

CHAPTER XXXI.

Grinnell's Closing Argument — One Step from Republicanism to Anarchy — A Fair Trial — The Law in the Case — The Detective Work — Gilmer and his Evidence — "We Knew all the Facts" — Treason and Murder — Arming the Anarchists — The Toy-shop Purchases — The Pinkerton Reports — "A Lot of Snakes" — The Meaning of the Black Flag — Symbols of the Social Revolution — The *Daily News* Interviews — Spies the "Second Washington" — The Rights of "Scabs" — The Chase into the River — Inflaming the Workingmen — The "Revenge" Lie — The Meeting at the *Arbeiter-Zeitung* Office — A Curious Fact about the Speakers at the Haymarket — The Invitation to Spies — Balthasar Rau and the Prisoners — Harrison at the Haymarket — The Significance of Fielden's Wound — Witnesses' Inconsistencies — The Omnipresent Parsons — The Meaning of the Manuscript Find — Standing between the Living and the Dead.

STATE'S ATTORNEY GRINNELL took Wednesday and a part of Thursday in which to deliver his argument. He indulged in no flights of oratory, but presented a review of the case at once able, convincing and unassailable. He began as follows :

"I said to you in the opening, gentlemen, that in this country, above all countries in the world, is Anarchy possible. In my investigations of this case, in my conduct with it, with my knowledge of my own country and the freedom we enjoy and possess, I have been led to conclude that that is true. In those strong European governments, where there is monarchical or strongly centralized government, they strangle Anarchy or ship it here. Everybody comes to our climate ; everybody reaches our shores ; our freedom is great — and it should never be abridged — and here with that freedom, with that great enjoyment of liberty to all men, they seek to obtain their end by Anarchy, which in other countries is impossible. As I said, there is one step from republicanism to Anarchy. Let us never take that step, and, gentlemen, the responsibility which has devolved upon you in this case is greater than any jury in the history of the world ever undertook. This is no slight or mean duty that you are called upon to perform. You are to say whether that step shall be taken.

"When the Haymarket tragedy occurred, the spontaneous declaration by every honest, every law-abiding man and woman in this city was : 'An outrage has been perpetrated ; a great crime has been committed ; but let there be a cool, unimpassioned trial and let the guilty suffer. Then and not till then.' That has been the sentiment of every newspaper in this city from which counsel sought to make you believe by quotations there had been something said to the contrary. The little extracts and abstracts that have been clipped from the newspapers that they have talked to you about are such extracts as met the disapproval of the newspapers. And even as to what Capt. Black referred to the other day in your hearing and which Foster elaborated to you, something that some crank has written to the *Inter-Ocean* as to what should be done with these defendants, horrifying you by the recital as he did — what does the newspaper say ? That the man who wrote it was as bad as an Anarchist ; that we are here to maintain

the law, not break it. And that can be said of every newspaper in this city. There never has been in the history of America, in the world, such unanimity of sentiment as has prevailed through the length and breadth of this country, not only as to the crime itself and the perpetrators, but as to the perpetrators having a fair trial. And why, especially, has there been so much talk about a fair trial in this case? Because every honest, country-loving American citizen knew that his country's life was at stake, and the only thing to do was to demonstrate the strength of the law by a fair trial, which the defendants have had."

Mr. Grinnell at this point went into a very lengthy discussion of the law in the case. He showed conclusively that in a conspiracy the men who had advised and abetted the commission of the crime were fully as guilty as the man who had actually made himself the instrument of their deed. Inasmuch as the instructions given by the court to the jury are really a concise and complete statement of the points of law which Mr. Grinnell and the other attorneys for the State urged, I have taken the liberty to omit that part of the address.

Coming to the facts in the case, Mr. Grinnell, in his examination of the attempt made by the defense to impeach Gilmer's testimony, said :

"A few days, gentlemen, after the Haymarket riot, for a whole week, as is plain from the testimony in this case, and from Captain Schaack, there was not the least particle of knowledge or a suspicion, great as had been the crime that was committed there — there was not a suspicion that it was any farther-reaching than the result of these repeated inflammatory speeches which our city had listened to for years. But the magnificent efforts of Schaack, without my knowledge at that time, got the leading-string which led to the conspiracy. Then it was, for the first time, that we knew of Schnaubelt, or that we knew or suspected that a conspiracy existed at all. I confess here, gentlemen, a weakness; because, whatever may be the instincts of the prosecutor, as they say, I have not been so long in this office as to be callous to human sentiments and to humanity, and I have not yet become so hardened that I believe everybody accused of a crime is guilty. I hope in the prosecution of my duty, and in this office, that that time will never come. When we had Spies under arrest, I confess to you that then, and after it was developed that a conspiracy existed — I confess the weakness — that I did not suppose that a man living in our community would enter into a conspiracy so hellish and damnable as the proof showed, and our investigations subsequently showed, he had entered into; and therefore, notwithstanding Gilmer's statement to us so frequently, Spies was not shown to him and not identified.

"Honesty of purpose is the only thing that will determine, in every way, the right from the wrong.

"It may sound to you a little out of place for me to say here that the only mistake I have made — the only mistake that has been pointed out to you that I have made — and I frankly confess it was a mistake — was the suggestion in my opening about the bomb-thrower. We knew the facts. There was no law compelling me to make any statement. I might have proceeded with the proof, if I desired, without any opening statement. I did make an opening. I undertook to make it fairly and frankly and broad.

I was afraid of wearying you, as I was weary myself, from the days and days that we had been working here in getting a jury, and the anxiety under which I labored. I said in that opening that we would show to you who threw that bomb. I said in that opening that we would show that the man left the wagon, lighted the match and threw the bomb. That was not absolutely correct. I should have said that the man who came from the wagon, assisted the bomb-thrower, as the proof shows, and who we knew came from the wagon, was in that group, and that the bomb was thrown by a man whom we would show to you.

"Gentlemen, let me proceed, as fast as I can, in the discussion of another branch of this case. The gentlemen upon the other side have said to you deliberately, for the purpose of gaining some favor in your eyes for their clients, that this is a plain, simple case of murder, and that we have no right to discuss anything or talk about anything except that which occurred at the Haymarket meeting. They read some law to you, yesterday, upon that proposition. It was inapplicable, and was manifestly so. There never was a murder committed in the world, be it treasonable murder or the murder for mere gain, but what the trial of the perpetrator meant an investigation of the life of the man who committed the murder. What had been his utterances? What has he said? Has he threatened life? Has he talked against a system represented by police? Has he advised the use of dynamite? Has he advised the use of poison? Has he advised the use of the pistol, the rifle, the musket, to accomplish his end? Those are legitimate sources of investigation. And further than that, as the gentlemen well know, you can go back in those declarations for years and years, and there is no statute of limitation against threats, when a repeated threat results in the deed threatened.

"On the lake front, at the different halls in the city of Chicago, at these Communistic or Socialistic halls, as the gentlemen called them — they are Anarchistic halls; don't let us have any mistake about names and titles — in all these months and years there has been openly preached to the citizens of this city treason and murder by these defendants. Why? To bring about a social revolution. And these humanitarians, these God-like men, these defendants who have the similitude of Christ — peace — have openly talked murder in our streets. I think it ought to have been stopped before. I think when they made the utterance from the lake front, or any other spot in the city of Chicago, that they should have been snatched by policemen and taken to the station and fined for disorderly conduct, as that would be as far as they could go, except under the common-law rule which provides that if they had advised murder then they could have been punished for such advice. We know more law to-day than we did — I do, I am very glad to say."

Following this, Mr. Grinnell took up the case against each of the conspirators as follows:

"Why was Engel preparing for the purchase of a large amount of arms? That has not been disputed. There is testimony in this case that Engel not later than last winter, and perhaps in the spring, negotiated for a large amount of arms, with his daughter present. His daughter has not been placed upon the stand to deny that fact. Why? He was not a dealer in arms. It could have been denied if not true. He is a keeper of a toy-store, it appears, over on Milwaukee Avenue. These belligerent

humanitarians, these men whom Black would have you surround and cover with garlands—these are the men that we have demonstrated before you have been buying arms and preparing for years for something. Why was it that Parsons at another place, no later than last winter, or late in the fall, also negotiated for a large amount of arms? Has he denied it? He has been on the witness-stand. Why did he negotiate for arms? For humanitarian purposes? Why, gentlemen, to dispose of the bloodhounds, the police, the capitalists. That has been their cry. Their cry on the lake front and everywhere has been that same treasonable, infamous cry. Is that the only place they have spoken? Their halls are all over the city. Look at the testimony of Johnson, the detective, on that subject. The only testimony against Johnson, the only syllable in this proof against Pinkerton's detective who is called Johnson, or Jansen, is Foster's—that is all, except that Fielden said, as I remember, that the man O'Brien, in whose presence Johnson said Fielden made the remark about a little dynamite in his pocket, was not here, and that therefore he did not say it. Why, Fielden had been saying it for years—he had been talking it day after day and Sunday after Sunday on the lake shore.

“He had been talking it year in and year out. He had been speaking for dynamite and demanding its use by the workingmen, and advising them to arm themselves with it for months and years. Foster said that Johnson is not to be believed because he is a detective, and he delivered a very pleasant lecture on that subject. I presume he has delivered it in every important trial that he has ever been in. It is the ordinary language, the usual philippic against detectives, I suppose. I never saw a detective on the witness-stand that commended himself so favorably to the honest consideration of any listener as did Johnson. And after he had withstood that severe, critical and exasperating cross-examination of Foster, he still stood there a monument of strength to the truth which he had uttered. He had said nothing, gentlemen, but what had been in the public press for years about these utterances; and they have not denied a single syllable of his testimony. I suppose then, gentlemen, from that follows another proposition—that we, in the city of Chicago and elsewhere, must suffer murder, must be robbed, our friends killed, our houses invaded, law set at defiance, because it would be unfortunate to have anybody convicted who was guilty on the testimony of the detective. Foster said there never was any great murder trial in the world but what there is a detective in it. That may be so. The peculiarity of this murder trial and the detective is this—that this report was made from day to day by the detective to his principals, and by them to citizens, long before this murder. The detective that Foster pictures is the one who after the act goes back to make up a case. This was making the case without thinking that it would ever take place, and the actual written statements made by him from night to night and from day to day were here in court; and if they were not, the fact has not been denied, and these men have been on the stand. Why didn't they deny it? Did any of them deny the existence of the armed group and the marching backward and forward and the explanation of the dynamite cans at Greif's Hall? No; none of them denied it. They would have denied it if it had not been so absolutely strong in its proof. The written evidence, the handwriting on the wall, was against these men.

“But, not content, these revolutionists, these traitors, these men who have committed treason—I thank again the gentleman for the word—

these men who have committed treason are not content with confining their power and influence to the small limits of Cook County, but Spies goes to Grand Rapids and there gives utterance to these same treasonable sentences; and there is no doubt that other proselytes of the humanitarian crowd were at other places in the country doing the same thing. It seems that Parsons was at Cincinnati Sunday or Saturday before the Haymarket difficulty. Was he down there for the same purpose that Spies was at Grand Rapids? And at Grand Rapids, what did Spies say? He said that the social revolution must come, would come when there were great numbers of laboring men out of employment, and foreshadowed the difficulties in the ensuing year, in 1886. The great things that he was to accomplish then were foreshadowed. 'But,' said Moulton to him, — the other witness heard the conversation, — 'they will strangle you like a lot of snakes. It will be murder.' 'Oh no; oh no. No murder about this. We are humanitarians. No murder. We will succeed. It will be revolution, and I, great Spies, will be the second Washington of America.' The second Washington of America! 'But if you fail?' says Moulton. 'Of course, if we fail, that is another thing; but we ain't going to fail.' 'Why?' 'Because hundreds of thousands of laboring men will be out of employment all over the United States, and they have the power.' That is the friend of the laboring man, the Anarchist and friend of the laboring man, advocating the destruction of property to advance the interests of the laboring man. It would be a great benefit to me, with the very little property that I have, to have it destroyed; it would enrich me so at once!

"But that is not all — and there has been no dispute about that interview with Moulton, not a syllable of dispute about that interview from any source. Counsel did not even undertake to cross-examine Moulton. His intelligence was such, he was so clear-headed and concise in what he uttered, that they dropped him. What was all this for? That meant preparation and threats toward what? Toward murder, the social revolution — and it was murder. That is why this is competent evidence. That is why the utterances of these men are material and necessary. That is why the proof is overpowering.

"There is no use in my giving you the details of these speeches from day to day. They have made indignant every man who has listened to them or read them. They have caused other things — they have caused bloodshed and riot.

"Foster says to you that there is no difficulty about the black flag; that that is a flag they use over in Europe to march around with, showing their humanitarian desires, or that they are hungry — that that is what it means. It does not mean that here. They were going to march down Michigan Avenue under the black flag and strike terror to the hearts of the capitalists. Didn't Fielden and Spies and Parsons and all that gang understand that when the valiant crowd would march up Michigan Avenue under the black flag, it meant death, no quarter, piracy?

"But that is not all. The Board of Trade meeting occurs, and there the black flag and the red flag were carried. The article has been read to you, and it is unnecessary to go into that again. And there they say that that meeting was copiously supplied with nitro-glycerine pills, or something of that kind. They did not get at the Board of Trade, but had to march clear around it, within a block of it, and then vented their spite — aroused by their difficulties, vented their spite in speeches from the *Arbeiter-*

Zeitung office that night, commending their valorous deeds and acts, only saying that they were preparing for them, declaring: 'We will wait for some other time, when we are ready for the police.' They did not expect any police that night. They thought they would march right down. The police began to wake up.

"Gentlemen, the red flag has passed in our streets enough. At that meeting which they comment so much upon in the *Alarm* and the *Arbeiter-Zeitung*, representing its peculiarities, its honor, and its humanitarian influences, they suggest that the red flag that was carried there, and carried by women, that it is the flag of universal liberty, and it is so described here on the witness-stand. Ah, gentlemen, there is but one flag of liberty in this land, and that is the stars and stripes. That flag is planted on our soil, and planted to stay, if you have the courage to carry out the law. It is a plant of liberty.

The blades of heroes fence it round;
Where'er it springs is holy ground.
From tower and dome its glories spread;
It waves where lonely sentries tread.

It makes the land as ocean free,
And plants an empire on the sea—
Always the banner of the free,
The starry flower of liberty.

"That is the flag that these men want to wipe out and supplant with the black and the red. No wonder those flags over there (indicating flags offered in evidence) disturbed Foster. He is an American citizen, not tintured or tainted with any of the Anarchy of his clients.

"There is one other suggestion I want to make to you in this connection. I wish to hurry along and be as brief as possible. As has been said to you by counsel, the case in its magnitude and scope is so great that no one man can cover it. Some branches of this case, and nearly all, have been well covered by Mr. Walker and Mr. Ingham, who preceded me. But there is one forcible suggestion brought to my attention by Mr. Ingham, and I wish to again ask: Why all these threats? Why all this talk? Why so many threats of murder, outside of the question of the desire to accomplish that end? Ah! gentlemen, it is so that the revolution could more easily take place by causing terror in your hearts and my heart. That is what it meant: causing terror in the heart of every American citizen, and thereby making more easy the accomplishment of that which they desire and preach. Why all these armed groups, scattered throughout and operating in the city of Chicago, as they all say, as Most explains in his book, as Spies explains and as Parsons and all in their speeches explain? Why this network of groups? It was the nucleus, the foundation from which that social revolution was to spring, and these armed men were to do their part of the duty. There was a desire to strike terror—that is the watchword—to strike terror to the hearts of the capitalists and their minions, the bloodhounds of the police. That is what it meant. Threaten life—specific in one direction—and threaten the peaceful citizens and the law-abiding citizens on the other hand, so that they would throw up both hands at once, and let it go on. That was their scheme. Why? Because these men, in their craven spirit, supposed that one hundred thousand honest laboring men in this town would at once wheel in behind the ranks of the three thousand and mow down everybody else. Lingg, who told Capt.

Schaack of all the bombs, not admitting that he had made the bomb that killed Degan, admitted and told Schaack that they were pills and medicine for the police and capitalists.

"They were not the friends of the laboring man, although they were always talking about that in public—such wonderful friends of the laboring man! Gentlemen, they wanted to kill the system. They said they wanted to kill the system, and on the witness-stand here they said that on that night of the Haymarket massacre they meant the system. What system? The system of law. They have no malice in their hearts against the seven officers—Oh! no. They did not know them. It was not the seven officers, as persons, they desired to kill; but they desired to kill the officers, and all of them, in order to kill the system—the system of law.

"Besides the frequent declarations that have been proven here as to the designs of these men foolishly and dishonestly to represent themselves as the friends of the laboring man, they have said in their writings, and they have preached on the stump, that the eight-hour movement, as a movement, would not help the laboring man. And why? Because the laboring man must have Anarchy—must have what other people have got in the way of property, as they have defined in their ideas of property. Black calls that a theory.

"Declarations threatening dynamite were made in our midst for the purpose of terrorizing the people, and causing them to believe that these men were more powerful than they were, and thereby causing the laboring man to come to their ranks. It was a bid for the laboring man—that is what it was, and that is why Wilkinson's interview was so easily obtained. Wilkinson interviewed these men, and published in the *Daily News* of the 14th day of January, 1886, his interview with Spies as to the purposes and objects of the revolutionists and Anarchists in the city of Chicago. What did he say? He told about the bombs, the dynamite, their preparation, their network of groups, their thousands of armed men in the city of Chicago, their drilling from day to day or week to week. He gave him a sample of a bomb, and told him further that the *Arbeiter-Zeitung* office was a place for the distribution of bombs in the city of Chicago, and upon his own testimony it appears that he received bombs, as Mr. Ingham has explained to you, from one part of the country; and then samples were brought in—two more, of which the one here presented and called the Czar bomb was one.

"And now, why did he do all that? Why did this foolish man do that? They want you to acquit him because he is foolish. Why did this foolish man do all that? Gentlemen, the answer is plain and simple. First, vanity—the second Washington of this country! God save the memory of the father of our country.

"Another thing, he wanted to demonstrate through the public press to the one hundred thousand honest laborers in Chicago that Anarchy had come. That is what he wanted. That is why it was advertised. That is why he so flippantly discussed open secrets in that way. He wanted the laboring man to follow in the wake of the despoilers of our country, the Anarchists. Yes, and fearing that such talk in the newspapers would scare some of his conspirators and co-workers in evil, he goes to Fielden when they were having a meeting at Greif's Hall a day or two after, and says to him, 'Go light on that interview among our companions; they may be scared off.' He was obliged to hedge among his companions to keep them in

control, and by his vaporings, as they call it, seek to pull to them the one hundred thousand laborers in this town. If there had been a possibility of the accomplishment of his designs, what would we have done in this city with one hundred thousand men let loose? Parsons says he was a Knight of Labor. His very paper abuses Powderly, the genius and inspiration of the Knights of Labor in this country. Their honest leaders in this country are men who are opposed to Anarchy, and in the organization of the Knights of Labor, gentlemen, the one element in it to-day which is dangerous to it and the rights of the laboring man is the very element of Anarchy—dangerous wherever it is.

"Parsons was buying arms, negotiating for them; Engel was negotiating for them; Lingg was making bombs; Fischer was doing the work of Spies in the promulgation of their ideas; Fielden was making speeches preparing the public; Parsons, in his humanitarian designs against his own country, where his fathers were born and lived—he was writing and speaking for the social revolution and against all law, as was Schwab and Spies, and it was to take place the 1st of May, 1886. Gentlemen, as I said in the opening, I say again, Spies appeared at the McCormick meeting for the purpose of inflaming that crowd to the highest intensity, as expressed in their editorials—to the highest pitch of excitement—appeared at that crowd and spoke. It appears from his own lips, and appears in proof here, that before he spoke there had been no riot; that while he was speaking the rioting occurred and the difficulty was precipitated. I take, gentlemen, his explanation, given by himself, written that night, as the full explanation. He in that article says: 'If there had been one dynamite bomb.' Think of the horror! It makes one's blood run cold—these men deliberating with such infamy the destruction of life and property in a country which has freedom for its basis and freedom for its glory, and talking riot and bloodshed.

"I am not going to discuss further that McCormick meeting, except to make this suggestion that seems to have been omitted. It is in regard to the 'Revenge' circular. I say, gentlemen, that the basis of the 'Revenge' circular is a lie, premeditated, deliberate, infamous, and is the key-note to the situation.

"McCormick had some laboring men—it is the high privilege, the great and high privilege of the defendants in this case to call them 'scabs.' We will call them 'scabs.' They were working at McCormick's for their honest daily bread. They had no fight with the world. They were seeking their subsistence by daily toil. They had rights which every man should respect; they had the right to peaceful employment, of coming and going to their labor as they saw fit. They came out of that great factory, only a moment before teeming with the busy throb of life, to be set upon, attacked and murdered by the strikers whom defendant Spies was speaking to. Who there was entitled to protection, gentlemen? Was it the duty of the police to protect the 'scabs,' or the six thousand, part of whom began the riot? The time that the attack occurred, gentlemen, there were only two policemen on the ground. Those two policemen that came out of McCormick's factory nearly lost their lives; one of them was stoned nearly to death; secured himself in a patrol box, which was afterwards pulled down, and all for what? Because a few 'scabs' coming out of McCormick's on their way to their homes and their families had been attacked by the mob which Spies was addressing and instigating. The two policemen called a patrol wagon in

order, as was their right and duty, to protect the property of McCormick, the lives of the 'scabs' who swam the river, and the lives of the two officers who were there then. He calls such protection of a few 'scabs' against this army of strikers which he sought to inflame—and did not entirely succeed—calls that transaction the bloodhounds of the police wickedly shooting down your friends. It was a lie. The police were there in honored duty, protecting life and property, and the mob began the fight, and not the police. Not only has Spies declared in that circular that men were killed who were not, but that men were injured who were not hurt; not only that, but, pervading it, the whole of it, is a lie, and the purpose of that lie was to inflame the laboring men. He rushed down to his office and wrote that circular, as he says, 'with his blood boiling against the outrages of the police.' Poor bloodhounds of the police, who had undertaken to protect the lives of a few people, and McCormick, who is unfortunate enough to own more property than perhaps any of us—to protect his property from being stoned, and his premises pillaged, and his men murdered. He writes the 'Revenge' circular and prepares for war.

"They had prepared, before the McCormick meeting, for this difficulty. At Emma Street, on Sunday, was a conspiracy meeting of these infamous scoundrels, and among them was Fischer, seeking our lives—seeking the destruction of the law. They agreed upon the plan—they agreed upon 'Ruhe'—they agreed that the meeting of the armed men should be called for Tuesday night. It is in the history of this conspiracy that the first meeting on that Sunday contemplated the difficulties at McCormick's. Where is this Thielen? Where is this German friend—this comrade? He was down there with Comrade Spies, on the top of that car, and their intention was to do that which was done—to excite that mob. That was the preliminary step in this conspiracy to the open infraction of law. The general conspiracy had been going along for weeks, perhaps for months; it may be for years. But the details of the conspiracy were arranged at the Emma Street meeting. Then comes the McCormick meeting, the inflaming of the workingmen, and then what? The production of the 'Revenge' circular, to still more incite them. The armed men meet at that Emma Street place, where the Northwest Side group meet—the group that the worst Anarchists in the city belong to—at that Emma Street meeting it was discussed, talked about and suggested, and at that meeting it was arranged and talked about as to where and how the fighting should be done when the contest came. How was it to be done? One man suggested that they should go into the crowd themselves, and begin killing then and there. Another says: 'That won't do; we may come in contact with the policemen or a detective and our lives'—yes, their precious lives—'might be at stake.' That plan was rejected—that part of it. And another thing you will remember: that it was settled that the meeting should not be on the Market Square, down here on the South Side, because 'it was a mouse trap,' because the power of the police, the militia and everything of that character was such that it was impossible to get out of the way, at Market Square, if the contest came. Courageous men!

"After Spies had written that circular, after he had had it printed, where does it appear? He has it sent over to the printer by a boy; and that circular, printed by him, ordered by him, is distributed broadcast through the city, by whose order? By Spies'. It is another significant fact, gentlemen, that it appears at every meeting almost simultaneously with the con-

spiracy meeting; as I remember, brought there either by Fischer or Balhasar Rau — that I would not be sure of; but it appears almost like the wind in all parts of the city, distributed from horseback, and it never could have been distributed if it had not been done at the order of the arch-conspirator of all, August Spies. That circular was intended to inflame; it did inflame. It inflamed people throughout the city who read it; it was a lie. They could not know that. The police had not committed the outrages, but the mob had. There had not been that number killed nor wounded. They could not know that. Their apostle, the individual who has been their leader, had said, 'To arms!' Some answer, 'We will.' That is Anarchy. Gentlemen, it is unnecessary for me to go over step by step that conspiracy. It is established here so that it never can be moved. Mr. Ingham and Mr. Walker went over the ground thoroughly and completely. The defense has seen fit to let it alone. The conspiracy was established, and all the defendants show themselves as coming into it. Isn't it significant that on Tuesday, on Tuesday morning, between nine and ten, as I understand, Parsons appeared from Cincinnati? What does he do? He rushes straight to the *Daily News* office before eleven o'clock, and inserts a notice for the American group to meet at the *Arbeiter-Zeitung* office, where it never had met before. For what purpose? For the purpose of 'important business.' If that had been an honest desire to have the important business for the purpose of arranging the sewing girls and their employment, or making a union among the sewing girls, as they now claim, why didn't he say so? Before eleven o'clock Parsons appears and has this article inserted. Why? So that the main head centers of the conspiracy could be readily reached when the contest came 'to its highest intensity' at the Haymarket. Not another day in the whole history of this organization has the American group ever met at Fifth Avenue. Why didn't it meet over at the other place, at Greif's Hall, where it always met? That would not do, because there were meetings there, conspiracy meetings and everything else. Whom else do we find here at this *Arbeiter-Zeitung* office? Schwab. What for? He was not a member of the American group? What was he there for? He was there, too, for that purpose. He had been talking and writing, as has been read to you, about Anarchy and bloodshed and dynamite and rifles, and he appears at the *Arbeiter-Zeitung* office for the first time when the American group meets; never was there with them before, so far as this proof shows.

"Fischer seeks to obtain this circular printed; that is his part of the programme; he goes out — there is no dispute about these facts — he goes out of the meeting and finds the printing-office closed. He waits until the next morning. Now, this man is a printer; he is the friend of Spies; he went from Spies when the circular was printed; he was in the meeting at which the circular was distributed; he knows, as a matter of fact, that Spies wrote that circular, 'Workingmen, to arms.' Spies is his general, his boss and chief, and the arch-conspirator. He says, 'Workingmen, to arms.' What does Fischer say? Why, he says: 'Workingmen, to arms,' in his circular, and adds: 'Come in full force,' and it appears the next morning.

"Now the circular was circulated. Who was invited to speak, gentlemen? No one. Why? Because they knew that if twenty-five thousand laboring men appeared at that meeting that night in the inflamed condition of this town with the results following the McCormick meeting — they knew that it was the bounden duty of the police to tell those men to go home.

It is in proof in this case that they expected twenty-five thousand laboring men there. They would not need a speaker. If there was no speaker, then there would be tumult and crowding and jostling. Fights might occur, difficulties be precipitated, and the police inevitably would have to come. How do I know that no speakers were invited? Spies said that Fischer invited him. From brother Foster's remarks I conclude that he has been on the stump a good many years out in Iowa. I venture to say he never went to a public meeting in his life, where he addressed it, where great crowds were assembled, where talking was to be indulged in, without asking his invitor who else was going to speak. It don't appear in proof here that Fischer was ever asked that question. Spies was to speak in German, and that is the reason he didn't hurry to the meeting. Fischer, Spies says, invited him to speak. Well, he was invited to speak, and nobody else—and he has never said anything about anybody else having been invited—not a syllable, not a name given. In fact, every other individual that could be invited had gone elsewhere, had prepared his alibi, had arranged for the meeting at the *Arbeiter-Zeitung* office, at the American group; every other speaker was there, but Spies alone was invited to speak, he says, and yet he waits, he waits after getting to that meeting. He does that which the design showed clearly was the intention to do, to precipitate a difficulty at the Haymarket meeting, and to gain results by armed men and dynamite early in the evening, and then would destruction and chaos come.

"The first words of Spies' opening speech demonstrate a significant thing. Why should Spies open the meeting? Why didn't Fischer open it? Why didn't the executive committee open it? Spies opened it. After idling around there some time in regard to the matter, Spies opened the meeting. Had anybody asked him to open the meeting? Why, no. He was only an ordinary invited speaker at a meeting at which no other speaker had been invited, and he appears there, and the first words he says, as I will show you by English's testimony, are: 'Mr. Parsons and Mr. Fielden will be here in a very short time to address you.' How did he know where they were? He had not seen them. There is no indication that he had seen Parsons that day. How did he know that Parsons was not in Cincinnati? 'Parsons and Fielden will be here in a few moments.' How do you know, Mr. Spies? Why, they are over at the *Alarm* office, or at the *Arbeiter-Zeitung* office, and Balthasar Rau is sent over there to get them.

"And now, Balthasar Rau went from this meeting over to the *Alarm* office, the *Arbeiter-Zeitung* office, and invited those two people to come over there, that Spies wanted some help. Why did he want help? Well, the meeting was not big enough. It was going to dissolve; it looked as though it was going to pieces; the thing was a fiasco; he had got to keep it—try and see if he could not do something. And he continued, holding the audience till help came, and said: 'I will say, however, first, that this meeting was called for the purpose of discussing the general situation of the eight-hour strike, and the events which have taken place during the last forty-eight hours. It seems to have been the opinion of the authorities that this meeting had been called for the purpose of raising a little row and disturbance.'

"Now, how did Spies know that the authorities knew anything about it? Had Spies told them that there was going to be a row? Oh, no; he said nothing of that kind; but he said deliberately in that meeting that the

authorities are supposed to believe or know that a riot is going to take place right there. Had the 'Revenge' circular been circulated? Yes. Had the other circular been circulated? Yes. What was their purpose? To make a row. Spies knew it, and he hedges in his inflammatory utterances which you read between the lines. It is a Mark Antony style of oratory—inflames most when there is least said. He was lying about the Gatling guns and the police, all for inflaming purposes, discussing that McCormick matter, about which he had in the inception begun to lie, for the same purpose. That was a very significant opening. It shows that he knew the purposes and object of that meeting. Gentlemen, it was the duty of the police to have disturbed and broken up that meeting in its inception. Why? The whole town was aflame. You remember it. Riot had occurred the day before, and the calling of a meeting upon so public a place as that was ill-advised and ought not to have been done. And the police, if they had walked down there thus early in the evening and dispersed it, would have done what was right. But the police did not walk down there and disturb the meeting; they walked down there and asked the meeting to disperse. There is no use of talking about proof, gentlemen. Their belts were on, their clubs in their sockets, their pistols in their pockets. That is the fact. They marched down that street, not with the precipitation which they would have you believe. They marched down that street perhaps fast, but not with precipitation, not with haste. They marched down that street to disperse a meeting that had talked 'To arms;' that had said: 'Throttle the law,' and that had said enough to have caused bloodshed then and there, and the only reason that more lives were not lost is because they failed to come earlier. The arrangement of that meeting was that it should be called, and that they should come early, and that it should be precipitated, and blood would flow. Engel was there in the evening; he knew about it. Fischer walked up with Waller, and Waller was armed. 'Workingmen, come armed.' A word, gentlemen, only a word, about the breaking-up of that meeting. They have played Harrison in and out of this case, for the purpose of saving the defendants. Harrison, you remember, went there for the purpose of ascertaining if that meeting was organized to attack the freight-house of the Milwaukee and St. Paul Railroad, about which you remember there was some difficulty, or McCormick's, or if it was called to attack any particular place. He found, from the speeches, that, although inflammatory—and he said so—from the speeches themselves he found that no particular place was pointed out for an attack.

"It was the same old speeches—riot, bloodshed, the black flag, the red flag, dynamite, war, to arms. And counsel upon the other side say that that 'To arms! To arms!' didn't mean anything. It was Pickwickian, and used to round a sentence. They went down to that meeting, and Harrison was there and saw that meeting and heard those speeches, and reported back to Bonfield what had been the result, namely, that they had ceased to become inflammatory since they had seen his face.

"Thinking that the meeting was organized for plunder at the freight-house, hearing the speeches, seeing them become more moderate, Harrison left, and after he is gone, then come the reports, the incendiary character still increased, and when they come, they come in such shape that if Bonfield had not gone down there, then and there, he would have failed to perform his duty.

"We have had enough of this. It is time it stopped. They were asked

peaceably to disperse — peaceably to disperse — peaceably to disperse. The police had their clubs in their belts, their pistols in their belts, and the bomb was thrown. So say Bonfield, Wessler, Foley, Bowler, Hanley, Ward, Hubbard, Haas, Hull, Heinemann — and I want to suggest a word about Heinemann's testimony. Heinemann said that when that bomb exploded he was getting away on the east side of the street, going south. What did he get? He got the whistling of bullets past his ear. Where did they come from? Where could they come from? Hull was on that platform up there, and Owen was there, and that is where Simonson was. Hull says firing began by the crowd. Well, Owen got hit up there. It had to come from over there. Dr. Newman says that all sizes of bullets were found, from twenty-two to forty-four, and the police did not have anything but thirty-eight caliber. That was a cruel thrust for counsel to make at men standing up as these men did that night — death in their midst — standing there so nobly — a thrust to save the lives or the liberty of the defendants — by saying that they shot each other in their fright and terror. As Wirt Dexter said in a speech about that matter — I wish I could deliver his words to you — in praising the act of the police in that transaction: How noble was their conduct! Instead of fleeing and running, they said: 'Fall in, boys,' and the city was saved. Supposing the police had fired first, after the bomb. The man who threw that bomb obtained it from Lingg or Spies, and threw it in accordance with the general plan of conspiracy, and death was the result. I cannot talk to you about families, about wives and children, but if I had the power I would like to take you all over there to the Haymarket that night, and with you, with tears in your eyes, see the dead and mingle with the wounded, the dying — see law violated, and then I could, if I had the power, paint you a picture that would steel your hearts against the defendants. Captain Black said, in argument to you, that the State had no right to do that. The State has all the rights that it could possibly possess through so weak an instrument as myself. He has no more right. Did Fielden shoot? I think so. If he did not, he is made of poorer clay than I take him to be. He has been saying for years: 'The bloodhounds of the police should be massacred and killed.' He it was who said that he would march with the black flag down Michigan Avenue and strike terror to the heart of the capitalist. He it is who has said, day in and day out, since living in this inhospitable country: 'Death to the police and the capitalists — the despoilers — our despoilers — death to them!'

"Why, do you mean to say that he would not do what he says he would do? Dr. Epler swears that he told him when he dressed the wound that he was shot when he was down on the pavement, and he has not denied it. That was a significant fact, gentlemen; a very significant fact. The officer who was shot thinks it was by Fielden. It may have been by somebody else; nobody can tell.

"Another thing. One of the officers swears that he was wounded in the knee. I was not looking at Capt. Black when he motioned to you the place where the wound occurred. For the purpose of correcting myself and making no mistake about it, because the testimony of an officer or any witness who put his finger on the spot cannot get into the record; and I found by looking at the record that he pointed his finger 'here and here.' Of course there was no significance to that. So I saw the wound again. I had seen it once before. The bullet went in there (indicating), and came out above, going around up opposite the knee-cap, and was not from behind.

"That bomb was thrown in furtherance of a common design. No matter who threw it. But the gentlemen say there can be no conviction in this case because we have failed to prove, or cannot prove, who threw that identical bomb. That is not the law, as I explained to you yesterday. The other question is, Is there anything in this case showing who did? Gilmer says that he was in the alley, and a match was lighted, and that bomb was thrown by one man; Fischer stood by, and that Spies lighted it. Is that remarkable? Spies had been advising the doing of that thing for years; and in one of the articles that has been read to you, over his own signature, he says: 'Take as few people into your confidence as possible; do it alone; in your revolutionary deeds, do it alone; but if you have to consult anybody, take your nearest friend, a man you can rely upon.' Who is Schnaubelt? Schwab's brother-in-law. Who is Fischer? A man who got the meeting up at Spies' instance, and works for Spies. Now, gentlemen, I presume, and I have no doubt but what if they had raked a little more carefully, we would have found the man that said that that bomb was thrown from the top of Crane's building; you could have found the man that said it came from away in the alley; any number of men probably would have put it north of the alley, and some south. The question here is, about where did it come from? The explanation of street warfare is, that it is to be done near alleys. Is Spies so craven now, after the deed is done, that he shall say, 'I had no hand in it,' when he had advised it for years? Gentlemen, men's lives speak for themselves. He has advised it, said it, talked it, acted it. Why, the witnesses say, counsel upon the other side say to you, 'Gentlemen, it is impossible that this man would do it, because no man saw the light which would have flashed up in their faces.' Why, gentlemen, they put two witnesses on the stand to swear distinctly and clearly and positively that they had lighted a match and lighted a pipe, which would take a good deal longer than lighting a fuse. Spies says in one article: 'It never goes out in a dry night; the Anarchist fuse never fails.' It could have happened; it has been advised to happen precisely as Gilmer states it. Ignore Gilmer, and the case is made. But they want you to ignore Thompson too. Why? What for? Because they heard Schwab and Spies talk together. Was there anything marvelous in that? Had they said anything there together that they had not been saying in public for years? But supposing you ignore Thompson's testimony and say that Thompson is mistaken; then it was Schnaubelt, wasn't it? Why was Spies so confidential with Schnaubelt that night? Where is Schnaubelt? He was the man that was arrested before the conspiracy was known, and let go; shaved his whiskers off, changed his appearance, and he has not been seen since. Why was Spies so confidential with Schnaubelt? He says he did walk with him; says that Henry Spies walked behind him.

"Gentlemen, let me show you the testimony of these people in pairs. It is the most marvelous thing I ever saw in a lawsuit. Ferguson and Gleason were together. They went in pairs. You remember it. Ferguson says that he was on the corner of Randolph Street when the bomb was thrown. Gleason says that was not so; they were away down next to the station, more than half a block away. Ferguson says that they heard a crash like the breaking of a plank or a pistol, and then the bomb exploded. That is when he was on the corner of the street. Gleason says that was not so; he didn't remember of hearing anything of that kind, but they both distinctly remembered of seeing, after the bomb was exploded, the police

fire from that way. The Anarchists fired south, the police north. Ferguson and Gleason were south of and behind the police, yet they say the police fired south, while facing north. Ridiculous. And one or the other of them, I don't know—or it was Taylor—says that they, the police, fired clear down to Madison Street, and along Madison Street. Queer that nobody else heard of that. What were they shooting down there for? Richter and Liniger—you remember them—these are the two loving friends that went to that meeting pursuant to the notice that they saw in the *Arbeiter-Zeitung*—not only the notice of the meeting, but the *Arbeiter-Zeitung* contained the 'Revenge' circular. They went to that meeting and lovingly stood in the alley, midway between the edge of the walk and the building, arm in arm, for over an hour. Foster knew that that was ridiculous, and he tried to get them apart; he asked them questions to get them apart, but they clung together for over an hour, and finally moved up to the lamp-post, where Taylor had been standing before the meeting began, and they didn't know where the meeting was to be.

"Again Krumm stood in the alley with his back to the wall all the time except when he lighted his pipe and walked backward and forward in it, Albright standing with him. Krumm had his back up against that wall, glued like a post for almost an hour, saving only at intervals did he leave it; and Krumm and Albright lighted their pipes, and they moved to the lamp-post. The lamp-post was peopled thick. Gentlemen, it is an insult to your intelligence to suggest a word about the truth of that Krumm and Albright's testimony. Why, Krumm is the man that left his boarding-house, boarding with Albright at that time—left his house in search of a friend whose name he could not give; if he could it was indefinite—and that he was to meet him on the corner of Canal and Randolph Streets that night somewhere. He went down to Canal and Randolph Streets, wandered around there looking for his friend, or for somebody who said he would meet him there, and then walked back to the meeting and began to look for Albright, or at least he found Albright. Now, isn't that a queer circumstance—that they neither of them knew that that meeting was going to happen, or knew that the other was to be there; left the house about the same time, and yet did not leave together, and happened to meet right in that alley, with their backs up against the wall? The next pair is Fischer and Wandry. That is for the alibi. Now, why doesn't Spies, who was on the stand, who says he was in Zepf's, say something about Fischer being there. Why wasn't Waller, who was on the stand, asked by these men whether Fischer was there? The witnesses all congregate at this place, at Zepf's Hall, after the meeting, and Fischer has not been seen by anybody, except Wandry. Even this respectable Nihilist from Russia don't remember of seeing Fischer, and got Fischer in a great many different places, as they do Parsons. Finding Parsons had got to be in several places, and further, finding that they have got him down in the window, they get another man there that looks like Parsons—as they did Krumm, who lighted his pipe in the alley and looked so much like Spies. To digress a moment, Mr. Walker never said to you, gentlemen, that the defendants' lawyers put up Mr. Krumm because of his resemblance to Spies and to account for a light in the alley. That was not fair. He made the declaration that the other side, or somebody, had put up the job.

"We have endeavored to try this lawsuit like gentlemen. I think we have succeeded on both sides. There was not that implication to be

drawn from what Walker said, but it was rather ingenious and sagacious to allow you, gentlemen, to believe that we had been saying something that was unfair.

"The two men that saw Schnaubelt — Lehnert and Krueger. That was the queerest circumstance that I have yet come across. By the way, Krueger was in the conspiracy, was in both the meetings, with Schnaubelt, with Waller, with Engel, with Lingg; he was there, knew them all, and, although he was on the stand, the gentlemen upon the other side never asked him nor Grueneberg a question about the conspiracy. Neither did they ask Spies, or Parsons, or Schwab. They did ask Fielden.

"August Krueger and Lehnert got this man some twenty or thirty feet away from the alley and the wagon, talking in a quiet tone of voice about going home. They walk a little ways together. Krueger goes one direction and Schnaubelt another. Black tells you that the reason of that was because they could not go together any further, as their places diverged. It would not have done for them to have gone together any further, because Krueger went to Engel's. There were too many at Engel's — it would not have done.

"I believe that Schnaubelt threw the bomb. You may believe that it is an unknown person threw it; it is immaterial.

"Back and Mitlacher. Back, if I remember, is the man that appeared at the *Arbeiter-Zeitung* office that Tuesday night, at the time of the meeting of the American group. Now, what was he there for? He was a member of some other group. At all events he was there, and a German; he was not an American; he had not been here long enough, to start with, and he didn't look as if he ever wanted to be one of our kind.

"Now, where did these two men stand? They stood on the platform, next to the plumber's shop, on the south side of the alley, and at least thirty-five or forty feet from where that wagon was; yet those men, one of them, the tall man, says that he distinctly remembers seeing Henry Spies. Why, it was a dark night, and the man couldn't see from there. And the other fellow saw Henry Spies' hat. They stood there all the evening, nearly; walked up and down once in a while; stood there all the evening. That is another ridiculous suggestion.

"This alibi business and this suggestion of these pairs, couples, constitute what Black calls proof. That is right. It is negative, and a very poor negative at that. He says that that is all you could prove. Didn't see anything, of course.

"My attention is brought to another fact. Captain Black made a mistake. I put it that way. He read Thompson's testimony to you. Your (i. e., Captain Black's) shorthand writer has either made a mistake, or your typewriter has. Thompson did not change, in his answers, from Spies to Schwab.

"In regard to the testimony of Thompson, gentlemen, it was a remarkable feature of the case that he stood that searching cross-examination with such splendid equanimity, and no disturbance of what he said. And, gentlemen, that same can be said of Gilmer. Let any of you go onto that witness-stand, and let the sagacious, clear-headed Foster hammer away at you two hours and a half, over some little fact, and you would see where you would be. I could not stand it. There is not one man in a thousand that could. And it is nothing against a man's character in the city of Chicago that those that know well of him do not know where he lives. I do

not believe that one of you gentlemen knows where I live, or where Foster lives, or where Black lives. It is nothing against a man that his employer sometimes speaks well of him.

"I have my attention brought — I had almost forgotten it — to a peculiar circumstance about this case, and the most significant of anything that I have seen in it. When Spies was arrested he left the traces of his crime in his office. Free speech had become so common to him — free speech, as they call it in this case, had become so remarkably liberal that he feared nothing. Bonfield came in and arrested him. He goes over to Ebersold. Ebersold, in his indignation, characterizes the crowd as you heard it here, and Spies says, upon the witness-stand, that he *unsuspectingly* went over there. If he had had his senses about him, he would have destroyed 'Ruhe,' the manuscript, and everything of that character, and no traces — autonomous traces — would be left.

"In speaking of 'Ruhe,' I want to speak of another thing. Spies said that he received a communication that he was to put in prominent letters in the Letter-box. Now, the bare fact of putting it in the Letter-box is as prominent as it could be. It is separate and distinct. Let us see how he puts it. He puts it in the Letter-box, marks a double line under it, which means big letters, puts in an exclamation point at the other end, and inserts it. That makes it prominent, sure. Now, what does he say about it? He unsuspectingly leaves the traces of his crime; and there never was a criminal, great or small, in the world, but that somewhere, at some time, committed a mistake. It is the little mistakes, the plain, noticeable mistakes that they make, which serve for detection. 'Ruhe' appears, and he says he supposed that it was some labor organization. The idea! Why, his labor organizations are all distinct and plain. It says: 'This organization meets so-and-so. That organization meets so and so.' The paper speaks for itself. Talk about a labor organization putting in such a word as that 'Ruhe,' whose significance is peace, quiet and rest, but which meant war and bloodshed!

"The police did not wait any too long. It has been done enough in this town. It is time that we American citizens awoke to a full realization of the importance of liberty and freedom of speech, and that freedom of speech does not mean license to preach murder, to preach assassination, to preach crime and the perpetration of it. That is not free speech. A man who does that is answerable for it, and for the result of his preaching, the result of his words. If it results in crime, he is responsible himself. Gentlemen, that is the law. I have gone over this case perhaps more *in extenso* than I intended; more perhaps than you desire to listen to; I am through. Your duty is about to begin. I felt relieved when you were selected. Some of the great responsibility that has rested upon my shoulders I felt I could place upon yours. It has been placed there. Gentlemen, the responsibility is great. You have to answer yourselves, under your oaths, to the people of the State, not to me. My duty is performed, and yours begins, and in this connection, gentlemen, let me suggest to you another reason why it is important that you should be careful. You can acquit them all, one, or none; you can distribute the penalties as you please. To some you can administer the extreme penalty of the law; to others less than that, if you desire. To some you can give life, administer punishment if you desire; to some, years of punishment.

"I have a word to say in this connection about Neebe. The testimony

has been analyzed, the testimony in regard to his connection with the *Arbeiter-Zeitung* office; his connection with these people from time to time, the evidence that when he saw the dynamite in the *Arbeiter-Zeitung* office on that morning when it was discovered there, which these men so infamously suggest was put there by the police — but I have not argued that question; it looks so insulting to a man's intelligence. If that had been so, if it was not there and did not belong there, they could have brought Lizius here. His name is on the back of the indictment. They could have brought all the employes of the office here. What did Neebe say about the dynamite? Why, he said it was stuff to clean type with, he guessed; and he circulated, not two circulars, but a lot of them. Gentlemen, I am not here to ask you to take the life of Oscar Neebe on this proof. I shall ask you to do nothing in this case that I feel I would not do myself were I seated in your chairs.

"This case is greater than us all, more important to the country than you conceive; the case itself and what it involves is more important than all their lives, than all the lives of the unfortunate officers who bit the dust that night in defense of our laws.

"Some of these people, we sincerely and honestly believe, should receive at your hands the extreme penalty of the law. Spies, Fischer, Lingg, Engel, Fielden, Parsons, Schwab, Neebe, in my opinion, based upon the proof, is the order of the punishment. It is for you to say what it shall be. You have been importuned, gentlemen, to disagree. Don't do that; don't do that. If, in your judgments, in the judgment of some of you, some of these men should suffer death, and others think a less punishment would subserve the law, don't stand on that, but agree on something. It is no pleasant task for me to ask the life of any man. Personally I have not a word to say against these men. As a representative of the law I say to you, the law demands now, here, its power. Regardless of me, of Foster, of Black, or of us all, that law which the exponents of Anarchy violated to kill Lincoln and Garfield, that law that has made us strong to-day, and which you have sworn to obey, demands of you a punishment of these men. Don't do it because I ask you. Do it, if it should be done, because the law demands it. You stand between the living and the dead. You stand between law and violated law. Do your duty courageously, even if that duty is an unpleasant and a severe one."