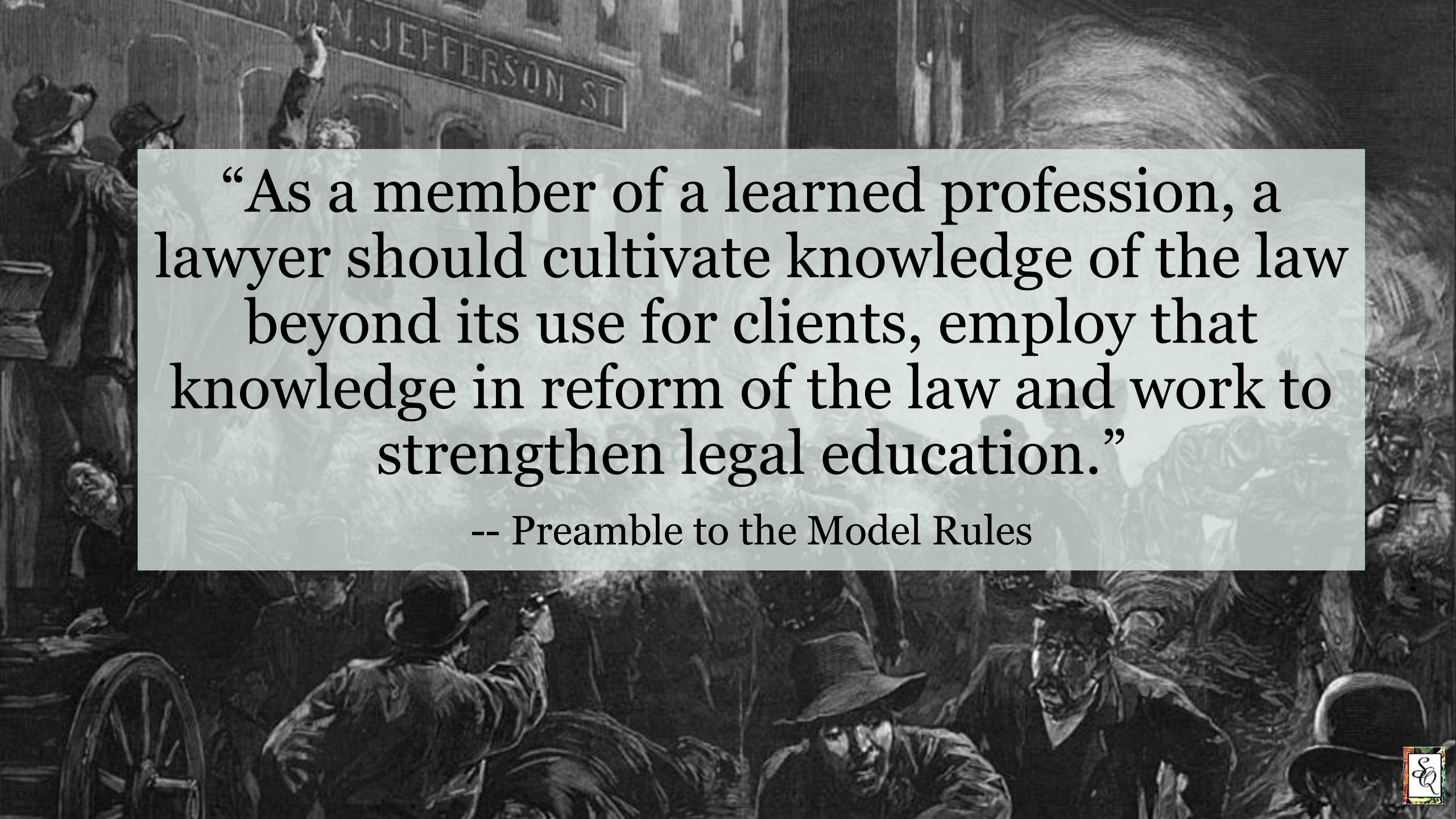


# Haymarket Affair: Conflicts in the Law and the Administration of Justice

Travis R. Marker, JD, LLM  
Scrivener's Quill







“As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education.”

-- Preamble to the Model Rules







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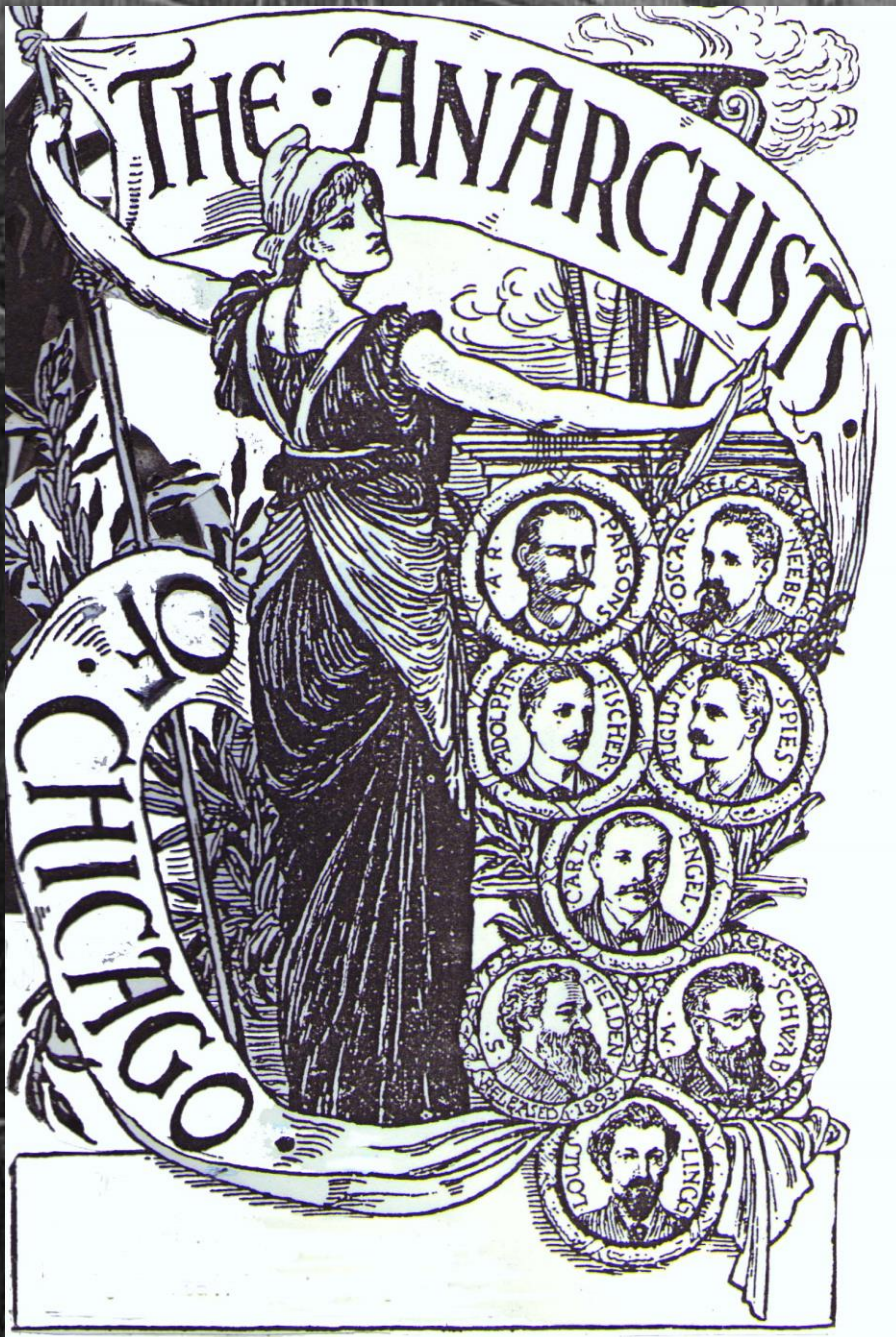
**WE FOOL YOU**



- The Haymarket history comes off of the website for Chicago History Museum



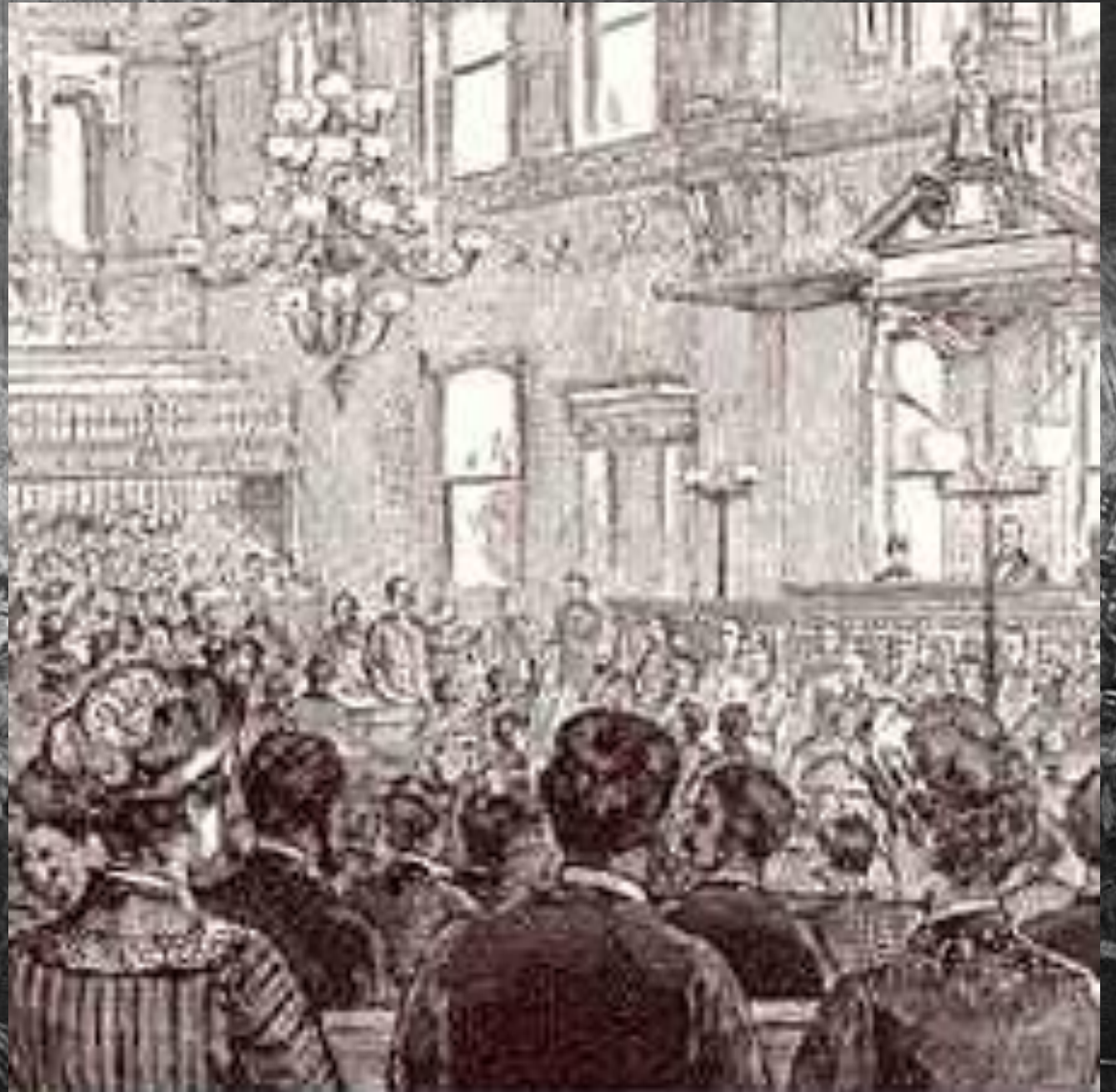




- What sets Haymarket apart from almost every other criminal trial in American history, and what explains both its notoriety and its enduring imaginative and emotional interest, is the degree to which those directly involved understood what was happening as drama.



- In the courtroom, the opposing attorneys tried to fit the same general sequence of events into two opposing "plots" that explained both the bomb and the times in very different ways.







- In the state's view, these evil and cowardly agitators were part of a large criminal organization of foreign malcontents and misfits who had together carefully planned riot and murder for no motive other than their hatred of honestly earned property. In acting as it did, the state was not only punishing those who maimed and murdered Matthias Degan, but was saving the civilized order that he had given his life to defend.





- The defense meanwhile depicted the accused as innocent **scapegoats** miscast as villains in a rush to lay blame. The defendants themselves saw the bomb, no matter who threw it, **as the natural outcome of a corrupt economic system**, and the trial as at once a staged attempt to cover up the fault lines in a regime of repressive exploitation and the latest and most irrefutable evidence that such a regime existed.

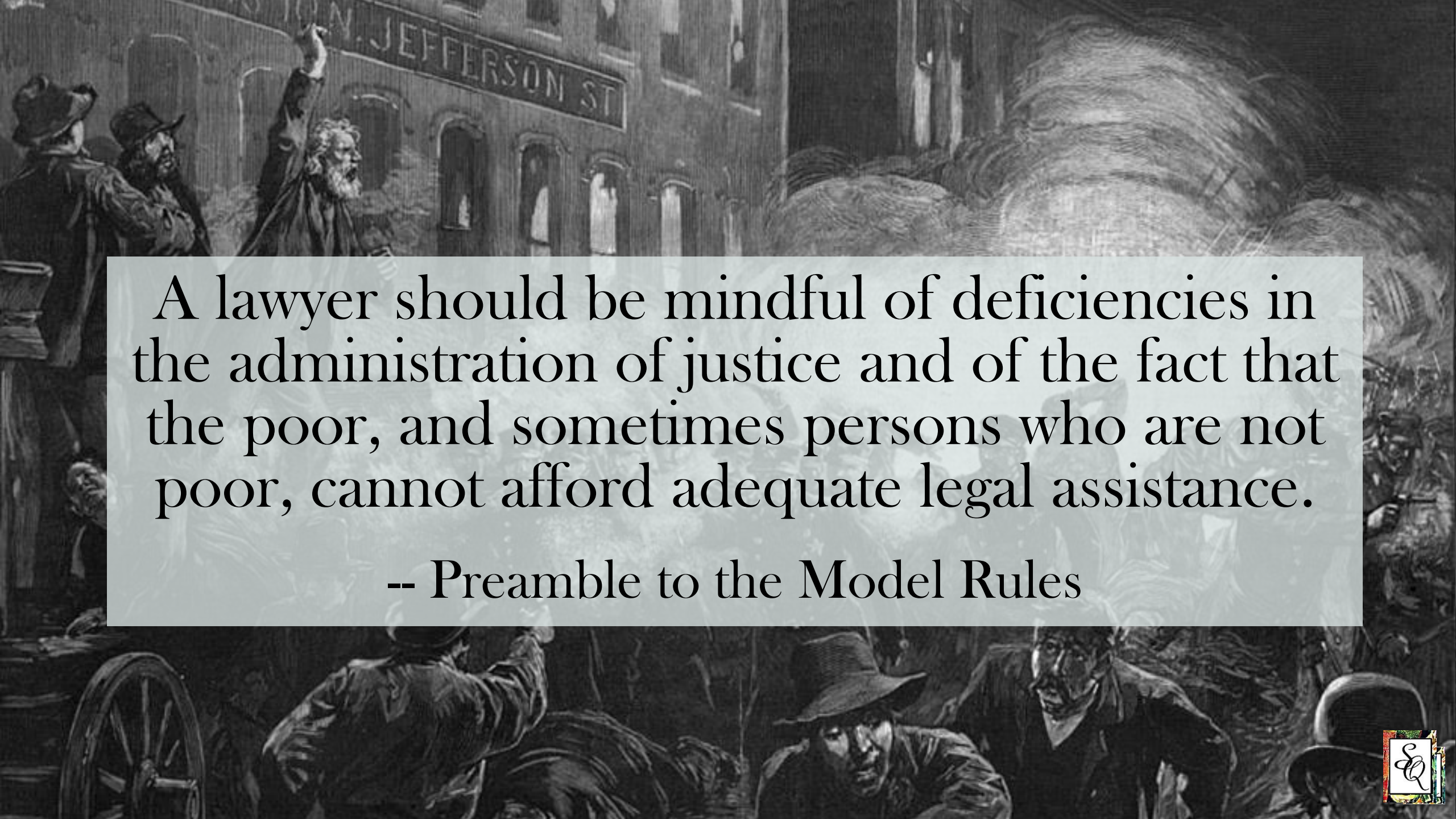






- Not far behind the scenes were the Chicago businessmen who were special targets of anarchist invective. Among them were men like Marshall Field, George Pullman, and Cyrus McCormick Jr., who had been on special lookout for "troublemakers" since at least 1877 and who were well aware of their own central roles as villains in radical rhetoric. They donated money to the families of the police who marched on the Haymarket, and also to Schaack's investigation.





A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance.

-- Preamble to the Model Rules





- A grand jury was empaneled on May 17, and ten days later it presented a sixty-nine-count indictment of Spies, Parsons, Fielden, Schwab, Fischer, Engel, Lingg, Neebe, and Schnaubelt for the murder of Officer Matthias J. Degan. There was no official explanation of why they were charged only with this one homicide given that several policeman had died, but it may have been because Degan's death was clearly attributable to the bomb and not to the gunfire that followed.







- While the Grand Jury was in session, Chicago socialist and physician Ernst Schmidt assumed the leadership of a defense committee. With great difficulty he and his associates assembled a very capable four-man legal team headed by **William P. Black**. Black was an accomplished attorney and highly decorated Civil War veteran who was still commonly referred to by his wartime rank of captain.







While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.

Preamble – Model Rules of Professional Conduct

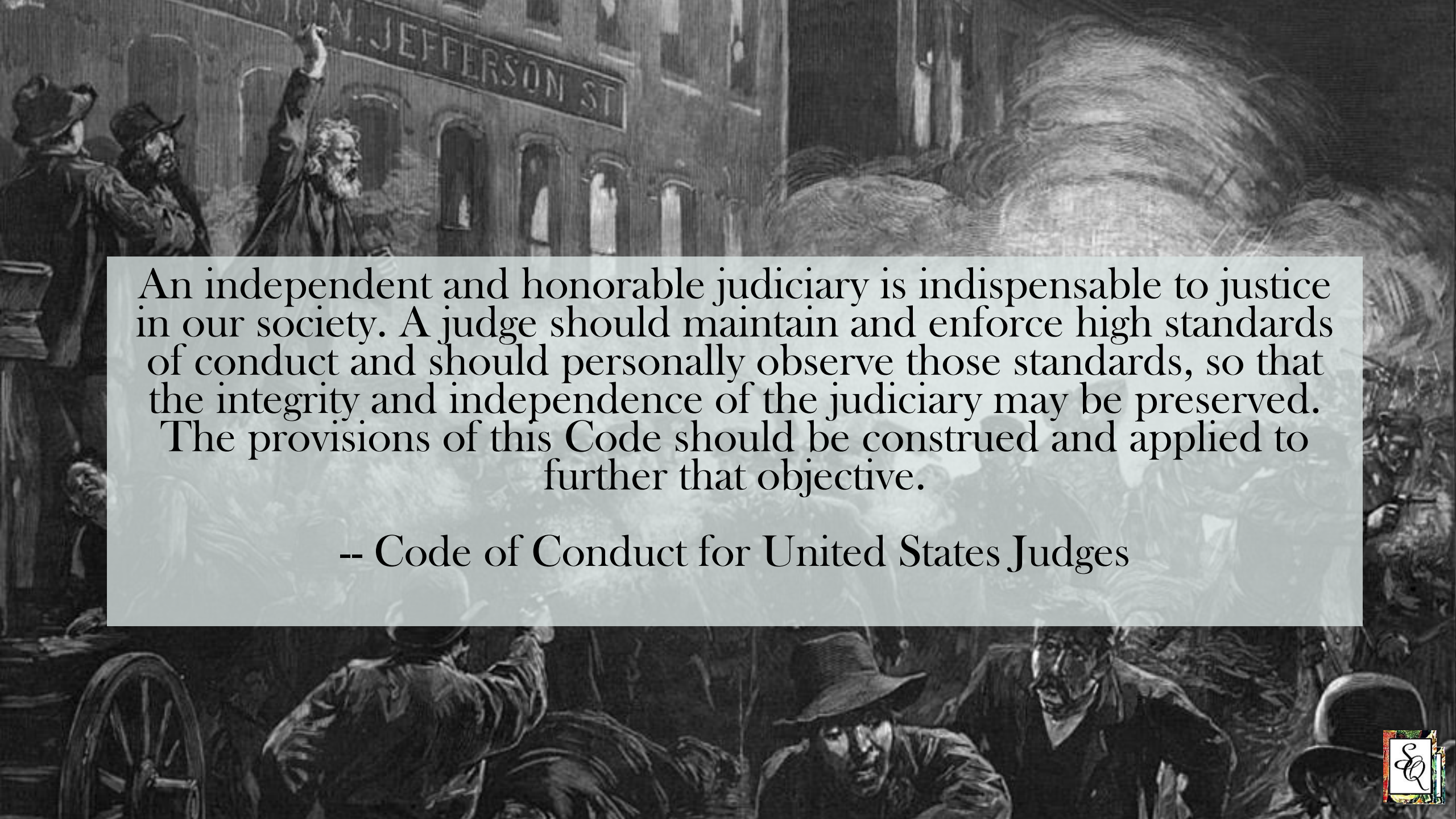




- Many of the nearly **one thousand individuals** who were called candidly admitted that they were unable to presume, as the law prescribed, that the defendants were innocent until proven guilty. **Judge Joseph Gary** frequently prompted admittedly biased potential jurors to assert that they could still decide the case solely on the evidence. The questioning consumed over twenty-one working days of the fifty-four-day trial, and **the last juror was seated only after the defense exhausted all of its 160 peremptory challenges**, many of which it was forced to use because Gary refused to dismiss obviously hostile men for cause.







An independent and honorable judiciary is indispensable to justice in our society. A judge should maintain and enforce high standards of conduct and should personally observe those standards, so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

-- Code of Conduct for United States Judges



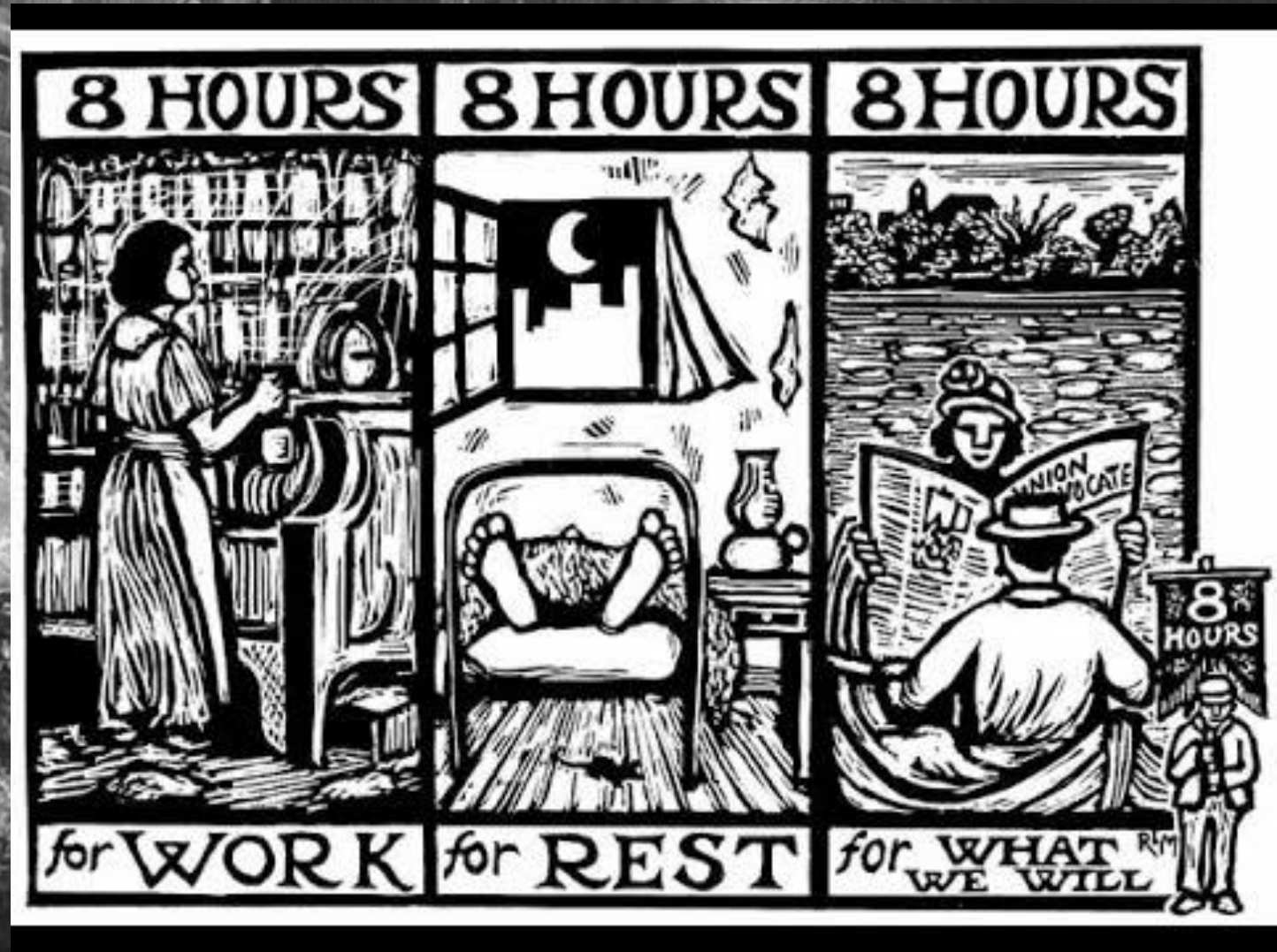




- The fact that one or more parts of this case did not precisely fit, and the fact that the prosecution could not positively prove that Schnaubelt or any of the eight men on trial had actually committed or even planned this particular act of terrorism, did not matter. Grinnell argued that the accused's words and deeds indisputably made them accessories to the crime. . . . They were as guilty of murder as was the coward who perpetrated this horror.



- The defense attorneys acknowledged that the accused had pushed the limits of free speech in preaching dynamite and revolution, but they argued that this involved sedition, not homicide, and was hardly a capital offense.







- The defense attorneys did not defend anarchism, but they did argue that the accused were sincere in their hope for a better society. Moses Salomon described his clients in his closing argument as "men of broad feelings of humanity," declaring "that their only desire has been, and their lives have been consecrated to, the betterment of their fellow-men."





- The defense's efforts were hampered continually by Judge Gary, who ruled significant portions of the defense's questioning and testimony incompetent while granting the state extremely wide latitude.



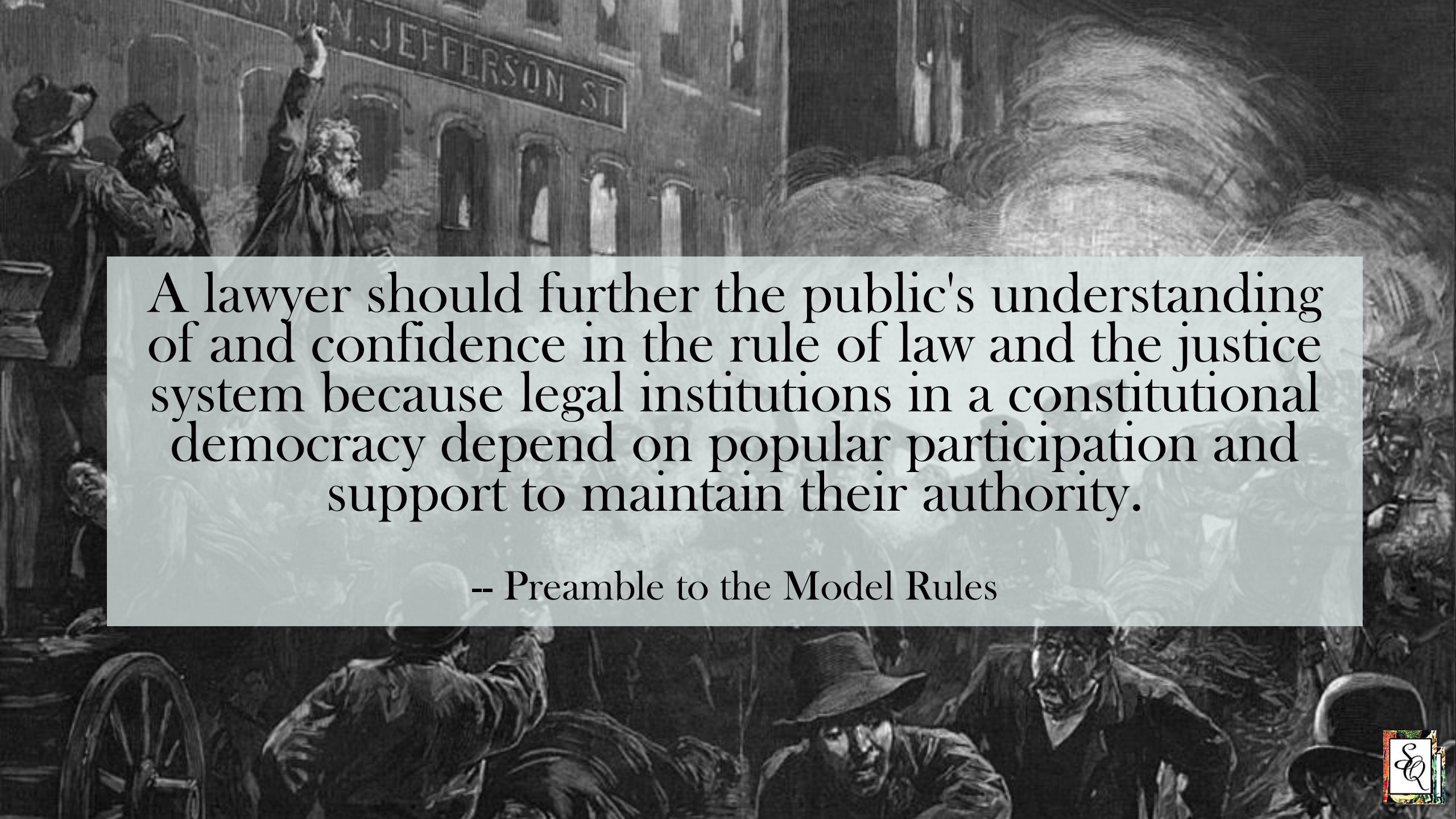




- The twelve men retired to consider their verdict in the afternoon of August 19 and reached a decision within a few hours. The next morning they declared the eight defendants guilty of murder, sentencing Oscar Neebe, against whom even Grinnell privately admitted that the case was weak, to fifteen years at hard labor, and condemning the other seven to death.







A lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority.

-- Preamble to the Model Rules





- "Not only my arrest but the others smack of the **Haymarket**. The police are very much in disrepute all over the country, and they wish to do something to clear themselves. **They are trying to make it an anarchist plot.** If they wish to make up a case, they may succeed."
- — Emma Goldman







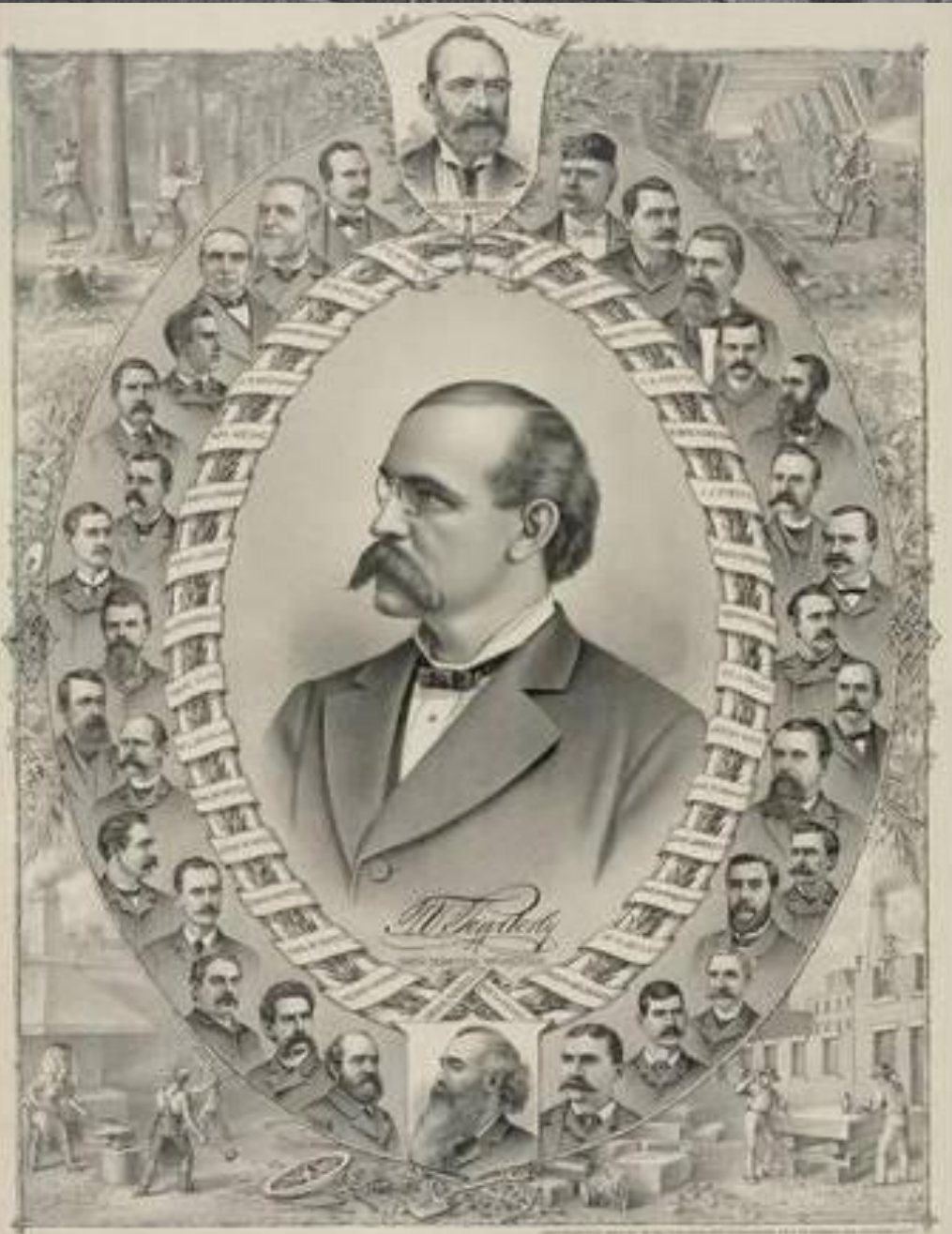
- "Goldman seethed with anger over the highly publicized hanging of four anarchists. They had been wrongly convicted of conspiracy following the detonation of a bomb thrown by an unseen assailant at an 1886 labor rally for the eight-hour day on Chicago's Haymarket Square. . . . The Goldmans had fled oppression in their native Russia only to find that capitalists were no better than czars."
- — James McGrath Morris (Revolution By Murder: Emma Goldman, Alexander Berkman, and the Plot to Kill Henry Clay Frick (Kindle Single))



- In the two years after the infamous Haymarket bombing in Chicago and the Great Upheaval of 1886, in which 200,000 trade unionists across the country went on a four-day-long strike for the eight-hour day but in most cases failed—partly because **Terence Powderly, the leader of the Knights** . . . refused to endorse the action and encouraged the **Knights not to participate**—capitalist repression swept the nation. of the Order's cooperatives were in existence."
- — Chris Wright (*Worker Cooperatives and Revolution: History and Possibilities in the United States*)





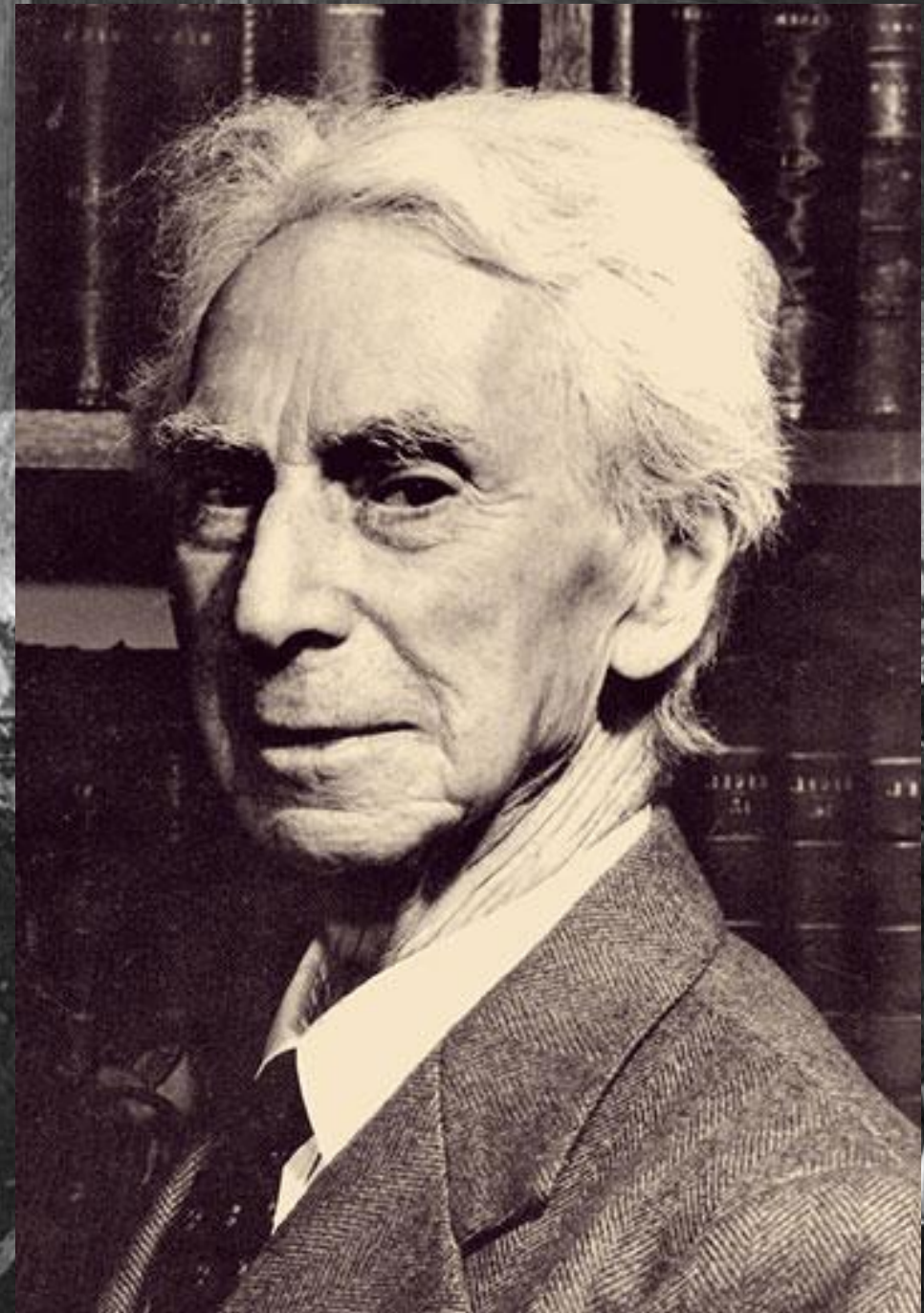


LEADERS OF THE KNIGHTS OF LABOR

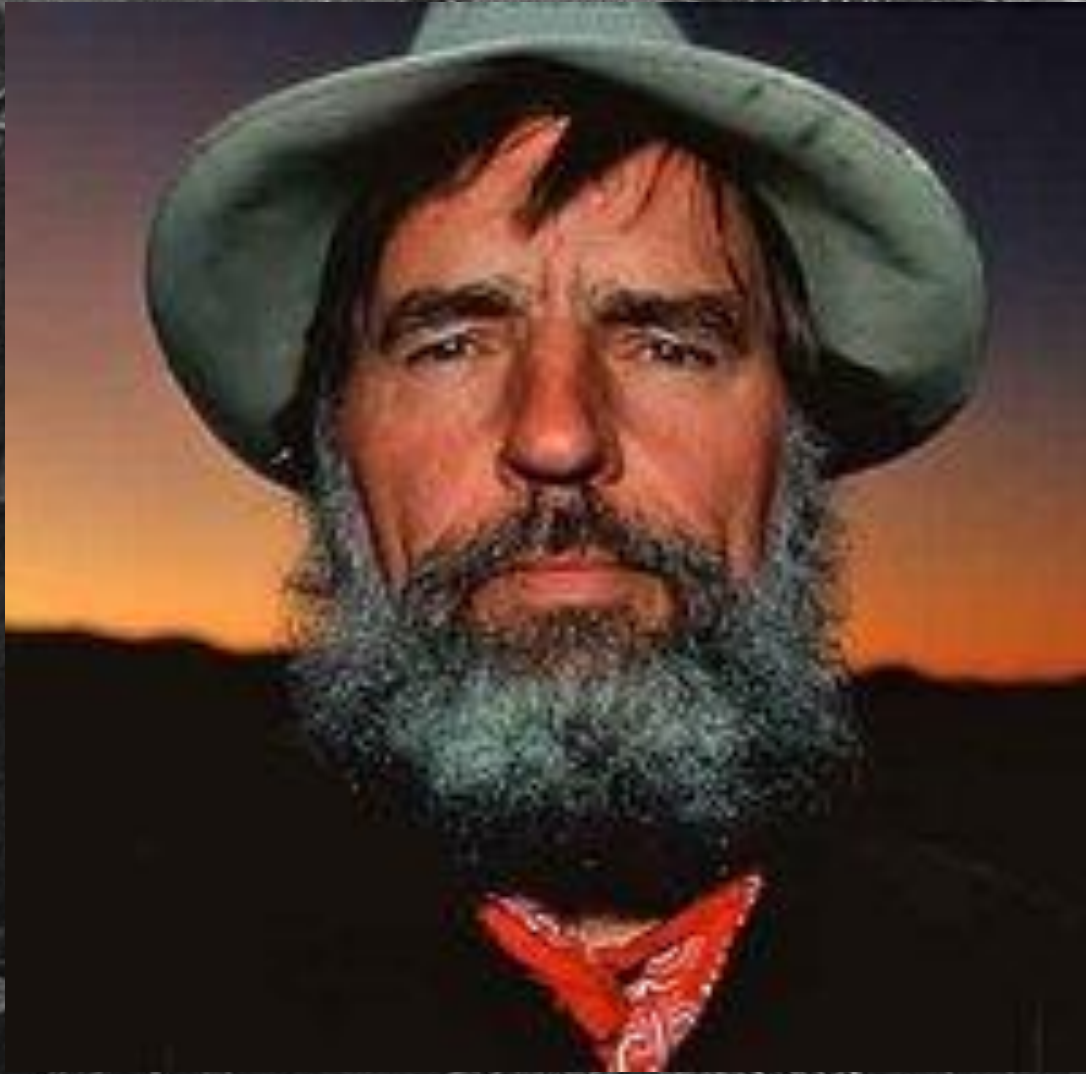
- The first of the **Knights'** ventures to feel the full effect of the **post-Haymarket** reaction were their cooperative enterprises. . . . Just as important was the attitude of competitors. Railroads delayed the building of tracks, refused to furnish cars, or refused to haul them. Manufacturers of machinery and producers of raw materials, pressed by private business, refused to sell their products to the cooperative workshops and paralyzed operations. **By 1888 none of the Order's cooperatives were in existence."**
- — Chris Wright (*Worker Cooperatives and Revolution: History and Possibilities in the United States*)



- “**Men fear thought** as they fear nothing else on earth -- more than ruin, more even than death. Thought is subversive and revolutionary, destructive and terrible, thought is merciless to privilege, established institutions, and comfortable habits; thought is anarchic and lawless, indifferent to authority, careless of the well-tryed wisdom of the ages. Thought looks into the pit of hell and is not afraid ... **Thought is great and swift and free, the light of the world, and the chief glory of man.**”
- — Bertrand Russell (Why Men Fight)







- "Anarchism is founded on the observation that since few men are wise enough to rule themselves, even fewer are wise enough to rule others."
- — Edward Abbey





- "Anarchists did not try to carry out genocide against the Armenians in Turkey; they did not deliberately starve millions of Ukrainians; they did not create a system of death camps to kill Jews, gypsies, and Slavs in Europe; they did not fire-bomb scores of large German and Japanese cities and drop nuclear bombs on two of them . . .
- In debates between anarchists and statist, the burden of proof clearly should rest on those who place their trust in the state. Anarchy's mayhem is wholly conjectural; the state's mayhem is undeniably, factually horrendous."
- — Robert Higgs







- "Socialism is the preparation for that higher Anarchism; painfully, laboriously we mean to destroy false ideas of property and self, eliminate unjust laws and poisonous and hateful suggestions and prejudices, create a system of social right-dealing and a tradition of right-feeling and action. Socialism is the schoolroom of true and noble Anarchism, wherein by training and restraint we shall make free men."
- — H.G. Wells (New Worlds for Old)





- "Capitalism is the fullest expression of anarchism, and anarchism is the fullest expression of capitalism. Not only are they compatible, but you can't really have one without the other. True anarchism will be capitalism, and true capitalism will be anarchism."

- — Murray N. Rothbard

