Arguing History: The Haymarket Trial, 1886

Claim, evidence and analysis practice in the trial of eight Chicago anarchists

Grades 9–12
U.S. History and APUSH

Plan A: 45 min
Plan B: about two periods

APUSH Period 6
Labor in the Gilded Age

Two ways to run it
Plan A free · Plan B Teacher Plus

Choose one plan

Plan A (free): every student argues the case alone on their own device against the computer. **Plan B (Teacher Plus):** the class courtroom: you are the judge, a few students are lawyers, everyone else is the jury. The worksheet is free with either plan.

Content note

This activity involves a bombing that killed police officers and civilians, and the execution of four of the defendants (a fifth died in his cell). Nothing is shown graphically; deaths are reported as history. Students argue for the prosecution or the defense as lawyers; no one plays the defendants, the police or the bomber.

History to know before you play

In the 1880s many American industrial workers, a large share of them immigrants, worked 10 to 12 hours a day, six days a week. A national movement for an eight-hour day called for strikes to begin on May 1, 1886, and Chicago was its center. A small but vocal anarchist movement, much of it German-speaking, published newspapers there and called for workers to resist employers and police. Many Americans feared radicals and immigrants. Students need only this much; the game gives the rest round by round.

Overview

On May 4, 1886, a bomb exploded among police breaking up a labor meeting near Haymarket Square in Chicago. Eight anarchists were tried for murder, though no one claimed any of them threw it. Students argue the case for the prosecution or the defense in four rounds, each a single question. In every round they build an argument from a **claim**, two pieces of **evidence** from the trial record, and the **analysis** that ties them together: the same moves as the AP DBQ and LEQ. They may object to the other side's argument. A jury then decides each man's fate, and the class compares its verdicts with the real ones and with Governor Altgeld's 1893 pardon.

Reading levels. Every claim, piece of evidence and analysis comes in four versions: the original words (quoted exactly, with sources), grades 11–12 (the standard), grades 9–10 and grades 6–8 (about 1050L, 850L and 600L; estimates from the text). A Spanish version is on student screens too. Facts, choices and scores are the same at every level.

Objectives

Students will be able to:

- Explain the causes and results of the Haymarket affair, including the eight-hour movement, the McCormick shooting and the 1886 fear of anarchism.
- Build an argument from a defensible claim, relevant evidence and analysis that explains how the evidence supports the claim.
- Judge the strength of others' arguments and recognize unfair ones (objections).
- Evaluate whether the trial was fair, using the conspiracy instruction, jury selection and witness credibility.

Standards

AP U.S. History Topic 6.7	Labor in the Gilded Age: workers organize and strike over wages, hours and conditions, and face resistance from employers and government
AP Historical Thinking Skill 6	Argumentation: make a defensible claim, support it with evidence and explain the reasoning
CA HSS 11.2	Industrialization, urbanization and immigration in the late 1800s, including the labor movement
C3 D2.His.16.9-12	Integrate evidence from multiple relevant historical sources and interpretations into a reasoned argument about the past
CCSS RH.11-12.1	Cite specific textual evidence to support analysis of primary and secondary sources
CCSS WHST.11-12.1	Write arguments focused on discipline-specific content

Summaries. Official text: AP U.S. History; AP Historical Thinking; California History–Social Science Content Standards; C3 Framework for Social Studies State Standards (NCSS); Common Core Literacy in History/Social Studies.

Plan A · Free: solo practice (about 45 minutes)

5 min Hook	Show the case file (on the game's start screen). Ask: "Can words make someone guilty of murder?" Take a quick show of hands, and save the answer for the end.
3 min Set up	Students open **simhistory.org** → The Haymarket Trial → Play free, choose a side and a reading level. To fix a level for a class, share the link ending in **#level-m** (grades 9–10), **#level-e** (grades 6–8) **#level-o** (original wording) or **#level-es** (Spanish). Hand out the worksheet.
30 min Four rounds	Students build an argument each round, record it on the worksheet, choose an objection, and read the judge's ruling and their score. Circulate: ask "How does that evidence prove your claim?"

7 min Verdict and debrief	Students give their own verdicts, read what really happened, and answer the debrief questions. They download one PDF (certificate first, then answers) to hand in.

Plan B · Teacher Plus: the class courtroom (about two periods; in preview)

Before Set up	Open **Run it with my class**. Choose 1 or 3 lawyers per side. Read the teacher's guide and try the side-by-side demo once.
Day 1 · 10 min The court opens	Students join at simhistory.org/haymarket with the code; give each student the code for their reading level (CODE-L1050, -L850, -L600, -OR or -ES; the plain code lets them choose). Click **Pick lawyers**. Read the opening line on your screen. Show the case file on the projector.
Day 1 · 35 min Rounds 1–2	Each round: lawyers build (8 min) while jurors read the evidence; present both arguments (the projector shows them); jurors rate each part; take objections and rule using your screen's advice; show the scores. **Save game** at the end of the period.
Day 2 · 30 min Rounds 3–4	**Open saved game**; students rejoin with the same code and you pick lawyers again (new lawyers are fine). Run rounds 3 and 4.
Day 2 · 20 min Verdict and debrief	Jurors vote in private on each of the eight men (unanimity required, as in 1886). Read the verdicts one at a time on the projector, then show what really happened. Students download their certificates and answer the debrief.

Debrief questions

1. Which piece of evidence did the most for your side, and why?
2. Judge Gary told the jury the defendants were guilty even if the bomb thrower was never identified. Was that fair? Use evidence from the trial.
3. Compare your class's verdicts with the real ones. What explains the differences?
4. Governor Altgeld pardoned the three men still in prison in 1893. Do you agree with his reasons?
5. Return to the hook: can words make someone guilty of murder? How would *Brandenburg v. Ohio* (1969) answer?

Model answers (for norming)

Three sample answers to debrief question 2, "Judge Gary told the jury the defendants were guilty even if the bomb thrower was never identified. Was that fair?" Use them to calibrate scoring, or show them to students and have them score each one. Written for the game; not quotations.

Developing

"It wasn't fair because they didn't know who threw the bomb. You can't punish people if you don't know who did it."

Why: a defensible claim, but no evidence from the trial and no reasoning beyond restating the claim.

Proficient

"It wasn't fair. Judge Gary's instruction let the jury convict all eight without the State linking any of them to the bomb thrower. Even the State's witness Waller said 'there was nothing said about the Haymarket' at the Monday night meeting, and most of the defendants weren't in the square. So the men were really convicted for their speeches and writings."

Why: a clear claim, two pieces of specific evidence (the instruction and Waller), and reasoning that explains how they support it.

Advanced

"The instruction followed Illinois conspiracy law as the court read it in 1886, which is why the Illinois Supreme Court upheld it, but it was still unfair. The State showed that some defendants urged violence (the 'Revenge' circular) and that Lingg made bombs, yet it never connected either to the person who threw this bomb, and Waller said the plan wasn't about the Haymarket. Convicting men for words with no link to the act punished their beliefs, which is why Altgeld pardoned the survivors in 1893 and why, under *Brandenburg v. Ohio* (1969), speech can be punished only when it aims at imminent lawless action."

Why: it weighs the strongest evidence on the other side, uses several sources, and places the trial in a longer legal context (the AP "complexity" point).

Answer key

The strongest argument for each side in each round, with the best objection. The game scores claim (0–4), evidence (0–3 each, two pieces), analysis (0–3) and a strong objection (2): 15 a round.

Round 1: The call to the meeting

Was the Haymarket meeting called to start violence?

Prosecution: The organizers called workers to come armed, which shows they planned for violence.

Evidence: People's Exhibit 5: the first flyer; People's Exhibit 6: the "Revenge" circular. Analysis: Calling an angry crowd "to arms" the day after the McCormick shooting shows the leaders expected, and invited, a fight with the police.

Best objection: Incomplete: a few hundred copies with "arm yourselves" were already handed out. A fair point, and the prosecution made it at trial. A judge today would let the defense exhibit in and let the prosecution answer it, so it counts as a strong reply rather than a sustained objection.

Defense: The meeting was planned as a peaceful protest, and the call to arms was withdrawn before it.

Evidence: Defense Exhibit 1: the second flyer; The mayor: was violence called for?. Analysis: Spies stopped the presses to remove "arm yourselves," and the mayor himself found nothing to stop. The organizers wanted a crowd, not a fight.

Best objection: Misleading: the "arm yourselves" line was removed, and most flyers did not carry it. In 1886 Judge Gary let the first flyer in, and the defense answered with the second printing (Defense Exhibit 1). Today most lawyers would say the objection was strong: the jury should have heard right away that the line was removed.

Round 2: In the square

Who started the violence in Haymarket Square?

Prosecution: The police gave a lawful order, and the attack came from the crowd: the bomb and the first shots came before any officer fired.

Evidence: Bonfield: who fired first; The order to disperse. Analysis: Captain Ward ordered the meeting to disperse in the name of the State, and the bomb and first shots came before any officer fired. The violence began in the crowd, not with the police.

Best objection: Incomplete: the mayor left before the police advanced, so he did not see what happened next. A fair point: the mayor left between 10:00 and 10:05, so his testimony covers the speeches, not the moment of the bomb. It counts as a strong reply.

Defense: The meeting was peaceful and nearly over when the police marched in to break it up.

Evidence: The mayor: "it was tame"; Fielden: "we will all go home". Analysis: The mayor, who came to stop any trouble, called the speeches tame and went home, and Fielden was closing the meeting. The police marched on a meeting that was already breaking up.

Best objection: Speculation: Inspector Bonfield cannot know that no officer fired; other witnesses said the shots came from the police. A strong point, though a judge would let Bonfield say what he saw and leave the jury to weigh it against Fielden and other witnesses, who said the shots came from the police.

Round 3: The bombs and the plan

Do the bombs and the Monday night meeting tie the defendants to the Haymarket bomb?

Prosecution: The defendants planned armed attacks on the police and made bombs for them, so the Haymarket bomb came out of their plan.

Evidence: Waller: the Monday night plan; Seliger: Lingg's bombs. Analysis: The group agreed to attack police stations with bombs, Lingg made bombs that were carried away that day, and that night a bomb was thrown at the police. The plan and the act match.

Best objection: Beside the point: under Illinois law, conspirators who encouraged murder are guilty even if the bomb thrower is never found. In 1886 the judge agreed: he told the jury the conspirators were guilty "whether the person who perpetrated such murder can be identified or not." Many legal scholars now see that as the trial's central flaw.

Defense: The Monday night plan never mentioned the Haymarket, and no evidence ties any defendant to the person who threw the bomb.

Evidence: Waller: "nothing said about the Haymarket"; Where the eight were at 10:30. Analysis: Waller, the State's own witness, said nothing was said about the Haymarket, and most of the defendants were not even in the square. A plan for a possible revolution does not prove they caused this bomb.

Best objection: Unreliable witness: Gilmer told no one but the State's Attorney and took money from the police. A strong challenge. A judge lets the jury hear Gilmer and weigh what he admitted on cross-examination: that he told only the State's Attorney and took small sums from the police.

Round 4: Closing arguments

Should these eight men be convicted of murder?

Prosecution: Under Illinois law, men who urge murder are guilty when someone acts on their words. Their circulars, plans and bombs led to the Haymarket bomb.

Evidence: The judge's instruction on conspiracy; People's Exhibit 6: the "Revenge" circular. Analysis: The judge's instruction says conspirators who encourage murder are guilty even if the thrower is never named. The "Revenge" circular and Lingg's bombs show both the encouragement and the preparation.

Best objection: Misstates the law: the instruction does not require the State to name the bomb thrower. Correct as the law stood in 1886: the judge told the jury the thrower need not be identified. Today the defense's point would carry far more weight (Brandenburg v. Ohio, 1969).

Defense: The State never showed who threw the bomb or tied any defendant to him. These men are on trial for their words and beliefs.

Evidence: Where the eight were at 10:30; Waller: "nothing said about the Haymarket". Analysis: Punishing men for a bomb no one connected them to puts their speech and beliefs on trial. Even the State's witness said the plan was not about the Haymarket, and most of them were elsewhere.

Best objection: Improper argument: the State says the men are on trial for treason, but treason is not the charge. The charge is murder. A strong objection: State's Attorney Grinnell told the jury the men were on trial "for treason and murder," but only murder was charged. Defense lawyer Black raised it after the trial; the judge denied a new trial.

Rubric (AP-aligned)

SKILL	IN THE GAME	STRONG (AP POINT EARNED)	DEVELOPING
Thesis / claim	Claim choice (0–4)	Chooses the defensible claim that answers the round's question (4).	Chooses a claim that is true but does not answer the question (2), or an overreaching claim (0).
Evidence	Two pieces (0–6)	Both pieces directly support the claim (5–6).	One piece supports it, or the evidence is only background (1–4).
Analysis and reasoning	Analysis (0–3)	Explains how the evidence proves the claim (3).	Restates the evidence or argues from emotion (0–1).
Sourcing / complexity	Objections (0–2); juror ratings	Identifies the real weakness in the other side's evidence (credibility, missing context, misstated law).	Objects on grounds that do not apply, or not at all.

Jurors in Plan B earn up to 6 points a round for rating each part of each argument close to the key, the way AP readers check their scoring against an answer key. Their verdicts are never scored.

Accuracy notes

- Quotations are exact words from the trial record, the State's closing (as quoted in defense lawyer Black's affidavit), Judge Gary's instructions and Governor Altgeld's 1893 pardon. The three adapted reading levels are paraphrases and never appear in quotation marks.
- The claims and analyses are written for the game from the two sides' real arguments; they are not quotations.
- The computer jury's lean in solo practice is a game rule: it starts tilted toward the prosecution because the 1886 jury was chosen by a special bailiff, not at random.
- The number of deaths is given as approximate: sources count seven or eight police officers, and an unknown number of civilians.
- Where the 1886 record has no ruling on an objection, the judge's key says so, and gives a modern view instead.

Sources

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- The Pardon of the Haymarket Prisoners, June 26, 1893 (Famous Trials). https://famous-trials.com/haymarket/1182-pardon

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