Good afternoon! My name is Doria Lynch, and I’m the historian here at the U. S. District Court for the Southern District of Indiana. It’s my pleasure to kick off the Court Historical Society’s Fifth Annual Court History Symposium. Some of you may remember a presentation I gave in this courtroom a few years ago about a famous Prohibition case that came before our court in the 1920s. Today, we’ll go back a little further in time to talk about the Los Angeles Times bombing conspiracy trial that also took place in this very courtroom, exactly one hundred years ago.

Before we get into the case itself, we need to take a little detour into why I’m talking about it in the first place. It all started with a phone call I received a little over a year ago. The gentleman on the line, Joe Van Bibber, of Tipton, Indiana, explained that his great-grandfather, Allen Spaulding, had served on a jury back in 1912. Remarkably, he had a photograph of the jury, but he was having a difficult time determining where the picture had been taken. I asked him to describe the photo to me. “Well,” he said, “it appears to be in a very fancy courtroom. There are some ornate light sconces on some marble columns, and what looks to be marble wainscoting on the walls behind the jurors. My great-grandfather was a farmer near Tipton, and I’ve checked around the county courthouses, but nothing matches what I’m seeing in the picture.”

A smile spread across my face as he spoke: I knew what courtroom he was talking about without even seeing the photograph- the courtroom we’re in today. I got even more excited as I asked him to tell me what he knew about the case—he stated that it had to do with a bombing of the Los Angeles Times newspaper building. I knew that a trial relating to that case had taken place here.

Mr. Van Bibber offered to come to the courthouse and bring the photo with him, and within a few days he and I were standing here together and laughing about the makeup of the jury: all white men, of course, the case having been heard in 1912. The photo shows a well-dressed group, with at least four sporting pocket watches. The array of facial hair was also worth a chuckle. Mr. Van Bibber generously offered to donate the photograph to the court, after making a copy for himself, on the condition that I research the case, share any discoveries I made about the jurors (and particularly Allen Spaulding), and present my findings, and the photograph, to an audience.

So here we are today, in a courtroom that looks just as it did a century ago- and here is the photograph that started it all. I’ll leave it up here for you to admire during our first break. For those of you who are wondering, Allen Spaulding is seated in the back row, second from the right. According to a note on the back of the photo, he was 46 years old.

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What series of events led a farmer from Tipton, to the United States District Court for the District of Indiana as a juror in a case that stemmed from the so-called “The Crime of the Century?” I’m sure Mr. Spaulding must have wondered that himself. To understand the case that ended up here, we must first journey back to the turn of the twentieth century and undertake an examination of organized labor, the “open shop” principle, and the longest bombing campaign this country has ever withstood.

The late 18- and early 1900s were marked by dynamic changes in labor practices in the United States. The construction boom that coincided with the expansive growth of the steel and iron industries created a perfect environment for unions to form, attract members, and exercise new strength. In 1896, one such union, the International Association of Bridge and Structural Iron Workers, was born at a convention in Pittsburgh. The Iron Workers, as I’ll hereafter refer to the union, were part of the American Federation of Labor.

By 1902, the Iron Workers were organized enough to prevent the American Bridge Company, an employer of a number Iron Workers, from maintaining an “open shop.” The “open shop” movement was an effort by employers to ensure that they, not unions, determined wages, working conditions, and conditions of employment. Open shops prevented unions from collective bargaining and, in many cases, from being recognized at all. Needless to say, the Iron Workers considered it a coup when they successfully prevented the American Bridge Company from becoming an open shop.

American Bridge and its parent company, U.S. Steel, were not pleased by the union’s growing strength. In 1903, U.S. Steel and nearly 40 other manufacturers banded together to create the National Erectors Association, an organization that began a public campaign to undermine the advances that the Iron Workers had made. Casting themselves as “proponents of industrial freedom,” they sought the upper hand with the general public. The National Association of Manufacturers, a sister organization of the National Erectors Association, funded a $1.5 million campaign to distribute pamphlets reflecting the ideas of the open shop supporters. Millions of copies were distributed to colleges, churches and libraries, with titles like “Cruel Unionism,” “The Disadvantages of Labor Unionism,” and “The Mob Spirit in Organized Labor.” Adjectives like corrupt, socialistic, anti-American, and anti-Christian appeared throughout this literature and were rapidly picked up and played upon by the media. Movies, with titles like “Dough and Dynamite” and “Murderous Anarchist,” were released depicting union workers as lazy drunks and all-around scoundrels.

It was in this environment that the Iron Workers’ collective bargaining agreement expired in 1906. The National Erectors Association unleashed a multi-pronged assault against the union: they paid strike breakers, hired non-union workers, bribed union officials, employed labor spies, and lobbied for changes in labor laws. Violence erupted between workers and employers; beatings (by both sides) were commonplace, as was sabotage by workers against tools, projects and manufactured goods. Meanwhile, unions nationwide began to lose more strikes than they won, a converse trend to the first five years of the 20th century.

For the Iron Workers, it was not a far leap from fisticuffs, sabotage, and strikes to bombings. It is important to note, though, that the aim of the attacks was not to injure or kill people, it was to damage and destroy work done by non-union laborers. Dynamiting was the ultimate expression of Teddy Roosevelt’s then-popular “carry a big stick” philosophy and, the Iron Workers felt, the best way to undermine the open shop principle.

Consequently, the Iron Workers began a covert, nationwide bombing campaign in December 1906, which continued for the next five years, resulting in over 100 explosions. These explosions, with one exception, caused no fatalities and relatively minor damage, usually less than $1,000.

Despite the increasing frequency of these attacks (there were three explosions in 1906; in 1910, there were 25), no arrests were made. This may have been due to the aforementioned lack of fatalities, serious injury, and damage, but the companies that made up the National Erectors Association were becoming increasingly frustrated by the attacks on their property. In 1910 they hired a private detective, William J. Burns, to investigate the sources of the bombings.

So where do Indianapolis and Los Angeles fit in? Indy was home to the headquarters of nine different international unions; the Iron Workers headquarters, which was located in the American Central Life Insurance Building on Monument Circle, was one of them. Unions had a major presence in town, and parades were held every Labor Day; in 1904, horses discovered to be wearing non-union made shoes were pulled out of the parade! Strikes were held and skirmishes occurred between labor and manufacturers, peaking with four bombings on October 25, 1909.

The coordinated attacks were directed against contractor Albert von Spreckelson, who had hired non-union workers. The blasts damaged two of his construction sites as well as his mill and barn. No one was injured and no arrests were made, but the mayor of Indianapolis, Charles Bookwalter, related the following story a few years later: “We were on a street car together one day shortly after the von Spreckelson explosions in October, 1909, when John J. (McNamara, secretary-treasurer of the Iron Workers union), whom I knew very well, asked me in a taunting way if I had learned who blew up the buildings. I was irritated those days because I myself had received threatening letters, and had to have a guard at my house for sixty days, so I answered rather hotly, ‘Yes, and I could put my hand on one of them without leaving this car!’”

Meanwhile, Los Angeles was an open shop city through and through, and one of the biggest proponents of the open shop was the owner of the Los Angeles Times, Harrison Gray Otis. In 1890, Otis locked out the Times unionized printers; after an aggressive and public battle, the union forced Otis to sign an agreement stating that the Times would unionize. However, he reneged on the agreement and made his newspaper a leading agent in the open shop cause. Otis took every opportunity to harass organized labor and to publish both “news” stories and editorials decrying unions as “destroying the meaning of the stars and stripes.” Under Otis’s guiding hand, Los Angeles became the most hostile environment to unions in the nation.

By 1910, the Iron Workers were struggling. An industrial depression was shaping up, and jobs were bleeding away to non-union workers. A few hundred miles north of Los Angeles, San Francisco’s unions, while proud that their work days were shorter and their wages considerably higher than those in LA, found fewer and fewer jobs. The Trade Union Council of San Francisco thus decided to attempt to “equalize” Los Angeles and force its businesses to adopt union practices. The Iron Workers were eager to assist in any way.

Harrison Gray Otis, of course, was their biggest obstacle and loudest opponent. After a more traditional effort via strikes and public protests failed to raise the minimum wage for iron workers in LA, the union decided that an attack should be leveled against the Los Angeles Times itself.

In the early hours of Saturday, October 1, 1910, over 100 employees of the Los Angeles Times were at work putting together a special edition paper for release that afternoon. At 1:07 AM, an explosion rocked the building, collapsing half of it and sparking multiple fires. The bomb, comprised of sixteen sticks of dynamite and a can of nitroglycerin, had been set to go off at 4:00 AM, at which time the building should have been empty, but the timer on the bomb was faulty. As a result, 21 people were killed. Most burned to death in the fire, though some died of injuries suffered in the blast; others were killed jumping out windows of the three-story building to escape the blaze. The hundred or so surviving victims suffered horrific and lasting injuries, and the bombing quickly became known as the “Crime of the Century.”

Bombs were also placed at Otis’s house, a hotel, the Los Angeles County Hall of Records which was under construction by a non-union company, and the home of another anti-union leader. All were discovered before they detonated, though the officers who found the bomb at Otis’s home had a very close call after they moved the suitcase containing the bomb to a nearby field and cut the case open. They heard the ticking of a clock inside and ran for their lives as a massive explosion split the morning; the officers survived, but a huge crater was left behind.

The outcry to find and arrest the bombers was immense, and rewards totaling more than $300,000 were offered. Otis, of course, immediately blamed the unions, and the police, a Los Angeles grand jury, and other independent investigators concluded that the building had been dynamited. But Job Harriman, acting as an investigative attorney for the labor unions, claimed that his investigation showed no signs of dynamite and that a gas explosion was to blame.

As I mentioned earlier, the National Erectors Association, before the Los Angeles Times bombing, had hired private detective William Burns to investigate the spate of explosions at worksites. Now, the City of Los Angeles offered Burns $100,000 to identify the culprits in the Times case. Burns was quite a character-a former Secret Service agent, he was the nation’s most famous private eye. He had previously investigated a bribery case in the Ohio State Legislature, a graft case in San Francisco, and public land frauds in Oregon and California. The New York Times called him, “the greatest detective certainly, and perhaps the only really great detective, the only detective of genius, whom this country has produced.” He would go on to become the first director of the Bureau of Intelligence (the FBI’s forebear.

Burns’ initial investigation into the bombings that preceded the tragic event in Los Angeles started in Peoria, Illinois. On the night of September 4, 1910, two explosions damaged a crane and a foundry. Almost simultaneously, another bomb went off about four miles away, blowing up some bridge girders under construction in a rail yard. A second bomb was left in the rail yard, unexploded; a so-called “infernal machine,” or time bomb. Burns described it:

"They had sawed out a piece of board about the width of a barrel-stave and, say, nine inches long, and they had fastened a small dry battery to it, with wires that held the battery lying on its side. In front of the battery they had fastened a little alarm-dock. There was the usual thumb-key on the back of the clock to wind the alarm, and they had soldered to the flap of this thumb-key a thin strip of metal bent down in such a way that if the key were turned the strip would make a contact with another strip that had been attached to one of the poles of the battery. A telephone wire led from the clock to a ten-quart can of nitroglycerin; and there was a fulminating-cap on the end of it, in the glycerin. Another wire completed the circuit from the battery into the cap. Now, suppose you set the alarm for ten-thirty. At ten-thirty the mechanism of the bell will be released, the alarm goes off, and the thumb-key of the alarm revolves backwards - the way the key does in these clocks. In its first revolution the metal strip on the key strikes against the metal strip on the battery pole, and the current of electricity explodes the cap in the nitroglycerin, and everything in the vicinity goes to glory in little bits. There is nothing left to show what touched off the explosion. And the men who set the alarm are miles away, establishing an alibi.”

The bomb recovered in Peoria was both non-descript and highly revelatory. The battery, clock, and wiring were all of common stock and of little help to investigators. The nitroglycerin can, however, was distinct, stamped with a number and other marks. A description of the can was placed in the newspapers, and a man with the Independent Torpedo Company in Portland, Indiana, believing it to be one of his company’s creations, called Burns. The man with the Torpedo Company easily recalled the name of a gentleman who had recently purchased one hundred quarts of nitroglycerin for $130 cash- J.W. McGraw. McGraw told him that he wanted the nitroglycerin to do work in a quarry in Peoria owned by a G.W. Clark of Indianapolis. The Torpedo Company employee also recalled that McGraw had telephoned him from Muncie to arrange for the delivery of his purchase on a roadside outside of Albany, Indiana. McGraw took the delivery in a rented wagon, into which the Torpedo Company man helped him place ten, 10-quart cans into packing crates which they then filled with sawdust.

Burns thus had his first lead in the Peoria case. Traveling to Muncie, he and his agents found the hotel where a J.W. McGraw has registered. They took a sample of McGraw’s handwriting and, with a little searching, came across the stable from which he’d rented the wagon. They were also able to determine that a man matching McGraw’s description was seen leaving Muncie by automobile; from there, a dead end.

Burns did, however, have the name G.W. Clark of Indianapolis to follow up on. He sent one of his detectives to Indianapolis to seek out a quarry owner by that name. Not surprisingly, there was no such person, but the investigator also asked around about a Mr. McGraw and learned there was a man matching that name and description. McGraw, the detectives learned, had been overheard talking “familiarly” of a John J. McNamara- secretary-treasurer of the Iron Workers.

Burns and his men had heard McNamara’s name before. Sometime before the explosions in Peoria, John J. McNamara and a member of the union’s executive committee, Herbert S. Hockin, had called on a railroad official in Peoria and warned him that unless the work on a bridge was unionized, there would be, “trouble.” Armed with this information, and the connection between McGraw and McNamara, Burns tasked a number of his detectives with shadowing McNamara and those he associated with in Indianapolis. It was the end of September 1910 before Burns put this information together.

The explosion at the Los Angeles Times building occurred on the first of October. As I mentioned, two other bombs set in LA on October 1 did not explode. One of these turned out to be a near duplicate of the unexploded bomb found in Peoria. One difference was that the Los Angeles dynamite was 80 percent gelatin, which is highly explosive and only available via special order. Burns discovered that a powder company in San Francisco had received an order for 80% dynamite on September 24 from a man named Leonard; when Leonard was asked who and what the dynamite was for, he claimed that his employer, J.B. Bryce, wanted it for blowing up stumps. The trail of Leonard and Bryce was difficult to follow, but the detectives were able to get a good physical description of both of them from local hotel clerks before the trail ran cold. Burns, short on cash and increasingly desperate for the $100,000 that the mayror of LA had offered, decided his best bet was to continue the surveillance on McNamara, in Indianapolis, in the hopes that someone matching the description of McGraw, Bryce, or Leonard would meet with him.

Burns’ hunch paid off- a dead ringer for McGraw visited John J. McNamara at the Iron Workers headquarters. Burns’ agents surreptitiously followed McGraw to Chicago then on to Wisconsin where, to their delight, he met with a man matching the description of J.B. Bryce. They were further astounded to discover that Bryce was actually James B. McNamara- John J. McNamara’s brother. McGraw was revealed to be a man named Ortie McManigle.

Burns still felt that he had not uncovered the so-called smoking gun, and continued his surveillance. Some of his agents went undercover, befriending McManigle and Jim McNamara on a hunting trip. Another time, both men were seen darting, dodging, and doubling back on the streets of Chicago while carrying bulky parcels- the risk of the agents being seen was too great and they drew back. Shortly after the agents abandoned the tail, an explosion struck the Iroquois Iron Company’s plant. A few weeks later, McManigle disappeared and didn’t return for nearly 2 weeks; while he was gone, the Llewellyn Iron Works in Los Angeles blew up on Christmas Day.

So the net drew closer around the McNamaras and McManigle; Burns decided to close in. On April 11, 1911, McManigal and Jim McNamara arrived by train in Detroit. Each carrying a suitcase, they headed to their hotel to check in. Learning that their rooms weren’t yet ready, they checked their bags with the bellman and made their way through the lobby, heading for the doors. There they were apprehended by Burns’ agents and some police officers from Chicago. Burns’ agents told the two men that they were wanted on charges of cracking open a safe in Chicago the previous Saturday- a bogus claim, as Burns knew that neither men had participated in that act. Instead, it was a means to get McManigle and Jim McNamara to agree to travel with them to Chicago; as they both had rock-solid alibis for the night of the safe-cracking, they did indeed agree to go along.

Meanwhile, the agents took possession of McManigle and Jim McNamara’s suitcases. Inside, they discovered revolvers, a rifle outfitted with a silencer, six clock batteries very similar to those used in Peoria and Los Angeles, and caps, wires, and tools. The detectives also recovered a satchel that Jim McNamara had checked at his previous stop in Toledo, Ohio- it was stained with nitroglycerin.

On the train to Chicago, Jim McNamara realized that he was being taken in for his role in the Los Angeles Times explosion. Instead of keeping quiet, as McManigle initially did, McNamara tried to bribe the police officer and detectives present. At one stage, he offered them $30,000, saying that if they didn’t take it, Clarence Darrow, legendary defense attorney, would get it in payment. Once they reached Chicago, McManigle managed a quiet word with McNamara. He asked McNamara how in the world they’d stand up to the charges, what with the evidence they had left behind. McNamara replied, “Every man for himself.”

And so Ortie McManigle decided that the best way to save himself was to become the star witness in the investigation. While being held at the home of a Chicago police officer, he revealed to Burns that over the previous five years he had been bullied, threatened, and cajoled by the leadership of the Iron Workers to commit bombings. In 1907, Frank Ryan, then head of the Iron Workers local in Chicago and soon to be president of the union, discovered that McManigle was holding both an Iron Worker’s card and an engineer’s union card. Ryan declared that he could not hold both because the engineers and Iron Workers unions were embroiled in a dispute and that McManigle could not play on both sides. McManigle chose to relinquish his engineer’s card and stay with the Iron Workers, a fateful decision. Ryan discovered soon after this encounter that McManigle had extensive experience with explosives, having worked for many years in a stone quarry as a blaster. Still disgusted with McManigle for his dual union membership, Ryan demanded that he put his knowledge of dynamite to use for the union.

Herbert S. Hockin, member of the union’s international executive board, became McManigle’s primary point of contact on dynamiting jobs, though he also took orders directly from John McNamara. As McManigle put it, “Dynamite was to be Hockin’s means, and I was to be his tool.” McManigle’s first job was in Detroit. Hockin told him, “I want you to use dynamite, which I am going to procure, as I direct you to use it. I’m going to show these fellows just what the union is.” Hockin gave McManigle these instructions while he was surrounded by three large “business agents.” To refuse them would have invited a severe beating and permanent exclusion from future union work at the very least; vague threats were also made about the well-being of his wife and children. McManigle agreed to do the job.

One job turned into two, which turned into ten, and over the next five years, became dozens. In 1909, McManigle began working with Jim McNamara on various bombings. In 1910, in what he claims was an effort to force Hockin to release him from service as a bomber, McManigle requested that he either, “leave me alone and let me work at my trade or give me a steady job dynamiting and I’ll do nothing else.” Hockin replied that he had plenty of dynamiting for McManigle, to which McManigle replied, “I want to tell you this: any time I’m caught, you’re all caught. I will spill the story as fast as I can once I feel the irons on my wrists. I’m not going to stand pat.” Hockin smiled and walked away. Little did he know that McManigle would make good on his word.

All of this brings us to John McNamara himself. At the time of Jim McNamara and McManigle’s capture, John was waiting for word on five explosions that were supposed to happen in Detroit. William Burns, detective extraordinaire, was intent on keeping John from becoming suspicious and fleeing. With McManigle now fully complicit, Burns had him write his wife a note stating that “Everything is okay” and had the letter couriered to Detroit, then mailed to McManigle’s wife in Chicago, thus bearing a Detoir postal mark. Burns thought that, if McNamara was alarmed and contacted McManigle’s wife to see if she’d heard from her husband, he’d be reassured.

As badly as Burns wanted to take John McNamara into custody, he had to wait for paperwork and police to arrive from California. Burns travelled from Chicago to Indianapolis to be present at John’s arrest. According to Burns, "When the papers arrived, they were brought by the assistant prosecuting attorney of Los Angeles, with two Los Angeles police detectives and a deputy sheriff. We went to Indianapolis and appeared before the Governor. He found the papers correct, and he authorized the warrant for McNamara's arrest. That warrant was taken by the Los Angeles officer and presented by him to the Chief of Police of Indianapolis, who detailed two of his men to take McNamara into custody. I accompanied them to the headquarters of the Iron Workers' Union, where the executive committee had been in session all week. We knew from our men that John J. McNamara was still there. An Indianapolis officer knocked at the door and asked for McNamara. The man who had answered the knock said, 'I am that gentleman.' The officer replied: 'The Chief of Police wants to see you.’ He looked over at us and turned pale, but said nothing. He was rather tall, well built, neatly dressed, smooth-shaven, with gray hair and good features. I saw that we were going to have no trouble with him. He prepared silently to accompany us.

Burns continued: “At police headquarters, the Indianapolis chief of detectives, in the presence of the superintendent of police, read the Governor's requisition and the warrant of arrest to McNamara, and proceeded to search and book him. He was then taken by the Indianapolis officers before Judge Collins, who examined the papers and found them correct. The Los Angeles detective took McNamara back to the desk sergeant, had the things returned to him that had been taken when he was searched, and put him in a car to start him on his journey to the Pacific Coast.”

However, John’s arrest wasn’t as tidy as Burns’ story makes it seem. Questions quickly arose about legality of John’s extradition, as the judge had denied him access to counsel. In fact, the time elapsed between McNamara’s arrest to his placement in the car, which was driven by Frank Fox, a famous, one-legged, 5-time Indy 500 racecar driver, was approximately half an hour. Eventually Burns, Fox, and 4 others were arrested on kidnapping and conspiracy to commit kidnapping charges in Marion County. Most were released on bond and never indicted, but Burns was.

However, United States District Judge Albert Barnes Anderson, who will feature prominently in just a few minutes, issued a writ of habeas corpus releasing Burns from the custody of county officials. Burns attorneys argued that in removing John McNamara to Los Angeles he was acting within federal statutes and thus could not be prosecuted under Indiana law. The matter of John McNamara’s extradition also arose in his case in California; however, the judge there found that the extradition was legal and that he could be tried.

With both McNamaras and McManigle in custody and en route to California, Burns, his men, and Indianapolis police followed directions that McManigle had given to bomb materials hidden across Indianapolis. As Burns told it, they “rode out to Washington Street in an automobile on my directions, and turned to the right at a road that McManigle had described to me, and continued until we came to the farm-house of a man named D. Jones. Jones answered our summons at the door. He was in appearance a mechanic, as he was in fact, for he was an iron-worker and a member of the union. We asked him to take us to his barn. It was now seven o'clock in the evening and growing dark. Jones brought a lantern and the barn key. When we entered the barn we saw a piano-box in one corner of it, beside the grain-bins, opposite the stalls. 'Jones,' I said, 'whose box is that? Whom does it belong to?' "He replied, 'To John J. McNamara.'

'What is it doing here?'

"Why, he has it to keep books in.'

'''What sort of books?'

'"Records-the union's old books.'

"The box was locked with a heavy padlock. We opened it with one of the keys that we had found on Jim McNamara in Detroit. In the sawdust with which the box was packed were forty pounds of dynamite and a small tin of nitroglycerin. I asked Jones: 'What sort of books did you think they were going to pack in sawdust? Didn't you know there was dynamite in it?'

Jones truthfully yelped, 'No!'

Burns and the police officers then returned to the union’s headquarters on the circle. They searched the safe in the executive committee's council-room and removed a number of books as evidence. They then proceeded to the basement, where McManigle told them they would find a large vault. Upon forcing the lock, Burns found four packages containing about eighty pounds of dynamite, each package wrapped in newspapers, and a corner of each torn open as if to make a hole for the insertion of a fuse. It was, as the press put it, enough dynamite to blow up Monument Circle, which was directly above the stash. They also found fourteen alarm-clocks, a box of fulminating-caps, yards of insulated wire, and a number of the metal strips that were used to manufacture ‘infernal machines.”

James J. and John B. McNamara were arraigned in Los Angeles County on multiple charges relating to the Times explosion and other attacks; McManigle’s cooperation brought him immunity from charges in California. Jim made good on his promise to bring in Clarence Darrow as their defense attorney, but Darrow felt that the physical evidence, along with McManigle’s testimony, was overwhelming. Despite this, the cases proceeded to trial, and in the midst of jury selection, Darrow was accused of trying to bribe jurors in both Jim’s and John’s cases. Things went swiftly downhill for the defense, and on December 1, 1911, Jim pled guilty to the dynamiting of the Times building and the ensuing murder of 21 people, and John pled guilty to the explosion at the Llewellyn Iron Works on Christmas Day 1910. Jim McNamara was sentenced to life in prison and died in San Quentin Prison in 1941; John received a sentence of 15 years, of which he served 9 years. Upon his release, he rejoined the leadership of the Iron Workers, until he was expelled in 1928 for stealing $200 from the union. He also died in 1941.

Darrow’s bribery cases went to trial- he was acquitted in the first, but the second ended in a hung jury. The prosecution agreed not to retry him so long as Darrow promised to never practice law in California again.

The conclusion of the McNamaras’ case in Los Angeles was an important moment, but it was by no means the end of the criminal investigation. The federal government was eager to make an example of the rest of the union’s leadership and convened a grand jury in Indianapolis in late 1911 to seek indictments against members of the union.

The grand jury’s proceedings were covered extensively in the newspapers. It was widely known that Ortie McManigle, now acting as a government witness in the federal investigation, was being housed in the east wing of the third floor of this building. This arrangement permitted him easy access to the grand jury room and U.S. Attorney’s Office on the same floor. At one point, his wife, Emma, was called before the grand jury. McManigle’s brother and father were also called to testify. A deputy U.S. Marshal was assigned to the family to protect them while in Indianapolis.

Finally, in February 1912, the grand jury brought indictments against 54 men- not on murder charges or the dynamiting of buildings themselves, but for conspiracy to commit a crime against the United States, and transporting, aiding and abetting in a conspiracy to transport explosives on passenger trains from one state into another. In total, 40 defendants were tried simultaneously in this courtroom. The remaining 14 defendants were eliminated before, during, and at the conclusion of the trial for a variety of reasons. The McNamaras, who by this point were serving sentences from their state court case in California, were among those charged but not tried. Others were released for lack of evidence, and two (including Ortie McManigle) pled guilty to the federal charges he faced.

The charges were levied at the core of the Iron Workers’ leadership. Frank Ryan, president of the union, and the man who according to McManigle had dragged him into the bombings in the first place, was among those tried, as was Herbert Hockin, who gave direct bombing orders to McManigle. Members of the union’s international executive board, the heads of a number of local brotherhoods, and a variety of business agents were also brought before the court. Only two of the defendants were not members of the Iron Workers.

The trial began on October 1, 1912, two years to the day after the deadly explosion in Los Angeles, with Judge Albert Barnes Anderson presiding. Anderson, who had been appointed by Theodore Roosevelt in 1902, was a Wabash College graduate who had served one term as Montgomery County Prosecutor. His overall demeanor was austere and he had established a reputation early in his career for handing down tough sentences in criminal cases.

Charles W. Miller, U.S. Attorney for the District of Indiana and former Attorney General of Indiana, took the lead for the government and was aided by two assistant U.S. attorneys. Defense counsel was led by William N. Harding, a prominent Indianapolis attorney, and United States Senator John W. Kern (who had been a nominee for Vice President in 1908). 28 additional defense attorneys also filed appearances.

The city, and the nation, was gripped by the trial. Extensive coverage appeared in the press, and the first thing they scrambled to cover was jury selection. During voir dire, one of the potential jurors, a store owner from Lindon, Indiana stated that he did not care to serve on the jury. When U.S. Attorney Miller asked if he was afraid that serving on a jury would hurt his business, the man answered in the affirmative. Miller said to Judge Anderson, “Your Honor, we don’t want such men on the jury.” “No,” replied the judge, “if he is such a coward as that, he may step aside.”

The final jury panel consisted of 8 farmers, 2 retired farmers, a grocer, and a grain dealer, including, of course, Allen Spaulding, our friend in the photograph. Judge Anderson ordered the jurors sequestered under guard in the courthouse for the duration of the trial, saying, “I feel it is my duty to do this. You will not be allowed to communicate in any way with the outside world until this trial is ended, except that you will be permitted to communicate with your families under the supervision of the court.” The jurors spent the next three months living in quarters on the fourth floor of the courthouse.

Opening statements consumed over a week, before testimony finally began. One observer described the courtroom: “The United States District Courtroom in Indianapolis is divided in two by a rail. Behind the rail are seats for onlookers and in front is the judge's raised desk, the jury box, tables and seats for counsel and seats for defendants. It was never anticipated by the architect that forty men should be on trial at one time inside that rail. They were ranged along, in front of the rail, three rows deep, nearly the entire width of the room. When a table for the newspaper men, and seats for especially privileged visitors were added, scant space remained.”

The first witnesses for the prosecution were a pair of Western Union employees. A slew of witnesses followed- 499 for the prosecution, 188 for the defense. 5,000 pages of documentary exhibits were entered, along with 21,000 pages of testimony. 620 pieces of physical evidence were presented to the jury, including bits of exploded bombs, fuses, blasting caps, and guns.

Highlights included McManigle’s testimony, which went on for weeks. He recounted, job by job, his instructions from union leaders to transport dynamite and nitroglycerin and set off explosions. He detailed how much money he received for each job, which prosecutors compared to the financial records of the union. By the end of McManigle’s testimony, he’d implicated almost every defendant, and through physical evidence and additional witnesses, the government was able to substantiate all of his claims.

McManigle’s testimony also had human interest elements. He recalled placing a bundle of dynamite on a radiator in his Chicago home after it had frozen during transport on a train. Upon re-entering the room to check on it, he found his young daughter had removed the dynamite from its case and was playing with it on the floor. McManigle also tried to cast himself as a thoughtful bomber, and related his attempts to conduct the bombings so as not to injure bystanders. In one case, he blocked an open door with a garbage barrel to prevent people from exiting a restaurant into an alleyway where three bombs were set; in another, he told of desperately trying to lure a night watchman away to an opera performance so he wouldn’t be present when the blast went off. These efforts failed, so McManigle set two bombs- one to draw the night watchman away from his post, and the second to destroy the primary target.

Prosecutors also took the jurors, page by page, through volumes of letters sent between the defendants. One letter read, “We're going to do something to the Grainger Company that will be of benefit to the whole membership in general…. We have made up our minds to go after them in the right way.... Now, being so well known here, I do not think it advisable for me to buy any explosive. Could there be such a thing as you sending me from Indianapolis what I need?"

McManigle’s testimony, the physical and documentary evidence, and the statements of other witnesses were overwhelming. The defense’s case relied primarily on witnesses attempting to discredit the government’s claims. Numerous defendants testified, including union president Frank Ryan. Ryan declared that the letters shown as evidence only referred to “legitimate means” of disrupting jobs, not dynamiting them. Other defendants testified that they knew nothing of the cache of dynamite in the basement of the Iron Workers headquarters.

Unfortunately, many of the defendants made things more difficult for themselves during the trial. The Union Magazine, a labor publication, printed such outrageously slanderous coverage of the trial, including an interview with defendant Herbert Hockin, that Judge Anderson declared it an “outrageous contempt of court” and raised Hockin’s bail from $10,000 to $20,000. Hockin could not afford to pay and was sent to jail. Judge Anderson learned a few days later that 14 defendants had indemnified their bail and ordered them to secure new bonds or be arrested and held for the duration of the trial.

Witnesses for the prosecution found themselves under attack. A hotel clerk from Kansas City, upon returning home from Indianapolis, was assaulted. A female witness who had run a boarding house that Iron Workers frequented was shot and grievously wounded after her court appearance. Secret service agents and deputy marshals were assigned to witnesses thought to be possible targets.

Perhaps the worst situation in court occurred when the union’s vice president, John T. Butler, testified in his own defense but was found by the judge to have committed perjury in the course of that testimony. Butler’s bond was raised and he was jailed. Judge Anderson said, after the jury left the courtroom,



Two other defense witnesses were also held on perjury charges during the trial.

Another odd twist occurred on November 12, 1912, when our favorite juror, Allen Spaulding, suffered a dizzy spell as a result of a bad head cold. The next day, he and another juror were ill enough to require the attention of a physician, and the trial was suspended for two days. The New Castle News of Pennsylvania proclaimed in a front page headline, “Hoo Doo Seems to Hang Over Dynamite Case.” Rumors flew that a mistrial would have to be declared, but both jurors recovered and the trial continued.

The trial concluded with the judge granting each side 4 days for closing arguments. By this point, Christmas was approaching and Judge Anderson was so desperate to warp up the case and let the poor jurors free that he ordered court be held on Christmas Day itself. The spirit of the holiday made its way into the courtroom, with the children of some of the defendants bringing their newly received toys into the courtroom while the defendants adorned their coats with sprigs of holly. Closing arguments themselves weren’t so joyful, as U.S. Attorney Miller repeatedly chided Senator Kern for neglecting his elected duties in Washington and basically accused the defendants as being accomplices to murder.

On December 26, the judge issued the jury its deliberation instructions. He outlined the charges each defendant faced. He also noted that, “It was not unlawful for the structural iron workers to organize the union to which they belong. It is not unlawful for the defendants to be members of that or any other labor union. Organized labor is not on trial here, nor is the right of labor to organize in issue; but members of labor organizations owe the same obedience to the law and are liable to the same punishment for its violation as persons who are not members of such organizations. The defendants are not on trial for causing the various explosions, and the consequent loss of life and property throughout the United States shown by the evidence. They are on trial for the offenses charged in the indictment. Evidence of these explosions, together with the facts and circumstances surrounding them, were permitted to go in evidence before you, because they tend to show the community of purpose, the concert of mind and action, which is an essential ingredient of the offenses charged, and they should be considered by you upon that issue alone.”

The jury was asked to return a separate verdict for each defendant, each of whom faced 52 counts. The jury began deliberations on December 27. On Saturday, December 28, they returned their verdicts. The scene in and around the court was described in the New York Times: “As many persons as possible had crowded into the courtroom. Outside in the street was a throng waiting. Inside the courtroom much of the interest centered on the thirty wives of prisoners and other relatives who had places near the railing. Some of them had left their children outside, and the four-year old son of William Bernhardt of Cincinnati played in the corridor with his Christmas gift, a red engine. So far as the prisoners were concerned, it could be seen that they were apprehensive, although most of them assumed an air of indifference….The only delay was in seeing that all the defendants were present, and that enough policemen were in court to take them in charge if they should be convicted.”

The clerk of court read the verdicts to a silent courtroom: 38 men were found guilty of all charges, and only 2 were acquitted. The jury confirmed that their verdicts were unanimous, and Judge Anderson said, “I do not think it is incumbent upon me to thank any man for performing his public duty, but I cannot, in justice to my own feelings, permit you to separate and go to your homes without expressing the appreciation that I feel for the faithfulness and fidelity and intelligence with which you have performed your duty as jurors in this case. For three months you have been separated from your families and your friends, you have been denied the privilege of attending to your own business, you have been cut off from all intercourse with the world and there has not reached me a single word of complaint from any juror. All I can say is that you have performed a great public service; that you have done it intelligently and patriotically, and I want to publically say to you that these are my sentiments.” He then attended to a few more items of business and dismissed the jury.

Judge Anderson released the two defendants who had been acquitted and ordered the other 38 to be taken to the Marion County Jail to await sentencing the following Monday. The judge then concluded, “All spectators will leave the room and the marshal will report when the corridors are clear.”

At this pronouncement, several of the wives in attendance broke down and sobbed. “Some attempted to climb over the railings which separated them. Arms were appealingly stretched forth. Mrs. Frank J. Higgins, Boston, fainted as she saw her husband led away.” The prisoners were each taken into custody by 2 police officers or deputy marshals, handcuffed to one of them, and lined up in the hallway outside the courtroom. At 10:30, a little over half an hour after the verdicts had been read, they were marched out of the building. “Down the gloomy hall and the long winding stairs and out of the east entrance of the Federal Building into Pennsylvania Street, they marched with their wardens. Grouped on the terrace of the federal building stood the wives of the iron workers, weeping. In the street, a large crowd watched.”

The convicts each faced a maximum of thirty-nine and a half years in prison. Just two days after their conviction, Judge Anderson sentenced Frank Ryan to seven years, eight men to six years, and the rest to four years or less. Ortie McManigle received a sentence of two and a half years. By January 2, those men serving terms over one year found themselves at Fort Leavenworth, Kansas, where they would serve out their time.

Defense counsel filed an appeal with the U.S. Court of Appeals for the Seventh Circuit, which heard arguments on January 6 and June 3, 1914. The district court’s judgment was reversed and remanded as to 6 defendants and affirmed as to the other 24, including Frank Ryan. However, President Woodrow Wilson commuted Ryan’s sentence in April 1918. Those whose cases were remanded were found to have too little evidence against them and were released.

And so our court’s role in one of the most deadly bombings in American history came to a close. The buzz about the courthouse died down, after three months of frenetic activity. Judge Anderson was able to return to the other cases piling up on his docket, and I’m sure the clerks were glad to see things return to normal.

The jurors, including Allen Spaulding, went back to their farms and resumed their lives (though it’s worth noting that the jury foreman received a written death threat shortly after the trial concluded). Mr. Spaulding, the great grandfather of the gentleman who donated the photograph that inspired this whole presentation, went on to be elected township assessor, and I understand his great grandson, Joe van Bibber, has just been elected to the Tipton County Commission. Mr. Spaulding was recalled in a 1914 history book the following way: “The honesty of Mr. Spaulding stands as an unquestioned fact in his career and his many strong qualities have won for him the unqualified confidence of those with whom he is associated.”

Allen Spaulding’s appearance as a juror in the Dynamite Conspiracy Case, as it was popularly known, may have been happenstance. But all the same, 100 years ago today, he spent a Saturday afternoon sequestered on the fourth floor of this building with his fellow jurors, waiting to get back to the trial as well as to his family in Tipton. His presence here, and his great grandson’s thoughtfulness and generosity, have given us the opportunity to revisit a time in American history when labor violence destroyed lives and families- violence that all started here, in Indianapolis.

Thank you.