

## CHAPTER XXX.

Foster and Black before the Jury — Making Anarchist History — The Eight Leaders — A Skillful Defense — Alibis All Around — The Whereabouts of the Conspirators — The "Peaceable Dispersion" — A Miscarriage of Revolutionary War — Average Anarchist Credibility — "A Man will Lie to Save his Life" — The Attack on Seliger — The Candy-man and the Bomb-thrower — Conflicting Testimony — A Philippic against Gilmer — The Liars of History — The Search for a Witness — The Man with the Missing Link — The Last Word for the Prisoners — Captain Black's Theory — High Explosives and Civilization — The West Lake Street Meeting — Defensive Armament — Engel and his Beer — Hiding the Bombs — The Right of Revolution — Bonfield and Harrison — The Socialist of Judea.

MR. W. A. FOSTER was the next speaker, and he made a very strong case for his clients — the strongest that could be made in face of the many disadvantages under which he labored in view of the evidence against the Anarchists. He is a fluent, easy and graceful talker and held his facts well in hand. He began in a deliberate manner, and grew at times, as he proceeded, quite eloquent in his exposition of the virtues of the defendants. He was pointed and caustic sometimes, but he never seemed to lose the purpose of making a strong impression on the jury. The opening of his argument was largely devoted to showing that the Haymarket meeting was not riotous or boisterous, but that it had been called for a peaceable purpose. Then he said:

"Take the theory just suggested by the prosecution in this case, that the time had come now that was conceived of years and years ago; the time had come now which was suggested by August Spies at Grand Rapids, Michigan; the time had come now which was foreseen in conversation had with the various defendants to various newspaper reporters at various times and various places; the time had come now when the attack could be made that was to be incited by the McCormick meeting and the McCormick riot; the time had come now when by reason of the gathering of the laboring people at the Haymarket Square the attempt was to be made and the response was to be made effectual; now history was to be written, now the point had come when bowie knives, when sharpened files poisoned with acids, when all of these implements of modern warfare, as we are told, were to be turned loose upon the world; when property rights were to be destroyed, when the police were to be killed, when any one aiding, assisting, abetting, standing up for or protecting the law was to be ruthlessly slain. The time had come. The men were there, the arrangements had been perfected, the police were in line, halt was made, and they were commanded to disperse. The time, the grand culmination of all the arrangements and conspiracies and confederations for years back had arrived — the time when the blow was to be struck which was to overturn civilization, which was to overturn the country.

"These eight men are the leaders, they tell us. They tell us that there

are hundreds more that ought to have been indicted, and should be indicted — should be prosecuted, and should be convicted, and should be destroyed. But the time had come, and the leaders and their friends, having been preparing for years, were ready. They courted the attack — they hailed the day. They had pleaded for the opportunity, and the opportunity had now arrived. Where are these men? Where are the men that were to take charge and carry on the warfare that had been agreed upon for the last five or six years, or longer, in the city of Chicago? Where were they? In the first place, Mr. Parsons and Mr. Fischer are at Zepf's Hall. Think of it! For six long years they had been making their preparations for the attack; for days and weeks and months they had sown and preached revolution; the skirmish lines had met, and they were prepared; and still Parsons and Fischer were quietly discussing matters between themselves over a glass of beer at Zepf's Hall. They were principals in this matter, leaders in the overthrowing of the Government and the establishment of this idea. They



WILLIAM A. FOSTER.  
From a Photograph.

were at Zepf's Hall, away from any scene of action. Where is Engel? Engel, the great conspirator — Engel, who made the inflammatory speeches at Clybourn Avenue? Quietly at home, engaged in a game of cards with his friend — not there at all. There is no man that pretends or claims that Mr. Engel, at the time the bomb was thrown, was at the Haymarket meeting or near it.

"Where was Schwab, one of the brainy men of this conspiracy, a man whose pen had added to its formation, whose genius and whose brain had been instrumental in bringing it about? An hour's ride away, at Deering, addressing a quiet meeting of laboring men.

"Where was Neebe? Neebe, one of the leading conspirators, they tell us. He is one of the eight heads, one of the chiefs in the overthrow of the Government and

of property rights, and he was quietly at home. Lingg, the man who has prepared the implements of warfare, the man who has taken the dynamite, who has prepared the shells and loaded them, has inserted the caps and the fuse and made all the preparations for the destruction of the police, for the destruction of the militia and for the destruction of property everywhere — where is Lingg? Wandering about upon Larrabee Street, in the neighborhood of Clybourn Avenue.

"Where is Spies and where is Fielden? Spies and Fielden, the only remaining ones of the eight, are upon the wagon, in the presence of line after line of the police, armed to the teeth, having not only the regulation revolvers in their coat-pockets, but those of larger caliber, in some instances, so far as some of the companies were concerned, in their belts. Those men were quietly standing upon the wagon, right in sight and within the aim of all of these murderous weapons, with the idea that an attack was to be made, with the idea and knowledge that an assault was to take place, with the idea and the knowledge that now the final blow was to strike which should

carry terror to the hearts of the capitalists and overturn society and government. They were there, quietly arguing, arguing with the police in command there, that the meeting was peaceable.

"But they say, gentlemen, 'Ruhe' is a German word and means peace, quiet, rest; that because it means quiet, therefore — this is what they intend to have you believe — that because Fielden said, 'This is a quiet meeting,' or that it was peaceable, or, 'We are peaceable,' that that was the watchword which was to be an order in cipher to commence immediately an attack. Now, gentlemen, I say that this is, in my opinion, an unfair deduction; it is an unfair conclusion. The testimony all agrees that Captain Ward appeared there and said: 'In the name of the people of the State of Illinois, I command you to quietly and peaceably disperse.' That was the expression — 'I command you to peaceably disperse' — to which Mr. Fielden replied: 'We are peaceable,' or 'This is a peaceable meeting, Captain.' Could anything be more natural than that that reply should be made? Suppose, gentlemen, now, that the theory of the prosecution is right; suppose that it was the grand beginning of an uncertain end; suppose that it was the culmination of the idea that had existed for years. Do you believe that bombs would not have hailed from the top of every building? Do you believe they would not have been thrown from every sidewalk? Do you suppose they would not have been thrown from the rear and from the front? In the nature of things, can you, in the light of this testimony, say that because some man somewhere, on account of some reason, which is not explained here, which never can be explained, acting upon his own individual responsibility, lighted a bomb and threw it, that therefore you must say that the grand conspiracy, the arrangement for years and years had this result, or rather that the throwing of that bomb was the result of that conspiracy?

"But there is one thing the gentlemen have lost sight of in this case, it seems to me. Of course they haven't, but in their argument they have carefully avoided it. A Socialist is not to be believed, a Communist is a liar, and an Anarchist is capable of committing any crime. That is what they tell us in plain language — that we have produced some witnesses here who are Socialists, Communists and Anarchists, and because we have done so, their testimony, for that reason alone, is to be discarded. Mr. Walker and Mr. Ingham both made reference to the character of some of our witnesses upon the theory and upon the ground that the evidence showed that they were Anarchists or Communists. Well, they were Anarchists, Socialists and Communists, some of them.

"Although the gentlemen claim that a conviction might exist, leaving out the testimony of Gilmer and of Thompson, they would never concede that under any circumstances a conviction could be had were it not for the testimony of Seliger and the testimony of Waller; they never would concede that, and did the gentlemen ever think, while they were presenting to you the case upon which they demanded a conviction, that the very witnesses that they proved the facts by upon which they ask you to hang these men are Socialists and Communists and Anarchists?

"Not only, then, are Waller and Seliger Communists, Socialists and Anarchists, but they are State's witnesses, co-confederates and conspirators, men whose testimony is regarded with disfavor and with suspicion by the law.

"They tell us that a man will lie to save his life. Said Mr. Walker, 'Do you believe Mr. Spies? Will he not lie to save his life?' Then I

retort the argument of the gentleman upon his own head and say, 'Would not Seliger lie to save his own neck?'

"They take Mr. Seliger down and they examine him and they get his statement and they reduce it to writing. The detective force is turned loose upon him. His statement is not strong enough; that won't do; it is not enough; still there are missing links. 'Mr. Seliger, this statement won't do; we want something stronger than that.' I can imagine—I am not giving the testimony now, but I can imagine how those detectives would go to Seliger, carried away from his family as he was, shut up in a dark dungeon, kept there day after day—'Now, Seliger, here are two propositions: here is a rope and here is a statement; choose between them.' He chose the lesser of the two evils—the statement, as any man would, Mr. Walker says, to save his own life. He makes the statement. He goes away. I can imagine, I say, the conduct and the actions of the detective force as they ply him with questions from day to day. 'It won't do, Mr. Seliger, it won't do. There are too many missing links. We want something more. Isn't this so, isn't that so? Didn't this happen, didn't that happen?' And poor Seliger, frightened, weak-minded and timid, ignorant of the laws of this country, ignorant of the rights which American citizens have under the laws, sits down and makes the second statement. And still the thing goes on, still he is kept in confinement, still he is plied with questions, still he is examined and cross-examined: 'Mr. Seliger, the first statement won't do, and the second statement won't do. Mr. Seliger, we want more from you than this.' And, says Mr. Walker, 'Won't a man lie to save his life?' And Mr. Seliger makes the third statement, and again he goes back to his dungeon, and after a while again they go to Seliger and they say to Seliger, 'This won't do. You have made a statement, you have made a second statement, you have made a third statement, but still there are missing links. Isn't this so, isn't that so?' And, as Mr. Walker says, 'Won't any man lie to save his life?' And the fourth statement is made by Seliger. And these statements are unrolled as he sits here quivering and trembling, knowing perhaps that he is destroying the lives of these eight men, his former friends and associates, and questions are pronounced after questions, and the testimony is introduced before you, gentlemen, from a Socialist, from a Communist, from an Anarchist, from a conspirator, and from a man that will lie to save his own life; and upon that testimony you are to act, and you are not to act upon any testimony introduced by the defendants in this case.

"You remember the candy-maker that was brought upon the stand by the merest accident. You remember the circumstance that when his name was called he responded from that corner of the room (indicating)—none of us had ever seen him; we didn't know it, and I don't to-day hardly know how we got any information in regard to the man at all. And when he came forward here you will remember that this case was delayed until Mr. Zeisler and myself took him into the other room to ascertain if possible why he was here and to what facts he was going to testify. He came upon the stand, and what does he tell you? He tells you that on the night of the 4th of May he was at the Haymarket. He tells you that he was south of the alley, and when it was rumored there that the police were coming he started with others down. He tells you that at the time he did not know how far it was south of the alley, but he knows from the location and from the surroundings, and that since then he has gone there with his

tape-line and he has measured it, and that it is thirty-eight feet south of the south line of Crane's alley. He tells you that as they were going down, when the police had come up he saw a man with this motion, indicating a backward and upward motion with the right hand—not with this motion that Frank Walker tells about—cast a burning fuse, as it went hissing through the air; that he followed it until it struck, that he looked at it until the whole country around about was illuminated by the explosion and policemen bit the dust.

"Is he a reliable man, gentlemen? Is there anything wrong in his character? If there was, why, as late as two weeks before the time that he testified, was Mr. Furthmann placing before him the picture of Rudolph Schnaubelt? If he was an unreliable man and they knew it, if they did not believe his statement because of his unreliability, why, I say, was Mr. Furthmann two weeks before—according to the testimony of the witness which Mr. Furthmann has not undertaken to gainsay or deny—presenting the photograph of Rudolph Schnaubelt to see whether he could identify that man as being the man who threw the bomb? If he was an unreliable man, he tells us where he has worked; he tells us where he has lived; he tells us who his associates are; he tells us all about it. If there is anything wrong, then Captain Schaack would turn loose his detectives and his police and in less than an hour's time the character, the true character, the villainous character of the man would have been exhibited before you. But nothing of that kind is done. They ascertain the fact that he saw the bomb-thrower—they know that he saw the bomb-thrower—at least, they believe that he saw the bomb-thrower, and the question is, Who shall be used? Shall the candy-maker be used, or shall Gilmer be used? Which shall it be—the candy-man or Gilmer?

"Now, you will remember that the State was two weeks putting in their testimony, and you will remember that the defense was one week—a week and one day more. You will remember the testimony of this witness was that two weeks before that time, which was one week after the State began to introduce their testimony, Mr. Furthmann presented before his race the picture of Rudolph Schnaubelt and demanded to know whether he could recognize the picture as being the man who threw the bomb. I say then it seems, Mr. Gilmer to the contrary notwithstanding, that a week after they had commenced the introduction of their testimony it was still a doubtful, uncertain and mooted question as to where took place the throwing of that bomb, and into whose hands to place it.

"What does the candy-maker say? He says honestly to Mr. Furthmann: 'I cannot recognize that man as being the man; I don't believe that that man had whiskers; all I know is that I think he had a light mustache and I think he was an ordinary-sized man; that is all I know about him.'

"And, gentlemen, that is a reasonable story. Hurrying away as he was in that crowd, supposing that the police had come there for a purpose, seeing this thing take place and the disaster that resulted from it and the excitement incident to it, would we expect that he would know or would be able to see any more than that? He did not recognize Schnaubelt as being the man; he did not recognize Fischer as being present at the time the bomb was thrown; he did not recognize Spies as being the man who lighted the fuse, and the prosecution did not want him, and so they sent him back to the candy-shop in obscurity, and there intended that he should remain. They did not want him. Why didn't they? They had found a conspiracy,

they say, to use violence for certain illegal purposes. They had established the fact of murder ; there was a missing link ; that was what was troubling them, and that is what has troubled them from the beginning of this trial down to the present time — the missing link. Where is the man in all the face of God's green earth, where is the man that can identify one of these men that we will show was in any conspiracy to do anything which we might criticise or object to, that is in any way responsible for what was done at the Haymarket that night? They must have the missing link, or else they must fail in this prosecution. The candy-man won't furnish it. He tells his story, a consistent and reasonable story. They believe his story because they take him up and they exhibit to him the picture — 'Is that the man?' Oh, if he had only said, 'Yes, that is the man, that is the man that was in company with him,' how quickly the candy-maker would have come before us as a witness. But no ; the man said honestly, 'I cannot do that ; I was in a crowd in the darkness ; I was in the bustle and the excitement ; I cannot do that.' They didn't want him ; they sent him home. And still there is a missing link. Who is going to furnish it?

"Gilmer comes proudly to the front. He says, 'Rather than have the play stopped I will furnish the missing link.' Gilmer — Harry L. Gilmer — the old soldier that they tell us about. I don't believe it. I don't believe he was ever in the army a day of his life, because I believe if he had been that my brother Grinnell, of all witnesses that had been called, would have asked him that very first question. Some of you gentlemen bear upon your breasts the emblem of the Grand Army of the Republic ; some of you were in the war and marched at the peril of your lives under the stars and stripes, and you would delight in meeting a man, and delight in believing in his honor and integrity, if you believed that he was engaged in the common cause with you in those trying days ; and still the shrewd counsel never asked the question. A veteran ! Yes, a veteran of Battery D, a veteran of Chicago, of the Home Rangers, a man that never smelt burnt powder in his life perhaps — he is the veteran soldier that is lauded before you gentlemen in the argument of counsel who have addressed you on the part of the prosecution in this case.

"I undertake to say, gentlemen, that all history, ancient and modern, has given to the world three of the grandest, the most consummate and infernal liars that ever existed since Adam first was set in the Garden of Eden — three names prominently that we find in the history that we are making now, in modern history and in ancient, and in importance they stand in the order in which I name them. First of all, greater than all, above them all in infamy and falsehood, is Harry L. Gilmer ; next to him comes M. M. Thompson, and third is Ananias of old, whose Christian name I never heard, if, in fact, he ever had one. All history, ransacked, will furnish no three such men as the three names that I have suggested."

Mr. Foster then adverted to some points in the management of the case, and touched at some length on the fact that Gilmer had not testified before the grand jury. He proceeded as follows :

"Of all the testimony that has been introduced here, the testimony of Harry Gilmer is paramount. Bind the rest of it together in a sheaf, set it alongside of the testimony of Harry Gilmer, and it is as a molehill compared to a mountain, if the testimony of Harry Gilmer is true. If the testimony

of Harry Gilmer is true, August Spies and Mr. Fischer must die. If you believe him, they must be swept from the face of the earth; and yet Mr. Grinnell, saying, 'We have nothing to conceal and nothing to hide,' forgets to tell you that he has the man who saw Mr. Spies, in the presence of Mr. Fischer, light the fuse which was thrown by Mr. Schnaubelt, and which destroyed Officer Degan. He never expected to prove it. If he did—if it is true that he expected to, and if it is true that he had nothing to conceal and nothing to hide, why, then, didn't he say it? Why had it not been published broadcast to the land by these newspaper gentlemen? Why was it that Harry Gilmer's face was not published and sent forth in every paper that is published in the land? Why was it that it was not said: 'This is the man—this is the man who has the testimony within his knowledge which will show the connection and establish the link which fastens some of the defendants, at least, to the murder of Mathias J. Degan?' Not a word—not a word upon the subject of Harry L. Gilmer, the veteran of the war, the old soldier, so eloquently discoursed upon by my brother Walker. Where was Gilmer then?

"I can imagine brother Grinnell, in his anxiety and his quandary in determining what course to pursue here, discussing with himself and his associates as to whether or not this case should be determined upon the testimony of Thompson alone, or Thompson and Gilmer mixed. It has been a serious consideration on the part of the gentlemen. There can't be any doubt about that. But the honest man who says, 'No, I can't identify them,' is sent home, and Harry Gilmer is brought to the front. He will identify Schnaubelt—oh, yes; no question about that. He will do more than that; he will identify Fischer—oh, yes; he will do more than that. Fischer may prove an alibi; they do not know whether Fischer was there, but there is one man that they do know was there, and that he was there all that time upon that wagon, and that was August Spies, and, if necessary, Harry Gilmer will identify Spies. Now, do you believe that, gentlemen? Do you believe that? And I do not charge my brother Grinnell with putting Harry Gilmer upon the stand knowing that he was swearing to a pack of lies. Not at all; I do not charge him with that. I charge him with placing no reliance upon the man at all. I say that, if Mr. Grinnell knew at the time he made his opening statement that Harry Gilmer was to come upon the stand and swear to that fact, he did not do his duty as a lawyer and he did not keep his pledge to the jury, and if he did not know it, it shows the absolute unreliability of the testimony of Mr. Gilmer.

"Now, I say to you, gentlemen, from all the surrounding circumstances in this case—I say that Harry L. Gilmer—and I stated to you the other day that I was not in the habit of calling witnesses liars; I preferred to present their testimony under the suspicion of mistake rather than the suspicion of falsehood—but I say as to Harry L. Gilmer that he is a stupendous, colossal, a monumental liar, and there is no escape from it. Now, just think of it for a moment. The world was excited; every daily paper in the universe published accounts—in Paris and in London, in Petersburg and Vienna, on the morning following the 4th of May, citizens read of the disaster of the Haymarket; the civilized world was shocked with the outrage that was perpetrated there. Where was Harry Gilmer, the man who could identify the man who threw the bomb, the man who could identify his companion, and the man who could identify the person who lit the fuse? Where was Harry Gilmer on the 5th day of May? He tells us

he was in Crane's alley the night of the 4th; he was there in the alley; he saw Spies; he says, 'That is the man right over there; that is the man that threw it;' he saw that man right over there—Spies—strike a match and light the fuse, and saw Fischer in his company. Schnaubelt threw it in the ranks of the policemen.

"There is the missing link, and if you believe that testimony as to two of these defendants, the chain is complete. Darwin is dead, but the missing link has been found. The man who furnished the missing link went home. The man that has seen this meandered through Crane's alley and went quietly home to his roost, and he went to bed undisturbed. It is true he had seen the man who threw the bomb; he would know him anywhere. He would know him by his picture; he knows how many buttons of his coat were buttoned. He saw the man that stood by. He would know him anywhere. He knows what kind of clothing he had on and how many buttons he had buttoned of his clothes. He knew the kind of hat, the kind of clothes. He knew the man who lit the match, who touched the fuse that exploded the bomb that Schnaubelt threw. He knew him. He knew whether his coat was buttoned and how many buttons. He knew all about it—everything that every man in the universe demanded should be known by the officers of the law. And he went home and went to bed and never said a word to any living soul about it. And he got up in the morning, fresh upon his mind the fact of this great outrage that was perpetrated and that everybody was talking about everywhere—in restaurants, on the street and in street-cars—knowing that he was the man that could recognize them all—he goes and buys a paper on the street and sits down to read how terrible it was, goes into a restaurant and there sits, where men were conversing of the horror and of the outrage, and never opens his head in regard to knowing anything about it—not a word. Then he goes, after he has had his 'meal,' and gets upon the car—goes to the corner of Twenty-second Street and Wabash Avenue, and there he meets a friend, a brother painter, and they work all day, and from a third to half the time, as he states, they were painting together and lapping each other's brushes as they painted upon the side of the building, and when noon came they sat down to discuss matters and talk, over their lunch. They speak, at times, about the Haymarket meeting and the great disaster, and he never tells his friend that he had seen the bomb thrown, or knew anything about it—not a word. The world was in flames, but Harry Gilmer was cool."

Mr. Foster continued his attention to Gilmer at considerable length, making, however, no new points against him, and then proceeded:

"Now, Mr. Graham is not a Socialist. He is not a Communist nor an Anarchist. He is a reporter, and I say that he is an honorable man. His bearing showed it; his countenance indicated it; and the fact that he is not attacked nor impeached, nor one word said against him, either in argument or in testimony, in my mind establishes it.

"Well, that didn't amount to very much. There are always knowing ones around, and Gilmer was one of them. He liked to loaf about police stations. He remembered the time when he was collecting the dog tax in Des Moines. He associated with men that wore uniforms, and he liked it. He wanted to ingratiate himself into their good opinions, and he says: 'I believe I would know the fellow. I was there. I was right in plain sight, and I saw him light the fuse and I saw him toss the bomb. His back was



to me, it is true, but I do believe I would know him.' Ah! where was Fischer then? Where was 'that man sitting over there,' as Gilmer expresses it? Where was Spies and where was Fischer then? Well, they hadn't developed at that stage of the proceeding, that is all. They were the after-birth in his testimony."

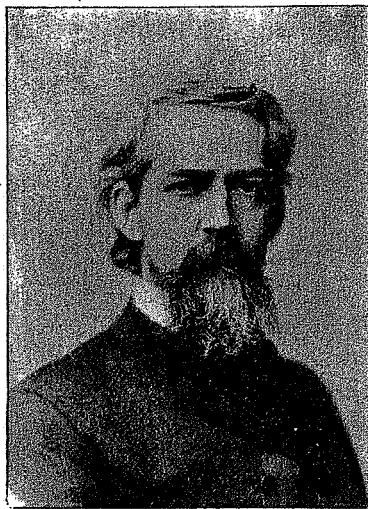
Mr. Foster went into a long and searching examination of the evidence, arguing out the more important facts developed, and closing with an eloquent appeal to the sympathies of the jury. His speech was effective and impressive.

On the next morning — Tuesday — Capt. Black began his argument for the defense, and was listened to by the jury with marked attention. He is a forcible speaker and dwelt upon the testimony favorable to his side with earnestness and emphasis. He traversed necessarily a good deal of the ground covered by his colleagues, but he clothed his argument in captivating language, and made a striking and effective appeal for his clients. The following will show the points he made:

"On the morning of the 5th of May, 1886, the good people of the city of Chicago were startled and shocked at the event of the previous night, frightened, many of them, not knowing whereunto this thing might lead. Fear is the father of cruelty. It was no ordinary case. Immediately after that first emotion came a feeling which has found expression from many lips in the hearing of many, if not all of you: 'A great wrong has been done; somebody must be punished, somebody ought to suffer for the suffering which has been wrought.' Perhaps it was that feeling — I know not — which led to the unusual and extraordinary proceedings which were taken in connection with this matter immediately following the 4th of May. Perhaps it was that feeling, in a large measure, which led to the arrest and presentment of these eight defendants. Perhaps it was something of that feeling which will explain the conduct of the prosecution in this case. I am not disposed to say that there has been any willful or deliberate intent on the part of the representatives of the State to act unfairly. I am not disposed to charge that there has been upon their part any disposition to do an injustice to any man. But in their case, as in the case of all, passion perverts the heart, prejudice corrupts the judgment.

"On the night of the 4th of May a dynamite bomb was thrown in the city of Chicago and exploded. It was the first time that in our immediate civilization, and immediately about us, this great destructive agency was used in modern contests. I beg you to remember, in the consideration of this case, that dynamite is not the invention of Socialists; it is not their discovery. Science has turned it loose upon the world — an agency of destruction, whether for defense or offense, whether for attack or to build the bulwarks round the beleaguered city. It has entered into modern warfare. We know from what has already transpired in this case that dynamite is being experimented with as a weapon of warfare by the great nations of the world. What has been read in your hearing has given you the results of experiments made under the direction of the Government of Austria, and while you have sat in this jury-box considering the things which have been deposed before you, with reference to reaching a final and correct result, the Government of the United States has voted \$350,000 for the

building of a dynamite cruiser. It is in the world by no procurement of Socialism, with no necessary relationship thereto. It is in the world to stay. It is manufactured freely; it is sold without let, hindrance or restriction. You may go from this jury-box to the leading powder companies of the country, or their depots, and buy all the dynamite that you wish without question as to your purpose, without interrogation as to your motive. It is here. Is it necessarily a thing of evil? It has entered into the great industries, and we know its results. It has cleared the path of commerce where the great North River rolls on its way to the sea. It is here and there blasting out rocks, digging out mines, and used for helpfulness in the great industries of life. But there never came an explosive into the world, cheap, simple of construction, easy of manufacture, that it did not enter



CAPT. WILLIAM P. BLACK  
From a Photograph.

also into the world's combats. I beg you to remember also that hand-bombs are not things of Socialistic devising. It may be that one or another, here and there, professing Socialistic tenets, has devised some improvements in their construction, or has made some advances with reference to their composition; they have not invented them. The hand-grenade has been known in warfare long ere you and I saw the light. The two things have come together — the hand-grenade, charged no longer with the powder of old days, but charged with the dynamite of modern science. It is a union which Socialists are not responsible for. It is a union led up to by the logic of events and the necessities of situations, and it is a union that will never be divorced. We stand amazed at the dread results that are possible to this union; but as we look back over history we know this fact, contradictory as it may seem, strange as it may first strike us, that in the exact proportion in which the implements of warfare have been made effective or destructive, in that precise proportion have wars lost the utmost measure of their horror, and in that precise proportion has death by war diminished. When gunpowder came into European warfare there was an outcry against it. All the chivalry which had arrogated to itself the power and glory of battle in martial times sprang up against the introduction of gunpowder, an agency that made the iron casque and shield and cuirass of the plumed knight no better a defense than the hemp doublet of the peasant. But now, instead of wars that last through thirty years, that are determined by the personal collision of individuals, that desolate nations, the great civilized nations of the world hesitate at war because of its possibilities of evil, and diplomacy sits where once force alone was intrenched. The moral responsibility for dynamite is not upon Socialism."

Captain Black insisted that the sole question before the jury was who threw the bomb, for the doctrine of accessory before the fact, under which

it was sought to hold the defendants, was nothing but the application to the criminal law of the civil or common law doctrine that what a man does by another he does himself. When the prosecution charged that the defendants threw it, their charge involved that the bomb was thrown by the procurement of these men, by their advice, direction, aid, counsel or encouragement, and that the man who threw it acted not alone for himself, or upon his own responsibility, but as a result of the encouragement or procurement of these men. He held that the State must show that the agent of the defendants did the deed, and that it is not sufficient to show that the defendants favored such deeds. Upon this point counsel spoke at some length. Next he took up the case of one of the talesmen examined with reference to his taking a place on the jury, who swore that, having been for three years connected with the office of the Prosecuting Attorney in the State of New York, he found in himself that the habit of thought and life to which he had there devoted himself had created in him a predisposition to believe every accused man guilty, which, in his own deliberate judgment before God, disqualified him from sitting as an impartial juror in a criminal case. The application of this case to the attachés of the State's Attorney's office who had appeared before the jury was made the most of.

After going over the evidence as to the other conspirators Capt. Black came to the case against Fischer and Engel. He said :

"It is perhaps proper that, in view of the circumstance that Fischer and Engel were the only two defendants at the West Lake Street meeting on Monday night, I should present briefly my opinions touching that meeting as relating to this case. Two witnesses, Waller and Schrade, testified as to what occurred at that meeting. Waller said there were seventy or eighty people present; the other placed the attendance at thirty-five to forty. Let us suppose thirty-five or forty met together in that basement. In the progress of the meeting it transpired that there had been a meeting of the North Side group, of which Mr. Engel was a member, on the previous morning (Sunday). At that meeting a resolution was adopted, which was brought before the Monday night meeting for consideration, and it was adopted in the manner indicated by Waller. I think I state it fairly to the State and fairly to the defendants themselves, when I say that the action then and there resolved upon was this, no more, no less: That if in the event of a struggle the police should attempt by brute force to overpower the strikers unlawfully and unjustly, those men would lend their help to their fellow-wageworkers as against the police. A plan of action was suggested by one of the group which contemplated the blowing up of police stations, cutting telegraph wires and disabling the Fire Department. Every particle of that resolution, gentlemen, was expressly dependent upon the unlawful invasion of the rights of the working people by the police. Nothing was to be inaugurated by the so-called conspirators, there was to be no resort to force by them in the first instance. It was solely defensive, and had reference alone to meeting force by force; it had reference alone to a possible attack in the future, dependent upon the action that the police themselves might take. I am not here to defend the action of that meet-

ing. The question here is: Had that action anything whatever to do with the result of the Haymarket meeting? The action of the North Side group had nothing to do with that, since the Haymarket meeting had never been dreamed of or suggested at that time. By whom was the Tuesday meeting suggested? What was its scope, purpose and object? As then and there declared, it was simply to be a mass-meeting of workingmen with reference to police outrages that had already taken place. Were the armed men, those conspirators who met at West Lake Street, present? 'No; they were not there.' That is the testimony of Waller and Schrade. I am not here even to say that the proposition to call that meeting was a wise one. The event has proven how sadly unwise it was. But I am here to say that the men who in that Monday night meeting proposed the calling of the Tuesday night meeting, if we take the testimony of the State itself, had no dream or expectation of violence, difficulty or contest on that eventful night. But before the Tuesday night meeting was proposed, a suggestion was made that they ought to have some sort of signal for action, and the word 'Ruhe' was suggested by somebody. Waller could not tell who suggested it; Schrade did not know it had been agreed upon. Evidently there was no very clear idea that night what 'Ruhe' did mean, because Lingg saw it in the paper at eleven o'clock, and said: 'That is a signal that we ought to be over at 54 West Lake Street.' Waller finally, under close examination by the State, said the word 'Ruhe' was to be inserted in the 'Letter-box' of the *Arbeiter-Zeitung* in the event of the time arriving for a downright revolution. Had that revolution come; had it commenced when the word was put in the 'Letter-box'? No. When the members saw this in the 'Letter-box' what were they to do? Go to the Haymarket and attack anybody? No. They were to go to their respective places of meeting, and then, according to advices brought to them, were to determine upon a course of action. It had no reference to the throwing of the bomb at the Haymarket. Did that Monday night meeting pick out the man who was to throw the bomb? Did it provide that a collision between the police and the people was to be brought about at the Haymarket? Did it contemplate murder? Not at all. When Fischer told Spies that the word 'Ruhe' had no connection with the Haymarket meeting, he spoke the truth. It was a signal that the armed men should meet at the places designated by themselves to determine what action should be taken with reference to whatever might have transpired.

"But it is to be borne in mind that the meeting of the armed section never took place. There was no meeting of the Northwest Side groups; there was no meeting of any group pursuant to the word 'Ruhe.' Were any bombs to be thrown, any violence to be resorted to? No. If the police made an attack, a committee was to take word to the groups, and the groups were then, and not till then, to determine what action they should take in the line of offense. Does that make every man who was present at the Monday night meeting responsible for the throwing of the bomb? Not at all. Unless they are all responsible, it does not make Fischer and Engel responsible. Engel was not at the Tuesday night meeting. Fischer was there and went quietly away before the bomb was thrown. There was absolutely nothing in connection with the Monday night meeting which contemplated violence at the Haymarket or provided for the throwing of the bomb.

"Let me call your attention, in passing, to another thing. When Waller,

having from some source heard of the lamentable occurrence at the Haymarket, went to Engel's house, he found him drinking beer with two or three friends. After listening to the details of the affair Engel said, while Waller was saying, 'Let's do something,' 'You had better go home. I have no sympathy with a movement of this kind. The police are of the common people, and when the general revolution does occur, they should be with us. I am utterly opposed to this slaughtering of them.' That is the full extent of the case against these two defendants, except the further fact that Fischer had a pistol and a dagger. It is not right to hang any man for the Haymarket murder simply because he had a dagger or a pistol in his possession.

"As to Lingg, he came from that republic sitting in the center of Europe preaching the everlasting lesson of liberty. He came here in the fall of 1885, and became a member of the Seliger household. Whatever he knows of social and labor conditions in this country he learned from those about him. He joined a carpenters' union, being himself a carpenter by trade. He attended the meetings of that union. Young, active, bright, capable, he enters the band of which they speak, and manufactures bombs. There is no law against that, gentlemen; but they claim that is a circumstance from which you must draw the conclusion of his guilt, when taken with other circumstances, for the Haymarket tragedy. The State put on the stand one man, Lehman, to whom he gave bombs. Did he tell Lehman to go to the Haymarket and use the bombs there? No. Lehman swears that he said: 'You take these and put them in a safe place.' And Lehman hid them where the officer, piloted by him, found them. Does that prove that Lingg sent a bomb to the Haymarket for the purpose of having somebody killed? How did he come to make bombs? Was it a matter to engage in on his own volition or responsibility? No. The Carpenters' Union at one of its meetings resolved to devote a certain amount of money for the purpose of experimenting with dynamite. You may say that was not right, but he was not responsible for it. There is no more reason in holding him responsible for the Haymarket affair on account of his experiments than there is to hold every other member of the Carpenters' Union for the same thing. That is how Lingg came to make bombs. Without dynamite a bomb-shell is a toy. The Lingg bombs would kill nobody unless some human independent agency took hold of them. Did Lingg know on Monday night that one of his bombs was to be used? He could not have known it, because the testimony is incontrovertible that it was understood by the men who met at 54 West Lake Street there should be no violence at the Haymarket meeting. And yet the State asks you to say that Lingg shall be hanged because he manufactured bombs. The man who threw the bomb did the independent act necessary for its explosion. Who was that man? Was he connected with the defendants? The evidence does not show it.

"And a word more about that. This boy Lingg was dependent upon others as to his impressions of our institutions. He went to Seliger's house. Seliger is a Socialist; he has been in this country for years. He is thirty-one years of age; Lingg is twenty-one. And yet the great State of Illinois, through its legal representatives, bargains with William Seliger, the man of mature years, and with his wife, older even than himself, that if they will do what they can to put the noose around the neck of this boy they shall go scatheless! Ah! gentlemen, what a mockery of justice is this."

Proceeding to discuss the Haymarket meeting, he held that there was

no law that could take away the right of the people to meet and consider grievances. When it was proposed to adopt the Constitution, in 1787, the States were so careful to preserve the rights of the people that several amendments were put in. Capt. Black spoke of our forefathers, who had made the name of the revolutionist immortal, and referred to the meetings that had to be held as a preliminary to the great struggle. It had been charged against these men that they were guilty of misdemeanors for holding meetings, and they had been prosecuted for crimes. Before the Constitution could receive the approbation of the States, it had been necessary that the amendment providing that no laws should be passed by Congress abridging free speech should be inserted. Such a provision had been incorporated in the first Constitution of Illinois in 1818, and renewed in the subsequent Constitutions of 1848 and 1870. The Haymarket meeting had been called for the common good. Those men believed that a great wrong had been done, a great outrage committed, and the rights of the citizens in that assemblage had been invaded by an unlawful, unwarrantable and outrageous act.

"Bonfield, in his police office, surrounded by his minions, one hundred and eighty strong, armed to the teeth, knew that the meeting was quietly and peacefully coming to its close. Nay, he had said so to Carter Harrison. When Parsons had concluded, Mayor Harrison went to the station and told Bonfield that it was a quiet meeting, and Bonfield replied, 'My detectives make me the same report.' Yet Carter Harrison did not get out of hearing before Inspector Bonfield ordered his men to fall in for that death march. Who is responsible for it? Who precipitated that conflict? Who made that battle in that street that night? The law looks at the approximate cause, not the remote. The law looks at the man immediately in fault; not at some man who may have manufactured the pistol that does the shooting, the dynamite that kills, the bomb that explodes. I ask you, upon your oath before God, in a full and honest consideration of this entire testimony, who made the Haymarket massacre? Who is responsible for that collision? If Bonfield had not marched there, would there have been any death? Would not that meeting have dissolved precisely as it proposed to do? Did the bomb-thrower go down to the station where the police were and attack them? A bomb could have been thrown into that station with even more deadly effect than at the Haymarket itself. There they were, massed together in close quarters, in hiding, like a wild beast in its lair ready to spring. Did the bomb-thrower move upon them? Was there here a design to destroy? God sent that warning cloud into the heavens; these men were still there, speaking their last words; but a deadlier cloud was coming up behind this armed force. In disregard of our constitutional rights as citizens, it was proposed to order the dispersal of a peaceable meeting. Has it come to pass that under the Constitution of the United States and of this State, our meetings for the discussion of grievances are subject to be scattered to the winds at the breath of a petty police officer? Can they take into their hands the law? If so, that is Anarchy; nay, the chaos of constitutional right and legally guaranteed liberty. I ask you again, charging no legal responsibility here, but looking at the man who is morally

at fault for the death harvest of that night, who brought it on? Would it have been but for the act of Bonfield?"

Captain Black went on to say that as long as the Mayor was there Bonfield could not act, but as soon as Harrison had gone the officer could not get to the Haymarket quick enough. The police, the speaker urged, had been searching the files of the *Arbeiter-Zeitung* and the *Alarm* for years to put before the jury the most inflammatory articles. After alluding to Christ as the great Socialist of Judea, who first preached the Socialism taught by Spies and his other modern apostles, he compared John Brown and his attack on Harper's Ferry to the Socialists' attack on modern evils, concluding:

"Gentlemen, the last words for these eight lives. They are in your hands, with no power to whom you are answerable but God and history, and I say to you in closing only the words of that Divine Socialist: 'As ye would that others should do to you, do you even so to them.'"