

HAYMARKET: WHOSE NAME THE FEW STILL SAY WITH TEARS

A Dramatization in Eleven Scenes

Michael E. Tigar*

BACKGROUND

The dialogue in this play is taken from the trial record of the Haymarket trial,¹ writings of Darrow² and Altgeld,³ poems of Vachel Lindsay,⁴ speeches of the defendants,⁵ and an article by Judge Gary.⁶ I created other dialogue based upon the biographies and autobiographies of the participants.⁷ In some instances, I combined several characters into one, and rearranged the order of events. However, the key speeches of each participant are their actual words.

The bombing, trial, executions and pardon of the survivors were such a complex series of events that a simple chronological retelling would lack dramatic intensity. Therefore, I chose to tell this story through a series of flashbacks, centering on a meeting of Clarence Darrow and Lucy Parsons. This meeting takes place in November 29, 1922, the day then-Governor Small pardoned a group of Darrow's clients from the celebrated 1920 Communist Labor trial. Lucy was the wife of Haymarket defendant Albert Parsons. She was a formidable figure in the anarchist movement both before and after her husband's death.

Darrow both depicts and symbolizes the lawyer who defends the movement for social change. His attitudes towards his own work are made up of his hopes, a fighting faith that keeps him going, and a more tempered view based on his experiences. Lucy Parsons' writings show her to have formed the views that she expresses in the play quite early. Indeed, there is evidence that she greatly contributed to forming her husband's political and social outlook.

Albert Parsons was a complex character. He saw Civil War service for the Confederacy. After the war, he met and married Lucy, a woman of color. They were driven out of Waco, Texas and settled in Chicago in late 1873, where both became leaders in the movement that led to the Haymarket events.

May 1, 1886 was an important day in American labor history. Five hundred thousand workers went on strike for the eight-hour workday. Eighty thousand struck in Chicago alone. As the strike continued, tension mounted. On May 3, 1886, armed police at the McCormick Harvesting Company on Chicago's South Side charged a group of strikers. Four workers were killed.

The trade union groups, which included every political tendency from moderate to anarchist, called for a protest meeting the next night at Haymarket Square. The events depicted in this play

* Joseph D. Jamail Centennial Chair in Law.

¹ *Spies v. Illinois*, 12 N.E. 865 (Ill. 1887), *error dismissed by* 123 U.S. 131 (1887). *See also* 12 American State Trials 1-319 (John D. Lawson ed., 1919); Frederick T. Hill, *Decisive Battles of the Law* 240-268 (1907). An excellent reference on the Haymarket case and its primary participants is Paul Avrich, *The Haymarket Tragedy* (1984).

² Clarence Darrow, *The Story of My Life* (1932); *Attorney for the Damned* (Arthur Weinberg ed., 1957).

³ John P. Altgeld, *Reasons for Pardoning the Haymarket Anarchists* (1986). *See also* Avrich, *supra* note 1, at 417-25.

⁴ Vachel Lindsay, *The Eagle That Is Forgotten* and *Bryan, Bryan, Bryan, Bryan*, *Collected Poems* 95, 96 (1923).

⁵ Lucy Parsons, *Mass Violence in America: Famous Speeches of the Eight Chicago Anarchists* (1969). This collection was originally published by Lucy Parsons in the late 19th Century, and has been reprinted.

⁶ Judge Gary, *The Chicago Anarchists of 1886: The Crime, The Trial, and The Punishment*, 65 *The Century Magazine* 803 (1893). This article is referred to by Governor Altgeld in Scene X.

⁷ Carolyn Ashbaugh, *Lucy Parsons: American Revolutionary* (1976); Avrich, *supra* note 1, at 3-52; Darrow and *Attorney for the Damned*, *supra* note 2.

begin at that meeting. Trade union leaflets called for militant action. Leaflets distributed by right-wing forces called for armed assaults on union members.

The reader will note that most of the Haymarket defendants had German names. Most of them were indeed German-speaking immigrants, part of the wave of immigration to the United States in the wake of Europe's political turmoil. However, I have chosen to focus upon Albert Parsons, an American-born labor organizer. I made this choice in part to have the benefit of Lucy's insights, and to be able to present a strong woman of color whose work has not received the attention that it deserves.

I have envisioned that the performance will take place on a stage that suggests rather than precisely recreates the various locales. In retelling such a complex event, it is inevitable that the characters are not fully developed. They are, in a sense, Brechtian images of themselves, or "signs".

In the play's first performance, we accentuated this imagery by using rear projection screens as backdrops. In that initial production, slides of pictorial material from the period were provided by the Chicago Historical Society.⁸

WHY I WROTE THIS PLAY

I believe that only through the study of history can we understand society's laws of motion. I also believe that the relationship between law and the relations of production is not mechanical, rigid or automatic. That is, in every historical period, popular struggles can have a significant impact on the quantum of justice enjoyed by the people. I explored these themes at length in a 1977 book, *Law and the Rise of Capitalism*.

The operation of capitalist relations of production can occur in any of several different ways -- with more or less ample democratic rights, and with more or less counterweight to the accumulative tendencies of that system.

These are not new insights. People "make their own history, but they do not make it just as they please; they do not make it under circumstances chosen by themselves, but under circumstances directly encountered, given and transmitted from the past."⁹ There are limits in every legal system to the claims for justice that will be recognized and honored.

Because I believe these things, I think that a deep understanding of law, which might better be termed "legal ideology," is helpful to lawyers who want to participate in social change. I also believe that lawyers engaged in the struggle -- as lawyers -- must recognize that they are neither the inventors nor the owners of the claims they are advancing for their clients.

In rejecting a rigid determinism about law as "superstructure", I also reject the idea that legal rules are so indeterminate that they "don't matter." It is true that many legal rules, such as "impartial juror," or "free speech" are remarkably content-free in the abstract. But abstractions are the work of philosophers, not of lawyers representing clients. The lawyer knows that the legal rules are not indeterminate, at least at the moment they are used to justify a particular judgment that the State will back up with force.¹⁰

And while the State's agents pretend that the rules are neutral and neutrally-enforced, the falsity of that claim does not entrain the conclusion that the rules themselves are indeterminate --

⁸ In that performance, by Chicago's Remains Theatre, introductory and scene-bridging songs were performed from Pete Seeger & Bob Reiser, *Carry It On!: A History in Song and Picture of the Working Men and Women of America* (1985).

⁹ Karl Marx, *The Eighteenth Brumaire of Louis Bonaparte*, quoted in J. B. Foster, Introduction to J. Ferraro, *Freedom & Determination in History According to Marx & Engels* 7 (1992).

¹⁰ See generally M. Tigar, *Crime Talk, Rights Talk & Double-Talk: Thoughts on Reading Encyclopedia of Crime and Justice*, 65 *Tex. L. Rev.* 101 (1913-27) (1986).

or that they can bear any content whatever. Rather, the content is changeable within certain historically-determined limits. Thus, the lawyer must be a student of society as well as of law.

I have spent my entire legal career working out and advancing theories of justice on behalf of people who were -- in my view -- being oppressed by the State. I have done this work as a courtroom lawyer and writer. I have done it with friends in South Africa, Chile, and other places.

I first read the Haymarket story when I was a young man. My father was a labor union official, and had only eight grades of school. When I was about 11 or 12, I told my father that I wanted to be a lawyer. He gave me a copy of Irving Stone's biography of Darrow, *Clarence Darrow for the Defense*. He thought Darrow was the kind of lawyer one should be.

In later years, I often debated with friends the proper role of a lawyer who was privileged to participate in the movement for social change. I confronted the doubts that we all must have when the legal system, with cruelty or indifference, hurts our clients and ridicules their claims for justice.

I continued to believe that the examples from history illuminate the choices we face. And so I tried to capture some of the conflicting messages of the Haymarket case.

CAST OF CHARACTERS

Samuel Fielden, an anarchist leader and a defendant

Julius Grinnell, Cook County State's Attorney and lead prosecutor

James "Black Jack" Bonfield, a Captain in the Chicago police

Clarence Darrow, a lawyer

Lucy Parsons, widow of Albert Parsons and an anarchist leader

Albert Parsons, an anarchist leader and a defendant

William "Captain" Black, attorney for the defendants

Joseph E. Gary, trial judge

William Neil, a prospective juror

H.T. Sandford, a prospective juror

H.E. Graves, a prospective juror

M.M. Thompson, a prosecution witness

Henry L. Gilmer, a prosecution witness

John P. Altgeld, Governor of Illinois, 1893-97

Workers and spectators

SCENES

Scene I - The Haymarket, May 4, 1886. Scene of the protest rally.

Scene II - Office of State's Attorney Grinnell, May 8, 1886. Grinnell is talking with Chicago police Captain James "Black Jack" Bonfield.

Scene III - A Chicago street, November 29, 1922, near the train station. Clarence Darrow and Lucy Parsons keep an appointment.

Scene IV - June 1886, a courtroom in Chicago. The trial opens as Parsons surrenders in the company of his lawyer, Captain Black.

Scene V - A Chicago street, November 29, 1922. Clarence Darrow and Lucy Parsons continue their discussion.

Scene VI - July 1886, a courtroom in Chicago. The trial continues.

Scene VII - A Chicago street, November 29, 1922. Clarence Darrow and Lucy Parsons continue their discussion.

Scene VIII - Office of Governor Altgeld, sometime early in 1893.

Scene IX - A Chicago street, November 29, 1922. Clarence Darrow and Lucy Parsons continue their discussion.

Scene X - Office of Governor Altgeld, June 26, 1893. Governor Altgeld reads the pardon message.

Scene XI - A Chicago street, November 29, 1922. Clarence Darrow and Lucy Parsons continue their discussion.

THE PLAY

Scene I - The Haymarket, May 4, 1886.

(A speaker's stand, representing the wagon actually used, is set up just North of the Haymarket on Desplaines Street. Fielden is on the platform. A number of people are standing and looking up at the speaker. Two of them carry placards, one saying "Avenge McCormick Murders" and the other "Einheit". Other signs may be added at director's option, such as "May Day" and "Strike.")

Fielden: The law is only framed for those who are your enslavers.

Voice: That's true.

Fielden: We are not the ones who have brought this storm of violence upon the City of Chicago. All we wanted was the right to strike, the eight hour day, and the First of May as a worker's holiday. When the railroad workers demanded higher wages, to buy a little more bread for their families, Tom Scott, the President of the Pennsylvania Railroad, replied, "Give those strikers a rifle diet for a few days and see how they like that kind of bread." The Indianapolis News proclaimed, "If the workingmen had no vote they might be more amenable to the teachings of the times." And when the workingmen of Chicago threaten to withhold their labor, for a dollar more a day, for an eight-hour day, the Chicago Times thunders "Hand grenades should be thrown among these union men who are striving to obtain higher wages and less hours. By such treatment they would be taught a valuable lesson, and other strikers could take warning from their fate." These were not just words. The ruling class backed them up with police, the Guard and the Pinkertons, and dared to call it the rule of law. Yesterday, your fellow workers in their blind rage attacked McCormick's factory and were shot down by the law in cold blood, in the city of Chicago, in the protection of property. You have nothing more to do with the law except to lay hands on it and throttle it until it makes its last kick. It turns your brothers out on the wayside and has degraded them until they have lost the last vestige of humanity. Can we do anything except by the strong arm of resistance? The Socialists are not going to declare war; but I tell you that war has been declared on us.

(Bonfield enters and stands in front of Fielden. The crowd is restive but does not move.)

Bonfield: I command you in the name of the people of the state of Illinois, immediately and peaceably to disperse.

Fielden: We are peaceable. Mayor Harrison himself has been here. (Sound of running feet off.)

Bonfield: I command you to disperse.

Fielden: All right. We'll go.

Voice: The police! A troop of police!

(There is a loud explosion as the lights go out.)

Scene II - Office of State's Attorney Grinnell. May 8, 1886.

(Grinnell and Bonfield are in earnest discussion.)

Grinnell: This is not just a murder case! All right! Seven policemen are dead. Most of them died because your officers fired at will and killed each other. You have a witness who swears that two anarchists who speak nothing but German were overheard to talk the thing over--in

English, in a public street, and in his presence. And you have that other fellow whose story comes too late and too convenient even for my taste. I'm supposed to prosecute on that?

Bonfield: Juries have convicted on less.

Grinnell: You're missing the point. Do you think your seven dead police are all I have to think about? The Central Labor Union shut down the City of Chicago on the 1st of May and called it the first workers' festival. A general strike, Bonfield. Higher wages! Eight hour days! And it's not just Chicago. In every city, these movements are growing, festering. Workers do not have the right to conspire to withhold their labor. When your officers and the plant guards see workers doing that, and try to do something about it, they meet armed resistance. I tell you, Bonfield, this has got to stop.

Bonfield: My men are working overtime.

Grinnell: If you step on a snake, Bonfield, it turns and bites you. I've been ordered to cut off its head.

Bonfield: We have identified three perpetrators.

Grinnell: Two Germans with funny names and a fugitive. I'll tell you how we are going to prosecute this case. The patriots in this town have given us \$250,000 to find witnesses . . . and to teach some to remember the truth if need be. You bring in your Germans. Then I want Albert Parsons, August Spies, and Samuel Fielden. I want the leaders of the Central Labor Union. And I want every speech, every paper, every broadsheet where any of them ever told the workers to take up arms. I want Fielden because he was there. I want Spies because he's the darling of the reformers. And I want Parsons--a renegade Confederate who married a nigger. I want every one of those heathen snake charmers at the end of a rope.

(Blackout.)

Scene III - A Chicago Street, November 29, 1922, near the train station.

(There is a park bench and other items representing a street scene. Lucy Parsons, widow of executed Haymarket defendant Albert Parsons, is seated on the bench. There may be a sound of a train stopping. Darrow enters, out of breath, rubbing himself against the chilly wind. He looks about for Lucy. Their eyes met. She stands and they embrace.)

Lucy Parsons: Clarence!

Darrow: Lucy, I'm sorry I'm late. The train from Springfield was delayed. Governor Small has pardoned the Communist Labor defendants.

Lucy Parsons: Another victory for civil liberty, Clarence. Another supplication to the state.

Darrow: Another victory for the law.

Lucy Parsons: Wrong! A victory, perhaps, for the lawyers. Your lawyers' victories, Clarence, are like fireflies. You catch them and put them in a jar. By morning, their light has gone out. And your bugs are dead. As dead as my husband Albert Parsons and the others. At least Albert, in death, inspires the people's movement. All the law does with his case is to look to the court's decision, to justify some infamy of today with the infamy of yesterday. The law shows its *a posteriori* to the people, as God to his servant Moses.

Darrow: All right! When Governor Altgeld pardoned the Haymarket defendants thirty years ago, it was too late to save those, like your husband Albert Parsons, who had been hanged. These defendants pardoned today never served a day of their sentences. They were tried in 1920, two years ago. The hysteria was every bit as high as when the Haymarket case was tried.

Lucy Parsons: Governor Small may have signed his political death warrant, as Governor Altgeld did. So long as there is a Chicago Tribune to watch over Illinois, no good deed will go unpunished.

Darrow: Oh, Lucy. "Too long a sacrifice can make a stone of the heart. . . ."

Lucy Parsons: Save the poetry for the jury, Clarence. Time dulls memory and pain, struggle sharpens perceptions of reality. When the bomb went off, and the policemen died, we wept for ourselves. The 4th of May 1886 is as fresh for me as then. The Guard and the Pinkertons had shot and killed two McCormick strikers. Haymarket was to be a protest. The mayor himself was there, and saw no reason to stop the speaking. Then police Captain Bonfield marched in and somebody tossed a bomb and seven cops died. When my husband Albert and the others were indicted for the murder, we had facts and we had faith. The facts we have always clung to. The faith--your faith, Clarence--was a delusion.

The fact then was and now is that none of the eight men indicted made or threw that bomb, and the State never proved otherwise. The fact was that the struggle for the eight-hour day, and the right to strike to win it, was just.

The faith was that a brilliant lawyer, Captain Black, who braved the loss of his downtown practice, could cajole a judge and convince a jury that the law--your law, Clarence--required an acquittal. Or at the very least that appeals judges would know that muttering legal incantations over that trial record would not purge it of the stench.

Darrow: Think how Black must have felt. A hero of the Civil War. For heaven's sake, Lucy, he won a Congressional Medal of Honor for bravery. He was a leader at the Bar. He believed what we as lawyers are taught. He knew he was giving up the better part of his practice to defend the anarchists. His own faith bewildered him.

Lucy Parsons: His own faith killed my husband. Albert had fled to safety. Black wrote and said "I can establish your innocence. Your presence at trial will help the others."

Darrow: And so Albert surrendered.

Lucy Parsons: As so Albert surrendered. He walked into court on Captain Black's arm on the opening day of trial.

(Blackout.)

Scene IV - June 1886. A courtroom in Chicago.

(A courtroom scene. There is a judge's bench, on which Judge Joseph E. Gary is seated. At the prosecution table, State's Attorney Julius Grinnell is seated. The prospective jurors are seated to one side.)

Gary: The People of the State of Illinois against August Spies and others, on indictment for conspiracy, riot and accessory to murder.

(William Black and Albert Parsons enter.)

Grinnell: Your Honor, I see Albert R. Parsons, indicted for murder and demand his instant arrest.

Black: This man is in my charge and this demand is not only theatrical clap-trap, but an insult to me.

Albert Parsons: I present myself for trial with my comrades, your Honor.

Gary: (Flustered.) You will take a seat with the prisoners, Mr. Parsons. The indictment will then be read to you and you will be called upon to plead to it.

Black: The indictment is in sixty-nine counts, your Honor, and Mr. Parsons has read it.

Gary: Do you waive reading, Mr. Parsons.

Albert Parsons: I am charged as accessory to the murder of police officer Degan, your Honor. I am not guilty. I deny that any of us here made, or threw, or know who made or threw the bomb.

Gary: Call the first prospective juror.

Grinnell: Have you read about this case, sir?

Neil: As who has not?

Grinnell: Can you be fair?

Neil: I think so.

Grinnell: The People are satisfied.

Black: You are a manufacturer, sir?

Neil: Yes.

Black: As a result of what you have read about this case, do you have an opinion?

Neil: It would take pretty strong evidence to remove the impression that I now have. I could not dismiss it from my mind. I believe that my present opinion would influence me in determining, and getting at a verdict.

Black: Challenge for cause.

Gary: Now, Mr. Neil, you haven't heard the evidence, have you?

Neil: No, your Honor.

Gary: So you can't know what effect the evidence will have on you, can you?

Neil: Well, I am saying that I do not think I can put aside my views.

Gary: (Angrily.) And why not? What is to prevent your listening to the evidence and acting upon it? Why can't you listen to the evidence and make up your mind?

Black: I object, your Honor. The other prospective jurors are in court.

Gary: Of course they are in court. Where else would they be? (To Neil.) Well, sir?

Neil: I understand your Honor. I am to put the newspaper stories out of my mind.

Gary: Yes.

Neil: Very well, your Honor.

Gary: Challenge overruled.

Grinnell: Mr. Sandford. You are satisfied, sir, that you can render an impartial verdict in accordance with the law as his Honor instructs you and the evidence you will hear?

Sandford: I am.

Grinnell: On your oath?

Sandford: On my oath.

Black: Sir, do you know what prejudice means?

Sandford: I believe so.

Black: Are you prejudiced against anarchists, or socialists?

Sandford: Based on what I have read, a decided prejudice.

Black: Challenge for cause.

Gary: Mr. Grinnell?

Grinnell: The statute says he can be a juror if he swears, as he has, that he can render a fair verdict, and if your Honor believes him, which your Honor should.

Gary: Challenge overruled.

Grinnell: What is your business or occupation, sir?

Graves: I am a superintendent with the Chicago and Northwestern Railway Company.

Grinnell: Can you give a fair verdict in this case?

Graves: Decidedly so.

Black: Mr. Graves, you know, sir that the defendants advocate that labor should be free to organize?

Graves: Oh yes, I know that.

Black: And what do you think of that idea?

Graves: I am against it.

Black: Are you opposed to labor unions or prejudiced against members of labor organizations?

Graves: I am. I am opposed to labor organizations of any and all descriptions.

Gary: (Breaking in.) Now, sir, you believe in individualism--that is, everyone, whether a capitalist or a laborer, acting for himself, do you--you are opposed to combinations?

Graves: Yes, sir.

Black: Well, do you believe in the railroads forming combinations with one another?

Graves: Why, yes sir.

Gary: Oh, very well. He is excused. Call the next.

Grinnell: Prospective juror number nine hundred and twenty-two

(Blackout.)

Scene V - November 29, 1922. A Chicago street.

(The street scene again. Darrow and Lucy.)

Darrow: (Hand up, as though fending off a verbal attack he knows is coming.) I know what you're going to say. The jury was rigged. There was not a man among the nine hundred and eighty-one that the bailiff returned into court who had not made his mind up.

Lucy Parsons: Rigged! (She takes out a paper.) Henry L. Ryce was special bailiff. Governor Altgeld had in hand, when he pardoned the survivors, an affidavit from one of the prospective jurors, Otis Favor. Favor said that he had no sympathy for anarchy or socialism, but had to speak out. He was a friend of Ryce, and bailiff Ryce told him before the trial, "I am managing this case, and know what I am about. Those fellows are going to be hanged as certain as death. I am calling such men to be jurors so the defendants will have to waste their peremptory challenges. The defense lawyers wind up with the jury the prosecution wants." After the verdict, Favor confronted Ryce--in State's Attorney Grinnell's office. And Grinnell, an officer of the court--your court, Clarence--urged him not to speak out.

Darrow: Lucy, I know all that. A prosecutor hopes and expects to be judge, and after that he will aspire to be governor, then Senator and President, in their regular turn. To accomplish this noble ambition he must in each position give the people what they want, and more; and there are no better rungs in the ladder of fame upon which lawyers can plant their feet than the dead bodies of their victims. But in philosophy, history and science--the noblest expression of human wisdom, justice and charity and mercy are always overruling courts of last resort and preserving the finer and rarer qualities that, in spite of some rules and some judgments and some precedents, still inhere in man. Just sometimes it comes too late.

Lucy Parsons: And what is learned, and when do the powerful learn it? Don't confuse "the people" with the Chicago Tribune, Clarence. The one has nothing to do with the other. Thirty-five years ago this month, my husband strangled at the end of a noose. Nearly thirty years ago, Governor Altgeld pardoned the surviving defendants and exposed the savagery of capitalist justice. What do you lawyers and your law have to show for it? Another trial, another outrage.

Darrow: And another pardon.

Lucy Parsons: And as sure as the sun rises, in four or five more decades, the next time people fill Chicago's streets in protest, there will be another trial to prove that the law has learned nothing.

Darrow: You can't know that.

Lucy Parsons: You can't predict otherwise. All that has gone before predicts that Chicago's next big political trial will once again feature a judge gone lunatic with prejudice, and a prosecutor who blames the defendants for the people's anger.

(Blackout.)

Scene VI - July 1886. A courtroom in Chicago.

(Courtroom. Opening of trial. The scene is as before. At the director's option, other defendants than Parsons and Spies may be at counsel table. In this scene, the action cuts from one part of the trial to another at several points, indicated in the script with *****. These transitions may be indicated by dimming lights, by freezing motion on the stage or other means at director's option.)

Grinnell: Gentlemen: For the first time in the history of our country are people on trial for their lives for endeavoring to make anarchy the rule, and in that attempt for ruthlessly and awfully destroying life. I hope that, while the youngest of us lives, this in memory will be the last and only time in our country when such a trial shall take place. It will or will not take place as this case is determined. We have been in this city inclined to believe, as we have all through the country, that, however extravagantly men may talk about our laws and our country, however severely they may criticize our Constitution and our institutions; that as we are all in favor of full liberty, or free speech, the great good sense of our people would never permit acts based upon sentiments which meant overthrow of the law. We thought our precious institutions were above and beyond all Anarchy. The 4th of May demonstrated that we were wrong. We had too much confidence, that a certain class of individuals, some of them recently come here, as the testimony will show, believe that here in this country our Constitution is a lie. Insults are offered to the Declaration of Independence, the name of Washington is reviled and traduced. In the light of the 4th of May we now know that the preachings of Anarchy, the suggestions of these defendants hourly and daily for years, have been sapping our institutions, and that where they have cried murder, bloodshed, Anarchy, and dynamite, they have meant what they said, and proposed to do as they threatened.

I will prove to you that Parsons--be it said to the shame of our country, because I understand he was born on our soil--that Parsons, in an infamous paper published by him, called the Alarm, has defined the use of dynamite, told how it should be used, how capitalists could be destroyed by it, how policemen could be absolutely wiped from the face of the earth by one bomb; and further has published a plan in his paper of street-warfare by dynamite against militia and authorities.

We will show to you, I think to your entire satisfaction, that, although perhaps none of these men personally threw the bomb, they each and all aided and abetted and advised the throwing of it, and therefore are as guilty as the individual who in fact threw it. They are accessories. They are conspirators. They are, on top of it all, cowards, because they--having set the ball in motion, now devise alibis and defenses to deny their responsibility.

We call Mr. Thompson.

(M.M. Thompson enters, takes seat.)

Grinnell: Mr. Thompson, have you seen any of these defendants before today.

Thompson: Yes, I saw Spies and Schwab on May 4th at the Haymarket.

Grinnell: Will you tell the jury what you saw them doing?

Thompson: I had arrived at the meeting and asked for Parsons. He had left. I then saw those two go into Crane's alley. I followed them.

Grinnell: By "those two," you mean

Thompson: The men I now know as Spies and Schwab.

Grinnell: What were they doing?

Thompson: They were talking amongst themselves. One said something that included "pistols." I heard the word "police."

Grinnell: After you heard "pistols" and "police," what did you do?

Thompson: I walked just a little nearer, and just then Spies said, "Do you think one is enough, or hadn't we better go and get more?" They then walked into the crowd and in a few minutes came back. Schwab said, "Now if they come, we will give it to them." Spies answered he thought they were afraid to bother with them. I waited a while longer and then I left.

Black: Sir, had you ever seen Spies or Schwab before that night?

Thompson: No sir.

Black: And you did not hear them say in so many words what it was they wanted "more" of, now did you?

Thompson: Well, it was obvious to me.

Black: Obvious because you were listening to this conversation?

Thompson: Yes.

Black: These men you saw were speaking in low tones?

Thompson: Yes.

Black: They were speaking in friendly tones?

Thompson: Yes.

Black: Do you speak German?

Thompson: No, not a word.

Black: So you are telling this jury that the conversation you heard was in English?

Thompson: Yes, sir.

Black: Now, you prepared for your testimony in Mr. Grinnell's office at some length, did you not?

Thompson: We discussed the evidence.

Black: And did Mr. Grinnell not tell you that Spies and Schwab speak only in German when they converse together?

Grinnell: Mr. Grinnell did not tell him because Mr. Grinnell does not know any such thing.

Black: Then perhaps Mr. Grinnell would explain at some appropriate time why a German-speaking police informer was put to share Mr. Spies' cell?

Gary: The jury will disregard the last.

Grinnell: Call Harry L. Gilmer. (Gilmer, enters and takes witness chair.) Did you see any of these defendants at the Haymarket on the 4th of May?

Gilmer: Yes, sir. Fielden was speaking, standing on the wagon. There was a sort of rush to see the police come up. There was a man came down from the wagon. He lit a match and touched it to a bomb. The fuse commenced to fizzle, and this other man he tossed the bomb over into the street. They was all talking, but they were speaking German and I didn't understand them.

Grinnell: And who was the man who lit the fuse? Do you see him here today?

Gilmer: Right there.

Gary: The record may reflect he has pointed to the defendant August Spies.

Black: Mr. Gilmer, you are telling this jury you saw the bomb thrown?

Gilmer: I did see it.

Black: How did you get home that day?

Gilmer: On the bus.

Black: Did you tell anyone on the bus you had seen the bomb being thrown?

Gilmer: No, sir.

Black: Where do you live?

Gilmer: At a rooming house on Madison Street.

Black: Did you tell anyone at the rooming house about what you had seen?

Gilmer: No sir.

Black: You went to the Central Police station to tell them you were a witness, didn't you sir?

Gilmer: The next day, yes.

Black: And even then, you did not tell anyone you had seen the bomb being thrown?

Gilmer: No.

Black: In fact, sir you did not tell anybody this story until you met Mr. Grinnell, on your second trip to the Central Police Station, the following Sunday, isn't that so?

Gilmer: Yes.

Black: And when you told Mr. Grinnell, did you give him a name?

Gilmer: Oh, no. He showed me a picture, and asked if that wasn't the man, and I said it was.

Black: And the picture was of August Spies?

Gilmer: Yes, it was.

Grinnell: Call James Bonfield, Captain of Police.

(Bonfield enters carrying a pile of books and papers.)

Black: We all know, your Honor, how Black Jack Bonfield led the police charge the 4th of May. What, may we ask, are these books to do with the case?

Grinnell: These are books sold by the defendants, such as Johann Most's tract on Revolutionary War Science. They are articles and speeches by these defendants on anarchy, dynamite, bloodshed and murder.

Black: Then I object. These books have nothing to do with whether these defendants caused any specific person to commit a murder on the 4th of May. They serve only to inflame the jury.

Gary: Mr. Black, if men are teaching the public how to commit murder, it is admissible to prove it. These papers teach the commission of murder and this is a murder case. I do not know the contents of these books, but they are admissible.

Black: I object to your Honor telling the jury that these things teach how to commit murder.

Gary: I simply asked the prosecutor what they were, and I am only repeating what he said. Most of this stuff is not in English, I suppose.

Black: Object again, your Honor. Mr. Grinnell's two supposed witnesses to this bombing contradict one another and common sense, and there is more contradiction to come when the defense puts on a case. And the names of the other defendants, other than Spies and Schwab, have not even been put in issue. Where in law is it admissible that on some other topic, at some other time, these defendants and others not charged, made speeches and wrote articles?

Grinnell: We disclaim any reliance upon the witnesses Thompson and Gilmer, your Honor. Our case is this: These defendants sowed the seed of Anarchy in the fertile soil of discontent. Now, by the law, they are responsible for the harvest of bloodshed.

Gary: Mr. Black, I intend to instruct this jury that if these defendants, or any two or more of them, conspired together with or not with any other person or persons to excite the people of this city to sedition, tumult and riot, to use deadly weapons against and take the lives of other persons, as a means to carry their designs and purposes into effect, and in pursuance of such conspiracy, and in furtherance of its objects, any of the persons so conspiring publicly, by print or speech, advised or encouraged the commission of murder without designating time, place or

occasion at which it should be done, and if such murder was committed, then all these defendants are guilty, whether the person who perpetrated such murder can be identified or not.

Albert Parsons: Then we are dead men.

Black: You will put their political sentiments on trial.

Gary: I will put their intentions on trial, in a case where the fruit of these intentions is all too plain. I want the message clear, Captain Black, to the laboring people, to whom the anarchists claim to be special friends, that that claim is a sham and a pretense, adopted only as a means to bring manual laborers into their own ranks; and that the counsel and advice of anarchists, if followed by the working-men, will expose them to the danger of becoming, in law, murderers.

(Parsons is on the witness stand.)

Black: Mr. Parsons, will you tell the jury please about your growing up?

Albert Parsons: I was born in Montgomery, Alabama, and raised in deep East Texas, in Tyler. My ancestors had a hand in drawing up the Declaration of Independence, and fought in the American Revolutionary War.

Black: Did you see service in the late Civil War?

Albert Parsons: I was a cavalry scout in the Army of the Confederacy. Only later did I come to see that chattel slavery, and wage slavery, are wrong.

Black: How long have you lived in Chicago, Mr. Parsons.

Albert Parsons: I was editor of a paper in Waco, Texas, and leader of a group that spoke throughout the hill country of Texas on the condition of the Negro people. When the tide turned against Reconstruction, my wife Lucy and I came North. I took up work in the printer's trade, and began to help organize workers' groups.

Black: Were you at the Haymarket on the evening of May 4?

Albert Parsons: I was.

Black: Were you there when the police came?

Albert Parsons: No, indeed. I arrived late. The weather threatened, and I suggested we move the meeting indoors. But Spies told me that the hall was already occupied by a meeting of the furniture workers. So I got up on the wagon and spoke for about three-quarters of an hour. I remember seeing Mayor Harrison in the crowd, listening and watching. When I was done, I went down with Mrs. Parsons and some comrades to the bar on the corner.

Black: Could you see or hear anything from there of the meeting.

Albert Parsons: Only that it was still going on. We were talking and drinking. All at once I saw an illumination. It lit up the whole street, followed by a deafening roar, and almost simultaneously volleys of shots followed, every flash of which, it seemed to me, I could see. The best comparison I can make in my mind is that it was as though a hundred men held in their hands repeating revolvers and fired them as rapidly as possible until they were all gone. That was the first volley. Then there were occasional shots, and one or two bullets whistled near the door and struck the sign. Mrs. Parsons did not move. In a moment, two or three men rushed breathlessly in at the door.

Black: Was that your entire participation in the events of that night?

Albert Parsons: It was.

Black: Cross-examine.

Grinnell: Mr. Parsons, the Mrs. Parsons you speak of is the woman seated just there (pointing), is that so?

Albert Parsons: That is so.

Grinnell: You have worked at many different jobs since coming to Chicago, isn't that so?

Albert Parsons: It is.

Grinnell: You have been a typesetter, a maker of suits, and even owned a small business with your wife, true?

Albert Parsons: Yes, sir.

Grinnell: But since October 1884, tell the jury what you have done.

Albert Parsons: I have been editor of the Alarm.

Grinnell: The Alarm is the paper in which the articles appeared that have been read to the jury, is that not so?

Albert Parsons: That is true.

Grinnell: And in those articles, you advocated the use of dynamite, isn't that right?

Albert Parsons: As a means of defense.

Grinnell: As a means of killing officers of the law, isn't that true?

Albert Parsons: I did not speak of dynamite on the 4th of May, 1886. I spoke of defense. I told the people that they could not expect to change things except by force. I read the editorial in the Chicago Tribune, where the editor recommended that people give bread to the hungry laced with strychnine, as a warning to tramps not to beg.

Grinnell: You do not deny that on the 4th of May you specifically told that crowd that they must use force?

Albert Parsons: I told that crowd that the Chicago Times had said that police should throw hand grenades into groups of strikers. I told them that if the monopolists say that we should have a rifle diet, a strychnine diet and a hand grenade diet, have we not got a right to say they will do that.

Grinnell: No further questions.

Albert Parsons: But it does not follow that I had anything to do with that bomb.

Gary: There is no question pending, Mr. Parsons.

Black: Among the mockeries is this. Can the law hold these men responsible when there is not a shred of proof that whoever threw that bomb had any common purpose or agreement with these defendants.

These men used strong language, the language of anger. Yet so far as this record goes, they wanted on the 4th of May to have a peaceable meeting to protest the murder of their brothers by the police and Pinkertons at the McCormick plant. Mayor Harrison himself was at the meeting. He testified here, called by the defense, and he repeated what he told Captain Bonfield that night. It was a quiet meeting.

And Bonfield said, "My detectives make me the same report." Bonfield, in his police office, surrounded by his minions, one hundred and eighty strong, armed to the teeth, knew that meeting was quietly and peacefully coming to its close. Yet Mayor Harrison had not so much as left the station before 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 proximate 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, on your oath before God, in a full and honest consideration of the 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? God sent that warning cloud into the heavens; these men were still there, speaking their last words, but a deadlier cloud was

coming up from behind. In disregard of our constitutional rights as citizens, it was proposed to order the dispersal of a peaceable meeting. Has it come to pass 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. Who is morally at fault for the death harvest of that night? Would it have been but the act of Bonfield? Bonfield, who once the Mayor left could not get there quick enough. Bonfield, who has been searching the files of the Alarm and Arbeiter Zeitung for years, hoping some day to put before a jury the most inflammatory article.

My last word for these eight lives. They are in your hands, with no power to whom you are answerable but God and history.

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

We have not got the bomb thrower here. We have got the conspirators, and if there was not a syllable of proof in this case designating the name of a single individual who perpetrated this offense, who threw that bomb, still the defendants are guilty. We have been trying this case under the rulings of the court on that hypothesis. If that is not so, then these gentlemen can tell the Supreme Court about it.

And it is so for a reason. In the nature of Anarchy, each Anarchist knows only one or two other conspirators. They are autonomous, they do not agree amongst themselves. If the law the defendants contend for was put in place, there would never in this world be a conviction for murder against an Anarchist.

Gentlemen, 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 one.

Gary: All spectators, every one, except the officers of this Court, must be seated, and everyone must preserve absolute silence. Gentlemen, have you agreed upon your verdict?

Juror: We have, your Honor. We find August Spies, Michael Schwab, Samuel Fielden, Albert R. Parsons, Adolph Fischer, George Engel and Louis Lingg, guilty of murder and fix the penalty at death. We find Oscar W. Neebe guilty of murder and fix the penalty at imprisonment for fifteen years.

(Blackout.)

Albert Parsons: Your Honor, you ask me why sentence of death should not be pronounced upon me. I answer you and say that this verdict is the verdict of passion, born of passion, nurtured in passion, and is the sum total of organized passion in the city of Chicago. Who can deny this? Certainly not this court.

The Chicago Citizens' Association stand to a man demanding of your honor our immediate extinction and ignominious death. Now, I stand here as one of the people, a common man, a workingman, one of the masses. You stand as a bulwark; you are as a brake between them and us. You are expected to look neither to the right, nor the left, but to that justice shall be served. If you do not, you expose not only your own failing, but the mockery that calls itself justice. At the trial, I denied that I am guilty. I deny it yet. The Mayor himself has published a letter in the New York World, saying "I do not believe there was any intention on the part of those defendants to have a bomb thrown at the Haymarket." So why are we here? The hundreds of

thousands of working men and women who now organize for their rights have struck terror into the monopolists' hearts. The Haymarket bomb was, I believe, instigated by eastern monopolists to produce public sentiments against popular movements, especially the eight-hour movement then pending, and that some of the Pinkertons were their tools to execute the plan. Just exactly four days before May Day, 1886, the day of a national general strike for eight hours, the New York Times wrote this: "The strike question is, of course, the dominant one, and is disagreeable in a variety of ways. A short and easy way to settle it is urged in some quarters, which is to indict for conspiracy every man who strikes and summarily lock him up. This method would undoubtedly strike a wholesome terror in the hearts of the working class. Another way suggested is to pick out the leaders and make such an example of them as would scare others into submission." And that, your Honor is this trial, the first no doubt of many. The same Times now calls for the gallows for us. The Chicago Times called for hand grenades to be thrown among the strikers. The gallows for socialists; hand grenades for the strikers.

Your honor, I came here for this trial of my own will. I have nothing, not even now, to regret. (A jailer puts a noose around Parsons' neck and a hood over his head.)

Will I be allowed to speak? O men of America, let me speak! Will the voice of the people be heard?

(Blackout.)

Scene VII - Chicago street. November 29, 1922.

(Street scene again.)

Darrow: I was still living in Ohio then. I had not come to Chicago. But I read of it. The appeals that failed. The campaign for clemency. The great writers, speakers, educators, philosophers all arrayed on the side of mercy.

Lucy Parsons: All arrayed on the side of erasing this blot from their precious law. Albert, if he had admitted guilt and begged for mercy, might have been spared by Governor Oglesby. But Albert would not give them that satisfaction. A pardon or nothing.

Darrow: The pardon came too late for him. (Quoting.) "Of what use are sterile regrets, illusory reparations, that we may accord to vain shadows and insensible ashes."

Lucy Parsons: More noble words.

Darrow: Robespierre said them. He forgot them, of course, as soon as the guillotine became his to control. When I came to Chicago, I had a book by Altgeld on crime. I went to see him. We became friends. He was a judge then. When he was elected Governor in 1892 I went to see him, to urge again that he should pardon the two whose sentences had been commuted, and Neebe who was still in prison. He had promised to act. His friends, and mine, were becoming restive. I remember what he said.

(Blackout, spot on Altgeld.)

Scene VIII - The Governor's Office. Sometime in early 1893.

Altgeld: Go tell your friends that when I am ready I will act. I don't know how I will act, but I will do what I think is right. We have been friends for a long time. You seem impatient; of course I know how you feel; I don't want to offend you or lose your friendship, but this responsibility is mine, and I shall shoulder it. I have not yet examined the record. I have no opinion about it. It is a big job. When I do examine it I will do what I believe to be right, no matter what that is. But don't deceive yourself: If I conclude to pardon those men it will not meet with the approval that you expect; let me tell you that from that day I will be a dead man.

(Blackout. Return to street scene.)

Scene IX - Chicago street. November 29, 1922.

Lucy Parsons: The Chicago Tribune saw that his prediction came true.

Darrow: In a way, Altgeld saw to that. He sought no allies among the powerful. He never went to all those who had clamored for mercy before the hangings, to tell them what he was going to do and to ask their support. And he aimed right at Judge Gary.

Scene X - Governor's Office. June 26, 1893.

(Altgeld is seated at his desk reading. We come upon him after he has been reading from his message for some time.)

Altgeld: Again it is shown that various attempts were made to bring to justice the men who wore the uniform of the law while violating it, but all to no avail. that the laboring people found the prisons always open to receive them, but the courts of justice were practically closed to them; that the prosecuting officers vied with each other in hunting them down, but were deaf to their appeals; that in the spring of 1886 there were more labor disturbances in the city and particularly at the McCormick factory; that under the leadership of Captain Bonfield the brutalities of the previous year were even exceeded.

It is further shown here that much of the evidence given at the trial was a pure fabrication; that some of the prominent police officials in their zeal not only terrorized ignorant men by throwing them into prison and threatening them with torture if they refused to swear to anything desired, but that they offered money and employment to those who would consent to do this. Further, that they deliberately planned to have fictitious conspiracies formed in order that they might have the glory of discovering them.

There is yet another ground. It is further charged with much bitterness by those who speak for the prisoners that the record of the case shows that the judge conducted the trial with malicious ferocity, that page after page of the record contains insinuating remarks of the judge, made in the hearing of the jury, and with the evident intent of bringing the jury to his way of thinking; that these speeches, coming from the court, were much more damaging than any speeches from the state's attorney could possibly have been; that the state's attorney often took his cue from the judge's remarks; that the judge's magazine article recently published, although written nearly six years after the trial, is yet full of venom; that, pretending simply to review the case, he had to drag into this article a letter written by an excited woman to a newspaper after the trial was over, and which therefore he put in simply to create a prejudice against the dead and the living; that, not content with this, he in the same article makes an insinuating attack on one of the lawyers for the defense, not for anything done at the trial, but because more than a year after the trial when some of the defendants had been hung, he ventured to express a few kind, if erroneous, sentiments over the graves of his dead clients, whom he at least believed to be innocent. It is urged that such ferocity or subserviency is without a parallel in all history; that even Jeffries in England contented himself with hanging his victims, and did not stop to berate them after they were dead.

These charges are of a personal character, and while they seem to be sustained by the record of the trial and the papers before me and tend to show that the trial was not fair, I do not care to discuss this feature of the case any farther, because it is not necessary. I am convinced that it is clearly my duty to act in this case for the reasons already given, and I, therefore, grant an absolute pardon to Samuel Fielden, Oscar Neebe and Michael Schwab this 26th day of June 1893.

John P. Altgeld, Governor of Illinois
(Blackout.)

Scene XI - Chicago street. November 29, 1922.

Darrow: At Altgeld's funeral, nine years later, I spoke.

Lucy Parsons: I remember.

Darrow: (Quoting from memory.) In the history of the country where he lived and died, the life and works of our devoted dead will one day shine in words of everlasting light. When the bitter feelings of the hour have passed away, when the mad and poisonous fever of commercialism shall have run its course, when conscience and honor and justice and liberty shall once more ascend the throne from which the shameless, brazen goddess of power have driven her away; then this man we knew and loved will find his rightful place in the minds and hearts of the cruel, unwilling world he served.

In the days now past, John P. Altgeld in scorn and derision was called John Pardon Altgeld by those who would destroy his power. We who stand today around his bier and mourn the brave and loving friend are glad to adopt this name.

Though we lay you in the grave and hide you from the sight of man, your brave words will speak for the poor, the oppressed, the captive and the weak; and your devoted life inspire countless souls to do and dare in the holy cause for which you lived.

Lucy Parsons: Clarence. Think again. Were you right? Is he remembered? What did the poet say? "Where is Altgeld, brave as the truth, Whose name the few still say with tears? Gone to join the ironies with old John Brown, Whose fame rings loud for a thousand years."

Darrow: And the same poet said again:

"Where are those lovers of yours, on what name do they call
The lost, that in armies wept over your funeral pall?
They call on the names of a hundred high-valiant ones,
A hundred white eagles have risen the sons of your sons,
The zeal in their wings is a zeal that your dreaming began."

And again:

"To live in mankind is more than to live in a name."

Lucy Parsons: But that is the point, Clarence. If some message lives beyond all this brave lawyer speech, what is it? That I should salute the law because although it hanged my husband, some other law begged my pardon? I take nothing away from you, Clarence, nor Altgeld, nor Captain Black. It is history's judgment that John Brown's name--and Albert Parsons'--lives longer than Altgeld's. Your lawyer's ego wants you to think you stand at the center of every event by which the world is changed. Your right to stand there is only because some brave soul has risked death or prison in the people's cause and you are called to defend him--or her. When you put law and lawyers at the center of things, you are only getting in the people's way, and doing proxy for the image of the law the state wants us to have. The law is a mask that the state puts on when it wants to commit some indecency upon the oppressed.

Darrow: (Angry.) If I believed that, I would still be lawyer for the railroad, and not making do with the fees the union can pay. Lucy, the law is a fence built around the people and their rights.

Lucy Parsons: (Kindly.) What an image! And you, Clarence, are a fierce old dog, set to bark and warn off intruders. Maybe so. I wish it so. We are all on trial in this life we have chosen, Clarence. All we can know is that none of us will live to see the verdict.

CURTAIN