



The Omaha Riot of 1919

by Steven L. Willborn

Richard C. and Catherine Stuart Schmoker Professor of Law
University of Nebraska College of Law

Negro Lynched; Mayor Beaten, Nearly Hanged

Omaha Daily News, September 29, 1919

This newspaper headline was hardly news to most of the citizens of Omaha that cloudy, September morning. The lynching of Will Brown the night before was almost a community event. A crowd estimated to be as large as 20,000 people (including a young boy named Henry Fonda) watched as a smaller group set fire to the courthouse, attacked the mayor when he came out to call for restraint, grabbed Will Brown from the authorities, and lynched him from an electric light pole at the corner of 18th and Harney streets. Even those who were not aware of the specifics of the prior evening's turmoil had to know that the conditions were ripe. Race riots had already occurred in East St. Louis, Chicago, Washington, D.C., and elsewhere. Racial tensions were also high in Omaha as the newspapers competed to sensationalize Black crime, both real and

imagined, especially when directed at White women. Will Brown himself, a Black man accused of molesting a White woman, had been captured by a mob only a couple of nights earlier, beaten, and had a noose placed around his neck before police reinforcements arrived and rescued him. *The World-Herald*, instead of condemning the mob, editorialized on the day before the riot that the city should be combed until Will Brown had been caught (ignoring the fact that he was already in police custody) because "[o]ur women must and will be protected at all costs."

The story of the Omaha Riot of 1919 is largely untold, even though it presents many narrative possibilities. Obviously, the story can be told as one of racism: a Black man lynched for a crime he probably did not commit after prominent newspapers all but call for a mob. Or it can be told as one of sexism: unsettled by women demanding to vote and other changes in their roles, patriarchal society acts to protect the weaker sex and, in doing so, emphasizes that indeed it is the weaker sex. Or the story can be told as one of ruthless politics in the Progressive Era: a long-standing political machine had just been defeated by Progressives who were engaged in a difficult reform of the

police department, so a spate of lawlessness might be helpful in returning the machine to power, which ultimately happened. Or the story can be told as one of Black migration and labor unrest-Blacks moving North, including to Omaha, in taking jobs vacated by strikers in the labor turbulence following the War.

In this issue to commemorate the 100th anniversary of the Bar, the focus will be on the story's message about the role of the Bar and the law in difficult times. The message is inspiring because, in general, the Bar reacted bravely and positively to the daunting challenges presented by the riot; the message is also humbling, however, because the story shows that the law, even when administered nobly, can be a feeble weapon in a vortex of powerful social forces. And the message is humbling because the story illustrates once again that society looks to the law, despite its limitations, for protection and guidance and justice.

Kindling for a Riot

Omaha after World War I, like many cities at the time, was in the midst of rapid and profound change. The city was expanding geographically through annexation, diverse peoples from across the country and around the world were pouring in, the political status quo was under challenge, unions were ascendant and flexing their muscle and a loud, competitive press was busy stirring the brew, not always very responsibly. These conditions combined to provide suitable kindling for a riot.

Omaha was literally bursting at the seams. The boundaries of the city were expanding: South Omaha, Florence, Dundee and Saratoga had only recently been annexed. But even more significantly, within those boundaries, the city was filling up with diverse peoples. Omaha was one of the recipi-

ent cities of the great Black migration. From 1910 to 1920, the Black population of Omaha more than doubled. The White population also increased by almost 25 percent during this period, primarily with immigrants flowing in from Czechoslovakia, Germany, Russia, Sweden, Italy, Denmark, Poland, Ireland and elsewhere.

"The political status quo was also in flux during 1919. Since the turn of the century, Tom Dennison had been the boss of a political machine that fed on the gambling, drinking and prostitution of a wide-open western town."

As always in American society, race was a complicating factor in this rapid growth. African-Americans generally came from rural areas south of Nebraska and, as a result, had to adjust to urban life, as well as northern life. They generally settled together, such as in the second and third wards on the north side and the seventh ward on the south, and, hence, were somewhat isolated from the rest of the city. This isolation was increased for some, such as the hundreds from Brewton, Alabama, who had come together as an entire community, complete with churches and ministers. Some African-Americans had been brought to Omaha to serve as strike-breakers in Omaha's thriving meat-packing and rail industries. Although others had also worked during strikes, the Blacks were more noticeable and took more of the blame.

The political status quo was also in flux during 1919. Since the turn of the century, Tom Dennison had been the boss of a political machine that fed on the gambling, drinking and prostitution of a wide-open western town. Since 1906, the mayor running the Dennison machine had been James "Cowboy Jim" Dahlman. But things had not been going well for the machine. In 1916, the prohibitionists had succeeded in amending the state constitution to prohibit the sale or manufacture of alcohol. Although the machine did not enforce the prohibition very vigorously, it reduced the machine's income and limited the type of political organization that had formerly occurred in the city's saloons. An investigation of the police force in 1917 had fed long-held suspicions of incompetence and graft. And a sensational trial occurred early in 1918, in which Tom Dennison himself admitted that one of his "roadhouses" had operated for years without a license, while Dennison was making side payments to a county commissioner for "protection."

These factors permitted a progressive reform coalition to take the 1918 city election from the machine. The new mayor was a prominent Omaha attorney, Ed Smith, and he headed a city government dominated by reformers. But the following year was to be perhaps the most difficult one in the city's history.

Labor problems were one source of trouble. In June, teamsters in the city struck for higher wages and union recognition and were soon joined by telegraphers, painters, boilermakers, and bricklayers. The mayor sided with management and began to depose employees, allegedly to preserve order. Rumors circulated that Black strike-breakers would be imported from East St. Louis, as had occurred in prior strikes. The Central Labor Union attempted to organize a general strike in reaction, but the important street railway union voted against. The strikers then returned to work without success, but with considerable bitterness towards the city administration. These union activities were merely the most visible aspect of broader labor problems. The Socialists and International Workers of the World attempted to organize a major program in Omaha, but the mayor prohibited it. Unemployment was a problem, with returning soldiers unable to obtain work, aggravated by the rapid rate of post-war inflation.



Steve Willborn is the Schmoker Professor of Law at the University of Nebraska College of Law where he has been on the faculty since 1979. He specializes in labor and employment law, but is also interested in legal history. Professor Willborn has been licensed to practice law in Nebraska, Ohio, and Wisconsin and to make cheese in Wisconsin.

treatment of an episode in March is illustra-



live. In a page one story, the Bee reported on the rape of a White woman by a Black man. The story reported that it was the fifth such assault in the month and reported murmurings that the perpetrator would be lynched if apprehended. The next day another page one story reported that an arrest was imminent. The next day a story reported that two Black men had been arrested and then released by the authorities. On page five, the Bee reported that the men did not match the woman's description of her assailants and, incidentally, that the woman had not been raped at all. Combined with stories of race riots from around the country during the summer, this type of reporting led to considerable fear and suspicion.



The Match

On September 25, 1919, Agnes Loebeck, a 19 year-old, was walking home from the theater with her date, Millard Hoffman. At the intersection of Bancroft Street and Scenic Avenue, they were confronted by a Black man with a revolver who robbed them both and raped Ms. Loebeck. The newspapers reported the attack prominently.

Crime and the police force posed another set of problems. The new mayor was attempting to reform the police force, which still maintained loyalties to the machine, but was meeting considerable resistance. These problems were occurring in the face of high concern about crime in the city. Crime undoubtedly was occurring; it was, after all, a time of economic trouble and social change. But the concern was heightened and focused on Blacks as perpetrators by sensational (and often erroneous) reporting by competing newspapers.

Three Omaha newspapers at the time had roughly equal circulation: the Bee, the Daily News and the World-Herald. Throughout the summer, the Bee and Daily News produced a steady drumbeat of increasing Black crime and inadequate governmental response. The

ments. By the time they returned, the mob had grabbed Mr. Brown, beaten him, and placed a noose around his neck. The police, however, were able to rescue him and take him downtown to the county jail, which was located on the top floor of the majestic Douglas County Courthouse.

On the following day, September 27th, the newspapers again presented the story prominently. This time even the World-Herald, which had been relatively restrained in its crime reporting before, published an editorial on the case:

If police protection continues unavailing Omaha stands in a fair way of still further being disgraced by mob law violence, for the people of Omaha, or any other reputable city, will not stand to have women and girls left helpless before their assailants. ...

Omaha and surrounding country should be combed, and every avenue of possible escape watched, until the assailant of little Agnes Loebeck [sic] has been caught - and then let no mistake be made when the case is called in court.

Our women must and will be protected at all costs

The Conflagration

The next day, a crowd started to gather in front of the courthouse at noon and continued to grow throughout the day. By evening, it was very large with estimates ranging up to 20,000 people. Police reinforcements arrived, but they were far outnumbered.

At 5:00 p.m., the mob began to attempt to enter the building. The Chief of Police came out and was permitted to speak by the mob leaders. He implored the crowd to let justice take its course and to allow Mr. Brown to have a fair trial. He was soon shouted down and had to retreat back into the building when he became the target for stone-throwers. The mob soon stormed the building and took over the first floor, but was unable to go higher. They poured gasoline and set the building afire in an attempt to force the police and their prisoner to leave.

At 11:00 p.m., Mayor Ed Smith came out. A prominent lawyer in town, Mayor Smith was also going to appeal to the crowd for justice and a fair trial. But before he could speak,

Window in Douglas County Treasurers Office, September 28, 1919

he was hit in the head with a baseball bat and a noose was put around his neck. As he was dragged away, he reportedly yelled, "If you must hang someone, let it be me." The mayor was beaten badly and hung from a traffic light, but eventually he was rescued.

Before midnight, the smoke and fire had forced the police and their prisoners out of the courthouse. The mob grabbed Will Brown and he was shot, hung, dragged through the streets, and burned. The orgy of lawlessness continued until the early hours of the next morning, when the United States Army arrived to restore order.

Sifting Through the Ashes

The response of the Bar to the riot was swift and determined. The county attorney immediately stated his intention to prosecute the rioters: "I intend to see that the law is enforced with every ounce of energy that I have. Everything that lies in my power will be done to prosecute those connected with this crime." By October 1, over 100 persons had been arrested and others were being sought. On October 8, a grand jury was empaneled, which a month later returned 120 indictments. By all accounts, the prosecutors pursued these indictments vigorously.

The problem was a populace reluctant to condemn the rioters. Witnesses were difficult to find and juries, when they could be empaneled, were reluctant to convict, especially for serious offenses. Although many were convicted of minor property offenses and one or two received fairly serious sentences, most of the 120 people indicted were never successfully prosecuted. No one was found guilty of murder for the lynching. No one was found guilty for the assault on the city's mayor. Admittedly, it is difficult to get a firm reading on these results. Undoubtedly, in some cases jurors had genuine doubt about the guilt of the accused. But as one historian put it, the results also indicate clearly "that Omahans were not sufficiently angered or horrified by the riot to convict on less than conclusive proof of guilt."

The political response to the riot was much more forceful. The progressive coalition was in disarray. Mayor Smith recuperated out of the state for two months, but dispirited and physically weak, he refused to run again at the next election. In 1921, "Cowboy Jim"



The victim Will Brown. At right the taller pole where Brown was hanged. The white spots on windows are bullet holes.

USA&M
General Services, Arbitration & Mediation
 Nebraska

- John Brownrigg
Omaha
- Frederick Cassman
Omaha
- Frank Pospisihil
Omaha
- Clare Galvin
South Sioux City
- Terrance O. Waite
North Platte
- Howard P. Olsen, Jr.
Scottsbluff

A division of
 Midwest Arbitration
 and Mediation, Inc.

Administrative Office
 Richard Routman, Director
 Tel: 402 346 4480
 (Local call in Omaha area)

ATTORNEY-MEDIATORS

ENGAGED IN TORT,

BUSINESS, AND

EMPLOYMENT MEDIATION

Continued on page 61

Continued from page 59

Dahlman and the Dennison machine were returned to power. Mr. Dahlman remained as mayor until he died in office in 1930.

The Riot's Bar

The Bar had reacted honorably, perhaps even nobly, in the face of the riot. Mayor Ed Smith, one of the Bar's leading members, had nearly sacrificed his life in a futile attempt to protect Mr. Brown's right to justice and a fair trial. After the riot, the county attorney immediately announced in forceful terms his intention to prosecute the rioters to the full extent of the law, which he proceeded to do. Caught in the vortex of intense social forces, the Bar was unable either to prevent the riot or even to respond to it with the full force of the law.

Despite its limitations, however, the aftermath of the riot also indicates that it is precisely the Bar and the law to which society looks when confronted with chaos and anarchy. Ironically, given its editorial only a few days before which seemed to call for the lawlessness which followed, the Omaha World-Herald published an editorial two days after the riot which won the Pulitzer Prize making this point:

There is the rule of the jungle in this world, and there is the rule of law.

Under jungle rule no man's life is safe, no man's wife, no man's mother, sister, children, home liberty, rights, property. Under the rule of law protection is provided for all these, and provided in proportion as law is efficiently and honestly administered and its power and authority respected and obeyed. ...

For the first time in many years - and for the last time, let us hope, for many years to come - Omaha has had an experience with lawlessness. We have seen what it is. We have seen how it works. We have felt, however briefly, the feid breath of anarchy on our cheeks. ... We have learned how frail is the barrier which divides the civilization from the primal jungle - and we have been given to see clearly what that barrier is.

It is the Law! It is the might of the Law, wisely and fearlessly administered! It is respect for and obedience to the law on the part of the members of society! —

Page 60 in ALLADAY

LAMSON, DUGAN & MURRAY SALUTES THE NSBA ON THE EVE OF A NEW MILLENNIUM

R.A. Skochdopole•Thomas R. Burke•C.E. Heaney, Jr.
William M. Lamson, Jr. • Robert J. Murray • Robert F. Craig
Jon S. Reid • Daniel P. Chesire • William R. Johnson
Michael J. Dugan • Frank M. Schepers • Patrick G. Vipond
Mark E. Norotny • Donald L. Erdmier, Jr. • David J. Schmitt
William R. Settles • Lawrence F. Harro • Raymond E. Walden
Frederick T. Harris • Shun Lee Pong • Kyle Wallor
Robert A. Mooney • Chasity K. Wilson • Craig F. Martin
Frank J. Barret • E. Benjamin Nelson

Lamson, Dugan & Murray
10306 Regency Parkway Drive • Omaha, NE 68114-3743
(402) 397-7300 • www.lamlaw.com

Free Report Reveals... "Why Some Nebraska Lawyers Get Rich... While Others Struggle To Earn A Living"

California Lawyer Reveals His \$300,000 Marketing Secret

SANTA MARGARITA, CA— Why do some lawyers make a fortune while others struggle just to get by? The answer, according to California lawyer David Ward has nothing to do with talent, education, hard work, or even luck.

"The lawyers who make the big money are not necessarily better lawyers," Ward says. "They have simply learned how to market their services."

Ward, a successful sole practitioner who at one time struggled to attract clients, credits his turnaround to a little-known marketing method he stumbled across six years ago. He tried it and almost immediately attracted a large number of referrals. "I went from dead broke and drowning in debt to earning \$300,000 a year, practically overnight."

Ward points out that although most lawyers get the bulk of their business through referrals, not one in 100 has a referral system, which, he maintains, can increase referrals by as much as 1000%. Without a system, he notes, referrals are

unpredictable. "You may get new business this month, you may not." A referral system, by contrast, can bring in a steady stream of new clients, month after month, year after year.

"It feels great to come to the office every day knowing the phone will ring and new business will be on the line," Ward says.

Ward, who has taught his referral system to lawyers throughout the U.S., says that most lawyers' marketing is, "somewhere between atrocious and non-existent." As a result, he says, the lawyer who learns even a few simple marketing techniques can stand out from the competition. "When that happens, getting clients is easy."

Ward has written a new report entitled, "How To Get More Clients In A Month Than You Now Get All Year!" which reveals how any lawyer can use this marketing system to get more clients and increase their income. To get a FREE copy, call 1-800-562-4627 for a 24-hour free recorded message.