tin and the amount of the lead. They told you that in the 'Czar' bomb one per cent. or one and one-tenth per cent. is tin; that in one of the Lingg bombs one and five-tenths per cent. was tin; that in another of them two per cent. was tin. The point of it is this: that every bomb was composed of a mixture and not of any one metal; that the mixture in the bombs was as nearly identical as it could be made by any man using the materials which Louis Lingg used, in the way in which he used them. You will remember that he told Capt. Schaack that he made these bombs with a mold made of clay; that he could only mold one or two bombs, when he had to make a new mold. If you will look on the inside of these bombs you will find that they were all made by a

rough mold, just as you would expect from one made with a mold of clay ; the only difference being that in the case of the 'Czar' bomb it had been filed off, as you can see, with a file, in order to smooth it."

Mr. Ingham then read the testimony of Walter S. Haines, one of the chemists, and proceeded :

"One of these bombs which Louis Lingg admitted that he made differed from the others in that it contained a trace of copper. In the trunk of Louis Lingg was found this piece of metal, which he had undoubtedly used in making that particular bomb, and which accounts for the trace of copper in it, the point being that everything found in any one of those bombs was found in some shape in Louis Lingg's trunk and possession.

"The answer to all this is that the bomb, instead of being thrown from the alley, was thrown thirty-five feet south of the alley. What of it? What if they have proven that? What if they have satisfied your minds clearly that the bomb came from thirty-five feet south of the alley? Can there be any question in the minds of any reasonable man that he who threw that bomb, whether he stood in the alley or thirty-five feet south of the alley, was one of the Anarchists associated with these men?

"When that question is settled in your minds, that ends this case. We have proven the conspiracy. It has not been denied. We have proven that Degan died from the effects of that bomb ; it has not been denied. We have proven it by circumstances making it as clear as the daylight that that bomb was thrown by one of the Anarchists, and when we have done that we have proven this case—when we have done that we have sealed the fate of these men, if jurors do their duty under the law as it is written and declared.

"There was a conspiracy. These men know it and have not denied it. That bomb came from that conspiracy, and the moment it resulted in the death of Degan the crime of conspiracy was merged in the crime of murder, and every one of these men made amenable under the law.

"The meeting came ; the crowd did not. The Haymarket was covered with little groups of people scattered around. Spies goes around and picks out the place for the meeting, and, although he knew that the word 'Ruhe' had been published, although he knew that these armed groups were scattered all over this city, although he knew that Balthasar Rau in an hour could not notify every man who knew of that plan, he himself called it to order in the very place where the police force could be massed together and the most enormous destruction done. He told Wilkinson that it was discovered that bombs of composite metals were best, and when on that fatal night the bomb was thrown seven men were killed and sixty wounded, and to-day in a public hospital of this county, while these men sit here decked with flowers, there is one man with eighteen drainage tubes in his body. Was Spies right when he said that bombs of composite metal were best?"